

SPEEDWAY TOWN COUNCIL

ORDINANCE No.1388

AN ORDINANCE ESTABLISHING A DESIGNATED OUTDOOR REFRESHMENT AREA WITHIN THE TOWN OF SPEEDWAY, INDIANA

WHEREAS, I.C. §7.1-3-31 authorizes the establishment of a Designated Outdoor Refreshment Area;

WHEREAS, the Town Council of the Town of Speedway, Indiana (“Town Council”) believes it is in the best interests of the Town of Speedway (“Town”) to create a Designated Outdoor Refreshment Area (“Refreshment Area”) in the Town’s Main Street area, as authorized by I.C. §7.1-3-1 *et seq.*, which Refreshment Area is shown on the map marked as Exhibit A attached hereto and incorporated herein.

THEREFORE, IT IS ORDAINED by the Town Council of the Town of Speedway as follows:

1. All definitions in I.C. §7.1-3-31 *et seq.* shall apply to this Ordinance;
2. The Town Council hereby adopts the map of the Speedway Main Street Designated Outdoor Refreshment Area attached hereto as Exhibit A and incorporated herein by reference;
3. The Speedway Main Street Designated Outdoor Refreshment Area boundary by streets is as follows:

The DORA boundary is generally the area from the alleyway on the west side of Main Street to the sidewalk on the east side of Main Street starting from W. 16th Street and proceeding south to 10th Street. There are a few deviations from this as there is a larger area included behind and to the west of Foyt Wine Vault, Daredevil Brewing, and Speedway Indoor Karting. On the map, several specific businesses are shown including locations such as O’Reilly’s Irish Pub & Restaurant, Dawson’s on Main, Barbecue and Bourbon, Foyt Wine Vault, Daredevil Brewing, Brozinni’s Pizzeria, and Big Woods.

4. The Town Council finds that the Speedway Main Street Designated Outdoor Refreshment Area is consistent with the Town of Speedway’s Zoning Code;
5. The Town Council hereby approves and adopts the minimum signage designating the Speedway Downtown Designated Outdoor Refreshment Area attached hereto as Exhibit B and incorporated herein by reference and directs the Town to place the signage at the designated locations on Exhibit C;
6. The Town Council recognizes that additional signage designating the Speedway Main Street Designated Outdoor Refreshment Area may be warranted and necessary, that Exhibits B and C are only minimum standards, and therefore, the Town of Speedway Street Department is

hereby authorized and granted full authority to increase the number or change the type of signage in their sole discretion and in compliance with I.C. § 7.1-3-31;

7. The Speedway Main Street Designated Outdoor Refreshment Area shall be in effect during all authorized times pursuant to I.C. §7.1-3-1-14 as amended from time to time by the Indiana General Assembly;

8. The following retailer permittees, whose locations are identified on Exhibit A, have submitted a completed application to the Town to participate in the Refreshment Area as a Designated Permittee and the Town finds that each of them is an appropriate Designated Permittee and requests that the Indiana Alcohol and Tobacco Commission issue a Refreshment Area Designation to the following:

- a. O'Reilly's Irish Pub & Restaurant
- b. Dawson's on Main
- c. Barbecue & Bourbon
- d. Daredevil Brewing
- e. Foyt Wine Vault
- f. Speedway Indoor Carting
- g. Big Woods Speedway

Any additional licensed premises located within the Speedway Main Street Designated Outdoor Refreshment Area who desires to be designated as a Designated Permittee and granted a Refreshment Area Designation shall submit an application, consisting of a completed State Form 57288 Designated Outdoor Refreshment Area Designation Form attached hereto as Exhibit D and incorporated herein, to the Town for approval and recommendation by the Town Council by Resolution;

9. Any establishments that desire to be a vendor for an event or festival held within the Speedway Main Street Designated Outdoor Refreshment Area shall submit an application, consisting of a Special Event Permit Application and State Form 57288 Designated Outdoor Refreshment Area Designation Form, to the Town for approval by the Town Council by Resolution;

10. A vendor's location may be at any area within the Speedway Main Street Designated Outdoor Refreshment Area as shown on Exhibit A, subject to approval of the Special Event Permit and State Form 57288 Designated Outdoor Refreshment Area Designation Form by the Town Council;

11. Nothing in this Ordinance prohibits 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;

12. The Town maintains full authority and control over the sidewalks, streets and public common areas and no one may prohibit or limit open containers in accordance with I.C. §7.1-3-31 *et seq.* within the Speedway Downtown Designated Outdoor Refreshment Area in those spaces except for the Town of Speedway Police Department;

13. In accordance with I.C. §7.1-3-31 *et seq.*, 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;

14. In accordance with I.C. §7.1-3-31 *et seq.*, 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 open containers must be in a plastic cup no larger than sixteen (16) ounces. 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.

15. A sign, as required by I.C. §7.1-3-31-16 and attached hereto as Exhibit E, must be posted at each exit of a Designated Permittee and on the licensed premises of a vendor;


16. Glass containers may only be allowed in a Designated Permittee's outdoor dining area and may not be removed into the Speedway Downtown Designated Outdoor Refreshment Area;

17. The Speedway Main Street Designated Outdoor Refreshment Area shall be in effect upon passage until October 31, 2024, and each year thereafter from January 1 through December 31.


18. This Ordinance shall be in full force and effect upon its passage and subject to the approval of the Indiana Alcohol and Tobacco Commission.

PASSED AND ADOPTED BY THE SPEEDWAY TOWN COUNCIL THIS 13th DAY OF May, 2024.

Speedway Town Council



Jason DeLisle, President



Nick Sturgeon, Vice President

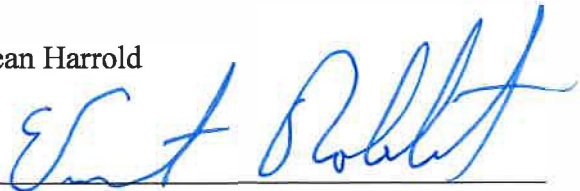


Sarah Gardner



Sean Harrold

Vince Noblet



Attest:


Philip Foust, Clerk-Treasurer

This document was prepared by Robert V. Clutter, Speedway Town Attorney, 117 W. Main Street, Lebanon, IN 46052

I have taken care to ensure that all Social Security numbers have been redacted from this document as required under Indiana law.

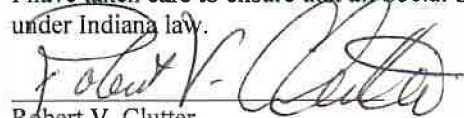

Robert V. Clutter

EXHIBIT A

Map of Town of Speedway Main Street Designated Outdoor Refreshment Area with Location of Designated Permittees Marked



EXHIBIT B

**Signage Designating the Town of Speedway Main Street
Designated Outdoor Refreshment Area**

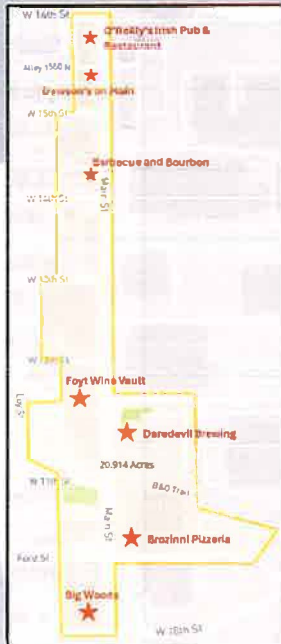
**YOU ARE NOW IN THE
MAIN STREET**



DESIGNATED / OUTDOOR / REFRESHMENT / AREA

WELCOME TO THE TOWN OF SPEEDWAY

DORA GUIDELINES



- 1. In effect from January 1 to December 31 annually.**
- 2. DORA beverages must stay within DORA boundaries.**
- 3. Patrons are subject to open container laws outside the DORA district boundary.**
- 4. Possessing an open container of an alcoholic beverage in a motor vehicle in the DORA district boundary may constitute a Class C infraction under IC 9-30-15.**

PLEASE DRINK RESPONSIBLY



**THANK YOU FOR VISITING
THE TOWN OF SPEEDWAY**

EXHIBIT C

Locations to Place Signage

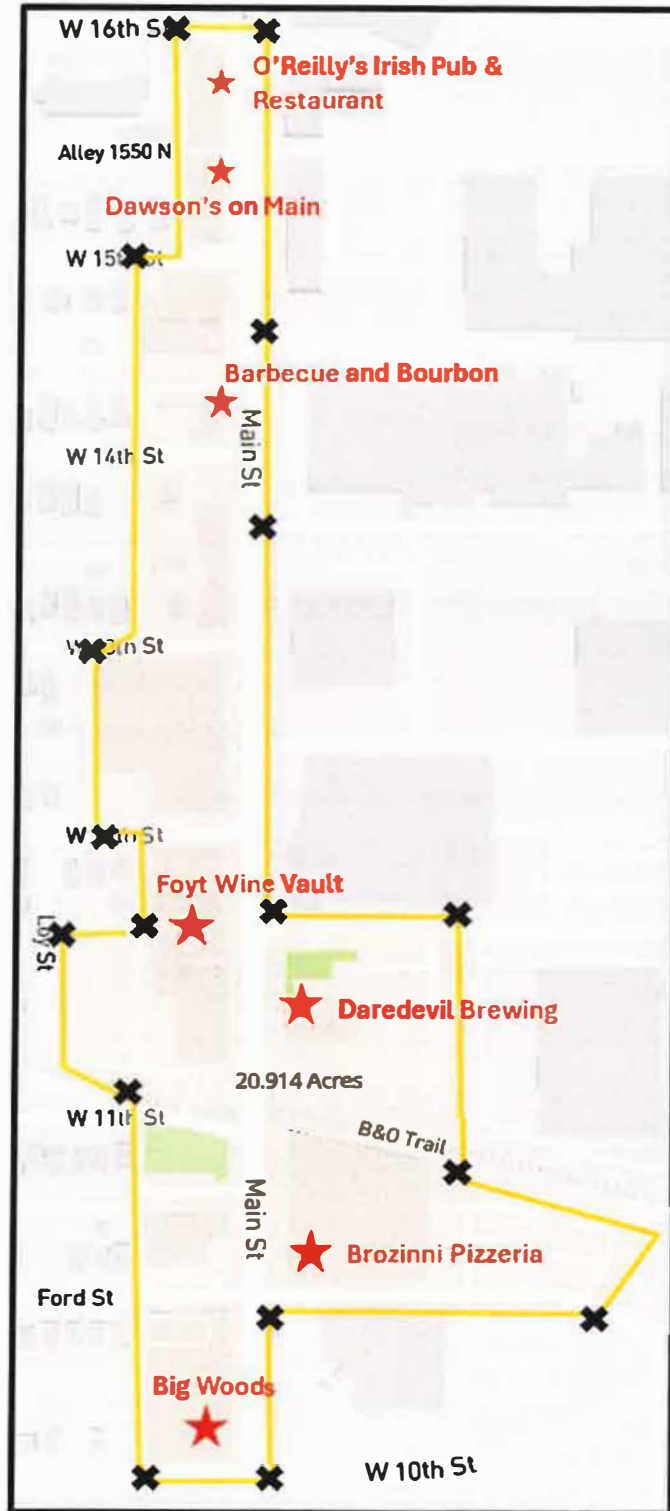


EXHIBIT D

State Form 57288 Designated Outdoor Refreshment Area Designation



DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) DESIGNATION
State Form 57288 (6-23)

INDIANA ALCOHOL AND TOBACCO COMMISSION
302 West Washington Street, Room E-114
Indianapolis, IN 46204
(317) 232-2430
<http://www.in.gov/atc>

- INSTRUCTIONS:**
1. Please type or print clearly.
 2. There is no charge or fee to be designated as part of a designated outdoor refreshment area (DORA).
 3. If you already hold a retail permit within a DORA and are requesting a DORA permittee designation, please complete Sections 1, 3, and 4 below.
 4. If you will be obtaining a temporary beer and wine permit, requesting supplemental catering authority, or are a craft manufacturer requesting to operate within a DORA on a temporary basis, please complete Sections 2, 3, and 4 below.

SECTION 1: RETAIL PERMITEES		
Permittee name (as printed on permit)	Permittee number	
Doing business as (d/b/a)	Permit expiration date (mm/dd/yyyy)	
Permit address (number and street, city, state, and ZIP code)		
Name of person making application	Telephone number	E-mail address
Has the DORA already been approved by the ATC? <input type="checkbox"/> Yes <input type="checkbox"/> No	DORA Reference Number (approved DORAs only)	
SECTION 2: TEMPORARY VENDORS, SUPPLEMENTAL CATERERS & CRAFT MANUFACTURERS		
Please select one: <input type="checkbox"/> Temporary beer and wine permit <input type="checkbox"/> Supplemental catering permit <input type="checkbox"/> Craft manufacturer (artisan distiller, farm winery, small brewer)		
Permittee name	Permit number (catering and manufacturing permits only)	
Doing business as (d/b/a)	Permit expiration date (mm/dd/yyyy) (catering and manufacturing permits only)	
Address (number and street, city, state, or ZIP code) or description of designated vendor/caterer area		
Name of person making application	Telephone number	E-mail address
DORA Reference Number	Start date (mm/dd/yyyy)	End date (mm/dd/yyyy)
SECTION 3: LOCAL JURISDICTION APPROVAL		
Printed name of city or town official	Date (mm/dd/yyyy)	
Signature	Title	
SECTION 4: CERTIFICATION AND SIGNATURE		
I hereby certify that I have reviewed this application form prior to signing, and that all information provided herein is true and correct. I acknowledge and understand that it is a felony under Indiana law to misrepresent or falsify any portion of this application or attached documents.		
Printed name of applicant	Date (mm/dd/yyyy)	
Signature	Title	

