

## **ORDINANCE 6-2020**

### **AN ORDINANCE AMENDING CHAPTER 3, ARTICLE III, SECTION 3-57 OF THE OWENSBORO MUNICIPAL CODE RELATING TO THE ENTERTAINMENT DESTINATION CENTER.**

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

**WHEREAS**, in 2018, the City of Owensboro created an Entertainment Destination Center (EDC) in the Owensboro riverfront area, including the Owensboro Convention Center, Smothers Park, and International Bluegrass Music Museum; and

**WHEREAS**, the creation of the EDC has been successful and popular with visitors to downtown Owensboro; and

**WHEREAS**, the City seeks to expand the hours in which visitors may enjoy the EDC and to amend the description of the designated cup that must be used within the boundaries of the EDC.

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

**Section 1.** That Chapter 3, Article III, Section 3-57 of the Owensboro Municipal Code be, and the same is hereby amended, to read as follows:

- (a) The city shall apply for an EDC license.
- (b) During the hours of 5:00 p.m. to 12:00 a.m. every Friday, 12:00 p.m. to 12:00 a.m. every Saturday and Sunday and during designated special events conducted under Article II, Chapter 19 of this 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 within the EDC. If a special event permitted by the City does not wish to allow open containers during their event occurring during the regularly scheduled EDC hours in Section 2(b).

the City will notify businesses within the EDC of the restriction to allow alcoholic beverages to leave their premise on specified days. During the regularly scheduled hours in Section 2(b) and during designated special events, 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;
- (4) Prohibits patrons from taking alcoholic beverages outside the physical boundaries of the entertainment destination center; and
- (5) Requires any drinks that are removed from the licensed premises within the boundaries of the EDC shall be in a designated disposable cup.

(c) A business that is located within the EDC that sells alcoholic beverages shall hold the necessary alcoholic beverage license or licenses for its premises. The City may elect to allow a[A] licensee within or adjacent to the EDC ~~[may]to~~ sell alcoholic beverages from one (1) or more non-permanent locations within any common area within EDC if the licensee holds a Supplemental Bar License or a Quota Retail Drink Supplemental Bar License ~~[supplemental bar license]~~ for each non-permanent location and the licensee holds written permission for these sales from the city.

(d) ~~[(e)]~~ 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 this 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;~~
- ~~(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; and~~
- ~~(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 2nd day  
June, 2020.

**PUBLICLY READ AND FINALLY APPROVED ON SECOND READING**, this the  
16th day of June, 2020.

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Thomas H. Watson, Mayor

ATTEST:

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Beth Cecil, City Clerk