

243.0341 Proposal of ordinance authorizing by the drink sales of alcoholic beverages in restaurants and dining facilities containing seating for at least fifty persons -- Qualifications -- Conditions -- Limited effect of ordinance.

- (1) Notwithstanding any other provision of law, the following local governments may elect to act under this section:
 - (a) Any city or county that conducted an election under KRS 242.1244(2) prior to January 1, 2016, for by the drink sales of alcoholic beverages in restaurants and dining facilities seating one hundred (100) persons or more; or
 - (b) Any city with limited sale precincts created pursuant to KRS 242.1292 prior to July 14, 2022.
- (2) Upon a determination by the legislative body of a city or county that:
 - (a) An economic hardship exists within the city or county; and
 - (b) Expanded sales of alcoholic beverages by the drink could aid in economic growth;the city or county may, after conducting a public hearing that is noticed to the public in accordance with the KRS Chapter 424, adopt an ordinance authorizing by the drink sales of alcoholic beverages in restaurants and dining facilities containing seating for at least fifty (50) persons and meeting the requirements of subsection (3) of this section.
- (3) The ordinance enacted by a city or county pursuant to subsection (2) of this section shall authorize the sale of alcoholic beverages under the following limitations:
 - (a) Sales shall only be conducted in restaurants and other dining facilities meeting the requirements of KRS 241.010(37)(a); and
 - (b) The provisions of KRS 243.034 shall apply to any restaurant or dining facility operating under a license issued pursuant to this section.
- (4) A city or county acting under this section may allow limited restaurant sales as defined in KRS 241.010(37).
- (5) The enactment of an ordinance under this section shall not:
 - (a) Modify the city's or county's ability to issue a limited restaurant license to restaurants or other dining facilities meeting the requirements of KRS 241.010(37)(b); or
 - (b) Affect, alter, or otherwise impair any license previously issued to a restaurant or dining facility meeting the requirements of KRS 241.010(37)(b).

Effective: July 14, 2022

History: Amended 2022 Ky. Acts ch. 39, sec. 15, effective March 29, 2022; and ch. 104, sec. 5, effective July 14, 2022. -- Amended 2020 Ky. Acts ch. 80, sec. 7, effective July 15, 2020. -- Amended 2017 Ky. Acts ch. 62, sec. 35, effective June 29, 2017. -- Created 2016 Ky. Acts ch. 80, sec. 3, effective July 15, 2016.

Legislative Research Commission Note (7/14/2022). This statute was amended by 2022 Ky. Acts chs. 39 and 104, which do not appear to be in conflict and have been codified together.