

CITY OF GEORGETOWN, KENTUCKY

ORDINANCE NO. 2021-07

AN ORDINANCE AMENDING GEORGETOWN CODE OF ORDINANCES SECTION 4-33 AND ADDING A NEW SECTION TO GEORGETOWN CODE OF ORDINANCES CHAPTER 4, ARTICLE III, PROVIDING REGULATIONS FOR THE OPERATION OF COMMERCIAL QUADRICYCLES IN THE CITY OF GEORGETOWN.

SUMMARY

1. Amends Georgetown Code of Ordinances Section 4-33 to establish a fee for an authorized public consumption license.
2. Defines “commercial quadricycle” in conformity with KRS 241 and establishes permitting requirements, travel routes, safety and equipment standards, inspection requirements, hours of operation, operation/traffic standards, and passenger loading and unloading standards for commercial quadricycles operating in the City of Georgetown.
3. Provides requirements for the consumption of alcoholic beverages on commercial quadricycles, including a limitation on the quantity of malt beverages allowed per individual, permissible and impermissible cups and containers, a prohibition on operators selling alcoholic beverages or providing samples to patrons and the requirement that operators exhibit strict adherence to local and state alcoholic beverage control processes, procedures and standards.
4. Provides for repeal of inconsistent ordinances, severability of provisions and an effective date upon passage and publication.

The full text of Ordinance 21-07 is available for examination in the City Clerk’s Office, 100 North Court Street, Georgetown, Kentucky 40324 or at www.georgetownky.gov.

INTRODUCED AND PUBLICLY READ FIRST TIME: June 14, 2021

PUBLICLY READ SECOND TIME AND PASSED: June 28, 2021

APPROVED: *Tom Prather*
Tom Prather (Jun 30, 2021 16:02 EDT)
Tom Prather, Mayor

ATTEST: *Tracie Hoffman*
Tracie Hoffman (Jul 1, 2021 10:44 EDT)
Tracie Hoffman, City Clerk

I, Devon E. Golden, hereby certify I am an Attorney licensed to practice law in the Commonwealth of Kentucky. My office is located at 100 North Court Street, Georgetown, Kentucky 40324. I further certify the foregoing Summary of Ordinance 21-07 of the City of Georgetown, Kentucky, was prepared in accordance with the requirements of KRS 83A.060(9) and is a true and accurate summary of the contents of said Ordinance.



Devon E. Golden

ORDINANCE 2021-07

AN ORDINANCE AMENDING GEORGETOWN CODE OF ORDINANCES SECTION 4-33 AND ADDING A NEW SECTION TO GEORGETOWN CODE OF ORDINANCES CHAPTER 4, ARTICLE III, PROVIDING REGULATIONS FOR THE OPERATION OF COMMERCIAL QUADRICYCLES IN THE CITY OF GEORGETOWN.

SPONSORS: Connie Tackett and Todd Stone

WHEREAS, KRS 243.089 provides for the issuance of an “authorized public consumption license” for the operation of a commercial quadricycle business; and,

WHEREAS, the Georgetown City Council acknowledges that, while such businesses are positive for the local tourism and entertainment industries, these businesses present certain public safety concerns; and,

WHEREAS, the Georgetown City Council, in the interest of protecting the health, welfare and safety of its citizens, seeks to establish regulations for the operation of commercial quadricycles in the city’s limits;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GEORGETOWN, KENTUCKY:

SECTION ONE

Georgetown Code of Ordinances Section 4-33 is amended to read as follows:

Sec. 4-33. Established; fees.

For the privilege of causing, permitting and engaging in the actions, business, and transactions authorized thereby in regard to traffic in alcoholic beverages in the City and pursuant to the authority of KRS 243.070, there is hereby established a corresponding city license for each of the state licenses described in KRS 243.070. The fee for each city license shall be as set out in the following schedule. In the event KRS 243.070 shall hereafter be amended to authorize additional city licenses, the fee for each city license shall be the maximum fee provided in the statute as amended.

(1) *Distilled spirits and wine license fees.* The following distilled spirits and wine licenses may be issued by the City, the fees for which shall be:

DISTILLED SPIRITS AND WINE LICENSE FEES

Distiller’s license, per annum	\$500.00
Rectifier’s license, Class A, per annum	3,000.00
Rectifier’s license, Class B, per annum	960.00
Wholesaler’s distilled spirits and wine license, per annum	3,000.00
Quota retail package license, per annum	600.00
Quota retail drink license, per annum	600.00
Special temporary license, per event	100.00
Nonquota type 1 retail drink license (includes distilled spirits, wine, and malt beverages)	2,000.00
Nonquota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum (restaurant drink license)	800.00
Nonquota type 3 retail drink license (includes distilled spirits, wine and malt beverages) (private clubs), per annum	300.00
Distilled spirits and wine temporary auction, per event	200.00
Special Sunday sale retail drink license, per annum	300.00
Special temporary auction license, per event	100.00
Bottling house or bottling house storage license, per annum	1,000.00
<u>Authorized public consumption license, per annum</u>	<u>250.00</u>

(2) *Malt beverage license fees.*

a. The following kinds of malt beverage licenses may be issued by the City, the fees for which shall be:

MALT BEVERAGE LICENSE FEES

Brewer’s license, per annum	\$500.00
Microbrewery license, per annum	500.00
Malt beverage distributor’s license, per annum	400.00
Nonquota retailer malt beverage package license, per annum	200.00
Nonquota type 4 retail malt beverage drink license, per annum	200.00

b. The fee for each of the first five supplemental bar licenses shall be the same as the

fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five to the same licensee at the same premises.

- c. 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 \$50.00. 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 \$50.00.

(3) *Restaurant drink license.* The gross receipts of the restaurant or the dining facility from the sale of food for consumption on the premises is reasonably estimated to be not less than 50 percent of the total food and beverage receipts of such restaurant or dining facility for the license period.

(4) *Other license fees.* The following kinds of other licenses may be issued by the city, the fees for which shall be:

OTHER LICENSE FEES

Extended hours supplemental license, per annum	\$800.00
Caterer’s license, per annum	800.00
Limited restaurant license or limited golf course license, per annum (includes distilled spirits, wine, and malt beverages)	800.00

SECTION TWO

A new Section of Chapter 4, Article III of the Code of Ordinances is created to read as follows:

Commercial quadricycles.

(a) *Commercial quadricycles.* Commercial quadricycles shall have the same meaning as set out in KRS 241.010(16).

(b) *Permits.*

1. No person shall drive or operate a commercial quadricycle for hire in Georgetown unless the commercial quadricycle owner obtains an operating permit from the Alcoholic Beverage Control (“ABC”) Administrator, in compliance with the following requirements:

- a. Completion of a written application with the office of the ABC Administrator, which must include the commercial quadricycle business' name, registered address and articles of incorporation;
 - b. Written documentation that the commercial quadricycle business has general liability insurance of at least two million dollars (\$2,000,000.00) from an insurer authorized to do business in the Commonwealth of Kentucky;
 - c. Documentation that every commercial quadricycle operated on public streets and highways has been inspected and is certified as meeting the safety and equipment standards;
 - d. A proposed travel route which shall meet the requirements of sub-section (c) of this Section;
 - e. Payment of an annual license fee of two hundred fifty dollars (\$250.00) per quadricycle to the ABC Administrator;
 - f. Any other documents the ABC Administrator may require.
2. Any permit under this section may be denied, suspended or revoked for one (1) or more of the following reasons:
- a. Failure to comply with one (1) or more of the provisions of this Section;
 - b. Fraud, misrepresentation, or bribery in securing or renewing a permit;
 - c. Fraud, misrepresentation, or false statements made in the application and investigation for, or in the course of the applicant's business;
 - d. Defaced, altered, forged or counterfeited operating permit; or
 - e. Failure to comply with any other local, state or federal law.
3. A commercial quadricycle business may appeal any denial, suspension, or revocation within seven (7) days of the date of the decision to the City Council. A denial by the City Council may be appealed, within thirty (30) days of the decision, to the Scott County Circuit Court.

(c) *Travel routes.*

- 1. A commercial quadricycle business must submit its proposed travel route to the ABC Administrator for approval. Proposed travel routes shall include:
 - a. Starting and ending points;
 - b. Drop off points;
 - c. Duration of the trips;
 - d. Expected starting times; and
 - e. The days of the week that the quadricycle will be traveling this route.
- 2. Travel routes will be restricted to the following boundaries: Washington Street from

Mulberry Street to Water Street; Water Street from Washington Street to College Street; College Street from Water Street to Hamilton Street; Hamilton Street from College Street to Washington Street; Mulberry Street from Main Street to Washington Street; Main Street from Mulberry Street to Water Street. All proposed travel routes will be vetted with the City Engineer, Georgetown Police Department and Georgetown Traffic Committee for any adverse impact on safety and roadways. The applicant must submit its planned route(s) during the application process for review and approval.

3. Approval or denial of the proposed travel route(s) for commercial quadricycles will include, but not limited to, the following factors:
 - a. The number of other travel routes;
 - b. The safety concerns raised by operating the quadricycle on public highways and streets;
 - c. The density of vehicular and pedestrian traffic in an area during the proposed operating times; and
 - d. Any other information relevant to the approval process.
4. The ABC Administrator may place additional conditions and limitations on any approved travel route, such conditions and limitations may include, but not be limited to, dates and times of operation.
5. Appeal of any denied travel route may be made within seven (7) days to the City Council. A denial by the City Council may be appealed, within thirty (30) days of the decision, to the Scott County Circuit Court.

(d) *Safety and equipment standards.*

1. Every commercial quadricycle in operation shall be annually inspected by the ABC Administrator, or his/her duly authorized designee, and meet the following minimum requirements:
 - a. A slow-moving emblem in accordance with KRS 189.820;
 - b. A back or seatbelt for each passenger seat;
 - c. A minimum of four (4) hydraulically operated brakes;
 - d. A rearview mirror;
 - e. Headlights;
 - f. Tail lights (if planning to operate at night);
 - g. Brake lights;
 - h. Turning signals;
 - i. A trash receptacle for refuse; and

- j. Any other equipment required to comply with all applicable federal and state law.
 - 2. A commercial quadricycle business shall affix its authorized public consumption license number to each commercial quadricycle in a clear and conspicuous place, if it is allowing for consumption of alcohol.
- (e) *Hours of operation.*
- a. *In General.* Commercial quadricycles shall only operate between the local hours of 10:00 a.m. to 11:00 p.m., Monday through Saturday, and 10:00 a.m. to 10:00 p.m. on Sunday.
 - b. *Parades and Events.* Commercial quadricycles shall not operate on streets that have been closed by vote of the City Council for a parade or event; this shall apply to streets within an approved commercial quadricycle route and shall apply for the hour preceding the parade or event and an hour following the parade or event. Commercial quadricycle operators may request an alternate route, in conformity with the boundaries defined in this Section, in cases where a parade or event disrupts a previously approved route. Said request shall be submitted in writing to the ABC Administrator. Denials may be appealed pursuant to sub-section (c) of this Section.
- (f) *Consumption of alcohol.*
- 1. Consumption of alcohol shall be allowed if the proper alcoholic consumption license is obtained by the quadricycle business. The following requirements shall apply to all commercial quadricycles allowing for alcohol consumption pursuant to a lawfully issued APC license:
 - a. Passengers may bring a maximum of forty-eight (48) total ounces of malt beverages for consumption during travel;
 - b. Alcohol shall be consumed using nondescript cups;
 - c. Glass containers are strictly prohibited; and
 - d. Operators shall not sell alcoholic beverages or provide samples.
 - 2. An individual applying for an alcoholic public consumption license shall file an application using the current alcoholic beverage control process and standards, locally and with state alcoholic beverage control. Along with the application, an affidavit of publication and newspaper clipping, background check, articles of incorporation, deed/lease/permit, fee payment form, final inspection form, quadricycle photograph and photocopy of driver's license/photo identification are required to be submitted.

(g) *Standards for commercial quadricycle operation.*

1. Every quadricycle shall operate in conformity and with respect to all traffic laws, rules and regulations of the City of Georgetown and the Commonwealth of Kentucky.
2. Commercial quadricycle operators shall be at least twenty-one (21) years of age.
3. Commercial quadricycle operators shall hold a valid driver's license, complete a certified alcoholic beverage control server training program as approved by local or state alcoholic beverage control.
4. No person shall operate a commercial quadricycle unless all passengers are seated in a seat designated for that purpose and remain seated the entire time the quadricycle is in motion.
5. No person shall operate a commercial quadricycle when the number of passengers exceeds the number of available inspected seats.
6. No commercial quadricycle shall be stored on public property overnight, including, but not limited to, streets, highways or thoroughfares.
7. Every commercial quadricycle shall operate as close as possible to the shoulder of the road, except when necessary to overtake another vehicle or to avoid a stationary object.
8. The driver and other employees shall not consume, or be under the influence of, alcoholic beverages or illegal substances.

(h) *Standards for loading and unloading passengers.* Loading and unloading passengers shall be done off roadway in a parking lot, if possible, for traffic and passenger safety.

SECTION THREE

If any section, subsection, paragraph, sentence, clause, phrase, or a portion of this ordinance is declared illegal or unconstitutional or otherwise invalid, such declaration shall not affect the remaining portions hereof.

SECTION FOUR

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION FIVE

This Ordinance shall be in full force and effect upon passage and publication.

PUBLICLY INTRODUCED AND READ FIRST TIME: June 14, 2021

PUBLICLY READ SECOND TIME AND PASSED: June 28, 2021

APPROVED: *Tom Prather*
Tom Prather (Jun 30, 2021 16:02 EDT)

Tom Prather, Mayor

ATTEST: *Tracie Hoffman*
Tracie Hoffman (Jul 1, 2021 10:44 EDT)

Tracie Hoffman, City Clerk

2021-06-14 - Commercial Quadricycles Ordinance

Final Audit Report

2021-07-01

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