

ORDINANCE NO. 2024-05

**AN ORDINANCE ESTABLISHING
A DESIGNATED OUTDOOR REFRESHMENT AREA**

A. Indiana Code § 7.1-3-31 (“DORA Statute”) allows a municipality to create, by ordinance, a designated outdoor refreshment area (“DORA”) in which retailer permittees (i.e., restaurants and businesses that sell alcohol for on-premises consumption) and temporary permittees located in the DORA to allow persons who are at least 21 years of age to leave their premises with open containers of alcoholic beverages and consume those beverages within the boundaries of the DORA.

B. The creation of DORAs can facilitate economic development and benefit the municipality by creating an inviting atmosphere for visitors to patronize restaurants and other businesses within the DORA, whether during regular business hours or as part of a festival or special event.

C. The City of Boonville (“City”) has a thriving number of restaurants, local businesses, events, and festivals that would benefit from the creation of a DORA.

D. The Common Council of the City of Boonville (“Council”) desires to establish a DORA in accordance with Indiana law and pursuant to the terms of this ordinance.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Council as follows:

SECTION 1. Creation of the DORA, Map, and Zoning. Boonville DORA #1 is hereby created within the boundaries shown on the map attached hereto as Exhibit A, which is consistent with the City’s zoning ordinance.

SECTION 2. Boundaries of the DORA. The following streets and address constitute the boundaries of the Boonville DORA #1:

1. Sycamore St. East from 1st St. to 3rd St. (38°03'03"N 87°16'36"W - 38°03'03"N 87°16'27"W) including the parking area of 202 N. Third Street.
2. 3rd St. South from Sycamore St. to Main St. (38°03'03"N 87°16'27"W - 38°02'56"N 87°16'27"W) including the parking area of 120 N. Third Street
3. Main St. East from 3rd St. to 4th St. (38°02'56"N 87°16'27"W - 38°02'59"N 87°16'23"W) including the parking area
4. 4th St. South from Main to Locust St. (38°02'59"N 87°16'23"W - 38°02'56"N 87°16'23"W)
5. Locust St. West from 4th St. to 3rd St. (38°02'56"N 87°16'23"W - 38°02'56"N 87°16'27"W)
6. 3rd St. South from Locust St. to Walnut St. (38°02'56"N 87°16'27"W - 38°02'52"N 87°16'27"W) including the parking area at 226 S. Third St.
7. Walnut St. West from 3rd St to 1st St. (38°02'52"N 87°16'27"W - 38°02'53"N 87°16'36"W) including the property at 217 S. First Street.
8. 1st St. North from Walnut St. to Sycamore St. (38°02'53"N 87°16'36"W - 38°03'03"N 87°16'36"W) including the parking area at 224 W. Main St.

SECTION 3. Location(s) of Designated Permittees and Proposed Vendors. The Designated Permittees and Vendors, as those terms are defined by Indiana Code §§ 7.1-3-31-2 and -5, respectively, are as follows:

1. Boonville Elks Lodge #1180 – 134 N. 3rd St., Boonville, IN 47601 (RC8700452)
2. KCCB Partners LLC d/b/a 3rd Street Saloon – 118 S. 3rd Street, Boonville, IN 47601 (RR8736862)
3. Stoner's Grill LLC d/b/a Stoner's Grill – 219 S. 3rd St., Boonville, IN 47601 (RR8739189)
4. Trickey's Brews and Bevs LLC d/b/a Trickey's Brews and Bevs – 120 W. Locust St., Boonville, IN 47601 (RR8738832)
5. Bluff City BBQ LLC d/b/a Commander's Grill – 118 W. Locust St., Boonville, IN 47601 (RR8733933)
6. Baxter Ellis, Inc. d/b/a Yesterdaze – 101 S. 2nd St., Boonville, IN 47601 (RR8700610)

SECTION 4. Signage. Each Designated Permittee and Vendor shall post at each exit of their respective premises a sign provided by the City. In addition, the City shall also ensure signs are posted within the DORA, as well as at the locations indicated on the boundary map – approximately ____ signs total.

SECTION 5. Dates and Hours of Operation. The DORA shall only be operational during the following dates and times:

Monday – Thursday – 10:00A – 10:00P local time
Friday – Sunday – 10:00A – 1:00A local time

SECTION 6. Glass Containers Prohibited. No Designated Permittee or Vendor within the DORA shall permit glass containers to be taken from their licensed premises, as shown on the floor plan approved by the Indiana State Excise Police.

Specially branded/logo cups or containers are to be used by the designated permittee or vendor for “to-go” drinks.

SECTION 7. Public Safety Plan. In the event of an emergency, as determined by the Chief of Police, or other authorized City or State official, the following public safety plan shall apply:

The DORA shall be closed immediately, and all “to-go” drinks should be finished immediately or thrown away, as determined by the Chief of Police, or other authorized City or State official.

SECTION 8. Sanitation Plan. The following sanitation plan shall be in effect for the DORA:

All cups or drink containers should be disposed of properly in designated trash receptacles located within the DORA or in waste containers designated for that purpose.

SECTION 9. If any provision in this Ordinance is declared invalid, the remaining provisions of the Ordinance shall remain in full force and effect.

SECTION 10. Any ordinances or provisions thereof that are inconsistent with this Ordinance are hereby superseded.

SECTION 11. This Ordinance shall be in full force and effect from and after its passage and subject to the approval of the Indiana Alcohol & Tobacco Commission.

INTRODUCED on July 2nd, 2024, and passed by the Common Council of the City of Boonville, Indiana, by a vote of 5 to 0, on this 2nd day of July, 2024.

COMMON COUNCIL OF THE CITY OF
BOONVILLE, INDIANA

Michael Welsh
Presiding Officer

ATTEST: Tammy Winsett Boruff
TAMMY WINSETT BORUFF
Clerk-Treasurer

Presented by me to the Mayor of the City of Boonville this 2nd day of July, 2024, at 4:44 pm
m.

Tammy Winsett Boruff
TAMMY WINSETT BORUFF
Clerk-Treasurer

Signed and approved by me, the Mayor of the City of Boonville, on this 2nd day of July, 2024 at
4:42 pm.

Charles R. Wyatt
CHARLES R. WYATT, Mayor
City of Boonville

EXHIBIT A

