

**TOWN OF BARGERSVILLE, INDIANA  
ORDINANCE NO. 2024-10**

**AN ORRDINANCE OF THE TOWN OF BARGERSVILLE, INDIANA  
ESTABLISHING A DESIGNATED OUTDOOR REFRESHMENT AREA**

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

WHEREAS, the Town Council of the Town of Bargersville (“Council”) believes it is in the best interest of the Town of Bargersville (“Town”) to create a Designated Outdoor Refreshment Area in the Town’s downtown, as authorized by Indiana Code 7.1-3-31 et seq; and

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

1. For purposes of this Ordinance all definition provided for in Indiana Code 7.1-3-31 et seq. are made a part hereof.
2. The Map attached hereto, marked as Exhibit “A” and made part hereof depicts the area of the Town to designated as the Town of Bargersville Designated Outdoor Refreshment Area (the “Area”).
3. The Council finds that the Town of Bargersville Designated Outdoor Refreshment Area is consistent with the Town’s Unified Development Code.
4. The Council hereby approves and adopts the required signage designated the Town’s Area and directs the Town to place the signage at the boundaries of the Area as required by law.
5. The Town’s Area shall be in effect during all authorized times pursuant to Indiana Code 7.1-3-1-14 and as may be amended from time to time.
6. The Town finds that each of the following retailers are an appropriated Designated Permittee and requests that the Indiana Alcohol Commission to issue each a “Refreshment Area Designation” upon submission of their completed application to the Town to participate in the Area as a Designated Permittee:
  - a. Taxman Brewing Company
  - b. Cellar’s Market
  - c. Up Cellar
  - d. Pizza & Libations

Any additional licensed premises located within the Area who desire to be designated as a “Designated Permittee” and granted a “Refreshment Area Designation” shall submit the “Town of Bargersville DORA Retailer Application” to the Town for approval and recommendation by the Town Council by Resolution.

7. Any organization or establishment that desires to be a “Vendor” for the Area shall submit a Special Event Permit Application and the State Form Designated Outdoor Refreshment Area Designation Form for each event to the Town for approval.

8. A Vendor’s location may be at any or all of the designated areas within the Area as shown on Exhibit “A”, subject to approval of the Special Event Permit and State Form.

9. Nothing in this Ordinance shall prohibit a business, landlord, or other establishment from prohibiting open containers of alcoholic beverages to enter their premises or from prohibiting alcoholic beverages purchased from another establishment to enter their premises.

10. The Town of Bargersville maintains full authority and control over the sidewalks and common areas within the Area and no one may prohibit or limit open containers in accordance with Indiana Code 7.1-3-31 within the Area in those spaces except for the Town of Bargersville Police Department.

11. Upon receipt of a “refreshment area designation” from the Indiana Alcohol Commission the Designated Permittee shall remove all stanchions, fencing or other means of separation previously required by law from all common areas, sidewalks, and right-of-way of the Town of Bargersville as provided by Indiana Code 7.1-3-31-15.

12. In accordance with Indiana Code 7.1-3-31 et seq., a person may consume an alcoholic beverage purchased from a designated permittee or vendor anywhere within the Area boundaries, subject to the right of any retailer permittee or business within the Area to refuse to allow individuals to enter the license premises or business with an alcoholic beverage.

13. 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:

- a. Beer or flavored malt beverage of not more than sixteen (16) ounces.
- b. Wine, cider, or hard seltzer of not more than twelve (12) ounces.
- c. 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 taken into to the Area.

16. The Town will add trash and/or recycling receptacles within the area as needed with additional monitoring and collection upon evaluation. There is a regular maintenance and cleaning of these receptacles at a minimum of twice a week. In addition, the Town police department currently conducts regular monitoring of the area. The Town police department will evaluate the implementation of the DORA and adjust monitoring and patrols as needed. The Town will incur additional costs and expenses as a result of the additional sanitation monitoring and collection and monitoring by the Town

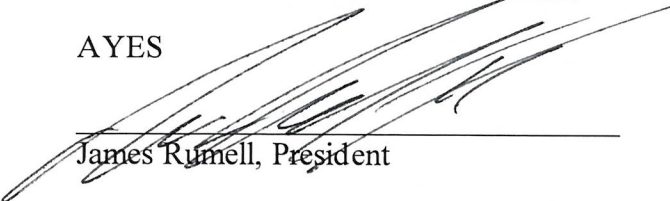
police department. In order, to defray a portion of these additional costs and expenses incurred by the Town each Designated Permittee and Vendor shall be required to pay a \$200.00 annual Sanitation and Public Safety Fee. The Sanitation and Public Safety Fee shall be due by January 31 of each year for each Designated Permittee. A Vendor shall pay the Sanitation and Public Safety Fee no later than ten (10) days before the first Special Event the Vendor participates in.

17. In the event of an emergency, as determined by the Council or authorized by a State Official, all activities within the Area shall be suspended until such time as the Council or State Official have determined that activities within the Area can safely resume.

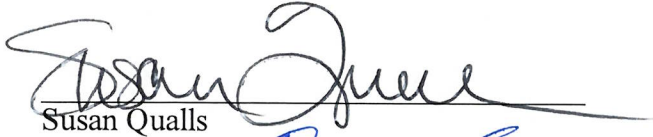
18. This Ordinance shall be in full force and effect upon its passage, approval and publication pursuant to Indiana law.

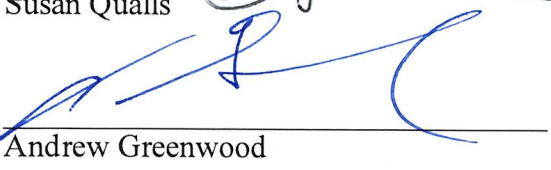
Passed and adopted by the Town Council of Bargersville, Johnson County, Indiana this 25<sup>th</sup> day of June, 2024.

AYES

  
James Rumell, President

absent  
James Pheifer, Vice President

  
Susan Qualls

  
Andrew Greenwood

R. Ann Moore  
Ruth Ann Moore

NAYS

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James Rumell, President

absent  
James Pheifer Vice President

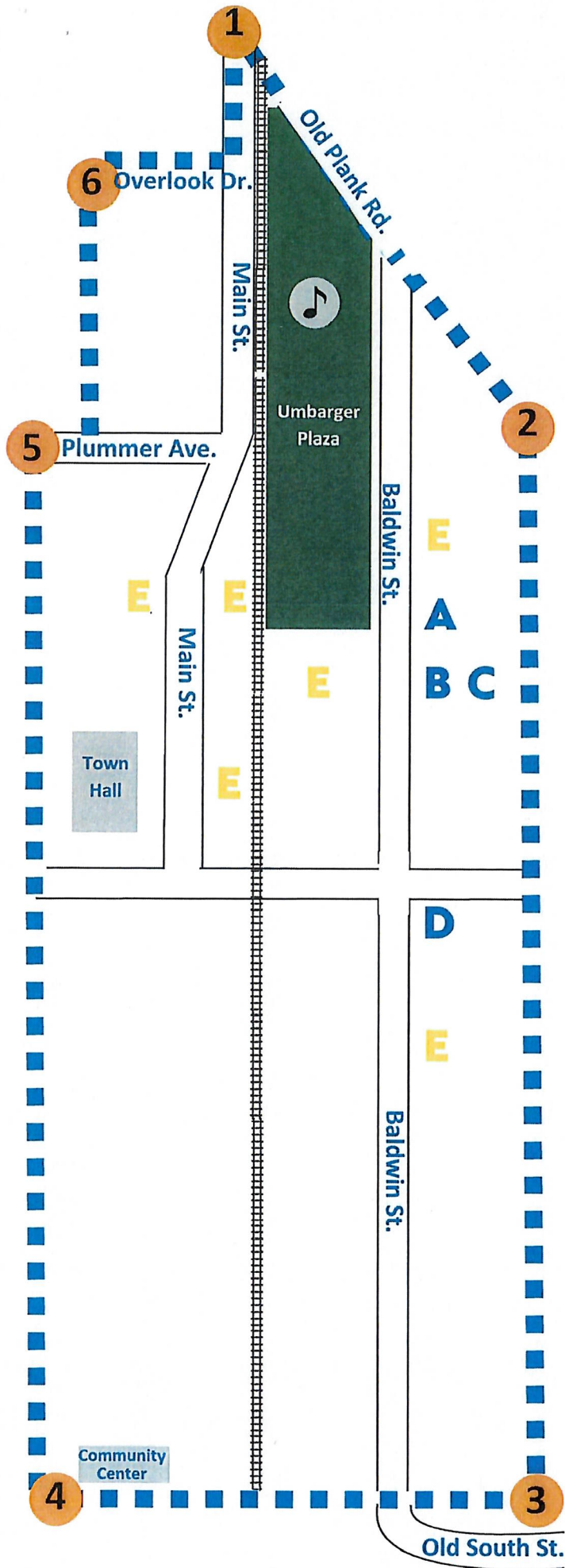
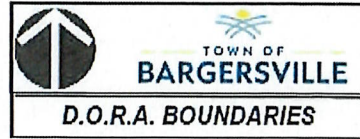
\_\_\_\_\_  
Susan Qualls

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Andrew Greenwood

\_\_\_\_\_  
Ruth Ann Moore

ATTEST.  
  
R. Dustin Doyle, Clerk-Treasurer





**DORA BOUNDARY**

1. Intersection of Old Plank Road and Main Street
2. Intersection of Old Plank and alley at 111 N Baldwin Street
3. Intersection of alley at 58 E. Old South Street and Old South Street
4. Intersection of Old South Street and alley at 14 W Old South Street
5. Intersection of Plummer Avenue and alley at 98 N Main Street
6. Intersection of Overlook Dr. and property line at 158 N Main Street

**BUSINESS LOCATIONS**

- A. 75 Baldwin St. (Pizza and Libations)
- B. 63 Baldwin St. (Cellar’s Market)
- C. 63 Baldwin St. (Up Cellar)
- D. 13 S. Baldwin St. (Taxman Brewing Company)
- E. Temporary Event Vendors