

**ORDINANCE 25-2023**

**AN ORDINANCE AMENDING CHAPTER 3, ARTICLE I, SECTION 3-8 OF THE OWENSBORO MUNICIPAL CODE TO EXPAND THE SALE OF ALCOHOLIC BEVERAGES ON CHRISTMAS EVE AND NEW YEAR'S EVE WHEN THOSE HOLIDAYS FALL ON A SUNDAY, FROM 6:00 A.M. UNTIL 2:00 A.M. THE FOLLOWING DAY.**

**WHEREAS**, Kentucky law prohibits the sale of alcoholic beverages on Sundays unless a local government passes an ordinance expanding the sale of alcoholic beverages in its jurisdiction; and

**WHEREAS**, on December 19, 2017, the Board of Commissioners passed Ordinance 34-2017, which amended Chapter 3, Article I, Section 3-8 of the Owensboro Municipal Code to expand the hours for the sale of alcoholic beverages on New Year's Eve when it falls on a Sunday until 2:00 a.m. the following day; and

**WHEREAS**, citizens and businesses have requested that the City of Owensboro expand the sale of alcoholic beverages on Christmas Eve and New Year's Eve when those holidays fall on a Sunday, from 6:00 a.m. until 2:00 a.m. the following day.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF OWENSBORO, KENTUCKY, AS FOLLOWS:**

**Section 1.** That Chapter 3, Article I, Section 3-8 of the Owensboro Municipal Code be, and the same is hereby amended, to read as follows:

Sec. 3-8. - Hours for the sale of alcoholic beverages established; prohibited hours for the sale of alcoholic beverages; Sunday sales in qualified establishments; penalty.

- (a) All premises for which a license has been granted by the commonwealth and the city, to sell distilled spirits and wine and/or malt beverages, may remain open for

business on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, from 6:00 a.m. until 2:00 a.m. the following day (prevailing time).

- (b) All premises for which a license has been granted by the commonwealth and the city, to sell distilled spirits and wine and/or malt beverages, may remain open for business on Sunday, from 11:00 a.m. until 12:00 a.m. the following day (prevailing time), provided however, when Christmas Eve and New Year's Eve fall on a Sunday, licensees may remain open on those holidays between the hours of 6:00 a.m. and 2:00 a.m. the following day. ~~[in years in which New Year's Eve falls on a Sunday, licensees may remain open and alcoholic beverages for which the licensee is licensed to sell may be sold until 2:00 a.m. on Monday January 1.]~~
- (c) Premises whose primary business is not the sale of alcoholic beverages may remain open for business during hours in which alcoholic beverages are not allowed to be sold, so long as the licensee keeps all distilled spirits and wine in a locked or closed off area.
- (d) Premises whose primary business is the sale of alcoholic beverages by the drink or package must be, during the closing hours, closed to and vacant of all customers and all persons except the licensee and his employees, who shall be allowed on the premises for business purposes only.
- (e) No alcoholic beverages of any kind may be sold on any other date, time or occasion when prohibited by federal or state law.
- (f) In addition to required state licenses, all licensees desiring to sell distilled spirits and wine by the drink on Sunday within the time prescribed hereinabove, must purchase the appropriate licenses from the city, through the alcoholic beverage control administrator, for the Sunday sales, as required in section 3-31.
- (g) *Rebuttable Presumption.* If any distilled spirits, wine or malt beverages are kept on the outside of the locked and closed-off department of any licensed premises during any period of time in which the licensee is prohibited by law from selling distilled spirits, wine or malt beverages, a rebuttable presumption shall arise that such distilled spirits, wine or malt beverages were kept on the outside of the

locked and closed-off department with the intention and for the purpose of sale in violation of the law and shall be grounds for revocation or suspension of the license.

**INTRODUCED AND PUBLICLY READ ON FIRST READING**, this 7<sup>th</sup> day of November, 2023.

**PUBLICLY READ AND APPROVED ON SECOND READING**, this the 21<sup>st</sup> day of November, 2023.

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Thomas H. Watson, Mayor

ATTEST:

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Beth Davis, City Clerk