

ORDINANCE 16-18

ORDINANCE REGARDING ALCOHOLIC BEVERAGE PERMITS WITHIN THE CITY OF WESTFIELD

WHEREAS, The City of Westfield, (“City”) is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council (“Council”); and,

WHEREAS, Indiana Code 7.1-3-19, et al. (the “Act”) allows the Indiana Alcohol and Tobacco Commission (“ATC”) to issue up to four (4) new three-way permits to sell alcoholic beverages for on-premises consumption in certain designated municipalities, including the City; and

WHEREAS, the Act specifies and outlines the requirements of both the areas, entities that are eligible to apply and be granted said permits as well as permits the City to adopt an ordinance requiring a holder of a permit to enter into a binding formal written commitment as a condition of eligibility for such permit; and,

WHEREAS, the City has previously established the Grand Junction Economic Development Area (the “Eligible Area”) which meets the requirements of the Act; and,

WHEREAS, the City desires to implement the formal written commitment process for the issuance of permits in the Eligible Area under the Act by approving and adopting, in substantial form, the application attached to this Ordinance as Exhibit A (the “Local Application”); and,

WHEREAS, applicants who complete the Local Application and who are approved by the City will be provided a written commitment document, in substantially the form attached to this Ordinance as Exhibit B (the “Written Commitments”) for execution and inclusion in the applicant’s petition to the ATC.

NOW, THEREFORE, BE IT ORDAINED by the Westfield City Common Council meeting in session as follows:

- Section 1.** After due consideration the Council declares that the City desires to implement the formal written commitment process for the issuance of permits in the Eligible Area under the Act.
- Section 2.** Pursuant to the Act the City hereby authorizes the City staff to utilize the forms and processes outlined by Exhibits “A” and “B”, attached hereto and incorporated by reference herein as examples and requires any applicant to adhere to any and all procedures adopted and required by the City as a condition precedent to the issuance of a permit under the Act.
- Section 3.** The Council hereby requires applicants for alcoholic beverage permits in the Eligible Area must complete and submit the Local Application, in a form substantially similar as is attached to this Ordinance as Exhibit A.
- Section 4.** Staff of the City are hereby authorized and directed to take any and all steps necessary and reasonable, including revising Exhibits “A” and “B” from time to time, as deemed prudent to carry out the intent and purpose of this Ordinance.
- Section 5.** This Ordinance shall be in full force and effect in accordance with Indiana Law, upon its passage by the City Council, its publication in accordance with law and upon the passage of any applicable waiting period, all as provided by the laws of the State of Indiana. All ordinances or parts thereof in conflict herewith are hereby ordered amended or repealed. All acts taken pursuant to the adoption of this Ordinance are hereby ratified.

ALL OF WHICH IS ORDAINED THIS _____ DAY OF _____ 2016.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

James J. Edwards

James J. Edwards

James J. Edwards

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Mark F. Keen

Mark F. Keen

Mark F. Keen

Charles Lehman

Charles Lehman

Charles Lehman

Cindy Spoljaric

Cindy Spoljaric

Cindy Spoljaric

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that ORDINANCE 16-16 was delivered to the Mayor of Westfield

on the _____ day of _____, 2016, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 16-16

this _____ day of _____,
2016.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 16-16

this _____ day of _____,
2016.

J. Andrew Cook, Mayor

Exhibit A – Application

Liquor License Written Commitment Request

Business Entity Making this Application:

Applicant's Name:

Applicant's Address: _____ City: _____ State: ____ Zip: _____
(Address must be within the Grand Junction Economic Development Area)

Applicant's Phone (daytime): _____ Email: _____

1. In addition to the floor plan required in Step 7 of the Indiana ATC form, please include:
 - a. Any plans you have to improve the facility in which you will operate
 - b. The expected timetable for work and business commencement
2. Explain the overall concept and unique features of the proposed establishment.
3. Describe the level of control and participation the owners will have in the day to day operation of the business.
4. Describe how your operation will focus on a dining, entertainment or cultural experience rather than an alcohol consumption experience.
5. Explain any past restaurant experience you have had or other means by which the Liquor License Review Committee will be able to obtain information on your preparedness for this venture.
6. Please outline any other factors that will aid the Liquor License Review Committee in the consideration of your application.

7. Please provide information on the number and character of jobs this operation will add to or be retained within the City of Westfield.
8. Explain how you will work with the community to market your restaurant and the community.
9. Describe how your venue/operation will draw people to Westfield, specifically the Economic Development Area.
10. Please verify that you do not currently hold or have held an active 3-way license for this location within the past 12 months.
11. Please list all current alcoholic beverage permits held by the applicant in all 50 states.
12. Describe your estimated minimum food or sales?
13. Describe the minimum number of days per year the restaurant will be open for business?
14. Describe the days of the week the restaurant will be open for business?

Please submit this form and all attachments to:

Westfield Liquor License Review Committee:

Please attach:

1. Your completed Indiana State form entitled "Application for New or Transfer Permit" along with any attachments.
2. A signed copy of the written commitments.
3. A copy of the executive summary of your business plan (should include financial and ownership strengths)
4. A copy of your proposed permanent signage
5. A tentative menu
6. Proof of insurance

Permits are revocable, not transferable, not portable and a recommendation for renewal is subject to compliance with the terms of these local rules and any agreement negotiated with the Westfield Liquor License Review Committee. The permits shall not be pledged as collateral or subject to any lien, judgment, property settlement agreement, or third party claim.

To evaluate applications, the Liquor License Review Committee will consider the extent to which the proposal advances the recommendations, objectives and vision of the Grand Junction Economic Development Area as set forth in the:

1. Family Sports Capital Addendum to the Westfield – Washington Township Comprehensive Plan;
2. Family Sports Capital Addendum II to the Westfield – Washington Township Comprehensive Plan;
3. Grand Junction Implementation Plan, an Addendum to the Westfield – Washington Township Comprehensive Plan;
4. Grand Junction Addendum: Sub-Districts of the Grand Junction; and
5. Westfield Redevelopment Commission Resolution NO. 2-2009: Declaratory Resolution of the Westfield Redevelopment Commission Regarding the Grand Junction Economic Development Area, as amended.

APPLICANT'S CERTIFICATION

The Applicant certifies that all information in this application and all information furnished in support of this application are true and complete to the best of the Applicant's knowledge and belief. **I have read and understand the procedures and agree to follow the Westfield Liquor License Review Committee Process. I am submitting documentation as requested.**

Applicant's Signature: _____ Date: _____

Exhibit B
City of Westfield
**IC 7.1-3-20-16.8 Non-transferrable, Revocable Alcoholic
Beverage Permit**
Written Commitments

I, _____, certify, promise and commit that:

- All information provided by me on the Liquor License Written Commitment Request Application (the "Application") is true and accurate in all material respects and the same is incorporated herein and made a part hereof.
- The business activities and operations to be conducted on the premises described in the Application will not change in any material respect prior to receipt of written approval from the Westfield Liquor License Review Committee authorizing the change.
- I understand failure to receive approval for a change in business activities and operations would be a violation of these written commitments and may result in the Westfield Liquor License Review Committee recommending revocation of the liquor license or recommending that the license should not be renewed.
- I understand and agree that these commitments are binding on the alcoholic beverage permit holder and on any lessee or proprietor of the permit premises and agree to include and incorporate a copy of these commitments in any lease or proprietor agreement with respect to the premises.
- I understand and acknowledge that if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the alcoholic beverage commission and the permit holder will not be entitled to any refund or other commission.
- I understand and agree that an alcoholic beverage permit issued pursuant to IC 7.1-3-20-16.8 cannot be transferred from the premises for which the permit was issued.
- I understand and agree that there is no limit or restriction to the length of time these written commitments are binding on the undersigned, but these written commitments shall automatically terminate at the time a permit is revoked or not renewed.

By : _____,

Its: _____