

ORDINANCE NO. 2024- 10

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT AMENDING CHAPTER 96 OF THE BOONE COUNTY CODE OF ORDINANCES RELATING TO THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN COUNTY PARKS.

WHEREAS, the Boone County Fiscal Court (“BCFC”) finds that it is a legitimate public purpose of the BCFC to regulate the sale, possession and consumption in county parks; and

WHEREAS, the Kentucky General Assembly has enacted KRS 67.083 which grants County Fiscal Courts the authority to provide parks and regulate the sale of alcoholic beverages as authorized by KRS 241 to 244; and

WHEREAS, section 96.07 of the Boone County Code of Ordinances prohibits the possession or consumption of alcohol in county parks; and

WHEREAS, the Boone County Fiscal Court has determined that the sale, possession and consumption of alcohol in designated county parks in some circumstances should be allowable.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:

SECTION ONE

That the Boone County Fiscal Court does hereby amend section 96.07, Consumption of Alcoholic Beverages Prohibited as follows:

SALE, POSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED.

It shall be unlawful for any person to sell, possess or consume alcoholic beverages in any County owned or maintained the park or in any Parks Department facility being used by the Parks Department for purposes of public recreation except by Special Event Permit approved by the County Administrator consistent with the requirements of this section.

1. Definitions:

- a. Boone County Administrator. Boone County Administrator shall mean the staff member defined in section 2.04 C. of the Boone County Administrative Code who serves as the Chief Administrative Officer of the County.

- b. Alcohol. Alcohol shall be defined consistent with section 241.010 of the Kentucky Revised Statutes.
- c. Licensed Vendor. Licensed Vendor shall mean an individual or business that possesses a valid Boone County Occupational License and valid liquor license issued by the Commonwealth of Kentucky and the County of Boone to sell and serve alcohol.
- d. Agency. Agency shall mean the Boone County Sheriff or Florence Police Department.

2. Requirements. The sale, possession, and consumption of alcohol may only be permitted in the following county parks: England-Idlewild, Boone Woods, and Central Park upon compliance with the following requirements:

- a. Application by a licensed vendor for a Special Event Permit as set forth in Section 3 below.
- b. Possession by a licensed vendor of a valid Special Event Permit issued by the Boone County Administrator.
- c. The possession and consumption of alcohol, as provided herein, shall be limited to designated areas as set forth in subsection (f) below and to those individuals who have purchased alcohol from a licensed vendor possessing a valid Special Event Permit.
- d. The licensed vendor shall be required to confirm that individuals purchasing alcohol are of legal age and vendors shall require all purchasers be identified with a band confirming that the individual possessing or consuming alcohol is of legal age to possess or consume alcohol.
- e. Alcohol sales, possession and consumption shall be permitted only in conjunction with a shelter rental or for special events co-sponsored by the Boone County Parks Department.
- f. Consumption of alcohol during special events from a licensed vendor in conjunction with a valid special permit shall be restricted to designated areas and not permitted in the parks generally.
- g. Special Event Permits for the sale of alcohol shall only be issued to a licensed vendor for events occurring during hours when the park is open to the general public.
- h. Special Event Permits shall require a licensed vendor to possess a Liability insurance policy in the amount of \$1 million dollars with Boone County Fiscal Court being named as an additional insured and a waiver of subrogation.
- i. Special Event Permits shall only be available for events open to the public.

- j. Special Event Permits shall require the presence of law enforcement officers in such number as shall be determined by the agency, at the expense of the Special Event Permit holder.

3. Special Event Permit Process. Special Event Permit applications shall be submitted to the Director of Parks on an official application form available from the Parks Department. The County Administrator shall issue a Special Event Permit only upon compliance with the following conditions:
 - a. Receipt of completed application and permit fee of twenty-five (\$25) dollars.
 - b. Submission by the applicant of written proof that the applicant possesses a valid license to permit the applicant to sell alcohol.
 - c. Submission of a valid and in force insurance Certificate naming Boone County Fiscal Court as an additional insured with waiver of subrogation.
 - d. Approval of the application by the Director of Parks.
 - e. Approval of the application by the law enforcement agency.
 - f. Deposit of special duty pay for law enforcement officers in an amount as determined by agency.

4. Any violation of this section shall constitute a violation and subject to fine as set forth herein. Penalty, see § 96.99

SECTION TWO

If any section or part of any section or any provision of this Ordinance shall be declared invalid by a Court of appropriate jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.


SECTION THREE

This ordinance shall be in effect and in full force from and after its passage, publication and recording, according to law.

Adopted this 23rd day of April, 2024

First Reading - the 2nd day of April, 2024

Second Reading – the 23rd day of April, 2024 Yes 3 No 1



GARY W. MOORE,
Judge/Executive
Boone County Fiscal Court

Attest:



Shona Schulkers,
Fiscal Court Clerk