

**CITY OF SHIVELY  
ORDINANCE NO. 7, SERIES 2021**

**AN ORDINANCE REPEALING AND REPLACING, SHIVELY CODIFIED  
ORDINANCE CHAPTER 114, SECTION 114.40, (ORD. NO. 10, SERIES 1995;  
ORD. NO. 7, SERIES 2005; ORD. NO. 6, SERIES 2010; ORD. NO. 4, SERIES  
2013; ORD. NO. 7, SERIES 2015), ALCOHOLIC BEVERAGES, HOURS, AND  
ALL AMENDMENTS THERETO, CONCERNING THE HOURS OF SALE OF  
ALCOHOLIC BEVERAGES IN THE CITY OF SHIVELY**

**WHEREAS**, the City Council of the City of Shively, Kentucky adopted Chapter 114, Section 114.40 of its codified ordinances, namely, (Shively Ordinance No. 10, Series 1995, Shively Ordinance No. 7, Series 2005, Shively Ordinance No 6, Series 2010, Shively Ordinance No. 4, Series 2013, and Shively Ordinance No.7, Series 2015) relating to hours of alcohol sales, including any and all amendments thereto, and

**WHEREAS**, the City Council of the City of Shively has determined that it is necessary, desirable and in the best interest of the public for the City of Shively to repeal and simultaneously replace Chapter 114, Section 114.40, including any and all amendments thereto, to regulate the hours for the sale of distilled spirits and malt beverages in the City of Shively, now therefore:

**BE IT ORDAINED BY THE CITY OF SHIVELY:**

**SECTION 1:** Chapter 114, Section 114.40, (Shively Ordinance No. 10, Series 1995, Shively Ordinance No. 7, Series 2005, Shively Ordinance No 6, Series 2010, Shively Ordinance No. 4, Series 2013, and Shively Ordinance No.7, Series 2015) relating to hours of alcohol sales, including any and all amendments thereto, is hereby repealed in its entirety.

**SECTION 2:** A new Chapter 114, Section 114.40, of the Shively codified ordinances is hereby adopted as follows:

**SECTION 114.40 LIQUOR HOURS OF SALE; BEER HOURS OF SALE**

**1. LIQUOR; HOURS OF SALE**

(A) Retail package distilled spirits and wine. The lawful operating hours for a licensee to sell, permit to be sold, or deliver spirits or wine are as follows:

- (1) Between the hours of 6 a.m. and 12 a.m. on Monday through Saturday;
- (2) Between the hours of 1 p.m. and 11:59 p.m. on Sunday; and
- (3) Between the hours of 12 a.m. and 2 a.m. on any day of the week if the licensee has an extended hour supplemental license.

(B) Retail drink distilled spirits and wine. The lawful operating hours for a licensee to sell, serve, or permit the consumption of distilled spirits or wine are as follows:

- (1) Between the hours of 6 a.m. and 12 a.m. on Monday through Saturday
- (2) Between the hours of 1 p.m. and 11:59 p.m. on Sunday, unless the licensee has a special Sunday retail drink license that allows operating hours to begin at 10 a.m. To be eligible for the special Sunday retail drink license, the licensee must receive at least 50% of its gross receipts from the sale of food or have one of the following licenses set forth in Kentucky Revised Statute: qualified historic site license (KRS 243.0420, nonquota type 1 (KRS 243.082), or nonquota type 2 (KRS 24.084); and
- (3) Between the hours of 12 a.m. and 4 a.m. on any day of the week if the licensee has an extended hour supplemental license.

(C) Derby Exception. Notwithstanding subsections (A) and (B), retail drink and retail package licensees may sell, serve, deliver, permit to be sold, or permit the consumption of distilled spirits and wine on the first Saturday of May between the hours of 12 a.m. and 11:59 p.m.

(D) The Alcoholic Beverage and Control Administrator may issue an extended hours supplemental license to any person, firm or corporation holding a license to sell distilled spirits and wine at retail upon payment in advance to the city Alcoholic Beverage Control Administrator in an amount determined by the Alcoholic Beverage Control Administrator and as set forth in the license application.

## **2. BEER; HOURS OF SALE**

(A) Retail malt beverage package. The lawful operating hours for a licensee to sell, permit to be sold, or deliver malt beverages are as follows:

- (1) Between the hours of 6 a.m. and 12 a.m. on Monday through Saturday;
- (2) Between the hours of 1 p.m. and 11:59 p.m. on Sunday; and
- (3) Between the hours of 12 a.m. and 2 a.m. on any day of the week if the licensee has an extended hours supplemental license.

(B) Retail malt beverage drink. The lawful operating hours for a licensee to sell, serve, or permit the consumption of malt beverages are as follows:

- (1) Between the hours of 6 a.m. and 12 a.m. on Monday through Saturday;
- (2) Between the hours of 1 p.m. and 11:59 p.m. on Sunday, unless the licensee has a special Sunday malt beverage retail drink license that allows operating hours to begin at 10 a.m. To be eligible for the special Sunday retail drink license, the licensee must receive at least 50% of its gross receipts from the sale of food or have one of the following licenses set

forth in Kentucky Revised Statute: qualified historic site license (KRS 243.042), nonquota type 1 (KRS 243.082), or nonquota type 2 (KRS 243.084); and

(3) Between the hours of 12:00 a.m. and 4 a.m. on any day of the week if the retail premise has an extended hours supplemental license.

(C) Derby exception. Notwithstanding subsections (A) and (B), retail drink and retail package licensees may sell, serve, deliver, permit to be sold, or permit the consumption of malt beverages on the first Saturday in May between the hours of 12 a.m. and 11:59 p.m.

(D) The Alcoholic Beverage and Control Administrator may issue an extended hours supplemental license to any person, firm or corporation holding a license to sell malt beverages at retail, upon payment in advance to the city Alcoholic Beverage Control Administrator in an amount determined by the Alcoholic Beverage Control Administrator and as set forth in the license application.

**SECTION 3:** The applicability of the new hours of alcohol sales set forth in this ordinance shall not affect a current license holder until the current license cycle expires in 2021 at which point any new license issued shall be subject to the terms set forth in this ordinance.

**SECTION 4:** The sections of this ordinance shall be severable and any provision herein found to be unenforceable shall not affect the validity of the remaining provisions hereof.

**SECTION 5:** This ordinance shall take effect upon its adoption by the Shively City Council and publication as required by law.

**FIRST READING: MAY 3, 2021**

**SECOND READING: JUNE 7, 2021**

**PASSED AND APPROVED June 7, 2021**

**ENTERED THIS 7 DAY OF June 2021.**

**Introduced by:**

*Beverly Chester-Burton*

**Beverly Chester-Burton, Mayor**

Attest: *Mitzi R. Kasitz*

**Mitzi R. Kasitz, City Clerk**

<b>Council</b>	<b>Yea</b>	<b>Nay</b>
Ms. Baker	✓	—
Mr. Burrell	✓	—

Ms. Burton-McBroom

✓ \_\_\_\_\_

Ms. Johnson

✓ \_\_\_\_\_

Ms. Thompson

✓ \_\_\_\_\_

Mr. Vincent

ABSENT \_\_\_\_\_