

ORDINANCE NO. 2023-26

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF JASPER, INDIANA,
ESTABLISHING A DESIGNATED OUTDOOR REFRESHMENT AREA**

(Downtown Jasper Social District)

WHEREAS, Indiana Code § 7.1-3-31 authorizes the establishment of a Designated Outdoor Refreshment Area (“DORA”);

WHEREAS, the City of Jasper, Indiana (the “City”) supports the revitalization and economic re-development of its historic downtown and commercial core, desires to maintain an economically vital and vibrant downtown center for its residents, visitors, and tourists; sees an economically healthy downtown as one of its critical assets; and realizes that a sustainable town center economy contributes to the community's economic health;

WHEREAS, the City wishes to maintain a livable, walkable downtown and main street with opportunities to shop, work, live and discover recreational, cultural and heritage opportunities;

WHEREAS, the Jasper Advisory Plan Commission (“Commission”) analyzed the location of the proposed Designated Outdoor Refreshment Area ("DORA") map and passed and adopted Resolution PC 2023-1, determining that the DORA is consistent with the purpose and intent of the UDO and of the City's Comprehensive Plan;

WHEREAS, the Common Council of the City of Jasper (“Council”) concurs with Res. PC 2023-1 and believes it is in the best interests of the City to create a DORA in the City’s downtown, as authorized by Indiana Code §§ 7.1-3-31, which area is shown on the Downtown Jasper Social District Map, included in this Ordinance No. 2023-26.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF JASPER, INDIANA, as follows:

SECTION 1. Chapter 3.40 of the Jasper Municipal Code shall be entitled “Downtown Jasper Social District.”

SECTION 2. **(3.40.010) Definitions.** All definitions in Indiana Code §§ 7.1-3-31 shall apply to this Ordinance.

SECTION 3. **(3.40.020) Boundaries and Map.** The Downtown Jasper Social District is identified in the map incorporated into this section, which shall be updated from time to time. The area identified in the map is enclosed by the boundaries outlined by street addresses as follows:

Beginning at a point in the Northeast corner of the intersection of Newton and 9th Streets in the City of Jasper, Dubois County Indiana;
(Boundary Addresses/parcels: 902 Newton Street)

then East along the Northern sidewalk of 9th Street to the Northwest corner of the intersection of 9th Street and Jackson Street;
(Boundary Addresses/parcels: 902 Newton Street, 905 Main Street, unaddressed parking lot that services 902 Main Street, 106 E 9th Street, 110 E 9th Street, 116 E 9th Street)

then South along the Western sidewalk of Jackson Street to the Southwest corner of the intersection of 7th Street and Jackson Street;
(Boundary Addresses/parcels: 115 E 9th Street, 807 Jackson Street, 122 E 8th Street, unaddressed parcel number 19-06-35-102-230.000-002, 711 Jackson Street, unaddressed parcel number 19-06-35-102-225.000-002, 116 E 7th Street, unaddressed parking lot that services 610 Main Street)

then East along the Southern sidewalk of 7th Street to the Southwest corner of the intersection of 7th Street and Mill Street;
(Boundary Addresses/parcels: unaddressed parking lot that services 206 E 6th Street, 284 E 6th Street)

then South along the Western sidewalk of Mill Street to the Northwest corner of the intersection of 4th Street and Mill Street;

(Boundary Addresses/parcels: 284 E 6th Street, 215 E 6th Street, unaddressed parking lot (parcel number 19-06-35-102-827.000-002), 217 E 5th Street, 216 E 4th Street)

then East along the Northern sidewalk of 4th Street to the Northwest corner of the intersection of 4th Street and McCrillus Street;

(Boundary Addresses/parcels: unaddressed parking lots (parcel numbers 19-06-35-101-612.000-002 and 19-06-35-101-613.000-002), 314 E 4th Street, 318 E 4th Street, 322 E 4th Street, 324 E 4th Street, unaddressed vacant lot (parcel number 19-06-35-101-620.000-002))

then North along the Western edge of McCrillus Street to the intersection of McCrillus Street and the Alley located between 401 E 5th Street and 402 McCrillus Street;

(Boundary Addresses/parcels: unaddressed vacant lot (parcel number 19-06-35-101-620.000-002), 402 McCrillus Street)

then East along the Southern edge of said Alley to the intersection of said Alley and Anderson Street;

(Boundary Addresses/parcels: 402 McCrillus Street (including parcels 19-06-35-101-713.000-002, 19-06-35-101-714.000-002, 19-06-35-101-715.000-002, 19-06-35-101-716.000-002, 19-06-35-101-717.000-002)

then South along the Western sidewalk of Anderson Street to the intersection of 4th Street and Anderson Street;

(Boundary Addresses/parcels: 402 McCrillus Street (including parcels 19-06-35-101-713.000-002, 19-06-35-101-714.000-002, 19-06-35-101-715.000-002, 19-06-35-101-716.000-002, 19-06-35-101-717.000-002)

then West along the Southern edge of 4th Street to the intersection of 4th Street and the Northeast corner of the Thyen-Clark Cultural Center Parking Lot;

(Boundary Addresses/parcels: unaddressed lot (parcel numbers 19-06-35-104-102.000-002, 19-06-35-104-103.001-002, 19-06-35-104-104.001-002, 19-06-35-104-104.002-002))

then south and southwest along the eastern and southeastern boundaries of the Thyen-Clark Cultural Center Parking Lot to the southeast corner of the Thyen-Clark Cultural Center Parking Lot;

(Boundary Addresses/parcels: unaddressed parking lot (parcel 19-06-35-104-104.000-002))

then west along the southern boundary of the parking lot located at 124 Third Avenue to the intersection of said Parking Lot and Third Avenue;

(Boundary Addresses/parcels: 100 Third Ave, 124 Third Ave)

then southeast following a sidewalk that connects to the Jasper Riverwalk

(Boundary Addresses/parcels: unaddressed parcel number 19-06-35-104-112.000-002)

then southwest following the Jasper Riverwalk to a point at which it reaches the Patoka River and following said river on its northern edge, southwesterly to an unaddressed parcel number 19-06-35-103-915.000-002;

(Boundary Addresses/parcels: 333 River Centre Landing, 225 River Centre Landing, unaddressed parcels belonging to the City of Jasper: 19-06-35-103-210.000-002, 19-06-35-103-918.001-002, 19-06-35-103-917.000-002, 19-06-35-103-916.000-002, and 19-06-35-103-915.000-002)

then north to the southeast corner of the intersection of 1st Street and Main Street;

(Boundary Addresses/parcels: unaddressed parcel 19-06-35-103-915.000-002)

then north along the eastern side of Main Street to the northeast corner of the intersection of 2nd Street and Main Street;

(Boundary Addresses/parcels: unaddressed parking lot owned by the City of Jasper)

then west along the train tracks to the northeast corner of the intersection of said Train Tracks and Newton Street;

(Boundary Addresses/parcels: 205 Main Street)

then North along the Eastern sidewalk of Newton Street to the Northeast corner of the intersection of 5th Street and Newton Street;

(Boundary Addresses/parcels: 205 Main Street, including parcel numbers 19-06-35-103-803.003-002, unaddressed parking lot 19-06-35-103-520.000-002, 19-06-35-103-519.000-002, unaddressed parcel number 19-06-35-103-518.000-002, 217 Main Street, unaddressed sales lot parcel number 19-06-35-103-512.000-002, unaddressed parking lot parcel number 19-06-35-103-506.000-002, 314 Newton Street, 114 W 4th Street, unaddressed parking lot parcel number 19-06-35-102-605.000-002 and 112 W 5th Street)

then West along the Northern sidewalk of 5th Street to the Northeast corner of the intersection of 5th Street and Clay Street;

(Boundary Addresses/parcels: 505 Newton Street, unaddressed parking lot parcels 19-06-35-102-524.000-002 and 19-06-35-102-509.000-002)

then North along the Eastern sidewalk of Clay Street to the intersection of Clay Street and US 231/6th Street;

(Boundary Addresses/parcels: unaddressed parking lot parcels 19-06-35-102-509.000-002, 19-06-35-102-508.000-002, 19-06-35-102-505.000-002, 19-06-35-102-504.000-002 and 511 Newton Street)

then East along the southern side of US 231/6th Street to the southeast corner of the intersection of 6th Street and Newton Street;

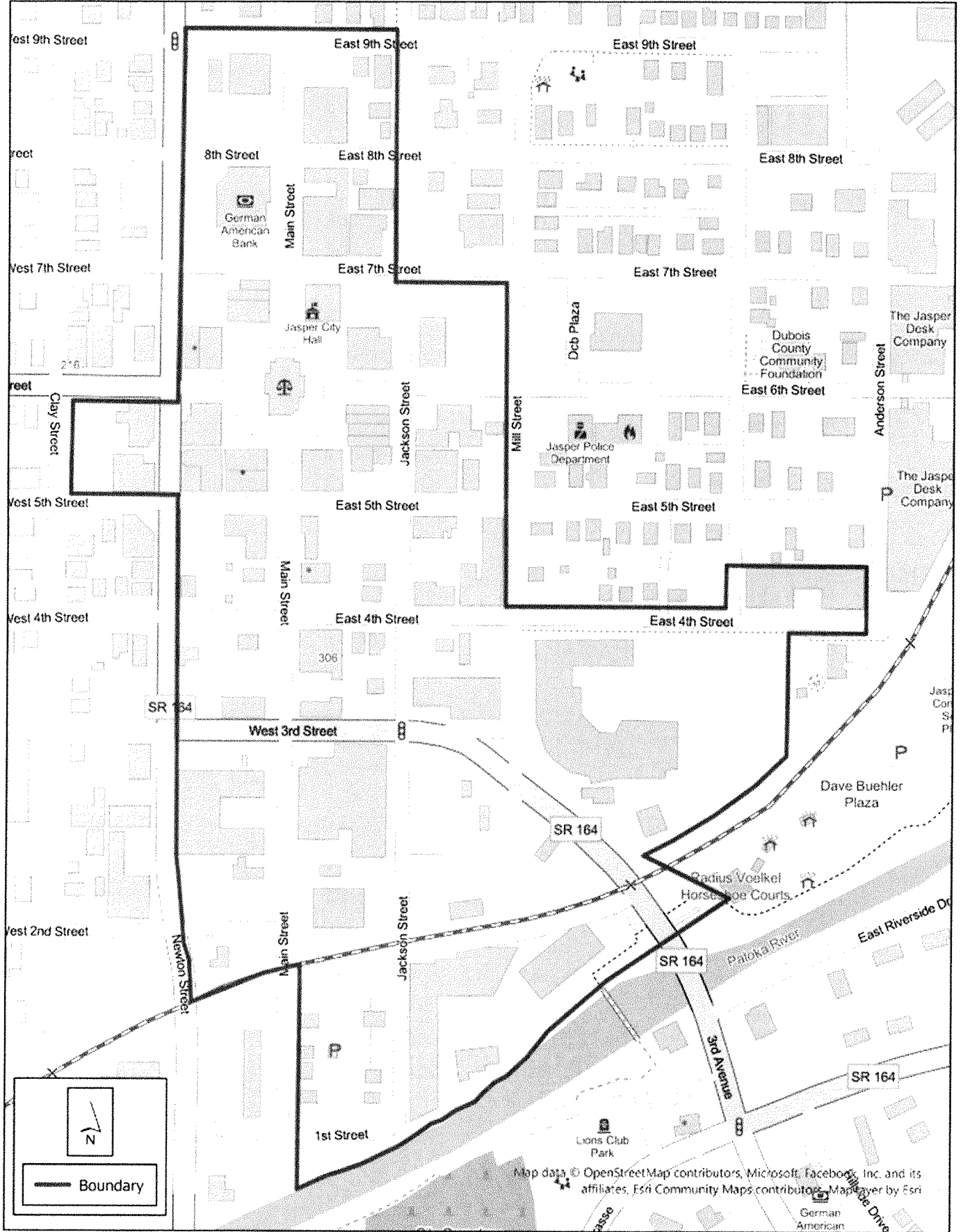
(Boundary Addresses/parcels: 511 Newton Street)

then North along the Eastern sidewalk of US 231/Newton Street to the Northeast corner of the intersection of 9th Street and US 231/Newton Street to the point of beginning.

(Boundary Addresses/parcels: 533 Main Street, 604 Main Street, unaddressed parking lots parcels 19-06-35-102-307.000-002, 19-06-35-102-306.000-002, 19-06-35-102-305.000-002, 19-06-35-102-304.000-002, 19-06-35-102-303.000-002, 19-06-26-403-513.000-002, and 19-06-26-403-512.000-002, and 820 Newton Street).

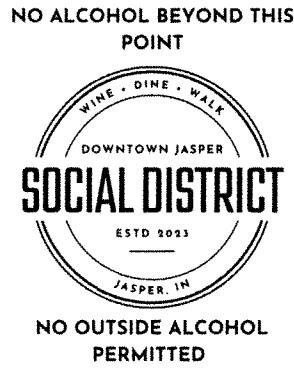
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DORA BOUNDARY MAP



SECTION 4. (3.40.030) Signage.

A. Signage designating the Downtown Jasper Social District boundaries shall include the following logo:



B. A Window Cling must be displayed near the entrance of a licensed liquor establishment, retailer, business, landlord, or other establishment if said establishment desires to be a participant in the Downtown Jasper Social District.



**BEVERAGES
SOLD HERE**



**BEVERAGES
WELCOME HERE**



**NO BEVERAGES
PLEASE**

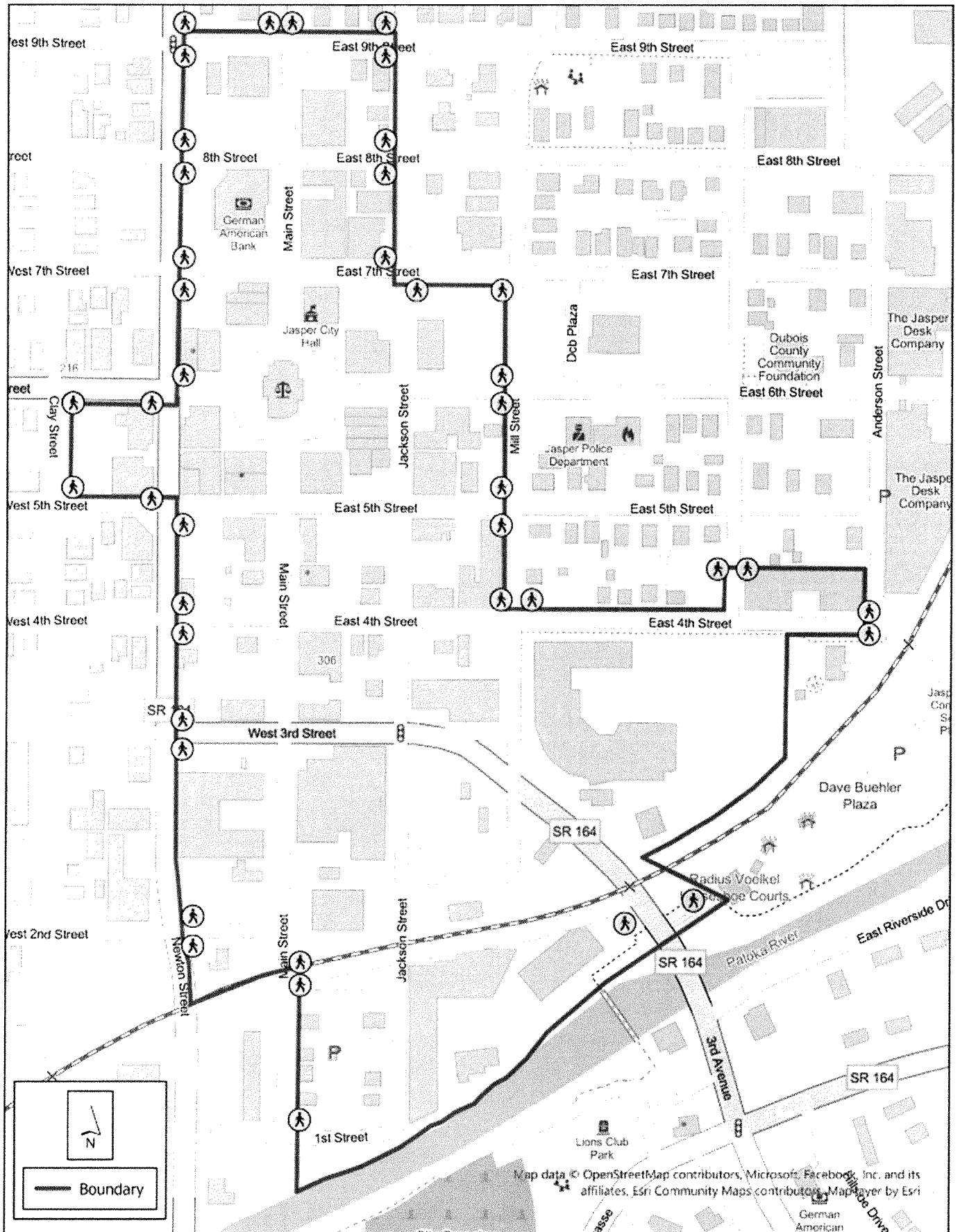
C. The following sign must be posted at each exit of a Designated Permittee and on the licensed premises of a Vendor.

Downtown Jasper Social District Rules

1. Social District Daily Hours
 - Noon – 9:00 pm
2. Alcoholic beverages may only be consumed in designated cups from participating liquor establishments.
3. Alcoholic beverages may only be consumed inside the Downtown Jasper Social District.
4. Possession of an open container of alcohol in a motor vehicle and other rule violations may constitute a class C infraction.

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D. The minimum signage that shall be installed designating the boundaries of the Downtown Jasper Social District are represented in the following map showing location of sidewalk decals:



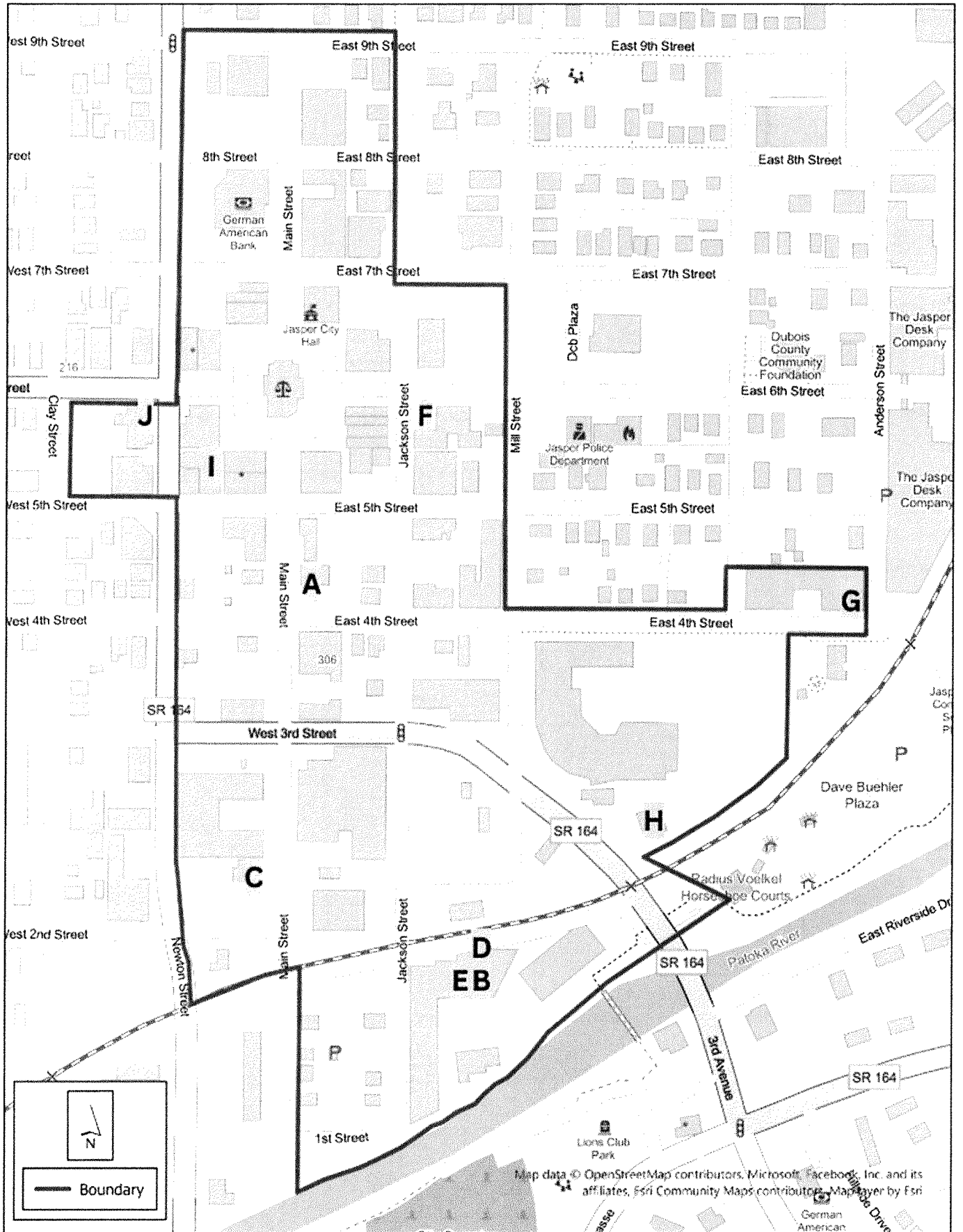
The Jasper Board of Public Works and Safety is hereby authorized and granted full authority to increase the number or change the type of signage in its sole discretion.

SECTION 5. (3.40.040) Dates and Hours of Operation. The Downtown Jasper Social District shall be in effect each day from 12:00 p.m., prevailing local time, until 9:00 p.m., prevailing local time. Provided, however, the DORA shall not be in operation from July 26 through August 8 of any given year.

SECTION 6. (3.40.050) Designated Retailer Permittees.

A. The following retailer permittees have submitted a completed application to the City to participate in the Downtown Jasper Social District as a "Designated Permittee:"

Designated Permittees



1. Oink Inc., located at 408 Main Street (“A”)
2. Café Pina, located at 225 River Centre Landing Suite M (“B”)
3. Headquarters, located at 201 Main Street (“C”)
4. St. Benedicts Brew Works, located at 225 River Centre Landing, Suite L (“D”)
5. Owsley’s Lounge, located at 225 River Centre Landing Suite O (“E”)
6. Pub ‘n’ Grub, located at 514 Jackson Street (“F”)
7. Plaid and Timber, located at 402 McCrillus Street #100 (“G”)
8. Tre Vione’s, located at 124 Third Avenue (“H”)
9. Astra Theatre, located at 517 Main Street (“I”)
10. Odd Fellows, located at 511 Newton Street, Suite 0 (“J”)

B. Any additional **licensed** premises, located within the Downtown Jasper Social District, not specifically listed in this Section 3.40.050 (A) as a Designated Permittee” who desires to be designated as “Designated Permittee” and granted a “Refreshment Area Designation” shall submit a “Designated Permittee Application” to the City for approval and recommendation by the Common Council by Resolution.

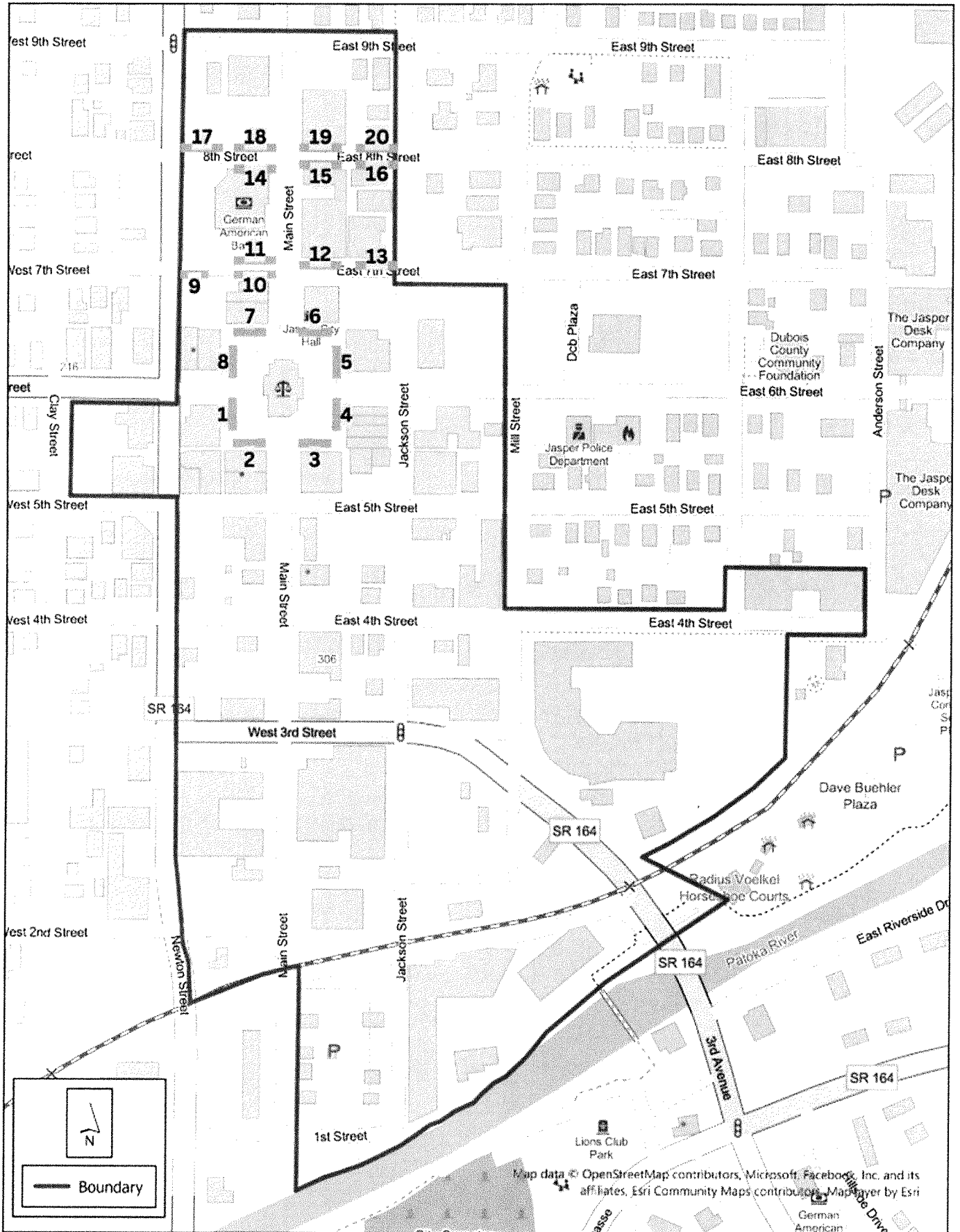
SECTION 7. (3.40.060) Temporary Vendors.

A. Any licensed establishment holding a temporary beer or wine permit pursuant to I.C.§7.1-3-31-5; a supplemental catering permit; or a craft manufacturer’s permit that desires to be designated as a “Vendor” and granted a “temporary vendor designation” to participate in a special event or festival held within a refreshment area, must submit a Special Event Permit Application and State Designated Outdoor Refreshment Area Designation Form, on each such occasion.

B. The Board of Public Works and Safety shall have the authority to decide if said vendor is appropriate for the Downtown Jasper Social District and may approve said vendor. Upon approval, a “Vendor” may locate at any or all of the available “Vendor Locations” within the Downtown Jasper Social District as shown on the map. Each available Vendor location is numbered.

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VENDOR LOCATIONS



SECTION 8. (3.40.070) Business Participation. Nothing in this Ordinance prohibits a business, landlord, or other establishment from prohibiting open containers of alcoholic beverages to enter their premises.

SECTION 9. (3.40.080) City control of right-of-way. The City of Jasper maintains full authority and control over the sidewalks and common area and no one may prohibit or limit open containers in accordance with Indiana Code § 7.1-3-31 within the Downtown Jasper Social District in those spaces except for the City of Board of Public Works and Safety and the Jasper Common Council.

SECTION 10. (3.40.090) Designated Outdoor Refreshment Area Operating Rules and Regulations. In accordance with Indiana Code §§ 7.1-3-31:

- A. 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.
- B. All Designated Permittees and Vendors may allow a person to exit the designated permittee's or vendor's licensed premises with not more than two (2) open containers of an alcoholic beverage at a time. The contents of an open container may not exceed the following:
 - 1) Beer or flavored malt beverage of not more than sixteen (16) ounces.
 - 2) Wine, cider, or hard seltzer of not more than twelve (12) ounces.
 - 3) A mixed drink of not more than ten (10) ounces containing not more than two (2) ounces of liquor.
- C. A person may not consume an alcoholic beverage within the refreshment area that was purchased outside of the refreshment area.
- D. Alcoholic beverages, subject to this section 3.40.090 must be contained in the designated Downtown Jasper Social District Cup.
- E. Glass containers may only be allowed in a Designated Permittee's Outdoor dining area and may not be removed into the Downtown Jasper Social District.

SECTION 11. Separability. If any section, sub-section, sentence, clause, phrase or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder.

SECTION 12. Prior Ordinances. Any ordinances and/or parts of ordinances in conflict herewith are hereby repealed.

SECTION 13. Effective Date. This Ordinance shall be effective after its passage by the Common Council, its approval by the Mayor, its approval by the Indiana Alcohol and Tobacco Commission, and completion of any other legal requirements, but not before the 1st day of January, 2024 all in the manner as provided by law.

PASSED AND ADOPTED by the Common Council of the City of Jasper, Indiana, this 18th day of October, 2023.

Dean Vonderheide
Dean Vonderheide, Presiding Officer

ATTEST:
Kiersten Knies
Kiersten Knies, Clerk-Treasurer

This Ordinance was presented by me to the Mayor of the City of Jasper, Indiana on this 18th day of October, 2023 at 6:50 o'clock a.m./p.m.

Kiersten Knies
Kiersten Knies, Clerk-Treasurer

This Ordinance was approved and signed by me as the Mayor of the City of Jasper, Indiana on this 18th day of October, 2023 at 6:51 o'clock a.m./p.m.

Dean Vonderheide
Dean Vonderheide, Mayor

ATTEST:
Kiersten Knies
Kiersten Knies, Clerk-Treasurer