

ORDINANCE NO. 2551

**AN ORDINANCE OF THE CITY OF ERLANGER IN KENTON COUNTY KENTUCKY AMENDING ORDINANCE 2388 AND SECTION 111.35 OF THE ERLANGER CODE OF ORDINANCES RELATED TO SUNDAY RETAIL ALCOHOL SALES**

**WHEREAS** the City of Erlanger desires to unify the times for retail establishments to sell alcohol; and

**NOW, THEREFORE**, be it ordained by the City of Erlanger, in Kenton County, Kentucky as follows:

Underlined sections are being added and strikethrough sections are being deleted.

**Section 1.0 Modification of Sunday Retail Alcohol Sales**

**§ 111.35 HOURS.**

(A) Pursuant to the authority of KRS 244.290, the times and hours during which distilled spirits and wine may be sold at retail in the city are hereby established to be the hours after 6:00 a.m. and before 2:30 a.m. prevailing time on any day ~~except Sunday, and the hours after 11:00 a.m. and before 2:30 a.m. prevailing time on any Sunday.~~

(B) Pursuant to the authority of KRS 244.480, the times and hours during which malt beverages may be sold at retail in the city are hereby established to be hours after 6:00 a.m. and before 2:30 a.m. prevailing time; ~~on any day except Sunday and the hours after 11:00 a.m. and before 2:30 a.m. prevailing time, on any Sunday.~~

(C) At all times other than those hereby established for the retail sale of distilled spirits, wine and malt beverages no person who has a valid city license for the retail sale of distilled spirits or wine or malt beverages shall cause, permit or engage in any of the actions, business or transactions authorized and permitted thereby. During such times, all persons who have such city licenses shall cause the licensed premises to be closed and vacated by all persons except the applicant and those persons identified on the application for such city licenses or any supplements thereto as officers, agents or employees of the person to whom such city license was issued. All other persons shall vacate the licensed premises and remove themselves there from during such times; however, any person upon the premises who purchased any alcoholic beverages by the drink from the licensee within 30 minutes prior to any such times may remain upon the premises for a period not to exceed 30 minutes thereafter for the sole purpose of the consumption of the drink purchased.

(D) If a separate department of such licensed premises is maintained in a manner previously approved in writing by the City Administrator as being capable of being locked, closed off and separated from the remainder of the licensed premises and all distilled spirits, wine and malt beverages and all fixtures and apparatus connected with the acts of business and transactions authorized by the state licenses and city licenses for the retail sale of distilled spirits, wine and malt beverages from such premises are located within such approved department, and such approved department is continuously kept locked, physically separated, and closed off from the remainder of the licensed premises during such times, the remainder of the licensed premises may remain open and any lawful activity may be conducted thereon during such times.

**Section 2.0 Provisions Severable**

The provisions of this Ordinance are severable; and the invalidity of any provision of this Ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

**Section 3.0 Conflicting Ordinances Repealed**

All conflicting Ordinances are repealed.

**Section 4.0 Effective Date**

This Ordinance shall become effective at midnight on the evening of October 4, 2022.

**JESSICA FETTE, Mayor**

DATE: October 4, 2022