

Synopsis: This ordinance, if adopted, would establish a designated outdoor refreshment area (DORA) in accordance with IC 7.1-3-31 et seq. within the City of Huntington, Indiana.

ORDINANCE __-C-24

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF HUNTINGTON, INDIANA, ESTABLISHING A DESIGNATED OUTDOOR REFRESHMENT AREA (DORA)

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

WHEREAS, the Common Council (“Council”) believes it is in the best interests of the City to create a Designated Outdoor Refreshment Area (“Area”) in the City, as authorized by Indiana Code 7.1-3-31 *et seq.*, which Area is shown on the attached Map – Exhibit “A”;

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

1. All definitions in Indiana Code 7.1-3-31 *et seq.* shall apply to this Ordinance.
2. Council hereby adopts the Map of the City of Huntington Designated Outdoor Refreshment Area (“Huntington DORA”) attached hereto as Exhibit “A” and incorporated herein by reference.
3. The Huntington DORA boundary by address is as follows:

Bound generally by the following:

South curb line of Park Drive, East curb line of Cherry Street, South bank of the Little River, West curb line of Warren Street.

Including the following addresses:

100 block of E Park Dr (odd numbered addresses)
100 block of W Park Dr (odd numbered addresses)
300, 400 & 500 blocks of Cherry St (odd numbered addresses)
100 & 200 blocks of W State St (even & odd numbered addresses)
100 block of E State St (even & odd numbered addresses)
300, 400, 500 & 600 blocks of Warren St (even numbered addresses)
100 block of S Jefferson St (even & odd numbered addresses)
100, 200, 300, 400, 500 blocks of N Jefferson St (even & odd numbered addresses)
100 block of E Washington St (even & odd numbered addresses)
100 block of W Washington St (even & odd numbered addresses)
100 block of E Market St (even & odd numbered addresses)
100 block of W Market St (even & odd numbered addresses)

100 block of E Franklin St (even & odd numbered addresses)
100 block of W Franklin St (even & odd numbered addresses)
100 block of Court St (even & odd numbered addresses)

4. Council finds that the Huntington DORA is consistent with the City of Huntington's Zoning Code.
5. Council hereby directs the creation of minimum signage designating the Huntington DORA and directs the City to place the signage at the designated locations on Exhibit "A".
6. Council recognizes that additional signage designating the Huntington DORA may be warranted and necessary and therefore Council may increase the number or change the type of signage as is needed.
7. Dates and Hours of Operation: The Huntington DORA shall be in effect during all authorized times pursuant to Indiana Code 7.1-3-1-14 as amended from time to time by the Indiana General Assembly. Specifically, when in effect, the Huntington DORA Hours will be from Noon until midnight. Subject to BPW&S approval of a Special Events Application, the following is a list of DORA operation dates:

Heritage Days (including Bratt Tent and JEFF-Fest)
Music In the City (Second Saturdays from May through October)
St. Patrick's Day
Mardi gras
Cinco de Mayo
4th of July
Octoberfest
Halloween
Christmas and Christmas Eve
New Year's Eve and New Year's Day
And other such events as the BPW&S may determine to be appropriate.

8. 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":

Any additional licensed premises located within the Huntington DORA that wishes to be designated as "Designated Permittee" and granted a

“refreshment area designation” shall submit an application to the City for approval and recommendation of Council. Other temporary Vendors may submit special event permit applications to the City of Huntington Board of Public Works and Safety.

9. The locations of the Designated Permittees identified in paragraph 8 have been identified on Exhibit “A”.
10. Council adopts the City of Huntington Special Event Permit Application which is attached hereto and incorporated herein by reference as Exhibit “B”. A Special Event Permit Application, including Exhibit 1 “State Form Designated Outdoor Refreshment Area Form” shall be submitted to the BPW&S for consideration.
 - a. A Designated Permittee expanding their operations into the Area outside of their designated outdoor patio area; or
 - b. An Approved Vendor, either by this Ordinance or future action, requesting a temporary permit to serve in the Area; or
 - c. Any organization holding a special event in the Area with a Vendor requesting a temporary permit to serve.
11. A Vendor’s location may be at any area within the Huntington DORA as shown on Exhibit “A”, subject to approval of the Special Event Permit application (and State Form) by Council, and issuance of the appropriate permit by the Indiana Alcohol and Tobacco Commission.
12. Business Participation:
 - a. Nothing in this Ordinance prohibits a business, landlord, or other establishment from prohibiting alcoholic beverages to enter their premises or from prohibiting alcoholic beverages purchased from another establishment to enter their premises. Any such establishment shall post a conspicuous notice of such prohibition at the entrances to such establishment.
 - b. The City of Huntington maintains full authority and control over the sidewalks and common area and no one may prohibit or limit open containers in accordance with Indiana Code 7.1-3-31 within the Huntington DORA in those spaces, except for the City of Huntington Police Department in the exercise of its law enforcement duties.
13. In accordance with Indiana Code 7.1-3-31 *et seq.*:
 - a. A person may consume an alcoholic beverage purchase from a designated permittee or Vendor anywhere within the Area, subject to the right of any retailer permittee or business within the 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 no 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.
- 14. A sign, as required by Indiana Code 7.1-3-31-16 must be posted at each exit of a Designated Permittee and on the licensed premises of a Vendor.
- 15. Glass containers may only be allowed in a Designated Permittee's Outdoor dining area and may not be removed into the Huntington DORA.
- 16. Designated Permittees and approved Vendors may use only non-breakable plastic bottles, plastic cups, or paper cups, affixed with a logo or label that identifies the container for use only in the Huntington DORA.
- 17. No person may consume an alcoholic beverage within the Huntington DORA that was purchased outside of the Huntington DORA.

BE IT FINALLY ORDAINED that this Ordinance shall be in full force and effect from and after its passage by Council and publication as required by law.

A motion to consider for final adoption on the same day of introduction was [NOT OFFERED or NOT SUSTAINED or SUSTAINED] by a vote of __ in favor and __ in opposition.

Duly adopted on first reading this ____ day of _____, 2024, by a vote of ____ in favor and ____ in opposition.

Duly adopted on final reading this ____ day of _____, 2024, by a vote of ____ in favor and ____ in opposition.

CITY OF HUNTINGTON, INDIANA by its COMMON COUNCIL

Voting in Favor:

Voting in Opposition:

_____	Charles Chapman (President)	_____
_____	Dwight Brautigam	_____
_____	P J Felton	_____
_____	Dave Funk	_____
_____	Todd Johnson	_____
_____	Paul Pike	_____
_____	Andrew Rensberger	_____

Attest:

Christi A. McElhaney, Clerk-Treasurer

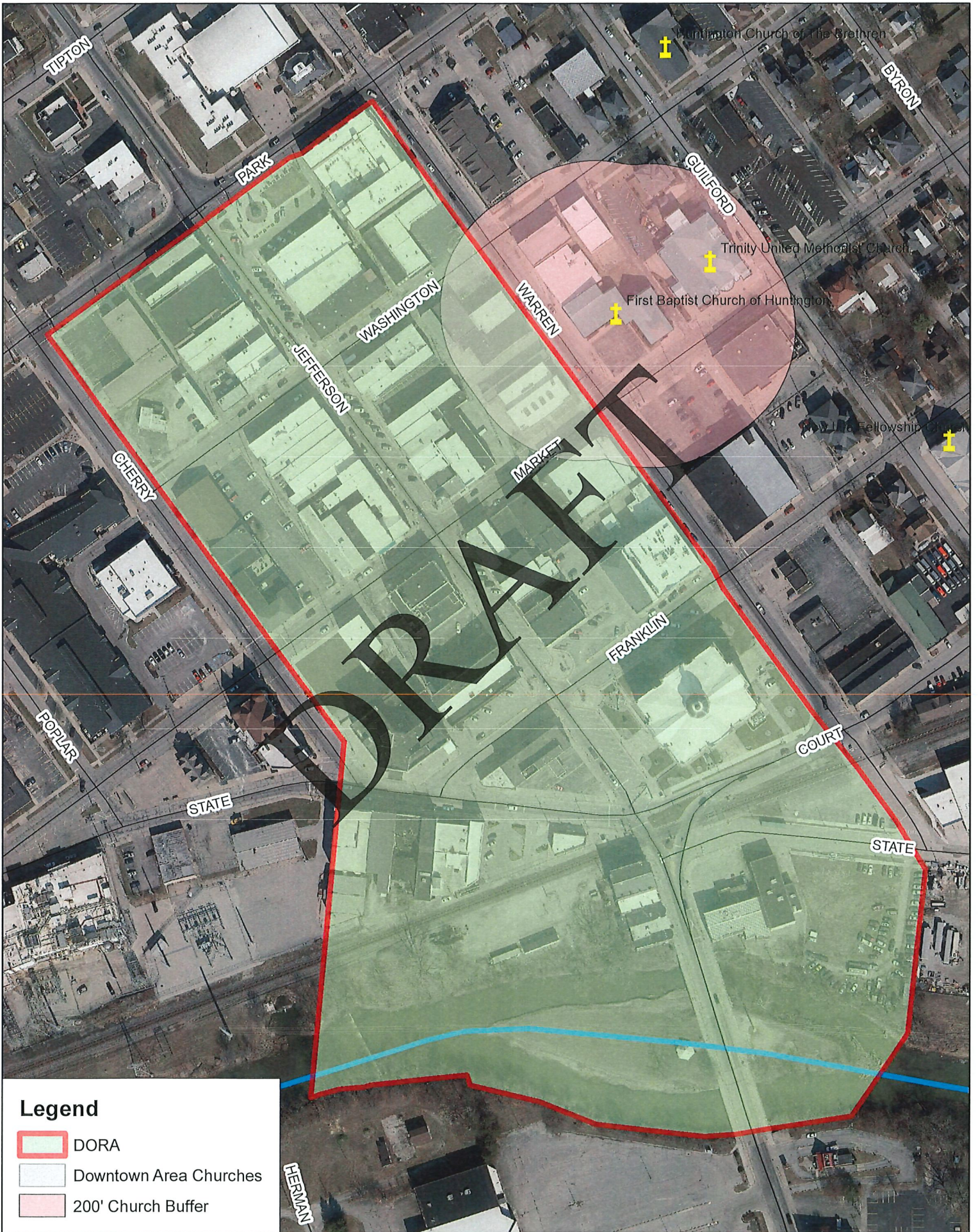
Presented by me to the Mayor for approval or veto, this ____ day of _____, 2024.

Christi A. McElhaney, Clerk-Treasurer




This ordinance having been adopted by the Common Council and presented to me is [APPROVED or VETOED], this ____ day of _____, 2024.

Richard Strick, Mayor

DORA Map



Legend

-  DORA
-  Downtown Area Churches
-  200' Church Buffer

City of Huntington Special Events Application

This form is exclusively for Festivals, Concerts, Races, Walks, and similar special events that require street closures within the City limits of Huntington.

We are happy that you have chosen to plan a special event within the City of Huntington. A completed application and additional materials must be filed at least 30 days prior to the first day of your event. Keep in mind that acceptance of your application should in no way be construed as final approval or confirmation of your request.

EVENT NAME _____

EVENT DATE(S) _____

EVENT LOCATION(S) _____
 Address whether one location or multiple areas of the City (i.e. parade or race)

APPLICANT INFORMATION:

Is an organization hosting the event? No ___ Yes ___
 If yes, list organization's name: _____

Contact Name: _____ Cell Phone: _____

Mailing Address _____

E-Mail: _____ Office Number: _____

Will contact above be the on-site coordinator at the event? Yes ___ No ___
 If not, list the on-site coordinator's name and cell phone.

On-site Name: _____ Cell Phone: _____

EVENT OPERATIONS:

Event: ___ Festival ___ Concert ___ Car Show ___ Parade
 ___ Race/Walk ___ Bike Race ___ Other (please specify) _____

Set Up Date: ___/___/___ Hours: ___:___ AM or PM to ___:___ AM or PM

Tear Down Date: ___/___/___

Additional Information: _____

<p>Mayor's Office Sent Copies to:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 10px;"> </td><td>Administrative / File</td></tr> <tr><td> </td><td>Police</td></tr> <tr><td> </td><td>Fire</td></tr> <tr><td> </td><td>Street</td></tr> <tr><td> </td><td>Engineering</td></tr> <tr><td> </td><td>Community Development</td></tr> </table>		Administrative / File		Police		Fire		Street		Engineering		Community Development	<p>*City Use Only*</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Board of Works Date</td> <td style="width: 50%;">Approval</td> </tr> <tr> <td> </td> <td>Y: N:</td> </tr> </table>	Board of Works Date	Approval		Y: N:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Amount Paid:</td> <td style="width: 30%; text-align: center;">\$</td> </tr> <tr><td>Check</td><td> </td></tr> <tr><td>Cash</td><td> </td></tr> <tr><td>Money Order</td><td> </td></tr> <tr><td>Debit / Credit</td><td> </td></tr> </table>	Amount Paid:	\$	Check		Cash		Money Order		Debit / Credit	
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Clean-up/Litter Management: You are responsible for all litter, grease, ash and gray water generated by your event. Arrangements should be made with a private power-washing contractor to remove all stains left by your event.

Note: A refundable deposit of \$100.00 is required to ensure clean-up of Special Events. Turn payment into the mayor's office along with your completed application. You will be billed separately if the cost to the City for clean-up exceeds your deposit.

Additional Permits - IDHS Amusement & Entertainment Permit: Your event may require a separate permit from the State of Indiana. You should determine the need for such and obtain a permit if applicable. Visit: <http://www.in.gov/dhs/2795.htm> for more information.

City Water Service: Do you need to hook up to a City water source? _____ Yes _____ No
If YES - You must contact the City Engineering Department to arrange for a temporary meter. Water usage will be metered and you will be billed separately, in accordance with the City Code.

Use of City Electric Service: Will you need to use City electric services? _____ Yes _____ No
Available only at limited locations. Applicant must contact the City Engineering Department to determine if electric service is available. A fee may be required, depending on the amount of power used.

Board of Public Works and Safety Schedule: Applications are processed in the order they are received typically at the next regular meeting of the City of Huntington Board of Public Works & Safety. The Board meets on the first and third Mondays of each month in the City Council Chambers at the City Building.

Note: It is the responsibility of the applicant to contact the City Clerk-Treasurer to have the application placed on the Boards Agenda.

Street Closures: Do you need any streets blocked off and closed? _____ Yes _____ No
If you have requested street closures, it is your responsibility to notify the following people of your event details such as the dates, times and streets AND the date you will be presenting to the Board of Works. Each must approve and communicate that approval to the Board of Public Works & Safety at the meeting at which your completed application is considered:

- Huntington County Combined Dispatch- 260-356-7110
- Huntington Fire Department, Fire Chief, Tony Johnson - 260-356-3620
- Huntington Police Department, Chief of Police, Cory Boxell - 260-356-1400
- City Services Department Superintendent, Tim Bischoff 260-356-4720

Alcohol Use: Will you have alcohol at this event? _____ Yes _____ No
If your event will include the sale of alcohol, you must present an appropriate license for such to the Chief of Police, Cory Boxell. You must arrange for security/police presence. Completion of this step must be communicated by the Chief of Police to the Board of Public Works & Safety at the meeting at which your completed application is considered.

Designated Outdoor Refreshment Area (DORA):

To activate the DORA your event must occur within this boundary: **South curb line of Park Drive, East curb line of Cherry Street, South bank of the Little River, and West curb line of Warren Street.** If your event is not located within this boundary but would like alcohol consumption, please see the "Alcohol Use" section above.

If the event is within the boundary above, do you want to activate the DORA? ____ Yes ____ No

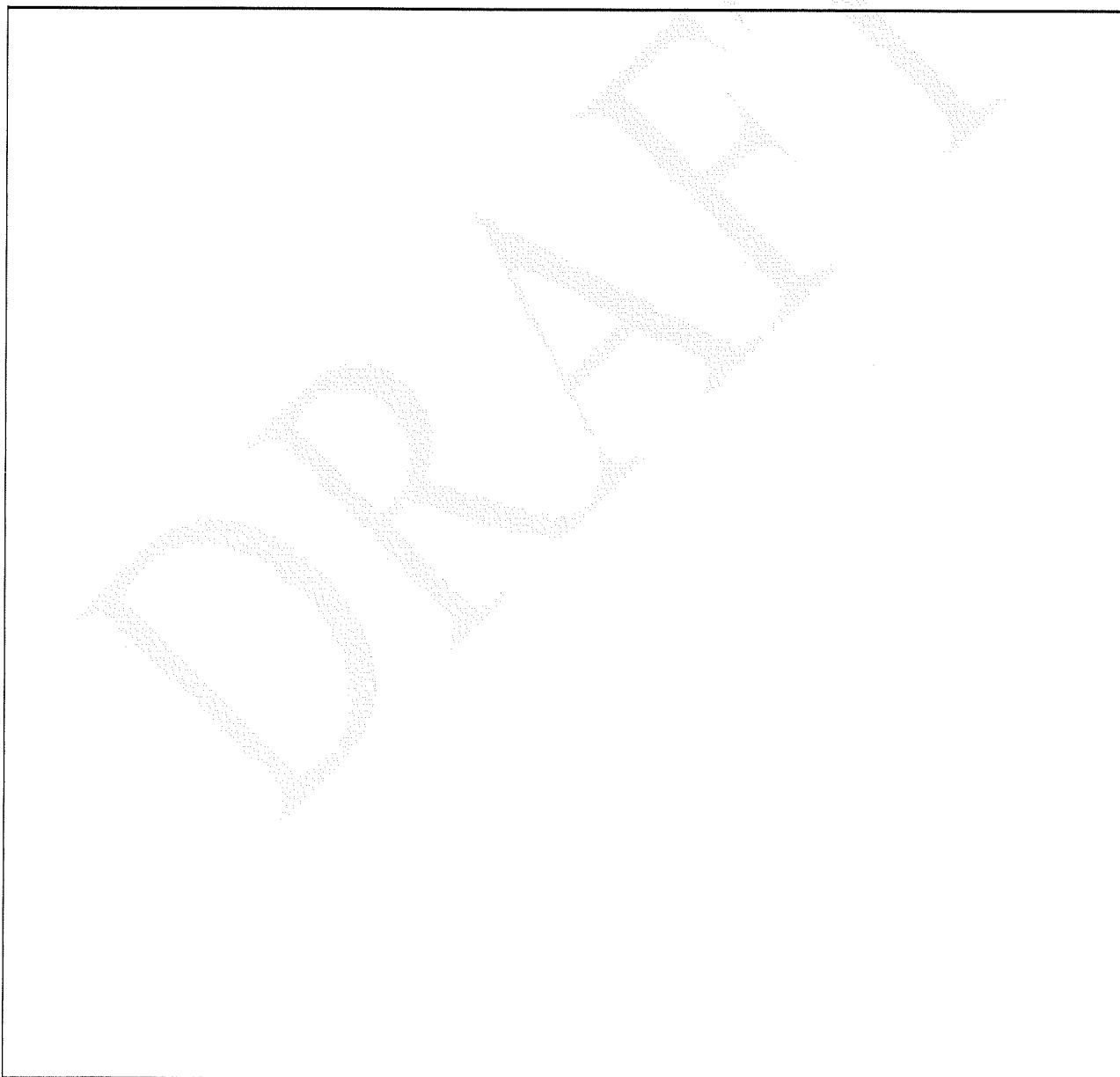
If YES – The maximum operational hours for the DORA are from noon to midnight. Approval from the Board of Public Works and Safety is required, which entails submitting ~~both~~ this Special Events Application ~~and the State Form Designated Outdoor Refreshment Area~~ Form.

Certificate of Insurance: Applicant is required to submit an original Certificate of Insurance in an amount not less than one million dollars (\$1,000,000) combined single bodily injury and property damage for each occurrence and proof of liquor liability insurance in the amount of not less than one million dollars (\$1,000,000) if alcohol will be present during the event. Your insurance certificate(s) should list as the Certificate Holder: City of Huntington, 300 Cherry Street, Huntington, IN 46750, and include the city of Huntington as an additional insured on a primary and non-contributory bases with a waiver of subrogation.

SITE/ROUTE MAP:

Event Site Map should include:

- A map of the entire event site including names of all streets or areas that are part of the venue and the surrounding area.
 - If the event is downtown, please request the downtown map.
 - If the event is a parade/race, indicate the direction of travel.
- The location of all stages, fencing, barricades, scaffolding, tents, portable restrooms, booths, cooking areas, trash dumpsters, grease/ash containers, gray water containers, and other temporary units.
- Streets needing to be closed and where barricades should be placed.



APPLICANT RESPONSIBILITY CHECKLIST

For your convenience, your responsibilities are gathered into the checklist below. All were explained in detail on the second and third pages of this application. Please reference those pages if you have any questions or call the Mayor's Office if further explanation is needed.

- 1) Certificate of Insurance
- 2) \$100 Clean-Up Deposit
- 3) Event Site Map or Route Map
- 4) Event Description
- 5) Additional Permits if needed
- 6) Approvals:
 - City Water and/or Use of City Electric Services – Engineer's Office Y___ N___
 - For the Event – Clerk's Office to get on Board of Works Schedule Y___ N___
 - For Alcohol Use – Police Department Y___ N___
 - For Street Closure –
 - Huntington County Dispatch Y___ N___
 - Fire Department Y___ N___
 - Police Department Y___ N___
 - Street Department Y___ N___

ACKNOWLEDGMENT/HOLD HARMLESS/SIGNATURE

Please Review your application carefully, read the paragraph below, and sign before returning this application.

The undersigned, individually and as the duly authorized representative of the organization referenced herein, on behalf of undersigned and that organization certify (1) that I am responsible to provide all information necessary to meet the conditions and requirements of the application process and that by providing such information it is no guarantee that my proposed event will be permitted by the City of Huntington; (2) indemnify and hold harmless the City of Huntington from any claims brought against it relating to the event and to meet all other conditions of the City; (3) I have read and understand this application and the conditions under which my request will be considered; and (4) the risk of promoting an event before permission is granted is the sole responsibility of the applicant.

Applicant's Signature _____ Date _____
Individually and as the duly authorized representative of the organization referenced herein

Printed Name: _____

Return this application to:

Mayor's Office, Administrative Assistant- 3rd floor, City Building, 300 Cherry Street, Huntington, IN 46750