

ORDINANCE 2023-29

**BEING AN ORDINANCE REPLACING IN ITS ENTIRETY ORDINANCE 2023-12
PROVIDING FOR THE CREATION OF A DESIGNATED OUTDOOR
REFRESHMENT AREA WITHIN THE CITY OF GREENSBURG, INDIANA.**

WHEREAS, the General Assembly of Indiana has allowed the creation of Designated Outdoor Refreshment Area(s) (DORA) and;

WHEREAS, the City of Greensburg has a lively downtown scene with festivals, concerts, events, shopping options, and restaurants and;

WHEREAS, the City of Greensburg determined that it is in the best interest of the City of Greensburg to encourage a more inviting atmosphere, and;

WHEREAS, the City of Greensburg wishes to encourage growth and economic prosperity in its downtown and in other areas of the city, and;

WHEREAS, the Common Council has control of the DORA perimeter, signage, operations, and requirements of participants, and;

WHEREAS, the Common Council now determines it to be in the best interest to create a DORA in parts of Greensburg, Indiana:

BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENSBURG;

SECTION 1. That the following described area will be the boundaries of the DORA and the interior space created will be considered the DORA within the City of Greensburg, to wit;

Map Is Attached as Exhibit A

SECTION 2. Pursuant to IC 7.1-3-31 there are laws and regulations about which businesses can apply to be a vendor and a process to do so. The City of Greensburg will require that businesses comply with state statute before using or participating in the DORA program. Those businesses that have completed an application are listed in Exhibit B, a map identifying their location is also included in Exhibit B.

SECTION 3. When a temporary vendor has petitioned the state of Indiana for an event there are locations that they may set up. The areas have been established in Exhibit C. Temporary vendors will identify the location of their request per state requirements.

SECTION 4. This ordinance is consistent with the city's zoning ordinance and comprehensive plan.

SECTION 5. The city will establish a brand and guidelines for signage for the DORA. Only city authorized signage may be used for DORA purposes. This can be assigned to an agent of the city. Any signage using the DORA logo or language must include approval of the City and carry its current logo or approval stamp.

SECTION 6. The aforementioned signage will be posted at the boundaries of the DORA.

Locations include but are not limited to:

- Intersections on the boundary
- Major sidewalks along the boundary
- Potential points of gathering near the boundary
- Area of Congregation
- Where appropriate to confer the message

Signage will be of similar material as street signs and be approximately 18” square.

At least 50 signs will be placed along the perimeter of the DORA.

SECTION 7. Hours of operation of the DORA are limited to 10 a.m. until 12 a.m the following day. The DORA will remain available, seven days a week, 365 days a year, as long as it permitted by Ind. Code 7.1-3-1-14.

SECTION 8. The posting of signs by retailer permittees and other businesses in the DORA indicating whether the business is participating in the DORA and whether a person may enter the business with an open container of alcohol is optional.

A retailer permittee or other business located in a DORA may, on a nondiscriminatory basis, refuse to allow persons to enter their licensed premises or business with an alcoholic beverage.

All signage allowing or preventing open containers of alcohol must be in accordance with Section 5.

SECTION 9. Designated Permittees and vendors shall use only non-breakable containers, including but not limited to plastic bottles, aluminum cans or bottles, plastic cups, or paper cups for alcoholic beverages sold to be consumed in the DORA. No glass containers are allowed to be carried into the DORA.

A Designated Permittee or a vendor may allow a person to exit their premises into the DORA with not more than two (2) open alcoholic beverages. The maximum fill limits for an alcoholic beverage being sold for consumption within a DORA are as follows:

- Beer or flavored malt beverages: up to sixteen (16) ounces.
- Wine, cider, or a premixed cocktail: up to twelve (12) ounces.
- Liquor or a liquor-based cocktail: up to ten (10) ounces, including up to two (2) ounces of liquor.

A person may not consume an alcoholic beverage in public areas of the DORA that was purchased outside of the DORA.

Designated Permittees and temporary vendors remain responsible for enforcement of the volumes served and to ensure compliance with state law and regulations of their permits.

SECTION 10. The carryout privileges that a Designated Permittee may have in their scope of permit is not impacted by being located within a DORA. Carryout of seal original containers may occur, but these containers shall not be opened or consumed in the DORA.

SECTION 11. Following ATC approval of the DORA, a retailer permittee operating in the DORA who wishes to receive a Designated Permittee status must complete the applicable form and obtain approval by signature from the relevant authority of the municipality. Once signed, the form may be submitted to the ATC as part of the retailer's application process.

SECTION 12. A person may apply to the relevant Indiana State Excise Police (Excise) district office for a temporary beer and wine permit for operation in the DORA to the same extent that they would otherwise be eligible. Additionally, a retailer permittee with catering privileges may serve in a DORA under its catering permit by following normal procedures and submitting a catering authority request form for approval. In each case, prior to submitting the temporary application or seeking catering approval, the person must complete the designation form seeking Vendor status and obtain approval in writing from the relevant authority of the municipality. When submitting a temporary permit application to the Excise district office, please include a copy of the DORA map (which shall include the vendor areas designated by the municipality in its ordinance) and indicate on the map the location where the vendor will operate.

SECTION 13. The City appoints Main Street Greensburg to oversee the signage, branding (with approval of the mayor's office), and allows them to charge a reasonable fee associated with items carried into DORA. The fee is to be used to cover cost associated with DORA signage, public safety, sanitation cost, events, improvements, and operations of the district. Main Street Greensburg shall adopt some form of requirement for affixing the DORA logo that identifies the container for use in DORA. The fee or logo affixation is not required for products not consumed in private spaces inside the DORA, only those carried into the DORA.

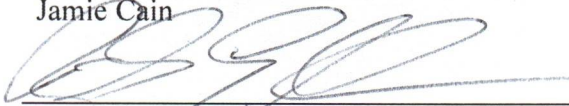
SECTION 14 This Ordinance shall take effect and be in full force from and after its passage and approval according to law.

ADOPTED AND PASSED by the Common Council of the City of Greensburg, Indiana, This 12th day of December, 2023.

AYES

NAYS

Jamie Cain



Rick Emsweller

Kevin Fleetwood

Vietta McKenzie

Darrell Poling

Council Members

Jamie Cain

Rick Emsweller

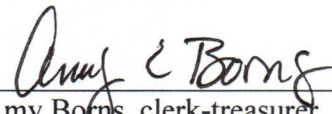
Kevin Fleetwood

Vietta McKenzie

Darrell Poling

Council Members

Presented by me to the Mayor of the City of Greensburg, Indiana on this 12th day of December, 2023.


Amy Borns, clerk-treasurer

Approved and signed by me, the Mayor of the City of Greensburg, Indiana this 12th day of December, 2023 at the hour of 6:30 p.m.

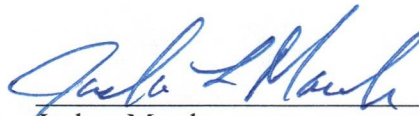
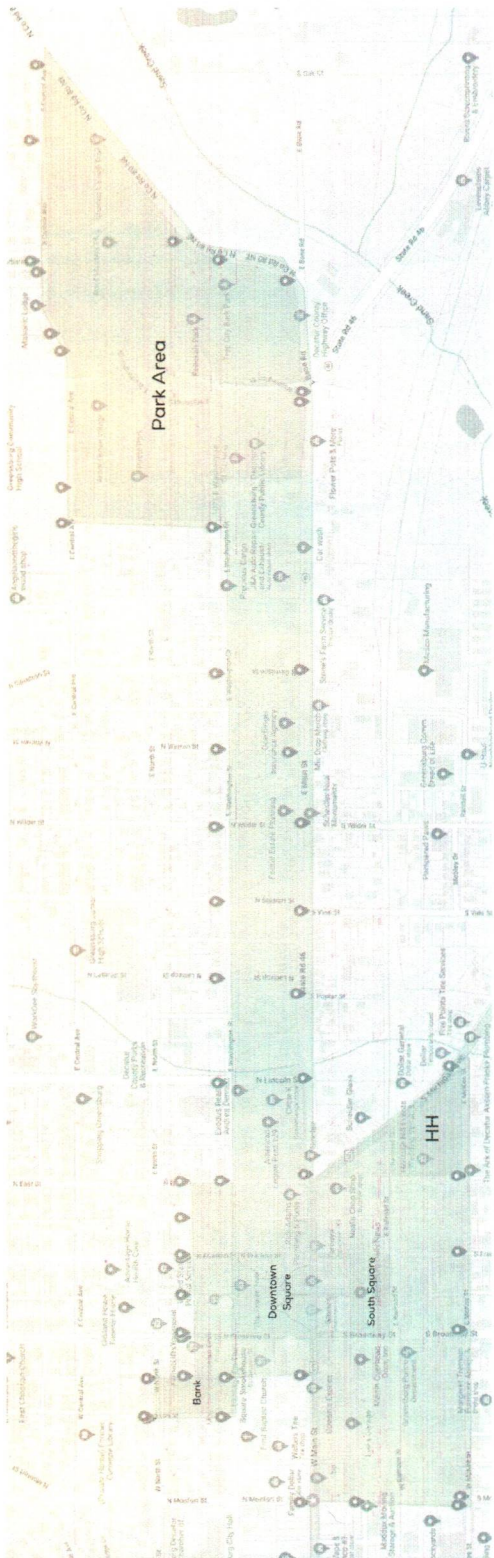

Joshua Marsh, mayor

EXHIBIT A – DORA MAP



DORA Boundaries

Starting Pont - (Intersection of Main & Monfort

- East on Main

200 Block of West Main

North In the Alley due east of 112 W Main St.

- West On West Washington

200 Block of West Washington St

- North on N Jackson

200 Block of N Jackson Street

- East on W North Street

200 Block of W North Street – until the North South Alley

- South in the Alley until the East/West Alley
- East in the Midblock East/West Alley (the 200 block) until N. East Street
- South on N. East Street

Half Block

- East On East Washington Street

East Washington Street Blocks 200 through 1000

- North Along the western boundary of Pirate Park

Address 1001 E Central Ave

- East on E Central Ave

Blocks 1000 through 1300

Stopping at the intersection of County Road 80 NE

- South on County Road 80 NE

Stopping at the intersection of E Base Road

- West on East Base Road

1300 Block

Intersection of E Main Street

- West on E Main Street

1200 Block of East Main Street through 300 block

- South on Michigan Ave

100 block through 200 block

- West on McKee Street

East 300 block through west 200 block

- North Montfort Street

South 200 block through Main Street

- DORA Area
- Vendor Area
- Current Vendors
- Sign Locations

EXHIBIT B – List of Businesses That have completed their Application & Map

- MTAA INC - BDA: The tAap – 116 E Washington Street Greensburg, IN 47240
- Lousis Caperoon & Beborah Caperoon - BDA: Beach Tiki Bar & Grill - 107 N Broadway St. Greensburg, IN 47240

EXHIBIT C - List of Potential Temporary Vendor Locations & Map

- Bank Lot
- Downtown Square Area
- South of Downtown Square
- Heritage Hill
- Park Area