

# Morgan County Alcohol Beverage Control Ordinance

## Table of Contents

<b>Article I. General .....</b>	<b>3</b>
<b>Article II. License Requirements .....</b>	<b>4</b>
<b>Article III. County Alcoholic Beverage Control Administrator .....</b>	<b>7</b>
<b>Article IV. Application and Maintenance of License .....</b>	<b>8</b>
<b>Article V. Hours of Sale .....</b>	<b>14</b>
<b>Article VI. Conditions, Prohibitions and Restrictions .....</b>	<b>14</b>
<b>Article VII. Minors .....</b>	<b>18</b>
<b>Article VIII. Consumption on Premises Prohibited .....</b>	<b>20</b>
<b>Article IX. Enforcement .....</b>	<b>21</b>
<b>Article X. Penalties .....</b>	<b>21</b>
<b>Article XI. Mandatory Responsible Beverage Service Training ..</b>	<b>22</b>
<b>Article XII. Signs and Advertising .....</b>	<b>23</b>
<b>Article XIII. Malt Beverage Keg Registration .....</b>	<b>25</b>
<b>Article XIV. Implementation of Ordinance Provisions; Severability .....</b>	<b>27</b>

**AN ORDINANCE TO THE COUNTY OF MORGAN, KENTUCKY, ADOPTING WITH AMENDMENTS FOUND HEREIN THE FOLLOWING SET OF REGULATIONS AND REQUIREMENTS FOR ALCOHOL BEVERAGE CONTROL, HEREINAFTER TO BE KNOWN AS THE “MORGAN COUNTY ALCOHOLIC BEVERAGE CONTROL ORDINANCE”; AND FURTHER ADOPTING ALL APPLICABLE AND REQUIRED KRS, INCLUDING BUT NOT LIMITED TO, KRS CHAPTERS 241 THROUGH 244 AS RECENTLY UPDATED BY THE GENERAL ASSEMBLY AND ADMINISTRATIVE AGENCIES.**

**WHEREAS**, the County of Morgan, by and through a majority of registered voters, permits the presence, manufacturing, and sales of alcohol within the county limits of Morgan, provided that such activities are conducted in accordance with all applicable local, state, and federal laws; and

**WHEREAS**, the County of Morgan has therefore established uniform regulations and requirements for the licensing and regulation of alcoholic beverages, manufacturing, and sales pursuant to authorization under

**NOW THEREFORE, BE IT ORDAINED BY THE COUNTY OF MORGAN, KENTUCKY, THAT THE FOLLOWING REGULATIONS AND REQUIREMENTS ARE HEREBY ADOPTED AS SET FORTH BELOW:**

#### **ARTICLE I. GENERAL**

- A. This Ordinance shall be known as the “Morgan County Alcoholic Beverage Control Ordinance” (hereinafter referred to as the “County Ordinance”).
- B. The purpose of this Ordinance is to establish uniform regulations and requirements for the licensing and regulation of alcoholic beverage manufacture and sales pursuant to authorization. The definitions of the words used throughout this chapter, unless the context requires otherwise, shall have the same meaning as those set out in the alcoholic

beverage control laws of the Commonwealth of Kentucky and all amendments and supplements thereto.

- C. This Ordinance shall be construed to apply to the manufacture and traffic in both malt beverages and distilled spirits and wine where the context permits such application. Nothing in this chapter shall excuse or relieve the licensee, or the owner, proprietor, employee, agent, or person in charge of any licensed premises where alcoholic beverages are sold from the restrictions, requirements, and penalties of any other ordinance of the county, or of any statutes of the state relating to violations pertaining to alcoholic beverages.
- D. The provisions of the Alcoholic Beverage Control Law of the Commonwealth of Kentucky, and all amendments and supplements thereto, are adopted so far as applicable to this Ordinance except as otherwise lawfully provided herein.

## **ARTICLE II. LICENSE REQUIREMENTS**

### **A. County Licenses**

For the privilege of causing, permitting, and engaging in the actions, business, and transactions authorized thereby in regard to traffic in alcoholic beverages in Morgan County, there is hereby established a corresponding county license for each of the license types. The fee for each county license shall be as set out in the schedule below. In the event of an amendment to authorize additional license types, the County shall have authority to issue such additional license types, and the fee for such licenses shall be the maximum allowed under the amendment

1. **Distiller's License, per annum** ..... \$500.00
2. **Rectifier's License:**
  - Class A, per annum ..... \$3,000.00
  - Class B (craft rectifier), per annum ..... \$960.00
3. **Wholesaler's License, per annum** .....\$3,000.00
4. **Quota Retail Package License, per annum** .....\$1,000.00
5. **Quota Retail Drink License, per annum** ..... \$1,000.00
6. **Non-quota Type 1 Retail Drink License, per annum** .....\$2,000.00
7. **Non-quota Type 2 Retail Drink License, per annum** ..... \$1,000.00

8. **Non-quota Type 3 Retail Drink License, per annum** .....\$300.00
9. **Special Temporary License, per event** ..... \$150.00
10. **Special Temporary Alcohol Auction License, per event** .....\$100.00
11. **Special Sunday Retail Drink License, per annum** .....\$300.00
12. **Extended Hours Supplement License, per annum** .....\$2,000.00
13. **Caterer's License, per annum** ..... \$800.00
14. **Bottling House or Bottling House Storage License, per annum** ...\$1,000.00
15. **Brewer's License, per annum** ..... \$500.00
16. **Microbrewery License, per annum** ..... \$250.00
17. **Malt Beverage Distributor's License, per annum** .....\$400.00
18. **Non-quota Retail Malt Beverage Package License, per annum** .....\$200.00
19. **Non-quota Type 4 Retail Malt Beverage Drink License, per annum** .....\$200.00
20. **Limited Restaurant License, per annum** .....\$1,200.00
21. **Limited Golf Course License, per annum** ..... \$500.00

**A. Supplemental Bar Licenses:**

The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary drink license. No charge shall apply for each supplemental license issued beyond five (5) to the same licensee at the same premises.

**B. Dual Licenses for Malt Beverages:**

The holder of a non-quota retail malt beverage package license may obtain a non-quota type 4 malt beverage drink license for a fee of fifty dollars (\$50). Conversely, the holder of a non-quota type 4 malt beverage drink license may obtain a non-quota retail malt beverage package license for a fee of fifty dollars (\$50).

**C. Expiration of License; Proration of Fees:**

All county licenses, except temporary licenses, shall begin on May 1 of any year and shall expire on April 30 of the following year. Licenses issued after November 1 shall be assessed on a pro-rata basis for the remainder of the license period, provided that the fee is no less than one-half (1/2) of the full annual license fee.

**D. Payment of License Fees; Delinquency:**

No licensee shall commence operations requiring a license under this Ordinance until the license fee has been paid in full. Renewal fees must be submitted with the renewal application. Failure to pay fees within ten (10) days of their due date incurs a penalty of ten percent (10%) of the license fee. Continued nonpayment after ten (10) additional days may result in license revocation and other penalties as provided herein.

**E. Refund of Fees:**

1. If a licensee is prohibited from operating for the full license period due to changes in law or circumstances outside their control, Morgan County shall refund the proportionate fee for the inactive period.

2. No refund shall be issued for licenses suspended or revoked due to violations of this Ordinance.

**F. Regulatory License Fee:**

1. Morgan County imposes a regulatory license fee of:

- Five percent (5%) of gross sales of alcoholic beverages by the drink.
- Five percent (5%) of gross sales for package distilled spirits and wine.
- Five percent (5%) of gross retail sales of package malt beverages.

2. Payments are due per the schedule set by the Morgan County ABC Administrator. Late payments will incur a penalty of five percent (5%) per 90 days, up to 25%, with a minimum of \$10. Interest accrues at eight percent (8%) per annum.
3. Failure to remit payments constitutes a violation and may result in suspension or revocation of licenses.

**G. Disposition of Fees:**

- All fees and payments shall be collected by the Morgan County ABC Administrator and transmitted to the County Clerk or designee for deposit into the appropriate account for lawful use as permitted by law.

### **ARTICLE III. COUNTY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR**

**A. Alcoholic Beverage Control Administrator**

1. The office of the Morgan County Alcoholic Beverage Control (ABC) Administrator is hereby established.
2. The Morgan County Judge-Executive shall appoint an individual to serve as the County ABC Administrator. The County ABC Administrator may, as needed, appoint additional personnel, such as Alcoholic Beverage Control Investigators, to assist in administering the provisions of this ordinance.
3. The County ABC Administrator shall perform the same duties and functions regarding local license applications, renewals, and enforcement as the state Department of Alcoholic Beverage Control ("Department") does with respect to state licenses. The County ABC Administrator shall likewise have equivalent authority regarding local license penalization as the state Alcoholic Beverage Control Board ("Board") does for state licenses.
4. To prevent potential conflicts of interest, no person may serve as County ABC Administrator, an investigator, or any other employee under the supervision of the County ABC Administrator if they would be disqualified from serving as a member of the Alcoholic Beverage Control Board.

5. The County ABC Administrator shall exercise authority delegated by the County Judge-Executive. The jurisdiction of the County ABC Administrator and any appointed investigators shall extend throughout the boundaries of Morgan County.
6. The County ABC Administrator and any appointed investigators shall have access, at all reasonable times, to inspect all books and records required to be maintained. Additionally, the County ABC Administrator shall receive copies of all reports submitted by licensees to the state Department of Alcoholic Beverage Control.
7. Before assuming their duties, the County ABC Administrator shall take the oath of office as prescribed in Section 228 of the Kentucky Constitution. The County ABC Administrator and any employees assigned to the ABC Administration may also be required to execute a bond in an amount deemed necessary by the County, unless already covered under the County's active bonds for officials and employees as required by state law.

#### **ARTICLE IV. APPLICATION AND MAINTENANCE OF LICENSE**

##### **A. Advertisement**

1. Before an application for a license shall be considered, the applicant must publish a notice of intent to apply for an alcoholic beverage license in the newspaper used by Morgan County for legal notices. The notice must include the following:
  - a) The name and address of the applicant, as well as the name and address of each principal owner, partner, member, officer, or director if the applicant is a partnership, limited partnership, limited liability company, corporation, governmental agency, or other business entity recognized by law.
  - b) The location of the proposed premises for which the license is sought, the type of business, and the type of license being applied for.



2. The applicant must attach a newspaper clipping of the advertisement to the license application.

**B. Form of Application**

1. All licenses granted under this ordinance shall be approved by the County ABC Administrator. Applications for new licenses and renewals must be submitted in writing on forms provided by the Kentucky ABC Board and/or Morgan County. These forms may be amended and supplemented by either entity as needed.
2. Applications must be verified and include detailed information as required by Kentucky Revised Statutes, the state Department, and Morgan County, including but not limited to:
  - a) Name and address;
  - b) Nature of interest;
  - c) U.S. citizenship status;
  - d) Date of birth;
  - e) Date of Kentucky residency (if applicable);
  - f) Any interests in other licenses, or in LLCs, corporations, partnerships, or other organizations holding licenses under this ordinance;
  - g) Extent of stock or company ownership;
  - h) Any interests in licenses or licensed organizations in other states or provinces.
3. Each application must include a certified check, cashier's check, or money order for the license fee.
4. The County ABC Administrator may require additional information, responses, or documentation deemed desirable, reasonable, or necessary for the application's consideration. The Morgan County Fiscal Court has adopted guidelines and priorities for issuing licenses, which the ABC Administrator must evaluate as part of the application process.

**C. Other Conditions**

1. Licenses shall not be granted or renewed unless the applicant and business premises have been approved by a licensed building inspector and other inspections as required by Kentucky Building Code or applicable laws.

2. Licenses may not be granted or renewed for any person or business delinquent in payment of property taxes, fees, or charges owed to Morgan County. Licenses granted under such conditions may be subject to revocation or suspension.
3. No applicant or licensee shall bribe, threaten, unduly influence, or intimidate the County ABC Administrator, any county staff, or state ABC officials. Violations will result in disqualification, revocation, or suspension of the license, and may include additional penalties under the law.

#### **D. Denial of Licenses**

1. The County ABC Administrator may deny a license for the following reasons:
  - a) Any cause, or violation of county ordinances related to alcohol licensing.
  - b) Actions by the applicant that would warrant license revocation under local, state, or federal law.
  - c) False material statements in the application.
2. Applicants denied a license may appeal to the state Board pursuant to applicable laws.

#### **E. Form of License**

All licenses issued shall include:

1. Name and address of the licensee;
2. License number and type;
3. Description of the licensed premises (e.g., street address);
4. Expiration date of the license;
5. Statement that the license is not a vested right and may be revoked as provided by law.

#### **F. Change of Information**

1. If changes occur to any information provided in the original application, a verified amendment must be filed with the County ABC Administrator within ten (10) days.
2. Changes in ownership, management, or control in partnerships, LLCs, corporations, or other organizations holding licenses must also be reported. Changes involving more than 10% of ownership or stock require a new license application.
3. Any new manager, partner, LLC member, director, or officer must submit the following information:
  - a) Name and address;
  - b) Nature of interest;
  - c) U.S. citizenship status;
  - d) Date of birth;
  - e) Date Kentucky residency was established (if applicable);
  - f) Interests in other licenses or licensed organizations;
  - g) Extent of ownership or stock;
  - h) Interests in licensed organizations outside Kentucky.
4. The information must be filed as a verified amendment to the original license application within ten (10) days of any change.

#### **G. Renewal of License**

##### **1. Annual Renewal:**

Except for temporary licenses, each licensee must renew their license annually. Renewal applications must be filed with the Morgan County Alcoholic Beverage Control (ABC) Administrator at least thirty (30) days prior to the license expiration. Failure to do so may result in cancellation unless the licensee provides a verified written statement within twenty (20) days of expiration, citing reasons such as construction, an act of God, casualty, death, eminent domain acquisition, or lease loss. The Administrator may grant an extension at their discretion, provided applicable license fees are paid upon application for transfer or renewal.

##### **2. No Waiver of Violations:**

Renewal of a license by the Morgan County ABC Administrator does not waive or preclude enforcement actions for prior violations.

#### **H. Lost or Destroyed License**

If a license is lost or destroyed without fault, the Morgan County ABC Administrator may issue a duplicate upon satisfaction of the facts and payment of a ten-dollar (\$10.00) fee.

#### **I. Revocation or Suspension of License**

##### **1. Grounds for Action:**

Licenses may be revoked or suspended for violations of applicable KRS provisions, federal laws, ordinances, or regulations, irrespective of the licensee's knowledge of the violation.

##### **2. Additional Causes:**

- a) Conviction for selling illegal alcohol.
- b) False statements on license applications.
- c) Multiple violations of alcoholic beverage laws or related misdemeanors.
- d) Failure to pay taxes or penalties.
- e) Revocation of state or federal licenses.
- f) Operating unauthorized gambling activities.
- g) Involvement in illegal controlled substances or knowingly permitting such activities.

#### **J. Proceedings for Revocation or Suspension**

##### **1. Notice and Hearing:**

The Morgan County ABC Administrator shall provide written notice via certified mail before initiating revocation or suspension proceedings. The licensee may present opposing arguments during a hearing.

##### **2. Appeal Rights:**

Decisions can be appealed with timely filings staying revocation enforcement until final orders are issued.

#### **K. Appeals**

1. Appeals from the Morgan County ABC Administrator's decisions must be filed within thirty (30) days to the state ABC Board, with a copy served to the Administrator.
2. Board decisions become final only after exhaustion of all appeals.

**L. Transfer or Assignment of License**

Licenses may only be transferred with the prior approval of the Morgan County ABC Administrator and payment of a \$100.00 transfer fee.

**M. Dormancy****1. Inactive Licenses:**

Licenses unused for ninety (90) days without justified cause are deemed inactive and revoked unless exceptions (e.g., construction, eminent domain) apply, as approved by the Administrator.

**2. Extensions:**

Dormant licenses may remain valid for up to twelve (12) months if no business occurs due to the specified exceptions.

**N. Review of License; Books, Records, and Reports****1. Quarterly Compliance Reports:**

Licensees must demonstrate compliance with conditions, including minimum food-to-alcohol sales ratios, through periodic filings.

**2. Records Maintenance:**

Licensees must maintain transaction records on-premises, accessible to the Morgan County ABC Administrator.

**ARTICLE V. HOURS OF SALE****A. Hours of Sale**

1. A licensee for distilled spirits, wine, and/or malt beverages shall be permitted to sell such products between the hours of 6:00 a.m. and 12:00 a.m. (midnight) Monday through Saturday.
2. On Sunday, a licensee may sell distilled spirits, wine, and/or malt beverages between the hours of \_\_\_\_ and \_\_\_\_ if authorized by local ordinance and state law. Otherwise, sales are prohibited on Sunday.

## **ARTICLE VI. CONDITIONS, PROHIBITIONS, AND RESTRICTIONS**

### **A. Gambling**

No gambling or game of chance shall be permitted on licensed premises unless expressly authorized by the Commonwealth of Kentucky. Prohibited activities include, but are not limited to, dice, slot machines, quarter pushers, programmable prize redemption machines, and other devices of chance.

Authorized activities, such as state-licensed sports betting, are exempt provided they comply fully with applicable state regulations and local ordinances.

### **B. Prevention of Disorderly Premises; Security**

The licensee is responsible for maintaining orderly premises and providing adequate security to ensure the safety, health, and welfare of patrons and the general public. These security measures are also necessary to deter unlawful activities on or near the licensed premises.

### **C. Prizes and Premiums Prohibited**

A licensee shall not give away or offer anything of value as a premium, prize, or promotion directly connected to the sale of alcoholic beverages, unless specifically permitted

### **D. Treating Prohibited**

Licensees shall not give away alcoholic beverages to consumers for free or at less than wholesale cost unless authorized by a specific license type (e.g., sampling licenses, small farm wineries, microbreweries) or during a bona fide “close-out” sale approved by state regulators.

### **E. Intoxicated Persons, Drunkenness**

Licensees shall not sell, serve, or provide alcoholic beverages to any person who, to a reasonable observer, appears to be under the influence of alcohol, controlled substances,

intoxicating substances, or a combination thereof, to the extent they may pose a danger to themselves, others, or property, or cause a disturbance.

**F. Underage Sales**

Licensees shall not sell, serve, or provide alcoholic beverages to any individual under 21 years of age, nor shall they permit such activity.

**G. Sign Requirements — Notice to Persons Under 21**

Licensees must display a sign, at least 8" x 11" in size and printed in a minimum 30-point font, in a prominent location, stating:

**“Persons under the age of twenty-one (21) are subject to a fine of up to One Hundred Dollars (\$100.00) if they:**

1. Enter licensed premises to buy, or be served, alcoholic beverages.
2. Possess, purchase, or attempt to purchase alcoholic beverages, or have another person purchase for them.
3. Misrepresent their age to obtain alcoholic beverages.”

**H. License to be Displayed**

1. Licensees must prominently display their license in the principal room of the business so it is easily visible to patrons. Displaying a license at an unlicensed location, or defacing or altering the license, is prohibited.
2. Additionally, licensees must display a health warning, provided by the Kentucky Cabinet for Health and Family Services, about the risks of drinking alcohol before conception or during pregnancy.

**I. Legal Transactions for Wholesalers, Distributors, and Retailers**

No wholesaler or distributor may sell alcoholic beverages to a retailer except on cash terms or under terms allowing credit for up to 30 days for distilled spirits and wine, in compliance with KRS regulations.

**J. Employment Restrictions**

Licensees may not employ any individual who:

1. Has been convicted of a felony within the last two (2) years unless permitted.
2. Has been twice convicted of offenses related to alcohol consumption within the last two (2) years unless permitted by.
3. Is under the age of 20 and will be involved in the sale or handling of alcoholic beverages, except where permitted.
4. Has had a license revoked for cause within the last two (2) years.

**K. Lavatory Facilities Required**

Licensees with on-premises consumption must provide lavatory facilities for patrons, either indoor or outdoor.

**L. Nudity and Adult Entertainment Prohibited**

Licensees shall not permit nudity, adult entertainment, or sexually explicit activities on their premises. Prohibited activities include:

- Nude or nearly nude dancing.
- Wet clothing contests, mud wrestling, or similar events.
- Promotional activities such as drinking contests, “all-you-can-drink” specials, or free drinks.
- Physical contact between patrons and employees, or between patrons, for compensation.

**M. Cause for Revocation**

Violations of this ordinance or state law shall result in penalties, which may include fines, suspension, or revocation of the license, as determined through due legal process

**N. Prohibition of To-Go Alcoholic Beverages**

1. To-go alcoholic beverages are prohibited in Morgan County.



2. Exceptions previously permitting restaurants with a food permit and an NQ2 Retail Drink License or NQ4 Retail Malt Beverage Drink License to sell to-go drinks with food orders are now revoked.

**O. Locked Department Requirements for Alcohol Sales**

1. A licensee is required to maintain a separate locked department within the licensed premises where all stocks of distilled spirits and wine must be stored. This department must be capable of being locked and closed off during prohibited hours of sale.
2. The term “locked department” includes display windows, showcases, shelves, and counters. These must be:
  - a) Closed off with a door or covering, which may be sliding or hinged.
  - b) Made of materials such as glass, wood, or wire netting with a mesh size not exceeding one (1) inch.
3. Compliance may also be achieved if:
  - a) The licensee uses a computerized checkout system preventing alcohol sales during prohibited hours.
  - b) All alcoholic beverage stock is concealed or covered during such times.

**P. On-Premises Alcohol Consumption Limits**

1. No licensee shall allow the consumption of alcoholic beverages on the licensed premises for more than thirty (30) minutes after the close of business or the cessation of alcohol sales.
2. This provision is applicable only to bars.

**Q. Alcohol Server Training Penalties**

1. In addition to or in lieu of suspending a license, the Morgan County ABC Administrator may:
  - a) Require the licensee to pay for alcohol server training.

- b) Mandate attendance and completion of such training by some or all alcoholic beverage servers employed by the licensee.

## **ARTICLE VII. MINORS**

### **A. General Prohibition**

Except as specifically authorized, no person under the age of 21 may possess alcoholic beverages or enter any licensed premises for the purpose of acquiring alcoholic beverages.

### **B. Presence on Licensed Premises**

1. Except as permitted:
  - No person under the age of 21 may remain on premises licensed for the package sale of alcoholic beverages unless accompanied by a parent or guardian.
2. No person under the age of 21 may enter premises licensed for the drink sale of alcoholic beverages unless expressly allowed
3. The prohibition in this subsection does not apply to premises where the usual and customary business is a gas station, convenience store, grocery store, drugstore, or other business types

### **C. Prohibition on Encouraging Minors' Use of Alcohol**

No person shall knowingly permit, aid, assist, induce, cause, or otherwise encourage any minor to possess, use, or consume alcoholic beverages. Licensees must require proof of age for all individuals attempting to purchase or consume alcoholic beverages on the licensed premises.

### **D. Responsibility of Property Owners and Occupants**

No property owner, occupant, or person in possession or control of property within the County shall knowingly allow a minor to remain on such property while possessing, using, or consuming alcoholic beverages.

### **E. Defense Against Prosecution**

It shall be a valid defense to any prosecution under this section if the person charged, upon discovering the presence of minors in possession of, using, or consuming alcoholic beverages:

1. Takes appropriate and reasonable steps to stop the activity.
2. Enlists the aid of law enforcement and fully cooperates with their efforts to prevent or terminate the minor individuals' possession, consumption, or use of alcoholic beverages.

## **ARTICLE VIII. CONSUMPTION ON PREMISES PROHIBITED**

### **A. Consumption at Package Stores Prohibited**

#### **1. Prohibition on Consumption Without Drink License**

No licensee of a package store, whether trafficking in distilled spirits, wine, or malt beverages, shall permit the consumption of alcoholic beverages on the premises unless the licensee also holds the appropriate drink license. A prominent notice stating that on-premises consumption is prohibited must be posted by the licensee.

#### **2. Exceptions for Sampling**

This restriction does not apply to:

- Sampling as allowed for microbreweries and wineries
- Sampling permitted for retail distilled spirits and wine licensees
- Beer tastings as authorized

## ARTICLE IX. ENFORCEMENT

### A. Authorization to Enforce

County police officers, the County ABC (Alcoholic Beverage Control) Administrator, and any appointed Investigator(s) are hereby empowered and authorized to enforce the provisions of this Ordinance in their entirety.

## ARTICLE X. PENALTIES

### A. Penalties

#### 1. Civil Fines

In addition to any criminal prosecution initiated in Morgan County District Court against an alleged violator, the County ABC Administrator is authorized to impose civil fines in lieu of license suspension as permitted. This includes per diem fines for ongoing violations. Payment of all fines shall be remitted to the County ABC Administrator, who will transmit the funds to the County Clerk for deposit into the designated account.

#### 2. Criminal Penalties

Any person, firm, or corporation found in violation of this Ordinance, for which no other penalty is expressly provided, shall be guilty of a misdemeanor. Prosecution will occur within the Morgan County Court System, with penalties as follows:

- **First Offense:** A fine of not less than one hundred dollars (\$100.00) and not more than two hundred dollars (\$200.00).
- **Subsequent Offenses:** A fine of not more than five hundred dollars (\$500.00), imprisonment for a period not exceeding six (6) months, or both.

These penalties are in addition to any revocation or suspension of the offender's license.

#### 3. Corporate or Organizational Violations

If the violator is a corporation, LLC, joint-stock company, association, or other business organization, the principal officer(s) or individual(s) responsible for the violation may also be subject to imprisonment in accordance with the terms outlined above.

## **ARTICLE XI. MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING**

### **A. Mandatory Responsible Beverage Service Training**

#### **1. Training Requirement:**

All persons employed in the selling and/or serving of alcoholic beverages in Morgan County must participate in and complete a Responsible Beverage Serving (“RBS”) program approved by the County ABC Administrator.

#### **2. Timeline for Completion:**

- a. All individuals subject to the training requirement must complete the training within thirty (30) days of the start of their employment.
- b. For new businesses licensed to serve alcoholic beverages, all employees must complete the training before the business opens to the public.

#### **3. Employer Responsibilities:**

Each licensee is responsible for ensuring compliance with training requirements and must maintain records or files for each employee that include pertinent training information. These records shall be available for inspection by the County ABC Administrator upon request.

Additionally, each licensed premises must have at least one individual currently certified in Responsible Beverage Service Training on duty whenever alcoholic beverages are being served.

#### **4. Re-certification:**

All individuals who complete the training required under this section must be re-certified at least once every three (3) years to remain compliant.

## **ARTICLE XII. SIGNS AND ADVERTISING**

### **A. Compliance with Existing Regulations**

All signage must comply with the applicable rules, regulations, and ordinances of Morgan County, including but not limited to the Planning and Zoning Ordinance as currently enacted or as may be amended in the future.

### **B. Prohibition of Flashing Lights**

No flashing lights may be used to illuminate the exterior of any premises licensed under this ordinance.

### **C. Compliance with State Law**

All advertising by any licensee under this ordinance must comply with state law and regulations promulgated thereunder.

### **D. Restrictions on Advertising Content**

No licensee shall publish or display advertising that:

1. Is false or misleading.
2. Implies that consumption of alcoholic beverages is the fashionable or accepted course of behavior.
3. Suggests that the consumption of alcoholic beverages enhances athletic prowess or promotes excessive consumption. However, advertising that accurately describes product attributes, such as "Cask Strength Bourbon" or similar terminology, is permitted provided it does not encourage intoxication or reckless behavior.

### **E. Advertising Banners**

Licensees may erect banners displaying particular brands of alcoholic beverages on the property or exterior of the building, provided the banners comply with general advertising laws and any other applicable signage regulations.

### **F. Limitations on Signage**

1. Signage referring directly or indirectly to alcoholic beverages is limited to one (1) sign not exceeding two (2) square feet, displayed from the inside of the window or interior of the business.
2. Additional signs, banners, posters, or other displays referring to alcoholic beverages are prohibited on the exterior of the premises or visible from the exterior, except where the reference is part of the business name.
3. Business cards, not larger than two and one-half inches (2-1/2"), detailing alcoholic beverage prices, may be placed in the windows of licensed premises.

### **G. Distribution of Advertising Materials**

It is unlawful for a licensee under this ordinance to distribute, or cause to be distributed, any handbills, circulars, or cards as a medium for advertising alcoholic beverages.

### **H. Advertising on Municipal Property**

No licensee shall advertise alcoholic beverages on municipally owned property or at any municipally sponsored event.

### **I. Off-Premises Signage Restrictions**

1. Off-premises signage advertising the sale of alcoholic beverages is permitted only for businesses holding a valid Morgan County local alcohol license.
2. This provision prohibits any person or entity outside the Morgan County ABC Ordinance and license holders from advertising alcoholic beverages within Morgan County.

3. All off-premises advertising must be approved by the Morgan County ABC Board at least one (1) month prior to display. The Board reserves the right to deny any such request.
4. Advertising is limited to locations within Morgan County and must not exceed three (3) off-premises signs per business.
5. Off-premises signage is defined as professional, permanent structures intended to remain in place for six (6) months or longer.

#### **J. Exterior Signage Restrictions**

1. It is unlawful to attach signage advertising alcoholic beverages to the exterior of the building or premises of the business.
2. Exceptions are granted for outdoor umbrellas or other patio fixtures featuring the name or logo of an alcoholic beverage or its manufacturer.
3. Generic wording for advertising alcoholic beverages may be used but must first be approved by the Morgan County ABC Board at least one (1) month in advance.

#### **K. Approval of Signage by ABC Board**

1. All signage and advertising must comply with Morgan County ordinances and be approved by the Morgan County ABC Board prior to display.
2. Licensees must submit signage and advertising requests to the ABC Board at least one (1) month in advance. The Board reserves the right to deny any request.

### **ARTICLE XVIII. MALT BEVERAGE KEG REGISTRATION**

#### **A. Definition of a Keg**

1. For purposes of this section, a "keg" is defined as a brewery-sealed individual container of malt beverage having a liquid capacity of six (6) or more gallons.

#### **B. Responsibilities of Malt Beverage Retail Licensees**

Each malt beverage retail licensee selling kegs for off-premises consumption must:



1. Affix a keg identification tag to all kegs at the time of sale.
2. Require the purchaser to complete a keg registration form.
3. Provide a copy of the completed keg registration form to the purchaser at the time of sale.
4. Retain and maintain keg registration forms in the same manner as required by state law for alcoholic beverage records.
5. Remove the keg identification tag when the keg is returned to the licensee.
6. Notify the Morgan County ABC Administrator within five (5) business days if a keg is returned without the identification tag, via written notice delivered by mail or in person.

#### **C. Keg Identification Tag Requirements**

1. The keg identification tag shall be furnished by the Morgan County ABC Administrator and must be designed to resist destruction or removal.
2. Tags must be uniquely numbered, allowing the keg to be traced, and must be affixed at the time of sale using durable materials such as nylon ties, cording, or wire ties.
3. Tags shall include a prominently visible warning stating that removal or obliteration of the tag is unlawful.

#### **D. Keg Registration Form**

The keg registration form, prescribed and furnished by the Morgan County ABC Administrator, shall include:

1. Purchaser's name and address, verified by a valid identification document.
2. Purchaser's driver's license number or equivalent identification document number.
3. A signed statement by the purchaser attesting that:
  - a. They are 21 years of age or older.
  - b. They will not allow minors to consume the purchased malt beverages.
  - c. They will not remove or obliterate the keg identification tag.
  - d. They will produce the registration form upon request by law enforcement.
4. The address where the keg will be located and consumed and the date(s) of consumption.
5. The date of sale, keg size, identification number, container deposit amount (if any), and the name of the licensee's agent completing the sale.
6. A summary of this section's requirements, including penalties for violations and furnishing alcohol to minors

**E. Requirements for Brewers, Distributors, and Microbrewers**

Brewers, distributors, and microbrewers selling kegs to employees for home use or charitable/fraternal organizations for events must comply with these requirements if the keg will be located or consumed in Morgan County.

**F. Kegs Purchased Outside Morgan County**

Persons bringing kegs purchased outside Morgan County into the county must:

1. Obtain a keg identification tag from the Morgan County ABC Administrator within five (5) days.
2. Affix the identification tag to the keg.
3. Provide information for completing a keg registration form and sign it.
4. Produce the registration form upon request by law enforcement.
5. Remove and return the tag to the Morgan County ABC Administrator within five (5) business days after returning the keg to the seller.

**G. . Prohibited Acts**

It shall be unlawful to:

1. Sell or offer for sale a keg without an affixed keg identification tag.
2. Sell a keg without completing a keg registration form.
3. Remove or obliterate a keg identification tag, except by licensed retailers, brewers, distributors, or microbrewers.
4. Provide false information on or knowingly sign a false keg registration form.
5. Possess a keg without an affixed keg identification tag, except as allowed under this section.
6. Keep a keg at any location other than those specified on the registration form, except when transporting it to or from the licensed premises or between the listed addresses.

**H. Enforcement and Penalties**

1. Any keg sold or kept in violation of this section may be confiscated by law enforcement.
2. Upon conviction of the seller or keeper of the keg, the keg and any deposit paid shall be forfeited to the Morgan County Fiscal Court.

**I. Restaurant Exemption**

1. Notwithstanding any other language in this ordinance, any establishment that serves food and is licensed to sell malt beverages in this Morgan County shall be not be required to satisfy the malt beverage registration requirements in this section.

**ARTICLE XIV. IMPLEMENTATION OF ORDINANCE PROVISIONS;  
SEVERABILITY****A. Implementation of Ordinance Provisions**

The County Council may establish rules, regulations, or amendments, at its discretion, to ensure the proper implementation of this Ordinance. Such actions shall comply with applicable local, state, and federal laws.

**B. Severability**

If any part of this Ordinance—including any section, subsection, paragraph, sentence, clause, phrase, or other provision—is declared illegal, unconstitutional, or otherwise invalid by a court of competent jurisdiction, such a declaration shall not affect the validity of the remaining provisions.

**C. Effective Date of Ordinance Provisions**

This Ordinance shall take effect immediately following its passage and publication as required by law.

Morgan County

Alcohol Beverage Control Ordinance