

ORDINANCE NO. **BG2022 - 16**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 4
(ALCOHOLIC BEVERAGE CONTROL) OF THE
CITY OF BOWLING GREEN CODE OF
ORDINANCES TO CREATE A NEW SUBCHAPTER
ESTABLISHING AN 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, in addition to the Bowling Green Ballpark, Southern Kentucky Performing Arts Center (SKyPAC), Capitol Arts Center, Fountain Square Park, Circus Square, and other attractions, the creation of an EDC in downtown Bowling Green will aid economic growth and tourism in the City; 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; and,

WHEREAS, it is in the best interest of the City to create and obtain a license for an EDC and establish requirements to sell alcohol within the common areas.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Bowling Green, Kentucky as follows:

1. Chapter 4 (Alcoholic Beverage Control) is hereby amended to add a new Subchapter to read as follows:

4-10 ENTERTAINMENT DESTINATION CENTER.

4-10.01 Geographic Boundaries.

The geographical boundaries of the Entertainment Destination Center (EDC) in the City of Bowling Green will be all of the area that lies within and adjacent to the following description:

Beginning at a point south face of curb of Center Street and in line with the east face of curb of east 10th Avenue; thence with the face of curb of Center Street in northeast direction and crossing Main Street 970 feet +/- to a point in the east face of curb of 8th Avenue; thence in a northwest direction 476 feet +/- to a point in the southern face of curb of Kentucky Street; thence with Kentucky Street in a northeast direction and crossing 7th Avenue 934 feet +/- to a point in the west face of curb of 6th Avenue; thence with 6th Avenue in southeast direction and crossing Center Street 477 feet +/- to a point in the face of curb of Center Street; thence in a northeast direction 14 feet +/- to a point in the face of curb of 6th Avenue; thence with 6th Avenue and crossing College Street, State Street, and Chestnut Street in a southeast direction 1,404 feet +/- to the south back of sidewalk of Chestnut Street; thence with the back of sidewalk crossing 7th Avenue, 8th Avenue, Main Street, Morris Alley, and 10th Avenue in a southwest direction 2,442 feet +/- to a point in the back of sidewalk of Chestnut Street and in line with the east face of curb of 11th Avenue; thence with 11th Avenue in a northwest direction and crossing Chestnut Street 461 feet +/- to a point in the south face of curb on State Street; thence with State Street and crossing 10th Avenue in a northeast direction 560 feet +/- to a point in the east face of curb on 10th Avenue; thence with 10th Avenue in a northwest direction and crossing State Street and College Street 958 feet +/- to the point of beginning containing 77 acres +/-.

4.-10.02 Licensing.

a. The City of Bowling Green 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 if the licensee holds written permission for these sales from the City.

c. Written permission may be granted by the City Manager after a determination is made that the requirements listed in 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 determine at its next available meeting following the appeal whether to uphold or overturn the decision of the City Manager.

4-10.03 Alcoholic Beverages.

During the days and times designated by the City, and pursuant to administrative rules created by the City and contained in a participating business Agreement, patrons may leave the premises of participating businesses located within the EDC with alcoholic beverage drinks and consume those drinks in any EDC common area if the City:

- a. Possesses or owns the common area;
- b. Provides adequate security for the common area;
- c. Ensures that the public streets are controlled in a manner that promotes public safety and pedestrian protection from vehicular traffic;
- d. Prohibits patrons from taking alcoholic beverages outside the physical boundaries of the EDC; and,
- e. Requires any drinks that are removed from the licensed premises within the EDC to be in a particular cup as designated by the City.

4-1[0]1 PENALTIES.

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2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

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3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted by the Board of Commissioners of the City of Bowling Green, Kentucky pursuant to KRS 83A.060 in that it was introduced on April 19, 2022, and given final reading on May 3, 2022, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: May 3, 2022

APPROVED: 
Mayor, Chairman of Board of Commissioners

ATTEST: 
City Clerk

SPONSORED BY: Jeffery B. Meisel, City Manager