

ORDINANCE NO. D-2718-24

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,
ESTABLISHING A DESIGNATED OUTDOOR REFRESHMENT AREA

Synopsis: Ordinance establishes a designated outdoor refreshment area in the City's central core pursuant to Indiana Code § 7.1-3-31.

WHEREAS, the City of Carmel (the "City"), pursuant to Indiana Code § 7.1-3-31 et seq., may establish a designated outdoor refreshment area ("DORA"); and

WHEREAS, the City has a vibrant central core with many entertainment venues, restaurants, public walkways, squares, and green spaces; and

WHEREAS, the City's central core hosts over one hundred public events and festivals each year that attract millions of visitors from around the country, and has long become an engine for economic growth for the entire City; and

WHEREAS, the City wishes to continue its support for central core's vitality and encourage its growth and prosperity, while ensuring the DORA is administered in an orderly, safe, and inviting fashion in accordance with state and City laws, rules, and regulations; and

WHEREAS, the City analysed the location of the proposed DORA and determined it to be consistent with the economic development pattern for the area, Carmel's Comprehensive Plan, and Unified Development Ordinance (the "UDO"); and

WHEREAS, the City believes it is in the best interests of its residents to establish a DORA in the City's central core, which area is shown on the Central DORA Map, included in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Carmel, Indiana, as follows:

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

Section 2. Definitions. All definitions in Ind. Code 7.1-3-31 et seq., as amended, and any applicable definitions of the UDO shall apply to this Ordinance.

Section 3. Establishment of DORA. The Common Council established a DORA to be known as the "Central DORA" pursuant to Ind. Code 7.1-3-31 et seq., and consistent with all applicable state and local laws, rules, and regulations.

Section 4. Map and Boundaries. The Central DORA shall comprise the area identified and depicted in the Central DORA map, which is attached hereto as Exhibit A, with boundaries described in the attached Exhibit B. Exhibits are fully incorporated herein by this reference and may be amended from time to time. The Common Council delegates the duty to Carmel Legal Department to finalize the map by depicting designated permittees and their respective locations on the map.

Section 5. Signage. The Common Council hereby adopts the following signage requirements for the Central DORA:

(1) The Common Council hereby delegates the duty to design the form and logo of the Central DORA signage, and distribute said signs to the Designated Permittees and Vendors to the Department of Marketing and Community Relations. The Common Council shall have final approval of signage design.

(2) Signs shall be posted in the City's right-of-way, at all pedestrian entrances and exists to the Central DORA to inform the public of the Central DORA's boundaries. All signs shall be posted in conspicuous locations, able to be seen by the pedestrians entering or exiting the Central DORA. Signs designating the Central DORA may be placed as new signs, attached to existing City signs or directional devices, or be placed as street decals. In addition to signs designating the Central DORA's boundary, informational signs shall be installed at the busiest pedestrian entrances at the discretion of the Carmel Street Department. At a minimum, such informational signs shall contain information or a QR code directing to information regarding the Central DORA's hours of operation, the Central DORA's map, the list of participating Designated Permittees, and a statement that no outside alcoholic beverages are allowed within the Central DORA. The Central DORA Committee shall approve modifications to the original signage design or information contained therein.

(3) All outdoor signs shall be made of all-weather resistant, durable material.

(4) All Designated Permittees and Vendors shall place signs on their premises indicating that they participate in the Central DORA and whether a person may enter the premises with an open container of alcohol. Said signs shall be placed in a conspicuous location at each entrance and exit (double-side printed signs are acceptable) to the premises, and must contain the following information:

- a. Any open alcoholic beverages and any containers purchased within the Central DORA must remain within the Central DORA.
- b. Possessing an open container of alcoholic beverage in a motor vehicle may constitute a Class C infraction under IC 9-30-15.
- c. The Central DORA shall be in effect during all authorized times pursuant to IC 7.1-3-1-14, as may be amended from time to time, and as may be further modified by the Mayor or her/his designee in accordance with Indiana Code.

Section 6. Times of Operation. The Central DORA shall be in effect as follows:

Monday through Thursday: 5 PM to 10 PM;

Friday to Saturday: 11 AM to 11 PM;

Sunday: 11 AM to 9 PM.

The Common Council may modify the above times of operation during certain holidays or City festivals by adopting a resolution to that extent.

Section 7. Central DORA Containers. For the to-go orders of alcoholic beverages, Designated Permittees and Vendors shall only use containers with the Central DORA label sticker. No glass containers may be used for to-go orders of alcoholic beverages. The Common Council hereby delegates the duty to design the form and logo of the Central DORA container label sticker to the Department of Marketing and Community Relations. The Common Council shall have final approval of the container label sticker design. Upon final approval, the Department of Marketing and Community Relations shall either provide ordering information or distribute container label stickers to the Designated Permittees and Vendors.

Section 8. Designated Permittees and Vendors may allow a person to exit their premises into the Central DORA with not more than two (2) open alcoholic beverages. Designated Permittees and Vendors remain responsible for enforcement of the volumes served and to ensure compliance with state law and this Ordinance. The maximum fill limits for an alcoholic beverage being sold for consumption within the Central DORA are as follows:

- (1) Beer or flavored malt beverages: up to sixteen (16) ounces.
- (2) Wine, cider, or a premixed cocktail: up to twelve (12) ounces.
- (3) Liquor or a liquor-based cocktail: up to ten (10) ounces, including up to two (2) ounces of liquor.

Section 9. A person may not consume an alcoholic beverage in public areas of the Central DORA that was purchased outside of the Central DORA.

Section 10. The carryout privileges that a Designated Permittee may have in their scope of permit approved by the Alcohol and Tobacco Commission is not impacted this Ordinance.

Section 11. Designated Permittees. Businesses located at the following locations, that may be updated before submission to the Alcohol and Tobacco Commission, have submitted completed applications to the City to participate as Designated Permittees within the Central DORA, subject to approval by the Alcohol and Tobacco Commission:

- (1) Fork and Ale House, 350 Veterans Wy #150
- (2) 101 Beer Kitchen, 1200 S. Rangeline Sute 101
- (3) Anthony's Chophouse and 3UP, 201 W. Main St.
- (4) Bazbeaux, 111 W. Main St., Suite 155
- (5) Monterey Coastal Cuisine, 110 W Main Street # 135
- (6) Lazarra 254 LLC dba Wine and Rind, 254 Veterans Way, Suite G
- (7) CCC Boutique Hotel, LL dba Hotel Carmichael, 1 Carmichael Square
- (8) Penn & Beech Candle Co. 145 Elm Street, Suite 150
- (9) Savor Restaurant, 211 W. Main Street, STE # 102
- (10) Hanami Sushi and Sake Bar, 703 Veterans Way
- (11) Muldoon's, 111 W. Main Steet, Ste 100
- (12) Social Cantina- Carmel, 350 Monon Blvd., Suite 10

Section 12. Any additional business located within the Central DORA that wishes to become a Designated Permittee shall submit an application attached hereto to the Board of Public Works and Safety for approval. Once approved, the applicant may proceed to apply for the Designated Permittee status with the Alcohol and Tobacco Commission.

Section 13. An entity may apply to the relevant Indiana State Excise Police (Excise) district office for a temporary beer and wine permit for operation as a Vendor within the Central DORA to the same extent that they would otherwise be eligible. Additionally, an entity with catering privileges may serve within the Central DORA under its catering permit by following normal procedures and submitting a catering authority request form for approval. Prior to submitting the temporary beer and wine permit application or seeking catering approval, such entity must complete the designation Vendor Form attached hereto seeking such vendor status and obtain approval in writing from the Chief of Staff Office.

Section 13. The Central DORA Committee.

(1) The Common Council hereby established the “Central DORA Committee.” The Central DORA Committee’s mission shall be to:

- a. Receive and consider public safety and sanitation reports associated with the Central DORA’s operation;
- b. Receive and consider public input associated with the Central DORA’s operation. Members of the public shall be allowed to address the Committee at the public meeting;
- c. Compile and present to the Common Council a bi-annual report containing a summary of reported incidents, concerns, recommendations, and any other feedback associated with the Central DORA’s operation;
- d. Review and approve modified signage and container label sticker design.

(2) The Central DORA Committee shall consist of a volunteer body of up to nine (9) members. Two (2) members shall be appointed by the Mayor of Carmel with one such member being a representative of a Designated Permittee; three (3) members shall be appointed by the Common Council with one such member being a representative of a Designated Permittee; one (1) shall be appointed by Carmel Parks and Recreation, one (1) member shall be appointed by the Street Superintendent and shall be an employee of the Carmel Street department; one (1) shall be appointed by the Carmel Police Chief and shall be a sworn police officer of the Carmel Police Department; and one (1) shall be appointed by the OneZone Chamber of Commerce. All appointees shall be Carmel residents.

(3) The Central DORA Committee shall meet at least twice per year and on an as -needed basis.

(4) Initial Committee members shall be appointed for two (2) year terms, to hold over until a successor is duly appointed, and may be re-appointed. All subsequent Committee members shall be appointed or reappointed for two (2) year terms. There shall be no limit on the number of terms a member may serve on the Committee.

Section 14. A violation of this Ordinance shall carry a fine of up to Two Hundred Fifty Dollars (\$250.00).

Section 15. If any portion of this Ordinance is for any reason declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 16. This Ordinance shall be in full force and effect from and after the date of its passage and signing by the Mayor and such publication as required by law.

[the remainder of this page is left intentionally blank]

SPONSOR(S): Worell, Snyder, Aasen, Ayers and Taylor

PASSED by the Common Council of the City of Carmel, Indiana, this 5th day of August, 2024, by a vote of 7 ayes and 1 nays.

COMMON COUNCIL FOR THE CITY OF CARMEL

Not Present

Anthony Green, President

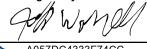
Signed by:



4C888B02B255421

Rich Taylor

Signed by:



A067DC433F74CC

Jeff Worrell

Signed by:



5F150F4C1B654A8

Shannon Minnaar

Opposed

Anita Joshi

ATTEST:

DocuSigned by:



70D1B84BCB9B43A...

Jacob Quinn, Clerk

Presented by me to the Mayor of the City of Carmel, Indiana this 6th day of August, 2024, at 11:15 A.M.

DocuSigned by:



70D1B84BCB9B43A...

Jacob Quinn, Clerk

Approved by me, Mayor of the City of Carmel, Indiana, this 6th day of August, 2024, at 11:30 A.M.

Signed by:



F2811D170A1F460...

Sue Finkam, Mayor

ATTEST:

DocuSigned by:



70D1B84BCB9B43A...

Jacob Quinn, Clerk

Ordinance No. D-2718-24

Page Five of Five

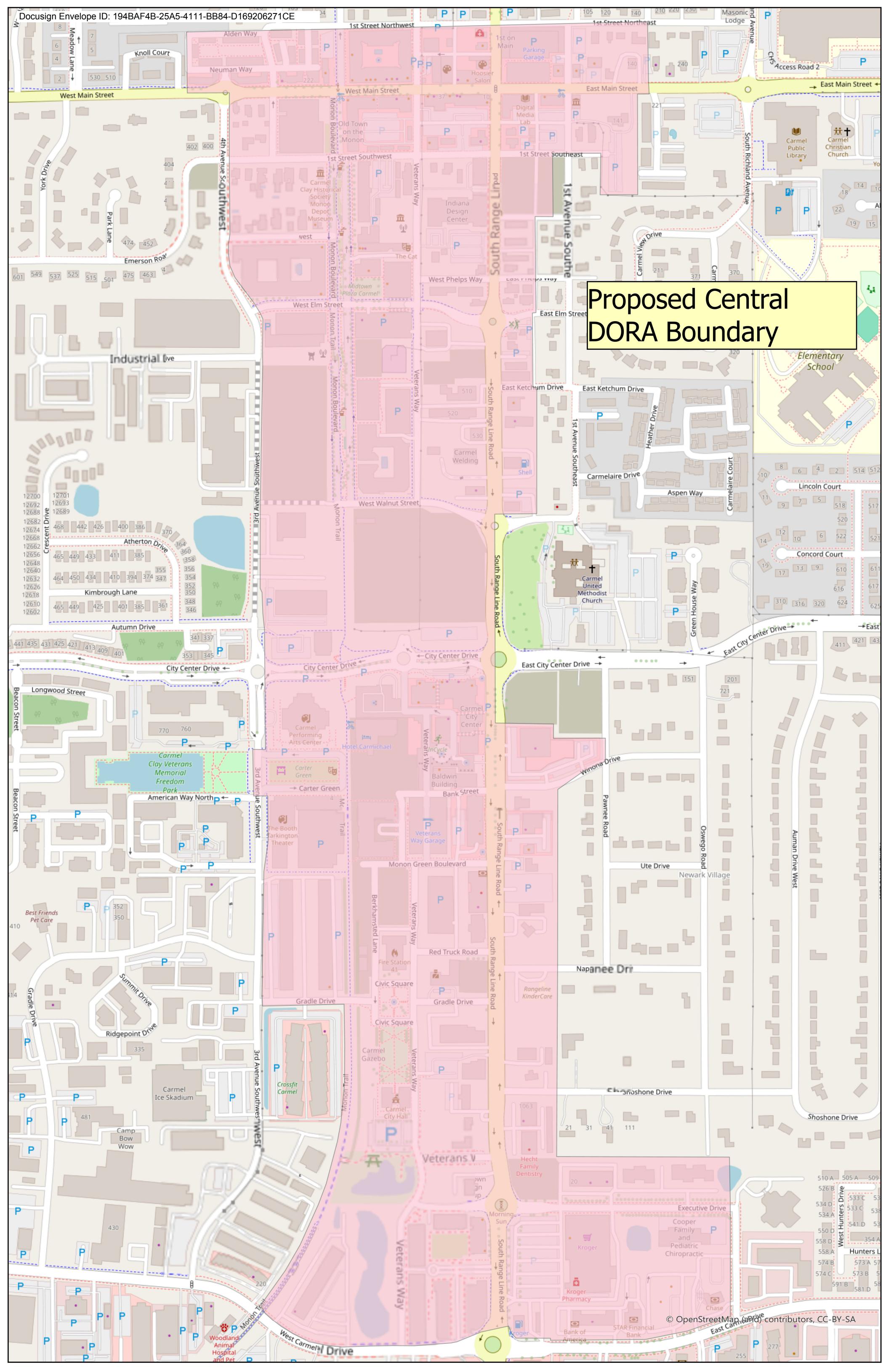


Exhibit B

Boundary Description of Central Designated Outdoor Refreshment Area

Unless otherwise indicated, all City right of ways are included in the following description.

Beginning at the northwestern corner of parcel number 16-09-25-02-08-083, thence east to the western edge of 3rd Ave. NW., thence north to the northern edge of 1st St. NW., thence east along the northern edge of 1st St. NW., thence continuing east along the northern edge of 1st St. NE. to the southwestern corner of parcel number 16-10-30-09-02-020, thence continuing east to the center line of the intersection of 1st St. NE and 2nd Ave. NE, thence south approximately 355 feet to the southern edge of E. Main St., thence approximately 53 feet west to the northeastern corner of parcel number 16-10-30-03-03-001, thence south along the eastern property line of parcel number 16-10-30-03-03-001 to the southeastern corner of parcel number 16-10-30-03-03-001, thence west along the southern property line of parcel number 16-10-30-03-03-001 to the southwestern corner of parcel number 16-10-30-03-03-001, thence approximately 190 feet north along the western property line of parcel number 16-10-30-03-03-001 to the southern edge of 1st St. SE, thence approximately 251 feet west along the southern edge of 1st St. SE to the northwest corner of parcel number 16-10-30-03-01-032, thence south approximately 278 feet to the northern edge of Supply St, thence approximately 80 feet west to the eastern edge of Alley 1st Ave SE, thence approximately 1,480 feet south along the eastern edge of Alley 1st Ave SE continuing south to the northern edge of E. Walnut St., thence approximately 213 feet west along the northern edge of E. Walnut St. continuing to the center line at the intersection of E. Walnut St. and S. Rangeline Rd., thence south along the center line of S. Rangeline Rd. approximately 1,025 feet, thence east to the eastern edge of S. Rangeline Rd., thence continuing east along the northern property line of parcel number 16-10-31-01-14-001 approximately 234 feet, thence south approximately 65 feet, thence east approximately 235 feet to the center line of Pawnee Rd., thence south to the center line at the intersection of Pawnee Rd. and Winona Dr., thence southwest along the center line of Winona Dr. approximately 271 feet to the northeastern corner of parcel number 16-10-31-01-08-001, thence south to the southeastern corner of parcel number 16-10-31-01-06-003, thence east along the northern property line of parcel numbers: 16-10-31-00-02-001, 16-10-31-00-03-001, 16-10-31-00-03-002, and 16-10-31-00-03-003 to the northeastern corner of parcel number 16-10-31-00-03-003, thence south along the eastern border of parcel number 16-10-31-00-03-003 to the southern edge of Executive Dr., thence continuing south along the western edge of Executive Dr. to the northern edge of E. Carmel Dr. where it meets the southeastern corner of parcel number 16-10-31-00-01-001.002, thence west along the northern edge of E. Carmel Dr. to the southwestern corner of parcel number 16-10-31-00-00-047 where it meets the eastern edge of S. Rangeline Rd., thence west crossing the northern edge of the roundabout at the intersection of S. Rangeline Rd. and W. Carmel Dr. and continuing west along the northern edge of W. Carmel Dr. to the southwestern corner of parcel number 16-09-36-00-00-070 (Monon Trail), thence going north and continuing along the western border of parcel number 16-09-36-00-00-070 (Monon Trail) to the northwestern corner of parcel number 16-09-36-00-00-070 (Monon Trail) where it meets Gradle Dr., thence west along the southern edge of Gradle Dr. to the intersection of Gradle Dr. and 3rd Ave. SW., thence north along the eastern edge of 3rd Ave. SW. to the northwestern corner of 16-

09-36-00-00-005.218, thence going west to the western edge of 3rd Ave. SW., thence north along the western edge of 3rd Ave. SW. approximately 230 ft, thence east to the eastern edge of 3rd Ave. SW., thence north along the eastern edge of 3rd Ave. SW. continuing across the roundabout at the intersection of 3rd Ave. SW. and City Center Drive, thence continuing north along the eastern edge of 3rd Ave. SW. to the centerline of the roundabout at the intersection of 4th Ave. SW. and W. Main St., thence west along the centerline of W. Main St. approximately 203 feet, then north approximately 72 feet across parcel numbers 16-09-25-02-08-018 and 16-09-25-02-08-085 to the southwestern corner of parcel number 16-09-25-02-08-083, thence continuing north and ending at the northwestern corner of parcel number 16-09-25-02-08-083, said meeting point also being the point of beginning.

End of description