



**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-37

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 may 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, Mayor Meyer previously signed Executive Order 2020-EO-10, amending 2020-EO-07, and setting forth specific temporary ABC regulations consistent with state actions; and

WHEREAS, on October 15, 2020, the State ABC, by and through Public Protection Cabinet Secretary Kerry B. Harvey, extended state license renewal deadlines through December 31, 2020;

WHEREAS, Kentucky law requires local ABC licenses periods and deadlines to match corresponding state periods and deadlines;

WHEREAS, on November 5, 2020, Governor Beshear announced the State ABC would be providing additional financial relief in the form of state ABC license fee waivers to bars and restaurants;

WHEREAS, City staff have analyzed the anticipated financial impact should the City join the state in adopting a fee waiver program and staff recommends implementation of a local ABC license fee waiver to provide additional financial relief to Covington ABC license holders and businesses.

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:

Notwithstanding Executive Order 2020-E)-07 and Executive Order 2020-EO-10:

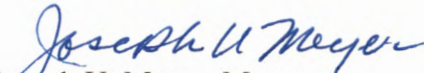
1. All Covington alcoholic beverage control licenses expiring on or before December 31, 2020 shall remain in effect and authorize alcoholic beverage sales until December 31, 2020. Licensees must submit license renewal applications to continue alcoholic beverage sales thereafter.
2. Covington licensees holding local licenses matching those state licenses identified in the attached guidance from the State ABC will receive a 12-month renewal fee waiver.
3. Covington licensees who have not paid renewal fees for 2020 will not be required to renew until 2021. This waiver applies to those licenses which would have typically been valid from December 1, 2020 through November 30, 2021. Licensees must not have any outstanding delinquent accounts with the City to qualify for the fee waiver program.
4. City staff is authorized to take appropriate and necessary steps to carry out this waive: program for the license period from December 1, 2020 through November 30, 2021 included but not limited to: processing refunds for any local license fees already paid for the applicable license period, providing revised renewal applications for the applicable license period, and issuing local licenses for the period expiring November 30, 2021.
5. Covington ABC license holders are reminded and encouraged to stay up to date on all state and local health and business regulations during the COVID-19 pandemic and take all necessary steps to comply with state and local health directives concerning safe business practices.

6. The City may take appropriate action to enforce this Order and any previously enacted Orders.

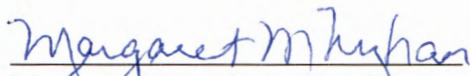
This Order shall remain in effect until terminated by the issuance of another Executive Order when I determine that a state of emergency no longer exists and the exercise of extraordinary measures are no longer required for the protection of the public health, safety and welfare.

THIS ORDER IS EFFECTIVE NOVEMBER 13, 2020 AND SHALL REMAIN IN EFFECT UNTIL RESCINDED BY EXECUTIVE ORDER.

Signed on this the 13th day of November, 2020,


Joseph U. Meyer, Mayor

Attest:


Margaret M. Nyhan, City Clerk

11-13-2020
Date



Andy Beshear
Governor

PUBLIC PROTECTION CABINET
500 Mero Street 218 NC
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Kerry B. Harvey
Secretary

Ray A. Perry
Deputy Secretary

ORDER

Effective: October 15, 2020 at 5:00 p.m.

On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215, declaring a state of emergency in the Commonwealth of Kentucky due to the outbreak of the COVID-19 virus, a public health emergency. As part of continuing efforts to prevent the spread of COVID-19 virus through in-person contact, Governor Beshear's "Healthy at Home" Executive Order 2020-257 signed March 25, 2020, only permitted life-sustaining businesses to remain open.

Consequently, many licensed establishments offering only on-premises alcoholic beverage consumption were required to close until further notice. Although Executive Order 2020-257(1)(k) permits restaurants to remain open, they may only sell food and alcoholic beverages by carry-out, delivery, and drive-thru services. (See March 16, 2020 Order of the Cabinet for Health and Family Services, Department of Public Health, and Public Protection Cabinet, Alcoholic Beverage Control, and the March 19, 2020 Order of the Department of Alcoholic Beverage Control ("Department")). Pursuant to Executive Order 2020-323, the Cabinet for Health and Family Services ("CHFS") issued an Order on May 11, 2020, requiring all entities in the Commonwealth implement and follow minimum requirements for health and safety. Thereafter, CHFS issued another Order on May 22, 2020, permitting restaurants with a food service permit in good standing and table seating to reopen with specific restrictions called Requirements for Restaurants in addition to the minimum requirements for all entities. On June 22, 2020, CHFS updated the Requirements for Restaurants (and Bars), limiting the number of customers in any given establishment to 50% capacity. Then on July 27, 2020, the Governor issued an order closing bars for two weeks, beginning on July 28, 2020. When bars reopened, CHFS issued further updated Requirements for Restaurants and Bars, effective August 11, 2020. These current requirements require patrons to remain seated at tables at all times unless entering, exiting, or using the restroom, prohibit bar service, and close bars and restaurants at 12:00 a.m.

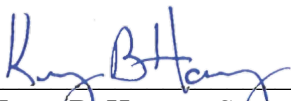
Licensed establishments permitted during the COVID-19 pandemic to remain open and offer service through carry-out, delivery, and drive-thru services, and more recently, onsite consumption of food and alcoholic beverages at reduced capacity and hours of operation, nonetheless continue to experience a significant decline in demand for alcoholic beverages. As a

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result of these retail establishment closures and reduced demand, licensee revenues have diminished, making license renewal an economic hardship.

Previously, the Department ordered that annual alcoholic beverage licenses expiring on April 30, 2020, shall remain in effect until May 31, 2020. (*See* March 19, 2020 Order). This delay on renewals was further extended to August 31, 2020. (*See* June 9, 2020 Order), and again to October 31 (*See* August 26, 2020 Order). However, the Department foresees that the protracted state of emergency will extend the economic hardship of licensees beyond October 31, 2020, and thus constitutes exigent circumstances. In order to diminish this economic hardship on alcoholic beverage licensees, and pursuant to KRS 39A.180, the Department hereby orders the following supplemental rule:

1. Annual alcoholic beverage licenses expiring on or before December 31, 2020, shall remain in effect and authorize alcoholic beverage sales until December 31, 2020. Licensees must submit license renewal applications to continue alcoholic beverage sales thereafter.
2. This Order replaces all licensure extensions previously granted and shall be the final extension granted barring exigent circumstances.


Kerry B. Harvey, Secretary
Public Protection Cabinet

Andy Beshear
Governor



Kerry B. Harvey
Secretary

Allyson Taylor
Commissioner

PUBLIC PROTECTION CABINET
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12 Month Fee Waiver for Bars, Restaurants, and Related Licenses

Only applies to license renewals for certain license types.

Licensees who paid renewal fees in 2020 will not pay in 2021.

Licensees who have not paid renewal fees for 2020, will not be required to renew until 2021.

Licenses with updated expiration dates will be available in the ABC online portal in the coming days.

The following licensees will receive a 12 month renewal fee waiver:

- Brewer's License
- Caterer's License
- Extended Hours Supplemental License
- Limited Restaurant License
- Microbrewery License
- NQ1 Retail Drink License – convention centers, racetracks, state parks, etc.
- NQ2 Retail Drink License – restaurants, hotel restaurants/bars, airport restaurants, etc.
- NQ3 Retail Drink License – private clubs, bed and breakfasts, etc.
- NQ4 Retail Malt Beverage Drink License – supplemental for small farm wineries, breweries, etc.
- Qualified Historic Site License
- Quota Retail Drink License (bars)
- Special Sunday Retail Drink License
- Supplemental Bar License
- Entertainment Destination Center License

Contact Commissioner Allyson Taylor at Allyson.Taylor@ky.gov with questions.