MERCURY MEMORIES

Continued from Page 2

Hovermale, 67, Saturday, February 2, 1980.

20 Years Ago

Thursday, February 5, 1970

City Council voted Monday night to hire a third person temporarily in order to get the water and gas bills out on time. Jane Ellen Booth was appointed to hire the new person at a salary she deems necessary.

The Nicholas County Bluejackets won two of three games last week to run their win-lose record to 9 wins and 6 defeats. Juniors Steve Kimberling and Rodney Hatton powered Nicholas County past the Rowan County Vikings 78-57 here Monday, January 26. The Jackets saw a 19 point lead cut to 6 late in the 3rd period, but Kimberling's 15 point 4th quarter performance enabled the Jackets to win by 21.

All members of the medical staff of Nicholas County Hospital and the Johnson-Mathers Nursing Home have asked for restraint in the visiting of patients. Due to the heavy increase of influenza, hospital personnel have been instructed to limit visitors to a maximum of two per patient. The visiting hours of the evening 7-8:30 will be temporarily discontinued at both the hospital and the nursing home. The afternoon session 2-4:00 will continue.

MARRIED: Wanda Lynn Mitchell and Billy Gene Cox, Saturday, January 31, 1970.

DIED: Winnie Wasson, Friday, January 30, 1970; Patricia Hughes, 22, January 27, 1970; Elgan F. Clark, 73, Friday, January 30, 1970; Kenneth White, 31, Saturday, January 31, 1970; E. Dudley Bell, 87, Monday, February 2, 1970.

40 Years Ago

Thursday, February 9, 1950

Mrs. Robert Fisher, now connected with the Nicholas County Health Department was chosen as temporary director or head of the new Nicholas County hospital.

The M. M. I. Cadets defeated the Carlisle Musketeers 56-42 in a C. K. C. game Tuesday night.

The week of February 6-12, is Boy Scouts of America week. On Thursday, city and county officials are turning over their offices to the Scouts, who assure residents that "law and order" will be well in hand.

Markwell, Jones and Anderson of Flemingsburg purchased the stock and fixtures of R. T. Kirkland and Company Tuesday at a private price. Earl Marshall was named manager and Miss Clara Bostain, Mrs. Ada Knox, and Mrs. Hord Crouch will remain as clerks.

Bobby Crockett won the capon division of the Farm Projects Contest, sponsored by Carlisle Merchants for the Carlisle Chapter of the Future Farmers of America. Wells Produce will present Crockett with a $50 U. S. Savings Bond.

BORN: To Mr. and Mrs. William Tincher, a son; Nancy Katherine Short.

MARRIED: Mary Kennedy Stall and Fauntley Miller Foley.

DIED: Thomas McCowan, 85, Monday; John James Banta, 89, Sunday; Benjamin Franklin Collins, 74, Saturday; Virginia Stipp, 27, Monday; Arabelle Ramey, 69, Saturday.

50 Years Ago

Thursday, February 8, 1940

Six more weeks of winter weather are in store for us, if the goundhog theory is to be believed.

Frank K. Burgess receives degree of Master of Arts in Education at the mid-year graduation exercises at the University of Kentucky on Monday.

Members of the Nicholas County Fish and Game Club, cooperating with the Kentucky Game and Fish Commission, saved the lives of hundreds of quail in this county during the cold weather by scattering feed for the birds.

Because of the illness of Mayor W. C. Talbert and two members of the city council, the regular monthly meeting of the council was postponed until a later date.

Mrs. Jack Goins suffered a fracture of the arm when she fell on the ice-covered street last Thursday afternoon. Mrs. John M. Hamilton of the Pleasant Spring Road, fell Saturday afternoon and broke her right wrist.

The Scott-Kendall Sales Co. sold at public auction Saturday the Simon Kenton farm of 80 acres near Crayton to Russell Ritchie at $35 per acre.

The prices at the grocery store are as follows: a 50-pound can of lard for $3.45; picnic hams, 14 1/2 cents per pound; bacon, 1/2-pound cello package, sliced, only 12 1/2 cents; chuck roast, choice, 18 1/2 cents a pound.

MARRIED: Pauline Mitchelltree and Jesse Billings, Tuesday; Nellie F. McIlvain and Roger R. Hamilton, February 8; Ella C. Frederick and Warren Frederick, January 31.

DIED: Virgil Lee Bromagen, 28, Wednesday; Mary D. Boggus, 19, Thursday.

KSP REPORTS

Information for Kentucky State Police reports is provided by Trooper Jim Dotwich, public affairs officers of the KSP's Dry Ridge Post.

Trooper Roger Fuller has charged Jeffrey Jones, 36, Carlisle, with operating on a suspended license, improper registration, and failure to produce an insurance card.

Fuller also executed a warrant against Jones for criminal trespass in the third degree.

The arrest occurred at 2 pm., February 9, in the limits of Carlisle on KY 32.

Jones was turned over to the Nicholas County Transportation Officer.

Trooper Fuller investigated a non injury accident, which occurred at 9:45 p.m., February 9, .7 miles west of Millersburg on US 68.

The drivers involved were Raymond Compton, 33, Carlisle, operating a 1987 Nissan and Ricky D. Foley, 29, Paris driving a 1986 Ford.

Trooper William Hayes investigated an injury accident, 8.3 miles east of Carlisle on US 68, at 6:50 p.m., February 12.

The driver involved was Christopher Hardin, 21, Maysville, operating a 1982 Chevrolet. Hardin received neck and chest injuries and was taken to Nicholas County Hospital by Nicholas County Ambulance personnel.

Trooper Tim Layne has charged Johnetta Oliver, 29, Carlisle with disorderly conduct.

The arrest occurred at 11:45 a.m., February 12, in the Nicholas County Courthouse.

Oliver was turned over to the Nicholas County Transportation Officer.

Trooper Layne executed a bench against Alex E. Slone, 29, Carlisle.

The arrest occurred 10:12 a.m., February 12, in limits of Carlisle.

Slone was turned over to the Nicholas County Transportation Officer.

Trooper Chris Turley investigated an injury accident at 6:35 p.m., February 10.

The accident occurred 4 miles east of Paris on Jackstown Road.

The drivers involved were; Aileene Boots, 61, Carlisle, operating a 1982 Chevrolet and Joe Fields, 55, Paris, operating a 1973 Ford.

Boots sustained leg and chest injuries and a passenger in the Fields' vehicle, Libby Fields, 49, Paris, sustained a cut lip.

Both were taken to Bourbon County Hospital by Bourbon County Ambulance Service.

Joe Fields sustained a minor foot injury and was going to seek his own medical treatment.

Turley cited Boots for driving under the influence.

Sibert is named

By Josh Shepherd
The Carlisle Mercury

Alicia Sibert, eighth grader and daughter of Martha and Eugene Sibert, was DAR essay contest winner in the Jeremiah Johnson Chapter.

All eighth graders were invited to write an essay about a famous inventor.

Sibert chose Christopher Sholes, inventor of the typewriter.

On Feb. 3, Sibert read the text of her essay to the members of the Jeremiah Johnson Chapter.

Sibert not only competed with students from Nicholas County, but also with students from Bourbon County and Paris Independent.

Sibert received a $25 check, and her essay will go on to be entered in the regional contest.

Sibert said she was nervous about presenting her essay to people, not having that much experience in public speaking.

But she said she enjoyed researching an inventor, who was somewhat obscure.

"Most people I knew were concentrating on inventors who became famous. I wanted to do something a little different," Sibert said.

Alicia Sibert

NCHS students named

Three Nicholas County High School students have been nominated or won awards for their leadership and academic abilities.

Teresa Oakley is the winner of the Daughters of the American Revolution Good Citizen award.

This annual award is given to the high school senior who exemplifies qualities of leadership, dependability, service, and patriotism.

Brian Canupp, sophomore, has been nominated as representative for the Hugh O'Brien leadership conference and junior Andrea Hall, has been selected to be in competition for Kentucky's Golden 100

OBITUARIES

George

Lucille Kash George, 75 a resident of Johnson-Mathers Nursing Home, died there Wednesday evening, February 7, 1990.

Born in Nicholas County to the late Charles and Nellie Crockett Reid, she was the widow of Walter (Buck) George, and was a member of the Carlisle Assembly of God Church.

Survivors are: one son, Ricky Dan George, Paris; one daughter, Mrs. Gaylord (Betty Jo) Gillispie, Lexington; one brother, John Allen Reid, Lexington; one grandson, Daniel Paul George.

She was preceded in death by a sister, Laura Belle Havens.

Services were held 2 p.m. Saturday, February 10, at Mathers- Gaunce Funeral Home by Reverend Gaylord Gillispie, Reverend Darrell Sexton and Reverend James Gaunce.

Burial in Carlisle Cemetery.

Casketbearers were: Eugene Booth, Shelby Roundtree, Allen Bowles, John Sibert, Glenn Purcell and Marvin Doyle.

Honorary bearers were: Clyde Purcell, Charlie Curtis, Nelson Fryman, Roger Womack and Earl Hamm.

Parsley

Darrell P. Parsley, 172 Southland Drive, London, died Sunday, February 4, 1990 at Lake Wells Hospital, Lake Wells, Florida.

A retired superintendent and principal of Nicholas County Schools, he was the husband of Inez Browning Parsley.

Survivors are: three brothers, Everett Parsley, Dayton, Ohio, Charles Parsley, Las Vegas, Nevada, and Ray Parsley, Nebraska.

He was a member of the First Pentecostal Church, London, Kentucky.

Services were held Friday, February 9, at Laurel Funeral Home Chapel by Carl Hacker and Bill Zawko.

Burial in A.R. Dyche Cemetery in London.

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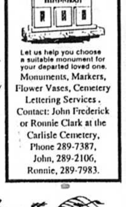

ORDINANCE NO. 3, 1990

A COMPREHENSIVE REGULATORY ORDINANCE OF THE CITY OF CARLISLE, KENTUCKY RELATING TO THE CONTROL, LICENSING, OPERATION, ADMINISTRATION AND ENFORCEMENT OF THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES

WHEREAS, the Kentucky General Assembly, during its 1988 regular session adopted Senate Bill No. 273, which provided for the sale of alcoholic beverages by the drink for consumption on the premises in cities of the fourth class where prohibition is not in effect; and

WHEREAS, the City Council of the City of Carlisle, Kentucky realizes the need to establish a consistent and more definitive regulatory policy governing the sale and consumption of alcoholic beverages whether by the drink or otherwise; and

WHEREAS, the City Council of the City of Carlisle, Kentucky having determined that an economic hardship exists within the city and that the closely regulated sale of alcoholic beverages by the drink or otherwise could aid economic growth in the city.

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

SECTION 1: This ordinance shall be known and may be cited as the "Economic Development Alcoholic Beverage Control Ordinance" of the City of Carlisle, Kentucky.

SECTION 2: Definitions: Words used through this ordinance, unless the context requires otherwise, shall have the same definitions as 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, unless specifically defined herein.

2.1 "Alcoholic Beverage" means alcoholic brandy, whiskey, rum, gin, beer, ale, porter, wine, and all other spirituous, venous, malt or fermented liquors, liquids and compounds, whether medicated, proprietary, patented or not, and by whatsoever name called, containing more than one percent (1%) of alcohol by volume, which are fit for use for beverage purposes.

2.2 "Bona Fide Restaurant" means any retail establishment which derives more than 50% of its gross revenues from the sale of food for consumption on the premises for at least one meal per day, including lunch and dinner, and has a minimum seating capacity of 100 persons at tables.

2.3 "Carry-out" means any retail establishment which has its purpose, among other things, the sale of alcoholic beverages for consumption off the premises and for the purposes of this ordinance, shall include retail package liquor stores. It shall include, but not be limited to, grocery stores, markets express-type markets by whatever name known, bait shops, fruit and vegetables markets, drug stores and similar premises.

2.4 "Distilled Spirits" means any alcoholic beverage, except malt beverage and wine.

2.5 "Malt Beverage" means any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and having an alcoholic content greater than one-half of one percent (1%) by volume and not more than 4.8% of alcohol by weight or 6.02% of alcohol by volume.

2.6 "Person" means any natural person, corporation partnership, joint venture, or unincorporated association of persons or any combination thereof, and the shareholders, office, agents, servants, and employees thereof.

2.7 "Premises" means the premises described in the city license issued pursuant to the terms hereof and the applications therefore.

2.8 "State" means the Commonwealth of Kentucky.

2.9 "State License" means a license authorized by KRS 243.030 to 243.680.

2.10 "Tavern" means any retail establishment for which the primary purpose of existence is the retail sale of alcoholic beverages for consumption on the premises, derives less than 50% of its gross revenues from the sale of food; or any retail establishment for which the primary purpose of existence is entertainment, and which may, in addition to entertainment, offer food and/or alcoholic beverages for consumption on the premises.

2.11 "Traffic in alcoholic beverages" means any action, business or transaction in regard to the production, storage, transportation, distribution, sale, delivery, and transfer of alcoholic beverages.

2.12 "Wine" means the product of the normal alcoholic fermentation of the juices of fruits, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions. It includes champagne and sparkling and fortified wine of an alcoholic content not to exceed 24% by volume. It includes preparations or mixture vended in retail containers if such preparations or mixture contain not exceeding 15% of alcoholic by volume.

SECTION 3: LICENSES

As used in this section, "License" means any premises licensed by the City to sell alcoholic beverages whether by the drink for consumption on the premises or otherwise, and relates to the sale of any combination of the same.

3.1 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 of Carlisle and pursuant to the authority of KRS 243.070, there is hereby established a corresponding city license for each of the State License described in the attached schedule. The actions, business, and transactions authorized and permitting thereby and the expiration dates thereof shall be and are the same as those of the State License to which the City License correspond and which are indicated and described in the Sections of State Law indicated in the attached schedule. The fees for such City License shall be the maximum allowed by the law as indicated on the attached schedule.

3.2 No person shall cause, permit or engage in any of the actions, business, or transactions authorized by such city and state licenses within the City without both a valid city license and a valid state license therefore.

3.3 No person, firm, or corporation conducting a place of business in the city patronized by and open to the general public or any private club as defined by KRS 243.270, who does not hold the necessary license or licenses, as herein provided, shall permit any person to, or shall he, sell, barter, loan, give away, or drink any alcoholic beverages on the premises of his place of business, nor shall any proprietor of any unlicensed premises patronized by and open to the general public, or any agent or employee of that proprietor, have in his possession any alcoholic beverages on any portion of his premises which is open to the general public.

SECTION 4: FORM AND CONTENT OF CITY LICENSE.

4.1 All city licenses shall be in a form as may be prescribed by the City Council and shall contain:

a.) The name and address of the licensee; b.) The number of the license: c.) The type of License; d.) A description by street and number, or otherwise, of the licensed premise; e.) The name and address of the owner of the building in which the licensed premises are located; f.) The expiration date of the license; g.) 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.

4.2 Each kind of license shall be printed so as to be readily distinguished from the other kind of licenses available.

SECTION 5: APPLICATION FOR LICENSE AND ISSUANCE:

5.1 Subject to the limitations and restrictions described herein, city licenses shall be originally issued by the City Clerk/Tax Collector and renewed by him/her upon the expiration thereof upon receipt of the following documents and fees more than thirty (30) days prior to the effective date of an original license and more than fifteen (15) days prior to the expiration date of any license to be renewed:

A) A written application therefore with the truth of the information, statements, and representations therein attested by the signature and oath or affirmation of the applicant. The form and content of such application shall be prescribed by regulation of the City ABC Administrator; however, provision for the following information, statements, and representations shall and must be included therein:

1.) All information required by KRS 243.390 to be contained in the application for state licenses.

2.) A consent by the applicant to the search of the licensed premises by any peace officer at any time for any purpose, the removal therefrom of any evidence of any crime or other violations of law; and the use thereof in any trial or hearing in regard thereto.

3.) The names, addresses, photographs, and finger prints of the applicant and all shareholders, officers, agents, servants, and employees thereof.

B) The approval of the applicant, the application, and the premises described therein by the City ABC Administrator.

C) Documentary evidence of a valid state license which corresponds to the city license for which the application is being made.

D) The applicable fee, paid in cash or by certified or cashiers check, for the city license which is the subject of the application.

5.2 Applicants for any license involving the sale, manufacture or traffic of any alcoholic beverage shall first advertise their intention to apply for a license by publishing a Notice of Intention to apply in the local newspaper having the largest circulation at least once within a thirty (30) day period. The applicant shall be responsible for the publication fees.

5.3 Application by a bona fide restaurant, which meets the qualifications as hereinabove defined, for a license to sell alcoholic beverages by the drink for consumption on the premises shall be accompanied by records sufficient to establish to the City ABC Administrator that the applicant derives a minimum of 50% of its gross revenues from the sale of food for consumption on the premises for at least one meal per day and has a minimum seating capacity of one hundred (100) persons at tables. The City ABC Administrator shall review all records which the applicant restaurant must submit as a part of its application for a license, and the City ABC Administrator shall determine if said restaurant meets the criteria contained herein.

5.4 Application by a hotel, motel or inn for a license to sell alcoholic beverages by the drink for consumption on the premises may be issued if it is found by the City ABC Administrator that said hotel, motel or inn contains not less than fifty (50) sleeping units and has dining facilities for not less than one hundred (100) persons or a bona fide restaurant open to the general public having dining facilities for not less than one hundred (100) persons at tables. Upon application, the City ABC Administrator shall immediately inspect personally the premises and file his report with the City Council that said inspection revealed that the applicant in fact had the requisite number of sleeping units and dining facilities and the City Council may thereafter approve the issuance of said license.

5.5 Nothing contained herein shall be in any way interpreted to allow for the sale of alcoholic beverages by the drink for consumption on the premises in connection with any business in which a part of the commercial transaction consists of selling, at retail, staple groceries, or which is used solely as an entertainment facility and does not meet the criteria of a "bona fide restaurant" as defined herein.

5.6 It shall be permissible for a licensee, who under KRS 244.330 is permitted to operate one bar, counter or similar contrivance in said licensed premises under said retail drink license, due to modern business practices and the enhancement of economic development and opportunities, particularly associated with meeting or convention business, and the larger interior areas of some licensees and the recreational facilities directly associated therewith, that it may be necessary to provide for more than one bar within said hotel/motel/inn licensed premises under this ordinance to effectively serve the patrons at such premises. A supplemental bar may be allowed to said hotel/motel/inn licensee if such licensee can show the ABC Administrator the need for such supplemental bar. A supplemental bar license may be issued to a hotel/motel/inn retail drink licensee upon showing to the City ABC Administrator of good cause and need for the supplemental license, and the license may only be issued for the use on the premises directly associated with the applicant's existing retail drink license as part of the entire business of said license facility.

5.7 Within thirty (30) days of the date of the application for an original city license and fifteen (15) days of the date of any application for renewal of a city license, the City ABC Administrator shall, by mail or personal delivery thereof, notify the applicant, in writing, of either the approval thereof or the disapproval thereof or whether a hearing in regard thereto shall be held thereon.

5.8 As is similarly set forth in KRS 243.450, the City ABC Administrator shall not approve any application for a city license if:

A) The applicant, the application or the premises described therein do not fully comply with the provisions of this Chapter and all laws in regard to alcoholic beverages;

B) The applicant and/or any shareholder, officer, agent, servant, or employee thereof has caused, permitted, or engaged in any act for which the revocation or non-issuance of a state or city license is authorized, including, but not limited to, those acts as are defined by KRS 243.100, 243.450, 243.500, or 244.120;

C) The applicant and/or any shareholder, officer, agent, servant or employee thereof had a state license or city license which was revoked within two (2) years of the date of application, where the premises or any portion thereof described in a state license or city license revoked during such time;

D) Any statement or representation in the application is false; or

E) In the exercise of sound discretion, the City ABC Administrator determines any cause or reason for refusing to approve any application reasonably related to the purpose and objective of this Chapter and the State Laws and regulations of the State Alcoholic Beverage Control Board. Among those factors that the City ABC Administrator shall consider in the exercise of his discretion are: Public sentiment in the area; Number of licensed outlets in the area; potential for future growth; type of area involved; type of transportation available; and financial potential of the area.

SECTION 6. PERSONS WHO SHALL NOT BE LICENSED:

6.1 No person shall become a licensee under this Chapter who

A) Has been convicted of any felony or misdemeanor directly or indirectly attributable to the use of alcoholic beverages within two (2) years preceding the application;

B) Is under the age of 21 years;

C) Is not a citizen of the United States and has not had an actual, bona fide residence in this state for at least one year before the date on which the application for the license is made. This division shall not apply to applicants for manufacturers' licenses, to applicants that are corporations authorized to do business in this state, or to persons licensed on March 7, 1938;

D) Is a partnership or corporation unless each member of the partnership or each of the directors, principle officers or managers of the corporation or partnership has not been convicted of any misdemeanor or felony directly attributable to the use of alcoholic beverages, is 21 years of age or more, and is a citizen of the United States.

E) Has had any license issued under KRS 243.100 relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for a cause or has been convicted of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction; or

F) Is a partnership or corporation, if any member of the partnership or any director or principle officer of the corporation has had any license issued under any statute relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages, revoked for cause or has been convicted of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction.

G) No license to sell alcoholic beverages shall be granted to any person, firm or corporation who is delinquent in payment of any taxes due to the city at the time of issuing a license; nor shall any license be granted to sell upon any premises or property, owned or occupied by the licensee upon which there are any delinquent taxes due to the city.

6.2 No license to sell alcoholic beverages shall be granted to any person, firm, or corporation for the sale of alcoholic beverages on any real property owned or maintained by the City of Carlisle, Kentucky, including, but not limited to, parking lots, sidewalks, roadways, alley ways or streets. The City Council of the City of Carlisle, Kentucky may authorize such sale upon the exercise of sound discretion.

6.3 No license to sell alcoholic beverages shall be granted to any person, partnership, firm or corporation who has permitted the use, sale or trafficking of controlled substances as described in KRS Chapter 218A, to take place on the premises whether known by the applicant or unknown. Any such use, sale or trafficking of controlled substances as defined by KRS 218A upon any licensed premises may result in the immediate revocation or suspension of any license issued to said premises, and may further prohibit the named licensee from receiving any license relating to the sale or trafficking of alcoholic beverages within the City of Carlisle, Kentucky for a period of two years thereafter. Any applicant who has been convicted of a offense relating to the use, sale or trafficking in controlled substances as defined in KRS 218A, shall not be issued a license under this ordinance for a period of at least two (2) years from the date of such conviction.

SECTION 7. EXCEPTIONS TO LICENSE APPLICATIONS AND HEARINGS:

Any resident of the City of Carlisle may file with the City ABC Administrator Exceptions to an application for the sale of alcoholic beverages for consumption on the premises and the City ABC Administrator shall conduct a hearing upon said Exceptions. The City ABC Administrator shall thereafter reduce his findings and recommendations which shall be presented to the City Council for acceptance, in whole or in part, or rejection in whole or in part. Any party aggrieved by the final action of the City Council may file an appeal with the ABC Board, Frankfort, Kentucky within thirty (30) days from the action of the council, and no license shall be issued until the matter becomes final and non-appealable. The City Council, in the exercise of sound discretion, may direct the City ABC Administrator to issue said license the appeal notwithstanding, if it has been established that the applicant otherwise meets all qualifications as hereinabove specified for issuance of a license for the sale of alcoholic beverages for consumption on the premises.

SECTION 8. HEARINGS:

Should a request for a hearing be made, the City ABC Administrator is to hold said hearing pursuant to the general practice procedures found in the Kentucky Rules of Civil Procedure and the following shall apply:

A) Definitions: All words are used as defined in the alcoholic beverage control law of Kentucky (KRS Chapters 241, 242, 243, and 244), unless otherwise specified;

B) Appearances: Any applicant or licensee may appear and be heard in person, or by duly appointed attorney, and may produce under oath evidence relative and material to matters before the Board;

C) Briefs: Briefs may be filed at the request of the ABC Administrator, or at the option of the applicant or licensee;

D) Rules of Evidence: The rules of evidence governing civil proceedings in courts of the Commonwealth of Kentucky shall govern hearings before the City ABC Administrator; provided however, that the hearing officer may relax such rules in any case where, in his judgement the ends of justice will be better served by so doing;

E) Subpoenas: The City ABC Ad-ministrator shall have subpoena power for such hearings and shall at the request of the applicant made with names and addresses of those desired issue with subpoenas;

F) Transcripts: Upon request and at the costs of the applicant or licensee the hearing may be transcribed;

G) Decisions: All decisions shall be written and based upon evidence developed at the hearing.

SECTION 9. EXPIRATION DATE; FRACTIONAL FEES:

All licenses issued pursuant to this ordinance, shall expire on June 30 of the year following the year in which said license was issued. Application for renewal of licenses shall be submitted no later than thirty (30) days before expiration thereof and shall be made pursuant to Section 6 above.

SECTION 10. TRANSFER OF LICENSE; LOST OR DESTROYED LICENSE:

A) No license issued by the City to sell alcoholic beverages at retail shall be transferable or assignable to any other person or any other premises, or to any other part of the building containing the licensed premises, unless the transferee or assignee has submitted application to the Administrator and the same has been approved, as provided for in KRS 243.640 and 243.650.

may be replaced by the Clerk/Tax Collector for a fee of $10.00 for issuing duplicate license.

SECTION 11. PREMISES SELLING GROCERIES, GASOLINE, AND THE LIKE PROHIBITED FROM OBTAINING LICENSES:

A) As prohibited in KRS 243.280, no City license shall be issued to sell malt beverages at retail within or upon any premises from which gasoline and lubricating oil are sold or from which the servicing and repair of motor vehicles is conducted unless there is continuously maintained an inventory on the premises for sale at retail of not less than $5,000.00 of food, groceries, and related products valued at costs.

1) The term "food and groceries" referred to in this division (A) shall mean:

a.) Any food or food product intended for human consumption except alcoholic beverages, tobacco, and hot foods and hot food products prepared for immediate consumption;

b.) Seeds and Plants to grow food for personal consumption.

2) This division (A) shall be effective to each malt beverage retail license which is no longer eligible for a retail malt beverage license hereunder upon the expiration of any current license issued by the State Malt Beverage Administrator.

3) The provisions of this division (A) shall not apply to any licensed premises which sells no fuel or other marine fuel.

B) As prohibited in KRS 243.230 no city license shall be issued to sell distilled spirits or wine at retail by the drink or package from any premises used as or in connection with the operation of any business in which a part of the commercial transaction consists of selling at retail staple groceries, or gasoline or lubricating oil.

SECTION 12. PREMISES DOING MAJORITY OF BUSINESS WITH MINORS PROHIBITED FROM OBTAINING LICENSE:

No license shall be issued to any person, firm, or corporation at any store or any place of business where the majority of its business consists of selling school books, school supplies, food, lunches, or drinks to minors or to a business that is a penny arcade or similar establishment that receives the majority of its business from minors, regardless of the distance of that store or other place of business from a church, school, or hospital.

SECTION 13. APPLICANT TO PAY FOR OWN LICENSE:

The license tax for every license issued under this Chapter shall be payable by the person who makes application for that license and to whom is issued the license; and no other person, firm, or corporation shall pay for any license issued under this Chapter. In addition to all other penalties provided in this Chapter, a violation of this Section shall authorize and require the revocation of the license, the tax for which was paid by another, and also the revocation of the license, if any, of the person, firm, or corporation so paying the license fees of another.

SECTION 14. REPORT OF WHOLESALER:

Every wholesaler of alcoholic beverages who sells within the city shall report to the City Clerk, on a form to be provided by the Clerk, the following information:

A) The names of all retailers to whom alcoholic beverages were sold in the preceding quarter;

B) The gross revenues received by the wholesaler by each retailer; and

C) The total quantity of alcoholic beverages sold to each retailer in cans, cases, or kegs, as appropriate provided that the information provided to the city clerk is calculated to permit the city clerk to determine the quantities of cases, cans and kegs received by each retailer.

SECTION 15. HOURS:

Premises licensed under this ordinance may remain open for business daily as set out below, except that no sale of alcoholic beverages may be made after 12:00 Midnight on Saturday until 8:00 A.M. on Monday, and said licensed premises shall not sell any alcoholic beverages on Christmas Day (December 25), nor on any election day during the time when the polls are open. Except as set out below, all persons except for employees, agents or licensees shall be off the premises no later than one hour after the close of sales.

A) Licensed retail package establishments may remain open for business from 8:00 A.M. until 12:00 Midnight prevailing time the same day, except as set out above for Sunday sales.

B) Licensed by-the-drink establishments may remain open for business from 8:00 A.M. until 1:00 A.M. prevailing time the next day, except as set out above for Sunday sales. A licensed by the drink restaurant may remain open for sales of food on Sunday.

SECTION 16. COMPLIANCE WITH REGULATIONS AND PROHIBITIONS:

A) At all times during which any person has a valid city license issued pursuant to the provisions hereof, that person shall fully comply with all the rules, regulations, requirements and prohibitions set forth in this Chapter.

B) A city licensee shall comply fully with all of the provisions hereof and all of the rules and regulations of the City ABC Administrator in regard thereto; all provisions of the State Statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard to the licensed premises and the actions, business, and transactions conducted thereon subsequent to the issuance of a State License therefore and prior to the expiration, revocation, or suspension thereof which are hereby incorporated herein and made applicable to all city licenses corresponding thereto, the premises described therein and the actions, business, and transactions conducted thereon, and the city licensee shall comply fully therewith.

SECTION 17. MAINTENANCE OF STATE LICENSE:

A city licensee shall maintain the state license to which the city license corresponds and fully comply with all state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto.

SECTION 18. DISPLAY OF REQUIRED LICENSES AND CERTAIN SIGNS:

As required by KRS 244.083, a City Licensee who has a valid city retail distilled spirits, wine, or malt business license shall cause to be displayed in a conspicuous and prominent place that they may be seen and observed by all persons entering the licensed premises:

A) A sign or place card at least 8 inches x 11 inches in size with the following message printed or displayed thereon in 30. or larger type:

"Persons under the age of 21 years are subject to a fine up to Five Hundred Dollars ($500.00) if they:

a.) Enter licensed premises buy or to have served or delivered to them any alcoholic beverages; or

b.) Possess or purchase, to attempt to purchase any alcoholic beverages; or

c.) Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages."

B) All valid city licenses issued therefore and the state licenses to which they correspond. The failure to so display such licenses shall be prima facie evidence that no such valid licenses have been issued or exist and all actions, business, and transactions authorized thereby conducted on such premises are illegal and in violation of the provisions hereof and the state statutes and regulations of the State Alcoholic Beverage Control Board in regard thereto.

SECTION 19. CRIMINAL CONDUCT ON PREMISES PROHIBITED:

A City Licensee shall not cause, permit, or engage in any conduct upon the licensed premises by either the commission of a prohibited act or the omission of a required act which is a crime or other violation of any law, rule or regulation of any governmental agency having jurisdiction thereof or any officer or agency thereof. Any such conduct upon the licensed premises by any person may result in the immediate revocation or suspension of the license, and may subject the licensee to other penalties as more specifically set out hereafter.

SECTION 20. CONDITIONS, PROHIBITIONS AND RESTRICTIONS:

All licenses granted under this ordinance shall be subject to the following conditions, prohibitions and/or restrictions and all other provisions of KRS 241, 242, 243 and 244, other ordinances and regulations of the City applicable thereto:

A) Every licensee hotel/motel/inn shall be entitled to serve beverages as said licensee is entitled to serve upon the issuance of a license under this ordinance and in such room or rooms at banquets, dinners and where meals are served; however, no hotel/motel/inn shall maintain or operate or permit to be operated more than one bar or room where alcoholic beverages are sold which is open to the general public without first obtaining a separate license for each bar or room which is open to the general public in accordance with this ordinance.

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 nuisances suffered, permitted or maintained thereon.

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

D) It shall be unlawful for any licensee licensed under this ordinance to have or maintain any radio receiving apparatus on such premises which is intentionally adjusted so as to receive police messages broadcast from the Carlisle City Police Radio Station as it is now or may hereinafter be operated. In addition to other penalties provided for the violation of this section, the Chief of Police or City ABC Administrator shall have the authority to confiscate any and all such radio receiving apparatus.

E) It shall be unlawful for any licensee under this ordinance to sell, to smoke or keep or permit to be sold, smoked or kept upon the licensed premises any marijuana or controlled substances as defined in KRS 218A. It shall be unlawful for a licensee except licensed drug stores, to keep or sell or permit to be sold or used on the licensed premises any narcotic or barbiturate drugs. In addition to other penalties set out in this ordinance for the violation of this section, the City ABC Administrator shall also have the authority to revoke the license issued to said premises.

F) The licensee shall be responsible for maintaining security on his premises which shall include providing adequate outside lighting, to permit customers to utilize the parking area and to promote the safety, health and welfare of the general public utilizing the licensed premises. Security standards are further necessary to discourage unlawful activity in and around the licensed premises.

G) No license shall be issued to any person, firm or corporation for the sale at retail of any alcoholic beverages at any store or any other place of business where the majority of its business consists of the selling of school books, school supplies, food, lunches or drinks for

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