

ORDINANCE NO. 4-2008

AN ORDINANCE OF THE CITY OF CORBIN, KENTUCKY AMENDING ORDINANCE NO. 8-2003 TO SET FORTH THAT THE SALE OF ALCOHOLIC BEVERAGES SHALL BE ACCESSORY TO THE SALE OF FOOD AND OFFERED ONLY DURING TIMES IN WHICH THE LICENSEE'S KITCHEN AND FOOD SERVICE STAFF IS ON DUTY AND THE LICENSEE'S KITCHEN IS OPEN FOR SERVING FOOD; SETTING FORTH THAT APPROPRIATE LICENSES FOR NEW YEAR'S EVE AND NEW YEAR'S DAY MUST BE OBTAINED FROM ONLY THE CITY; SETTING FORTH CERTAIN REQUIREMENTS FOR THE PREMISES DURING CLOSING HOURS; CHANGING THE REQUIREMENTS FOR MANDATORY RESPONSIBLE BEVERAGE TRAINING; AND ADDING AND SETTING FORTH RESTRICTIONS TO ENSURE THAT PREMISES SHALL NOT BE DISORDERLY

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF CORBIN, KENTUCKY, as follows:

SECTION 1. Ordinance No. 8-2003, at SECTION ONE and at ARTICLE I. IN GENERAL, is hereby amended and shall read as follows:

ARTICLE I. IN GENERAL

Purpose:

The purpose of this Ordinance is to establish uniform regulations and requirements for the licensing and regulation of alcoholic beverage sales pursuant to KRS 242.185(6), and other applicable law, for any restaurant or dining facility which seats a minimum of 100 persons and which derives a minimum of seventy (70%) percent of its gross receipts from the sale of food. To realize this intent, the City shall implement this Ordinance in such a manner as to assure that:

(a) Restaurants and dining facilities licensed under this Ordinance shall seat a minimum of one hundred (100) persons. Only permanent seating, excluding bar-type stools, patio seating or temporary chairs available as needed, satisfies this seating threshold. Said seating must comply with all fire and safety capacity ratings and regulations.

(b) The sale of alcoholic beverages shall be accessory to the sale of food, offered only during times in which the licensee's kitchen and food service staff is on duty, and Licensee's kitchen is open for serving food.

(c) Restaurants and dining facilities licensed under this Ordinance shall derive a minimum of seventy (70%) percent of their gross receipts from the sale of food as certified by periodic documentation.

**Definitions:**

The definitions of the words used throughout this ordinance, unless the context requires otherwise, shall have the same meaning as those set out in the Kentucky Alcoholic Beverage Control law (KRS Chapters 241, 242, 243 and 244) of the Commonwealth of Kentucky and all amendments and supplements thereto.

**Scope:**

This Ordinance shall only apply to the sale of malt, wine and distilled spirits on the premises of the licensee. Nothing in this Ordinance shall excuse or relieve the licensee, or the agent or any employee of any licensee thereof from the restrictions, requirements and penalties of any other Ordinance or Ordinances of the City or of any statutes of the Commonwealth of Kentucky relating to violations pertaining to alcoholic beverages.

The provisions of the Alcoholic Beverage Control Law of the Commonwealth of Kentucky (KRS Chapters 241, 242, 243 and 244) and all amendments and supplements thereto, are adopted so far as applicable to this Ordinance except as otherwise lawfully provided herein.

**SECTION 2.** Ordinance No. 8-2003, at **SECTION ONE** and ARTICLE V. HOURS FOR SALE AND DELIVERY, is hereby amended and shall read as follows:

**ARTICLE V. HOURS FOR SALE AND DELIVERY**

(a) The licensee shall be permitted to sell or dispense distilled spirits, wine and/or malt beverages by the drink Monday through Saturday between the hours of 6:00 a.m. and 12:00 a.m.

(b) No alcohol may be sold or dispensed on Sundays, unless pursuant to paragraph (d) below.

(c) All delivery of alcoholic beverages in the City shall be made during normal business hours, Monday through Saturday. No delivery shall occur on Sunday.

(d) The licensee may sell and dispense alcoholic beverages on New Year's Eve until 2:00 a.m. on January 1, regardless of the day of the week on which New Year's Eve occurs, provided that the appropriate licenses have been obtained from ~~both the City and the State ABC Board~~. If New Year's Eve falls on a Sunday, alcoholic beverages may be sold and dispensed commencing at 5:00 p.m.; if New Year's Day falls on a Sunday, then alcoholic beverages may be sold and dispensed until 2:00 a.m. on January 1; provided, however, that in either instance, the appropriate licenses for Sunday sales and for extended sales must be obtained from ~~both the City and the State ABC Board~~. In either event, there shall be no additional City license fee imposed.

(e) The licensee shall not sell or dispense any distilled spirits, wine or malt beverages during the hours that the polls are open on any regular or primary election day.

(f) During the closing hours, the premises of any licensee for the sale of alcohol beverages by the drink shall be closed to and be vacant of all customers and all persons except the licensee and his employees, who shall be allowed on the premises for business purposes only. Alcoholic beverages shall not be sold, given away, delivered or consumed by anyone in any room of the premises during closing hours, including employees, and no parties, private or public, shall be held on the premises. The premises shall not be loaned, rented or leased to anyone during closing hours for a party or for any other purpose.

**SECTION 3.** Ordinance No. 8-2003, at SECTION ONE and ARTICLE VIII, MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING, is hereby amended and shall read as follows:

**ARTICLE VIII. MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING**

(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 ordinance.

(b) All persons required to complete training under paragraph (a) above shall complete that training within ~~sixty (60)~~ ninety (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 City ABC Administrator a record or file on each employee that shall contain the pertinent training information.

(d) Each restaurant licensed by this Ordinance shall at all times that alcoholic beverages are being served have at least one person currently certified in responsible beverage service training, as required in paragraph (a) and (b) above, on duty.

**SECTION 4** Ordinance No. 8-2003, at SECTION ONE a new ARTICLE XI is hereby added and shall read as follows:

**ARTICLE XI. RETAIL PREMISES NOT TO BE DISORDERLY**

(a) No person licensed to sell alcoholic beverages at retail shall cause, suffer, or permit the licensed premises to be disorderly.

(b) Acts, which constitute disorderly premises, consist of permitting patrons to cause public inconvenience, annoyance or alarm, or wantonly creating a risk through:

1. Engaging in fighting or in violent, tumultuous or threatening behavior;  
or
2. Making unreasonable noise; or
3. Refusing to obey any official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard, or other emergency;  
or
4. Creating a hazardous or physically offensive condition by an act that serves no legitimate purpose; or
5. Conducting promotional efforts that are not customary or usual for a restaurant operation (e.g. wet t-shirt contest, wrestling contest, etc.)

GIVEN FIRST READING AND PASSED:

3-24-08

GIVEN SECOND READING AND PASSED:

4-14-08

  
WILLARD MCBURNEY,  
MAYOR, CITY OF CORBIN, KENTUCKY

ATTEST:

  
ERIN BLOUNT, CITY CLERK