

CITY OF BURGIN ORDINANCE NO. 2025-03-11

AN ORDINANCE OF THE CITY OF BURGIN, KENTUCKY, ESTABLISHING REGULATIONS AND REQUIREMENTS FOR THE LICENSING AND OPERATION OF ESTABLISHMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF BURGIN, KENTUCKY, AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE

WHEREAS, pursuant to an election held on November 5, 2024, a majority of the voters of the City of Burgin, Kentucky were in favor of permitting the sale of alcoholic beverages in the City;

WHEREAS, the City Council of the City of Burgin, Kentucky deems it necessary to regulate the sales of alcoholic beverages within its boundaries.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Burgin, Kentucky, as follows:

SECTION 1: TITLE

This ordinance shall be known and may be cited as the “Alcoholic Beverage Control Ordinance” of the City.

SECTION 2: PURPOSE

The purpose of this Ordinance is to establish uniform regulations and requirements for the licensing and regulation of alcoholic beverage manufacture and sales in accordance with Kentucky’s Alcoholic Beverage Control Laws, KRS Chapters 241 through 244.

SECTION 3: DEFINITIONS

The words used throughout this Ordinance, unless context requires otherwise, shall have the same meaning as such words are used and defined in KRS Chapters 241 through 244.

SECTION 4: SCOPE

This Ordinance shall be construed to apply to the manufacture and traffic in both malt beverages and distilled spirits and wine where the context permits such application. Nothing in this Ordinance shall excuse or relieve the licensee, or the owner, proprietor, employee, agent or person in charge of any licensed premises where alcoholic beverages are sold from the restrictions, requirements and penalties of any other ordinance or ordinances of the City or of any statutes of the state relating to violations pertaining to alcoholic beverages.

SECTION 5: ADOPTION OF STATE LAW

The provisions of Kentucky’s Alcoholic Beverage Control Laws, KRS Chapters 241 through 244, and all amendments and supplements thereto, are adopted so far as applicable to this Ordinance except as otherwise lawfully provided herein.

SECTION 6: LICENSES GENERALLY

For the privilege of causing, permitting and engaging in the actions, business, and transactions authorized thereby in regard to traffic in alcoholic beverages in the City and pursuant to the authority of KRS 243.060, there is hereby established a corresponding City license for each of the licenses described in KRS 243.060. In accordance with KRS 243.030 and KRS 243.070, the fee for each City license shall be as set out in the following schedule, which may be amended from time-to-time as authorized by law. Only those licenses set out in this Section shall be issued.

(1) Distiller’s license, per annum	\$500.00
(2) Rectifier’s license:	
Class A, per annum	\$3,000.00
Class B (craft rectifier), per annum	\$960.00
(3) Wholesaler’s distilled spirits and wine license, per annum	\$3,000.00
(4) Quota retail package license, per annum	\$1,000.00
(5) Quota retail drink license, per annum	\$1,000.00
(6) Special temporary license, per event	\$166.66
(7) Nonquota type 1 retail drink license (includes distilled spirits, wine, and malt beverages), per annum	\$2,000.00
(8) Nonquota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum	\$1,000.00
(9) Nonquota type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum	\$300.00
(10) Special temporary alcoholic beverage auction license, per event	\$100.00
(11) Special Sunday retail drink license, per annum	\$300.00
(12) Extended hours supplemental license, per annum	\$2,000.00
(10) Caterer’s license, per annum	\$800.00
(11) Bottling house or bottling house storage license, per annum	\$1,000.00
(12) Brewer’s license, per annum	\$500.00
(13) Microbrewery license, per annum	\$500.00
(14) Malt beverage distributor’s license, per annum	\$400.00
(15) Nonquota retail malt beverage package license, per annum	\$200.00
(16) Nonquota type 4 retail malt beverage drink license, per annum	\$200.00
(17) Limited restaurant license (includes distilled spirits, wine, and malt beverages), per annum	\$1,200.00
(18) Limited golf course license (includes distilled spirits, wine, and malt beverages), per annum	\$1,200.00
(19) Toe fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same licensee at the same premises.	
(20) The holder of a nonquota retail malt beverage package license may obtain a Nonquota type 4 malt beverage drink license for a fee of fifty dollars (\$50). The holder of a Nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of fifty dollars (\$50).	

SECTION 7: CERTAIN SPECIAL LICENSES DEFINED

(1) Special temporary licenses. A special temporary license may be issued only as set out in KRS 243.260 and 804 KAR4:251. This license shall authorize the licensee to exercise the privileges of a quota retail drink license (except no distilled spirit sales) and a Nonquota type 4 retail malt beverage licensee at designated premises for a specified and limited time, not to exceed thirty (30) days, and shall expire when the qualifying event ends. All restrictions and prohibitions applying to a wine quota retail drink licensee or an Nonquota type 4 retail malt beverage drink license shall apply also to a special temporary licensee.

(2) A nonprofit organization holding a Nonquota type 4 retail malt beverage drink license may be issued a special temporary license to sell wine by the drink on the licensed premises for a specified and limited time, not to exceed ten (10) days. The temporary license may be issued in conjunction with any public or private event, including but not limited to weddings, receptions, reunions, or similar occasions.

(3) Special license required for Sunday sales. No licensee shall offer alcoholic beverages for sale at any time between 12:00 a.m. on Sunday and 6:00 a.m. on Monday, unless the licensee has obtained a special license for Sunday sales.

(4) All restrictions and prohibitions applying to regular retail drink and wine licenses and retail malt beverage licenses shall apply to the special licenses, unless otherwise provided by law.

SECTION 8: EXPIRATION OF LICENSE; PRORATION OF FEES

All City licenses shall begin on May 1 of any year and shall expire on April 30 of the following year pursuant to 804 KAR 4:390. Any licenses issued after November 30 of any year shall be assessed a fee which is based on the pro rata portion of the remainder of the license period, however, the cost of any license shall not be less than one-half (1/2) of the amount of the full fee for an annual license of that type.

SECTION 9: NO BUSINESS UNLESS LICENSE RENEWAL FEES PAID

No licensee shall enter into or begin operating any business for which a City ABC license is required by this Ordinance until the license fee and license renewal fee has been paid in full. The fee for renewal of any license shall be paid with the renewal application. Any licensee failing to pay the renewal fee when its current license expires, shall cease all trafficking in alcoholic beverages. Violation of this section may result in criminal prosecution.

SECTION 10: REFUND OF FEES

(1) Should any licensee under this Ordinance be prohibited from conducting the licensed business for the full period covered by the license because of any changes that may hereafter be made in the laws of the Commonwealth with reference to alcoholic beverages or other cause outside the licensee’s control, then the City shall refund to the licensee the proportionate part of the license fee for the period during which the licensee is prevented from carrying on said business if the licensee provides sufficient proof to the City ABC Administrator that such period of inactivity was not the fault of the licensee or the result of a revocation, suspension, or other wrong doing by the licensee, or of an agent or employee of the licensee.

(2) In the event a violation of this Ordinance occurs which results in the suspension or revocation of the license, the City shall not be required to refund any portion of the license fee.

SECTION 11: REGULATORY LICENSE FEE

(1) Pursuant to KRS 243.075, there is hereby imposed a regulatory license fee on the gross receipts of sale of alcoholic beverages of each license issued by the City ABC Administrator. In the case of retail sales of package distilled spirits and wine, the regulatory license fee shall be five percent (5%) of gross sales. The regulatory license fee shall be four percent (4%) on gross retail sales of package malt beverages. Thereafter, the Burgin City Council shall adopt at the budget adoption for each subsequent fiscal year, such annual rate for the regulatory license fee as shall be reasonably estimated to ensure full reimbursement to the City for the cost of any additional policing, regulatory, or administrative expense related to the sale of alcoholic beverages in the City. Should the Burgin City Council fail to address the regulatory license fee in any budget, then the regulatory license fee shall remain at the level at which it was last fixed until such time as the Burgin City Council shall adjust the fee.

(2) Payment of such regulatory fee shall be remitted to the City and shall be held in a separate account maintained for the purpose of fully reimbursing the City for the estimated cost of any additional policing, regulatory or administrative expense 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 license fee imposed by the City pursuant to KRS 243.070. Payment of the regulatory license fee shall accompany the tax return approved for such use by the Burgin City Council. The return and payment are due no later than by the end of the month immediately following each calendar quarter.

(3) Failure to pay such quarterly remittance within ten (10) days of the due date shall constitute a violation and shall subject the licensee to suspension or revocation.

(4) Penalty for failure to file a return and pay quarterly remittance by the due date is five percent (5%) of the tax for each ninety (90) days or fraction thereof. The total late filing penalty shall not exceed twenty-five percent (25%) of the tax; provided, however, that in no case shall the penalty be less than ten dollars (\$10.00).

(5) Interest at the rate of eight percent (8%) per annum will apply to any late payments.

SECTION 12: DISPOSITION OF FEES

The City shall transmit any fees received upon collection to the appropriate designated account.

SECTION 13: ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR

(1) Pursuant to KRS 241.160, there is hereby created the office of City Alcoholic Beverage Control Administrator.

(2) In accordance with KRS 241.170, the Mayor shall appoint the City Alcoholic Beverage Control Administrator.

(3) The Mayor may from time to time appoint such additional personnel as is necessary to assist the City ABC Administrator in the administration of this Ordinance.

(4) The salary for the office of City ABC Administrator, if any, together with the salaries of any other personnel assisting the City ABC Administrator, shall be fixed from time to time by the Burgin City Council.

(5) The functions of the City ABC Administrator shall be the same with respect to the City licenses and regulations as the functions of the Department of Alcoholic Beverage Control and the Alcoholic Beverage Control Board of the Commonwealth of Kentucky. No regulation of the City ABC Administrator shall become effective until the Burgin City Council has first appropriately approved it.

(6) Pursuant to KRS 241.170, the City ABC Administrator shall have the full police powers of peace officers and may inspect any premises where alcoholic beverages are manufactured, sold, stored, or otherwise trafficked in the City without first obtaining a search warrant.

(7) No person shall be a City ABC Administrator, an investigator or an employee of the City under the supervision of the City ABC Administrator, who would be disqualified to be a member of the ABC Board under KRS 241.100.

(8) The City ABC Administrator before entering upon his or her duties as such, shall take the oath as prescribed in Section 228 of the Constitution and shall execute a bond with a good corporate surety in the penal sum of not less than one thousand dollars (\$1,000.00). The City ABC Administrator may require any employee under the City ABC Administrator’s supervision to execute a similar bond in such penal sum as the Administrator deems necessary.

SECTION 14: APPEALS

(1) Appeals from orders of the City ABC Administrator may be taken to the State ABC Board by filing with the Board within thirty (30) days a certified copy of the orders of the city proceeding. The Board shall hear matters at issue upon an original proceeding. Appeals from orders of the City ABC Administrator shall be governed by KRS Chapter 13B.

(2) When any decision of the City ABC Administrator shall have been appealed, or when a protest has been lodged against an application for any license within the City, and the ABC Board shall have made a decision regarding such appeal or protested application, the City ABC Administrator, upon receipt of notice of finality of the decision, shall enter such orders and take such action as required by the final order of the ABC Board. As provided by law, and as used herein, no order of the ABC Board is final until all appeals or appeal times have been exhausted. A “final order” of the ABC Board is the order entered by said Board, unless an appeal is taken from the Board’s order, in which case the “final order” is the order entered by the Board based upon direction from the reviewing court of last resort in the final order of said reviewing court.

SECTION 15: ADVERTISEMENT OF INTENT TO APPLY FOR LICENSE

(1) Before an application for a license shall be considered, the applicant must publish a notice of its intent to apply for an alcoholic beverage license in a newspaper meeting the requirements of KRS Chapter 424.

(2) The advertisement shall state the name and address of the applicant. It shall state the members of the partnership if the applicant is a partnership, and membership of the limited liability company (LLC) if the applicant is an LLC, as well as the name of the business and its address. If the applicant is a corporation, the advertisement shall state the names and addresses of the principal officers and directors of the corporation, as well as the name and address of the corporation itself. All advertisements shall state the location of the premises for which the license is sought and the type of license for which application is made.

(3) The applicant shall attach to the application a newspaper clipping of the advertisement and proof of publication as provided in KRS 424.170.

SECTION 16: LICENSE APPLICATION FEE

A non-refundable application fee of fifty dollars (\$50) shall be paid with the filing of the application for a City license. If the license is granted, the application fee shall be credited against the initial license fee.

SECTION 17: FORM OF APPLICATION

(1) All licenses granted under this Ordinance shall be approved by the City ABC Administrator. Applications for the issuance of new licenses and for renewals of existing licenses shall be in writing and upon forms provided by the ABC Board and the City of Burgin, as amended and supplemented from time to time.

(2) The application shall be verified and set forth in detail such information concerning the applicant and the premises for which the license is sought as required by the Kentucky Revised Statutes, the ABC Board, and the City of Burgin, including the following:

- Name and address;
- Nature of interest;
- Whether or not a citizen of the United States;
- Date of birth;
- Date residence was established in Kentucky, if a Kentucky resident. If a Burgin resident, indicate when residence was established;
- Whether or not he or she has any interest in any other license or LLC, corporation, partnership, or other business organization holding a license under KRS Chapters 241 through 244;
- Whether or not he or she has any interest in any license or LLC, corporation, or partnership, or other business organization holding a license in any other state or territory; and
- His or her extent of stock or company ownership.

(3) Each application shall be accompanied by a certified check, cash, or postal or express money order for the amount of the license fee, less the fifty-dollar (\$50) application fee.

(4) In addition to the above-specified information, the application shall file with the application responses to any additional questions as may be posed or prescribed by the City ABC Administrator. The City Council may adopt by municipal order a statement of guidelines and priorities for the issuance of licenses and, in order to determine the extent to which an application may further or impede the objectives of those guidelines, the City Council may, by municipal order, adopt a questionnaire to be submitted to applicants for licensure. Upon adoption of such questionnaire, it shall become a part of the application process. The questionnaire may be altered, expanded, supplemented or replaced by municipal order of the City Council.

(5) In addition to the information contained in the application and any City-ordered questionnaire, the City ABC Administrator may require such other information and the Administrator may in his or her discretion deem desirable, reasonable, or appropriate to the consideration of the application.

SECTION 18: OTHER CONDITIONS ON APPLICANTS AND LICENSEES

In addition to any other inquiries, conditions, and considerations required or permitted by law:

(1) All applicants shall voluntarily submit to a criminal background check and shall sign a waiver allowing the release of this information to the City ABC Administrator.

(2) No license to sell alcoholic or malt beverages shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due to the City at the time of issuing the license, nor shall any license be granted or renewed to sell upon any premises or property owned and occupied by the licensee upon which there are any delinquent taxes or fees due to the City. Further, if a licensee becomes delinquent in the payment of any taxes or any fees due to the City at any time during the license period, the license to sell alcoholic or malt beverages shall be subject to revocation or suspension.

(3) No person, whether an applicant for licensure, or a licensee, shall in any manner attempt to bribe, threaten, unduly influence, or intimidate the City ABC Administrator, or any member of his or her staff, or any state ABC Administrator or staff, in any manner in which an application or proposed application for licensure, or procedure for revocation or suspension is pending before such officer. This subsection is not intended to stifle expressions of opinion; however, it is intended to make clear that the ABC Administrators are public officials charged with the administration and enforcement of the law, both state and local. Any person applying for a license, or contesting the revocation or suspension of a license, who engages in attempted bribes, threats, attempted undue influence or intimidation of a City or State ABC Administrator or staff shall be disqualified from receiving or retaining a license, in addition to other penalties as provided by law. The procedures for appeals shall apply to disqualifications, revocations, or suspensions under this subsection. This subsection shall not be interpreted to prohibit monetary settlements in lieu of revocation or suspension of license after a final order of revocation or suspension where such payments in settlement are permitted by law.

SECTION 19: FORM OF LICENSE

All City licenses shall be in such form as may be prescribed by the Burgin City Council and shall contain:

- The name and address of the licensee;
- The number of the license;
- The type of license;
- A description by street and number, or otherwise, of the licensed premises;
- The name and address of the owner of the building in which the licensed premises are located;
- The expiration date of the license; and
- A statement in substance that the license shall not be a property or vested right and that it may be revoked at any time pursuant to law.

SECTION 19: CHANGE OF INFORMATION

(1) If after a license to individuals or to a sole proprietor has been issued, there is a change in any fact required to be set forth in the application, a verified amendment in writing giving notice of the change shall be filed with the City ABC Administrator within ten (10) days of the change.

(2) Since licenses issued by the City may be in the name of corporations or other business organizations, it is necessary that ownership changes in such organizations be reported to the City ABC Administrator. The City ABC Administrator can, therefore, investigate the person to whom the ownership or management is transferred in order to ascertain whether that person is precluded by statute from holding an interest in an alcoholic beverage license.

(3) As used with regard to a partnership, corporation, limited liability company (LLC), or other business organization herein, the word “change” is construed to include any change in managers, partners, or LLC members, directors, or officers of a corporation, or change in ownership or stock whereby any person secures ten percent (10%) of the outstanding ownership or stock. Transfer of more than ten percent (10%) of the total ownership or stock shall require a new license.

(4) The following information shall be required concerning any new manager, partner, or LLC member, or any new director, officer, or person securing any interest in alcoholic beverage license:

- Name and address;
- Nature of interest;
- Whether or not a citizen of the United States;
- Date of birth;
- Date residence was established in Kentucky, if a Kentucky resident. If a Burgin resident,

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