

## **ORDINANCE 21-2018**

**AN ORDINANCE ESTABLISHING AN ENTERTAINMENT DESTINATION CENTER IN THE DOWNTOWN OF OWENSBORO; AND FURTHER DIRECTING THE CITY OF OWENSBORO TO APPLY FOR AN ENTERTAINMENT DESTINATION CENTER LICENSE FROM THE KENTUCKY DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL; AND FURTHER ESTABLISHING THE REQUIREMENTS FOR A LICENSEE TO SELL ALCOHOLIC BEVERAGES WITHIN THE COMMON AREAS OF THE ENTERTAINMENT DESTINATION CENTER.**

**WHEREAS**, KRS 243.030(21) authorizes the issuance of an Entertainment Destination Center (EDC) License by the Kentucky Department of Alcoholic Beverage Control; and

**WHEREAS**, in addition to the Owensboro Convention Center, Smothers Park, Bluegrass Music Hall of Fame & Museum, and other attractions, the creation of an EDC in the downtown will aid in the economic growth of tourism in the City; and

**WHEREAS**, the City seeks to create an EDC within its downtown for which it shall obtain a license from the Kentucky Department of Alcoholic Beverage Control; and

**WHEREAS**, the City further seeks to establish the requirements for a licensee to sell alcoholic beverages within the common areas of the EDC.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF OWENSBORO, AS FOLLOWS:**

**Section 1.** A new Article shall be created in Chapter 3 of the Owensboro Municipal Code to state as follows:

The geographical boundaries of the Entertainment Destination Center (EDC) in the City of Owensboro lies within and adjacent to the following description:

The Entertainment Destination Center is a geographic area that is bordered on the north by the Ohio River, on the west by Poplar Street north of Third Street and Elm Street north between Third Street and Fifth Street, on the south by Fifth Street, and on the east by J.R. Miller Boulevard, with an adjoining section that sits between Fourth Street, Crittenden Street, and Fifth Street.

The following properties within the EDC are excluded from the EDC licensed premise: properties owned as of the effective date of this ordinance by First Baptist Church Owensboro, Settle Memorial Methodist Church, Temple Adath Israel, and the playground area in Smothers Park between Allen St. and St. Ann St. A map of the EDC is attached hereto as "Exhibit A" and incorporated herein.

**Section 2.** A new Section shall be created in Chapter 3 of the Owensboro Municipal Code to state as follows:

(a) The City of Owensboro shall apply for an EDC license.

(b) A business that is located within the EDC that sells alcoholic beverages shall hold the necessary alcoholic beverage license or licenses for its premises. A Licensee within or adjacent to the EDC may sell alcoholic beverages from one or more non-permanent locations within any common area within EDC if the licensee holds a supplemental bar license for each non-permanent location and the licensee holds written permission for these sales from the City.

(c) Written permission may be granted by the City Manager after a determination that the requirements listed in 804 KAR 4:370 have been met. If permission is denied by the City Manager for sale in a common area, the licensee may file an appeal of the

decision to the Board of Commissioners who will conduct a hearing following the appeal whether to uphold or overturn the decision of the City Manager.

(d) During special events conducted under Article II, Chapter 19 of the Owensboro Municipal Code, patrons may leave the premises of businesses that sell alcoholic beverages with alcoholic beverage drinks and consume those drinks in any entertainment destination center common area or at other licensed premises within the EDC if permitted by the business if the City:

- (1) Possesses the common area;
- (2) Provides adequate security for the common area;
- (3) Ensures that the public streets are controlled in a manner that ensures public safety and pedestrian protection from vehicular traffic; and
- (4) Has granted written permission for the conduct and has a signed agreement with the City to conduct these activities.

(5) Prohibits patrons from taking alcoholic beverages outside the physical boundaries of the entertainment destination center.

(6) Requires any drinks that are removed from the licensed premises within the EDC shall be in a cup with the logo or name of the alcohol vendor on the cup.

**INTRODUCED AND PUBLICLY READ ON FIRST READING**, this the 13th day of November, 2018.

**PUBLICLY READ AND FINALLY APPROVED ON SECOND READING**, this the 4th day of December, 2018.

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Thomas H. Watson, Mayor

ATTEST:

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Beth Cecil, City Clerk