

ORDINANCE 08-2022

AN ORDINANCE AMENDING SECTION 111.10 OF THE HOPKINSVILLE CODE OF ORDINANCES PERTAINING TO ALCOHOLIC BEVERAGES

WHEREAS, on April 21, 2022 the Committee of the Whole forwarded an ordinance amending Chapter 111 of the Hopkinsville Code of Ordinances pertaining to Alcoholic Beverages to City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOPKINSVILLE, KENTUCKY, AS FOLLOWS:

SECTION ONE

Section 111.10 of the Hopkinsville Code of Ordinances is hereby amended as follows:

§ 111.10 PROHIBITED HOURS OF SALE.

(A) *Retail sale of distilled spirits and wine by the package.* Premises for which there has been granted a license for the retail sale of distilled spirits and wine by the package shall be permitted to sell during the hours of 6:00 a.m. to ~~[4:00 a.m.]~~ 2:00 a.m. of the following day, Monday through Saturday, and 11:00 a.m. Sunday to 2:00 a.m. Monday ~~[on each day]~~, but shall not sell ~~[during the 23 hours of a Sunday and]~~ at any time when the polls are open for any primary, special or regular election in the precinct in which the licensee's business is located, or on Christmas Day.

(B) *Retail sale of distilled spirits and wine by the drink for consumption on licensed premises.* Premises for which there has been granted a license for the retail sales of distilled spirits and wine by the drink for consumption on the licensed premises, shall be permitted to sell Monday through Saturday between the hours of 6:00 a.m. and ~~[4:00 a.m.]~~ 2:00 a.m. of the following day, and 11:00 a.m. Sunday to 2:00 a.m. Monday, but shall not sell ~~[during the remaining 23 hours of each Sunday and]~~ at any time when the polls are open for any primary, special or regular election in the precinct in which the license is granted, or on Christmas Day.

(C) *Retail sale of malt beverages on licensed premises.* Premises for which there has been granted a license for the retail sales of malt beverages on licensed premises shall be permitted to sell Monday through Saturday between the hours of 6:00 a.m. and ~~[4:00 a.m.]~~ 2:00 a.m. of the following day, and 11:00 a.m. Sunday to 2:00 a.m. Monday, but shall not sell ~~[during the remaining 23 hours on Sunday and]~~ at any time when the polls are open for a general, special or primary election in the precinct in which the license is granted, or on Christmas Day.

(D) *Retail sale of alcoholic beverages and malt beverages on Sunday.* Premises granted a special Sunday sale drink license under § 111.08 shall be permitted to sell alcoholic beverages and malt beverages by the drink for consumption on the licensed premises on Sunday from 11:00 a.m. ~~[4:00 p.m.]~~ until ~~[4:00 a.m.]~~ 2:00 a.m. of the following Monday.

(E) *Retail sale of alcoholic beverages and malt beverages by caterer.* The retail sale of alcoholic beverages and malt beverages by a licensed caterer at licensed and/or unlicensed premises shall be permitted Monday through Saturday during the hours of 6:00 a.m. and ~~[4:00 a.m.]~~ 2:00 a.m. of the following day, and 11:00 a.m. Sunday to 2:00 a.m. Monday, but shall not be sold ~~[during the 23 hours of a Sunday and]~~ at any time when the polls are open for any primary,

special or regular election in the precinct in which the alcoholic beverages or malt beverages are sold, or on Christmas Day.

(F) *Other retail sales on licensed premises.* Premises licensed under division (B) and/or (C) above, whose primary business is not the sale of alcoholic beverages and malt beverages, may reopen for business during hours in which alcoholic beverages and malt beverages are not allowed to be sold for the purpose of conducting its primary business, so long as the licensee keeps all distilled spirits, wine, and iced and cooled malt beverages in a locked or closed off compartment.

(G) *Control of licensed premises during closed hours.* Premises licensed under divisions (A), (B) and/or (C) above, whose primary business is the sale of alcoholic beverages or malt beverages by the drink or package must be, within 30 minutes after the expiration of the hours allowed to sell, closed to and vacant of all customers and all persons except the licensee and his or her employees, who shall be allowed on the premises for business purposes only. At all times after the expiration of the hours allowed to sell as set forth in divisions (A), (B) and/or (C) above, alcoholic beverages or malt beverages, shall not be sold, given away, delivered or consumed by anyone and the premises shall not be loaned, rented, or leased to anyone during closing hours.

(H) *Violations; revocation or suspension of license.* Any licensee for sales of alcoholic beverages or malt beverages by the drink or package who remains open for business or sells alcoholic beverages or malt beverages at any time except the hours permitted under this chapter shall be deemed guilty of a misdemeanor and shall be punished in accordance with the provisions of this code and his or her license shall be subject to revocation or suspension within the discretion of the Alcoholic Beverage Control Administrator.

SECTION TWO

If any section, subsection, sentence, clause, or phrase of this ordinance is held unconstitutional or otherwise invalid, such infirmity shall not affect the validity of the remaining portions of this ordinance.

SECTION THREE

Any and all ordinances inconsistent with this ordinance are hereby repealed.

SECTION FOUR

This ordinance shall take effect after its passage and publication according to law.

**ORDINANCE 08-2022
AMEND CHAPTER 111, ALCOHOLIC BEVERAGES**

PUBLICLY READ AND PASSED FIRST TIME: _____

PUBLICLY READ AND PASSED SECOND TIME: _____

APPROVED: _____

**Wendell A. Lynch
Mayor**

ATTEST: _____

**Christine M. Fletcher, MMC
City Clerk**