

ORDINANCE 5255
Establishing a Designated Outdoor Refreshment Area

WHEREAS, Indiana Code § 7.1-3-31-1 *et seq.* authorizes the establishment of a Designated Outdoor Refreshment Area;

WHEREAS, the Common Council believes it is in the best interests of the City to create a Designated Outdoor Refreshment Area in the City's downtown, as authorized by Indiana Code § 7.1-3-31-1 *et seq.*, which Area is shown on the attached Map identified as Exhibit A;

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

1. Definitions.

1.1. All definitions in Ind. Code § 7.1-3-31-1 *et seq.* will apply to this Ordinance.

2. Downtown DORA.

2.1. The Common Council hereby adopts the Map of the City of Goshen Downtown Designated Outdoor Refreshment Area attached hereto to as Exhibit A and incorporated herein by reference.

2.2. That the following area is designated as the Goshen Downtown Designated Outdoor Refreshment Area ("Downtown DORA"):

Beginning at the southwest corner of North 5th Street and East Clinton Street (122 E. Clinton Street); then West along East Clinton Street to the southwest corner of North Main Street and West Clinton Street (201 N. Main Street); then South along North Main Street and South Main Street to the southwest corner of South Main Street and West Washington Street (201 S. Main Street); then West along West Washington Street to a spot on the north side of 212 W. Washington Street due south of the southwest corner of 120 S. 2nd Street; thence North along South 2nd Street to the southeast corner of South 2nd Street and West Lincoln Avenue (212 W. Lincoln Avenue); then West along West Lincoln Avenue to the pedestrian path along the east bank of the Elkhart River (west of 412 W. Lincoln Avenue, at the northern intersection of parcels 20-11-09-329-007.000-015 and 20-11-09-329-018.000-015); then South and

Southeast along the pedestrian path along the east bank of the Elkhart River to Powerhouse Park at 324 W. Washington Street; then Southerly along the western tree line of vacant park property and the western boundary of parcels 20-11-09-411-003.000-015, 20-11-09-411-001.000-015, 20-11-09-451-003.000-015, and 20-11-09-455-001.000-015 to the southwest corner of parcel 20-11-09-455-001.000-015; then East along the south line of parcel 20-11-09-455-001.000-015 to the southeast corner of said parcel and the Millrace Canal Trail; then Northerly along the Millrace Canal Trail to the southwest corner of the Bridge extending west of West Madison Street over the Elkhart River; then East across said Bridge and on West Madison Street to the southwest corner of West Madison Street and South 3rd Street (401 S. 3rd Street); then North across West Madison Street to the southeast corner of 321 S. 3rd Street; then northeasterly on South 3rd Street along the eastern border of 321 S. 3rd Street and parcel 20-11-09-452-016.000-015 across S. 3rd Street to the northwest corner of parcel 20-11-09-457-011.000-015; then South and East along the south line of West Madison Street and East Madison Street to the southwest corner of the East Madison Street and South 5th Street (401 S. 5th Street); thence North along the west line of South 5th Street and North 5th Street to the southwest corner of North 5th Street and East Clinton Street (122 E. Clinton Street), to the point of beginning.

Except all residential property is excluded.

3. Designated Permittees and Temporary Vendors.

3.1. The following retailer permittees have expressed interest in participating and in submitting an application to the City to participate in the Area as a Designated Permittee, as that term is defined by I.C. § 7.1-3-31-2, and the City finds that each of them is an appropriate Designated Permittee and requests the Indiana Alcohol and Tobacco Commission (ATC) to issue a "refreshment area designation":

- 3.1.1. The Topsy Biscuit – 103 N. 5th Street
- 3.1.2. Venturi – 123 E. Lincoln Avenue
- 3.1.3. Common Spirits – 111 E. Lincoln Avenue
- 3.1.4. Nova's – 109 E. Lincoln Avenue
- 3.1.5. The Table at 108 – 108 N. Main Street
- 3.1.6. Cortado – 132 S. Main Street
- 3.1.7. Midnight Social – 114 W. Jefferson Street
- 3.1.8. The Fold – 219 S. Main Street

- 3.1.9. Goshen Theater – 216 S. Main Street
- 3.1.10. The Elephant Bar – 227 S. Main Street
- 3.1.11. Goshen Brewing Company – 315 W. Washington Street
- 3.1.12. Temporary Event Vendor

3.2. The Common Council hereby authorizes the Board of Public Works and Safety to administer the approval of any and all requests for designated permittee status within the Downtown DORA, subject to the requirements of Indiana law. This delegation of authority to the Board of Public Works and Safety shall include the approval of a request by a designated permittee to expand operations into an area with the Downtown DORA that is outside of a designated patio area and the approval of a request by a vendor, as that term is defined by I.C. § 7.1-3-31-5, holding a temporary vendor designation to participate in an event or festival held within the Downtown DORA. However, in no event shall the Board of Public Works and Safety approve a request by a temporary vendor to establish a permanent presence in the Downtown DORA until and unless the temporary vendor is able to meet the statutory requirements for consideration as a designated permittee.

4. DORA Signage.

4.1. The City shall post a minimum of one (1) sign at each public entry point to the Downtown DORA. The Common Council further recognizes that additional signage designating the Downtown DORA may be warranted and necessary. Therefore, the Council hereby grants the Board of Public Works and Safety full authority to increase the number, change the placement, or modify the type of signage as it deems necessary or appropriate for the proper operation of the Downtown DORA.

5. Hours of Operation.

5.1. The City of Goshen Downtown Designated Outdoor Refreshment Area will be in operation during the following hours:

- 5.1.1. Thursdays, between 4:00 p.m. and 10:00 p.m.
- 5.1.2. Fridays, between 4:00 p.m. and 11:00 p.m.
- 5.1.3. Saturdays, between 12:00 p.m. and 11:00 p.m.

- 5.2. The Mayor of the City of Goshen, acting in conjunction with the Chief of Police, is authorized to further restrict days and hours of operation and/or to suspend the operation of the Downtown DORA on a temporary basis and as is necessary in order to preserve the public health and safety of the community, subject to the subsequent approval of the Common Council.

6. DORA Regulations.

- 6.1. Within the boundaries of the Downtown DORA established herein, a person may exit the licensed premises of a designated permittee or vendor with not more than two (2) open containers of an alcoholic beverage at a time and consume the alcoholic beverage within the Downtown DORA. The open container shall be non-breakable plastic bottles, plastic cups, or paper cups. The contents of an open container may not exceed the following:
- 6.1.1. Beer or flavored malt beverage of not more than sixteen (16) ounces.
 - 6.1.2. Wine, hard cider, or hard seltzer of not more than twelve (12) ounces.
 - 6.1.3. A mixed drink or not more than ten (10) ounces containing not more than two (2) ounces of liquor.
- 6.2. The container in which the alcoholic beverage is placed when exiting the premises of a designated permittee or vendor shall have affixed an official DORA logo sticker that shall be approved by the Board of Public Works and Safety. The City shall work to provide stickers to all designated permittees and vendors within the Downtown DORA and change the color of the approved sticker at appointed times each year.
- 6.3. 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. A person may not enter any business or building with an alcoholic beverage unless the business expressly permits entry.
- 6.4. If a designated permittee in the Downtown DORA includes outdoor dining:
- 6.4.1. The designated permittee may serve alcoholic beverages in open containers during hours of operation and in the areas authorized by the retailer's permit.
 - 6.4.2. Glass containers may be allowed in the outdoor dining areas but may not be removed from those areas in the Downtown DORA.

6.4.3. No fencing or other enclosure of the outdoor dining area is required.

6.5. The City of Goshen maintains full authority and control over the sidewalks and common areas within the Downtown DORA and no one may prohibit or limit open containers in accordance with I.C. § 7.1-3-31 within the Downtown DORA in those spaces except for the City of Goshen Police Department.

6.6. Nothing in this Ordinance prohibits a business, landlord, or other establishment within the Downtown DORA from prohibiting open containers of alcoholic beverages to enter their premises or from prohibiting alcoholic beverages purchased from another establishment to enter their premises.

6.7. A person may not consume an alcoholic beverage within a DORA that was purchased outside of the DORA.

6.8. Each Designated Permittee and Vendor shall post signage at each public entry and public exit to their licensed premises that informs the public of the following:

6.8.1. Any open alcoholic beverage container purchased within the Downtown DORA must remain within the Downtown DORA.

6.8.2. Possessing an open container of alcoholic beverages in a motor vehicle may constitute a Class C infraction under I.C. § 9-30-15.

6.8.3. The hours of operation of the Downtown DORA.

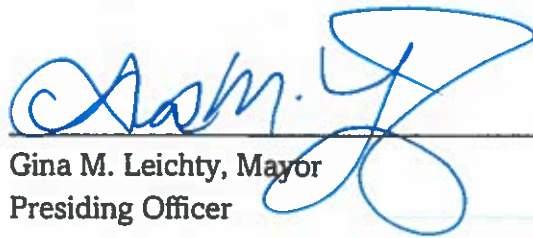
7. **Miscellaneous Provisions.**

7.1. Consistent with the general principles of Indiana law, the Common Council retains the general authority to terminate the operation of the Downtown DORA at any time following the passage of an appropriate ordinance.

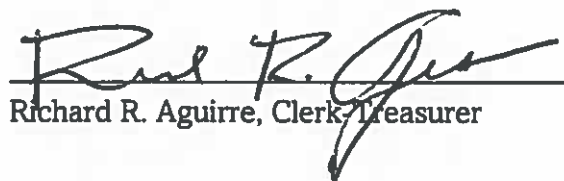
7.2. The Common Council finds that the Goshen Downtown Outdoor Refreshment Area is consistent with the City of Goshen's Zoning Ordinance.

This Ordinance shall be in full force and effect upon its passage, approval, and publication pursuant to Indiana law.

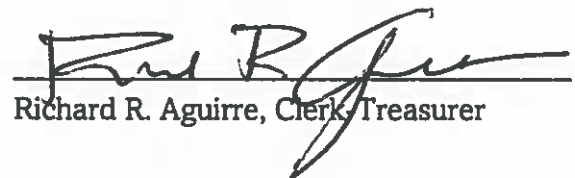
PASSED by the Goshen Common Council on May 18, 2026.


Gina M. Leichty, Mayor
Presiding Officer

ATTEST:


Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on May 18, 2026.
at the hour of 3:00 p.m.


Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on May 18, 2026.

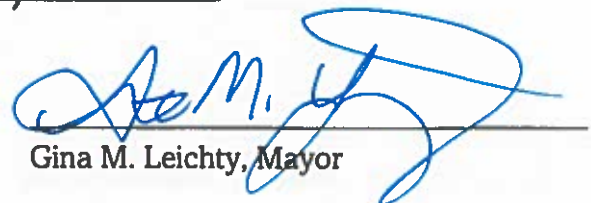

Gina M. Leichty, Mayor

Exhibit A

