

COMMISSIONERS ORDINANCE NO. O-2023-019

**AN ORDINANCE OF THE CITY OF NEWPORT, KENTUCKY CREATING
SECTION 111.36 OF CHAPTER 111: ALCOHOLIC BEVERAGES OF THE
CODE OF ORDINANCES CONCERNING THE APPLICATION FOR AN
ENTERTAINMENT DESTINATION CENTER LICENSE AND ESTABLISHING
THE NEWPORT ENTERTAINMENT DISTRICT**

WHEREAS, KRS 243.030 (21) and the regulations set forth in 804 KAR 4:370 authorizes the issuance of an Entertainment Destination Center (EDC) License to cities by the Kentucky Department of Alcoholic Beverage Control (the ABC); and,

WHEREAS, the creation of an EDC within a designated area of the City (being a “wet” city), to be known as the Newport Entertainment District (NED), has been determined will assist in the economic growth and tourism of the City and is in close proximity to various tourism attractions; and,

WHEREAS, the City seeks to create the NED within defined boundaries along Monmouth Street (which for definitional purposes herein is deemed to include locations directly adjacent thereto) for which it desires to obtain and operate under an EDC License from the ABC; and,

WHEREAS, the City possesses the common area by deed, lease or permit or as established rights-of-way; and,

WHEREAS, there are several business establishments located within the NED which hold valid retail drink licenses for the consumption of alcoholic beverages; and,

WHEREAS, the City further desires to establish rules and regulations for a valid and applicable alcoholic beverage license holders to sell alcoholic beverages within the confines of the NED and permit patrons to consume such alcoholic beverages within the NED, including other validly licensed establishments and those non-licensed businesses sharing a physical boundary with the NED permitting entry with the same, in accordance with the provisions of KRS 243.030,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF NEWPORT, KENTUCKY, as follows:

SECTION I

That there is hereby created Section 111.36 of Chapter 111: Alcoholic Beverages of the Code of Ordinances of the City of Newport, Kentucky, to read as follows:

CHAPTER 111: ALCOHOLIC BEVERAGES

**SECTION 111.36
NEWPORT ENTERTAINMENT DISTRICT**

- (A) The geographical boundaries of the Newport Entertainment District (NED) operating under a Kentucky Department of Alcoholic Beverage Control (ABC) Entertainment Destination Center (EDC) License issued to the City shall be described as follows:
Along Monmouth Street from the intersection of 3rd Street south to the intersection of 11th Street which, for definitional purposes herein, shall be deemed to include locations directly adjacent thereto. (See diagram attached)
- (B) As a result of the establishment of the NED, the City shall apply for an EDC License with the ABC and pay the license fee amount associated therewith, for valid operation of the same. The provisions hereof shall only remain in effect so long as the City maintains an EDC License.
- (C) All business establishments located within the NED which sell alcoholic beverages shall be required to hold and maintain all valid and applicable alcoholic beverage licenses issued for its premises.
- (D) During the days and times which shall be designated by the City Manager, patrons may leave the validly licensed premises located within the NED with any purchased alcoholic beverage and shall be permitted to consume those alcoholic beverages upon City owned property (excluding parking lots) or within the common area of the NED, or within other validly licensed premises located in the NED, or within other non-alcohol related business establishments, if so permitted by the business.
- (E) The City shall undertake to clearly define, by appropriate signage, the boundaries of the NED; provide adequate security for the common areas and ensure that the public sidewalks, streets and/or rights-of-way within are controlled in such a manner that provides for public safety and pedestrian protection from vehicular traffic.
- (F) Patrons shall be prohibited from taking any alcoholic beverage outside of the physical confines of the NED.
- (G) Appropriate colorful signage indicating the rules and regulations and boundaries of the NED shall be posted in conspicuous places.
- (H) The City shall create, by Executive Order of the City Manager, and shall thereafter enforce the requirements, rules and regulations promulgated thereby which shall be deemed necessary to carry out the provisions of this Ordinance, which may be amended from time to time.

SECTION II

That this Ordinance shall be signed by the Mayor, attested to by the City Clerk, published and be effective upon publication.

Passed First Reading: September 25, 2023

Passed Second Reading: October 23, 2023

Thomas Guidugli, Jr., Mayor

ATTEST:

Tiffany Myers , City Clerk

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