

Synopsis: This ordinance, if adopted, would establish a designated outdoor refreshment area (DORA) in accordance with IC 7.1-3-31 et seq. within the Town of Roanoke.

ORDINANCE 2024-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ROANOKE, INDIANA, ESTABLISHING A DESIGNATED OUTDOOR REFRESHMENT AREA (DORA)

WHEREAS, Indiana Code 7.1-3-31 authorizes the establishment of a Designated Outdoor Refreshment Area:

WHEREAS, the Town Council believes it is in the best interests of the Town to create a Designated Outdoor Refreshment Area (“Area”) in the Town, as authorized by Indiana Code 7.1-3-31 *et seq.*, which Area is shown on the attached Map – Exhibit “A”;

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Roanoke, Indiana, as follows:

1. All definitions in Indiana Code 7.1-3-31 *et seq.* shall apply to this Ordinance.
2. The Town Council hereby adopts the Map of the Town of Roanoke Designated Outdoor Refreshment Area (“Roanoke DORA”) attached hereto as Exhibit “A” and incorporated herein by reference.
3. The Roanoke DORA boundary by address is as follows:

The Point of Beginning starting at the Northwest Corner of 375 N. Main Street; thence extending southerly approximately 132.3 feet to the Northwest corner of 345 N. Main; thence extending westerly approximately 97.95 feet to the Northwest corner of the parking lot commonly associated with 166 W. 3rd Street; thence extending southerly approximately 765.3 feet on and along the east side of the alley to the Southwest corner of 102 W. 1st Street; thence extending easterly approximately 197.8 feet on and along the East side of Main Street to the Southwest corner of 112 N. Main Street; thence extending southerly approximately 334.8 feet on and along the East side of Main Street to the Southwest corner of 191 S. Main Street; thence extending easterly approximately 366.1 feet on and along the North side of Vine Street to the Southeast corner of 208 Vine Street; thence extending northerly approximately 578.4 feet on and along the western side of the allies to the Northeast corner of 170 High Street; thence extending westerly approximately 170.5 feet to the Northwest corner of 170 High Street; thence northerly approximately 189.6 feet to the Northeast corner of the parking lot associated with 171 E. 2nd Street; thence extending westerly approximately 132.5 feet to the first Northwest corner of 171 E 2nd Street; thence extending northerly approximately 470 feet to the Northeast corner of parking lot associated with 314 N. Main Street; thence extending westerly approximately 275.2 feet on and along the South side of Fourth

Street to the Point of Beginning, containing 11.51 acres more or less, all part of the original plat of the Town of Roanoke, Indiana.

4. The Town Council finds that the Roanoke DORA is consistent with the Town of Roanoke's Zoning Code.
5. The Town Council hereby directs the creation of minimum signage designating the Roanoke DORA and directs the Town to place the signage at the designated locations on Exhibit "A".
6. The Town Council recognizes that additional signage designating the Roanoke DORA may be warranted and necessary and therefore Town Council may increase the number or change the type of signage as is needed.
7. Dates and Hours of Operation: The Roanoke DORA shall be in effect during all authorized times pursuant to Indiana Code 7.1-3-1-14 as amended from time to time by the Indiana General Assembly. Roanoke DORA Hours are: Monday through Saturday: 11:00 a.m. to 9:00 p.m. and Sunday: 12:00 p.m. to 6:00 p.m.
8. The following retailer permittees have submitted a completed application to the Town to participate in the Area as a Designated Permittee and the Town finds that each of them is an appropriate Designated Permittee and requests the Indiana Alcohol Commission to issue each a "refreshment area designation":

Joseph Decuis: 191 N. Main Street
Roanoke Village Inn: 90 N. Main Street
Copper Still: 65 S. High Street
Game On: 141 S. High Street
The Patio: 170 High Street

Any additional licensed premises located within the Roanoke DORA that wishes to be designated as "Designated Permittee" and granted a "refreshment area designation" shall submit an application to the Town for approval and recommendation by the Town Council. Other temporary Vendors may submit special event permit applications to the Roanoke Town Council.

9. The locations of the Designated Permittees identified in paragraph 8 have been identified on Exhibit "A".
10. The Town Council has adopted the Town of Roanoke Special Event Permit Application which is attached hereto and incorporated herein by reference as Exhibit "B". A Special Event Permit Application, including the Exhibit 1 "State Form Designated Outdoor Refreshment Area Designated Form" shall be submitted to the Clerk-Treasurer for submission to the Town Council for consideration.

- a. A Designated Permittee expanding their operations into the Area outside of their designated outdoor patio area; or
 - b. An Approved Vendor, either by this Ordinance or future action, requesting a temporary permit to serve in the Area; or
 - c. Any organization holding a special event in the Area with a Vendor requesting a temporary permit to serve.
11. A Vendor's location may be at any area within the Roanoke DORA as shown on Exhibit "A", subject to approval of the Special Event Permit application (and State Form) by the Town Council, and issuance of the appropriate permit by the Indiana Alcohol and Tobacco Commission.
12. Business Participation:
 - a. Nothing in this Ordinance prohibits a business, landlord, or other establishment from prohibiting alcoholic beverages to enter their premises or from prohibiting alcoholic beverages purchased from another establishment to enter their premises. Any such establishment shall post a conspicuous notice of such prohibition at the entrances to such establishment.
 - b. The Town of Roanoke 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 Roanoke DORA in those spaces, except for the Town of Roanoke Police Department in the exercise of its law enforcement duties.
13. In accordance with Indiana Code 7.1-3-31 *et seq.*:
 - a. A person may consume an alcoholic beverage purchase from a designated permittee or Vendor anywhere within the Area, subject to the right of any retailer permittee or business within the 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:
 - i. Beer or flavored malt beverage of no more than sixteen (16) ounces.
 - ii. Wine, cider, or hard seltzer of not more than twelve (12) ounces.
 - iii. A mixed drink of not more than ten (10) ounces containing not more than two (2) ounces of liquor.
14. A sign, as required by Indiana Code 7.1-3-31-16 must be posted at each exit of a Designated Permittee and on the licensed premises of a Vendor.

- 15. Glass containers may only be allowed in a Designated Permittee's Outdoor dining area and may not be removed into the Roanoke DORA.
- 16. Designated Permittees and approved Vendors may use only non-breakable plastic bottles, plastic cups, or paper cups, affixed with a logo or label that identifies the container for use only in the Roanoke DORA.
- 17. No person may consume an alcoholic beverage within the Roanoke DORA that was purchased outside of the Roanoke DORA.

BE IT FINALLY ORDAINED that this Ordinance shall be in full force and effect from and after its passage by Council and publication as required by law.

ORDINANCE 2024-03

Upon Council's unanimous consent to consider Ordinance 2024-03 for final adoption on the same day of its introduction, Ordinance 2024-03 was duly adopted this 7th day of May 2024, by a vote of 4 in favor and 1 opposed.

ROANOKE, INDIANA by its TOWN COUNCIL

Voting In Favor:

Voting Opposed:

Amanda R Sands

Amanda Sands
(President)

Nicholas Scheer

Nicholas Scheer

Tinisha Weigelt

Tinisha Weigelt

Terri Edmiston

Terri Edmiston

Terri L. Edmiston

ATTEST:

By Sarah Milton as Clerk-
(Sarah Milton) Treasurer

Map of Designated Outdoor Refreshment Area (DORA) for the town of Roanoke, Indiana



Border Key: A) Northwest corner of 375 N Main St, B) NW corner of 345 N Main, C) NW corner of parking lot associated with 166 W 3rd, D) SW corner of 102 W 1st, E) SW corner of 112 N Main, F) SW corner of 191 S Main, G) SE corner of 208 Vine, H) NE corner of 170 High, I) NW corner of 170 High, J) NE corner of 171 E 2nd, K) NW corner of 171 E 2nd, L) NE corner of parking lot associated with 314 N Main