

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 9-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 incorporated herein as 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, excepting the three buildings on the West side of Warren Street between Market Street and Washington 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 excepting #532 & #538)
- 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 excepting #50)
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". Council recognizes that signage needs may change and may in the future adjust signage as is necessary and beneficial.
6. 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 the approval of a Special Events Application by the City of Huntington, Indiana Board of Public Works and Safety (BPW&S), the following is a list of DORA operation dates when the Huntington DORA is in effect:

Heritage Days (Annually designated on the second or third Wednesday of June through the following Sunday)
Music In the City (Second Saturdays from May through October)
St. Patrick's Day
Mardi Gras
Cinco de Mayo
4th of July
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.

7. The following retailer permittees have submitted a completed application to the City, including a completed State Form 57288: Designated Outdoor Refreshment Area Form 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":

Market Street, Inc., d/b/a Market Street Bar & Grill
Restaurant Concepts, d/b/a Wise Guys
TOJI, Inc., d/b/a Legends Sports Bar
Sarah Corporation, d/b/a Big Daddy's

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.

8. The locations of the Designated Permittees identified in paragraph 8 have been identified on Exhibit “A”.
9. 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 57288: 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.
10. 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.
11. 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.
12. 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.
- 13. 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.
- 14. Glass containers may only be allowed in a Designated Permittee's Outdoor dining area and may not be removed into the Huntington DORA.
- 15. 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.
- 16. 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.

[Signature Block Next Page]

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