

TITLE XI: BUSINESS REGULATIONS

Chapter

- 110. **OCCUPATIONAL LICENSE TAXES**
- 111. **PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS**
- 112. **PAWNBROKERS**
- 113. **FIRE AND CASUALTY INSURANCE COMPANIES**
- 114. **AMUSEMENTS**
- 115. **[RESERVED]**
- 116. **CABLE TELEVISION**
- 117. **ALCOHOLIC BEVERAGES**

CHAPTER 110: OCCUPATIONAL LICENSE TAXES

Section

- 110.01 Definitions
- 110.02 Business license tax
- 110.03 Payroll tax
- 110.04 Information to remain confidential
- 110.05 Use of business license tax and payroll tax

- 110.99 Penalty

§ 110.01 DEFINITIONS.

For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS ENTITY. Each separate corporation, limited liability company, business development corporation, partnership, limited partnership, registered limited liability partnership, sole proprietorship, association, joint stock company, receivership, trust, professional service organization, or other legal entity through which business is conducted. **BUSINESS ENTITY** shall not include funds, foundations, corporations, or associations organized and operated for the exclusive and sole purpose of religious or charitable purposes.

CITY. The City of Eddyville, Kentucky.

COMPENSATION. Wages, salaries, commissions, or any other form of remuneration paid or payable by an employer for services performed by an employee, which are required to be reported for federal income tax purposes and adjusted as follows:

(1) Include any amounts contributed by an employee to any retirement, profit sharing, or deferred compensation plan, which are deferred for federal income tax purposes under a salary reduction agreement or similar arrangement, including but not limited to salary reduction arrangements under Section 401(a), 401(k), 402(e), 403(a), 403(b), 408, 414(h), or 458 of the Internal Revenue Code; and

(2) Include any amounts contributed by an employee to any welfare benefit, fringe benefit, or other benefit plan made by salary reduction or other payment method which permits employees to elect to reduce federal taxable compensation under the Internal Revenue Code, including but not limited to Sections 125 and 132 of the Internal Revenue Code.

EMPLOYEE. Any person who renders services to another person or business entity for compensation, including an officer of a corporation and any officer, employee, or elected official of the United States, a state, or any political subdivision of a state, or any agency or instrumentality of any one or more of the above. A person classified as an independent contractor under the Internal Revenue Code shall not be considered an **EMPLOYEE**.

Eddyville - Business Regulations

EMPLOYER. The person or entity for which an individual performs or performed any service, or whatever nature, as the employee of such person or entity.

GROSS RECEIPTS. All revenues or proceeds derived from the sale, lease, or rental of goods, services, or property by a business entity reduced by the following:

- (1) Sales and excise taxes paid; and
- (2) Returns and allowances.

SALES REVENUE. Receipts from the sale, lease, or rental of goods, services, or property.

TAXABLE GROSS RECEIPTS.

(1) In case of a business entity having payroll or sales revenue both within and without the city means gross receipts as defined in this section, as apportioned under § 110.02.

(2) In case of a business entity having payroll or sales revenue only in the city means gross receipts as defined in this section.

TAXABLE YEAR. The calendar year upon the basis of which gross receipts are computed.
(Ord. 05-05-2008C, passed 6-2-08)

§ 110.02 BUSINESS LICENSE TAX.

(A) Business license required. Every business entity engaged in any business in the city shall apply for and obtain a business license from the city before the commencement of business. Licensees are required to notify the city of any changes in address or any other changes that render the information supplied to the city in the license application inaccurate.

(B) Business license tax required.

(1) The business license tax shall be measured by 1.25% of the gross receipts from business conducted in the city by a business entity or may be based on the following chart:

GROSS RECEIPTS	BUSINESS LICENSE TAX
\$0.00 to \$49,999.99	\$50.00
\$50,000.00 to \$99,999.99	\$100.00
\$100,000.00 to \$149,999.99	\$150.00
\$150,000.00 to \$199,999.99	\$200.00
\$200,000.00 to \$249,999.99	\$250.00
\$250,000.00 and above	\$300.00

(2) The minimum business license tax shall be \$50. The maximum business license tax shall be \$300.

(C) Apportionment.

(1) (a) This division applies only to business entities doing business both inside and outside the city.

(b) Because the business license tax is due only for business conducted inside the city limits, this division provides the formulas to calculate what fraction of a business entity's gross receipts is subject to the business license tax.

(c) Forms are available at City Hall to assist with these calculations.

(2) Gross receipts shall be apportioned as follows:

(a) For business entities with both payroll and sales revenue in more than one tax district, by multiplying the gross receipts by a fraction, the numerator of which is the payroll factor, described in division (C)(3) immediately below, plus the sales factor, described in division (C)(4) immediately below, and the denominator of which is two; and

(b) For business entities with sales revenue in more than one tax district, by multiplying the gross receipts by the sales factor as set forth in division (C)(4) below.

(3) Payroll factor. The payroll factor is a fraction, the numerator of which is the total amount paid or payable in the city during the taxable year by the business entity for compensation, and the denominator of which is the total compensation paid or payable by the business entity everywhere during the taxable year. Compensation is paid or payable in the city based on the time the individual's service is performed within the city.

(4) Sales factor. The sales factor is a fraction, the numerator of which is the total sales revenue of the business entity in the tax district during the taxable year, and the denominator of which is the total sales revenue of the business entity everywhere during the taxable year.

(D) Returns required.

(1) Every business entity shall submit a business license tax return for the preceding taxable year by April 15 each year except returns made on the basis of a fiscal year, which shall be made by the fifteenth day of the fourth month following the close of the fiscal year. Blank forms for returns shall be supplied by the city.

(2) Every business entity shall submit a copy of its federal income tax return at the time of filing its return with the city. Whenever, in the opinion of the city, it is necessary to examine the federal income tax return of any business entity in order to audit the return, the city may compel the business entity to produce for inspection a copy of all statements and schedules in support thereof. The city may also require copies of reports of adjustments made by the federal government.

(3) Every business entity shall, no later than 60 days following the enactment of this section, provide to the city a list of all vendors with whom it conducts business within the city. Thereafter, every business entity shall furnish with its business license tax return an updated list of all vendors with whom it conducts business within the city.
(Ord. 05-05-2008C, passed 6-2-08) Penalty, see § 110.99

§ 110.03 PAYROLL TAX.

(A) Payroll tax required. The payroll tax shall be measured by 1.5% of all wages and compensation paid or payable in the city for work done or services performed or rendered in the city by an employee.

(B) Employer to withhold. Every employer making payments of compensation to an employee shall deduct and withhold upon the payment of the compensation the payroll tax required by this chapter. Amounts withheld shall be paid to the city in accordance with division (E)(3) immediately below. If the employee's employer does not withhold the payroll tax required pursuant to this chapter, the employee shall pay over to the city in accordance with division (E)(3) immediately below the payroll tax due.

(C) Returns required. Every employer required to deduct and withhold payroll tax pursuant to this chapter shall submit a payroll tax return on a quarterly basis.

(D) Liability of employer for failure to withhold or pay payroll tax.

(1) Every employer who fails to withhold or pay to the city any sums of payroll tax required by this chapter to be withheld and paid shall be personally and individually liable to the city for any sum withheld or required to be withheld.

(2) The city shall have a lien upon all the property of any employer who fails to withhold or pay over to the city sums required to be withheld under this chapter. If the employer withholds but fails to pay to the city the amounts withheld, the lien shall commence as of the date the amounts withheld were required to be paid to the city. If the employer fails to withhold, the lien shall commence at the time the liability of the employer is assessed by the city.

(E) Reporting requirements.

(1) Every employer required to deduct and withhold payroll tax pursuant to this chapter shall annually, on or before February 28 of each year, submit a detailed employee listing indicating the amount of compensation paid to each employee.

(2) Every employer shall furnish each employee a statement on or before January 31 of each year showing the amount of payroll tax deducted by the employer from the employee's compensation and paid to the city for the preceding calendar year.

(Ord. 05-05-2008C, passed 6-2-08) Penalty, see § 110.99

§ 110.04 INFORMATION TO REMAIN CONFIDENTIAL.

No present or former employee of the city shall intentionally and without authorization inspect or divulge any information acquired by him or her of the affairs of any person, or information regarding the tax schedules, returns, or reports required to be filed with the city, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the person's business. This prohibition does not extend to information required in prosecutions for making false reports or returns for taxation, or any other infraction of the tax laws, or in any way made a matter of public record, nor does it preclude furnishing any taxpayer or the taxpayer's properly authorized agent with information respecting his or her own return. Further, this prohibition does not

preclude any employee of the city from testifying in any court, or from introducing as evidence returns or reports filed with the city, in an action for violation of a city tax law or in any action challenging a city tax law.

(Ord. 05-05-2008C, passed 6-2-08) Penalty, see § 110.99

§ 110.05 USE OF BUSINESS LICENSE TAX AND PAYROLL TAX.

All money derived from the occupational license, designated business license taxes and payroll taxes herein, shall be paid to the city and placed to the credit of the city's general revenue fund.

(Ord. 05-05-2008C, passed 6-2-08)

§ 110.99 PENALTY.

(A) Any business entity that fails to file a business license tax return or pay the required business license tax by April 15 shall be subject to a penalty equal to 5% of the business license tax due. The total penalty levied pursuant to this division (A) shall not be less than \$25.

(B) Every employer who fails to file a payroll tax return or pay the payroll tax on or before the quarterly due dates shall be subject to a penalty in an amount equal to 5% of the payroll tax due for each delinquent quarterly period. The total penalty levied pursuant to this division (B) shall not be less than \$25. If an employer does not withhold payroll tax due pursuant to this chapter, and the employee is therefore responsible for payment of the payroll tax, the employee shall be subject to the penalty described herein.

(C) In addition to the penalties prescribed in this section, and amount equal to 12% per annum simple interest shall accrue on any delinquent business license tax or payroll tax. A fraction of a month is counted as an entire month.

(D) The city shall be entitled to recover all costs and reasonable attorney's fees incurred by the city in enforcing any provision of this chapter.

(E) Any person who violates the provisions of § 110.04 by intentionally inspecting confidential taxpayer information without authorization shall be fined not more than \$500 or imprisoned for not longer than six months, or both. If such violator is a city employee, such employment with the city shall be immediately terminated.

(F) Any person who violates the provisions of § 110.04 by divulging confidential taxpayer information shall be fined not more than \$1,000 or imprisoned for not longer than one year, or both. If such violator is a city employee, such employment with the city shall be immediately terminated.
(Ord. 05-05-2008C, passed 6-2-08)

CHAPTER 111: PEDDLERS, ITINERANT MERCHANTS, AND SOLICITORS

Section

- 111.01 Definitions
- 111.02 License requirement
- 111.03 Application procedure
- 111.04 Standards for issuance
- 111.05 Revocation procedure
- 111.06 Standards for revocation
- 111.07 Appeal procedure
- 111.08 Exhibition of identification
- 111.09 Sale of books and magazines
- 111.10 Entry upon premises unlawful
- 111.11 Hours of operation
- 111.12 Costs of enforcement

- 111.99 Penalty

§ 111.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS. The business carried on by any person who is an itinerant merchant, peddler, or solicitor as defined in this section.

GOODS. Merchandise of any description whatsoever, and includes, but is not restricted to, wares and foodstuffs.

ITINERANT MERCHANT. Any person, whether as owner, agent, or consignee, who engages in a temporary business of selling goods within the city and who, in the furtherance of such business, uses any building, structure, vehicle, or any place within the city. This term shall not include any local charitable organizations or students of local schools.

PEDDLER.

(1) Any person who travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or

(2) Any person who, without traveling from place to place, sells or offers goods for sale from any public place within the city.

A person who is a peddler is not an itinerant merchant. This term shall not include any local charitable organizations or students of local schools.

SOLICITOR. Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a **SOLICITOR** is not a peddler. This term shall not include any local charitable organizations or students of local schools.

(Am. Ord. 05-05-2008A, passed 6-2-08)

§ 111.02 LICENSE REQUIREMENT.

(A) Any person who is an itinerant merchant, peddler, or solicitor shall obtain a license before engaging in such activity within the city.

(B) The fee for the license required by this chapter shall be as set from time to time by the legislative body.

(C) No license issued under this chapter shall be transferable.

(D) All licenses issued under this chapter shall expire 90 days after the date of issuance thereof. Penalty, see § 111.99

§ 111.03 APPLICATION PROCEDURE.

(A) All applicants for licenses required by this chapter shall file an application with the City Clerk/Treasurer. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. The applicant may be requested to provide information concerning the following items:

(1) The name and address of the applicant;

(2) (a) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the city;

(b) The local address of such individual;

(c) The permanent address of such individual;

(d) The capacity in which such individual will act;

(3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;

(4) The time period or periods during which it is proposed to carry on applicant's business;

(5) (a) The nature, character, and quality of the goods or services to be offered for sale or delivered;

(b) If goods, their invoice value and whether they are to be sold by sample as well as from stock;

(c) If goods, where and by whom such goods are manufactured or grown, and where such goods are at the time of application;

(6) The nature of the advertising proposed to be done for the business;

(7) Whether or not the applicant, or the individual identified in division (A)(2)(a) above, or the person identified in division (A)(3) has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) Applicants for peddler or solicitor licenses may be required to provide further information concerning the following items, in addition to that requested under division (A) above:

(1) A description of the applicant;

(2) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(C) All applicants for licenses required by this chapter shall attach to their application the following:

(1) If required by the city, copies of all printed advertising proposed to be used in connection with the applicant's business;

(2) If required by the city, credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to any attachments required under division (C), a statement from a licensed physician, dated not more than ten days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.

Penalty, see § 111.99

§ 111.04 STANDARDS FOR ISSUANCE.

(A) Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be made.

(B) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. In particular, tangible evidence that the applicant:

(1) Has been convicted of a crime of moral turpitude; or

(2) Has made willful misstatements in the application; or

(3) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like; or

(4) Has committed prior fraudulent acts; or

Eddyville - Business Regulations

- (5) Has a record of continual breaches of solicited contracts; or
- (6) Has an unsatisfactory moral character

will constitute valid reasons for disapproval of an application.

§ 111.05 REVOCATION PROCEDURE.

Any license or permit granted under this chapter may be revoked by the City Clerk/Treasurer after notice and hearing, pursuant to the standards in § 111.06. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at his last known address, at least ten days prior to the date set for the hearing.

§ 111.06 STANDARDS FOR REVOCATION.

A license granted under this chapter may be revoked for any of the following reasons:

- (A) Any fraud or misrepresentation contained in the license application; or
- (B) Any fraud, misrepresentation, or false statement made in connection with the business being conducted under the license; or
- (C) Any violation of this chapter; or
- (D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or
- (E) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals, or general welfare of the public.

§ 111.07 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision under §§ 111.04 or 111.06 shall have the right to appeal to the legislative body. The appeal shall be taken by filing with the legislative body, within 14 days after notice of the decision has been mailed to such person's last known address, a written statement setting forth the grounds for appeal. The legislative body shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided in § 111.05.

- (B) The order of the legislative body after the hearing shall be final.

§ 111.08 EXHIBITION OF IDENTIFICATION.

(A) Any license issued to an itinerant merchant under this chapter shall be posted conspicuously in or at the place named therein. In the event more than one place within the city shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The City Clerk/Treasurer shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words "Licensed Peddler" or "Licensed Solicitor," the expiration date of the license, and the number of the license. The license shall be kept with the licensee during such time as he is engaged in the business licensed.
Penalty, see § 111.99

§ 111.09 SALE OF BOOKS AND MAGAZINES.

(A) No person, firm or company shall solicit or offer for sale any books or magazines within the corporate limits of the city without first registering the name and address of the company represented and all persons to be employed as salespersons of the company with the clerk of the city 10 days prior to the commencing of any sales.

(B) This section does not apply to local businesses, local charitable organizations, or students of local schools.

(C) Any person, firm or company violating this section shall, upon conviction, be fined not less than \$1 nor more than \$19 per violation and each violation constitutes a separate offense.
(Ord. 4, passed 4-6-64)

§ 111.10 ENTRY UPON PREMISES UNLAWFUL.

It shall be unlawful for any person, whether licensed or unlicensed, while conducting the business of a peddler, itinerant merchant, or solicitor, to enter upon any residential premises in the city where the owner, occupant, or person legally in charge of the premises has:

(A) Posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers," "No Solicitors," or words of similar import; or

(B) Filed a "No Solicitation Registration Form" with the city on a form furnished by the city for that purpose. The city will maintain a "No Solicitation" list of those persons who wish to restrict solicitation on their property by peddlers, itinerant merchants, and solicitors. The "No Solicitation" list shall be a public document, and a copy of the list shall be provided to each recipient of a license issued pursuant to this chapter. Any person who wishes to restrict solicitation on their property by peddlers, itinerant merchants, and solicitors shall annually, on or before January 15, file a "No Solicitation Registration Form" with the city on a form furnished by the city for that purpose. Any person who does not file a "No Solicitation Registration Form" with the city by January 15 shall be deleted from the "No Solicitation" list.

(Ord. 05-05-2008A, passed 6-2-08) Penalty, see § 111.99

§ 111.11 HOURS OF OPERATION.

No person, while conducting the activities of a peddler, itinerant merchant, or solicitor, whether licensed or unlicensed, shall enter upon any private property, knock on doors, or otherwise disturb persons in their residences between the hours of 9:00 p.m. and 9:00 a.m.

(Ord. 05-05-2008A, passed 6-2-08) Penalty, see § 111.99

§ 111.12 COSTS OF ENFORCEMENT.

Any person or business that violates this chapter shall be liable for all costs, including but not limited to court costs and reasonable attorney's fees, incurred by the collecting agency or municipality in enforcing this chapter.
(Ord. 05-05-2008A, passed 6-2-08)

§ 111.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500. Each day's violation shall constitute a separate offense.

CHAPTER 112: PAWNBROKERS

Section

- 112.01 Definitions
- 112.02 Bond
- 112.03 Register to be kept; daily reports
- 112.04 Receipt to be given for each article; sale of article
- 112.05 Maximum interest, resale price
- 112.06 Receipt to be given for payment of loan
- 112.07 Prohibited activities
- 112.08 Enforcement

- 112.99 Penalty

§ 112.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PAWNBROKER. Any person who loans money on deposit of personal property; deals in the purchase of personal property on condition of selling the property back again at a stipulated price; makes a public display at his place of business of the sign generally used by pawnbrokers to denote their business; or who publicly exhibits a sign advertising money to loan on personal property or deposit.

(KRS 226.010)

§ 112.02 BOND.

Every person to whom a city license is granted to carry on the business of a pawnbroker shall annually enter into bond to the city, with good and sufficient surety to be approved by City Council, in the penal sum of \$1000. This bond shall be conditioned that he will observe the provisions of this chapter and all ordinances and laws in force in the city not inconsistent with this chapter.

(KRS 226.020)

§ 112.03 REGISTER TO BE KEPT; DAILY REPORTS.

(A) Every pawnbroker shall keep a register of all loans and purchases of all articles by the pawnbroker from the general public. For all persons who have left any property that has been pawned or sold, the register shall:

- (1) Be reported to an online, Internet-based transaction recording service accessible to law enforcement agencies;

Eddyville - Business Regulations

(2) Show the dates and the amounts of all loans or purchases by the pawnbroker from the general public; and

(a) A driver's license number;

(b) Another state or federally issued picture identification card; or

(c) If the identification specified in division (2)(a) and (b) above is not available, a Social Security number may be accepted;

(3) At all times be available to the inspection of any law enforcement officer of the state when in the discharge of his or her official duty; and

(4) Contain a full description of all property purchased by the pawnbroker from the general public or received on deposit as collateral or security. When requested by law enforcement and pertaining to an investigation, a photograph of the merchandise shall be made available to law enforcement if the property is still in the possession of the pawnbroker. For the purposes of this division, **FULL DESCRIPTION** includes but is not limited to:

(a) Make;

(b) Model;

(c) Color;

(d) Size;

(e) Manufacturer;

(f) Vintage; and

(g) Distinguishing marks or characteristics.

(B) When secondhand merchandise is sold to a pawnbroker, the merchandise shall be held for a minimum of 12 days before being resold.

(C) Prior to the release of property to a representative of law enforcement, the law enforcement representative shall provide to the pawnbroker a case report or other documentation that the item has been reported as stolen.

(KRS 226.040)

(D) Every pawnbroker shall, by 11:00 a.m. each day, make available to the Chief of Police a true and correct written report of all goods received by him, whether by pawn or purchase, during the 24 hours preceding each report. The report shall describe the goods as accurately as practicable. The Chief of Police shall furnish blanks for these reports. (KRS 226.070)
Penalty, see § 112.99

§ 112.04 RECEIPT TO BE GIVEN FOR EACH ARTICLE; SALE OF ARTICLE.

(A) Every pawnbroker shall give a plain written or printed ticket for the loan to the person negotiating or selling, and a plain written or printed receipt of the articles that have been purchased or upon which money is loaned, having on each a copy of the entries required by § 112.03(A) to be kept in his register. He shall not make any charge for the ticket or receipt.

(B) A pawnbroker may sell any article pawned after the expiration of 60 days from the maturity of the loan. However, not less than ten days before making the sale, the pawnbroker shall give notice to the person by whom the article was pawned by mail addressed to the post office address of that person as shown on the pawnbroker's register, notifying such person that, unless he redeems the article within ten days from the date of mailing of the notice, the article will be sold.

(KRS 226.050) Penalty, see § 112.99

§ 112.05 MAXIMUM INTEREST, RESALE PRICE.

Any pawnbroker as defined in § 112.01, may, in loaning money on deposit of personal property, charge, contract for, or receive interest at a rate not exceeding 2% per month on the unpaid principal balance of the loan, and may charge, contract for, and receive a reasonable fee, not to exceed one-fifth of the value of the loan per month, for investigating the title, storing and insuring the property, closing the loan, making daily reports to local law enforcement officers if required by § 112.03, and for other expenses, losses, and incidental costs associated with servicing such loans. Further, this fee, when made and collected, shall not be deemed as interest for any purpose of law. No pawnbroker shall directly or indirectly charge, receive, or contract for any interest or consideration greater than that allowed by this section.

(KRS 226.080) Penalty, see § 112.99

§ 112.06 RECEIPT TO BE GIVEN FOR PAYMENT OF LOAN.

Every pawnbroker, upon receiving any payment of money from a borrower, shall give to that person a plain and complete receipt for such payment, specifying separately the amount applied to principal and the amount applied to interest. In a case where the pawnbroker has purchased personal property under an agreement to sell it back at a stipulated price, the pawnbroker shall, on receiving any payment of money from the person from whom the purchased, give that person a receipt stating the original purchase price, the stipulated resale price, and the amount received.

(KRS 226.090) Penalty, see § 112.99

§ 112.07 PROHIBITED ACTIVITIES.

No pawnbroker shall receive, by way of either pledge or pawn, any article whatever from a minor at any time nor from any person between 8:00 p.m. and 7:00 a.m.
(KRS 226.030) Penalty, see § 112.99

§ 112.08 ENFORCEMENT.

The Police Department shall enforce the provisions of this chapter unless otherwise provided by KRS 226.100. However, county police, for the purpose of locating stolen goods, may carry out the provisions of KRS 226.060 within the city.
(KRS 226.100)

§ 112.99 PENALTY.

(A) Any pawnbroker or pawnbroker's clerk who violates any of the provisions of this chapter for which no penalty is otherwise provided shall, upon conviction, be guilty of a misdemeanor and shall be fined not less than \$50 nor more than \$500, and his license may be forfeited to the city. (KRS 226.990(1))

(B) Any pawnbroker who violates any of the provisions of § 112.03(B) shall be guilty of a misdemeanor and shall be fined not less than \$20 nor more than \$100. (KRS 226.990(3))

CHAPTER 113: FIRE AND CASUALTY INSURANCE COMPANIES

Section

- 113.01 Definition
- 113.02 Statement of direct premiums to be filed with Clerk/Treasurer
- 113.03 License tax
- 113.04 Penalty for noncompliance; delinquency
- 113.05 Disposition of funds

§ 113.01 DEFINITION.

For the purpose of this chapter, **PREMIUMS** shall include any assessment collected by any insurance company or any payment made to it as herein provided for insurance on property or risks and motor vehicles owned by the individuals residing within the corporate limits of the city, but **PREMIUM** shall not be construed to include any reinsurance premiums paid to or received by any insurance company, nor to include premiums received for insuring employers against liability for personal injuries to their employees, or death caused thereby, under the provisions of the Workers' Compensation Act. The word **INDIVIDUAL** shall include corporate, entities, partnership entities as well as individuals. (Ord. 2-19-92-A, passed 2-20-92; Am. Ord. 3-24-97A, passed - -97)

§ 113.02 STATEMENT OF DIRECT PREMIUMS TO BE FILED WITH CLERK/TREASURER.

On or before 30th day, following the end of each calendar quarter, each fire and casualty and motor vehicle insurance company doing business in the city shall file in the office of the City Clerk a statement of the total amount of direct premiums received by it or its representative during the preceding calendar year for insurance on property, risks and motor vehicles owned and located within the corporate limits of the city, less, however, premiums returned to policy-holders and premiums on policies not taken and less dividends paid or credited to policy-holders.

(Ord. 2-19-92-A, passed 2-20-92; Am. Ord. 3-24-97A, passed - -97) Penalty, see § 10.99

§ 113.03 LICENSE TAX.

Subject insurance companies shall pay to the City Clerk on a quarterly basis a tax of a sum equal to 10% of the premiums received and associated with fire and casualty insurance, inland marine and all other risks and subject insurance companies shall pay to the City Clerk on a quarterly basis a tax of a sum equal to 5% of premiums received and associated with motor vehicles owned and located within the corporate limits of the city, less the deductions hereinabove set out; provided, however, that the minimum annual license tax so paid shall be the sum of \$5.

(Ord. 2-19-92-A, passed 2-20-92; Am. Ord. 3-24-97A, passed - -97)

§ 113.04 PENALTY FOR NONCOMPLIANCE; DELINQUENCY.

An interest penalty as established by KRS 131.010(6) is hereby imposed upon any company failing to file the report or pay the tax when due and is effective from the due date to date of payment.
(Ord. 2-19-92-A, passed 2-20-92; Am. Ord. 3-24-97A, passed - -97)

§ 113.05 DISPOSITION OF FUNDS.

All proceeds of the insurance premium tax levied by this chapter shall be paid to the city's Fire Fund and used to pay fire protection expenditures with the exception of the motor vehicle premium tax which shall be paid to the Street Fund for street maintenance, repair and improvement.
(Ord. 2-19-92-A, passed 2-20-92; Am. Ord. 3-24-97A, passed - -97)

CHAPTER 114: AMUSEMENTS

Section

- 114.01 Coin-operated amusement devices
- 114.02 Due date
- 114.03 Mandatory closing hour for places of public amusement

§ 114.01 COIN-OPERATED AMUSEMENT DEVICES.

(A) For the purposes of this section, a **COIN-OPERATED AMUSEMENT DEVICE** shall mean and include any lawful coin- or token-operated machine or device which contains no element of chance and which as a result of depositing a coin, token, or other object automatically by or through some mechanical operation affords music or amusement of some character with or without vending any merchandise, but in addition to any such merchandise. This definition shall not include any bona fide merchandise vending machine in which there is incorporated no amusement features. (KRS 137.010)

(B) It shall be unlawful for any person, firm, corporation, individual, or partnership to set up, exhibit, or operate any coin-operated amusement device without first obtaining from the City Clerk/Treasurer a license to do so and paying the fee therefor.

(C) The fee for such license shall be \$10 per year, payable annually, as set forth in KRS 137.410. Such license may be issued for any number of months less than one year in which case the fee shall be at the rate of \$1.20 per month, but no license shall be issued for a fractional part of that month.

§ 114.02 DUE DATE.

License fees for amusement devices shall be due and payable on July 1 of each year.

§ 114.03 MANDATORY CLOSING HOUR FOR PLACES OF PUBLIC AMUSEMENT.

(A) It shall be unlawful for any place of public entertainment or amusement in the city to remain open after 12:00 midnight.

(B) This section is made specifically applicable to poolrooms, bowling alleys, skating rinks and dance halls, but no place of public entertainment or amusement is excepted that is not excepted by KRS 231.010.

(Ord. passed - -54) Penalty, see § 10.99

CHAPTER 115: [RESERVED]

CHAPTER 116: CABLE TELEVISION

Section

116.01 City to regulate basic service tier rates and related equipment and charges

§ 116.01 CITY TO REGULATE BASIC SERVICE TIER RATES AND RELATED EQUIPMENT AND CHARGES.

(A) The city will follow the FCC rate regulations in its regulation of the basic service rates and charges of the company and any other cable television system operating in the city, notwithstanding any different or inconsistent provisions in the franchise;

(B) In connection with such regulation, the city will ensure a reasonable opportunity for consideration of the view of interested parties; and

(C) The Mayor, or his designee, is authorized to execute on behalf of the city and file with the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC rate regulations in order to enable the city to regulate basic service rates and charges.

(Ord. 12-13-93-B, passed 1-3-94)

CHAPTER 117: ALCOHOLIC BEVERAGES

Section

General Provisions

- 117.01 Short title
- 117.02 Definitions
- 117.03 Scope
- 117.04 Adoption of state alcoholic beverage laws
- 117.05 City Alcoholic Beverage Control Administrator
- 117.06 Compliance with alcoholic beverage control laws mandatory
- 117.07 Nonexclusive application
- 117.08 Advertising restrictions
- 117.09 Advertising by handbills, circulars and cards prohibited
- 117.10 Prizes prohibited
- 117.11 Books and records
- 117.12 Prohibiting intoxicated persons on licensed premises
- 117.13 Opening of and drinking contents of containers on licensed premises
- 117.14 Beverages found outside locked compartment when sale prohibited
- 117.15 Hours of sale and delivery; Sunday sales

Licenses

- 117.20 Required
- 117.21 Application
- 117.22 Examination of applicants under oath
- 117.23 License fees
- 117.24 Regulatory fee
- 117.25 Authority of Administrator to reject or grant
- 117.26 Approval of premises selling by the drink by Health Department required
- 117.27 License not to issue where principal trade with school children
- 117.28 Inspection of premises; authority of Administrator
- 117.29 Conditions of license granted
- 117.30 Mandatory responsible beverage service training
- 117.31 Posting of license mandatory
- 117.32 Transfer
- 117.33 Revocation or suspension
- 117.34 Expiration date

- 117.99 Penalty

GENERAL PROVISIONS**§ 117.01 SHORT TITLE.**

This chapter shall be known, and may be cited as the "Alcoholic Beverage Control Ordinance of the City of Eddyville".
(Ord. 2013-04-01A, passed 6-3-13)

§ 117.02 DEFINITIONS.

The words and phrases used in this chapter shall have the same meaning as defined in KRS Chapters 241, 241, 243 and 244. As used herein, **HOTELS** shall include motels.
(Ord. 2013-04-01A, passed 6-3-13)

§ 117.03 SCOPE.

The provisions of this chapter shall be applicable to the sale and traffic in alcoholic beverages within the city limits, unless specifically provided to the contrary.
(Ord. 2013-04-01A, passed 6-3-13)

§ 117.04 ADOPTION OF STATE ALCOHOLIC BEVERAGE LAWS.

The provisions of the Alcoholic Beverage Control Law of the State of Kentucky, including KRS Chapters 241, 242, 243 and 244 and the regulations of the State Alcoholic Beverage Control Board, as the same may from time to time be amended, are hereby adopted as part of the alcoholic beverage control law of the city, except as otherwise lawfully provided herein.
(Ord. 2013-04-01A, passed 6-3-13)

§ 117.05 CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

(A) Under authority of KRS 241.160 there is hereby created the office of city Alcoholic Beverage Control Administrator for the city (hereinafter "the Administrator"), who shall have the duties and functions prescribed by KRS Chapter 241. The Administrator may or may not be an officer or employee of the city, and shall be appointed by the Mayor. He shall also have such further duties and functions as are prescribed in this chapter.

(B) The Administrator, before entering upon his duties as such, shall take the oath as prescribed by Section 228 of the Kentucky Constitution and shall execute a bond with a good and solvent, corporate surety in the sum of not less than \$1,000, faithfully to perform the duties of his office pursuant to the provisions of KRS 62.060 et seq.
(Ord. 2013-04-01A, passed 6-3-13)

§ 117.06 COMPLIANCE WITH ALCOHOLIC BEVERAGE CONTROL LAWS MANDATORY.

No person shall sell, deal in, barter or exchange or possess for sale, or for the purpose of evading any law or ordinance, give away any alcoholic beverage in any quantity whatever, or cause the same to be done, without complying with all of the provisions of this chapter and all statutes and regulations of the state applicable thereto.
(Ord. 2013-04-01A, passed 6-3-13)

§ 117.07 NONEXCLUSIVE APPLICATION.

Nothing contained in this chapter shall excuse or relieve any person from the restrictions, requirements and penalties of any other ordinances of the city, or of any statutes or regulations of the state relating to violations pertaining to alcoholic beverages.
(Ord. 2013-04-01A, passed 6-3-13)

§ 117.08 ADVERTISING RESTRICTIONS.

(A) No sign, banner, poster, ornamental structure, statue, or other type of display or location marker advertising which refers, either directly or indirectly, to alcoholic beverages, shall be displayed on, nor shall it be visible from, the exterior of any premises licensed for the sale of alcoholic beverages, except that reference to such may be included in the name of the business. This restriction shall not prevent any licensee from placing in the window of the licensed premises alcoholic beverage advertisement not larger than 18 inches height and 36 inches width (576 square inches) in size.

(B) No flashing, oscillating, rotating, shimmering, or other lights demonstrating movement, or the illusion of movement, shall be used to illuminate, or be visible from, the exterior of any premises licensed under this chapter.

(C) It shall be unlawful for any person holding any license under this chapter to give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in connection with the sale of alcoholic beverages.
(Ord. 2013-04-01A, passed 6-3-13)

§ 117.09 ADVERTISING BY HANDBILLS, CIRCULARS AND CARDS PROHIBITED.

No licensee under this chapter shall distribute or cause to be distributed any handbills, circulars or cards as a medium for advertising alcoholic beverages.
(Ord. 2013-04-01A, passed 6-3-13)

§ 117.10 PRIZES PROHIBITED.

No licensee under this chapter shall give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in connection with the sale of alcoholic beverages.
(Ord. 2013-04-01A, passed 6-3-13)

§ 117.11 BOOKS AND RECORDS.

Every licensee under this chapter shall keep and maintain adequate books and records of all transactions involved in the sale of alcoholic beverages in the same manner required by the reasonable rules and regulations of the State Alcoholic Beverage Control Board. Such books and records shall be available at all reasonable times for inspection by the administrator.
(Ord. 2013-04-01A, passed 6-3-13)

§ 117.12 PROHIBITING INTOXICATED PERSONS ON LICENSED PREMISES.

No licensee under this chapter shall permit any person to become drunk or intoxicated on the licensed premises, nor shall any licensee permit any drunk or intoxicated person to remain on the licensed premises.
(Ord. 2013-04-01A, passed 6-3-13)

§ 117.13 OPENING OF AND DRINKING CONTENTS OF CONTAINERS ON LICENSED PREMISES.

No licensee to sell alcoholic beverages at retail under this chapter shall permit any person, other than employees of the licensee, to open any container of alcoholic beverages, and no container of alcoholic beverages shall be opened nor its contents consumed on the licensed premises, unless the licensee holds a retail drink license.
(Ord. 2013-04-01A, passed 6-3-13)

§ 117.14 BEVERAGES FOUND OUTSIDE LOCKED COMPARTMENT WHEN SALE PROHIBITED.

If any wine/distilled spirits are found on the outside of the locked or closed off compartment of any licensed premises at which a license is held to sell wine/distilled spirits at retail, at any hours during which the licensee is prohibited by law from selling such alcoholic beverages, a prima facie presumption shall arise that such alcoholic beverages were kept on the outside of the locked or closed-off compartment for the purpose of sale in violation of this ordinance and of the state alcoholic beverage control laws, and such shall be grounds for revocation or suspension of the license, and in addition to other penalties provided for violations of this section the administrator shall be and he is hereby authorized to confiscate such alcoholic beverages.
(Ord. 2013-04-01A, passed 6-3-13; Am. Ord. 2014-05-05, passed 6-2-14)

§ 117.15 HOURS OF SALE AND DELIVERY; SUNDAY SALES.

(A) Except as otherwise provided under this section, the lawful operating hours for licensed retail premises under this chapter for retail package sales and on-premises consumption of distilled spirits, wine and malt beverages shall only be permitted for each day of Monday through Sunday, and shall be limited to the following periods of time.

<i>License</i>	<i>Opening Hour</i>	<i>Closing Hour</i>
Package sales:		
Malt beverages/beer	6:00 a.m.	12:00 midnight
Distilled spirits	6:00 a.m.	12:00 midnight
On-premises consumption:		
Malt beverages/beer	6:00 a.m.	1:00 a.m. following day
Distilled spirits	6:00 a.m.	1:00 a.m. following day

(B) The sale of distilled spirits, wine, and malt beverages by the drink shall be permitted on Sundays from 11:00 a.m. until 10:00 p.m. for hotels, motels and restaurants which are licensed for the retail sale of distilled spirits, wine and/or malt beverages by the drink; provided they satisfy the following conditions:

(1) Licenses shall only be issued to hotels, motels, and inns containing not less than 50 sleeping units and having dining facilities for not less than 100 person, or bona fide restaurants open to the general public having dining facilities for not less than 100 persons.

(2) The licensee shall only be permitted to sell such type of alcoholic beverage for which it is licensed.

(C) The licensee shall ensure that at the closing hour all patrons shall have vacated the premises. Operators and their employees, engaged in regular and ordinary post-closing activities, may be on the premises during the closed hours, provided that the licensee has complied with division (D) below.

(D) If a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and all fixtures and apparatus connected with his business as a licensee, and the department is kept locked during the times mentioned above, he shall be deemed to have complied with this section.

(Ord. 2013-04-01A, passed 6-3-13; Am. Ord. 2014-05-05, passed 6-2-14; Am. Ord. 2022-04-11, passed 5-2-22)

LICENSES**§ 117.20 REQUIRED.**

No person shall sell, deal in, barter or exchange or possess for sale, or for the purpose of evading any law or ordinance, give away any alcoholic beverage in any quantity whatever, or cause the same to be done, without having procured a license as provided for in this subchapter.
(Ord. 2013-04-01A, passed 6-3-13)

§ 117.21 APPLICATION.

Any person desiring a license to sell, deal in, traffic or possess for sale, alcoholic beverages as provided for by this subchapter shall make a written application to the Administrator, stating the street and number of the premises where he expects to carry on the business sought to be licensed. No license shall be issued to any person or to any premises, or to any part of a building other than that approved by the Administrator in such license application.
(Ord. 2013-04-01A, passed 6-3-13)

§ 117.22 EXAMINATION OF APPLICANTS UNDER OATH.

The Administrator shall have the power to examine or cause to be examined under oath any applicant for a license under the provisions of this subchapter, and to examine or cause to be examined the books and records of such applicant; to hear testimony or to take proof upon the fitness of the applicant for a license or the fitness of his proposed place of business.
(Ord. 2013-04-01A, passed 6-3-13)

§ 117.23 LICENSE FEES.

(A) No license under the provisions of this subchapter shall be issued until there has been paid to the city the license fee herein provided.

(B) The following kinds of alcoholic beverage licenses and no others may be issued upon approval of the Administrator and the fees payable therefor to the city shall be as follows.

- (1) Distilled spirits licenses:
- (a) Distiller's license, per annum \$500.00
 - (b) Rectifier's license, per annum \$3,500.00
 - (c) Wholesaler's distilled spirits and wine license, per annum \$3,000.00
 - (d) Quota retail package license (distilled spirits, wine) per annum \$1,000.00
- (2) Special temporary license (distilled spirits, wine, malt), per event \$166.66

Alcoholic Beverages

(3) Nonquota Type 3 retail drink license - special private club license (distilled spirits, wine, malt)	\$300.00
(4) Special Sunday retail drink license, per annum	\$300.00
(5) Nonquota retail malt beverage package license, per annum	\$200.00
(6) Caterer's license, per annum	\$800.00
(7) Nonquota Type 4 retail malt beverage drink license, per annum	\$200.00
(8) Limited golf course license (includes distilled spirits, wine, malt), per annum	\$1,200.00
(9) Nonquota Type 2 retail drink license (includes distilled spirits, wine, malt) restaurant, hotel/motel, supplemental bar	\$1,000.00
(10) Limited restaurant license (includes distilled spirits, wine, malt) per annum	\$1,200.00
(11) Quota retail drink license, per annum	\$1,000.00
(12) Nonquota Type 1 retail drink license (includes distilled spirits, wine, malt); convention center, convention hotel complex, per annum	\$2,000.00
(13) Distilled spirits and wine special temporary auction license, per event	\$200.00
(14) Extended hours supplemental license, per annum	\$2000.00
(15) Bottling house of bottling house storage license, per annum	\$1,000.00
(16) Brewer's license, per annum	\$500.00
(17) Microbrewery license, per annum	\$500.00
(18) Malt beverage distributor's license, per annum	\$400.00
(19) Malt beverage brew-on-premises license, per annum	\$100.00

(C) All license fees from licenses issued under this subchapter shall be collected and paid into the general fund of the city for use for the general operating expenses of the city.

(D) When any applicant applies for a license under the provisions of this subchapter to commence business after July 1 of any year, such applicant shall be charged if the license is issued, an amount equal to as many twelfths of the annual license fee as there are calendar months remaining

in the license year, including the month within which the license is granted; provided, however, that no fractional fee shall be permitted where the applicant has actually been doing business under a similar license during the last month of the preceding license period.

(E) If any license issued hereto shall be revoked or cancelled for any reason, the licensee shall not be entitled to a refund of any portion of the license fee.

(Ord. 2013-04-01A, passed 6-3-13; Am. Ord. 2013-06-26, passed 7-1-13; Am. Ord. 2014-05-05, passed 6-2-14)

§ 117.24 REGULATORY FEE.

(A) (1) A regulatory license fee is imposed upon the gross receipts of each establishment licensed to sell alcoholic beverages. The regulatory license fee is for the purpose of insuring full reimbursement to the city for the costs of any additional policing, regulatory, or administrative expenses related to the sale of alcoholic beverages in the city. The City Council shall adopt, at the budget adoption for the fiscal year, an annual rate for the regulatory license fee as shall be reasonably estimated to insure full reimbursement to the city for the cost of any additional policing, regulatory, or administrative expenses related to the sale of alcoholic beverages in the city. The regulatory license fee shall be in addition to any other taxes, fees, or licenses permitted by law.

(2) Payments of the regulatory license fee shall accompany tax returns approved for use by the City Clerk, submitted to the City Clerk on the fifteenth day of each month for the preceding month's sales. There shall be a monthly credit representing the pro rata portion for the initial license cost for which provision is made in this chapter.

(3) The regulatory license fee shall be 6% for the licensing year beginning July 1, 2013 and continuing thereafter until amended or repealed.

(B) *Penalties.* Any business that fails to file a regulatory license fee return and pay the required regulatory fee by the fifteenth of every month following the return period shall be subject to a penalty equal to 5% of the regulatory fee due. The total penalty levied pursuant to this division shall not be less than \$25.

(C) *Interest.* In addition to the penalties prescribed in this section, an amount equal to 12% per annum simple interest shall accrue on any delinquent regulatory fee. A fraction of a month is counted as an entire month.

(D) The city shall be entitled to recover all costs and reasonable attorney's fee incurred by the city in enforcing any provision of this chapter.

(Ord. 2013-04-01A, passed 6-3-13; Am. Ord. 2014-05-05, passed 6-2-14)

§ 117.25 AUTHORITY OF ADMINISTRATOR TO REJECT OR GRANT.

The Administrator shall be the sole judge of the fitness of any applicant to be granted any of the licenses provided for in this subchapter and of the fitness of the location where any applicant may propose to engage in the business authorized by any of the licenses provided for herein. He shall have the power to authorize any of the licenses provided for herein to such person applying therefor,

or shall have the right to reject the application and decline to authorize the issuance of the license. The Administrator will authorize issuance of the license provided for in this subchapter only to persons who meet the criteria for issuance of state licenses under KRS 243.100 and KRS 243.450. (Ord. 2013-04-01A, passed 6-3-13)

§ 117.26 APPROVAL OF PREMISES SELLING BY THE DRINK BY HEALTH DEPARTMENT REQUIRED.

The Administrator shall not authorize a license for the retail sale of alcoholic beverages by the drink, until the applicant and his place of business have been approved by the County Health Department. (Ord. 2013-04-01A, passed 6-3-13)

§ 117.27 LICENSE NOT TO ISSUE WHERE PRINCIPAL TRADE WITH SCHOOL CHILDREN.

No license shall be issued to any applicant for the sale at retail of any alcoholic beverage at any business premises where a majority of the business conducted therein is with school children who are regularly attending private, public or parochial schools. (Ord. 2013-04-01A, passed 6-3-13)

§ 117.28 INSPECTION OF LICENSED PREMISES; AUTHORITY OF ADMINISTRATOR.

All applicants for a license under the provisions of this subchapter shall, at the time of making an application for a license, make and execute a permit signed by the applicant and providing that the Administrator may inspect and search the licensed premises at any time. Such permit for inspection and search shall be attached to and filed with the application and shall be considered a part thereof. (Ord. 2013-04-01A, passed 6-3-13)

§ 117.29 CONDITIONS OF LICENSE GRANTED.

All licenses granted under this subchapter shall be granted subject to the following conditions, as well as at other conditions of other ordinances, regulations, statutes, or laws of the city or state applicable thereto.

(A) Every hotel and private club that procures a license under this subchapter shall be entitled to serve alcoholic beverages as permitted by such license in a separate room or rooms at banquets or dinners or where meals are served; however, no hotel or private club shall maintain or operate, or permit to be operated more than one bar or room where alcoholic beverages are dispensed for sale and which is opened to the general public, without first obtaining a separate license for each bar or room which is opened to the general public.

(B) Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises, and no nuisance suffered, permitted or maintained thereon.

(C) No gambling or game of chance shall be permitted in any form upon such licensed premises. Dice, slot machines or any devices of chance are prohibited and shall not be kept on such premises.

(D) No radio receiving apparatus shall be kept or maintained on the licensed premises which can be adjusted so as to receive police messages broadcast from the police radio station as it now or may hereafter be operated. In addition to the other penalties provided herein, for violation of this section the Chief of Police or the Administrator shall have the authority to confiscate any and all such radio receiving apparatus.

(E) It shall be unlawful for any licensee under this article to keep or sell, or permit to be kept or sold or used on the licensed premises any controlled substances.
(Ord. 2013-04-01A, passed 6-3-13)

§ 117.30 MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING.

SERVER for purposes of this section shall mean any person employed or working in any capacity, whether as an employee, volunteer help or as a working proprietor, in any premise licensed for the sale of alcoholic beverages where alcoholic beverages are sold or dispensed by the drink or where malt beverages are sold for consumption on the premises and whose job duties include the sale, dispensing or service of alcoholic beverages or the management of the licensed premises.

(A) All persons employed in the selling and serving of alcoholic beverages shall participate in and complete a city-approved responsible beverage service training program. For a responsible beverage service training program to be approved by the city, it must effectively train its participants in the identification of false age documents and recognition of characteristics of intoxication. The city will not require enrollment in particular classes, but only that the training be obtained from a recognized program meeting the goals expressed in this chapter.

(B) All persons required to complete training under division (A) above shall complete that training within 90 days of the date on which the person first becomes subject to the training requirement. All persons completing the training required by this section shall be re-certified in responsible beverage service training from a program approved by the city not less than once every three years thereafter.

(C) The manager of the restaurant shall be responsible for compliance with the training requirements and shall maintain for inspection by the CABC a record or file on each employee that shall contain the pertinent training information.

(D) Any person working at a special event for which a temporary alcoholic beverage license has been approved shall not be required to comply with this section.
(Ord. 2013-04-01A, passed 6-3-13)

§ 117.31 POSTING OF LICENSE MANDATORY.

Every license issued pursuant to this subchapter shall be posted and shall remain in a conspicuous place in the room where the business is carried on. Should any license be lost or

destroyed without fault of the licensee, a duplicate in lieu thereof shall be issued at the direction of the Administrator on being satisfied of the facts. A fee of \$1 shall be charged for such duplicate.
(Ord. 2013-04-01A, passed 6-3-13)

§ 117.32 TRANSFER.

(A) No license to sell alcoholic beverage shall be transferable either as to the licensee or the licensed premises except as provided in the alcoholic beverage control laws of the state, and not then until approval by the Administrator and payment to the city of a transfer fee of \$5.

(B) No assignment of any license issued under this subchapter shall be made except by order of any court of competent jurisdiction and with the approval of the Administrator.
(Ord. 2013-04-01A, passed 6-3-13)

§ 117.33 REVOCATION OR SUSPENSION.

(A) Whenever any licensee shall violate any of the provisions of this subchapter or any other ordinance relating to the subject of alcoholic beverage control, or any of the rules and regulations of the Administrator, or any of the provisions of the alcoholic beverage control law of the state, or any amendments or supplements thereto, or any of the rules and regulations adopted by the State Alcoholic Beverage Control Board, or any acts of Congress, or rule or regulation of any federal board, agency or commission relative to the regulation and taxation of alcoholic beverages, or upon conviction by a court of competent jurisdiction of any such violation, the Administrator is hereby authorized and empowered to order the revocation or suspension of any licenses issued under this subchapter. For purpose of this section, a violation by any duly authorized agent or employee of a licensee shall constitute a violation by the licensee.

(B) Any revocation of the authorization of the state of any licensee to engage in the sale or traffic of alcoholic beverages shall automatically revoke the licenses issued therefor by the city.
(Ord. 2013-04-01A, passed 6-3-13)

§ 117.34 EXPIRATION DATE.

The licenses permitted under the provisions of this subchapter shall be issued for a period of not more than one year, and every license issued hereunder shall expire on June 30 of each year.
(Ord. 2013-04-01A, passed 6-3-13)

§ 117.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no specific penalty is otherwise provided shall, upon conviction, be guilty of a misdemeanor and shall, for the first offense, be fined not less than \$100 and not more than \$200, or be imprisoned in the county jail for not more than six months or both; and for the second and each subsequent violation shall be fined not less than

\$200, or more than \$500, or be imprisoned in the county jail for not more than 12 months or both. If a person who violates any provision of this subchapter is a corporation, partnership, joint stock company, association, or fiduciary, then the president and/or the principle officer or partner responsible for such violations may be punished by fine or imprisonment as authorized by this section.

(B) Any person who violates any provision of this chapter is guilty of a civil offense and the city may elect to pursue under either division (A) or this division (B). The offender, upon conviction, shall be subject to a civil penalty \$250, plus court costs, and reasonable attorney fees, for each violation and offense, which shall be recovered by the city in a civil action in the nature of debt, and if not paid within 30 continuous calendar days after citation for the violation, offense, or other failure to comply with the provisions of this chapter.

(Ord. 2013-04-01A, passed 6-3-13)