

**CITY OF HUNTINGBURG, INDIANA
ORDINANCE NO. 2023-27**

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

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

WHEREAS, the Common Council believes it is in the best interests of the City to create a Designated Outdoor Refreshment Area in the City's downtown, 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 Common Council of the City of Huntingburg, Indiana, as follows:

1. All definitions in Indiana Code 7.1-3-31 *et seq.* shall apply to this Ordinance.
2. The Common Council hereby adopts the Map of the City of Huntingburg Downtown Designated Outdoor Refreshment Area attached hereto as Exhibit "A" and incorporated herein by reference.
3. That the following area is designated as the Huntingburg Downtown Designated Outdoor Refreshment Area:

Bounded on the north by the north side of the alley behind 302 E. 4th Street at its intersection with the centerline of N. Geiger St., and continuing east along said alley and including all addresses in the 300 and 400 blocks of E. 4th Street, on the north side thereof, to the centerline of N. Jackson Street; thence south along the centerline of N. Jackson Street to the south side of an alley on the south side of 320 N. Jackson Street and including 320 N. Jackson St.; thence west along said alley and including all addresses in the 400 block of E. 4th St. on the south side thereof, to the centerline of N. Main Street (U.S. Highway 231); thence south along the centerline of N. Main Street to its intersection with the centerline of E. 3rd Street and including all of Market Street Park and all of the addresses on the west side of the 300 block of N. Main Street to its intersection with E. 3rd St.; thence west along the centerline of E. 3rd St. to the

centerline of N. Geiger Street, and including all addresses on the north side of the 300 block of E. Third Street; thence north along the centerline of N. Geiger St. to the centerline of E. 4th St., and including all addresses on the east side of the 300 block of N. Geiger Street and all of the addresses on the south side of the 300 block of E. 4th St.; thence continuing north along the centerline of N. Geiger St. to its intersection with the alley behind 302 E. 4th Street, the place of beginning.

Except all residential properties are excluded.

4. The Huntingburg Downtown Designated Outdoor Refreshment Area boundary by address is as follows:

E. 4th Street: 301 through 330, inclusive, in the 300 block; 401 through 436, inclusive, in the 400 block.

N. Jackson St.: 320

N. Main Street: 302, 304, 306, Market Street Park, 312, 314, 316, 318.

E. 3rd Street: 306, 308

N. Geiger Street: 303, 305, 307, 309, Market Street Park.

5. The Common Council finds that the Huntingburg Downtown Outdoor Refreshment Area is consistent with the City of Huntingburg's Zoning Code.
6. The Common Council hereby approves and adopts the minimum signage designating the City of Huntingburg Downtown Designated Outdoor Refreshment Area attached hereto as Exhibit "B" and incorporated herein by reference and directs the City to place the signage at the designated locations on Exhibit "A".
7. The Common Council recognizes that additional signage designating the City of Huntingburg Downtown Designated Outdoor Refreshment Area may be warranted and necessary, Exhibit "B" and "A" are only minimum standards and therefore the City of Huntingburg Board of Public Works and Safety is hereby authorized and granted full authority to increase the number or change the type of signage in their sole discretion.
8. Dates and House of Operation:

The City of Huntingburg Downtown Designated Outdoor Refreshment Area 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.

9. The following retailer permittees have submitted a completed application to the City to participate in the Area as a Designated Permittee and the City finds that each of them is an appropriate Designated Permittee and requests the Indiana Alcohol Commission to issue each a “refreshment area designation”:
 - a. Mama T’s Italian Steakhouse, LLC d/b/a Mama T’s Italian Steakhouse, 320 E. 4th St., Huntingburg, IN
 - b. Old School Café & Grill, LLC, d/b/a Old School Café & Grill, 304 E. 4th St., Huntingburg, IN 47542
 - c. PBTP, Inc., d/b/a Gaslight Pizza & Grill, 328 E. 4th St., Huntingburg, IN
 - d. TriCity Holdings, LLC d/b/a Fry’d and Chop’d, 312 N. Main Street, Huntingburg, IN 47542
 - e. Yard Goat Artisan Ales, LLC d/b/a Yard Goat Artisan Ales, 417 E. 4th St., Huntingburg, IN
 - f. Huntingburg Happy Hour, LLC d/b/a Butcher & Barrel, 422 E. 4th St., Huntingburg, IN

Any additional licensed premises located within the Downtown Refreshment Area who desires to be designated as “Designated Permittee” and granted a “refreshment area designation” shall submit an application to the City for approval and recommendation by the Common Council by Resolution.

10. The locations of the Designated Permittees identified in paragraph 9 have been identified on Exhibit “A”.
11. The City of Huntingburg Board of Public Works and Safety adopted the City of Huntingburg Special Event Permit Application which is attached hereto and incorporated herein by reference as Exhibit “C”. A Special Event Permit Application, including the Exhibit 1 “State Form Designated Outdoor Refreshment Area Designation Form” shall be submitted to the Huntingburg Planning and Building Department for approval by the Board of Works prior to:
 - a. A Designated Permittee expanding their operations into the Area outside of their designated outdoor patio area;
 - b. An Approved Vendor, either by this Ordinance or future Resolution, requesting a temporary permit to serve in the Area;

- c. Any Organization holding a special event in the Area with a Vendor requesting a temporary permit to serve.
12. A Vendor's location may be at any designated area within the Market Street Park Vendor Area in the Downtown Designated Outdoor Refreshment Area as shown on Exhibit "A", subject to approval of the Special Event Permit and State Form by the City of Huntingburg Board of Public Works and Safety, and issuance of the appropriate permit by the Indiana Alcohol and Tobacco Commission.
13. Business Participation:
 - a. 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. Any such establishment shall post a conspicuous notice of such prohibition at the entrances to such establishment.
 - b. The City of Huntingburg 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 Designated Outdoor Refreshment Area in those spaces, except for the City of Huntingburg Police Department in the exercise of its law enforcement duties.
14. Upon receipt of "refreshment area designation" from the Indiana Alcohol Commission the Designated Permittee as defined by Indiana Code 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 City of Huntingburg as provided by Indiana Code 7.1-3-31-15. Failure to remove said enclosures within seventy-two (72) hours notice from the City shall result in a fine in accordance with §10.99.
15. 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 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:
 - i. Beer or flavored malt beverage of not 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.
16. A sign, as required by Indiana Code 7.1-3-31-16, and attached hereto as Exhibit “D” must be posted at each exit of a Designated Permittee and on the licensed premises of a Vendor.
 17. Glass containers may only be allowed in a Designated Permittee’s Outdoor dining area and may not be removed into the Downtown Designated Outdoor Refreshment Area.
 18. 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 Designated Outdoor Refreshment Area.

This Ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and publication as required by law.

PASSED BY THE COMMON COUNCIL OF THE CITY OF HUNTINGBURG,
 INDIANA, THIS 19th DAY OF December, 2023, BY THE FOLLOWING VOTE:

	Nay	Aye		Abstain	Absent
	___	<u> X </u>	Glen E. Kissling	___	___
	___	<u> X </u>	Jeffrey L. Bounds	___	___
	___	___	Stephen C. McPherron	___	<u> X </u>
	___	<u> X </u>	Jose Dubon	___	___
	___	<u> X </u>	Timothy W. Wehr	___	___
TOTAL:	0	4		0	1

COMMON COUNCIL OF THE
CITY OF HUNTINGBURG, INDIANA

By: Steve Schweighofer
Presiding Officer

ATTEST:

Thomas A. Dippel
Thomas A. Dippel, Clerk-Treasurer

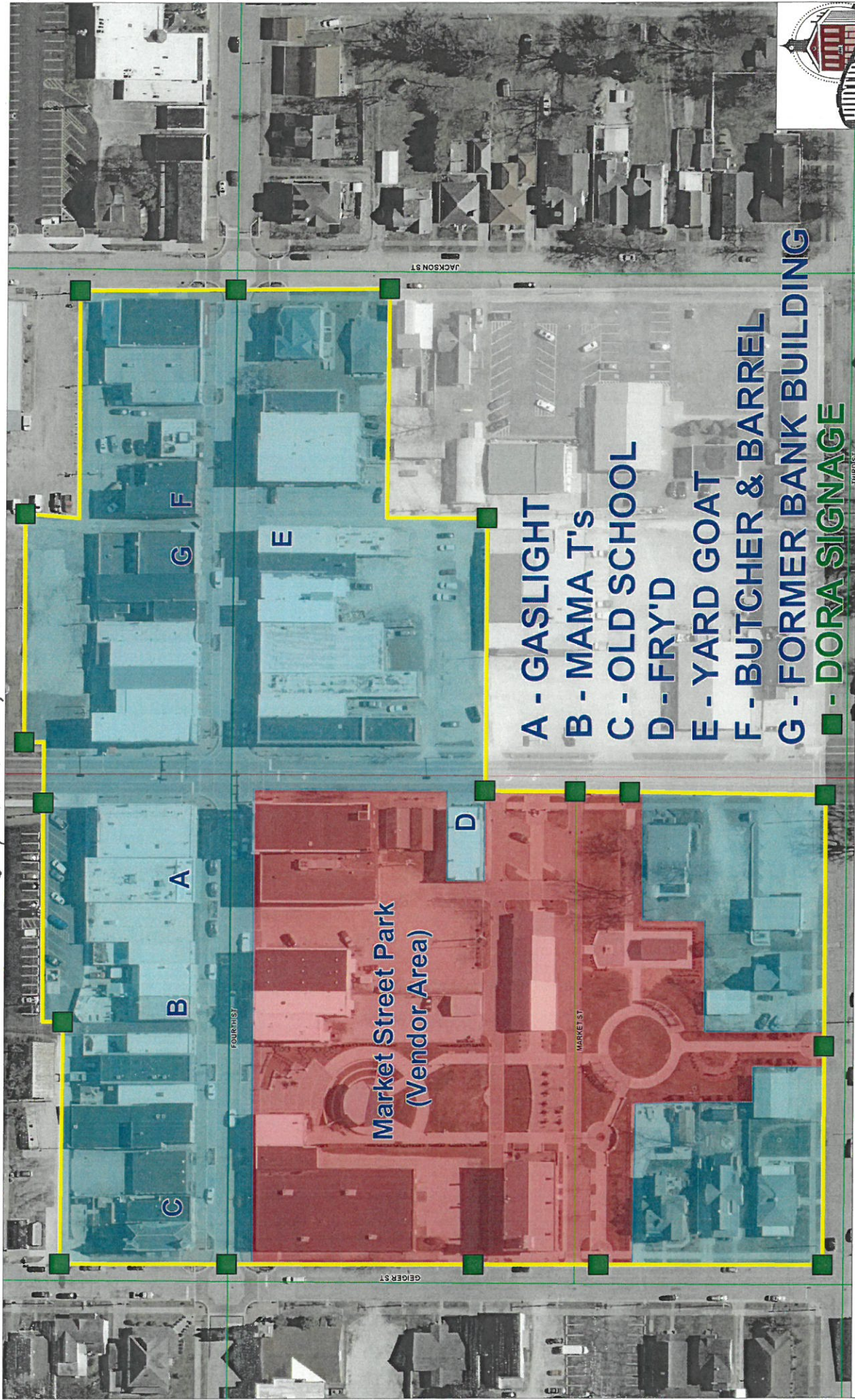
Presented by me, the undersigned Clerk-Treasurer of the City of Huntingburg, to the
Mayor of said City for his approval on the 19 day of December, 2023.

Thomas A. Dippel
Thomas A. Dippel, Clerk-Treasurer

Approved by me, the undersigned Mayor of said City on the 19 day of December,
2023, at 6:00 o'clock P.M.

Steve Schweighofer
Mayor

EXHIBIT A



- A - GASLIGHT
- B - MAMA T'S
- C - OLD SCHOOL
- D - FRY'D
- E - YARD GOAT
- F - BUTCHER & BARREL
- G - FORMER BANK BUILDING
- - DORA SIGNAGE

Market Street Park
(Vendor Area)

CITY OF HUNTINGBURG - DORA AREA

EXHIBIT A

EXHIBIT B



EXHIBIT B (CONTINUED)

• BOUNDARY •

DORA

DESIGNATED • OUTDOOR • REFRESHMENT • AREA

— HUNTINGBURG —

NO ALCOHOLIC BEVERAGES
BEYOND THIS POINT!

Special Event Application

Event Name _____

Event Date _____

Event Location _____

Organization _____

Organization Type (Please Check)

- Charity
- Non-Profit
- Public
- Private
- Faith-Based
- Other (Please Specify): _____



Community Development Department

Justin Reed, Programs & Events Manager

508 E 4th Street PO Box 10

Huntingburg, IN 47542

General Information:

- The application and supporting documentation must be submitted at least 30 days prior to the event date.
- The Board of Public Works & Safety meeting takes place on the first Thursday of the month at 8:30 a.m. at Huntingburg City Hall.
- The Park Board meeting takes place on the third Monday of the month at 4:00 p.m. at Old Town Hall.
- A representative from the requesting organization must be present at the meeting to make the event request.
- A meeting with City Departments (coordinated through the Community Development Office) must be held at least 14 days prior to event.
- It is the responsibility of the applicant to contact the Dubois County Emergency Management for Emergency Action Plan approval.

Applicant Name _____

Title _____

Address _____

City _____ State _____ Zip _____

Phone _____

Email _____

Event Website _____

Event Social Media _____

Insurance Provider _____

ADMINISTRATIVE USE

Approved By (Check All That Apply)

- Board of Public Works
- Parks & Recreation Board

Approval Date _____

Date Submitted _____

Internal Meeting Date Scheduled

Date _____ Time _____

Board Member Signature _____

Special Event Application

Event Name _____

Event Start Event End

Date _____ Date _____

Time _____ Time _____

Event Set-Up Event Clean-Up

Date _____ Date _____

Time _____ Time _____

Event Type (Check All That Apply)

- Walk/Run - City Streets
- Walk/Run - Park Trails
- Festival
- Parade
- Block Party
- Car Show
- Outdoor Market
- Other (Please Specify): _____

Event Location (Check All That Apply)

- Huntingburg City Park
- Market Street Park
- Niehaus Park
- Northside Park
- Old Town Hall
- Southside Park
- 4th Street Historic District (Walnut St. to Van Buren St.)
- City Streets (fill out location below)

_____ from _____ to _____
street name street address street address

_____ from _____ to _____
street name street address street address

_____ from _____ to _____
street name street address street address

_____ from _____ to _____
street name street address street address

Other (Please Specify) _____

Event Frequency

Annual

- Yes If yes, how many previous occurrences?

- No _____

One Time

- Yes
- No

Other

- Yes If yes, please specify: _____

- No _____

Special Event Application

Event Includes (Check All That Apply)

- Port-o-Let Vendor _____
- Trash Pick-Up/ Dumpster Vendor _____
- Food Vendor _____
- Fireworks Vendor _____
- Street Closure(s) Complete on Page 2
- Tent Vendor _____
- Barricades Quantity & Type _____
- Inflatables/Rides Vendor _____
- Security Vendor _____
- Live Entertainment Band Names _____
- Stage Vendor _____
- Sound/Light Vendor _____
- Electricity Requirements Yes No
- Event Info Booth Location _____
- Picnic Tables (City Provided) Number Requested _____
- Additional Requests: _____
- Alcohol Vendor _____

SHELTER HOUSE / ROOM RENTAL REQUEST

- Huntingburg City Park**
 - Main Gazebo
 - East Southeast
 - Southwest
- Market Street Park**
 - German American Pavilion
 - Farmers Market Pavilion
 - Menke Plaza
 - Farbest Foods Commons
 - Fire Pit Start Time _____
End Time _____
- Southside Park**
 - Main Shelter
- Old Town Hall**
 - Upper Room
 - East Room
 - Conference Room
 - Patio
- Northside Park**
 - Shelter House

Attachments

(Please Provide a Copy of All that Apply)

- Insurance
- Event Parade Route
- Event Site Plan
- Alcohol Permit
- Vendor Set-Up/ Clean-Up Plan
- Emergency Action Plan*
- State Event Permit
- Event Logo for Entry Signage Promotion
- City Facility/Shelter House Rental Form**

* Must be signed by Dubois County EMA, Huntingburg Police Chief, Huntingburg Fire Chief, State Fire Marshall
 ** Available from City upon request/ if needed.

EXHIBIT D

DORA BEVERAGES
WELCOME HERE!

DORA



DESIGNATED • OUTDOOR • REFRESHMENT • AREA

— HUNTINGBURG —

Any open container of alcohol purchased within the DORA must remain in the DORA.
Possession of an open container of alcoholic beverage in a motor vehicle
may constitute a Class A infraction under IC§ 9-30-15.