

ORDINANCE NO. _____, SERIES 2023

AN ORDINANCE AMENDING CHAPTER 113 OF THE LOUISVILLE METRO CODE OF ORDINANCES (“LMCO”) RELATING TO RETAIL PACKAGE ALCOHOL SALES HOURS ON CHRISTMAS EVE AND NEW YEAR’S EVE.

SPONSORED BY: COUNCIL MEMBERS MULVIHILL, OWEN, BAKER, BLACKWELL, PIAGENTINI, BATSHON, KRAMER, HAWKINS AND PRESIDENT WINKLER

WHEREAS, under the current alcoholic beverage retail package sales hours established in LMCO, sales on Sundays do not begin until 1:00 PM; and

WHEREAS, when Christmas Day and New Year’s Day occur on Mondays, these reduced Sunday hours inconvenience customers; and

WHEREAS, allowing sales on those particular Sundays to begin at the same time as Monday through Saturday would allow increased retail sales.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: LMCO Section 113.40 is hereby amended as follows:

§ 113.40 LIQUOR; HOURS OF SALE.

(A) *Retail package distilled spirits and wine.* The lawful operating hours for a licensee to sell, permit to be sold, or deliver distilled spirits or wine are as follows:

(1) Between the hours of 6 a.m. and 12 a.m. on Monday through Saturday;

(2) Between the hours of 1 p.m. and 11:59 p.m. on Sunday, except when Christmas Eve and New Year's Eve fall on a Sunday, then between the hours of 6 a.m. and 11:59 p.m. on that Sunday; and

(3) Between the hours of 12 a.m. and 2 a.m. on any day of the week if the licensee has an extended hour supplemental license.

(B) *Retail drink distilled spirits and wine.* The lawful operating hours for a licensee to sell, serve, or permit the consumption of distilled spirits or wine are as follows:

(1) Between the hours of 6 a.m. and 12 a.m. on Monday through Saturday;

(2) Between the hours of 1 p.m. and 11:59 p.m. on Sunday, unless the licensee has a special Sunday retail drink license that allows operating hours to begin at 10 a.m. To be eligible for the special Sunday retail drink license, the licensee must receive at least 50% of its gross receipts from the sale of food or have one of the following licenses set forth in Kentucky Revised Statute: qualified historic site license (KRS 243.042), nonquota type 1 (KRS 243.082), or nonquota type 2 (KRS 243.084); and

(3) Between the hours of 12 a.m. and 4 a.m. on any day of the week if the licensee has an extended hour supplemental license.

(C) *Derby exception.* Notwithstanding subsections (A) and (B), retail drink and retail package licensees may sell, serve, deliver, permit to be sold, or permit the consumption of distilled spirits and wine on the first Saturday of May between the hours of 12 a.m. and 6 a.m.

SECTION II: LMCO Section 113.41 is hereby amended as follows:

§ 113.41 BEER; HOURS OF SALE.

(A) *Retail malt beverage package.* The lawful operating hours for a licensee to sell, permit to be sold, or deliver malt beverages are as follows:

(1) Between the hours of 6 a.m. and 12 a.m. on Monday through Saturday;

(2) Between the hours of 1 p.m. and 11:59 p.m. on Sunday, except when Christmas Eve and New Year's Eve fall on a Sunday, then between the hours of 6 a.m. and 11:50 p.m. on that Sunday; and

(3) Between the hours of 12 a.m. and 2 a.m. on any day of the week if the licensee has an extended hour supplemental license.

(B) *Retail malt beverage drink.* The lawful operating hours for a licensee to sell, serve, or permit the consumption of malt beverages are as follows:

(1) Between the hours of 6 a.m. and 12 a.m. on Monday through Saturday;

(2) Between the hours of 1 p.m. and 11:59 p.m. on Sunday, unless the licensee has a special Sunday malt beverage retail drink license that allows operating hours to begin at 10 a.m. To be eligible for the special Sunday retail drink license, the licensee must receive at least 50% of its gross receipts from the sale of food or have one of the following licenses set forth in Kentucky Revised Statute: qualified historic site license (KRS 243.042), nonquota type 1 (KRS 243.082), or nonquota type 2 (KRS 243.084); and

(3) Between the hours of 12 a.m. and 4 a.m. on any day of the week if the retail premise has an extended hour supplemental license.

(C) *Derby exception.* Notwithstanding subsections (A) and (B), retail drink and retail package licensees may sell, serve, deliver, permit to be sold, or permit the consumption of malt beverages on the first Saturday of May between the hours of 12 a.m. and 6 a.m.

SECTION III: This Ordinance shall take effect upon passage and approval or otherwise becoming law.

Sonya Harward
Metro Council Clerk

Markus Winkler
President of the Council

Craig Greenberg
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:
Michael J. O'Connell
Jefferson County Attorney

BY: _____

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