

**CITY OF SHIVELY
ORDINANCE NO. 13, SERIES 2023
CERTIFIED SUMMARY**

**AN ORDINANCE AMENDING SHIVELY CODIFIED ORDINANCE CHAPTER 114,
SECTION 114.40, (ORD. NO. 7, SERIES 2021) RELATING TO RETAIL PACKAGE
ALCOHOL SALES HOURS ON CHRISTMAS EVE AND NEW YEAR'S EVE IN THE
CITY OF SHIVELY**

I hereby certify that the foregoing amended ordinance provides for retail package alcohol sales to take place between the hours of 6:00 a.m. and 11:59 p.m. on Sundays but only when Christmas Eve and New Year's Eve fall on a Sunday.

The complete text of said ordinance may be read at the office of the Shively City Clerk, Shively City Hall, 3920 Dixie Highway, Shively, Kentucky 40216.



Finn Cato
CATO LAW OFFICE PLLC
2950 Breckenridge Lane, Suite No. 3
Louisville, KY 40220
Shively City Attorney

**CITY OF SHIVELY
ORDINANCE NO. 13, SERIES 2023**

**AN ORDINANCE AMENDING SHIVELY CODIFIED ORDINANCE CHAPTER
114, SECTION 114.40, (ORD. NO. 7, SERIES 2021) RELATING TO RETAIL
PACKAGE ALCOHOL SALES HOURS ON CHRISTMAS EVE AND NEW
YEAR'S EVE IN THE CITY OF SHIVELY**

WHEREAS, the current alcoholic beverage retail package sales hours established by Shively Codified Ordinance Section 114.40 (Ordinance No. 7, 2021) on Sundays do not begin until 1:00 p.m., and

WHEREAS, when Christmas Day and New Year's Day occur on Mondays, the reduced Sunday hours inconvenience customers, and

WHEREAS, allowing sales on those particular Sundays to begin at the same time as Monday through Saturday would allow increased retail sales.

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 amend Shively Codified Ordinance Section 114.40 (Ordinance No. 7, Series 2021), to allow retail package alcohol sale hours between the hours of 6:00 a.m. and 11:59 p.m. on Sundays but only when Christmas Eve and New Year's Eve fall on a Sunday, now therefore:

BE IT ORDAINED BY THE CITY OF SHIVELY:

SECTION 1: Chapter 114, Section 114.40, (Shively Ordinance No. 7, Series 2021) of the Shively codified ordinances is hereby amended 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, except when Christmas Eve and New Year's Eve fall on a Sunday, then between the hours of 6:00 a.m. and 11:59 p.m. on that 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, except when Christmas Eve and New Year's Eve fall on a Sunday, then between the hours of 6:00 a.m. and 11:59 p.m. on that 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 premises 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.

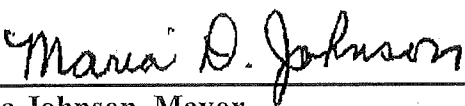
SECTION 2: The sections of this ordinance shall be severable and any provision herein found to be unenforceable shall not affect the validity of the remaining provisions hereof.

SECTION 3: This ordinance shall take effect upon its adoption by the Shively City Council and publication as required by law.

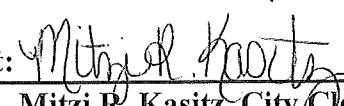
FIRST READING: NOVEMBER 20, 2023
SECOND READING: DECEMBER 18, 2023
PASSED AND APPROVED DECEMBER 18, 2023

ENTERED THIS 18TH DAY OF DECEMBER 2023.

Introduced by: Ms. Wakaba



Maria Johnson, Mayor

Attest: 

Mitzi R. Kasitz, City Clerk

Council	Yea	Nay
Ms. Bizzle	√	—
Ms. Burton-McBroom	√	—
Mr. Gibson	√	—
Ms. Thompson	√	—
Mr. Vincent	√	—
Ms. Wakaba	√	—