

COMMISSIONERS ORDINANCE NO. O-2021-017

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY AMENDING SECTION 111.05 OF THE CODE OF ORDINANCES CONCERNING REGISTRATION OF EMPLOYEES IN ESTABLISHMENTS LICENSED TO SELL ALCOHOLIC BEVERAGES

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY, AS FOLLOWS:

SECTION I

That Section 111.05 of the Code of Ordinances shall be and is hereby amended to read as follows:

SECTION 111.05 REGISTRATION; PHOTOGRAPHING, FINGERPRINTING OF EMPLOYEES

- (A) ~~Any person employed or working in any capacity, whether it be as an employee, as volunteer help or as a working proprietor~~ Every person, including any working proprietor, employed as a bartender or a server (excepting those whose primary function is the service of food), working in any establishment or place of business, except as hereinafter provided, where distilled spirits, wine, or malt beverages are sold or dispensed by the drink as defined in both the Kentucky revised Statues and/or the City ordinances, shall register in a book of registration to be kept by the Newport Police Department, and is required to be registered, fingerprinted, photographed, and have a criminal background check completed by the Police Department of the City prior to the date of commencing his or her employment with the establishment or place of business. No person shall fail to register or be fingerprinted, photographed, and have a criminal background check completed prior to commencing the employment. The requirements hereof shall also apply to any person working as security personnel at the establishment whether as an employee or by contract.
- (B) No employer, whether a person, firm, or corporation, shall allow any person to be employed as a bartender or server unless the employee shall have registered and shall have been fingerprinted, photographed, and have a criminal background check completed within the time period and as prescribed in division (A) above.

- (C) ~~The registrants under this section are~~ employer shall be required to have keep and maintain on premise for review the identification cards issued by the Newport Police Department in their ~~immediate~~ possession during their hours of employment. The identification card shall contain the registrant's picture, name, age, hair color, eye color, weight, and place of employment.

The establishment at which the applicant is to be employed shall be indicated on the registered identification card to be issued and shall only be valid for the establishment named thereon. Any subsequent change in employment to a different establishment during the term of validity shall require the registered identification card holder to submit a renewal application and reissuance of the identification card under the provisions of subsection (D)(2) herein.

- (D) (1) The City shall require a payment of \$42 ~~\$42~~ \$45 for each person registered, which charge shall be applied to cover the cost involved in the registration fingerprinting, photographing and completion of a criminal background check, including the cost of the identification card furnished to the registrants.

- (2) The City shall require a payment of \$10 for the reissuance of any identification card which may be lost, stolen, or misplaced, or is required to be renewed due to change in employment location during the registration period.

- (E) The employer shall be required to provide a list of all employees working in any capacity at the establishment which shall be updated and provided to the Police Department and Finance Department on a quarterly basis along with their payroll tax return.

- ~~(E) Those businesses having a distilled spirits, wine, or malt beverages by the drink license as an accessory use with another business as the principal use at the same location, including, but not limited to restaurants and hotels/motels, shall register only those persons who are directly engaged in that portion of that business which sells distilled spirits, wine, or malt beverages by the drink.~~

- ~~(F) This registration procedure shall not apply to waiters and waitresses whose primary function is the service of food.~~

- ~~(G)~~(F) Any employee, volunteer help or working proprietors at a festival or similar event which lasts less than 5 days, for which a Special Temporary liquor license has been secured, shall not be required to register under this section.

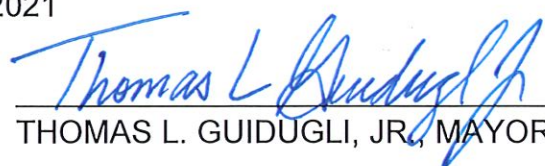
- (H)(G) The employees, volunteer help or working proprietors of a holder of a Non-Quota 3 (NQ3) Retail Drink license shall be exempt from registration under this section if and only if the use of the Non-Quota 3 (NQ3) Retail Drink license is an accessory use to a principal permitted use.
- (H)(H) Any establishment having a distilled spirits, wine, or malt beverage by the drink license that employs a contract cleaning service or other maintenance service to work in their establishment after closing hours shall require those persons so employed by the contractor to wear an identification card while working in that portion of the establishment that is directly involved in the sale of distilled spirits, wine, or malt beverage by the drink.
- (J)(I) (1) All registered identification cards issued hereunder shall be valid for a period of ~~three (3)~~ two (2) years from the date of issuance and shall thereafter be subject to renewal for an additional ~~three (3)~~ two (2) year period or shall be considered as void.
- (2) Any person holding a currently registered identification card shall be required to renew the same ~~within three (3) years from the date of passage of Ord. O-2018-016 otherwise~~ at the expiration thereof, being every two years, and pay a fee of \$35 to cover the administrative cost and background check, otherwise it shall be considered as void and the applicant subject to registration renewal.
- (3) Every identification card registration renewal application shall be subject to payment of the requisite fee as set forth in subsection (D)(1) hereof.

## SECTION II

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

PASSED 1<sup>st</sup> READING: September 20, 2021

PASSED 2<sup>nd</sup> READING: October 18, 2021

  
\_\_\_\_\_  
THOMAS L. GUIDUGLI, JR., MAYOR

ATTEST:

  
\_\_\_\_\_  
JANIE PATTERSON, CITY CLERK

PUBLISHED: Online on the City website, [www.newportky.gov](http://www.newportky.gov), with URL reference published in the Campbell County Recorder the 11 of November, 2021 per KRS 424.145