

ORDINANCE NO. 202, SERIES 2013

**AN ORDINANCE AMENDING SECTIONS 113.40, 113.41 AND 113.42 TO ELIMINATE THE LICENSES FOR PACKAGE RETAILERS TO SELL MALT BEVERAGE, WINE AND DISTILLED SPIRITS BETWEEN THE HOURS OF 2 AM AND 4 AM. (AMENDED BY SUBSTITUTION)**

**Sponsored By: Councilmembers Hamilton, Scott, Shanklin, Woolridge, Butler, James, Blackwell and Tandy**

**WHEREAS**, Louisville Metro Council wishes to prohibit the sale of package malt beverage, wine and distilled spirits at retail package businesses between the hours of 2 a.m. and 4 a.m. in an effort to combat alcohol related crime in Jefferson County; and

**WHEREAS**, Louisville Metro Council seeks to eliminate the problem of late night liquor stores and convenient stores being a gathering point in the community for criminal activity; and

**WHEREAS**, many of the problematic retail package businesses have bars on the windows and doors, they lock the doors at dusk to be drive-thru only and have even installed bullet proof glass in certain vestibules to protect the cashiers from their own customers whereas by the drink establishments are by nature places of social gathering and have security to prevent criminal activities on their premises.

**WHEREAS**, the lack of security at retail package businesses create an atmosphere that allows for drugs and other criminal activity to occur on the premises.

**WHEREAS**, criminal activities normally occur in the parking lots and streets adjacent to the retail package businesses thereby creating unwarranted disruption and safety risk to the neighbors.

**WHEREAS**, Louisville Metro Council does not intend to “grandfather” those retail businesses with a current 2 a.m. and 4 a.m. extended hour supplemental retail package liquor and malt beverage licenses.

**BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:**

**Section 1:** LMCO Section 113 section 40 is hereby amended to read as follows:

**§ 113.40 LIQUOR; HOURS OF SALE.**

*(A) Retail package distilled spirits and wine. The lawful operating hours for a licensee to sell, permit to be sold, or deliver distilled spirits or wine are as follows:*

- (1) Between the hours of 6 a.m. and 12 a.m. on Monday through Saturday;*
- (2) Between the hours of 1 p.m. and 11:59 p.m. on Sunday; and*
- (3) Between the hours of 12 a.m. and 2 a.m. on any day of the week if the licensee has an extended hour supplemental license.*

*(B) Retail drink distilled spirits and wine. The lawful operating hours for a licensee to sell, serve, or permit the consumption of distilled spirits or wine are as follows:*

- (1) Between the hours of 6 a.m. and 12 a.m. on Monday through Saturday;*
- (2) Between the hours of 1 p.m. and 11:59 p.m. on Sunday, unless the licensee has a special Sunday retail drink license that allows operating hours to begin at 10 a.m. To be eligible for the special Sunday retail drink license, the licensee must receive at least fifty percent (50%) of its gross receipts from the sale of food or have one of the following licenses set forth in Kentucky*

Revised Statute: qualified historic site license (KRS 243.042), nonquota type 1 (KRS 243.082), or nonquota type 2 (KRS 243.084); and

(3) Between the hours of 12 a.m. and 4 a.m. on any day of the week if the licensee has an extended hour supplemental license.

(C) Derby exception. Notwithstanding sections (A) and (B), retail drink and retail package licensees may sell, serve, deliver, permit to be sold, or permit the consumption of distilled spirits and wine on the first Saturday of May between the hours of 12 a.m. and 6 a.m.

~~It shall be unlawful for any licensee under this chapter, or any amendment or supplement thereto:~~

~~—(A)— To sell, give away, or permit to be sold or given away any distilled spirits or wine at retail between the hours of 12:00 a.m. midnight and 6:00 a.m. on any weekday and Saturday, or between the hours of 12:00 a.m. and 1:00 p.m. Sunday, or the hours of 9:00 p.m. Sunday and 6:00 a.m. Monday; or~~

~~—(B)— To permit the consumption of any distilled spirits or wine on the licensed premises between the hours of 12:00 a.m. and 6:00 a.m. on any weekday and Saturday or between the hours of 12:00 a.m. Sunday and 6:00 a.m. Monday.~~

~~—(C)— Notwithstanding subsections (A) and (B), any retail drink or package licensee under this chapter may sell, permit to be sold, and retail drink licensees may permit the consumption of, distilled spirits or wine at any time between 12:00 a.m. on the first Saturday in May of each year through 6:00 a.m. on the following Sunday.~~

~~—(D)— Notwithstanding the provisions of subsections (A) and (B), any special hours retail package or drink licensee may sell or permit to be sold and any special hours~~

~~retail drink licensees may permit the consumption of distilled spirits or wine at any time between the hours of 12:00 a.m. and 2:00 a.m. and 2:00 a.m. to 4:00 a.m. on each day of the week, as long as the licensee holds a current, corresponding special hours license(s). However, an extended (special) hours retail package license, as discussed immediately above, specifically prohibits the sale of distilled spirits and wine on Monday between the hours of 12:00 a.m. and 4:00 a.m.~~

**Section 2:** LMCO Section 113 section 41 is hereby amended to read as follows:

**§ 113.41 BEER; HOURS OF SALE.**

(A) Retail malt beverage package. The lawful operating hours for a licensee to sell, permit to be sold, or deliver malt beverages are as follows:

- (1) Between the hours of 6 a.m. and 12 a.m. on Monday through Saturday;
- (2) Between the hours of 1 p.m. and 11:59 p.m. on Sunday; and
- (3) Between the hours of 12 a.m. and 2 a.m. on any day of the week if the licensee has an extended hour supplemental license.

(B) Retail malt beverage drink. The lawful operating hours for a licensee to sell, serve, or permit the consumption of malt beverages are as follows:

- (1) Between the hours of 6 a.m. and 12 a.m. on Monday through Saturday;
- (2) Between the hours of 1 p.m. and 11:59 p.m. on Sunday, unless the licensee has a special Sunday malt beverage retail drink license that allows operating hours to begin at 10 a.m. To be eligible for the special Sunday retail drink license, the licensee must receive at least fifty percent (50%) of its gross receipts from the sale of food or have one of the following licenses set forth in

Kentucky Revised Statute: qualified historic site license (KRS 243.042), nonquota type 1 (KRS 243.082), or nonquota type 2 (KRS 243.084); and  
(3) Between the hours of 12 a.m. and 4 a.m. on any day of the week if the retail premise has an extended hour supplemental license.

(C) Derby exception. Notwithstanding sections (A) and (B), retail drink and retail package licensees may sell, serve, deliver, permit to be sold, or permit the consumption of malt beverages on the first Saturday of May between the hours of 12 a.m. and 6 a.m.

It shall be unlawful for any licensee under this chapter, or any amendment or supplement thereto:

~~—(A)— To sell, give away, or permit to be sold or given away any malt beverage at retail between the hours of 12:00 a.m. and 6:00 a.m. on any day of the week; or~~

~~—(B)— To permit the consumption of any malt beverage on the licensed premises between the hours of 12:00 a.m. and 6:00 a.m. on any day of the week.~~

~~—(C)— Notwithstanding the provisions of subsections (A) and (B), any malt beverage licensee may sell, permit to be sold, or permit the consumption of malt beverages at any time between 12:00 a.m. on the first Saturday in May of each year through 6:00 a.m. on the following Sunday.~~

~~—(D)— Notwithstanding the provisions of subsections (A) and (B), any special hours malt beverage licensee may sell, permit to be sold, or permit the consumption of malt beverages between the hours of 12:00 a.m. and 2:00 a.m., and 2:00 a.m. to 4:00 a.m. on each day of the week, as long as the licensee holds a current, corresponding special hours license(s).~~

**Section 3:** LMCO Section 113 section 42 is hereby eliminated as it is addressed in LMCO § 113.40 and LMCO § 113.41:

**~~§ 113.42 SUNDAY; HOURS OF SALE.~~**

~~It shall be unlawful for any licensee under this chapter, or any amendment or supplement thereto:~~

~~—(A)— To sell, give away, or permit to be sold or given away any malt beverage at retail between the hours of 12:00 a.m. midnight Sunday and 1:00 p.m. Sunday; or~~

~~—(B)— To permit the consumption of any malt beverage on the licensed premises between the hours of 12:00 a.m. midnight Sunday and 1:00 p.m. Sunday.~~

~~—(C)— Notwithstanding the provisions of subsections (A) and (B), any malt beverage licensee under this chapter may sell, permit to be sold, or permit the consumption of malt beverages at any time between 12:00 a.m. on the Sunday following the first Saturday in May of each year and 6:00 a.m. on the Sunday following the first Saturday in May of each year, and also at any time between 12:00 p.m. on the Sunday following the first Saturday in May of each year and 12:00 p.m. on Monday, the following day.~~

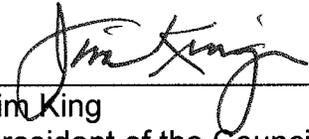
~~—(D)— Notwithstanding the provisions of subsections (A), (B), (C), and (E), any special hours retail drink, special hours package, or special hours malt beverage licensee may sell, permit to be sold, or permit consumption of liquor, wine, or malt beverages on Sundays between the hours of 12:00 a.m. and 2:00 a.m., and 2:00 a.m. to 4:00 a.m., as long as the licensee holds a current, corresponding special hours license(s).~~

~~—(E)— Notwithstanding the provisions of subsections (A), (B), and (C), all hotels, motels, and restaurants, which are retail drink and wine by the drink licensees and/or~~

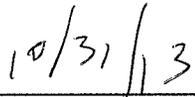
~~malt beverage licensees and who receive at least 50% or more of their gross annual income from dining facilities by the sale of food and airport drink licensees and horse track licensees, may sell, permit to be sold, or permit consumption of liquor, wine, or malt beverages by the drink on Sundays between the hours of 10:00 a.m. and 12:00 a.m. on Monday, the following day.~~

**Section 4:** This Ordinance shall take effect on December 1, 2013.

  
\_\_\_\_\_  
H. Stephen Ott  
Metro Council Clerk

  
\_\_\_\_\_  
Jim King  
President of the Council

  
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Greg Fischer  
Mayor

  
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Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney





BY:   
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Hours of Operation 113 40- 42 CW Hamilton ROC-sjm for 10-24-13 FINAL