

AN ORDINANCE ESTABLISHING AN ENTERTAINMENT DESTINATION CENTER IN THE DOWNTOWN AREA OF SOMERSET, KENTUCKY; FURTHER DIRECTING THE APPLICATION FOR AN ENTERTAINMENT DESTINATION CENTER LICENSE FROM THE KENTUCKY DEPARTMENT OF ACOHOLIC BEVERAGE CONTROL; AND FURTHER ESTABLISHING THE REQUIRMENTS 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;

WHEREAS, in addition to the restaurants and micro-brewery, the Joe Ford Amphitheatre at Rocky Hollow Park the proposed farmers market, redevelopment of retail space, the proposed renovation of the Virginia Theater, the creation of an EDC in the downtown will aid in the economic growth of tourism to the City of Somerset;

WHEREAS, downtown Somerset is a natural host to community festivals and other events which cause fellowship and entertainment for the City of Somerset’s residents and visitors;

WHEREAS, the City of Somerset seeks to Create an EDC within its downtown for which it shall obtain a license from the Kentucky Department of Alcoholic Beverage Control;

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 SOMERSET:

- I. The geographical boundaries of the Entertainment Destination Center (EDC) in the City of Somerset are graphically shown in Exhibit A attached hereto. The general narrative description of the EDC is the core of downtown bounded by Columbia and Oak Streets on

the North, College and Central on the East, Rocky Hollow Park (included) to the South, and Market Street to the West. Included is “Vortex Corner” and excluded are homes along South Main on “Waits Hill” and known houses of worship in the core area of downtown.

- II. The City of Somerset shall apply for an EDC license through the Kentucky Department of Alcoholic Beverage Control.

- III. 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 EDC if the licensee 1) holds a supplemental bar license for each non-permanent location, 2) the licensee holds written permission for these sales from the City of Somerset ABC Office, 3) and if the non-permanent location is properly set up for a event having permitted non-permanent sales. And/or, 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 Somerset 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 areas shall comply with state law.

- IV. Written permission may be granted by the City of Somerset ABC Office after a determination that the requirements listed in 804 KAR 4:370 have been met (or will be met at proposed event). If permission is denied by the City of Somerset ABC Office for sales in a common area, the licensee may file an appeal of the decision to the City Council via the Mayor of Somerset. The Mayor of Somerset will select 3 available Council Members via a random means of selection who will conduct a hearing following the notice of appeal whether to uphold or overturn the decision of the ABC Office. The City Attorney shall assist in the conduct of the hearing to assure reasonable procedural and substantive due process and the City Attorney may attempt to mediate the appeal.

- V. During special or non-permanent events permitted for alcohol sales conducted within the

EDC common areas the entity or entities responsible for the event shall possess or provide the following, in additions to those caused by state law or regulation:

- a. Permanent or temporary possession of the common area by deed, lease, or written license (a written temporary use agreement) from those having control or responsibility of the common area;
- b. Provides adequate security for the common area;
- c. Ensures that the public streets are controlled in a manner that ensures public safety and pedestrian protection from vehicular traffic;
- d. Has granted written permission for the event and has a signed agreement with the City to conduct the event's other activities (in addition to the permission for non-permanent alcoholic beverage sales); and
- e. Prohibits patrons from taking alcoholic beverages outside the physical boundaries of the entertainment destination center properly set up for the alcoholic beverage sales.

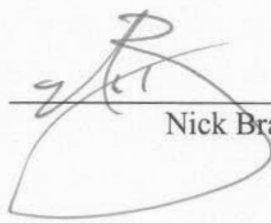
FIRST READING JUNE 24, 2019

SECOND READING JULY 8, 2019

Approved: _____


Alan L. Keck, Mayor

Attested: _____


Nick Bradley, City Clerk