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CITY OF CAVE CITY ORDINANCE NO. 24-2-4

AN ORDINANCE ESTABLISHING AN ENTERTAINMENT DESTINATION CENTER IN THE CITY OF CAVE CITY AND FURTHER DIRECTING THE CITY OF CAVE CITY 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.

THAT, 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 designated area as described hereinbelow will aid in the economic growth in the City;

WHEREAS, an EDC acts as an overlay district where it is permissible to take alcoholic drinks out of restaurants or bars within the EDC into common areas and into other ABC licensed premises within the EDC area; and

WHEREAS, the City seeks to create an EDC in the downtown area for which it shall obtain a license from the Kentucky Department of Alcohol Beverage Control ("State ABC") to sell alcoholic beverages within the common areas of the EDC;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF CAVE CITY AS FOLLOWS:

Section 1: For the purposes of this Ordinance, the following definitions shall apply:

- "Common Area" shall mean all areas within the boundaries of the EDC outside the physical storefronts, including, but not limited to, streets, alleys and sidewalks, that are used, in common, by the general public when traveling or walking within the EDC.
- "Temporary or non-permanent sales area" shall mean the common areas within the boundaries of the EDC.
- "Entertainment Destination Center" or "EDC" shall mean that geographically area as depicted by the graphic attached hereto as Exhibit "A" that meets the definition set forth in 804 KAR 4:370.
- A business "within or adjacent to the EDC" shall mean a business that is physically within the geographical boundaries of the EDC, or a business that immediately touches the geographical boundaries of the EDC even if its physical building is outside the EDC boundaries.

Section 2. A new section shall be created in Title XI, Business Regulations, Chapter 112, Alcohol Beverage Control, of the City of Cave City Code of Ordinances to provide for the establishment of an Entertainment Destination Center ("EDC"), and that the geographical boundaries of the EDC in the City of Cave City, Kentucky shall be as graphically shown on Exhibit "A" attached hereto and incorporated herein by reference.

Section 3. A new section shall be created in Title XI, Business Regulations, Chapter 112 Alcohol Beverage Control, of the City of Cave City Code of Ordinances to provide as follows:

- The City of Cave City shall apply for an EDC license with the Kentucky Department of Alcohol Beverage Control.
- A business that is located within the EDC that sells alcoholic beverages shall hold the necessary alcoholic beverage license or licenses for its premises.
- 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 EOC.
- Sales by Other Licensed Businesses. (i) Each business located within the EDC that sells alcoholic beverages shall hold the necessary alcoholic beverage license or licenses for its premises. (ii) 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: (1) the licensee holds a supplemental bar license for each nonpermanent location; and (2) the licensee holds written permission for these sales by the EDC licensee.
- Drink Consumption in Common Areas and Other Licensed Premises. Each day, Sunday through Saturday, from Noon (12:00 P. M.) Until midnight (12:00 A. M.) And pursuant to the special event permit within the EDC, as authorized in the permit, a business within or adjacent to the EDC that holds a license to sell alcoholic beverages may allow patrons to leave its premises with alcoholic beverage drinks and consume those drinks at other licensed premises or any EDC common area, subject to any applicable rules and regulations promulgated as provided for herein, so long as the licensed business:
 - Possesses the common area by deed, lease or permit;
 - Provides adequate security for the common area;
 - 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;
 - Has granted written permission for this conduct;
 - Prohibits patrons from taking alcoholic beverages outside the physical boundaries of the EDC; and
 - Requires any drinks that are removed from the licensed premises within the EDC shall be in a particular type and/or style of cup as determined by the City.
- The City shall have the authority, through Executive Orders, to promulgate and enforce further rules and regulations pertaining to the activities within the EDC, which do not require further legislative action. However, it shall take legislative action in order to modify the geographical boundaries of the EDC.

Section 4. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

/s/ Dwayne Hatcher
DEWAYNE HATCHER, MAYOR

ATTEST:
/s/ Bonita Hendren
BONITA HENDREN, CITY CLERK
First Reading: April 2, 2025
Second Reading: April 14, 2025

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