



**EXECUTIVE ORDER
CITY OF COVINGTON, KENTUCKY**

EXECUTIVE ORDER NO. 2020-EO-07

ALCOHOLIC BEVERAGE CONTROL MATTERS

WHEREAS, on March 16, 2020, pursuant to Gov. Andy Beshear's Executive Order 2020-215 declaring a state of emergency in the Commonwealth due to the outbreak of COVID-19 virus, a public health emergency, the Cabinet for Health and Family Services, the Department of Public Health, and the Public Protection Cabinet, Department of Alcoholic Beverage Control promulgated an Order prohibiting the onsite consumption of food and beverages, including alcoholic beverages, in the Commonwealth of Kentucky; and

WHEREAS, effective on March 19, 2020, the Department of Alcoholic Beverage Control, in order to diminish the economic impact to restaurants and bars caused by this sudden closing and pursuant to KRS 39A.180, ordered supplemental rules while the prohibition of onsite consumption of food and beverage persists under Executive Order 2020-215; and

WHEREAS, several events where special temporary alcoholic beverage control licenses were applied for were cancelled or postponed due to the COVID-19 virus outbreak and associated government orders to limit public events; and

WHEREAS, the Department of Alcoholic Beverage Control has indicated it will refund any state application fees for state special temporary license applications for events that were cancelled or postponed due to the COVID-19 outbreak; and

WHEREAS, on March 19, 2020, Mayor Joseph U. Meyer signed Executive Order 2020-EO-01, declaring a state of emergency in the City of Covington due to the outbreak of COVID-19 virus, a public health emergency; and

WHEREAS, applicable Kentucky laws authorize a mayor to exercise emergency powers to efficiently and effectively provide for the health, safety and welfare of citizens; and

WHEREAS, Covington issues local Alcoholic Beverage Control (ABC) licenses in accordance with relevant state statutes, regulations, and directives; and

WHEREAS, Covington should expressly adopt any temporary State ABC directives and/or rules to remain consistent with the State ABC regulatory process and for the convenience and ease of Covington

licensees; and

WHEREAS, the City Manager after consultation with the Finance Director, has advised the Mayor that the financial impact resulting from the proposed extension will not affect the City's ability to deliver the essential services relied upon by its citizens.

NOW and therefore, I, Joseph U. Meyer, pursuant to the authority vested in me as Mayor of the City of Covington, Kentucky by KRS Chapter 39A, KRS 39B, and in furtherance of the declaration set forth in Executive Order 2020-EO-01, hereby order:

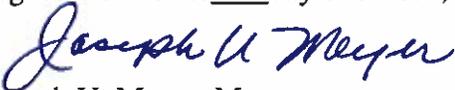
1. Any on-premises drink licensee may sell for off-premises consumption any alcoholic beverages that it is ordinarily able to sell for on-premises consumption under the law, subject to the following restrictions:
 - a. Alcoholic beverages sold for off-premises consumption pursuant to this order must be sold in a closed and sealed original container (no to-go cups).
 - b. The sale of any alcoholic beverages must be incidental to the purchase of a meal, and not in bulk quantities. This Order does not authorize deliveries of quantities of alcoholic beverages greater than may reasonable be expected to be consumed with the meal which is part of the delivery.
 - c. Deliveries that include alcoholic beverages sold pursuant to this Order shall be made in a vehicle owned and operated by the licensee, its employee or an independent contractor/agent. An independent contractor/agent does not need a separate transporter's license to make deliveries for one or more retail licensee. Any person delivering alcoholic beverages under this Order must be at least twenty (20) years of age.
 - d. Vehicles used for deliveries are not required to display the name and license number of the retail licensee selling the alcoholic beverages being delivered.
2. The same standards for selling/serving alcohol to consumers on a retailer's premises apply to delivering alcohol to consumers located off the retailer's premises. It is illegal to sell or deliver an alcoholic beverage to a minor under twenty-one (21) years of age or to an intoxicated person.
3. The City may take appropriate action to enforce this Order.
4. Any application fees paid to the City for special temporary licenses for events which have been cancelled due to the COVID-19 outbreak may be refunded upon request by the application to the City's ABC Administrator, in writing, and upon determination that good cause is shown to refund the application fee(s).
5. Any Covington 2:30 a.m. permittee who is in good standing with the City and whose business has been negatively impacted by the COVID-19 outbreak may apply for a partial refund of the annual 2:30 a.m. permit fee currently in effect for the period from February 1, 2020 to January 31, 2021. Any refund will be limited to the amount of time the 2:30 a.m. permittee's business was unable to utilize its 2:30 a.m. permit during the COVID-19 outbreak, however no less than one month will be refunded. 2:30 a.m. permittees who are interested in seeking refunds should contact the

Covington ABC Administrator (Michael Bartlett, mbartlett@covingtonky.gov, 859.292.2315) for more information.

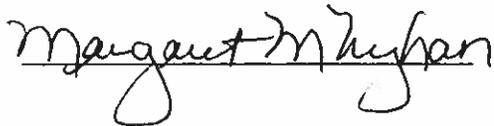
This Order shall remain in effect until terminated by the issuance of another Executive Order when I determine that a state of emergency no longer exists and the exercise of extraordinary measures are no longer required for the protection of the public health, safety and welfare.

THIS ORDER IS EFFECTIVE MARCH 27, 2020 AND SHALL REMAIN IN EFFECT UNTIL RESCINDED BY EXECUTIVE ORDER.

Signed on this the 27th day of March, 2020,


Joseph U. Meyer, Mayor

Attest:


Margaret M. Ryan

3-27-20