

(posted 8-0  
Mayor absent)

ORDINANCE 05-32

TO AMEND TITLE 14 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED  
"PEACE AND SAFETY"  
(Amending Chapter 36 [Unlawful Conduct], Section 090 [Intoxicating Beverages –  
Consumption in Public], by Creating an Exception to Allow Consumption of Alcohol  
in the Buskirk-Chumley Theatre)

- WHEREAS, Bloomington Municipal Code Section 14.36.090 makes it unlawful to consume any alcoholic beverage in or on any publicly owned place except at an event for which the Indiana Alcoholic Beverage Control Commission ("ABCC") has issued a permit, or at the Clubhouse at the Cascades Golf Course when the consumption is in accordance with the rules and regulations of, and the statutes regarding, the ABCC; and
- WHEREAS, the City of Bloomington intends to take ownership of the Buskirk-Chumley Theatre ("Theatre"), a performing arts venue in downtown Bloomington, in which a café exists that offers alcohol for sale at certain events held in the Theatre, in accordance with Indiana law and the rules and regulations of the ABCC; and
- WHEREAS, the Theatre is a key contributor to the economic and cultural vitality of downtown Bloomington, and plays a central role in attracting people to the downtown business district; and
- WHEREAS, amending the ordinance as provided herein will allow the Theatre café to continue its current operations and the Theatre manager, BCT Management, Inc. to continue its current flexibility in booking events and will expand the possible revenue-generating uses of the Theatre to allow catered events at which alcohol is served;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 14.36.090 of the Bloomington Municipal Code entitled "Intoxicating beverages – Consumption in public" shall be deleted and replaced with the following:


**14.36.090 Intoxicating beverages – Consumption in public.**

It is unlawful for any person within the city limits, to consume any alcoholic beverage in or on any publicly owned place or upon any public street, highway or accessway; provided, however, that it is not unlawful to consume beer or wine, regardless of where it was purchased, at an event for which the Indiana Alcoholic Beverage Control Commission has issued a temporary beer permit as authorized by Indiana Code 7.1-3-6-1 et seq. or a temporary wine permit as authorized by Indiana Code 7.1-3-16.5 et seq. to a qualified person to sell beer or wine or both at that event; and provided, however, that it is not unlawful to consume beer, wine or any other alcoholic beverage within the Clubhouse at the Cascades Golf Course and the Buskirk-Chumley Theatre when such consumption is in accordance with the rules and regulations of, and the statutes regarding, the Indiana Alcoholic Beverage Control Commission.

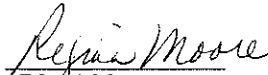
SECTION II. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

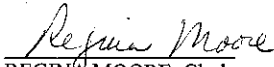
PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 16<sup>th</sup> day of NOVEMBER, 2005.

  
ANDY RUFF, President  
Bloomington Common Council

ATTEST:

  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 17<sup>th</sup> day of NOVEMBER, 2005.

  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this 17<sup>th</sup> day of NOVEMBER, 2005.

  
MARK KRIZAN, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance amends Bloomington Municipal Code 14.36.090 to allow alcohol consumption at the Buskirk-Chumley Theatre when the consumption is in compliance with the rules and regulations of, and statutes regarding, the Indiana Alcoholic Beverage Control Commission.

Signed copies to:

Legal (5)	CA/CA(3)
Risk Mgt.	clerk
Parks & Rec	file
BCT Theater	BUC file(2)