

COMMONWEALTH OF KENTUCKY
CITY OF LONDON
ORDINANCE NO: ~~[2017-09]~~ 2019-01

**AN ORDINANCE AMENDING ORDINANCE NO. 2017-09 ENTITLED
"AN ORDINANCE REGULATING QUOTA RETAIL DRINK LICENSES,
REGULATORY ALCOHOL BEVERAGE ADVERTISEMENT,
PENALTIES, ENFORCEMENT, CONFLICTS,
APPEALS, AND EFFECTIVE DATE."**

WHEREAS, the Kentucky General Assembly has made extensive changes to statutes regulating the sales of alcoholic beverages in wet territories;

WHEREAS, the London City Council feels it is necessary to add a specific regulation concerning the issuance of quota retail drink licenses;

NOW THEREFORE, Be it Ordained by the City of London as follows:

SECTION 1: QUOTA RETAIL DRINK LICENSES

Pursuant to KRS 243.230(2), quota retail drink licenses ~~[shall not]~~ may be issued in any areas or localities subject to the City of London City Council.

SECTION 2: SIGNS AND ADVERTISING

Any advertising by any licensee under this chapter shall be in compliance with this chapter, KRS 244.130, and any regulation promulgated pursuant to KRS 244.130. No licensee shall publish or display advertising that is false or misleading, nor shall any licensee publish or display advertising that implies that consumption of alcoholic beverages is fashionable or the accepted course of behavior, or advertising that contains any statement, picture, or illustration implying that the consumption of alcoholic beverages enhances athletic prowess, whether or not any known athlete is depicted or referred to, nor shall any licensee publish or display advertising that encourages intoxication by referring to the intoxicating effects of alcohol (or use the terms such as "high test", "high proof", or "extra strong") or depicting activities that tend to encourage excessive consumption.

All signs and advertising by a licensee shall be in compliance with all other City Ordinances, including but not limited to the City of London Development Ordinance. All applicable signage and advertising requirements concerning or related to alcoholic beverages or the sale, distribution, manufacturing, or distillation thereof may be enforced as set forth through any other ordinance, through the ABC Administrator for the City, or both.

SECTION 3: PENALTIES

Any person who violates any provision of this Ordinance for which no specific penalty is provided shall in addition to other penalties provided by law, be subject to the following penalties:

- (1) For the first offense, a fine not to exceed One Thousand Dollars (\$1,000.00)
- (2) For any subsequent offense, a fine not to exceed Two Thousand Dollars (\$2,000.00) or confinement in jail not more than six (6) months, or both.
- (3) For a third offense, the offender's license will be revoked.

SECTION 4: ENFORCEMENT

All certified peace officers and the City ABC Department are authorized to enforce this Ordinance for alleged violations.

SECTION 5: CONFLICTS, SEVERABILITY, RECORD OF PROCEEDINGS AND APPEAL

- (A) Any Ordinance that is in conflict with this Ordinance is expressly repealed.

- (B) If any of the provisions of this Ordinance are found to be in conflict with applicable statutes or regulations, the applicable statutes and/or regulations shall control.
- (C) The invalidity of one or more provisions of this Ordinance shall not affect the applicability or enforceability of the remaining provisions.
- (D) Upon exhaustion of administrative measures, any party aggrieved may seek appropriate relief in a court of competent jurisdiction.
- (E) Any hearing conducted pursuant to this Ordinance, whether by the City ABC Administrator or the London City Council shall be recorded to preserve all evidence.
- (F) The General Assembly of the Commonwealth of Kentucky has passed and made effective on June 29, 2017 several changes in the laws of the Commonwealth of Kentucky. For clarification purposes, any change in the laws of this Commonwealth that are mandatory in a city such as London, when effective and in conflict with the Ordinance shall control over the language of this Ordinance.

SECTION 7: EFFECTIVE DATE AND CONFLICT

This Ordinance shall be effective immediately upon publication in accordance with the applicable provisions of Kentucky law.

ATTEST: Carolyn Adams
CAROLYN ADAMS, CITY CLERK

Troy Rudder
TROY RUDDER, MAYOR

FIRST READING: April 1, 2019
SECOND READING: May 6, 2019
PUBLICATION: May 10, 2019