

ORDINANCE NO. 2022-06

FIRST READING 4/19/2022  
SECOND READING 4/26/2022

AN ORDINANCE ESTABLISHING AN ENTERTAINMENT DESTINATION CENTER IN THE CITY OF MT. STERLING, KENTUCKY; AND FURTHER DIRECTING THE CITY OF MT. STERLING, KENTUCKY, 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 ALCOHOL BEVERAGES WITHIN THE AREA OF THE ENTERTAINMENT DESTINATION CENTER.

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

**WHEREAS**, an EDC area acts as an overlay within which businesses may be located. In an EDC it is permissible to take alcoholic drinks out of restaurants or bars within the EDC into the common areas and into other ABC licensed premises within the EDC area; and

**WHEREAS**, the creation of an EDC in the designated area as described herein will aid in the economic growth and development in the Central Business District, and help tourism efforts in the City; and

**WHEREAS**, the creation of an EDC follows actions the City has taken in the past few years to revitalize the Central Business District and draw people downtown. An EDC will boost our restaurant and hospitality businesses by allowing customers to take to-go drinks and browse our historic streets, lounge at our Main Street Park, AND visit and shop at local businesses during designated community/tourism events and festivals; and

**WHEREAS**, the City Council desires to create an EDC in the Central Business District for which it shall obtain a license from the Kentucky Department of Alcohol Beverage Control; and

**WHEREAS**, the City further seeks to establish the requirements for a licensee to sell alcohol beverages within the designated area of the EDC.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF MT. STERLING, KENTUCKY, AS FOLLOWS:**

**SECTION 1 – GENERAL – GEOGRAPHIC BOUNDARIES**

- (A) This ordinance shall be known as the “Alcohol Beverage Control Entertainment Destination Center Ordinance” of the City of Mount Sterling, Kentucky.
- (B) The Entertainment Destination Center (EDC) will only be active when established by an Executive Order. The date, time, and boundary will be identified for each tourism

event or festival. The EDC is established for community related events and festivals and is not meant to be open or operational daily.

- (C) The geographical boundaries of the EDC will vary in size for each community/tourism event or festival. The boundary for any event or festival may not extend beyond the official EDC boundary listed in Appendix A. However, the boundary may be reduced, or be much smaller in size, for any event or festival. The boundary, once established in the Executive Order for the event, will require signage at all exit points along streets, sidewalks, and passageways.
- (D) The geographical boundaries of the EDC in the City of Mount Sterling, Kentucky, lie within and adjacent to the following description: From City Hall, at 33 North Maysville Street (Latitude 38.056879, Longitude -83.942238), to High Street (Latitude 38.057530, Longitude -83.942458), to intersection of East High Street/North Wilson Alley (Latitude 38.057851, Longitude -83.941062), to East Main Street (Latitude 38.056714, Longitude -83.940654), to the Intersection on East Main Street/Queen Street (Latitude 38.057061, Longitude -83.939125), to the South Queen Street bridge over Hinkston Creek (Latitude 38.053699, Longitude -83.937949), to the west along Hinkston Creek to a point along the Adena Trail Park (Latitude 38.053677, Longitude -83.942620), to the intersection of Locust Street/Bank Street (Latitude 38.054968, Longitude -83.942866), to the intersection of West Main Street/Bank Street (Latitude 38.056141, Longitude -83.943270), to a point on West Main Street (Latitude 38.055985, Longitude -83.943958), to the intersection of West Main Street/Broadway Street (Latitude 38.056269, Longitude -83.942740), to the intersection of West High Street/Broadway Street (Latitude 38.057391, Longitude -83.943154), to High Street (Latitude 38.057530, Longitude -83.942458), to City Hall, at 33 North Maysville Street (Latitude 38.056879, Longitude -83.942238). These boundaries are shown in Appendix A.

## SECTION 2 – LICENSING – GENERAL RULES FOR EDC

- (A) The City of Mt. Sterling, Kentucky, shall apply for an EDC license and shall be the licensed licensee.
- (B) The Alcohol Beverage Control (ABC) Officer for the City shall serve as the administrator of the license.
- (C) An ABC licensee that is located within the EDC and which sells alcoholic beverages shall be required to hold the necessary alcoholic beverage license or licenses for its premises. Only the applicable existing retail drink licenses are required by the State for an ABC licensee to participate in the EDC. There is no additional license required by the State for a business to operate within the EDC.
- (D) To participate in the EDC, an ABC licensee must submit a written application to the City ABC Officer. Upon verification that the ABC licensee has met all requirements of the EDC, and holds the appropriate ABC license, the City shall enter into written agreement with the ABC licensee to permit their involvement in the EDC.

1. All ABC licensees approved by the City ABC Officer to operate within the EDC must agree to indemnify the City and hold harmless for any incidents which occur as a result of the ABC licensee operating within the EDC.
  2. All ABC licensees approved by the ABC Officer to operate within the EDC will be granted without a fee. However, participation in the EDC requires ABC licensees to use non-reusable cups which are approved by the City. The cost for those cups is the responsibility of the ABC licensee, and not the City.
  3. All ABC licensees approved by the ABC Officer to operate within the EDC must provide additional training to those employees and bartenders who serve alcohol. The training will include the specific rules for the City EDC, which will be provided with the special ABC license issued by the City.
  4. All ABC licensees approved by the ABC Officer to operate within the EDC must agree to only serve one drink at a time to a customer. No customer may buy multiple drinks to carry outside of an establishment for consumption in the EDC.
  5. Any EDC agreement shall automatically terminate upon transfer of the ownership of the EDC license. Upon such termination, new ownership will be required to re-apply for the City EDC license if they desire to participate in the program.
  6. If permission to participate in the EDC is denied, the ABC licensee may file an appeal to the City Council, who will conduct a hearing on whether to uphold or overturn the decision of the ABC Officer.
  7. Any EDC ABC license holders will agree to forfeit their license for any violation of this ordinance, or if the licensee is convicted of selling alcohol to minors.
- (E) During days and times that the EDC is open or operational, a business or organization that is located within the EDC which sells alcoholic beverages shall hold the necessary alcoholic beverage license or licenses for its premises. Those businesses who hold the approved ABC permits through the Commonwealth of Kentucky, which permit travel, may also sell alcoholic beverages if approved by the City before each festival or event. For festivals or special events, those licensees which are within or adjacent to the EDC may sell alcoholic beverages from one or more non-permanent locations within any common area of the EDC if the licensee holds a supplemental bar license for each non-permanent location and the licensee holds written permission for these sales in accordance with this ordinance and in the manner required by the City.
- (F) Written permission may be granted by the City ABC Officer for those businesses (licensee) which hold ABC licenses to sell alcoholic beverages from one or more non-permanent locations within any common area of the EDC during special event or

festivals if all requirements in this ordinance and 804 KAR 4:730 are met. If permission is denied by the ABC Officer, the licensee may file an appeal of the decision to the City Council, who will conduct a hearing on whether to uphold or overturn the decision of the ABC Officer.

- (G) During days and times designated by the City for the EDC, patrons may leave the premises of a business (licensee) located in the EDC that sells 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 said business, if the City:
1. Possesses or owns the common area by deed, lease, or permit;
  2. Provides adequate security for the common area;
  3. Ensures that the public streets are controlled in a manner that promotes public safety and pedestrian protection from vehicular traffic;
  4. Prohibits patrons from taking alcoholic beverages outside the physical boundaries of the EDC;
  5. Determines all special event permits, licenses, fees or permits required by the City have been approved;
  6. Requires any drinks that are removed from the licensed premises within the EDC shall be in a particular type and or style of cup as determined by the City.
  7. No alcoholic drinks of any kind may be brought into the EDC from outside sources.
- (H) Nothing in this Ordinance shall be construed to authorize non-compliance with any law governing vehicle-related, open container restrictions, or any other state statute or local ordinance of policy.
- (I) Any drinks that are removed from the premises of an ABC licensee in the EDC must be in an approved cup. The City shall provide the design and logo for the cup. These cups shall be purchased by the licensee, and not the City. The cups must be non-reusable type cups.
- (J) Nothing in this ordinance shall be construed to prohibit minors from entering the EDC common areas.

### SECTION 3- SEVERABILITY AND CONFLICTING CODE PROVISIONS REPEALED

- (A) Each word, phrase, sentence, section, and provision (each "portion") of this Ordinance is hereby declared to be independent and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any portion of said Ordinance, the adoption thereof, or the application thereof to any person or circumstance is held to be invalid, the remaining portions

and the application of such portions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is declared that such portions would have been passed independently of such portion or portions so held to be invalid.

- (B) Any provision(s) in the City of Mount Sterling Code of Ordinances specifically in conflict with any provision in this Ordinance is hereby deemed inoperative and repealed. All prior ordinances or parts thereof, in conflict with the provisions in this ordinance, are to the extent of any such conflict, hereby repealed.


#### SECTION 4- PUBLICATION

- (A) This Ordinance shall become effective upon passage and publication. Publication is authorized to be made in summary form as authorized in KRS 83.060 (9).



AL BOTTIS, MAYOR

ATTEST:



JEANETTE BERTRAM

CITY CLERK