

ORDINANCE 2024-25
OF THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, INDIANA

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

WHEREAS, pursuant to the authority in Ind. Code § 7.1-3-31 *et seq.*, the Town of Zionsville, Indiana (the “Town”), may establish certain Designated Outdoor Refreshment Area(s) (DORA) that will enable people to exit the licensed premises of a designated permittee (as defined in Ind. Code § 7.1-3-31-2) or vendor (as defined in Ind. Code § 7.1-3-31-5) with not more than two (2) open containers of an alcoholic beverage and consume said alcohol within the outdoor refreshment area; and

WHEREAS, the Town has a vibrant downtown area with festivals, concerts, events, shopping and restaurants; and

WHEREAS, the Town desires to further encourage growth and economic prosperity in its downtown and in other areas of the Town; and

WHEREAS, pursuant to Ind. Code § 7.1-3-31-8, the Zionsville Town Council (the “Town Council”) may establish a DORA within the Town by adopting an ordinance establishing a map of the DORA and boundaries of the DORA by street address, the location of the proposed designated permittees and vendors within the DORA, and the signage, dates and hours of operation, and other statutory requirements of participants within the DORA; and

WHEREAS, the Town Council now determines it to be in the best interest of the citizens of the Town to create a DORA in downtown Zionsville, Indiana.

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

Section 1: Recitals. The foregoing Recitals are incorporated herein by this reference.

Section 2: Definitions. All definitions set forth in Ind. Code § 7.1-3-31-1 *et seq.*, as it may be amended from time to time, shall apply to this Ordinance.

Section 3: Establishment of Downtown DORA. Pursuant to Ind. Code § 7.1-3-31-1 *et seq.*, a DORA to be known as the “Downtown DORA” is hereby established in the Town of Zionsville, Indiana within the area depicted on the map attached hereto and incorporated herein by this reference as Exhibit A, and which boundaries are more particularly described in Exhibit B, which is attached hereto and incorporated herein by this reference.

Section 4: Zoning. The Downtown DORA is consistent with the Town's zoning ordinance.

Section 5: Hours and Days of Operation. The hours of operation of the Downtown DORA are January 1st through December 31st, Monday through Saturday from 10:00 a.m., prevailing local time, until 10:00 p.m., prevailing local time, and on Sunday from 12:00 p.m., prevailing local time, until 8:00 p.m., prevailing local time, subject to any restrictions in Ind. Code § 7.1-3-1-14.

Section 6: Designated Permittees and Vendors. Designated Permittees and Vendors may allow a person to exit their premises into the Downtown DORA with not more than two (2) open alcoholic beverages. Designated Permittees and Vendors remain responsible for enforcement of the volumes served and to ensure compliance with state law and this Ordinance. The maximum fill limits for an alcoholic beverage being sold for consumption within the Downtown DORA are as follows:

- (1) Beer or flavored malt beverages: up to sixteen (16) ounces.
- (2) Wine, cider, or a premixed cocktail: up to twelve (12) ounces.
- (3) Liquor or a liquor-based cocktail: up to ten (10) ounces, including up to two (2) ounces of liquor.

A person may consume an alcoholic beverage purchased from a Designated Permittee or Vendor anywhere within the DORA, subject to the right of any Designated Permittee or Vendor or Business to refuse to allow individuals to enter the licensed premises or business with an alcoholic beverage. Designated Permittees and Vendors remain responsible for enforcement of the volumes served and to ensure compliance with state law and regulations of their permits. Nothing herein prohibits a business or establishment, including a Designated Permittee or Vendor or Business from prohibiting open containers of alcoholic beverages to enter its establishment or premises nor from prohibiting food or beverages purchased from another establishment to enter its premises.

Section 7: Proposed Designated Permittees. Businesses located at the following locations have submitted interest to the Town in the form of a completed application received by the retailer permittee to participate in the refreshment area as a Designated Permittee pursuant to Ind. Code § 7.1-3-31-9(a)(2) within the Downtown DORA, subject to approval by the Alcohol and Tobacco Commission (“ATC”):

- | | |
|--------------------------------------|-------------------|
| (1) North High Brewing | 75 N Main Street |
| (2) Greeks Pizzeria | 30 N Main Street |
| (3) Hopwood Cellars | 12 E Cedar Street |
| (4) Convivio Italian Artisan Cuisine | 40 S Main Street |

(5) Rush on Main	112 S Main Street
(6) Cobblestone	160 S Main Street
(7) Café Patachou	95 E Pine Street
(8) Zionsville Pizzeria	255 S Main Street
(9) The Friendly Tavern	290 S Main Street
(10) The Scoop	305 S Main Street
(11) Auberge	175 South Main Street
(12) Rosie's Place	10 S Main Street

Section 8: Vendor Petition to ATC. When a Vendor has petitioned the ATC to participate in an event within the Downtown DORA, they may set up in the areas that are depicted in Exhibit C, which is attached hereto and incorporated herein by this reference. Vendors will identify the location of their request per state requirements.

Section 9: Signage. The Town Council hereby adopts the following signage requirements for the Downtown DORA:

(1) The Town Council delegates the duty to design the form and logo of the Downtown DORA signage and distribute said signs to the Designated Permittees and Vendors to the Department of Parks and Recreation.

(2) Signs shall be posted within the Town's right-of-way at all pedestrian entrances and exits to the Downtown DORA to inform the public of the DORA's boundaries. All signs shall be posted in conspicuous locations that will be able to be seen by pedestrians entering or exiting the Downtown DORA. Signs designating the Downtown DORA may be placed as new signs, attached to existing Town signs or directional devices, or be placed as street decals. Additional signage may be installed within the Downtown DORA at the discretion of the Town to be approved by the Mayor or their designee.

(3) All outdoor signs shall be made of all-weather resistant, durable material.

(4) All Designated Permittees and Vendors shall place signs on their premises indicating that they participate in the Downtown DORA. Said signs shall be placed in a conspicuous location at each entrance and exit (double-side printed signs are acceptable) to the

premises, and must contain the following information:

- a. Any open alcoholic beverages and any containers purchased within the Downtown DORA must remain within the Downtown DORA.
- b. Possessing an open container of alcoholic beverage in a motor vehicle may constitute a Class C infraction under Ind. Code § 9-30-15.
- c. The Downtown DORA shall be in effect during the times authorized by this Ordinance.

Section 10: Outdoor Dining Exception. If a Designated Permittee in a DORA includes outdoor dining the following exceptions apply:

- a. The Designated Permittee may serve alcoholic beverages in open containers during the hours of operation and in the areas authorized by the retailer permit; and
- b. Glass containers may be allowed in the outdoor dining areas but may not be removed from those areas into the DORA; and
- c. No fencing or other enclosure of the outdoor dining area is required.

Section 11: Beverage Containers. Designated Permittees and Vendors shall use only DORA-branded plastic cups or DORA-branded stickers placed on non-breakable containers, including but not limited to plastic bottles, aluminum cans or bottles, plastic cups, or paper cups for alcoholic beverages sold to be consumed in the Designated DORA. No glass containers are allowed to be carried into the Designated DORA.

Section 12: Consumption of Beverages Purchased Outside of DORA Prohibited. A person may not consume an alcoholic beverage in public areas of the DORA that was purchased outside of the DORA.

Section 13: Carryout Privileges. The carryout privileges that a Designated Permittee may have within the scope of their ATC permit is not impacted by being located within a DORA. Carryout of sealed original containers may occur, but these containers shall not be opened or consumed in the Downtown DORA.

Section 14: ATC Approval Required. Following ATC approval of the Downtown DORA, a retailer permittee operating in the DORA who wishes to receive a Designated Permittee status must complete the applicable form and obtain approval by signature from the Zionsville Deputy Mayor or their designee. Once signed, the form may be submitted to the ATC as part of the retailer's application process.

Section 15: Temporary Permits. An entity may apply to the relevant Indiana State Excise Police (Excise) district office for a temporary beer and wine permit for operation as a Vendor within the

Downtown DORA to the same extent that they would otherwise be eligible. Additionally, an entity with catering privileges may serve within the Downtown DORA under its catering permit by following normal procedures and submitting a catering authority request form for approval. Prior to submitting the temporary beer and wine permit application or seeking catering approval, such entity must complete the designated Vendor form seeking such vendor status and obtain approval in writing from the Zionsville Deputy Mayor. When submitting a temporary permit application to the Excise district office, the Vendor must include a copy of the Downtown DORA map (which shall include the vendor areas designated by the municipality in its ordinance) and indicate on the map the location where the Vendor will operate.

Section 16: Sanitation Plan. The Town currently has trash bins at most corners within the Downtown DORA and will add trash and recycling receptacles within the area, as needed, with additional monitoring and collection upon evaluation.

Section 17: Town Control Over Sidewalks, Common Public Areas and Public Roads and Streets. The Town maintains full authority and control over the sidewalks and common public areas and public roads and streets regardless of an area's status within a DORA for purposes of enforcement of applicable state and local laws such as, but not including, public intoxication, disturbing the peace, soliciting, open containers in a moving vehicle, maintaining a common nuisance, or other forms of disruptions of the public being able to legally traverse upon sidewalks and in common public areas and on public roads and streets. The Town may temporarily limit the hours of operation of the DORA or temporarily limit areas where open alcoholic beverages are allowed within the DORA.

Section 18: Severability. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of the Ordinance.

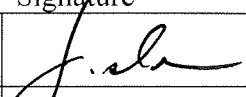
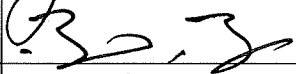
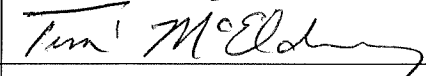
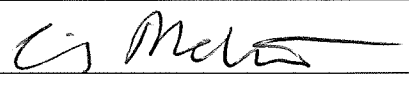
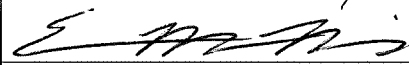
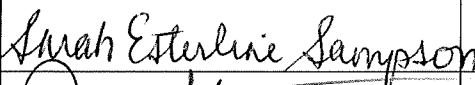
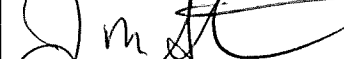
Section 19: Duration and Effective Date. The provisions of this Ordinance shall take effect following the date of its passage and action by the Town Council and the Mayor in the manner prescribed by Reorganization section ZR2A18 and shall remain in full force and effect until amended or repealed by ordinance of the Town Council.

Introduced and filed on the 5th day of September, 2024. A motion to consider on First Reading was sustained by a vote of 4 in favor and 1 opposed, pursuant to Ind. Code § 36-5-2-9.8.

SO ORDAINED, this 21st day of October, 2024, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of 6 in favor and / opposed.

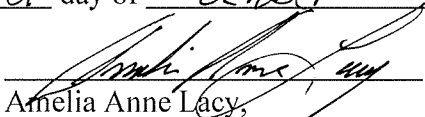
Ordinance 2024-25

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA**

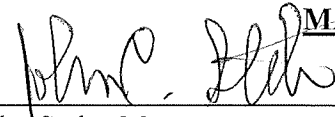
	YEA Signature	NAY Signature
Jason Plunkett, President		
Brad Burk, Vice-President		
Tim McElderry, Member		
Craig Melton, Member		
Evan Norris, Member		
Sarah Esterline Sampson, Member		
Joseph Stein, Member		

I hereby certify that the foregoing Ordinance was delivered to the Town of Zionsville Mayor John Stehr on the 21st day of October, 2024, at 10:30 A.m.

ATTEST:


Amelia Anne Lacy,
Municipal Relations Coordinator

MAYOR'S APPROVAL


John Stehr, Mayor

10-21-2024
Date

This Ordinance was prepared by Jon Oberlander, Chief Legal Counsel, on 10/14/2024 at 2:47 p.m. No subsequent revision to this Ordinance has been reviewed by Mr. Oberlander for legal sufficiency or otherwise.

Exhibit B

Downtown DORA Boundaries

Includes all Right-of-Way within described area

Beginning at the northwest corner of 88 N First St (Parcel 0190542000) thence continuing south along the eastern line of 2nd street to the center of W Hawthorne St, thence continuing west to the northwest corner of 225 W Hawthorne (Parcel 0190000010), thence continuing south to the southern line of W Sycamore St, thence traveling east to the northwest corner of 125 W Sycamore St (Parcel 0191048000), thence continuing south along the western edge of 125 W Sycamore St (Parcel 0191048000), 420 S Main St. (Parcel 0190929000), to the southwestern corner of 620 S Main St. (Parcel 0190733010), thence continuing east to the southeastern edge of 620 S Main St. (Parcel 0190733010), then continuing south along the western edge of S. Main St to the southwestern edge of 10619 Zionsville Rd (Parcel 0191661003), thence continuing along the southern edge of 10619 Zionsville Rd (Parcel 0191661003) to the western line of the intersection of Old 106th St and Dahlia Dr, thence traveling north to the intersection of Dahlia Dr and the northern line of W 106th St, thence traveling east along the north line of 106th St to the western line of the intersection of W 106th St and Creek Way, thence traveling along the western line of Creek Way to the northeastern corner of Creekside Corporate Common Area B (Parcel 0193661002), thence traveling to the northeastern corner of Creekside Corporate Common Area B (Parcel 0193661002), thence traveling west along the northern edge of Creekside Corporate Common Area B (Parcel 0193661002), Creekside Corporate Common Area A (Parcel 0193661001), thence continuing north along the easternmost edge of Creekside Corporate Common Area A (Parcel 0193661001) to the northeastern corner of 11001 East Sycamore Street (Parcel 0191661002), thence traveling west to the northwestern corner of 11001 East Sycamore Street (Parcel 0191661002), thence traveling north along the western edge of Elm St to the northeast corner of 95 E Poplar St (Parcel 0191539000), thence west along the northern edge of E Poplar St to the southeastern edge of 99 N First St (Parcel 0191174000), thence continuing north to the northwest corner of Parcel 0191174000 and west along the northern edge of Parcel 0191174000 to the northwest corner of 88 N First St (Parcel 0190542000).

Exhibit C

Temporary Vendors

Approved temporary vendors may utilize Town of Zionsville or Zionsville Board of Park and Recreation owned and leased properties and right-of-way within the DORA for set up and special event vending. All temporary vendors must be approved by the Town of Zionsville and ATC.