

ORDINANCE NO. 66-2009

**A SPECIAL ORDINANCE CREATING CHAPTER 62 OF CITY CODE
ESTABLISHING RIVERFRONT DISTRICTS AND GUIDELINES FOR ALL
RIVERFRONT DISTRICTS**

WHEREAS, Indiana Code 7.1-3-20-16 allows for and authorizes the issuance of specified, non-transferable permits to sell alcoholic beverages on premises for consumption in a restaurant on land or in a historic river vessel within a municipal riverfront development project funded in part with state and city money; and

WHEREAS, On December 19, 2005 the Common Council of the City of Richmond, Indiana adopted and passed Resolution 8-2005 which confirmed and established the Richmond Riverfront District; and

WHEREAS, Center City Development Corporation selected the area bounded on the North by North A; on the East by South 12th Street; on the West by North 5th Street and on the South by South A Street as an area within the uptown business district, set apart for development and redevelopment as part of a municipal riverfront project and qualifying for all applicable provisions, such as the above, under the Indiana Code as the proposed Richmond Riverfront District; and

WHEREAS, Center City Development Corporation finds it in the best interest of the development of the center city to amend the boundaries of the current Richmond Riverfront Development District, previously established by Resolution 8-2005, to include the Depot Conservation District per Indiana Code 7.1-3-20-16.5b; as illustrated on the map and boundary description, attached and hereby incorporated by reference as Exhibit A.

WHEREAS, Richmond Common Council desires to place parameters upon businesses within the Riverfront Districts utilizing non-transferable permits to sell alcohol in order to encourage restaurant development.

NOW, THEREFORE, be it ordained by the Common Council of the City of Richmond, Indiana, that the riverfront district be added to Richmond Code as:

Chapter 62 – RIVERFRONT DISTRICT

NOW, THEREFORE, be it ordained by the Common Council of the City of Richmond, Indiana, that the riverfront district boundaries be amended as outlined above and the following guidelines be adopted as Chapter 62, Riverfront District:

1. All riverfront districts within the City of Richmond shall follow the parameters for Riverfront Districts as set forth in this Chapter and as set forth in Indiana Code 7.1-3-20. The parameters for Riverfront Districts as set forth in this Chapter and as set forth in Indiana Code 7.1-3-20 shall be followed by all riverfront districts within the City of Richmond.

2. Property owners who desire to utilize the benefits of the riverfront district must be a restaurant as defined in Chapter 154 of Richmond Code.
3. Property owners that utilize the benefits of the Riverfront District in the Depot Conservation District must be a part of the Conservation District by signing or have previously signed the petition to have the Conservation District created.
4. Businesses that pursue a non-transferable permit to sell alcoholic beverages on premises for consumption in a restaurant within a riverfront district must sign an agreement with the City of Richmond that, among other things, the Business must annually meet and comply with the parameters set forth in this Chapter.
5. Businesses that hold a non-transferable permit to sell alcoholic beverages on premises for consumption in a restaurant within a riverfront district shall agree to sales of at least 70% food products with the balance of sales in alcoholic beverages not to exceed 30% of their gross sales.
6. Businesses that hold a non-transferable permit to sell alcoholic beverages on premises for consumption in a restaurant within a riverfront district shall report annually to the City of Richmond Department of Metropolitan Development as follows:
 - a. Reports shall include the annual food and beverage sales figures derived from gross point of sale register receipts. If figures are not derived from point sale receipts, the figures must be certified by a Certified Public Accountant (CPA) and must include any filings and attachments required to be submitted annually to the Indiana State Alcohol and Tobacco Commission and the Internal Revenue Service.
 - b. Reports shall be prepared by and/or certified by a CPA commencing the first year of the business report and then every year of the business report.
 - c. Reports are due no later than February 28th of each calendar year.
7. Businesses that pursue a non-transferable permit to sell alcoholic beverages on premises for consumption in a restaurant within a riverfront district shall pay the City of Richmond an initial application fee of \$250 and upon approval of the application an annual administration fee of \$250 which shall be submitted along with the annual report.
8. Businesses that hold a non-transferable permit to sell alcoholic beverages on premises for consumption in a restaurant within a riverfront district must prohibit smoking on its premises. Once a restaurant obtains a non-transferable permit to sell alcoholic beverages it shall not permit smoking on its premises.
9. Businesses that hold a non-transferable permit to sell alcoholic beverages on premises for consumption in a restaurant within a riverfront district must prohibit gaming or gambling on its premises. Once a restaurant obtains a non-transferable permit to sell alcoholic beverages it shall not permit gaming or gambling on its premises.

10. Applications will be made available on forms provided by the Department of Metropolitan Development.
11. In the event a business at any time fails to meet the requirements set forth in this Chapter 62, the result will be an automatic forfeiture of the non-transferable permit, which determination will be within the sole discretion of the City of Richmond Department of Metropolitan Development.
12. Should any section, paragraph, sentence, clause or phrase of this Chapter be properly declared unconstitutional or invalid for any reason, the remainder of said Chapter shall not be affected thereby.

Passed and adopted this 7th day of December, 2009 by the Common Council of the City of Richmond, Indiana.

S/S Bruce Wissel, President
(Bruce Wissel)

ATTEST: S/S Karen Chasteen, City Clerk
(Karen Chasteen)

PRESENTED to the Mayor of the City of Richmond, Indiana, this 8th day of December, 2009, at 9:00 a.m.

S/S Karen Chasteen, City Clerk
(Karen Chasteen)

APPROVED by me, Sarah L. Hutton, Mayor of the City of Richmond, Indiana, this 8th day of December, 2009, at 9:05 a.m.

S/S Sarah L. Hutton, Mayor
(Sarah L. Hutton)

ATTEST: S/S Karen Chasteen, City Clerk
(Karen Chasteen)