

ORDINANCE NO. 19104

AN ORDINANCE ESTABLISHING AN ENTERTAINMENT DESTINATION CENTER TO AID ECONOMIC GROWTH AND TOURISM IN THE DOWNTOWN AREA OF THE CITY OF DANVILLE, KENTUCKY; FURTHER DIRECTING THE APPLICATION FOR AN ENTERTAINMENT DESTINATION CENTER LICENSE FROM THE KENTUCKY DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL; AND FURTHER ESTABLISHING THE REQUIREMENTS FOR A LICENSE 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 (hereinafter "EDC") license by the Kentucky Department of Alcoholic Beverage Control to allow consumption of alcoholic beverages in public places within the boundaries of the EDC; and

WHEREAS, an EDC area acts as an overlay district where 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, downtown Danville is a natural host to community festivals and events for its citizens and visitors and the creation of an EDC in the downtown area will aid in the economic growth and tourism in the City of Danville; and

WHEREAS, the Board of Commissioners desires 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 Board of Commissioners further seeks to establish the requirements for a licensee to sell alcoholic beverages within the common area of the EDC;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF DANVILLE, KENTUCKY, AS FOLLOWS:

Section 1: The geographical boundaries of the Entertainment District Center (hereinafter "EDC") in the City of Danville, Kentucky, are graphically shown on Exhibit "A" attached hereto and incorporated herein by reference.

Section 2: The City of Danville shall apply for an EDC license through the Kentucky Department of Alcoholic Beverage Control.

Section 3: A business or entity that holds the necessary alcoholic beverage license or licenses for its premises (or other qualifying license to sell alcoholic beverages) may sell alcohol from one or more non-permanent locations within any common area within the EDC if the licensee meets the following conditions: (1) the licensee holds a supplemental bar license for each non-permanent location; (2) the licensee holds written permission for these sales from the City of Danville ABC Office; and (3) if the non-permanent location is properly set up for an event having permitted non-permanent sales.

If the license holder legally sells alcohol at a permanent location in the EDC, the licensee may allow its patrons to carry alcoholic beverages outside its permanent location into the EDC temporary or non-permanent sales area with written permission from the City of Danville ABC Office. The permission would be to carry into an area set up properly for a permitted event within the EDC. Notwithstanding the above, all permission or license to sell alcohol in the EDC common area shall comply with state and local laws.

Section 4: Written permission may be granted by the City of Danville ABC Office for the sale of alcohol in a common area of the EDC after a determination that the requirements listed in 804 KAR 4:370 have been met (or will be met at a proposed event). If permission is denied by the City of Danville ABC Office, the licensee may file an appeal of the decision with the Board of Commissioners by filing a written notice of appeal to the City Manager of the City of Danville. The Board of Commissioners shall thereafter conduct a hearing within fourteen days (14) of receipt of the notice of appeal and shall either uphold or overturn the decision of the ABC Office.

Section 5: During special or non-permanent events permitted for alcohol sales within the EDC common area, the entity or entities responsible for the event shall possess or provide, in addition to what is required by state law or regulation:

- (a) Permanent or temporary possession of the common area by deed, lease, written license, or written temporary use agreement from those having control or responsibility of the common area;
- (b) Adequate security for the common area;
- (c) Assurances that public streets and sidewalks are controlled in a matter that ensures public safety and pedestrian protection from vehicular traffic;
- (d) Written permission for the event and signed agreement with the City of Danville to conduct the event's additional activities in addition to the permission for non-permanent alcoholic beverage sale; and
- (e) Agreement to prohibit patrons from taking alcoholic beverages outside the physical boundaries of the EDC properly established for the sale of alcoholic beverages.
- (f) Utilize clear plastic cups with the logo or name of the alcohol vendor on all cups removed from the premises of any licensee.

Section 6: The provisions of this Ordinance are severable. If any section, sentence, clause, or section of this Ordinance or the application thereof to any particular case is for any reason found to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses or sections or part of this Ordinance.

Section 7: This Ordinance shall be effective upon its final passage and publication, and the City Clerk is hereby directed to publish this Ordinance in the Danville Advocate-Messenger of Danville, Kentucky.

GIVEN FIRST READING AND PASSED 04/26/2021.

GIVEN SECOND READING AND PASSED 05/10/2021.

DATE OF PUBLICATION 06/12/2021.

APPROVED:



G. MICHAEL PERROS, MAYOR  
CITY OF DANVILLE, KENTUCKY

ATTEST:



ASHLEY RAIDER, CITY CLERK  
CITY OF DANVILLE, KENTUCKY

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**804 KAR 4:370. Entertainment destination center license.**

**RELATES TO: KRS 148.853(2)(b), 241.060(1), 243.030(21), (35), 243.040, 243.050**

**STATUTORY AUTHORITY: KRS 241.060(1), 243.030(21), (35), 243.040**

**NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060(1) authorizes the board to promulgate administrative regulations regarding matters over which the board has jurisdiction. KRS 243.030(21) and (35) authorizes the department to issue an entertainment destination center license. This administrative regulation defines the term entertainment destination center and establishes the privileges and responsibilities of an entertainment destination center license.**

**Section 1. Definition. "Entertainment destination center" or "EDC" means premises:**

- (1) That meet the incentive qualifications for an entertainment destination center project as set forth in KRS 148.853(2)(b)1.;**
- (2) Located in a wet county or city that has enacted an ordinance that:**
  - (a) Determines an entertainment destination center licensed premises would aid economic growth and tourism in the county or city; and**
  - (b) Defines the geographic boundaries of the EDC; or**
- (3) That contain a minimum of 100,000 square feet of building space, located within one (1) mile of:**
  - (a) An existing tourism attraction; or**
  - (b) A convention center.**

**Section 2. Sales by EDC Licensee. An EDC licensee may sell alcoholic beverages by the drink at one (1) or more nonpermanent locations within any common area of the EDC.**

**Section 3. Sales by Other Licensed Businesses. (1) Each business located within an EDC that sells alcoholic beverages shall hold the necessary alcoholic beverage license or licenses for its premises.**

- (2) A licensee within or adjacent to the EDC may sell alcoholic beverages from one (1) or more nonpermanent locations within any common area of the EDC if:**
  - (a) The licensee holds a supplemental bar license for each nonpermanent location; and**
  - (b) The licensee holds written permission for these sales by the EDC licensee.**

**Section 4. Drink Consumption in Common Areas and Other Licensed Premises. (1) A licensee located in or adjacent to the EDC may allow patrons to leave its premises with alcoholic beverage drinks and consume those drinks at other licensed premises or any EDC common area if the EDC licensee:**

- (a) Possesses the common area by deed, lease, or permit;**
  - (b) Provides adequate security for the common area;**
  - (c) Ensures that any portion of a public thoroughfare included in a common area is controlled in a manner that ensures public safety and pedestrian protection from vehicular traffic; and**
  - (d) Has granted written permission for this conduct.**
- (2) The EDC licensee shall prohibit patrons from taking alcoholic beverages outside the physical boundaries of the EDC.**
- (3) If the board suspends or revokes the EDC license, all retail drink sales and consumption in any EDC common area shall be prohibited.**

**Section 5. Minors in the Common Area.** In addition to authorized businesses listed in KRS 244.085(5) and (6), minors shall be permitted in EDC common areas if allowed by the EDC licensee.

**Section 6. Additional Storage Location.** As permitted by the EDC licensee in a written agreement, a licensee located in the EDC may store alcoholic beverages at an identified storage location in the EDC separate from its licensed premises. (29 Ky.R. 1712, Am. 2289; eff. 3-19-2003; 31 Ky.R. 623; eff. 11-26-2004; TAm eff. 8-9-2007; 35 Ky.R. 1590; 1758; eff. 3-6-2009; 38 Ky.R. 2049; eff. 8-31-2012; TAm eff. 7-15-2014; 41 Ky.R. 2630; 42 Ky.R. 375; 685; eff. 10-2-2015; 43 Ky.R. 1452, 1733; eff. 5-5-2017; TAm eff. 8-1-2018.)

