

TITLE XI: BUSINESS REGULATIONS

Chapter

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CHAPTER 110: GENERAL LICENSING PROVISIONS

[Reserved for future legislation]

CHAPTER 111: PAWNBROKERS

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§ 111.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PAWNBROKER. Any person who loans money on deposit of personal property; deals in the purchase of personal property on condition of selling the property back again at a stipulated price; makes a public display at his place of business of the sign generally used by pawnbrokers to denote their business; or who publicly exhibits a sign advertising money to loan on personal property or deposit.
(KRS 226.010)

§ 111.02 BOND.

Every person to whom a city license is granted to carry on the business of a pawnbroker shall annually enter into bond to the city, with good and sufficient surety to be approved by City Council, in the penal sum of \$1000. This bond shall be conditioned that he will observe the provisions of this chapter and all ordinances and laws in force in the city not inconsistent with this chapter.
(KRS 226.020)

§ 111.03 REGISTER TO BE KEPT; DAILY REPORTS.

(A) Every pawnbroker shall keep a register of all loans and purchases of all articles effected or

made by him. The register shall show the dates of all loans or purchases, and the names of all persons who have left any property on deposit as collateral security or as a delivery or sale. Opposite the names and dates shall be written in plain hand a full description of all property purchased or received on deposit as collateral security, the time when the loan falls due, the amount of purchase money, the amount loaned, and the interest charged. The register shall at all times be open to the inspection of any police officer of the city when in the discharge of his official duty.

(KRS 226.040)

(B) Every pawnbroker shall, by 11:00 a.m. each day, make available to the Chief of Police a true and correct written report of all goods received by him, whether by pawn or purchase, during the 24 hours preceding each report. The report shall describe the goods as accurately as practicable. The Chief of Police shall furnish blanks for these reports. (KRS 226.070)

Penalty, see § 111.99

§ 111.04 RECEIPT TO BE GIVEN FOR EACH ARTICLE; SALE OF ARTICLE.

(A) Every pawnbroker shall give a plain written or printed ticket for the loan to the person negotiating or selling, and a plain written or printed receipt of the articles that have been purchased or upon which money is loaned, having on each a copy of the entries required by § 111.03(A) to be kept in his register. He shall not make any charge for the ticket or receipt.

(B) A pawnbroker may sell any article pawned after the expiration of 90 days from the maturity of the loan. However, not less than ten days before making the sale, the pawnbroker shall give notice to the person by whom the article was pawned by mail addressed to the post office address of that person as shown on the pawnbroker's register, notifying such person that, unless he redeems the article within ten days from the date of mailing of the notice, the article will be sold.

(KRS 226.050) Penalty, see § 111.99

§ 111.05 MAXIMUM INTEREST, RESALE PRICE.

Any pawnbroker as defined in § 111.01, may, in loaning money on deposit of personal property, charge, contract for, or receive interest at a rate not exceeding 2% per month on the unpaid principal balance of the loan, and may charge, contract for, and receive a reasonable fee, not to exceed one-fifth of the value of the loan per month, for investigating the title, storing and insuring the property, closing the loan, making daily reports to local law enforcement officers if required by § 111.03, and for other expenses, losses, and incidental costs associated with servicing such loans. Further, this fee, when made and collected, shall not be deemed as interest for any purpose of law. No pawnbroker shall directly or indirectly charge, receive, or contract for any interest or consideration greater than that allowed by this section.

(KRS 226.080) Penalty, see § 111.99

§ 111.06 RECEIPT TO BE GIVEN FOR PAYMENT OF LOAN.

Every pawnbroker, upon receiving any payment of money from a borrower, shall give to that person a plain and complete receipt for such payment, specifying separately the amount applied to principal and the amount applied to interest. In a case where the pawnbroker has purchased personal property under an agreement to sell it back at a stipulated price, the pawnbroker shall, on receiving any payment of money from the person from whom the purchased, give that person a receipt stating the original purchase price, the stipulated resale price, and the amount received.

(KRS 226.090) Penalty, see § 111.99

§ 111.07 PROHIBITED ACTIVITIES.

No pawnbroker shall receive, by way of either pledge or pawn, any article whatever from a minor at any time nor from any person between 8:00 p.m. and 7:00 a.m.

(KRS 226.030) Penalty, see § 111.99

§ 111.08 ENFORCEMENT.

The Police Department shall enforce the provisions of this chapter unless otherwise provided by KRS 226.100. However, county police, for the purpose of locating stolen goods, may carry out the provisions of KRS 226.060 within the city.

(KRS 226.100)

§ 111.99 PENALTY.

(A) Any pawnbroker or pawnbroker's clerk who violates any of the provisions of this chapter for which no penalty is otherwise provided shall, upon conviction, be guilty of a misdemeanor and shall be fined not less than \$50 nor more than \$500, and his license may be forfeited to the city. (KRS 226.990(1))

(B) Any pawnbroker who violates any of the provisions of § 111.03(B) shall be guilty of a misdemeanor and shall be fined not less than \$20 nor more than \$100. (KRS 226.990(3))

CHAPTER 112: FIRE INSURANCE COMPANIES

Section

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- 112.02 Filing of statement of direct premiums required
- 112.03 Amount of tax
- 112.04 Penalty for noncompliance
- 112.05 Disposition of funds

§ 112.01 DEFINITION.

For the purpose of this chapter, **PREMIUMS** shall include any assessment collected by insurance companies on, or any payment made to it as herein provided for insurance on any property within the corporate limits of the city, but the word **PREMIUMS** shall not be construed to include any reinsurance premiums paid to or received by any insurance company, nor to include premiums received for the insuring of employees against liability for personal injury to their employees, or death caused thereby, under the provisions of the Worker's Compensation Act.

(Ord. passed 7-1-53)

§ 112.02 FILING OF STATEMENT OF DIRECT PREMIUMS REQUIRED.

On or before March 1 of each year, each fire insurance company doing business in the city, shall file in the office of the City Clerk a statement of the total amount of the direct premiums received by it or by its direct representative within the corporate limits of the city, less, however, premiums returned to policyholders and premiums on policies not taken, and less dividends paid or credited to policyholders.

(Ord. passed 7-1-53)

§ 112.03 AMOUNT OF TAX.

At the time of filing the statement, the fire insurance company shall pay to the City Clerk a license tax of a sum equal to 10% of the premiums received, less the deductions hereinabove set out, provided however, that the minimum annual license tax so paid shall be the sum of \$5.

(Ord. passed 7-1-53)

§ 112.04 PENALTY FOR NONCOMPLIANCE.

A penalty of 10% of the total tax payable as aforesaid is hereby imposed upon any company failing to make the report or pay the tax when due, and upon the failure of any company to make the report or pay the tax, as required by this chapter, on the due date as herein provided. All of such tax and such penalty shall immediately become due and payable.

(Ord. passed 7-1-53)

§ 112.05 DISPOSITION OF FUNDS.

The revenue or license tax received under the conditions of this chapter, shall be deposited by the City Clerk in the City Fire Department Fund and shall be used for the sole purpose of purchasing firefighting equipment and supplies and the operation and maintenance of the City Fire Department.

(Ord. passed 7-1-53)

CHAPTER 113: AMUSEMENTS

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Pool Rooms

- 113.15 License required; imposition of tax
- 113.16 Hours of operation; certain conduct prohibited
- 113.17 Location of pool room; clear view of interior
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- 113.19 Inspection
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GENERAL PROVISIONS

§ 113.01 LICENSE TAX ON DANCE HALLS AND RESTAURANTS.

(A) A license tax of \$100 per year is hereby imposed on each dance hall and on each restaurant, store or other place of business in the city where dancing is suffered or permitted, whether or not a fee is charged.

(B) No person, firm or corporation shall operate any dance hall, or suffer or permit dancing in any store, restaurant or other place of business owned or operated by him, her, them or it without first having paid the license tax and obtained a license to do so. Each day the violation continues shall be a separate offense.

(Ord. passed - -) Penalty, see § 113.99

Cross-reference:

Alcoholic beverages, see Ch. 114

§ 113.02 LICENSE TAX ON PINBALL MACHINES OR SIMILAR SLOT MACHINES.

(A) A license tax of \$10 per year is hereby imposed on each pinball or similar slot machine (all gambling machines being specifically excluded herefrom) kept or maintained for or suffered or permitted to be used by the public.

(B) No person, firm or corporation shall keep or maintain any pinball or similar slot machine or suffer or permit the same to be used by the public in the city without first having paid the license tax and obtained a license to do so. Each machine so kept, and each day the violation continues shall be a separate offense. (Ord. passed - -) Penalty, see § 113.99

§ 113.03 VICTROLAS AND NICKELODEONS; LICENSE TAX; NOISE LEVEL REGULATED.

(A) A license tax of \$10 per annum is hereby imposed on every person (owner, proprietor or person in charge) who keeps or maintains in any restaurant, cafe or other place of business, or in any private residence, for use by the public any coin-operated nickelodeon, electric victrola or other like or similar device.

(B) No person shall keep or maintain, and permit to be used by the public, any machine or device as referred to in division (A) of this section without first having paid the license tax. Each day such machine or device is kept or maintained and permitted to be used in violation of this section shall constitute a separate offense.

(C) No person, who keeps or maintains any such machine or device, shall suffer or permit the same to be played louder than is reasonably necessary or proper or so as to disturb the peace. (Ord. passed - -40) Penalty, see § 113.99

POOL ROOMS**§ 113.15 LICENSE REQUIRED; IMPOSITION OF TAX.**

An annual license fee or tax of \$10 is hereby imposed on each pool table, where a fee is charged or collected, directly or indirectly. The license fee or tax shall be paid in advance for the calendar year or pro rata part of the calendar year in which tables are to be operated, all licenses shall expire December 31 of each year, and no person shall operate a pool room or table without having first obtained a license so to do.

A license shall be granted only to persons of good reputation.
(Ord. 2-4-46(B), passed 2-4-46) Penalty, see § 113.99

§ 113.16 HOURS OF OPERATION; CERTAIN CONDUCT PROHIBITED.

No pool room shall open before 6:00 a.m., or be open after 10:00 p.m. on week days or 11:00 p.m. on Saturdays, or at any time on Sundays; and no gambling, betting, drinking, drunkenness, disorderly conduct or sales of alcoholic or intoxicating liquors shall be permitted on the premises.
(Ord. 2-4-46(B), passed 2-4-46) Penalty, see § 113.99

§ 113.17 LOCATION OF POOL ROOM; CLEAR VIEW OF INTERIOR.

No pool room shall be operated at any place except in a building fronting on Oak Street, in the business section, with a full, unobstructed and clear view of the interior from Oak Street.
(Ord. 2-4-46(B), passed 2-4-46) Penalty, see § 113.99

§ 113.18 MINORS TO HAVE WRITTEN PERMISSION OF PARENT TO PLAY.

No minor shall be permitted to play on any table without the prior written permission of the parent, guardian or custodian of the infant, which written permission shall be available for inspection by officers at all times.
(Ord. 2-4-46(B), passed 2-4-46) Penalty, see § 113.99

Statutory reference:

Similar state law, see KRS 436.320

§ 113.19 INSPECTION.

The Chief of Police shall have the right to enter and inspect the pool room at any time.
(Ord. 2-4-46(B), passed 2-4-46)

§ 113.20 NONCOMPLIANCE; LICENSE NULL AND VOID.

Upon violation of any provision of this subchapter or of the Kentucky Revised Statutes governing operation of pool tables, any license granted hereunder shall become and be null and void, and the licensee shall be entitled to no refund of any part of the fee or tax paid.
(Ord. 2-4-46(B), passed 2-4-46)

Statutory reference:

State law governing places of entertainment, see KRS Ch. 231

§ 113.99 PENALTY.

Any person who violates any provision of this chapter for which no penalty is otherwise provided shall be guilty of a misdemeanor and shall be fined not more than \$500 for each offense.

CHAPTER 114: ALCOHOLIC BEVERAGES

Section

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- 114.02 General provisions
- 114.03 City Alcoholic Beverage Control Administrator
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- 114.06 Periodic information to be provided by licensee
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- 114.10 Causes for refusal to issue or renew license and for suspension and revocation of license
- 114.11 Revocation or suspension of license
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§ 114.01 PURPOSE.

It is the purpose of this chapter to promote economic development and tourism within the city by making provision for the sale of alcoholic beverages by the drink at certain restaurants and dining facilities in a manner consistent with the local option election heretofore conducted pursuant to KRS Chapter 242. (Ord. 01-3-5-4, passed 3-12-01)

§ 114.02 GENERAL PROVISIONS.

The provisions of the State Alcoholic Beverage Control laws contained in KRS Chapters 241, 242, 243 and 244, pertaining to licenses and regulations of the State Alcoholic Beverage Control Board, including definitions contained therein, as well as amendments and supplements thereto, are hereby adopted as part of the Alcoholic Beverage Control law of the city, except as otherwise lawfully provided herein. (Ord. 01-3-5-4, passed 3-12-01)

§ 114.03 CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

(A) The City Alcoholic Beverage Control Administrator (the "City Administrator") shall be appointed by the Mayor with the consent of a majority of the members of the City Council, and may be removed by the Mayor with or without cause. No conflict of interest shall be deemed to arise if the individual appointed as City Administrator is also employed by the city in some other capacity.

(B) The City Administrator and his assistants and investigators shall have the full police powers of peace officers, and their jurisdiction shall be coextensive with the boundaries of the city. They, and any city law enforcement officer, may inspect any premises where alcoholic or malt beverages are sold, stored, or otherwise trafficked without first obtaining a search warrant.

(C) The City Administrator and his assistants and investigators are authorized to examine and inspect, at any reasonable time, all books and records required to be maintained by licensees under KRS 244.150. In addition to the reports otherwise required by this chapter, the licensee shall submit to the City Administrator a copy of all reports which the licensee is required or elects to submit to or file with the State Alcoholic Beverage Control Board.

(D) The City Administrator shall have the same powers and duties with respect to suspension and revocation for cause of city licenses as the State Alcoholic Beverage Control Board has with respect to state licenses under KRS 241.060. The City Administrator, on his own initiative or on the complaint of any person, may institute proceedings to revoke or suspend any license issued under this chapter. (Ord. 01-3-5-4, passed 3-12-01)

§ 114.04 LICENSE.

(A) No alcoholic beverages shall be sold in the city except as permitted by the Kentucky Revised Statutes and except by a duly authorized licensee in compliance with the terms and conditions of this chapter.

(B) Restaurants and dining facilities shall be eligible for the license for which provision is made herein if they comply with all of the following requirements:

(1) Such restaurants and dining facilities shall seat a minimum of 100 persons.

(2) Restaurants and dining facilities licensed under this chapter shall have articulated and convincing reasons to anticipate that they will derive a minimum of 70% of their gross receipts from the sale of food as certified by periodic documentation.

(Ord. 01-3-5-4, passed 3-12-01) Penalty, see § 114.99

§ 114.05 LICENSE APPLICATION.

(A) Representatives of restaurants and dining facilities seeking the license for which provision is made herein shall submit a completed application to the City Administrator. The form provided may be the same form utilized by the State Alcoholic Beverage Control Commission (ABC).

(B) Applicants for a license under this chapter shall pay a license fee of \$600 (which is less than the total of the maximum charge for a malt beverage license and the maximum charge for a restaurant wine license under KRS 243.070).

(C) A verified statement of the applicant shall accompany the application, containing the affirmation of the applicant that the applicant anticipates that the gross receipts at the licensed premises through the sale of food shall be equal to or greater than 70% of its total gross receipts.

(D) The applicant for a city license shall tender with its application a consent document, which shall state:

"The undersigned applicant hereby grants its irrevocable consent to the City Alcoholic Beverage Control Administrator, and his duly appointed agents, to come upon and inspect and search the licensed premises at any reasonable time."

(Ord. 01-3-5-4, passed 3-12-01) Penalty, see § 114.99

§ 114.06 PERIODIC INFORMATION TO BE PROVIDED BY LICENSEE.

(A) Applicants to whom a license is issued authorizing the sale of alcoholic beverages pursuant to this chapter shall provide periodic information demonstrating compliance with the continuing requirement that 70% of the applicant's gross income is earned from the sale of food. Such information shall be provided on or before March 31 and on or before September 30 of each year, and shall consist of a certificate from a certified public accountant familiar with the applicant's pertinent business records, which shall state:

"I have conducted a limited scope audit according to accepted accounting principles of the pertinent records of, _____, licensee under Ordinance _____, and certify that the licensee earned at least 70% of its gross receipts from the sale of food during the half year ending (March 1 or September 1)."

(B) The certificate shall contain a brief description of the methodology used in the determination of the certified percentage.

(Ord. 01-3-5-4, passed 3-12-01) Penalty, See § 114.99

§ 114.07 LICENSE RENEWAL.

The license issued pursuant to this chapter shall authorize the sale of alcoholic beverages until the next following June 30. The license may be renewed annually thereafter upon a showing that the criteria therefor have been met, the filing and approval of a renewal application, and the payment of a renewal fee of \$600.

(Ord. 01-3-5-4, passed 3-12-01)

§ 114.08 REGULATORY LICENSE FEE IMPOSED.

(A) For the purpose of full reimbursement to the city of the cost of any police, regulatory, legal, or administrative expenses related to the sale of alcoholic beverages in a manner consistent with this chapter, a Regulatory License Fee is imposed on the gross receipts from retail sales of alcoholic beverages under each license issued pursuant to this chapter. The amount of this fee shall be adjusted from time to time by ordinance so that the same shall be reasonably estimated to insure full reimbursement to the city of the police, regulatory, administrative, or legal expenses herein referred to. The Regulatory License Fee shall be in addition to any other taxes, fees, or licenses permitted by law.

(B) Until adjusted by ordinance as hereinbefore required, the Regulatory License Fee shall be 5% of all sales of alcoholic beverages beginning January 1, 2001.

(C) Payment of the Regulatory License Fee shall accompany tax returns approved for use by the City Administrator, submitted to the City Clerk by the 20th day of each month for the preceding month's sales. There shall be a monthly credit of \$50, representing the pro rata portion of the initial license cost for which provision is made in this chapter.

(D) Failure to pay the monthly remittance within ten days after the due date shall constitute a violation of this chapter, and in addition, shall constitute grounds for an immediate 30 day suspension of the license for which provision is made herein.

(Ord. 01-3-5-4, passed 3-12-01) Penalty, see § 114.99

§ 114.09 ADDITIONAL RESTRICTIONS ON SALE BY LICENSEE.

At no time shall any licensee sell any alcoholic beverage when the licensee does not have food available for sale, and in no event may any alcoholic beverage be sold between the hours of 1:30 a.m. and 6:30 a.m., Monday through Saturday, nor between 12:00 a.m. (midnight) on Saturday and 6:30 a.m. on Monday.

(Ord. 01-3-5-4, passed 3-12-01) Penalty, see § 114.99

§ 114.10 CAUSES FOR REFUSAL TO ISSUE OR RENEW LICENSE AND FOR SUSPENSION AND REVOCATION OF LICENSE.

Causes for the refusal to issue or renew a license or for the suspension or revocation of a license shall be the same as provided for state licenses according to KRS 243.450, 243.490 and 243.500, and in addition thereto shall include the following:

- (A) The failure to obtain or retain a state license;
- (B) The failure to comply with the provisions of this chapter regarding gross receipts from the sale of food or the provisions of this chapter regarding periodic certification from a certified public accountant;
- (C) The failure to pay the Regulatory License Fee when due; and
- (D) The failure to pay any fine for which provision is made herein.
(Ord. 01-3-5-4, passed 3-12-01)

§ 114.11 REVOCATION OR SUSPENSION OF THE LICENSE.

(A) Upon the occurrence of one or more of the causes for revocation and suspension, the City Alcoholic Beverage Control Administrator may, upon his own initiative or upon complaint, give notice requiring the licensee to show cause why a revocation or suspension should not occur and give notice of the time and place of a hearing on possible revocation or suspension. Upon the licensee's failure to show cause, such a suspension or revocation may be ordered by the City Administrator. The licensee shall be afforded the right to:

- (1) Reasonable notice of the charge;
- (2) Representation;
- (3) Presentation of such evidence and witnesses as in its discretion are appropriate to the issues;
and
- (4) A finding reasonably supported by the evidence.

(B) The City Administrator may designate a city employee or other person to act as a hearing officer to conduct the hearing for which provision is hereinbefore made. In the event of such a designation, the Hearing Officer's determination shall be in the form of a recommendation upon which the City Administrator shall determine appropriate action.
(Ord. 01-3-5-4, passed 3-12-01)

§ 114.12 APPEAL.

Appeals from determination of the City Administrator with respect to orders of that officer, including denial of applications or orders suspending or revoking the same, shall be addressed to the State Alcoholic Beverage Control Board in a manner consistent with KRS 241.200.
(Ord. 01-3-5-4, passed 3-12-01)

§ 114.99 PENALTY.

The sale of alcoholic beverages within the city not in conformity with this chapter shall constitute a violation, punishable by fine of up to \$500 for each offense, to be prosecuted as all other municipal ordinance violations are prosecuted. Each day of each violation shall constitute a separate offense.
(Ord. 01-3-5-4, passed 3-12-01)