

SEP 4 2023

ORDINANCE No. 23-2984

SCOTT M. ASHER

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SHELBYVILLE,
INDIANA AMENDING ORDINANCE NO. 23-2980 AND ESTABLISHING A
DESIGNATED OUTDOOR REFRESHMENT AREA**

WHEREAS, Indiana Code 7.1-3-31 authorizes the establishment of a Designated Outdoor Refreshment Area;

WHEREAS, the Common Council believes it is in the best interests of the City to create a Designated Outdoor Refreshment Area in the City's downtown, as authorized by Indiana Code 7.1-3-31 et seq, which Area is shown on the attached Map- Exhibit A;

WHEREAS, the Common Council passed Ordinance 23-2980 establishing a Designated Outdoor Refreshment and now believes it is the best interest of the City to Amend Ord. 23-2980 to redraw the boundaries of the Designated Outdoor Refreshment Area;

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

1. All definitions in Ind. Code 7.1-3-31 *et seq.* shall apply to this Ordinance.
2. The Common Council hereby adopts the Map of the City of Shelbyville Downtown Designated Outdoor Refreshment Area attached hereto as Exhibit A and incorporated herein by reference;
3. That the following area is designated as the Shelbyville Downtown Designated Outdoor Refreshment Area:

Beginning at a point in the center of the intersection of Franklin Street and the Alley located between 30 E Washington and 31 E. Franklin St; hence South along the eastern edge of said Alley to intersection of said Alley and E. Washington St; hence East along the Northern edge of E. Washington St. to the intersection with Pike St.; hence South along the centerline of Pike St to the intersection with Jackson St. hence West along the centerline of Jackson St. to the intersection of the alley between 29 E. Washington St. and 34 E. Jackson St.; hence south along said Alley to the intersection with Broadway St; hence West along the northern edge of Broadway St. to the intersection of Broadway St. and Post St. hence North along the centerline of Post St. to the Southwest corner of 31-35 Public Square building hence North to the Northwest Corner of 29 Public Square building hence East to the western edge of Public Square hence North along the Western Edge of Public Square to the intersection with intersection with 15 Public Square hence East to the southwest corner of 5 Public Square hence North

along the Western edge of 5 Public square to Franklin St. hence East along Franklin Street to the point of beginning.

Except all residential property is excluded.

4. The Shelbyville Downtown Designated Outdoor Refreshment Area boundary by address is as follows:

Beginning at a point in the center of the intersection of Franklin Street and the Alley located between 30 E Washington and 31 E. Franklin St, hence South along the alley with an address of 30 E. Washington St. including 29 E. Washington St., to the intersection of E. Washington St. Said addresses make up a portion of the Eastern Boundary of the Area;

Hence East along E. Washington St. including 33, 37, 47, 49, 55, 57, and 63 E. Washington to the intersection of Pike St. Said Address making up a portion of the Northern Boundary of the Area;

Hence South along the centerline of Pike St including 3, 5, and 7 Pike St. to the intersection with Jackson St. Said addresses making up a portion of the Eastern Boundary of the Area;

Hence West along the Centerline of Jackson St. including 34 and 56 E. Pike St to the intersection of the Alley between 29 E. Washington St. and 34 E. Jackson St,

Hence South along said Alley to the intersection with Broadway St. Said addresses make up the Eastern Boundary of the Area;

Hence West along the North line of Broadway St including 14 E. Broadway, 12 E. Broadway, 10 E. Broadway, 118 S. Harrison, and 117 S. Harrison. Said addresses make up a portion of the Southern Boundary of the Area;

Hence North along the centerline of Post St. having an address of 117 S. Harrison St. including 115 S. Harrison, 113 S. Harrison, 111 S. Harrison, 109 S. Harrison, 105 S. Harrison, and 101 South Harrison. Said addresses make up a portion of the Western Boundary of the Area;

Hence West along Jackson St to the Southwest corner of 31-35 Public Square building hence North to the Northwest Corner of 29 Public Square building. Said addresses making up a portion of the Western Boundary of the Area.

Hence East to the western edge of Public Square hence North along the Western Edge of Public Square to the intersection with 15 Public Square hence East to the southwest corner of 5 Public hence North along the Western edge of 5 Public square Square including 17 N. Harrison St. and 19 N. Harrison St to Franklin St.

Hence East along Franklin Street including 8 Public Square, 16 Public Square, and 30 E. Washington St. Said addresses make up a portion of the Northern

Boundary of the Area; to the point of beginning.

Except all residential property is excluded.

5. The Common Council finds that the Shelbyville Downton Outdoor Refreshment Area is consistent with the City of Shelbyville's Zoning Code.
6. The Common Council hereby approves and adopts the minimum signage designating the City of Shelbyville Downtown Designated Outdoor Refreshment Area attached hereto as Exhibit B and incorporated herein by reference and directs the City to place the signage at the designated locations on Exhibit C;
7. The Common Council recognizes that additional signage designating the City of Shelbyville Downtown Designated Outdoor Refreshment Area may be warranted and necessary, Exhibit B and C are only minimum standards and therefore the City of Shelbyville Board of Public Works and Safety is hereby authorized and granted full authority to increase the number or change the type of signage in their sole discretion;
8. Dates and Hours of Operation:
The City of Shelbyville Downtown Designated Outdoor Refreshment Area shall be in effect during all authorized times pursuant to Ind. Code 7.1-3-1-14 as amended from time to time by the Indiana General Assembly.
9. The following retailer permittees have submitted a completed application to the City to participate in the Area as a Designated Permittee and the City finds that each of them is an appropriate Designated Permittee and requests the Indiana Alcohol Commission to issue each a "refreshment area designation":
 - a. MCCM, LLC d/b/a Blue River Bistro and Bar located at 39 Public Square
 - b. Capones located at 1 and 2 Public Square
 - c. Cadillac Jacks located at 29 Public Square
 - d. Pudder's located at 18 Public Square
 - e. Spegal's Prime Cuts, LLC located at 48 Public Square

Any additional licensed premises located within the Downtown Refreshment Area who desires to be designated as "Designated Permittee" and granted a "refreshment area designation" shall submit an application to the City for approval and recommendation by the Common Council by Resolution.

10. The City of Shelbyville Board of Public Works and Safety adopted the City of Shelbyville Special Event Permit Application which is attached hereto and incorporated herein by reference as Exhibit D. A Special Event Permit Application, including the Exhibit 1 "State Form Designated Outdoor Refreshment Area Designation Form" shall be submitted to the Shelbyville Planning and Building Department for approval by the Board of Works prior to:
 - a. A Designated Permittee expanding their operations into the Area outside of their designated outdoor patio area;

- b. An Approved Vendor, either by this Ordinance or future Resolution, requesting a temporary permit to serve in the Area;
 - c. Any Organization holding a special event in the Area with a Vendor requesting a temporary permit to serve;
11. Any establishments that desires to be a “vendor” for the Downtown Designated Refreshment Area shall submit an application to the City for approval by the Common Council. The following establishments have submitted an application and the Common Council now finds that they are appropriate Vendors for the Downtown Refreshment Area and hereby recommends their approval by the Board of Public Works and Safety upon completion of the Special Event Permit Application and the State Form Designated Outdoor Refreshment Area Designation Form for each event:
- a. Bourbon’s and Brews 41 E. Broadway
 - b. Bookmark Café 7 & 9 Public Square

Any additional establishments whom desire to be Vendor’s shall submit an application for review and approval by the Common Council by Resolution. This Application must be submitted prior to submission of the Special Event Permit Application required under paragraph 10. Upon approval by the City Council each additional Special Event Permit and Application shall be submitted to the City Planning and Building Department.

12. Designated Permittees identified in paragraph 9 have been identified on Exhibit A.
13. Vendor’s location may be at any or all of the designated areas within the Downtown Designated Outdoor Refreshment Area as shown on Exhibit A, subject to approval of the Special Event Permit and State Form by the City of Shelbyville Board of Public Works and Safety.
14. Business Participation:
- a. Nothing in this Ordinance prohibits a business, landlord, or other establishment from prohibiting open containers of alcoholic beverages to enter their premises or from prohibiting alcoholic beverages purchased from another establishment to enter their premises.
 - b. The City of Shelbyville maintains full authority and control over the sidewalks and common area and no one may prohibit or limit open containers in accordance with Ind. Code 7.1-3-31 within the Designated Outdoor Refreshment Area in those spaces except for the City of Shelbyville Police Department.
15. Upon receipt of “refreshment area designation” from the Indiana Alcohol Commission the Designated Permittee as defined by Ind. Code shall remove all stanchions, fencing, or other means of separation previously required by law from all common areas, sidewalks, and right of way of the City of Shelbyville as provided by

Ind. Code 7.1-3-31-15. Failure to remove said enclosures within 72 hours notice from the City shall result in a fine in accordance with §10.99.

16. In accordance with Ind. Code 7.1-3-31 *et seq.*

- a. A person may consume an alcoholic beverage purchased from a designated permittee or vendor anywhere within the refreshment area boundaries, subject to the right of any retailer permittee or business within the refreshment area to refuse to allow individuals to enter the licensed premises or business with an alcoholic beverage.
- b. All Designated Permittees and Vendors may allow a person to exit the designated permittee's or vendor's licensed premises with not more than two(2) open containers of an alcoholic beverage at a time. The contents of an open container may not exceed the following:
 - i. Beer or flavored malt beverage of not more than sixteen(16) ounces.
 - ii. Wine, cider, or hard seltzer of not more than twelve (12)ounces.
 - iii. A mixed drink of not more than ten (10) ounces containing not more than two (2) ounces of liquor.

17. A sign, as required by Ind. Code 7.1-3-31-16, and attached hereto as Exhibit D must be posted at each exit of a Designated Permittee and on the licensed premises of a Vendor.

18. Glass containers may only be allowed in a Designated Permittee's Outdoor dining area and may not be removed into the Downtown Designated Outdoor Refreshment Area.

This Ordinance shall be in full force and effect upon its passage, approval, and publication pursuant to Indiana law.

ALL OF WHICH IS ORDAINED by the Common Council of Shelbyville, Indiana, this 11th day of SEPT, 2023.

Passed by the Common Council of the City of Shelbyville, Indiana, on the first reading this 11th day of SEPT, 2023.

VOTE: Ayes 6 Nays 0

PRESIDING OFFICER:



Tom DeBaun, Mayor

ATTEST:



Scott Asher, Clerk-Treasurer

Passed by the Common Council of the City of Shelbyville, Indiana, on the second reading this 11th day of SEPT, 2023.

VOTE: Ayes 6 Nays 0

PRESIDING OFFICER:



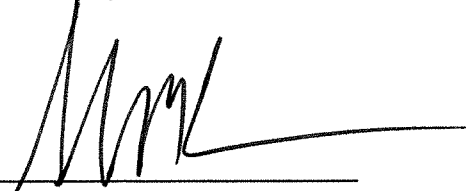
Tom DeBaun, Mayor

MAYORAL APPROVAL:



Tom DeBaun, Mayor


ATTEST:



Scott Asher, Clerk-Treasurer

CERTIFICATION

The undersigned Clerk-Treasurer does hereby certify that the above ordinance was presented to the Mayor, approved and signed by the Mayor on the date shown, and that said Mayor announced its approval to the Common Council this 11th day of SEPT 2023.



Scott Asher, Clerk-Treasurer

Exhibit A