

**ORDINANCE NO. D-2716-24**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA, AMENDING CHAPTER 5, ARTICLE 1, SECTION 5-3(b)(2) OF THE CARMEL CITY CODE.**

**Synopsis: Ordinance amending alcohol prohibition on certain sections of the Monon Greenway.**

**WHEREAS**, the City has previously prohibited containers of alcohol or beverages containing alcohol on or along the Monon Greenway; and

**WHEREAS**, on \_\_\_\_\_, 2024 the Common Council passed an ordinance (the “DORA Ordinance”) establishing a Central Designated Outdoor Refreshment Area (the “Central DORA”) that encompasses a section of the Monon Greenway as depicted in the attached Central DORA Map; and

**WHEREAS**, individuals of twenty-one (21) years of age and older may consume alcoholic beverages within the Central DORA pursuant and subject to the DORA Ordinance’s regulations; and

**WHEREAS**, pursuant to Indiana Code § 7.1-3-31, the Common Council may establish up to seven (7) Designated Outdoor Refreshment Areas; and

**WHEREAS**, the Common Council of the City of Carmel, Indiana, now finds that it is in the interests of the public to amend alcohol prohibition on sections of the Monon Greenway that pass through any Designated Outdoor Refreshment Areas.

**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. The following subsection of Carmel City Code Section 5-3(b) is hereby amended and shall read as follows:

“(2) *Use of alcohol.* Containers of alcohol or beverages containing alcohol are strictly prohibited in, on or along the Monon Greenway for any reason, **except for the Monon Greenway sections that pass through any Designated Outdoor Refreshment Areas, and any alcohol consumption in such sections is subject to the applicable Designated Outdoor Refreshment Area ordinance.**”

Section 3. The remaining provisions of Carmel City Code Sections 5-3 are not affected by this Ordinance and shall remain in full force and effect.

51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100

Section 4. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance, such repeal to have prospective effect only. However, the repeal or amendment by this Ordinance of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities and proceedings are continued and penalties shall be imposed and enforced under such repealed or amended ordinance as if this Ordinance had not been adopted.

Section 5. 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 6. 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.

*[remainder of page intentionally left blank]*

101 **PASSED** by the Common Council of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_,  
102 2024, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

104  
105 **COMMON COUNCIL FOR THE CITY OF CARMEL**

107 \_\_\_\_\_  
108 Anthony Green, President

\_\_\_\_\_   
Adam Aasen, Vice-President

110 \_\_\_\_\_  
111 Jeff Worrell

\_\_\_\_\_   
Teresa Ayers

113 \_\_\_\_\_  
114 Anita Joshi

\_\_\_\_\_   
Shannon Minnaar

116 \_\_\_\_\_  
117 Ryan Locke

\_\_\_\_\_   
Matt Snyder

119 \_\_\_\_\_  
120 Rich Taylor

122  
123 ATTEST:

124  
125 \_\_\_\_\_  
126 Jacob Quinn, Clerk

127  
128 Presented by me to the Mayor of the City of Carmel, Indiana this \_\_\_\_\_ day of \_\_\_\_\_  
129 2024, at \_\_\_\_\_ .M.

131  
132 \_\_\_\_\_  
133 Jacob Quinn, Clerk

134 Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_  
135 2024, at \_\_\_\_\_ .M.

136  
137 \_\_\_\_\_  
138 Sue Finkam, Mayor

139  
140 ATTEST:

141  
142 \_\_\_\_\_  
143 Jacob Quinn, Clerk

**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.

Ordinance D-2718-24

Page One of Four

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

52 (1) The Common Council hereby delegates the duty to design the form and logo of the Central Dora  
53 signage, and distribute said signs to the Designated Permittees and Vendors to the Department of  
54 Marketing and Community Relations. **OR** The Common Council hereby adopts signage designating  
55 the Central DORA as depicted in the attached Exhibit C, which is fully incorporated herein by this  
56 reference.

57 (2) Signs shall be posted in the City's right-of-way, at all pedestrian entrances and exists to the Central  
58 DORA to inform the public of the DORA's boundaries. All signs shall be posted in conspicuous  
59 locations, able to be seen by the pedestrians entering or exiting the Central DORA. Signs designating  
60 the Central DORA may be placed as new signs, attached to existing City signs or directional devices,  
61 or be placed as street decals.

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

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

68 a. Any open alcoholic beverages and any containers purchased within the Central DORA must  
69 remain within the Central DORA.

70 b. Possessing an open container of alcoholic beverage in a motor vehicle may constitute a  
71 Class C infraction under IC 9-30-15.

72 c. The Central DORA shall be in effect during all authorized times pursuant to IC 7.1-3-1-14,  
73 as may be amended from time to time, and as may be further modified by the Mayor or  
74 her/his designee in accordance with Indiana Code.

75

76 Section 6. **Times of Operation.** The Central DORA shall be in effect from \_\_\_\_\_

77

78 Section 7. **DORA Containers.** For the to-go orders of alcoholic beverages, Designated Permittees and  
79 Vendors shall only use containers with the Central DORA label. No glass containers may be used for to-go  
80 orders of alcoholic beverages.

81

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

87 (1) Beer or flavored malt beverages: up to sixteen (16) ounces.

88 (2) Wine, cider, or a premixed cocktail: up to twelve (12) ounces.

89 (3) Liquor or a liquor-based cocktail: up to ten (10) ounces, including up to two (2) ounces of liquor.

90

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

93

94

95

96 Ordinance D-2718-24

97 Page Two of Four

98

99 Section 10. The carryout privileges that a Designated Permittee may have in their scope of permit  
100 approved by the Alcohol and Tobacco Commission is not impacted this Ordinance.  
101

102 Section 11. Designated Permittees. Businesses located at the following locations have submitted  
103 completed applications to the City to participate as Designated Permittees within the Central DORA, subject  
104 to approval by the Alcohol and Tobacco Commission:

- 105 (1) Fork and Ale House, 350 Veterans Wy #150
- 106 (2) 101 Beer Kitchen, 1200 S. Rangeline Sute 101
- 107 (3) Anthony’s Chophouse and 3UP, 201 W. Main St.

108  
109 Section 12. Any additional business located within the Central DORA that wishes to become a  
110 Designated Permittee shall apply on the Form attached hereto to the Chief of Staff Office for approval. Once  
111 approved, the applicant may proceed to apply for the Designated Permittee status with the Alcohol and  
112 Tobacco Commission.  
113

114 Section 13. An entity may apply to the relevant Indiana State Excise Police (Excise) district office for  
115 a temporary beer and wine permit for operation as a Vendor within the Central DORA to the same extent that  
116 they would otherwise be eligible. Additionally, an entity with catering privileges may serve within the Central  
117 DORA under its catering permit by following normal procedures and submitting a catering authority request  
118 form for approval. Prior to submitting the temporary beer and wine permit application or seeking catering  
119 approval, such entity must complete the designation Vendor Form attached hereto seeking such vendor status  
120 and obtain approval in writing from the Chief of Staff Office.  
121

122 Section 14. If any portion of this Ordinance is for any reason declared to be invalid by a court of  
123 competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance  
124 so long as enforcement of same can be given the same effect.  
125

126 Section 15. This Ordinance shall be in full force and effect from and after the date of its passage and  
127 signing by the Mayor and such publication as required by law.  
128  
129  
130  
131  
132  
133  
134  
135

[the remainder of this page is left intentionally blank]

148 **PASSED** by the Common Council of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_,  
149 2024, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

150 **COMMON COUNCIL FOR THE CITY OF CARMEL**

153 \_\_\_\_\_  
154 Anthony Green, President

\_\_\_\_\_   
Adam Aasen, Vice-President

156 \_\_\_\_\_  
157 Rich Taylor

\_\_\_\_\_   
Matt Snyder

159 \_\_\_\_\_  
160 Jeff Worrell

\_\_\_\_\_   
Teresa Ayers

162 \_\_\_\_\_  
163 Shannon Minnaar

\_\_\_\_\_   
Ryan Locke

165 \_\_\_\_\_  
166 Anita Joshi

167 ATTEST:

170 \_\_\_\_\_  
171 Jacob Quinn, Clerk

173 Presented by me to the Mayor of the City of Carmel, Indiana this \_\_\_\_\_ day of \_\_\_\_\_  
174 2024, at \_\_\_\_\_ .M.

\_\_\_\_\_   
Jacob Quinn, Clerk

178 Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of  
180 \_\_\_\_\_ 2024, at \_\_\_\_\_ .M.

\_\_\_\_\_   
Sue Finkam, Mayor

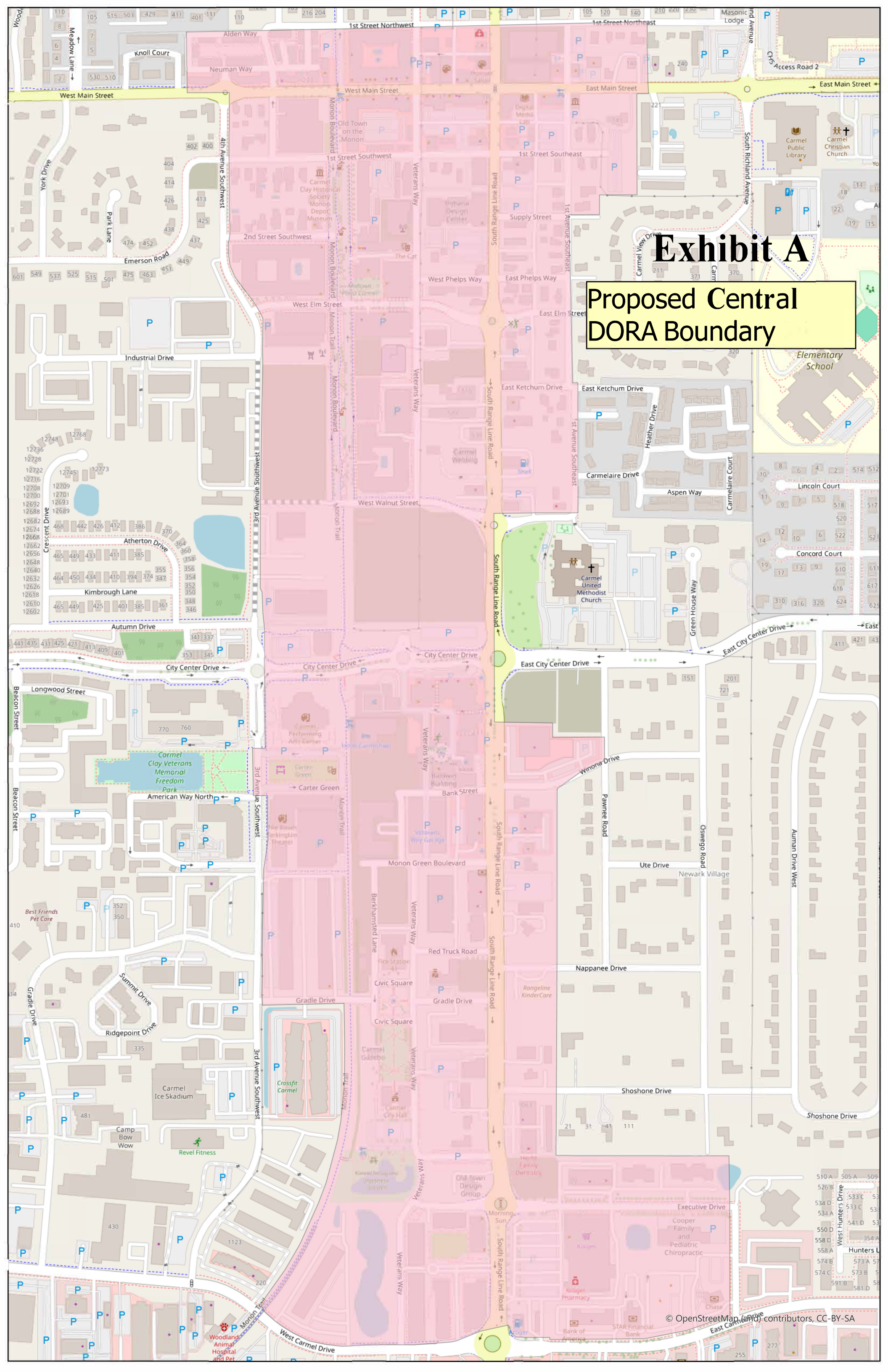
186 ATTEST:

189 \_\_\_\_\_  
190 Jacob Quinn, Clerk

This Ordinance was prepared by Sergey Grechukhin, Transactions Chief, on 6/18/2024. It may have been subsequently revised.

# Exhibit A

## Proposed Central DORA Boundary





## **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 3<sup>rd</sup> Ave. NW., thence north to the northern edge of 1<sup>st</sup> St. NW., thence east along the northern edge of 1<sup>st</sup> St. NW., thence continuing east along the northern edge of 1<sup>st</sup> 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 1<sup>st</sup> St. NE and 2<sup>nd</sup> 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 western edge of Alley 2<sup>nd</sup> where it meets the eastern border of parcel number 16-10-30-03-02-008, thence south approximately 97 feet along the eastern property line of parcel number 16-10-30-03-02-008 to the southeastern corner of parcel number 16-10-30-03-02-008, thence west along the northern edge of Supply St. to the eastern edge of 1<sup>st</sup> Ave. SE, thence south along the eastern edge of 1<sup>st</sup> Ave SE continuing to the southwestern corner of parcel number 16-10-30-03-02-016 where it meets the intersection of 1<sup>st</sup> Ave. SE and E. Ketchum Dr., thence east approximately 25 feet along the southern property line of parcel number 16-10-30-03-02-016, thence south along the eastern edge of 1<sup>st</sup> Ave. SE to the southwestern corner of parcel number 16-10-30-03-15-013 where it meets the intersection of 1<sup>st</sup> Ave. SE and E. Walnut St., thence 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 3<sup>rd</sup> Ave. SW., thence north along the eastern edge of 3<sup>rd</sup> Ave. SW. to the northwestern corner of 16-09-36-00-00-005.218, thence going west to the western edge of 3<sup>rd</sup> Ave. SW., thence north along the western edge of 3<sup>rd</sup> Ave. SW. approximately 230 ft, thence east to the eastern edge of 3<sup>rd</sup> Ave. SW., thence north along the eastern edge of 3<sup>rd</sup> Ave. SW. continuing across the roundabout at the intersection of 3<sup>rd</sup> Ave. SW. and City Center Drive, thence continuing north along the eastern edge of 3<sup>rd</sup> Ave. SW. to the centerline of the roundabout at the intersection of 4<sup>th</sup> 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