Ordinance No. 2016-003

An Ordinance Amending Ordinance No.2015-003

Pertaining to ABC laws in the City of Springfield, KY.

AN ORDINANCE AMENDING THE COMPREHENSIVE REGULATORE ORDINANCE FOR THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF SPRINGFIELD, KY.

Whereas, the City of Springfield is aware that a proposed restauranteur is interested in establishing a new business in the City of Springfield, KY that will not be able to conform to the stringent and current regulations pertaining to seating capacity of 125 persons; and

Whereas, the City has consulted with state ABC legal counsel regarding current state ABC laws, and have been informed that current laws (based at 125 persons in our current City laws) allow for a lesser seating capacity of 50 persons; and

Whereas, have been advised that current laws will not be withheld in a court of law, hereby make the following amendment to seating capacity and the total percentage of gross sales of food (70% versus 50% as required by state law) versus alcohol sales by law:

Therefore, the City of Springfield agrees to amend current ABC Ordinance to the following:

SECTION I.

11. The definition, page 2 section is amended as follows:

RESTAURANT or BONA FIDE RESTAURANT. A facility where the usual and customary business is the serving of meals to consumers and that has a bona fide kitchen facility which has been inspected, approved, and holds a valid certification by the County Health Department, and that derives at least ~~seventy percent (70%),~~ fifty percent (50%) of its total gross receipts from the sale of food. The name of the establishment must also convey to the members of the general public that the principle business of the facility is the sale of food.

SECTION II.

Section C: License Conditions is amended as follows:

2a. Hotels, motels or inns must have not less than fifty (50) sleeping units and dining facilities for not less than ~~one hundred twenty five (125) persons~~ fifty (50) persons. A restaurant must be a bona fide restaurant establishment, open to the general public and have dining facilities for not less than ~~one hundred twenty five (125) persons~~ fifty (50) persons, and must derive at least ~~seventy (70%)~~ fifty (50%)of their total gross receipts from the sale of food.

SECTION III.

**A. PASSAGE**

This Ordinance became effective upon its second reading, passage and publication.

City of Springfield, Kentucky

Signed by Mayor Debbie Wakefield and attested by Laurie Smith, City Clerk