

ORDINANCE NO. 10 - 2011

**AN ORDINANCE AUTHORIZING THE SALE OF SOUVENIR PACKAGES
AND ALLOWING SAMPLING AT ANY LICENSED KENTUCKY
DISTILLERY ON SUNDAYS IN FRANKLIN COUNTY, KENTUCKY**

WHEREAS, Sunday liquor sales are currently prohibited in Franklin County, Kentucky; and

WHEREAS, KRS 244.290(3)(b) authorizes a fiscal court to allow for Sunday sales of distilled spirits at licensed premises; and

WHEREAS, KRS 243.0305 allows for sales of souvenir liquor packages by distilleries that have obtained a souvenir retail liquor license; and

WHEREAS, KRS 244.050 allows distilleries that have obtained a souvenir retail liquor license to provide samples to visitors; and

WHEREAS, fiscal courts in Kentucky are authorized to enact legislation to promote and support the local tourism industry; and

WHEREAS, the local tourism industry, and thereby Franklin County, would benefit if limited Sunday sales of souvenir packaged distilled spirits were to be authorized at licensed distilleries;

NOW, THEREFORE, BE IT ORDAINED by the Fiscal Court of the County of Franklin, Commonwealth of Kentucky, as follows:

SECTION 1: SALE OF SOUVENIR LIQUOR PACKAGES AT DISTILLERIES

- A. Any licensed Kentucky distillery located in Franklin County that has a gift shop on its premises may sell souvenir packages of distilled spirits at retail to distillery

visitors of legal drinking age, in quantities not to exceed an aggregate of three (3) liters per visitor per day, with the exception of a purchase by a partnership, limited liability partnership, corporation, limited liability company, or other business entity holding an event on the premises of the distillery, in which case the limitation shall be one (1) liter per visitor attending the event.

- B. The sales referenced in provision A above shall be permitted only through the gift shop on the distiller's premises, and only if the distillery is located in wet territory in Franklin County.
- C. For Monday through Saturday of each week, the sales referenced in provision A shall be limited, if at all, only by Kentucky Revised Statute or regulation of the Department for Alcoholic Beverage Control. For Sunday, said hours shall be from 12 noon until 6 p.m. This Sunday sales allowance is a specific exemption to the current law prohibiting Sunday liquor sales in Franklin County
- D. Souvenir packages sold pursuant to this ordinance shall not be sold for consumption on the premises of the distillery, and bottle or package seals may not be broken until the purchaser is off the distillery premises.

SECTION 2: SUNDAY SAMPLING

- A. Any licensed Kentucky distillery located in Franklin County that has obtained a Kentucky souvenir retail liquor license may serve samples to visitors of legal drinking age provided the licensed Kentucky distillery is located in wet territory. Sample size may not exceed one-half ounce for distilled spirits and each visitor is limited to no more than two (2) samples per day.

- B. For Monday through Saturday of each week, the times that samples referenced in provision A may be served shall be limited, if at all, only by Kentucky Revised Statute or regulation of the Department for Alcoholic Beverage Control. For Sunday, said hours shall be from 12 noon until 6 p.m.
- C. No visitor shall be charged for a sample obtained pursuant to provision A of this section.

SECTION 3: SEVERABILITY

Should any section, subdivisions, sentence or clause of this ordinance be held unconstitutional or invalid for any reason by any court of competent jurisdiction, then such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions of this ordinance.

THIS ORDINANCE SHALL BECOME EFFECTIVE ON THE DATE OF THE SECOND READING AND ADOPTION HEREOF.

Given first reading at a Regular Meeting of the Franklin County Fiscal Court on the 18 day of November, 2011.

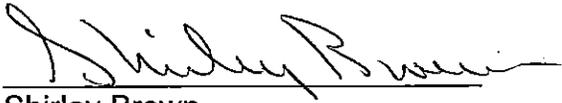
Given second reading, voted upon and passed at a Regular Meeting of the Franklin County Fiscal Court on this 8 day of December, 2011.

FRANKLIN COUNTY FISCAL COURT



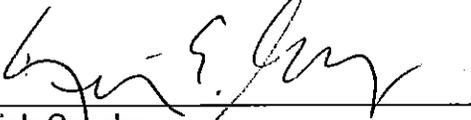
Ted Collins
Franklin County Judge/Executive

ATTESTED TO:



Shirley Brown
Fiscal Court Clerk

APPROVED AS TO LEGALITY AND FORM BY:



Rick Sparks
Franklin County Attorney