

244.290 Sales of distilled spirits or wine when polls are open permitted in wet or moist territory -- Power of local governments to regulate -- Sunday sales.

- (1) (a) A premises that is licensed to sell distilled spirits or wine at retail shall be permitted to remain open during the hours the polls are open on any primary, or regular, local option, or special election day unless it is located where the legislative body of a city with a population equal to or greater than three thousand (3,000) based on the most recent federal decennial census, urban-county government, consolidated local government, charter county government, unified local government, or the fiscal court of a county containing a city with a population equal to or greater than three thousand (3,000) based on the most recent federal decennial census adopts an ordinance that prohibits the sale of distilled spirits and wine or limits the hours and times in which distilled spirits and wine may be sold within its jurisdictional boundaries on any primary, or regular, local option, or special election day during the hours the polls are open.
- (b) This subsection shall only apply in a wet or moist territory.
- (c) Notwithstanding any other provision of the Kentucky Revised Statutes to the contrary, the fiscal court of a county shall not by ordinance or any other means:
 1. Supersede, reverse, or modify any decision made pursuant to this subsection by the legislative body of a city within that county; or
 2. Impose an action upon a city within that county when that city has taken no formal action pursuant to this subsection.
- (2) In any county containing a city of the first class, or a city with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census in which the sale of distilled spirits and wine by the drink is permitted under KRS Chapter 242, an election on the question of permitting the sale of distilled spirits and wine by the drink on Sunday may be held as provided in KRS Chapter 242.
- (3) Except as provided in KRS 243.050, a premise for which there has been granted a license for the sale of distilled spirits or wine at retail by the drink or by the package shall not remain open for any purposes between midnight and 6 a.m. or at any time during the twenty-four (24) hours of a Sunday, unless:
 - (a) The licensee provides a separate locked department in which all stocks of distilled spirits and wine are kept during those times; or
 - (b) The legislative body of a city with a population equal to or greater than three thousand (3,000) based on the most recent federal decennial census, urban-county government, consolidated local government, charter county government, unified local government, or the fiscal court of a county containing a city with a population equal to or greater than three thousand (3,000) based on the most recent federal decennial census, has otherwise established the hours and times in which distilled spirits and wine may be sold within its jurisdictional boundaries.
- (4) In any city with a population equal to or greater than three thousand (3,000) based on the most recent federal decennial census, or in any county containing

such a city in which the sale of distilled spirits and wine is permitted under KRS Chapter 242, the legislative body of the city or county may, by ordinance, permit the sale of distilled spirits and wine by the drink on Sunday from 1 p.m. until the designated closing hour of that locality at hotels, motels, or restaurants which:

- (a) Have dining facilities with a minimum seating capacity of one hundred (100) people at tables; and
 - (b) Receive less than fifty percent (50%) of their annual food and beverage receipts from the dining facilities from the sale of alcohol.
- (5) In any county containing a licensed small farm winery that is permitted to sell alcoholic beverages under KRS Chapter 242, the sale of alcoholic beverages at the small farm winery on Sunday may be permitted if:
- (a) The legislative body of the county approves by local ordinance the sale of alcoholic beverages on Sunday in strict accordance with the sales permitted by KRS 243.155 on the licensed premises of a small farm winery from 1 p.m. until the prevailing time for that locality; or
 - (b) A limited sale precinct election on the issue of Sunday sales is approved after meeting the requirements of KRS 242.1241.
- (6) In any county containing a city of the first class or in any city located therein in which the sale of distilled spirits and wine is permitted under KRS Chapter 242, the distilled spirits director may issue a license to holders of a quota retail drink license or a special private club license which permits the sale of distilled spirits and wine by the drink on Sunday from 1 p.m. until the prevailing time for that locality.
- (7) Any city or county which has enacted a comprehensive, regulatory ordinance relating to the licensing and operation of hotels, motels, inns, or restaurants for the sale of alcoholic beverages by the drink under KRS 243.072, may also regulate and provide for the limited sale of distilled spirits and wine by the drink on Sundays if:
- (a) The special Sunday retail drink licenses are issued only to those hotels, motels, inns, or restaurants authorized to sell alcoholic beverages by the drink under KRS 243.072; and
 - (b) The licensed retailers selling distilled spirits and wine by the drink have applied to the state director and meet all other legal requirements for obtaining a special Sunday retail drink license.
- (8) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, in any county containing an urban-county government, consolidated local government, charter county government, or unified local government where Sunday sales of distilled spirits and wine by the drink have been previously approved, the legislative body of the urban-county government, consolidated local government, charter county government, or unified local government may by ordinance extend Sunday sales to any premises licensed to sell distilled spirits and wine by the drink located within the territorial boundaries of the urban-county government, consolidated local government, charter county government, or unified local government and may by ordinance establish the hours such distilled spirits and wine by the drink may be sold.

- (9) Any city or county that has lawfully enacted a regulatory ordinance pursuant to this section prior to August 1, 2014, shall be deemed to meet the requirements for doing so set out in this section and may continue to enforce the ordinance pursuant to the provisions of this section.

Effective: January 1, 2015

History: Amended 2014 Ky. Acts ch. 22, sec. 22, effective July 15, 2014; ch. 92, sec. 300, effective January 1, 2015; and ch. 115, sec. 1, effective July 15, 2014; -- Amended 2013 Ky. Acts ch. 121, sec. 91, effective June 25, 2013. -- Amended 2012 Ky. Acts ch. 125, sec. 9, effective July 12, 2012. -- Amended 2007 Ky. Acts ch. 99, sec. 10, effective June 26, 2007. -- Amended 2000 Ky. Acts ch. 435, sec. 19, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 522, sec. 21, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 252, sec. 2, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 219, sec. 4, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 176, sec. 2, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 340, sec. 1, effective July 15, 1982; and ch. 411, sec. 2, effective July 15, 1982. -- Amended 1972 Ky. Acts ch. 335, sec. 4. -- Amended 1944 Ky. Acts ch. 154, sec. 27. -- Amended 1942 Ky. Acts ch. 168, secs. 7 and 16. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2554b-179.

Legislative Research Commission Note (1/1/2015). This statute was amended by 2014 Ky. Acts chs. 22, 92, and 115, which do not appear to be in conflict and have been codified together.

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.