



**OFFICE OF THE MAYOR
CITY OF COVINGTON**

Joseph U. Meyer
Mayor

Covington City Hall
jumeyer@covingtonky.gov

**EXECUTIVE ORDER
CITY OF COVINGTON, KENTUCKY**

EXECUTIVE ORDER NO. 2020-EO-10

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, 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, Mayor Meyer previously signed Executive Order 2020-EO-07, setting forth temporary ABC regulations consistent with state actions; and

WHEREAS, due to the recent adoption of 2020 KY SB150 and recent guidance from the Kentucky Department of Alcoholic Beverage Control, portions of Executive Order 2020-EO-07 should be amended.

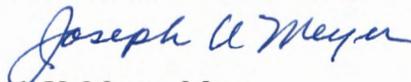
NOW and therefore, I, Joseph U. Meyer, pursuant to the authority vested in me as Mayor of the City of Covington, Kentucky by KRS Chapter 39A, KRS 39B, and in furtherance of the declaration set forth in Executive Order 2020-EO-01, hereby order:

1. A license holder with the privilege of selling alcoholic beverages by the drink at retail shall be permitted to sell alcoholic beverages by the drink in a covered or sealed container, and by the package in closed sealed original containers, on a delivery, to-go, or take-out basis in conjunction with food sales, as follows:
 - a. The sale of any alcoholic beverages must be incidental to the purchase of a meal, and not to be sold in bulk quantities;
 - b. Deliveries that include alcoholic beverages shall be made in a vehicle operated and owned by the licensee, the licensee's employee, or an independent contractor or agent;
 - c. Any person delivering alcoholic beverages must be at least twenty (20) years of age;
 - d. Vehicles used for deliveries are exempt from displaying the name and license number of the retail licensee selling the alcoholic beverages being delivered; and
 - e. No delivery shall be made to a minor under twenty-one (21) years of age or to an intoxicated person.
2. In accordance with 2020 KY SB150, a covered or sealed container shall not be considered an open container.
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.

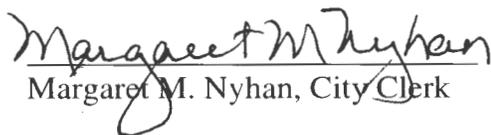
THIS ORDER IS EFFECTIVE APRIL 3, 2020 AND SHALL REMAIN IN EFFECT UNTIL RESCINDED BY EXECUTIVE ORDER.

Signed on this the 3rd day of April, 2020,



Joseph U. Meyer, Mayor

Attest:



Margaret M. Nyhan, City Clerk

4-3-20
Date