

ORDINANCE 2024-10

AN AMENDMENT TO ORDINANCE 2023-15 OF THE CITY OF TIPTON, INDIANA, ESTABLISHING A DESIGNATED OUTDOOR REFRESHMENT AREA (DORA).

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

WHEREAS, the Council believes it is in the best interest of the City to create a Designated Outdoor Refreshment Area in the City, as authorized by Indiana Code 7.1-3-31 et seq., which Area is shown on the attached map, which is designated as Exhibit "A" and incorporated by reference herein.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TIPTON, INDIANA, THAT:

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

Beginning at the northeast corner of Parcel 80-11-11-535-003.010-002 and following the east and south boundaries of said parcel continuing across S. East St. following the alley located between E. Madison St. and E. Jefferson St. until its intersection with the alley between S. East St. and S.

Independence St.;

hence along said alley until the intersection with E. Madison St.; continuing west along the center of E. Madison St. until its intersection with S. Independence St.;

hence along the west side of S. Independence St. until the southeast corner of Parcel 80-11-11-546-076.000-002;

hence following the south parcel boundary of said parcel and continuing across the alley and following the southern boundary of Parcel 80-11-11-546-075.000-002 to its intersection with S. Main St.;

hence continuing down the east side of S. Main St. until the intersection with South St.; encompassing the entirety of Parcel 80-11-11-539-048.000-002 and continuing down the east side of S. Main St. to the intersection with E. Park Rd.;

hence transitioning across the intersection to the eastern edge of the sidewalk on Parcel 80-11-14-200-001.010-002 following that sidewalk to the southern end of Parcel 80-11-14-200-005.000-002;

hence along the northern boundary of Parcel 80-11-14-200-006.000-002 until that boundary intersects Cicero Creek;

hence following the center of Cicero Creek until it reaches Parcel CI-TY-P-ARK-.-;

hence following the border of said parcel first west and then north until it reaches W. South St.;

hence following the center of W. South St. until its intersection with the alley between S. Conde St. and S. West St.;

hence following said alley until the intersection with W. Jefferson St.;

hence following the southern edge of W. Jefferson St. until its intersection with N. West St.;

hence crossing the intersection to the northern edge of W. Jefferson St. to the southwestern corner of Parcel 80-11-11-511-032.002-002 and following its western boundary continuing along the western boundary of Parcel 80-11-11-511-028.010-002 and Parcel 80-11-11-511-025.002-002 until its intersection with the alley that runs between W. Jefferson St. and W. Washington St.;

hence following the center of said alley until its intersection with the alley that runs between N. West. St. and N. Main St.;

hence following said alley north until its intersection with W. Washington St.;

hence following the southern edge of W. Washington St. until the northwest corner of Parcel 80-11-11-510-030.002-002;

hence following its eastern boundary continuing along the eastern boundary of Parcel 80-11-11-510-033.000-002 and Parcel 80-11-11-510-035.000-002;

hence continuing across E. Jefferson St. to the northeast corner of Parcel 80-11-11-535-003.010-002.

Except all residential property is excluded.

4. The Common Council finds that the City of Tipton's Designated Outdoor Refreshment Area is consistent with the City of Tipton's Zoning Code.
5. The Common Council hereby approves and adopts the required signage shown in Exhibit "B" designating the City of Tipton's Designated Outdoor Refreshment

Area and directs the City to place signage at the boundaries of the Area at the designated locations on Exhibit "A." The City will establish a brand and guidelines for signage for the Designated Outdoor Refreshment Area. Only city authorized signage may be used for DORA purposes. Any signage using the DORA logo or language must include approval of the City and carry its current logo or approval stamp.

6. The Common Council recognizes that additional signage designating the City of Tipton's Designated Outdoor Refreshment Area may be warranted and necessary; and therefore, the City of Tipton 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;
7. The City of Tipton's Designated Outdoor Refreshment Area shall be in effect during the following hours. These hours are subject to amendment by the Common Council due to special events or circumstances.

Sunday – Thursday: 12:00 p.m. to 11:00 p.m.

Friday – Saturday: 10:00 a.m. to 12:00 a.m.

8. The City finds that each of the following retailers are an appropriate Designated Permittee and requests the Indiana Alcohol Commission to issue each a "Refreshment Area Designation" upon submission of their completed application to the City to participate in the Area as a Designated Permittee:
 - a. Urban Homestead, LLC
 - b. TI-ON Inc.
 - c. Wheelies LLC
 - d. The Shack of Tipton, Inc.
 - e. BPO Elks 1012, Inc.
 - f. Middle of Mad, LLC
 - g. 222 Independence, LLC

Any additional-licensed premises located within the Refreshment Area who desire to be designated a "Designated Permittee" and granted a "Refreshment Area Designation" shall submit the "City of Tipton DORA Retailer Application" to the City for approval and recommendation by the Common Council by Resolution. Any designations or permits issued under this section are not assignable or transferrable.

9. Any organization or establishment that desires to be a "Vendor" for the Refreshment Area shall submit a Special Event Permit Application and the State Form Designated Outdoor Refreshment Area Designation Form for each event to the City for approval.
10. A Vendor's location may be at any or all of the vendor designated areas within the Designated Outdoor Refreshment Area as shown on Exhibit "A," subject to approval of the Special Event Permit and State Form.
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. All signage allowing or preventing open containers of alcohol as shown in Exhibit "B" must be in accordance with the guidelines and branding established by the city.

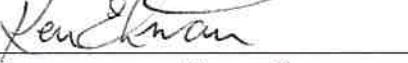
12. The City of Tipton maintains full authority and control over the sidewalks and common area, and no one may prohibit or limit open containers in accordance with Ind. Code 7.1-3-31 within the Designated Outdoor Refreshment Area in those spaces except for the City of Tipton Police Department.
13. Upon receipt of "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 City of Tipton as provided by Ind. Code 7.1-3-31-15.
14. In accordance with Ind. Code 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.
15. 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. Alcoholic beverages must be contained in the designated City of Tipton's Designated Outdoor Refreshment Area cup. 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.
16. As per IC 7.1-3-31-16, all Designated Permittees shall have a sign as shown in Exhibit "B" posted at each exit of a designated permittee and on the licensed premises of a vendor that informs the public of the following:
 - (1) Any open alcoholic beverage containers purchased within the refreshment area must remain within the refreshment area.
 - (2) Possessing an open container of alcoholic beverages in a motor vehicle may constitute a Class C infraction under IC 9-30-15.
 - (3) The dates the refreshment area will be open if the refreshment area has date restrictions.
17. Glass containers may only be allowed in a Designated Permittee's outdoor dining area and may not be removed into the Designated Outdoor Refreshment Area.
18. Ordinance 2023-15 shall be repealed in its entirety and replaced by the instant Ordinance and all other Ordinances or parts of Ordinances in conflict with any provision(s) of this Ordinance as of its effective date, are repealed to the extent of any such conflict, except that no definition contained herein shall in any way

modify or repeal any other definition contained in any other Ordinances of the City of Tipton.

This Ordinance shall be in full force and effective upon passage by the Common Council of the City of Tipton AND upon the date of finalization of the transfer of jurisdictional maintenance from the State of Indiana to the City of Tipton, Indiana and its publications as may be required by law.

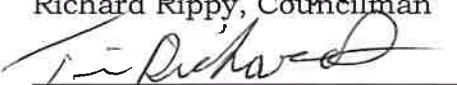
Passed on the 9 day of SEPTEMBER, 2024 on the first reading; and
Adopted this 23 day of SEPTEMBER, 2024 on the second and final reading.


Nathan Kring, Council President

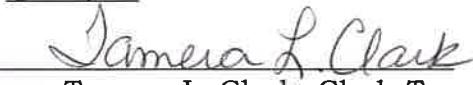

Ken Ehman, Councilman


Rich Vautaw, Councilman

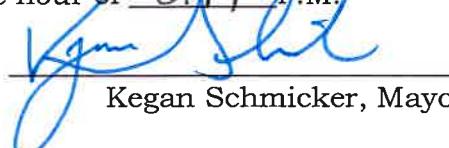

Richard Rippy, Councilman


Tim Richards, Councilman

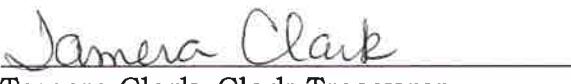
Presented by me, Tamera L. Clark to the Mayor of the City of Tipton, on the 23 day of SEPTEMBER, 2024 at the hour of 6:14 P.M.


Tamera L. Clark, Clerk-Treasurer

This ordinance is hereby APPROVED by me, Kegan Schmicker, on the 23 day of SEPTEMBER, 2024 at the hour of 6:14 P.M.


Kegan Schmicker, Mayor

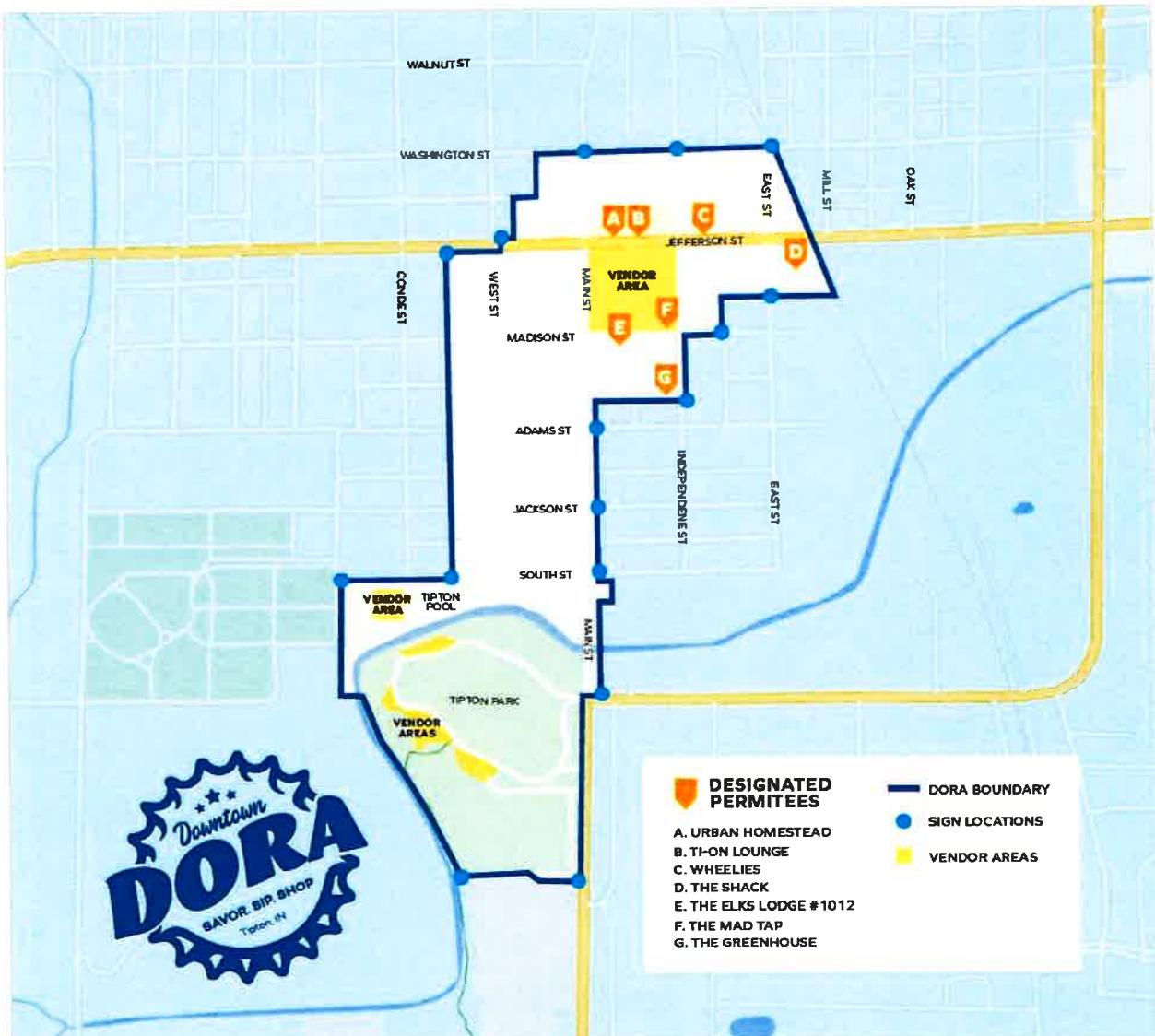
Attest:


Tamera Clark, Clerk-Treasurer

This Instrument Was Prepared By:

Matthew B. Quigley
City of Tipton, Attorney
117 North Main Street
Tipton, Indiana 46072
Attorney, No. 23099-49

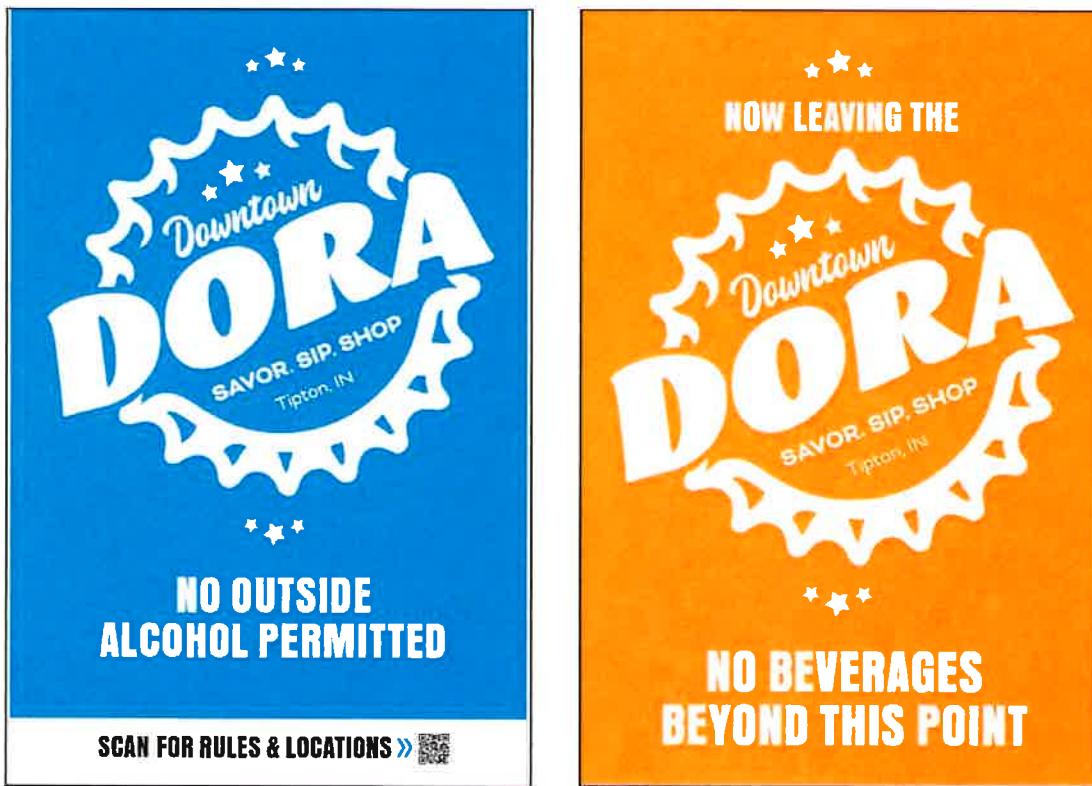
EXHIBIT "A"



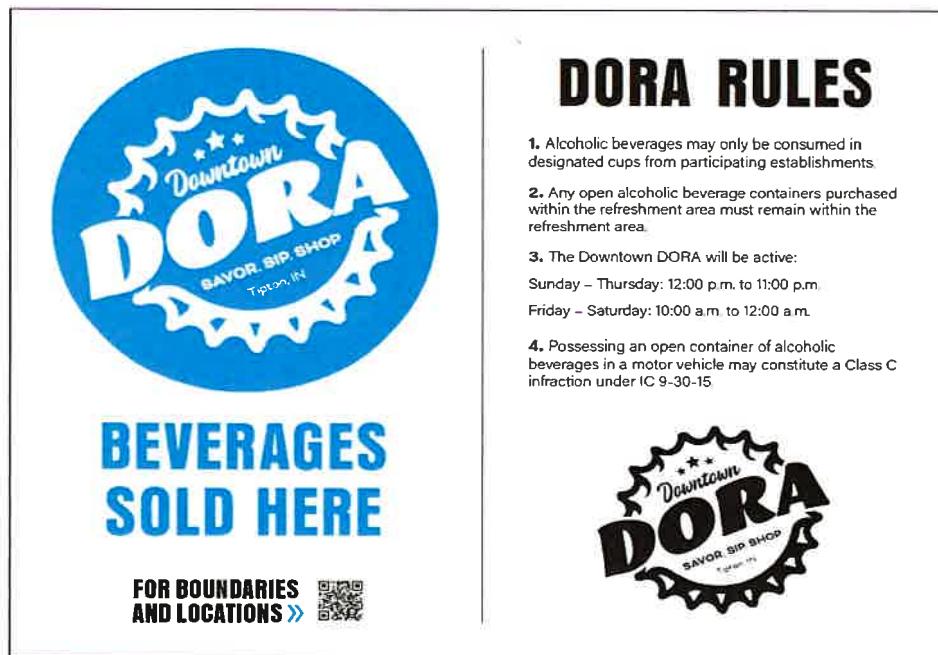
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EXHIBIT "B"

Boundary Signage



Designated Permittee/Vendor Signage



Open Container Signage



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