

**COMMISSIONERS ORDINANCE NO. O-2019-017**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY CREATING SECTION 111.52 OF THE NEWPORT CODE OF ORDINANCES CREATING A REGULATORY LICENSE FEE.**

BE IT ORDAINED BY THE CITY OF NEWPORT, KENTUCKY:

**SECTION I**

Section 111.52 of the Code of Ordinances of the City of Newport, Kentucky shall be and is hereby adopted, and shall read as follows:

**§ 111.52 IMPOSITION OF REGULATORY LICENSE FEE.**

Commencing with Fiscal Year 2019-2020, there shall be imposed upon and collected from the holder of any related alcoholic beverage license issued by the City, an initial regulatory license fee of two and one half percent (2.5%) upon the gross retail sales of all alcoholic beverages (distilled spirits, wine, and malt beverages) sold by the drink and/or by the package.

A credit against the regulatory license fee amount payable shall be permitted in an amount equal to the total amount of license fees imposed and paid to the City for all licenses required permitting the sale of alcoholic beverages by the drink and/or by the package, excluding the City's Extended Hours License.

Payment of the regulatory license fee shall be remitted to the City in a return form to be provided to the City and shall be held in a separate account maintained for the purposes consistent herewith. The regulatory license fee shall be payable on a quarterly basis and due thirty days after the quarter ends.

The credit amount to be applied against the regulatory license fee due and owing shall be determined and refunded to the license holder upon completion of the City's

review of the annual reconciliation of the license holder's return and such refund shall be made no later than March 31 of each year.

Such regulatory license fee shall be paid in addition to any other fees or taxes due to the City.

Failure to pay the required regulatory license fee within thirty (30) days after its due date shall be considered as late and shall constitute a violation and subject the license holder to suspension or revocation of any alcoholic beverage license issued.

A penalty of ten percent (10%) of the total regulatory license fee amount due shall be assessed for failure to file the requisite return and/or for any late payment made. In addition, interest at the rate of eight percent (8%) per annum shall be applied to all late payments.

The City shall determine at the budget adoption for each subsequent fiscal year, the annual rate for the regulatory license fee as shall be deemed reasonably estimated to ensure full reimbursement to the City for the cost of any additional policing, regulatory or administrative expenses related to the sale of alcoholic beverages in the City and to otherwise ensure compliance with the provisions of KRS 243.075. Should the City fail to address the regulatory license fee in any budget, then the regulatory license fee shall remain at the rate at which it was last fixed until such time as the City shall adjust the fee.

## **SECTION II**

That this Ordinance shall be signed by the Mayor and attested to by the City Clerk, recorded, published, and effective upon publication.

PASSED: First reading June 11, 2019  
PASSED: Second reading June 17, 2019

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Jerry R. Peluso, Mayor

ATTEST:

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Amy B. Able, City Clerk

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