

**CITY OF PROSPECT, KENTUCKY
ORDINANCE NO. 645, SERIES 2024**

**AN ORDINANCE RELATING TO THE AMENDMENT AND MODIFICATION OF CHAPTER 114:
REGULATING DISTANCE BETWEEN PACKAGE LIQUOR SALES.**

WHEREAS, certain language of Chapter 114 contravenes current Kentucky State Statutory and Case Law and Kentucky Alcoholic Beverage Control regulations;

NOW, THEREFORE, be it ordained by the Prospect City Council:

Section 1. Chapter 114 is hereby amended and modified as hereinafter set forth with old language struck through, changes, and new language being underlined and reading as follows:

~~§114.11 Regulating Distance Between Package Liquor Sales-~~

~~(A) No retail by the package liquor license shall be granted or issued to any licensee for any location within 2,640 feet of any existing premises licensed for such sales.~~

~~(B) All distances referred to in this section shall be measured along the right-of-way of existing public vehicular roadways from a point on any such right-of-way line nearest the entrance of any such existing premises licensed for such sales to a point on any such right-of-way line nearest the entrance of the proposed licensed premises. All intersecting right-of-way lines shall be measured at right angles and where it is necessary in such measurement to cross a right-of-way the measurement shall be made at right angles. In determining distances hereunder the assessor maps of Jefferson County shall be used and shall be presumed to be accurate by the Alcohol Beverage Control Administrator for the city. Applicants may, at their own expense, furnish a certified surveyed by any registered professional engineer or surveyor licensed in Jefferson County, and any such survey shall be given full consideration by the Administrator. For purposes of this section "public vehicular roadways" shall mean any "road open to general public travel and actually and substantially used for automotive travel;" unpaved rights-of-way and dead-end roadways shall not be considered in making measurements hereunder.~~

~~(C) The distance limitation prescribed by these regulations shall not affect any existing license location nor the right of the owner to transfer the license for such location. The location of any such existing license shall not be transferred to a new location in violation of this section, except:~~

~~(1) The location of any presently existing license or renewal thereof in case of destruction of property, or loss of lease through failure of the landlord to renew such lease; and~~

~~(2) The location of any presently existing license or renewal thereof which desires to expand its operations within the same shopping center or shopping area, may be transferred to a location which is not closer than one-half the distance between an existing licensed premises and the nearest similar licensed premises.~~

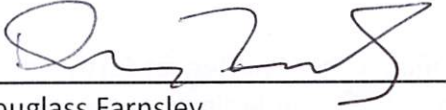
Section 2. This Ordinance shall take effect from and after its passage, signing, and publication as required by law.

First Reading this 21st day of October 2024.

Second Reading this 18th day of November 2024.

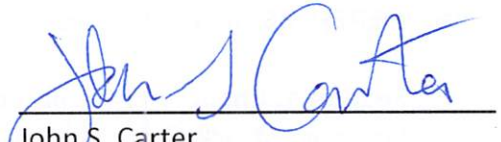
By a vote of 6 aye and 0 nay of the City Council.

APPROVE/VETO:

A handwritten signature in black ink, appearing to read 'Douglass Farnsley', written over a horizontal line.

Douglass Farnsley
Mayor, City of Prospect

ATTEST:

A handwritten signature in blue ink, appearing to read 'John S. Carter', written over a horizontal line.

John S. Carter
City Clerk