

ORDINANCE 24-2024

AN ORDINANCE ESTABLISHING AN ENTERTAINMENT DESTINATION CENTER IN HOPKINSVILLE, 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 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, the creation of an EDC in the downtown will aid in the economic growth of tourism in the City, capitalize on the revitalization taking place in downtown Hopkinsville, and promote retail growth in Hopkinsville; 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 COUNCIL OF THE CITY OF HOPKINSVILLE, KENTUCKY AS FOLLOWS:

SECTION ONE

The geographical boundaries of the Entertainment Destination Center (EDC) in the City of Hopkinsville are set forth on the map attached hereto as Exhibit A and incorporated herein by reference.

The following properties within the EDC are excluded from the EDC licensed premises: properties owned as of the effective date of this ordinance by religious institutions, and certain public spaces, including but not limited to the Hopkinsville Municipal Center. Founders Square shall be included within the EDC boundaries only during special events as authorized by the City.

SECTION TWO

A. The City of Hopkinsville shall apply to the Commonwealth of Kentucky Department of Alcoholic Beverage Control for an EDC license and shall be the listed licensee.

B. The Chief Financial Officer (CFO) shall serve as the administrator of the EDC 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.

D. In order to participate in the EDC, an ABC licensee must submit a written application to the CFO. Upon verifying the ABC licensee has met all of the requirements of the EDC, the CFO shall enter into a written agreement with the ABC licensee to permit their involvement in the EDC.

- (1) All ABC licensees approved by the CFO to operate within the EDC must enter into a written agreement with the City in which the ABC licensee agrees to indemnify the City and hold the City harmless for any incidents which occur as a result of the ABC licensee operating within the EDC, as well as naming the City as an additional insured on the ABC licensee's Liquor Liability Insurance Policy and provide the City a written certification evidencing same.
- (2) All ABC licensees approved by the CFO to operate within the EDC must pay an annual fee of \$100.00.
- (3) All ABC licensees approved by the CFO to operate within the EDC must provide supplemental training to all servers and bartenders employed by the ABC licensee. The purpose of the supplemental training is to educate the employees of the additional regulations the business is subject to as part of the EDC. Proof of the required additional training must be submitted to the CFO on or before July 1 of each year.
- (4) Any EDC Agreement shall automatically terminate upon transfer of the ownership of the EDC licensee. Upon such termination, new ownership will be required to reapply for an EDC license before participating in the EDC.
- (5) If permission to participate in the EDC is denied by the CFO, the ABC licensee may file an appeal of the decision to the City Administrator, who will conduct a hearing to determine whether or not to uphold or overturn the decision of the CFO.

E. During EDC operation hours, customers may leave the premises of an EDC participating ABC licensee with alcoholic beverage drinks in the EDC branded cups and consume those drinks in any entertainment destination center common area 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 maintains public safety and pedestrian protection from vehicular traffic; and
- (4) Has granted permission for the conduct to the participating ABC licensee and has a signed agreement with the City to conduct these activities.

F. Upon obtaining written permission from the City of Hopkinsville, as outlined in subsection (G), the following businesses may choose to allow customers to possess and drink beverages that were purchased from another EDC participating retail drink licensee located wholly within, or that has a storefront sharing a physical boundary with, the licensed Entertainment Destination Center during EDC operational hours:

- (1) A business with a retail drink license located wholly within the licensed Entertainment Destination Center or that has a storefront sharing a physical boundary with the licensed Entertainment Destination Center; and
- (2) A business that does not have a retail drink license that is located wholly within the licensed Entertainment Destination Center or that has a storefront sharing a physical boundary with the licensed Entertainment Destination Center.

G. Pursuant to KRS 243.020, any business wishing to participate in the Entertainment Destination Center as set forth in Subsection (F), must contact the CFO to obtain written permission to participate.

- (1) Written permission may be denied or revoked if:
 - a. The business does not maintain an active business license with the City of Hopkinsville or has not paid all taxes and fees due to the City of Hopkinsville.
 - b. The business does not have a valid Certificate of Occupancy issued by the City of Hopkinsville.
 - c. The business operated at the location does not routinely allow the public to enter the premises in the normal course of business.
 - d. The business is otherwise ineligible to obtain an ABC license.
 - e. The business, its patrons, agents, servants, or employees engage in disorderly behavior as that term is defined in KRS 244.120(2).
- (2) If written permission is denied to a business requesting permission to allow customers to possess and drink beverages that were purchased from an EDC participating retail drink licensee, that business may file an appeal of the decision within seven (7) days of the denial to the City Administrator, who will conduct a hearing in order to uphold or overturn the decision to deny written permission.
- (3) Any revocation of written permission to a business allowing customers to possess and drink beverages that were purchased from an EDC participating retail drink licensee will be provided with twenty-four (24) hours' notice. The business may appeal said denial or revocation to the City Administrator within seven (7) days of the notice of revocation. If the business fails to appeal a license revocation within the time as set forth herein, such decision shall be final, and shall not be subject to further review.

H. An ABC licensee shall hold all necessary licenses to sell alcoholic beverages within the EDC on Sundays, in order to participate within the EDC on Sundays.

I. Participating ABC licensees and non-licensed businesses may prohibit customers from entering their premises with an alcoholic beverage purchased from a participating ABC licensee.

J. Patrons are prohibited from taking alcoholic beverages outside the physical boundaries of the Entertainment Destination Center.

K. Any drinks that are removed from the premises of an ABC licensee participating in the EDC shall be in a City of Hopkinsville Entertainment Destination cup, which shall meet the requirements of the City regarding the type and design of the cup. These cups shall be purchased by the licensee.

L. In no event shall patrons be permitted to bring any alcoholic beverages purchased outside of the EDC into the EDC.

M. Operational hours of the EDC shall be from 11:00 a.m. until 10:00 p.m. and shall run from Sunday through Saturday.

N. Nothing contained in this ordinance shall be construed to prohibit minors from entering the EDC common areas.

O. All EDC licensees are subject to the EDC license being revoked by the City with twenty-four (24) hours' notice upon a finding by the CFO that the EDC licensee has violated any terms or conditions of the EDC ordinance, the EDC Agreement entered into by the parties, or any federal, state, or City law. The EDC Licensee may appeal this revocation to the City Administrator within seven (7) days of the notice of revocation. If the EDC licensee fails to appeal a license revocation within the trim frame set forth herein, such decision shall not be subject to further review.

SECTION THREE

If any section, subsection, sentence, clause, or phrase of this ordinance is held unconstitutional or otherwise invalid, such infirmities shall not affect the validity of the remaining portions of this ordinance.

SECTION FOUR

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION FIVE

This ordinance shall take effect after its passage and publication according to law.

ORDINANCE 24-2024
AN ORDINANCE ESTABLISHING AN ENTERTAINMENT DESTINATION CENTER

PUBLICLY READ AND PASSED FIRST TIME: _____

PUBLICLY READ AND PASSED SECOND TIME: _____

APPROVED: _____
Mayor James R. Knight Jr.

ATTEST: _____
City Clerk Brittany Byrum, CMC