



ORDINANCE 24-34

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY
OF WESTFIELD, INDIANA ESTABLISHING A DESIGNATED OUTDOOR
REFRESHMENT AREA PURSUANT TO IND. CODE § 7.1-3-31 *et seq.***

WHEREAS, the City of Westfield, Indiana ("City") is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council ("Council");

WHEREAS, Ind. Code § 7.1-3-31 *et seq.* authorizes the City to establish and designate, via Ordinance duly passed by the Council, Designated Outdoor Refreshment Areas ("DORAs");

WHEREAS, the establishment and designation of DORAs can facilitate economic development and benefit the City by creating an inviting atmosphere for residents and visitors patronizing restaurants and businesses located within a DORA; and

WHEREAS, the Council finds that it is in the best interests of the citizens of the City to establish and designate a DORA in the general area of downtown Westfield, pursuant to the terms of this Ordinance and all in compliance with Ind. Code § 7.1-3-31 *et seq.*

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Indiana, that:

Section 1. Recitals. The foregoing recitals are fully incorporated herein by reference.

Section 2. Definitions. All definitions established in Ind. Code § 7.1-3-31 *et seq.*, as may be amended or revised from time to time, shall apply throughout this Ordinance.

Section 3. Downtown Westfield DORA. As authorized by Ind. Code § 7.1-3-31-8, the Council hereby designates and establishes the Downtown Westfield Designated Outdoor Refreshment Area ("Downtown Westfield DORA"), as reflected in the map attached hereto as *Exhibit A*, which is approved and adopted by the Council and incorporated herein by reference.

COPY

Section 4. Street Address Boundaries. The boundaries (by street address) of the Downtown Westfield DORA are as follows:

Point of beginning is the southwest corner of 17440 Westfield Blvd, then heading north following the eastern right-of-way line of US Hwy 31 to the southern right-of-way line of State Hwy 32. Then following the southern right-of-way line State Hwy 32 approximately 1,660 feet to a point on the northern parcel line of 170 Jersey St. Then heading north to the northwest corner of 120-D Camilla Ct, then east to the southeast corner of 200 Camilla Ct, then south to the northwest corner of 135 N Union St. Then following an eastern bearing to the northwest corner of 136 N Union St and continuing east along the southern right-of-way line of Penn St to the northeast corner of 420 E Main St. Then north to the northwest corner of 135 Hillcrest Dr, then east to the northeast corner of 135 Hillcrest Dr, then south to the southern right-of-way line of State Hwy 32, then following the State Hwy 32 right-of-way line west to the eastern right-of-way line of E Park St. Then heading south to the northwest corner of 411 Amberleaf Trl, then heading west to the northwest corner of 160 Midland Trace Loop, then heading north to the northeast corner of 302 S Union St, then following a northwestern bearing to the northeast corner of 229 S Union St, then south to the northeast corner of 323 S Union St, then west to the northwest corner of 323 S Union St. Then following a southwest bearing to the western corner of 137 Baldwin Ct, then heading west to the northeast corner of 17340 Westfield Blvd, then north following the western right-of-way line of Westfield Blvd to the northeast corner of 421 Park St. Then heading west to the northwest corner of 421 Park St, then south to the southeast corner of 17440 Westfield Blvd, then west to the point of beginning.

Section 5. Zoning Ordinance. The Common Council finds and states that the Downtown Westfield DORA is consistent with the City of Westfield's zoning ordinance.

Section 6. Dates and Hours of Operation. The dates and hours of operation of the Downtown Westfield DORA are established as follows: January 1 – December 31, Monday through Thursday from 12 p.m. (noon) to 10 p.m. and Friday through Sunday from 10 a.m. to 11p.m. The dates and hours of the Downtown Westfield DORA operation may not violate Ind. Code § 7.1-3-1-14.

Section 7. Signage. The Council hereby adopts the number, spacing, and type of signage designating the Downtown Westfield DORA, and additional minimum standards regarding signage, all of which is attached hereto as *Exhibit C and Exhibit D*. The City is hereby directed to place conforming signage at, but not limited to, the following locations within the Downtown Westfield DORA:

- Intersections on the boundary

- Major sidewalks along the boundary
- Potential points of gathering near the boundary
- Areas of congregation
- Where appropriate to confer the message

Additional signage regarding the Downtown Westfield DORA may be warranted and necessary, and *Exhibit C and Exhibit D* reflect minimum signage standards. Therefore, the City staff is hereby authorized and granted full authority to increase the number and/or change the type of signage in their sole discretion.

Pursuant to Ind. Code § 7.1-3-31-16, appropriate signage shall be posted at each exit of a Designated Permittee and on the licensed premises of a Vendor.

Section 8. Designated Permittees. The following retailer permittees have licensed premises within the Downtown Westfield DORA and have submitted completed applications to the City to participate in the Downtown Westfield DORA as Designated Permittees. The location of each retailer permittee is indicated on the map attached hereto as *Exhibit A*. The City finds that each listed retailer permittee is an appropriate Designated Permittee, and requests that the Indiana Alcohol and Tobacco Commission issue each a refreshment area designation pursuant to Ind. Code § 7.1-3-31-9(b):

- 12-05 Distillery, LLC (d/b/a Four Finger Distillery): 120 Camilla Court
- 228 Park Street LLC (d/b/a Chiba): 228 Park Street
- Field Artisan Brewing, LLC (d/b/a Field Brewing): 303 E. Main Street
- High Nine, LLC (d/b/a Westfield Wine Vault): 100 N. Union Street
- Kedge LLC (d/b/a Jan's Village Pizza): 108 S. Union Street
- Nyla's, LLC: 211 Park Street
- Something Splendid, LLC: 217 Mill Street
- The Italian House on Park: 219 Park Street
- Westfield Greek's LLC (Greeks Pizzeria): 231 Park Street

Designated Permittees shall comply with applicable public health and safety requirements established by ordinance for the Downtown Westfield DORA.

Any additional retailer permittee with licensed premises located within the Downtown Westfield DORA that desires to be designated as a Designated Permittee and granted a refreshment area designation shall submit a request and completed DORA Designation Form (State Form 57288; *Exhibit B*) to the City, which may be approved by Resolution of the Council.

Section 9. Vendors. Any establishment that desires to obtain a temporary vendor designation to participate in an event or festival within the Downtown Westfield DORA shall first obtain a Vendor designation. To be designated as a Vendor within the Downtown Westfield DORA, the establishment shall submit a Special Event Permit Application and the DORA Designation Form (State Form 57288; *Exhibit B*) to the City for each event. The Council may approve a DORA Designation Form for a Vendor by Resolution. A Vendor's location may be at any or all of the designated areas within the Downtown Westfield DORA as shown in *Exhibit A*, subject to approval of the Special Event Permit and DORA Designation Form.

Vendors shall comply with applicable public health and safety requirements established by ordinance for the Downtown Westfield DORA.

Section 10. Reserved Rights. Nothing herein shall prohibit a business, landlord, or other establishment from prohibiting individuals from entering the premises or business with open containers of alcoholic beverages, or from prohibiting individuals from entering the premises or business with alcoholic beverages purchased from another establishment. The City maintains full authority and control over the sidewalks and common areas, and no one may prohibit or limit open containers in accordance with Ind. Code § 7.1-3-31 *et seq.* within the Downtown Westfield DORA, aside from the City of Westfield Police Department.

Section 11. Means of Separation. Upon receipt of refreshment area designation from the Indiana Alcohol and Tobacco Commission, a Designated Permittee shall remove all stanchions, fencing, or other means of separation previously required by law from all common areas, sidewalks, and City right of way, as provided by Ind. Code § 7.1-3-31-15. Glass containers may be allowed in a Designated Permittee's outdoor dining area, but may not be removed from those dining areas into the Downtown Westfield DORA.

Section 12. Open Containers. All Designated Permittees and Vendors within the Downtown Westfield DORA may allow a person to exit the licensed premises with not more than two (2) open containers of an alcoholic beverage at a time, and consume the alcoholic beverages within the Downtown Westfield DORA. The contents of an open container may not exceed the following:

- Beer or flavored malt beverage of not more than sixteen (16) ounces.
- Wine, cider, or hard seltzer of not more than twelve (12) ounces.
- A mixed drink of not more than ten (10) ounces containing not more than two (2) ounces of liquor.

Section 13. Consumption. Pursuant to Ind. Code § 7.1-3-31 *et seq.*, a person may consume an alcoholic beverage purchased from a Designated Permittee or Vendor anywhere within the Downtown Westfield DORA boundaries, subject to the right of any retailer permittee or business within the Downtown Westfield DORA to refuse to allow individuals to enter the licensed premises or business with an alcoholic beverage. A person may not consume an alcoholic beverage within the Downtown Westfield DORA that was purchased outside of the Downtown Westfield DORA.

Section 14. Additional Regulations. The additional regulations established in **Exhibit C** shall apply within the Downtown Westfield DORA.

Section 15. Conflict. Should any part of this Ordinance be found in conflict with Ind. Code § 7.1-3-31 *et seq.*, the terms of Ind. Code § 7.1-3-31 *et seq.*, as may be amended or revised from time to time, shall prevail. Should any parts of this Ordinance be found unconstitutional or illegal, the remaining parts shall survive and be in full effect.

Section 16. Effect. This Ordinance shall be in full force and effect from and after its passage by the Council and approval by the Mayor, and in accordance with Indiana law.

PASSED THIS 24th DAY OF JUNE, 2024 BY THE WESTFIELD COMMON COUNCIL, HAMILTON COUNTY, INDIANA.

WESTFIELD COMMON COUNCIL

Voting For

Kurt J Wanninger
Kurt J Wanninger

Chad Huff

Voting Against

Kurt J Wanninger
Kurt J Wanninger

Chad Huff

Abstain

Kurt J Wanninger

Chad Huff

Patrick T. Tamm

Patrick T. Tamm



Joe Duepner

Joe Duepner

Joe Duepner



Jon Dartt

Jon Dartt

Jon Dartt



Noah Herron

Noah Herron

Noah Herron

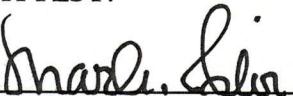


Victor McCarty

Victor McCarty

Victor McCarty

ATTEST:



Marla Ailor

Marla Ailor, Clerk-Treasurer

I hereby certify that ORDINANCE 24-34 was delivered to the Mayor of Westfield on the 25th day of JUNE, 2024, at 8:00 A m.



Marla Ailor

Marla Ailor, Clerk-Treasurer

I hereby APPROVE ORDINANCE 24-34

I hereby VETO ORDINANCE 24-34

this 25th day of JUNE,
2024.

this _____ day of _____,
2024.



Scott A. Willis

Scott A. Willis, Mayor

Scott A. Willis, Mayor

This document was prepared by Kaitlin Glazier, City of Westfield, 2728 East 171st Street, Westfield, IN 46074, 317-804-3041.

I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document unless required by law. /s/ *Kaitlin Glazier*