

**CITY OF BATESVILLE
ORDINANCE No. 01-2024**

**AN ORDINANCE ADOPTING AND ESTABLISHING DESIGNATED OUTDOOR
REFRESHMENT AREAS IN THE CITY OF BATESVILLE, INDIANA**

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

WHEREAS, as of the date of adoption of this Ordinance, the Batesville City Council knows it to be in the best interest of the City of Batesville to establish DORA districts throughout the city with the ability to establish a total of seven (7) DORAs.

WHEREAS, one DORA shall be located in the City’s downtown area, the same be shown and depicted on the attached map labeled as Exhibit “A.”

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Batesville, State of Indiana, as follows:

There is hereby added to the Batesville Code of the City of Batesville, Indiana, Chapter 160, the language of which shall be:

Chapter 160 Designated Outdoor Refreshment Areas

§160.01 **Incorporation of State Law.** All definitions stated under Indiana Code §7.1-3-31 *et seq.* shall apply to this Ordinance and are incorporated herein by reference.

§160.02 **Total DORAs.** The City of Batesville (the “City”) does hereby authorize the establishment of a Designated Outdoor Refreshment Area (“DORA”), as described and detailed herein, with the potential to establish a total of seven (7) DORAs in and throughout the City, as allowed by law, at a point in the future as deemed fit and proper by appropriate governing bodies.

§160.03 **Revocation of DORAs.** The City may, at anytime, by resolution of Common Council, amend, revoke, or alter a DORA, individually, or all DORAs in their entirety.

§160.04 **Main Street DORA.** That the area depicted in Exhibit “A,” attached hereto, is designated as the Main Street Designated Outdoor Refreshment Area (“Main Street DORA”).

(A) The boundaries of the Main Street DORA by street address and direction are as follows:

Beginning at the Northwest Corner of the intersection of E Hillenbrand Avenue and Park Avenue (202 S. Park Ave.) then due South along the West side of Park Avenue to the south side of the intersection of Park Avenue and Woody’s Way (16 Park Avenue); then due East along the South side of Woody’s Way to the Northeast corner of the property located at 504 E. Pearl Street; then due South along the East property line of said property to the South side of East Pearl Street; then due West to the Southeast Corner of the

intersection of East Pearl Street and Eastern Avenue (495 E. Pearl Street). Then due South from said intersection to the Northeast Corner of the intersection of Eastern Avenue and South Street; then due West along the North side of South Street to the North West corner of the intersection of South Street and Depot Street; then due North to the Southwest corner of the intersection of Depot Street and E. Pearl Street; then due West to the Southwest Corner of E. Pearl Street and S. Park Avenue; then due South along the West side of S. Park Avenue to the Northwest corner of the intersection of S. Park Avenue and E. George Street (298 E George Street); then due West from said intersection to the North East Corner of George Street and Sycamore Street (201 E George Street); then due South to the South East corner of Sycamore Street and South Street (199 Sycamore Street); then due West through the alley way constituting an extension of South Street to the address of 117 Vine Street; then due North along the East side of Vine Street to the South East Corner of intersection of Vine Street and W. Hillenbrand Avenue (142 Vine Street); then due East on W. Hillenbrand Avenue to the South West Corner of the intersection of W Hillenbrand and Elm Street (201 Elm Street) then due North along the West side of Elm Street to the North West corner of the Intersection of Elm Street and Columbus Avenue (215 Elm Street) then due East on Columbus Avenue to the North East Corner of the Intersection of Columbus Avenue and Walnut Street (300 Walnut Street); then due South along the East side of Walnut Street to the property located at 200 N. Walnut Street then around the North and East property lines of said parcel to include said parcel within the DORA; then due East along the North side of E. Hillenbrand Avenue to the Point of beginning.

That the Main Street DORA and all subsequently adopted and established DORA areas are referred to collectively, herein, as “DORAs” or generally as a “DORA.” A map of the main street DORA is attached hereto and incorporated herein by reference as Exhibit “A.”

§160.05 Compliance with Zoning Code. That the City Council finds that adoption of the Main Street DORA and/or other DORAs are consistent with the City of Batesville’s Zoning Code.

§160.06 DORA Signage. The minimum signage required by Indiana Code §7.1-3-31 *et seq.* for all DORAs shall be required.

§160.07 DORA Logo. The City of Batesville, by and through the Mayor's office, shall adopt and establish a common brand or logo ("DORA Logo") for Main Street DORA and all future DORAs. Any and all signage utilizing the DORA Logo shall be approved by the City of Batesville through its designated and appointed agent and shall comply with all applications and fees so determined or required.

§160.08 DORA District Boundary Signage. All signage posted in furtherance of the Main Street DORA and/or other DORAs shall comply with all signage requirements of the City of Batesville as enumerated by ordinance and of Zoning Code. However, reasonable accommodations and deference shall be made and afforded to enable and ensure signage which is proper and compliant with State Law with respect to DORAs. Signage indicating the boundaries shall be placed at common and conspicuous exit locations a DORA. That signage for the Main Street DORA shall be placed in a manner substantially similar to the locations indicated the map attached hereto as Exhibit "B."

§160.09 Hours of Operation. Hours of operation for all DORAs shall be from 12:00p.m. until 12:00a.m. every day of each week.

§160.10 Designated Permittee. Businesses, persons, entities, or organizations which are located within a DORA wishing to continually participate by selling or distributing alcoholic beverages shall be required to complete and submit an application and pay all required costs and/or fees, if any so required, to the City of Batesville in order to participate in a DORA as a "Designated Permittee," as defined in I.C. 7.1-3-31 *et seq.* Once approved by the City of Batesville, applications shall be sent to the Alcohol and Tobacco Commission for said Commission's approval. The City of Batesville shall be permitted to delegate this application process to their identified department or agent to process applications.

§160.11 Proposed Designated Permittees of Main Street DORA. The proposed and/or potential Designated Permittees of the Main Street DORA, pending each's interest, application, and approval shall include, but not be limited to:

- (A) Lil Charlies' Restaurant and Brewery';
- (B) Randy's Roadhouse;
- (C) The Sherman/Bier Hall;
- (D) Benny's Bar & Grill;
- (E) The Fraternal Order of Eagles Aerie #1130;
- (F) Veterans of Foreign Wars Auxiliary 3183; and/or
- (G) Big Four Café.

§160.12 Trash Receptacles. A Designated Permittee approved by the City of Batesville and Alcohol and Tobacco Commission shall continuously maintain a trash receptacle(s) outside of all main entrances to their premises at their sole cost and expense.

§160.13 Special Event Application. Any business, person, entity, or organization, which is either (a) not a Designated Permittee; or (b) a Designated Permittee wishing to expand operations and service into the DORA beyond its licensed premises, that desires to sell alcoholic beverages

during an event, festival, or otherwise within a DORA (both of the foregoing are referred to herein as a “Vendor”), shall submit a Special Event Application and pay all required fees, if any so determined, to the City of Batesville for review and approval by the Chief of the Batesville Police Department with a copy of the application to the office of the Mayor. Prior to submission of the Special Events Application, the Vendor shall provide, as an attachment to the application, copies of the Vendor’s (i) Temporary Beer or Wine Permit or their Catering Permit and/or supplement thereto; (ii) Temporary Vendor Designation, both of which may be obtained from the Alcohol and Tobacco Commission; and (iii) any other required documentation or items so requested.

- (A) *Vendor Locations.* Vendor’s shall be permitted to establish a location of service and participation anywhere within a DORA which they have elected to participate, subject to review and approval by the City of Batesville after review of the Vendor’s Special Event Permit application.

§160.14 Signage Requirements. All Designated Permittees and/or Vendors participating within a DORA shall post signs indicating that the Designated Permittee and/or Vendor is a business participating in the DORA. Said signage shall contain the (i) DORA Logo, (ii) that a person may not enter the premises with an alcoholic beverage regardless if the alcoholic beverage is in a DORA container from another Designated Permittee or Vendor; (iii) that a patron may exit the premises into the DORA with only two (2) open containers of alcoholic beverages at a time; and (iv) all notices required by I.C. §7.1-3-31-16, as amended from time to time. Said Signage shall be placed at each entry and exit point of the Designated Permittee. All signage placed by a Designated Permittee and/or Vendor shall also be in compliance with and subject to the Zoning Code of the City of Batesville.

§160.15 Right of Refusal.

- (A) Alcoholic beverages in a DORA Container are prohibited from entering the premises of another Designated Permittee and/or Vendor.
- (B) Any business, residence, landlord, building owner, retailer, real property owner, lessee, and/or other establishment located in a DORA may, on a non-discriminatory basis, refuse to allow patron(s) to enter their premises, building, property, or business with an alcoholic beverage. Any business or premises which elects to exercise a right of refusal or to otherwise deny patrons entry with alcoholic beverages is recommended to post signage indicating such election; but, such signage shall not be required.
- (C) Any business or premises located in a DORA which allows patrons to enter their premises, building, property, or business with an alcoholic beverage shall be required to post signage indicating that said business or premises is a participant in the DORA and that alcoholic beverages are permitted.
- (D) The City of Batesville maintains full authority and control over sidewalks, streets, parks, and/or other common areas of the city and no person or entity may prohibit

or limit open and authorized containers in accordance with I.C. 7.1-3-31 *et seq.* within a DORA in those spaces except for the City of Batesville Police Department.

- (E) All Designated Permittees and/or Vendors shall continue to have the right to refuse service to any patron in their sole discretion in compliance with Indiana Law.

§160.16 Permitted Amounts. Subject to the provisions of §160.17, hereinafter, All Designated Permittees and/or Vendors shall permit patrons to exit a Designated Permittee's and/or Vendor's premises with not more than two (2) open containers of alcoholic beverage at a time. The contents of an open container may not exceed the following amounts:

- (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; and
- (C) A mixed drink of not more than ten (10) ounces which contains not more than two (2) ounces of liquor.

§160.17 Authorized Containers. Designated Permittees and/or Vendors shall only permit patrons to exit their premises into a DORA if the alcoholic beverages, as described in §160.17, hereinabove, have been placed into a clear plastic cup labeled with a label approved and authorized by the City of Batesville ("DORA Container"). Beverages consumed within a Designated Permittee's or Vendor's premises are not required to be in a DORA Container. Glass containers are explicitly prohibited from exiting the Designated Permittee and/or Vendor's premises into the DORA.

- (A) The City of Batesville may delegate and designate a department, agent, entity, or individual the right to serve as the exclusive designer, manufacturer, distributor, and/or retailer and service provider of DORA Containers for use in DORAs, the initial of which shall be Batesville Main Street, an Indiana Non-Profit Corporation with 501(c)(3) status ("Main Street").
- (B) The City of Batesville shall adopt and approve a DORA Container, the design of which shall include the DORA Logo and/or any other information approved or so required by Batesville City Council.
- (C) Proceeds obtained from the sale of authorized DORA Containers shall be used, in part, to assist the City of Batesville in payment of costs and expenses associated with signage, public safety, sanitation costs, events, improvements, and operations of the DORAs. All other proceeds shall be the exclusive and sole property and/or be incorporated into the budget of the designated department, agent, entity, or individual responsible for those obligations under §160.17(A).

§160.18 Carryout Businesses. The carryout privileges that a Designated Permittee may have under the scope of the Designated Permittee's other permits or licenses shall not be impacted or otherwise affected by being located within a DORA. Carryout of sealed original containers shall be permitted, but said containers shall not be opened or consumed within a DORA.

§160.19 **Revocation of Designated Permittee or Vendor Status.** Failure of a Designated Permittee and/or Vendor to comply with this ordinance shall result in an immediate revocation of a Designated Permittee's and/or Vendor's right and ability to participate in a DORA. In such event, the City of Batesville or its designated department or agent, shall deliver or serve notice of such revocation to Designated Permittee and/or Vendor. Said revocation shall contain the following: (i) that the revocation shall be immediately effective; (ii) that the Designated Permittee and/or Vendor shall immediately cease their participation in the DORA; and (iii) the basis for the revocation.


(A) *Fine.* In the alternative of a revocation of a Designated Permittee's or Vendor's right and ability to participate in the DORA, the City of Batesville or its designated department or agent may issue a fine to a Designated Permittee or Vendor for their failure to comply with this ordinance in an amount not exceeding five hundred dollars (\$500.00). The issuance of said fine shall comply with the notice requirements set forth in the preceding section.

§160.20 **Prohibition of Outside Beverages.** Persons may not consume beverages within a DORA which (1) were not purchased from a Designated Permittee or Vendor and/or (2) which were brought from outside a DORA into the subject DORA. The refilling of an authorized container with alcoholic or other beverages is strictly prohibited. Individuals found to be in violation of this section shall be subject to a fine of up to Five Hundred and 00/100 dollars (\$500.00).

§160.21 **Repeal of Existing Code Section.** The adoption of this Chapter 160 contradicts existing Code §130.12 and as such the same is hereby repealed.


By suspension of rules, passed and adopted on 1st reading this 12th day of February 2024, by the Common Council of the City of Batesville.

WHEREUPON, the Mayor declared said ordinance finally and legally adopted.



JOHN IRRGANG
MAYOR OF THE CITY OF BATESVILLE

Attest:



PAUL J. GATES
CLERK-TREASURER, CITY OF BATESVILLE