

242.1244 Local option for limited sale of alcoholic beverages purchased in conjunction with a meal -- Separate local option elections to be held for restaurants seating fifty persons and those seating one hundred persons.

- (1) (a) In order to promote economic development and tourism, a dry or moist city, county, urban county government, charter county, consolidated local government, or unified local government may hold a local option election on the sale of alcoholic beverages by the drink at restaurants that seat a minimum of fifty (50) persons and derive a minimum of seventy percent (70%) of their food and alcoholic beverage receipts from the sale of food if alcoholic beverages are purchased in conjunction with a meal. A petition seeking a local option election under this subsection shall state "We the undersigned registered voters hereby petition for an election on the following question: 'Are you in favor of the sale of alcoholic beverages by the drink at restaurants with a seating capacity of at least fifty (50) persons and which derive at least seventy percent (70%) of their food and alcoholic beverage receipts from the sale of food if the alcoholic beverage is purchased in conjunction with a meal?'"
- (b) The local option election shall be held in accordance with KRS 242.020 to 242.040, and 242.060 to 242.120. The form of the proposition to be voted upon shall be: "Are you in favor of the sale of alcoholic beverages by the drink in (name of city or county) at restaurants with a seating capacity of at least fifty (50) persons and which derive at least seventy percent (70%) of their food and alcoholic beverage receipts from the sale of food if the alcoholic beverage is purchased in conjunction with a meal?". If the majority of the votes in an election held pursuant to this subsection are "Yes," licenses may be issued to qualified restaurants.
- (2) (a) In order to promote economic development and tourism, a dry or moist city, county, urban-county government, charter county, consolidated local government, or unified local government may hold a local option election on the sale of alcoholic beverages by the drink at restaurants and dining facilities which seat a minimum of one hundred (100) persons and derive a minimum of seventy percent (70%) of their food and alcoholic beverage receipts from the sale of food.
- (b) A petition seeking a local option election under this subsection shall state "We the undersigned registered voters hereby petition for an election on the following question: 'Are you in favor of the sale of alcoholic beverages by the drink in (name of city or county) at restaurants and dining facilities with a seating capacity of at least one hundred (100) persons and which derive at least seventy percent (70%) of their food and alcoholic beverage receipts from the sale of food?'"
- (c) The local option election shall be held in accordance with KRS 242.020 to 242.040, and 242.060 to 242.120. The form of the proposition to be voted upon shall be: "Are you in favor of the sale of alcoholic beverages by the drink in (name of city or county) at restaurants and dining facilities with a seating capacity of at least one hundred (100) persons and which derive at least seventy percent (70%) of their food and alcoholic beverage

receipts from the sale of food?". If the majority of the votes in an election held pursuant to this subsection are "Yes," licenses may be issued to qualified restaurants and dining facilities.

- (3) A local option proposition under subsection (1) of this section is a separate proposition than a local option proposition held under subsection (2) of this section, so that a separate limited local option election under each subsection is permitted. A territory may, by separate limited local option elections, simultaneously allow alcoholic beverage sales under subsections (1) and (2) of this section. A territory may also hold a limited local option election to allow alcoholic beverage sales under either subsection (1) or (2) of this section without authorizing alcoholic beverage sales under the other subsection.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 62, sec. 25, effective June 29, 2017; and ch. 190, sec. 4, effective April 11, 2017 -- Repealed and reenacted 2013 Ky. Acts ch. 121, sec. 14, effective June 25, 2013. -- Created 2007 Ky. Acts ch. 99, sec. 8, effective June 26, 2007.

Legislative Research Commission Note (6/29/2017). This statute was amended by 2017 Ky. Acts chs. 62 and 190, which do not appear to be in conflict and have been codified together.