

410-12-25-106

COMMONWEALTH OF KENTUCKY  
HENRY COUNTY FISCAL COURT  
ORDINANCE NO. \_\_\_\_\_

***AN ORDINANCE RELATING TO THE CONTROL OF  
ALCOHOLIC BEVERAGES IN HENRY COUNTY  
AND THE RETAIL SALE OF ALCOHOL AND ALL ALCOHOLIC  
BEVERAGES INCLUDING DISTILLED SPIRITS AND WINE,  
MALT BEVERAGES, AND BEER***

WHEREAS, Henry Fiscal Court has the authority pursuant to the provisions of K.R.S. §67.083 (n), and other applicable laws to pass ordinances regulating the sale and transfer of alcoholic beverages; and

*WHEREAS, the retail sale and retail transfer of alcoholic beverages is now authorized in Henry County pursuant to elections held under K.R.S. Chapters 242 and 243, said citizens of Henry County voting to allow said retail sale and retail transfer of alcoholic beverages; and,*

*WHEREAS, Henry Fiscal Court finds it necessary to regulate said retail sale and retail transfer of packaged alcohol, malt beverages, wine, and all alcoholic beverages as covered under Section IV of this Ordinance and KRS 243.060.*

**NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF HENRY COUNTY, COMMONWEALTH OF KENTUCKY THE FOLLOWING:**

**ARTICLE I. IN GENERAL**

**Purpose**

The purpose of this Ordinance is to establish uniform regulations and requirements for the licensing and regulation of alcoholic beverage sales pursuant to KRS Chapters 241-244 for retail licenses as listed under KRS 243.060. Retail licenses as listed under KRS 243.060 and Section IV of this ordinance will be allowed upon the second reading of this ordinance pursuant to the local option election held December 15, 2015.

**Definitions:**

The definitions of the words used throughout this Ordinance, unless the context requires otherwise, shall have the same meaning as those set out in Kentucky Alcoholic Beverage Control law (KRS Chapters 241, 242, 243 and 244) of the Commonwealth of Kentucky and all amendments and supplements thereto.

**Scope**

This Ordinance shall only apply to the sale of malt, wine and distilled spirits on the premises of the licensee. Nothing in this Ordinance shall excuse or relieve the licensee, or the agent or any employee of any licensee thereof from the restrictions, requirements and penalties of any other Ordinance or Ordinances of the County or of any statutes of the Commonwealth of Kentucky relating to violations pertaining to alcoholic beverages.

**Adoption of State Alcoholic Beverage Control Law**

The provisions of the Alcoholic Beverage Control Law of the Commonwealth of Kentucky (KRS Chapters 241, 242, 243 and 244) and all amendments and supplements thereto, are adopted so far as applicable to this Ordinance except as otherwise lawfully provided herein.

**ARTICLE II. LICENSES**

**Scope**

Under this Ordinance a license shall only be extended to the owners and/or operators of those establishments which qualify under KRS 242.1244. This ordinance shall apply to the sale of alcoholic beverages, including but not limited to, malt liquor, beer, wine and distilled spirits on the premises of the license.

**ARTICLE III. DUTIES OF THE OFFICE OF THE COUNTY  
ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR**

- (a) The Henry County Judge-Executive shall appoint an official as the County Alcoholic Beverage Control Administrator (hereinafter referred to as the County ABC Administrator), and may affix proper compensations determined by the Court.
- (b) The County Judge-Executive may from time to time appoint such additional personnel as is necessary to assist the County ABC Administrator in the administration of this Ordinance with approval from Fiscal Court.
- (c) The salary for the office of the County ABC Administrator, if any, together with the salaries of any other personnel assisting the County ABC Administrator shall be fixed from time to time by Fiscal Court.
- (d) The functions of the County ABC Administrator shall be the same with respect to county license and regulations as the function of the Alcoholic Beverage Control Board of the Commonwealth of Kentucky (hereinafter referred to as the ABC Board) with respect to state licenses and regulations, except that no amendment to these regulations proposed by the County ABC Administrator may be less stringent than the statutes relating to alcoholic beverage control, or than regulations of the ABC Board. No regulation of the County ABC Administrator shall become effective until it has first been appropriately approved by Fiscal Court.
- (e) No person shall be a County ABC Administrator, an investigator or an employee of the County under the supervision of the county ABC Administrator, who would be disqualified to be a member of the ABC Board under KRS 241.100.
- (f) The County ABC Administrator shall have all authority as authorized under Chapters 241 through 244 of the Kentucky Revised Statutes.



- (g) The County ABC Administrator shall before entering upon his or her duties as such 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).
- (h) Appeals from the orders of County ABC Administrator may be taken pursuant to statute. Appeals from the orders of the County ABC Administrator shall be governed by KRS Chapter 13B.

#### **ARTICLE IV. APPLICATION/LICENSES**

- (a) All licenses granted under this Ordinance shall be approved by the County ABC Administrator. Applications for the issuance of new licenses and for renewals of existing licenses shall be in writing and upon the forms provided by the ABC Board and Henry County, as amended and supplemented from time to time.
- (b) The application shall be verified and shall set forth in detail such information concerning the applicant and the premises for which the licenses is sought as required by the Kentucky Revised Statutes, and the ABC Board and Henry County, including as follows:
  - 1) Name and Address;
  - 2) Nature of interest;
  - 3) Whether or not a citizen of the United States;
  - 4) Date of birth;
  - 5) Date residence was established in Kentucky, if a resident of Kentucky. If Henry County resident indicate when residence was established;
  - 6) Whether or not he or she has any interest in any other license or corporation or partnership holding a license under this Ordinance;
  - 7) Extent of stock ownership;
  - 8) Whether or not he or she has any interest in any license or corporation or partnership holding a license in any other state or province.
- (c) Each application shall be accompanied by a check, cash or a postal or express money order for the license fee.
- (d) All County Licenses shall be in such form as may be prescribed by the Fiscal Court and shall contain:



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- 1) The name and address of the licensee;
- 2) The number of license;
- 3) The type of license;
- 4) A description by street and number, or otherwise, of the licensed premises;
- 5) The name and address of the owner of the building in which the licensed premises are located;
- 6) The expiration date of the license;
- 7) 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.

(g) All licenses approved by the County ABC Administrator and issued by Henry County shall begin on July 1 of any year and shall expire on June 30 of the following year.

(h) The renewal by the County ABC Administrator of the license shall not be construed to be a waiver or acceptance of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee.

(i) Any licenses issued after January 1 of any year shall be assessed a fee equal to one-half ( $\frac{1}{2}$ ) of the annual fee for the remainder of the license period.

(j) In the event a violation of this Ordinance occurs that requires the revocation of the license, the County shall not be required to refund any portion of the license fee.

(k) In the event of a violation of this Ordinance occurs that requires the revocation of the license, the licensee must wait for a period of 2 years before they can reapply for a license.

### **Fees Pursuant to KRS 243.060**

County licenses shall be issued by the County ABC Administrator upon receipt of notice from the ABC Board Administrator of the finality of appeal or protest permitted upon such license pursuant to the provisions of KRS 243.360, and the fact the ABC Board Administrator has approved the applicant's state application.

License Fees for retail alcohol sales including but not limited to beverage by the drink, shall be pursuant KRS 243.060 as follows;

- (a) **Quota retail package license**, (includes distilled spirits and wine) per annum..... **\$100.00**
- (b) **Non-Quota type 1 retail drink license** (includes distilled spirits, wine and malt beverages), onboard airplane, railway, automobile race track, horse track, convention center or state park, per annum ..... **\$100.00**
- (c) **Non-quota type 2 retail drink license** (includes distilled spirits, wine, and malt beverages), for restaurants (50% food sales), motel/hotel, distillery, airport, riverboat, small farm winery or entertainment destination center, per annum..... **\$100.00**
- (d) **Non-quota type 3 retail drink license** (includes distilled spirits, wine, and malt beverages), private social club, bed and breakfast or dining car, per annum..... **\$100.00**
- (e) **Non-quota type 4 retail malt beverage drink license**, microbrewery, small farm winery, service station or other business selling for consumption on premises, per annum..... **\$100.00**
- (f) **Special Sunday retail drink license** (includes distilled spirits, wine and malt beverages) by drink only, per annum ..... **\$100.00**
- (g) **Non-quota retail malt beverage package license**, per annum. **\$100.00**
- (h) **Limited restaurant retail drink license** (includes distilled spirits, wine, and malt beverages), (70% food sales) per annum..... **\$100.00**
- (i) **Limited golf course retail drink license** (includes distilled spirits, wine, and malt beverages), per annum..... **\$100.00**
- (j) **Qualified Historic Site retail drink license** (includes distilled spirits, wine and malt beverages) per annum..... **\$100.00**
- (k) **Special temporary retail drink license**, non-profit event only **\$100.00**

1. The holder of a non-quota 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 Non-quota type 4 malt beverage drink license may obtain a Non-quota retail malt beverage package license for a fee of fifty dollar (\$50).
2. Any amount paid to any city within the county as a license fee for the same privilege for the same year may be credited against the county license fee.
3. If any part of this section is held invalid, all of this section and of KRS 243.600 shall also be considered invalid.

**Effective:** June 25, 2013

**History:** Amended 2013 Ky. Acts ch. 121, sec. 54, effective June 25, 2013. -- Amended 2004 Ky. Acts ch. 20, sec. 7, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 346, sec. 219, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 518, sec. 4, effective April 13, 1998. -- Amended 1978 Ky. Acts ch. 432, sec. 3, effective June 17, 1978. -- Amended 1972 Ky. Acts ch. 335, sec. 2. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 2554b-112, 2554b-221.



**Revocation or Suspension**

- (a) Any license may be revoked or suspended by the County ABC Administrator if the licensee shall have violated any of the provisions of Kentucky Revised Statutes Chapters 241, 243 or 244, or any rule or regulation of the manufacture, sale and transportation or taxation of alcoholic beverages or if such licensee shall have violated or shall violate any act of congress or any rule or regulation of any federal board, agency or commission, or this Ordinance now, heretofore, or hereafter in effect relating to the regulation of the manufacture, sale and transportation or taxation of intoxicating liquors terms of Kentucky Revised Statutes Chapters 241, 243, and 244 to be created, referred to, irrespective of whether the license knew of or permitted the violation or whether the violation was committed on disobedience of his instructions, or any such license may be revoked or suspended for any cause which the County ABC Administrator in the exercise of his or her sound discretions deems sufficient.
- (b) A license may be revoked for any of the reasons for which the County ABC Administrator would have been required to refuse a license if the facts had been known.
- (c) Any license may be revoked or suspended for the following causes:
  - 1) Conviction of the licensee or his agent or employee for selling any illegal beverages on the premises licensed.
  - 2) Making any false material statements in an application for a license.
  - 3) If within a period of two (2) consecutive years, any licensee or any of his clerks, servants, agents or employees of the licensee shall have been convicted of two (2) violations of the terms and provisions of KRS Chapters 241, 243, and 244 or any act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if within such period, any licensee or any of the clerks, servants, agents or employees of the licenses shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages, or of any one (1) such felony and one (1) such misdemeanor.

**Notice to Licensee; Surrender of License; Hearing**

- (a) Within three (3) days after any order of revocation of a license becomes final, notice of revocation shall be given to the licensee and to the owner of the licensed premises. A notice mailed to the licensee and to the owner of the licensed premises at the address shown in the last application for a license or in the last statement supplemental to the application shall be deemed sufficient compliance with this section. The licensee shall at once surrender his license to the County ABC Administrator. If the revoked license is not forthwith surrendered by the licensee, the Henry County Sheriff's Office at the request of the County ABC Administrator shall immediately cause one of its deputies to take physical possession of the license and return it to the County ABC Administrator.
- (b) When a license has been revoked the former licensee may, with prior approval of the County ABC Administrator, dispose of and transfer his stock of alcoholic beverages to an appropriate entity.
- (c) Appeal from the decision of the County ABC Administrator shall be to the ABC Board.
- (d) If a license is revoked or suspended by an order of the County ABC Administrator, the licensee shall at once suspend all operations authorized under his license.

**Transfer or Assignment:**

No License issued under this Ordinance shall be transferred or assigned either as to licensee or location except with prior approval of the County ABC Administrator and not then until payment of one hundred dollars (\$100.00) shall be made to the County ABC Administrator.

**Refusal of License:**

The County ABC Administrator may refuse to issue or renew a license for any of the following reasons:

- (a) Causes for refusal to issue or renew a license and for suspension or revocation of a county license shall be the same as provided for state licenses according to KRS 243.450, 243.490 and 243.500, as well as violation of any county ordinance regarding alcoholic beverage licensing, sales or the administration thereof.



- (b) If the applicant has done any act for which a revocation of license would be authorized; or
- (c) If the applicant has made any false material statement in his application.

A license (new issuance, transfer or renewal) may be refused by the County ABC Administrator for any reason which he or she, in the exercise of his or her sound discretion, may deem sufficient.

#### **Regulatory License Fee Description and Reporting**

- (a) A regulatory license fee is imposed on the gross receipts of sale of alcoholic beverages of each license issued by the County ABC Administrator. The license fee shall be **six percent (6%) of gross** sales of alcoholic beverages as set by Fiscal Court. This regulatory license fee will help to offset the increased costs of the county's administration, regulation, and law enforcement associated with the county's adoption of the sale of retail package alcohol sales.
- (b) Payment of such regulatory fees shall be remitted to the County Treasurer, and shall accompany the forms and documentation approved for such use by Fiscal Court. These returns and payments are due no later than by the **end of the month immediately following each calendar quarter** at which time the annual license fees shall be deducted as credit. Any licensee that does not accrue enough quarterly regulatory fees by the end of the fiscal year (June 30) to use all of their annual fee credit shall forfeit the rest of that fee to the county.
- (c) **Any such quarterly remittance fees that are not on file with the ABC Administrator within 30 days of the last day of the quarter shall be given a 30 day grace period, during which no alcoholic beverage activity can be performed and if the fees are not paid by the end of the 30 day grace period, the license shall be revoked and the applicant must wait 2 years before they can reapply for a license.**

#### **Change of Information**

- (a) Since licenses issued by the county may be in the name of a corporation, it is necessary that stock ownership changes in such corporation be reported to the County ABC Administrator. The County ABC Administrator can therefore investigate the person to

whom the stock is transferred in order to ascertain whether that person is precluded by statute from holding an interest in an alcoholic beverage license.

- (b) As used herein, the word "change" is construed to include any change in directors or officers of the corporation, or change in ownership of stock whereby any person secures ten percent (10%) of the outstanding stock. Transfer of more than ten percent (10%) of the total stock shall require a new license.
- (c) The following information will be required concerning any new director, officer, or person securing any interest in alcoholic beverage license:

- 1) Name and address;
- 2) Nature of interest;
- 3) Whether or not a citizen of the United States;
- 4) Date of birth;
- 5) Date residence was established in Kentucky, if a resident of Kentucky. If a Henry County resident indicates when residence was established;
- 6) Whether or not he or she has any interest in any other license or corporation or partnership holding a license under this act;
- 6) Extent of stock ownership;
- 7) Whether or not he or she has any interest in any license or corporation or partnership holding a license in any other state or province.

This information shall be filed with the County ABC Administrator as an amendment of the application pursuant to which the license was granted.

#### **License Renewal**

- (a) All State and County licenses expire on **June 30**, renewal applications and fees for the County licenses must be on file with the County ABC Administrator .
- (b) **Any license renewal application fees that are not on file with the ABC Administrator by June 30, shall be given a 30 day grace period, during which no alcoholic beverage activity can be performed and if the fees are not paid by the end of the 30 day**



**grace period, the license shall be revoked and the applicant must wait 2 years before they can reapply for a license.**

(c) All state license applications and renewals are handled totally paperless on line at the State ABC portal.

#### **ARTICLE V. HOURS FOR SALE**

All licensees shall be permitted to sell or dispense distilled spirits, wine and/or malt beverages by drink or package based on their type of license, **Monday through Saturday 6:00 a.m. to 12:00 Midnight.**

All licensees shall be allowed to sell or dispense distilled spirits, wine and/or malt beverages by drink or package based on their type of license between the hours of **12:00 noon and 11:00 p.m. on Sundays.**

Any sales of alcoholic beverages by drink on Sunday will require the additional Sunday sales drink license. Package Sunday sales will not require a Sunday sales license.

#### **ARTICLE VI. MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING**

(a) Persons employed in the selling and servicing of alcoholic beverages shall participate in and complete a County-approved responsible beverage service training program. The County will **require participation in the STAR training program. THE MANDATORY PARTICIPATION IN THE STAR TRAINING PROGRAM INCLUDES ALL PERSONS EMPLOYED IN ANY BUSINESS IN HENRY COUNTY INVOLVED IN THE SALE OF RETAIL PACKAGED ALCOHOL INCLUDING BEER, WINE, AND MALT LIQUORS.**

(b) Persons required to complete training under paragraph (a) above shall complete that training within ninety (90) days of the date on which the person first becomes subject to the training requirement. All persons completing the training required by this section shall be re-certified in responsible beverage service training from a program approved by the County not less than once every three (3) years thereafter.

- (c) The manager of the business shall be responsible for compliance with the training requirements and shall maintain for inspection by the County ABC Administrator all current STAR Training Certificates. These **certificates must be on the premises**, with easy access for inspection at all times, either displayed with the county and state license or at the checkout counter where all employees have knowledge of them and access to them.
- (d) The Applicant and Licensee must file STAR Training Certificate of Completion on **all new employees** or renewed training certificates when the Quarterly Reports are filed with the County ABC Administrator.
- (e) **Any licensee who has an employee involved in alcoholic beverage activity who has not completed the STAR Training after the 90 day grace period shall be given a 30 day additional grace period during which no alcoholic beverage activity can be performed and if the employee has not completed the training after the 30 day period the license shall be revoked and the licensee must wait 2 years before reapplying.**

#### **ARTICLE VII. NOISE**

No licensee shall be permitted to have live music entertainment on retail premises between the hours of **11:00 p.m. and 9:00 a.m. on Sunday-Thursdays** or between **12:01 a.m. and 9:00 a.m. Saturday and Sunday**. No licensees having live music on the premises shall serve any malt beverage, wine or distilled spirits beverage after 12:00 midnight on any day. All licensees having live music on the premises shall close and shall not do business between the hours of 12:30 a.m. and 9:00 a.m. Live music as defined herein shall include but not be limited to live bands, singers, disc jockeys, juke boxes, musical instruments and music of any other kind and presented in any format or through any device.

#### **SEVERABILITY**

If any section, sentence, clause, or portion of this Ordinance is for any reason declared illegal, unconstitutional, or otherwise invalid, such declaration shall not affect the remaining portions thereof.



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**EFFECTIVE DATE**

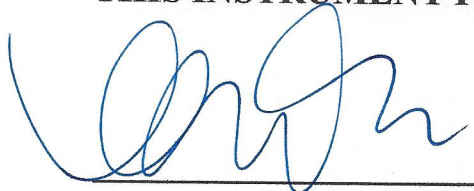
APPROVED this 16<sup>th</sup> day of December, 2025, by the  
Henry County Fiscal Court

  
\_\_\_\_\_  
SCOTT BATES  
HENRY COUNTY JUDGE/EXECUTIVE

ATTEST:

  
\_\_\_\_\_  
TRAVIS BUCHANAN, DEPUTY JUDGE/EXECUTIVE  
HENRY COUNTY FISCAL COURT

THIS INSTRUMENT PREPARED BY:

  
\_\_\_\_\_  
HON. KASSIDY ESTES  
HENRY COUNTY ATTORNEY  
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Date of First Reading - 11-11-25

Date of Second Reading – 12-16-25