

ORDINANCE NO. 30, 2024

CITY OF COLUMBUS, INDIANA

**AN ORDINANCE TO ESTABLISH
A DESIGNATED OUTDOOR REFRESHMENT AREA (“DORA”)**

(Downtown Columbus Social District)

WHEREAS, Indiana Code § 7.1-3-31 authorizes the establishment of a Designated Outdoor Refreshment Area ("DORA");

WHEREAS, the City of Columbus, Indiana (the "City") supports the revitalization and economic re-development of its historic downtown and commercial core, desires to maintain an economically vital and vibrant downtown center for its residents, visitors, and tourists; sees an economically healthy downtown as one of its critical assets; and realizes that a sustainable town center economy contributes to the community's economic health;

WHEREAS, the City wishes to maintain a livable, walkable downtown and main street with opportunities to shop, work, live and discover recreational, cultural and heritage opportunities; and

WHEREAS, the Common Council of the City of Columbus ("Council") believes it is in the best interests of the City to create a DORA in the City's downtown, as authorized by Indiana Code § 7.1-3-31 et seq., as amended.

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

5.30.010 Definitions.

All definitions in Indiana Code § 7.1-3-31 et seq., as amended, shall apply to this chapter.

5.30.020 Creation.

A. Pursuant to I.C. 7.1-3-3-31, the Common Council hereby authorizes and approves the creation of a “Designated Outdoor Refreshment Area” in the City of Columbus, Indiana.

B. Chapter 5.30 of the Columbus Municipal Code shall also be referred to as the “Downtown Columbus Social District.”

5.30.030 Effects of Chapter.

A. This chapter is applicable to retailer permittees and vendors who wish to participate in any DORA established by the city and any person(s) who consume or wish to consume alcoholic beverages within a DORA.

B. Any retailer permittee or vendor wishing to participate in any DORA established by the city shall abide by state and local laws.

C. It shall be unlawful for any person, sole proprietor, partnership, company, corporation, applicant, vendor, restaurant, establishment, or venue to operate as a designated permittee or vendor within a DORA unless registered as such with the city as provided in this chapter.

5.30.040 Boundaries and Map.

The Downtown Columbus Social District is identified in the map incorporated into this section, which shall be updated from time to time.

DORA BOUNDARY MAP



5.30.050 Signage.

A. Signage designating the Downtown Columbus Social District boundaries shall include a logo that identifies the refreshment area:

B. A Window Cling must be displayed near the entrance of a licensed liquor establishment, retailer, business, landlord, or other establishment if said establishment desires to be a participant in the Downtown Columbus Social District.

C. A sign identifying the refreshment area must be posted at each exit of a Designated Permittee and on the licensed premises of a Vendor.

D. The City of Columbus Board of Public Works and Safety is hereby authorized and granted full authority to install signage designating the boundaries of the Downtown Columbus Social District, including sidewalk decals, including the authority to increase, decrease, or change the type of signage in its sole discretion.

5.30.060 Dates and Hours of Operation.

The Downtown Columbus Social District shall be operational seven days a week, three hundred sixty-five days a year. The hours of operation shall be between 10:00 a.m. and 12:00 a.m.

5.30.070 Designated Retailer Permittees.

A. The following retailer permittees have submitted a completed application to the City to participate in the Downtown Columbus Social District as a "Designated Permittee":

1. ZwanzigZ Pizza, located at 1038 Lafayette Avenue
2. Thai Connection, located at 527 Washington Street
3. Henry Social Club, located at 423 Washington Street
4. Swine & Dine, located at 412 Washington Street
5. 4th Street Bar & Grill, located at 433 4th Street
6. Black Sheep Pizza, located at 318 Washington Street
7. The Columbus Bar, located at 322 4th Street
8. Taku Japanese Steakhouse, located at 305 4th Street
9. The Garage Pub, located at 308 4th Street
10. Upland Pumphouse, located at 148 Lindsey Street
11. ZwanzigZ Production Brewery, located at 315 12th Street

B. Any additional licensed premises, located within the Downtown Columbus Social District, not specifically listed in this as a "Designated Permittee" who desires to be designated as a "Designated Permittee" and granted a "Refreshment Area Designation" shall submit a "Designated Permittee Application" to the City for approval and recommendation by the Board of Public Works and Safety by Resolution.

DESIGNATED RETAILER PERMITTEES

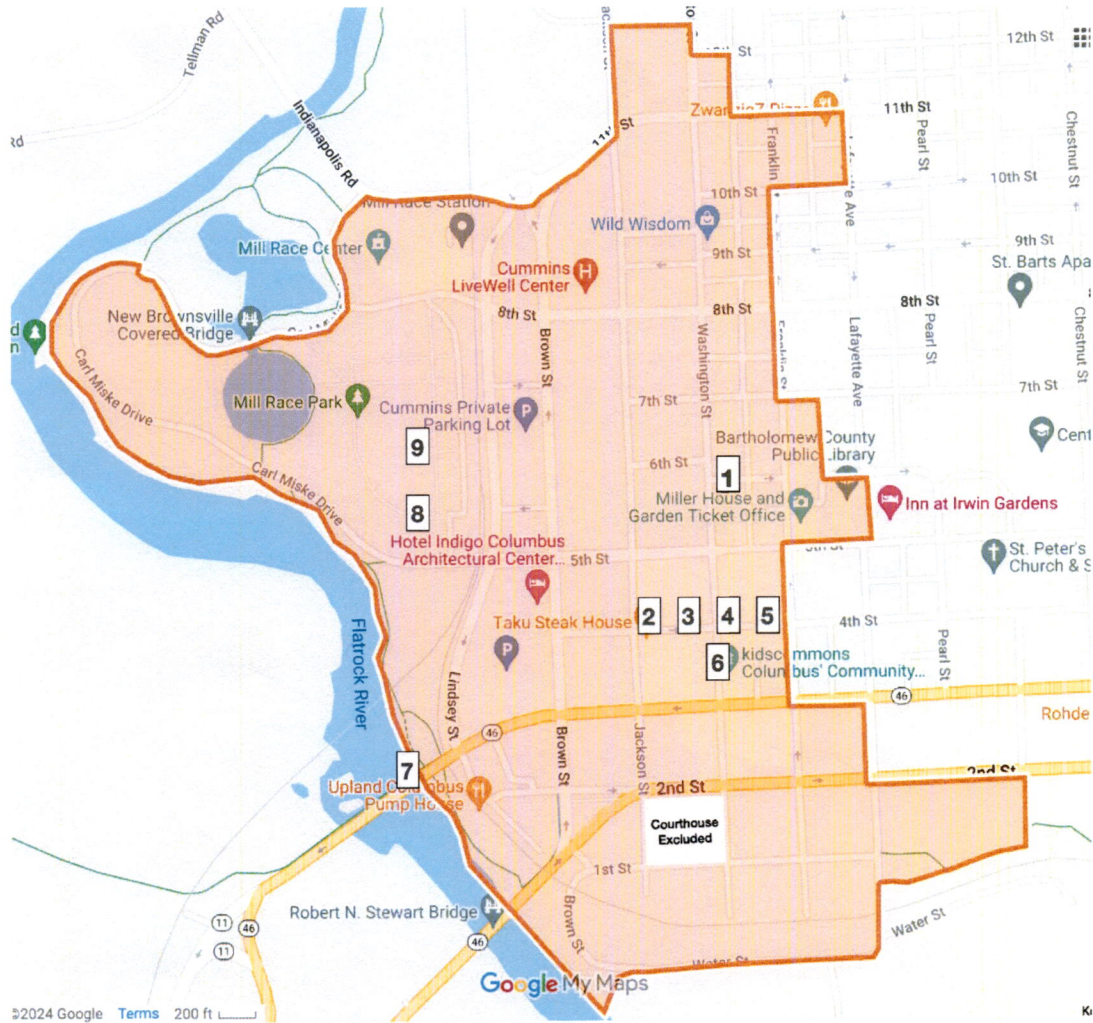


5.30.80 Temporary Vendors.

A. Any licensed establishment holding a temporary beer or wine permit pursuant to I.C. §7.1-3-31-5; a supplemental catering permit; or a craft manufacturer's permit that desires to be designated as a "Vendor" and granted a "temporary vendor designation" to participate in a special event or festival held within a refreshment area, must submit a Special Event Permit Application and State Designated Outdoor Refreshment Area Designation Form, on each such occasion.

B. The Board of Public Works and Safety shall have the authority to decide if said vendor is appropriate for the Downtown Columbus Social District and may approve said vendor. Upon approval, a "Vendor" may be located at any or all of the available "Vendor Locations" within the Downtown Columbus Social District as shown on the Temporary Vendor Location Map below. Each available Vendor location is numbered.

TEMPORARY VENDOR MAP



Temporary Vendor Location Key:

1. 6th Street Arts Alley
2. 4th & Jackson St.
3. 4th & Washington St.
4. 4th & Washington St.
5. 4th & Franklin St.
6. Washington Street between 4th & 5th
7. Proposed plaza on People Trail connection
8. Millrace Park near Amphitheatre
9. Millrace Park, west of the parking lot

5.30.090 Business Participation.

Nothing in this Ordinance prohibits a business, landlord, or other establishment from allowing open containers of alcoholic beverages to enter its premises.

5.30.100 City control of right-of-way.

The City of Columbus 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 Downtown Columbus Social District in those spaces except for the City of Board of Public Works and Safety and the Columbus Common Council.

5.30.110 Designated Outdoor Refreshment Area Operating Rules and Regulations.

In accordance with Indiana Code §§ 7.1-3-31:

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:

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

C. A person may not consume an alcoholic beverage within the refreshment area purchased outside the refreshment area.

D. Alcoholic beverages, subject to this section must be contained in a designated Downtown Columbus Social District Cup or an approved container affixed with a Downtown Columbus Social District decal.

E. Glass containers may only be allowed in a Designated Permittee's Outdoor dining area and may not be removed into the Downtown Columbus Social District.

5.30.120 Separability.

If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereunder.

5.30.130 Prior Ordinances.

Any ordinances and/or parts of ordinances in conflict herewith are hereby repealed.

5.30.140 Effective Date.

This Ordinance shall be effective after its passage by the Common Council, its approval by the Mayor, its approval by the Indiana Alcohol and Tobacco Commission, and completion of any other legal requirements.

5.30.150 Penalty.

A. Any business, entity, applicant, vendor or permittee who violates any provision of this chapter may be subject to the fines as follows:

1. Up to \$2,500 for the first violation; or
2. Up to \$7,500 for the second or subsequent violation.

B. Each day of the existence of any violation of this chapter shall be a separate offense.

ADOPTED, by the Common Council of the City of Columbus, Indiana, this 3rd day of September 2024 at 6:12 o'clock p.m., by a vote of 8 ayes and 0 nays.

CITY OF COLUMBUS, INDIANA

Frank Miller
Frank Miller, Presiding Officer

ATTEST:

Luann Welmer
Luann Welmer
Clerk of the City of Columbus, Indiana

Presented by me to the Mayor of the City of Columbus, Indiana, this 4th day of September, 2024 at 10:00 o'clock a.m.

Luann Welmer
Luann Welmer
Clerk of the City of Columbus, Indiana

Approved by me, Mayor of the City of Columbus, Indiana, this 4th day of Sept., 2024 at 10:30 o'clock a.m.

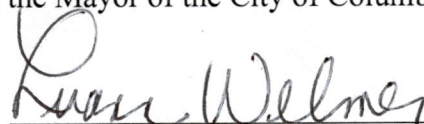
Mary K. Ferdon
Mary K. Ferdon
Mayor of the City of Columbus, Indiana

ATTEST:

I hereby certify that the foregoing within and attached ordinance was duly passed by the Common Council of the City of Columbus, Indiana, at a meeting thereof held on the 3rd day of September 2024, by the following vote:


	AYE	NAY	ABSTAIN	ABSENT
Chris Bartels (District 1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Elaine Hilber (District 2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerone Wood (District 3)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frank Miller (District 4)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Anderson (District 5)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jay Foyst (District 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Josh Burnett (Councilor at Large)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Dell (Councilor at Large)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grace Kestler (Councilor at Large)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The foregoing within and attached ordinance passed by the Common Council of the City of Columbus, Indiana, on the 3rd day of September 2024, is presented by me this 4th day of September 2024, at 10:00 o'clock A.M., to the Mayor of the City of Columbus, Indiana.



Luann Welmer
Clerk of the Common Council

The foregoing within and attached ordinance passed by the Common Council of the City of Columbus, Indiana, on the 3rd day of September 2024, is approved by me this 9th day of September 2024, at 11:20 o'clock A.M.



Mary K. Ferdon, Mayor