

**SCOTT COUNTY FISCAL COURT
ORDINANCE NO. 22-03**

*** **

**AN ORDINANCE ESTABLISHING A REGULATORY LICENSE FEE ON
THE SALE OF ALCOHOLIC BEVERAGES IN SCOTT COUNTY**

WITNESSETH:

WHEREAS, the County of Scott, has previously authorized the sale of alcoholic beverages in Scott County in Ordinance No. 19-11; and

WHEREAS, KRS 233.075 authorizes the county to impose a Regulatory License Fee on the sale of alcohol beverages sold in the county, that is reasonably estimated to fully reimburse the county for the estimated costs for any policing, regulatory, or administrative related expenses; and

WHEREAS, the Scott County Fiscal Court desires to impose said fee to recoup these expenses;

NOW THEREFORE, BE IT ORDAINED BY THE SCOTT COUNTY FISCAL COURT as follows:

SECTION 1. Regulatory License Fee

A. Pursuant to KRS 243.075, there is hereby imposed a regulatory license fee upon the gross receipts of the sale of alcoholic beverages of each establishment located outside the limits of the City of Georgetown but within the geographical boundaries of Scott County licensed to sell alcoholic beverages. As of the time of adoption of this ordinance, the regulatory license fee shall be 5% of gross sales of all alcoholic beverages sold by the drink. In the case of retail sales of package distilled spirits and wine, the regulatory license fee shall be 5% of gross sales. The regulatory license fee shall be 5% on gross retail sales of package malt beverages. Thereafter, pursuant to KRS 243.075 the Scott County Fiscal Court shall adopt at the budget adoption for each subsequent fiscal year, such annual rate for the regulatory license fee as shall be reasonably estimated to ensure full reimbursement to the county for the cost of any additional policing, regulatory, or administrative expense related to the sale of alcoholic beverages in the county. Should the county fail to address the regulatory license fee in any budget, then the regulatory license fee shall remain at the level at which it was last fixed until such time as the Scott County Fiscal Court shall adjust the fee.

SECTION 2. Payment of Fee

A. Payment of such regulatory fee shall be remitted to the Local ABC Administrator, and shall be held in a separate account maintained for the purpose of fully reimbursing the county for the estimated cost of any additional policing, regulatory or administrative expense related to the sale of alcoholic beverages in the county. The regulatory license fee shall be in addition to any other taxes, fees or licenses permitted by law. Payment of the regulatory license fee shall accompany the tax return approved for such use by the Scott County Fiscal Court. The return and payment are due no later than by the end of the month immediately following each calendar quarter.

SECTION 3. Failure to Pay Fee And File A Return

A. Failure to pay such quarterly remittance within ten days of the due date constitutes a violation and subjects a licensee to suspension or revocation. The penalty for failure to file a return and pay the quarterly

remittance by the due date is 5% of the tax for each 90 days or fraction thereof beyond the due date of the return and/or fee. The total late filing penalty shall not exceed 25% of the tax; provided, however, that in no case shall the penalty be less than \$10. Interest at the rate of 8% per annum will apply to any late payments.

SECTION 4. Disposition of Fees

A. The Local ABC Administrator shall transmit fees upon collection to the Scott County Fiscal Court to be deposited into the appropriate designated account.

Fees collected from the sales of alcoholic beverages shall be used in the following manner:

1. All administrative expenses, including but not limited to:
 - (a) Salaries of Local ABC Administrator and staff;
 - (b) Office equipment and supplies directly related to administration and regulation of alcoholic beverage control law;
 - (c) Office space, utilities, communication and technology expenses for administration and regulation;
 - (d) Travel expenses incurred for policing, administration and regulation of alcoholic beverages; and
 - (e) Any additional costs directly related to the administration and regulation of alcoholic beverages.

2. If applicable, all fees collected in excess of expenses included above shall be dispersed as follows:
 - (a) One hundred percent (100%) to Scott County Fiscal Court; and
 - (b) Fees shall be used for policing expenses and any regulatory or administrative expenses directly related to alcohol related incidents and responses.

SECTION 5. The ordinance shall take effect upon its passage and publication as required by law.

First Reading Approved March 11, 2022.

Adopted Upon Second Reading on March 24, 2022.

JOE PAT COVINGTON
SCOTT COUNTY JUDGE EXECUTIVE

ATTESTED:

STACY HAMILTON
SCOTT FISCAL COURT CLERK