

ORDINANCE 867 - 2019

**AN ORDINANCES OF THE CITY OF DRY RIDGE, GRANT COUNTY, KENTUCKY,
AMENDING THE ALOHOLIC BEVERAGE CONTROL ORDINANCES 805-2016**

WHEREAS, the City of Dry Ridge has adopted Ordinances 805-2016 regarding the manufacture and trafficking in Alcoholic Beverages within the city limits of Dry Ridge on March 1, 2016;

WHEREAS, the City Council has already made provisions for the moment when Dry Ridge becomes a Qualified City to enact a regulatory license fee in Section 2.6 of Ordinance 805-2016;

WHEREAS, in the last legislative session the General Assembly passed Senate Bill 29, which qualifies Dry Ridge to collect a Regulatory License Fee under KRS 243.075;

WHEREAS, it is the intention of the City of Dry Ridge to exercise the authority granted by the State;

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

(Strikethrough portions are to be deleted; underlined portions are to be added as required by KRS 83A.060(3))

SECTION 1. ARTICLE II SECTION 2.6 REGULATORY LICENSE FEE AS AMENDED

Sec. 2.6.1. Pursuant to KRS 243.075 and KRS 242.185(5), ~~at such time as the City of Dry Ridge meets the requirements to impose a regulatory fee, the city shall impose a regulatory license fee~~ Dry Ridge hereby imposes a regulatory license fee on the sale of alcoholic beverages under each of the licenses issued by the Administrator. The regulatory license fee at the time of adoption shall be initially assessed at 5% based on of the gross sales on all alcoholic beverages sold by the drink or gross sales of packaged distilled spirits, wine or malt beverages. Thereafter, the City Council shall ~~adopt~~ adjust the rate of the regulatory license fee at the budget adoption for each subsequent fiscal year, ~~such annual rate for the regulatory license fee as shall be reasonably estimated~~ based on reasonable estimations to ensure full reimbursement to the city for the cost of any additional policing, regulatory, or administrative expense related to the sale of alcoholic beverages in the city. Should the city fail to address the regulatory license fee in any budget, then the regulatory license fee shall remain at the level at which it was last fixed until such time as the City Council shall adjust the fee.

Sec. 2.6.2. Payment of such regulatory fee shall be remitted to the Administrator, and shall be held in a separate account maintained for the purpose of fully reimbursing the city for the estimated cost of any additional policing, regulatory or administrative expense related to the sale of alcoholic beverages in the city. The regulatory license fee shall be in addition to any other taxes, fees or licenses permitted by law, except that credit of against a regulatory license fee in the city shall be allowed in an amount equal to any license fee imposed by the city pursuant to KRS 243.070. Payment of the regulatory license fee shall accompany the license fee return approved for such use

by the City Council. The return and payment are due no later than ~~by the last business~~ the twentieth (20th) day immediately following each calendar ~~quarter~~ month. Each month ten percent (10%) of the license fee shall be credited to the business's regulatory license fee obligation for the first 10 months of the license period.

Sec. 2.6.3. The regulatory license fee is due on the twentieth (20th) day of the following month for the prior month's license fee. On the last business day of each month, the city shall mail a reminder to each business subject to the regulatory license fee that payment is due on the 20th day of the following month. If the 20th falls on a Saturday or a Sunday, the due date is the following business day. Payments can be made by either cash, credit card, check or money order by mail to the ABC Administrator at P.O. Box 145, 31 Broadway Street, Dry Ridge, Kentucky 41035. Checks shall be made payable to the "City of Dry Ridge c/o ABC Administrator." Dry Ridge shall also accept payments in person at the City Building at 31 Broadway Street, Dry Ridge 41035. Failure to pay such ~~quarterly~~ monthly remittance by the due date constitutes a violation and will subject licensee to suspension or revocation.

Sec. 2.6.4. Penalty for failure to file a return and pay ~~quarterly~~ monthly remittance by the due date is five percent (5%) of the tax for each thirty (30) days or fraction thereof. The total late filing penalty shall not exceed twenty-five percent (25%) of the fee; provided, however, that in no case shall the penalty be less than ~~ten dollars (\$10.00)~~ twenty-five dollars (\$25.00).

Sec. 2.6.5. Interest at the rate of ~~eight (8%)~~ twelve (12%) per annum will apply to any late payments.

Sec 2.6.6. Pursuant to Section 3 of 804 KAR 10:031, the estimation of the costs shall be based on the following categories from the Calculation Form for Alcohol Regulatory Fee in First Year Following Repeal of Prohibition. The city shall keep a detailed account of the costs related to the categories assessed each fiscal year so that the City may assess the necessity of the regulatory license fee. (a) Additional personnel costs, including, but not limited to, salaries of administrative staff and increased bond or liability costs; (b) Additional costs of equipment and office supplies directly related to the administration and regulation of alcoholic beverage control laws; (c) Additional costs of office space, utilities, and communications and technology expenses for the alcoholic beverage control administrator and other staff necessary for the administration and regulation; (d) Additional travel expenses incurred for policing, administration, and regulation of alcoholic beverages within the jurisdiction; (e) Policing expenses, including but limited to, additional police staff and costs directly related to all alcohol-related incidents and responses; (f) Miscellaneous costs directly related to the discontinuance of prohibition which shall be specifically described as to its necessity.


Sec. 2.6.7. The first regulatory license fee shall be due on September 20, 2019. The ABC Administrator shall have until August 31, 2019 to take all necessary steps to implement the provisions of this ordinance.

PUBLICLY INTRODUCED AND READ FIRST TIME: June 10, 2019

PUBLICLY READ SECOND TIME AND PASSED: June 13, 2019

PASSED, ORDAINED, APPROVED AND ORDERED PUBLISHED ON THE 13 DAY OF
June 2019:

APPROVED: 
Greg Brockman, Mayor

ATTEST: 
Amy Kenner, City Clerk