

# 186 CITY OF HENDERSON – ORDINANCE BOOK

## *Record of Ordinances of Meetings in 2022*

### **ORDINANCE NO. 28-22**

#### **ORDINANCE AMENDING CHAPTER 4 - *ALCOHOLIC BEVERAGES* RELATING TO CREATION OF ENTERTAINMENT DESTINATION CENTER**

**SUMMARY:** AN ORDINANCE CREATING ARTICLE III-ENTERTAINMENT DESTINATION CENTER, IN CHAPTER 4-*ALCOHOLIC BEVERAGES*, OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON, ESTABLISHING AN ENTERTAINMENT DESTINATION CENTER IN THE DOWNTOWN OF THE CITY OF HENDERSON; AND DIRECTING THE CITY OF HENDERSON 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, 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 Henderson, and promote the objectives of the Downtown Master Plan; 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 Henderson, Kentucky, that Chapter 4-*Alcoholic Beverages*, the Code of Ordinances of the City of Henderson is hereby amended by adding Article III-*Entertainment Destination Center*, a copy of which is attached as Exhibit “A” and can be found in the office of the city clerk.

The ordinance shall become effective upon legal adoption.

On first reading of the foregoing ordinance, it was moved by Commissioner Staton, seconded by Commissioner Pruitt, that the ordinance be adopted on its first reading.

On roll call the vote stood:

Commissioner Vowels:	<u>AYE</u>	Commissioner Thomas:	<u>ABSTAIN</u>
Commissioner Pruitt:	<u>AYE</u>	Mayor Austin:	<u>AYE</u>
Commissioner Staton:	<u>AYE</u>		

WHEREUPON, Mayor Austin declared the ordinance adopted on first reading and ordered that it be presented for second reading at a regular meeting of the Board of Commissioners.

PUBLICATION DATE: 09/27/2022

FIRST READ: 09/13/2022  
SECOND READ: 09/20/2022

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On second reading of the foregoing ordinance, it was moved by Commissioner Pruitt, seconded by Commissioner Vowels, that the ordinance be adopted.

WHEREUPON, the vote was called, on roll call the vote stood:

Commissioner Vowels:	<u>AYE</u>	Commissioner Thomas:	<u>ABSENT</u>
Commissioner Pruitt:	<u>AYE</u>	Mayor Austin:	<u>ABSENT</u>
Commissioner Staton:	<u>AYE</u>		

WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered it be recorded.

  
Steve Austin, Mayor

Date: September 20, 2022

ATTEST:

  
Maree Collins, CKMC  
City Clerk

**APPROVED AS TO FORM AND  
LEGALITY THIS 7<sup>TH</sup> DAY OF  
SEPTEMBER 2022.**

By:   
Dawn Kelsey  
City Attorney

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Exhibit "A"

### Article III Entertainment Destination Center

#### Sec. 4-60. - Geographical boundaries of EDC.

A map of the EDC is attached hereto as Exhibit "A-1" and incorporated herein.

#### Sec. 4-61. - Licensing.

(a) The City of Henderson 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 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.

(c) Written permission may be granted by the City Manager after a determination that the requirements listed in this ordinance and 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 this Article of the City of Henderson Code of Ordinances, patrons may leave the premises of Licensees located in or adjacent to the EDC with alcoholic beverage drinks and consume those drinks in any EDC common area or at other licensed premises within the EDC if permitted by the Licensee and if the City:

- (1) Possesses 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 ensures public safety and pedestrian protection from vehicular traffic;
  - (4) Has granted written permission for the conduct to participating Licensees per Sec. 4-61 of this Ordinance;
  - (5) Determines all special event permits and other licenses, fees or permits required by the City have been approved;
  - (6) Prohibits patrons from taking alcoholic beverages outside the physical boundaries of the EDC; and
  - (7) Requires any drinks that are removed from the licensed premises for authorized consumption within the EDC shall be in cups approved by the City.
- (e) Nothing in this ordinance shall be construed to authorize noncompliance with any law governing vehicle-related open container restrictions or any other state statute or local ordinance or policy.

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EXHIBIT "A"

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ORDINANCE NO. 28-22 (CONT.)

Exhibit "A-1"

