

Your Committee, to which this proposal was referred, has amended the proposal to read as follows and recommends its adoption as amended.

CITY COUNTY COUNCIL

PROPOSAL NO. 351, 2025

CITY OF INDIANAPOLIS-MARION COUNTY, INDIANA

INTRODUCED: 11/3/2025

REFERRED TO: Rules and Public Policy Committee

SPONSOR: Councilor Nielsen

DIGEST: amends the Revised Code of the Consolidated City of Indianapolis - Marion County by adding a new Chapter 820, establishing the creation of Designated Outdoor Refreshment Areas

SOURCE:

Initiated by: Councilor Nielsen

Drafted by: LeAnnette Pierce, General Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL:



Date: October 30, 2025

CITY-COUNTY GENERAL ORDINANCE NO. , 2025

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code of the Consolidated City of Indianapolis – Marion County by adding a Chapter 820 establishing the creation of Designated Outdoor Refreshment Areas.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Revised Code of the Consolidated City of Indianapolis – Marion County, is hereby amended by adding a new Chapter 820, which creates Designated Outdoor Refreshment Areas, to read as follows:

Chapter 820 – DESIGNATED OUTDOOR REFRESHMENT AREAS (DORA)

ARTICLE I. GENERAL DESIGNATION

Sec. 820-101. Definitions:

All definitions in IC 7.1-3-31 et seq., as amended, including, but not limited to, Designated Outdoor Refreshment Area, Craft Manufacturer, Designated Permittee, Licensed Premises, Retailer Permittee, and Vendor, shall apply to this chapter.

Sec. 820-102. EFFECT 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 all 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.

Sec. 820-103. APPLICATION OF STATE AND LOCAL LAWS.

- (a) Any Designated Permittee shall follow any and all other applicable state and local laws and regulations, not otherwise outlined herein, including, but not limited to, littering laws, noise nuisance laws, and alcoholic beverage consumption laws.
- (b) Any person, sole proprietor, partnership, company, corporation, applicant, vendor, restaurant, establishment, or venue who violates any state or local law may be fined accordingly.
- (c) In accordance with IC 7.1-3-31-11, Council may adopt an ordinance dissolving (or revoking) a DORA at any time. The Council shall notify the chair of the Indiana Alcohol and Tobacco Commission (ATC) that the DORA is dissolved.

Sec. 820-104. INSURANCE AND PUBLIC LIABILITY.

As a condition of registration and applicant approval by the city, the city reserves the right to require an owner or operator of an establishment wishing to participate as a Designated Permittee or Vendor to furnish annual certificates of insurance to the city naming the Consolidated City of Indianapolis-Marion County as an additional insured, primary and non-contributory with coverages deemed to be acceptable to the city.

Sec. 820-105. DORA REGULATIONS.

- (a) The following regulations are intended to be in substantial compliance with IC 7.1-3-31 et seq., which may be amended from time to time.
- (b) Upon the city's designation of a DORA, a person may:
 - (1) Exit the Licensed Premises of a Designated Permittee with not more than two open containers of an alcoholic beverage at a time; and
 - (2) Consume the alcoholic beverage(s) within the DORA.
- (c) Council may not establish more than seven DORAs and at least one Designated Permittee shall be established by Council for each DORA approved by the ATC and the city.
- (d) To designate a DORA, Council must adopt an ordinance that includes, at least, the following in each ordinance for a proposed DORA:
 - (1) A map of the proposed DORA in sufficient detail to identify the boundaries;
 - (2) The boundaries of the proposed DORA, by street addresses, including street and/or block descriptions;
 - (3) The locations of the proposed Designated Permittees and Vendors within the proposed DORA;
 - (4) A statement confirming that the proposed DORA is consistent with the City of Indianapolis – Marion County's Zoning Ordinance;
 - (5) The number, spacing and type of signage designating the DORA; and
 - (6) The dates and hours of operation for the DORA, which may not violate IC 7.1-3-1-14.
- (e) If the designating ordinance is approved, the ATC shall issue a DORA designation to each Retailer Permittee whose application was submitted to the city and approved by the ATC. The ATC may approve a DORA and issue DORA designations to Retailer

Permittees without publication of notice or investigation before the local Alcoholic Beverage Commission ("Local Commission").

- (f) A Vendor that is not a Designated Permittee may participate in an event or festival held within a DORA as long as it has complied with IC 7.1-3-31-5. A Craft Manufacturer may participate in an event or festival held within a DORA as provided in the Craft Manufacturer's scope of permit. The ATC may issue the permit and designation without publication of notice or investigation before the Local Commission.
- (g) A Designated Permittee may allow a person to exit the Licensed Premises with not more than two open containers of an alcoholic beverage at a time. The contents of an open container of alcoholic beverage may not exceed the following:
 - (1) Beer or flavored malt beverage of not more than 16 ounces;
 - (2) Wine, cider, or hard seltzer of not more than 12 ounces; or
 - (3) A mixed drink of not more than ten ounces containing not more than two ounces of liquor.
- (h) A person may consume an alcoholic beverage purchased from a Designated Permittee or Vendor anywhere within the DORA, subject to the right of any Designated Permittee or business within the DORA to refuse to allow individuals to enter the Licensed Premises or business with an alcoholic beverage. The city may designate an "official sign", "official logo" or other means of identification for purposes of administering this chapter. Each DORA may have its own means of identification as determined by the city.
- (i) A person may not consume an alcoholic beverage within a DORA that was purchased outside of the DORA.
- (j) If a Designated Permittee in a DORA includes outdoor dining:
 - (1) The Designated Permittee may serve alcoholic beverages in open containers during the hours of operation and in the areas authorized by the retailer permit;
 - (2) Glass containers may be allowed in the outdoor dining areas but may not be removed from those areas into the DORA; and
 - (3) No fencing or other enclosure of the outdoor dining area is required.
- (k) Minimum Signage Standards:
 - (1) The minimum signage designating DORA boundaries shall be required, as required by IC 7.1-3-31 et seq.
 - (2) Signs shall be posted at locations that are conspicuous from the public right-of-way at each pedestrian exit of the DORA.
 - (3) A sign must be posted at each exit of a Designated Permittee and on the Licensed Premises that informs the public of the following:
 - (A) Any open alcoholic beverage containers purchased within the DORA must remain within the DORA;
 - (B) Possessing an open container of alcoholic beverages in a motor vehicle may constitute a Class C infraction under IC 9-30-15; and
 - (C) The dates the DORA will be open, if applicable.
 - (D) Any glass container allowed in the outdoor dining areas may not be removed from those areas, if applicable.
- (l) The city maintains full authority and control over the sidewalks and common public areas regardless of an area's status within a DORA for purposes of enforcement of applicable state and local laws including, but not limited to, public intoxication, disturbing the peace, soliciting, open containers in a moving vehicle, maintaining a common nuisance, or other forms of disruptions of the public being able to legally traverse upon sidewalks or public ways. The city may further temporarily limit the hours of operation of the DORA or temporarily limit areas where open alcoholic beverages are allowed within the DORA.

- (m) Nothing herein prohibits a business or establishment from prohibiting open containers of alcoholic beverages to enter its establishment or premises nor from prohibiting food or beverages purchased from another establishment to enter its premises.
- (n) Upon receipt of "refreshment area designation" from the Indiana Alcohol Commission the Designated Permittee shall remove all stanchions, fencing, or other means of separation previously required by law from all common areas, sidewalks, and right of ways of the City as provided by IC 7.1-3-31-15.
- (o) The carryout privileges that a Designated Permittee may have under the scope of the Designated Permittee's other permits or licenses shall not be impacted or otherwise affected by being located within a DORA. Carryout of sealed original containers shall be permitted.

Sec. 820-106. Procedure for DORA Application/Designation

- (a) The district Councilor shall be the only Councilor allowed to introduce a proposal for a general ordinance designating a DORA. No proposal shall be in order without review and submission as described above.
- (b) Persons desiring to establish the designation of a DORA shall have their area Councilor file an application for a proposal with the clerk of the council in support of the designation. The application process shall consist of the following:
 - (1) The application shall designate one (1) person as the spokesperson (applicant) for the application.
 - (2) The applicant shall be responsible for providing the city with all of the following information prior to a proposal being drafted for consideration by the full City-County Council:
 - (A) A Map of the DORA area in sufficient detail to identify;
 - 1. The boundaries of the DORA by street address
 - 2. The tentative location of exit signs
 - 3. The tentative Designated Permittee locations
 - 4. The tentative Vendor locations
 - (B) The names and locations of the tentative Designated Permittees and Vendor locations within the DORA;
 - (C) In the event the DORA is in violation of IC 7.1-3-21-11, a written statement from the authorized representative of the church or school stating expressly that the church or school does not object to the approval of the DORA;
 - (D) Copies of the completed state applications from the retail permittees to participate in the area as Designated Permittees.
 - (E) Sample signage
 - 1. for participating and non-participating retailers
 - 2. for cup decals
 - 3. for Any other sample signage.The cost of all signage including, but not limited to, any signage manufactured and installed by the city, shall be the sole responsibility of the applicant.
- (c) The application shall be submitted by the applicant to the Councilor who will coordinate with the city for internal processing. The City shall designate an individual (or department) to coordinate the following processes and to submit the final information to the state ATC. The following departments shall review the materials and sign off on the information as described:
 - (1) SIGNAGE: The Department of Public Works (DPW) shall review the submitted map and indicate the location and number of DORA entrance and exit signs needed. All cost associated with the signs and their installation shall be borne by the applicant. A check for the cost of the signage and installation shall be submitted prior to the introduction of the proposal for the general ordinance establishing the DORA. The DPW's decision as to the number and placement of the signs shall be final.

- (2) SANITATION PLAN: Each Designated Permittee approved by the Council and the Alcohol and Tobacco Commission shall continuously maintain a trash receptacle outside of all main entrances to their premises at its sole cost and expense and shall be responsible for the cleanliness of the outdoor portion of its premises. The DPW shall also review the DORA area to determine, whether a specific sanitation plan will be needed.
 - (3) ZONING COMPLIANCE: The Planning Division of the Department of Metropolitan Development shall review the location of the DORA and shall certify, in writing, that DORA is consistent with the city's zoning ordinance.
 - (4) SAFETY PLAN: The Indianapolis Metropolitan Police Department shall determine whether a public safety plan will be needed for the area. Modification of this plan shall be allowed without the further amendment of the ordinance.
- (d) After internal city processing by the departments, the materials, along with any sign offs or further instructions, shall be returned to the Councilor and the applicant. The Councilor shall provide the completed packet of information to the council office for the proposal for designation to be prepared after making any adjustments recommended by the departments.
- (e) Once the ordinance has been approved and prior to any submission by the city to the ATC, the city, shall collect the below-described application, which may include a processing fee, and shall review for completion, accuracy, proper execution, and inclusion of all necessary documentation identified on the application form and/or as determined by the city based on specific circumstances of the particular application or the particular DORA. When an application form and/or packet is complete, the city shall submit the following to the ATC:
- (1) The application for approval of the DORA;
 - (2) The completed applications received by the city from Retailer Permittees to participate in the DORA as Designated Permittees; and
 - (3) The designating ordinance adopted by the city under IC 7.5-3-31-8, which designating ordinance shall be reviewed by the ATC for compliance.

Sec. 820-107. PENALTY

- (a) Any person, 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.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part 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 the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this _____ day of _____, 2025, at _____ p.m.

ATTEST:

Vop Osili
President, City-County Council

Yulonda Winfield
Clerk, City-County Council

Presented by me to the Mayor this _____ day of _____, 2025, at 10:00 a.m.

Yulonda Winfield
Clerk, City-County Council

Approved and signed by me this _____ day of _____, 2025.

Joseph H. Hogsett, Mayor