

COMMONWEALTH OF KENTUCKY  
CITY OF HARTFORD  
ORDINANCE NO. 2020-02

**AN ORDINANCE AMENDING PORTIONS OF ORDINANCE 2017-01, THE ALCOHOL BEVERAGE CONTROL ORDINANCE, TO CONFORM WITH REVISED STATUTORY REQUIREMENTS FOR CERTAIN LICENSING FEES, REDUCING THE REGULATORY LICENSING FEE, AND FOR MORE EFFICIENT APPLICATION AND ENFORCEMENT IN THE CITY OF HARTFORD.**

BE IT ORDAINED BY THE CITY OF HARTFORD, KENTUCKY, as follows:

**SECTION ONE.** That Ordinance 2017-01, known as the “Alcohol Beverage Control Ordinance,” is hereby amended in part with respect to Article II, Section A(10) and (24), Section E, and Article XV, as follows. Such amendments are shown by underscoring all newly inserted language and by striking through all deleted language.

**ARTICLE II  
LICENSE REQUIREMENTS**

**A. City Licenses**

For the privilege of causing, permitting, and engaging in the actions, business, and transactions authorized thereby in regard to the manufacture and/or traffic in alcoholic beverages in the city and pursuant to the authority of KRS 243.070, there is hereby established a corresponding city license for each of the state licenses described in KRS 243.070. The fee for each city license shall be as set out in the schedule set forth below. In the event KRS 243.070 shall hereafter be amended to authorize additional city licenses, the fee for each city license shall be the maximum fee provided in the statute as amended.

1. Distiller’s License, per annum	\$500.00
2. Rectifier’s License	
a. Class A, per annum	\$3,000.00
b. Class B (craft rectifier), per annum	\$960.00
3. Wholesaler’s <u>distilled spirits and wine</u> License, per annum	\$3,000.00
4. Quota Retail Package License, per annum	\$1,000.00
5. Quota Retail Drink License, per annum	N/A
6. Special Temporary License, per event	\$166.66
7. Non-quota Type 1 Retail Drink License, per annum (includes distilled spirits, wine, and malt beverages)	\$2,000.00
8. Non-quota Type 2 Retail Drink License, per annum (includes distilled spirits, wine, and malt beverages)	\$1,000.00
9. Non-quota Type 3 Retail Drink License, per annum (includes distilled spirits, wine, and malt beverages)	\$300.00
10. Special Temporary Alcohol Auction License, per event	<del>\$200.00</del> <u>100.00</u>
11. Special Sunday Retail Drink License, per annum	\$300.00
12. Extended Hours Supplement License, per annum	\$2,000.00

13. Caterer's License, per annum	\$800.00
14. Bottling House or Bottling House Storage License, per annum	\$1,000.00
15. Brewer's License, per annum	\$500.00
16. Microbrewery License, per annum	\$500.00
17. Malt Beverage Distributor's License, per annum	\$400.00
18. Non-quota Retail Malt Beverage Package License, per annum	\$200.00
19. Non-quota Type 4 Retail Malt Beverage Drink License, per annum	\$200.00
20. Malt Beverage brew-on-premises License, per annum	\$100.00
21. Limited Restaurant License, per annum	\$1,200.00
22. Limited Golf Course License, per annum	\$1,200.00
23. Authorized Public Consumption License, per annum	\$250.00
24. <u>Qualified Historic Site License, per annum</u>	<u>\$1,030.00</u>

**E. Expiration of License; Proration of Fees**

All city licenses, except temporary licenses, shall begin on ~~February~~ January 1 of any year and shall expire on ~~January~~ December 31 of the following year as set forth in KRS 243.090 and 804 KAR 4:390. Any licenses issued after May 1 of any year shall be assessed a fee which is one-half (1/2) the amount of the full fee for an annual license of that type.

**ARTICLE XV  
REGULATORY LICENSE FEE**

~~(Note: This Article XV shall only be enforceable upon passage of an amendment to KRS 243.075, or other such law, allowing cities the size of Hartford to collect a regulatory license fee. Until such amendment becomes effective, this section shall not be enforceable in Hartford city limits.)~~

A. Pursuant to KRS 243.075, there is hereby imposed a regulatory license fee upon the gross receipts of each and every person or entity licensed by the City ABC Administrator. The ~~initial~~ regulatory license fee shall be ~~6%~~ 5% of gross sales of alcoholic beverages, or as otherwise determined to meet the statutory requirements.

B. Payment of such regulatory fees shall be remitted to the City ABC Administrator, and shall be held in a separate account maintained for the purpose of fully reimbursing the City for any estimated costs of any 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; except that, a credit against a regulatory license fee in the City shall be allowed in an amount equal to any licenses or fees imposed by the City pursuant to KRS 243.070. Payment of the regulatory license fee shall accompany the fee returns approved for such use by the City Council. These returns and payments are due no later than by the end of the month immediately following each calendar month.

C. Failure to pay such monthly remittance within ten days of the due date constitutes a violation and subjects licensee to suspension or revocation.

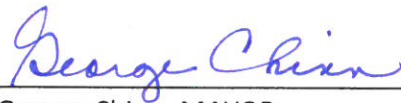
D. Penalty for failure to file a return and pay monthly remittance by the due date is 5% of the fee due for each 30 days or fraction thereof. The total late filing penalty shall not exceed 25% of the fee due; provided, however, that, in no case shall the penalty be less than \$10.00.

E. Interest at the rate of 8% per annum will apply to any late payments.

F. Annually, effective July 1 of each year commencing in the effective year of this section, the City Council shall review and establish the regulatory license fee for the ensuing year so as to conform to the requirements of this ordinance and KRS 243.075. Prior to establishing the regulatory license fee, the City Clerk shall work with the City ABC Administrator, City Police Department, and other departments to establish policies to monitor the costs of any policing, regulatory, or administrative expenses related to the sale of alcoholic beverages in the City and the Mayor shall cause the City's auditor to audit the regulatory license fee account to insure compliance with KRS 243.075, and in conjunction with the City Clerk, to recommend, based upon the experience of the prior year, a fee rate for the ensuing year. The Auditor shall report his findings to the City Council and in addition to the regulatory license fee, recommend any action he deems necessary to insure compliance with KRS 243.075.

**SECTION TWO.** All ordinances and any parts thereof which may be in conflict with the amendments set forth in this ordinance, to the extent of the conflict only, are hereby repealed.

**SECTION THREE.** This Ordinance shall take effect immediately after its passage and publication as required by law.

  
George Chinn, MAYOR

ATTEST:   
Lisa Martin, CITY CLERK

FIRST READING: 6-25-2020 SECOND READING: 6-29-2020

PUBLICATION DATE: 7-1-2020