

EXHIBIT B – City of Gas City Downtown DORA Area Boundary Signage



Ordinance No. 10-2024

**AN ORDINANCE OF THE CITY OF GAS CITY, INDIANA,  
ESTABLISHING A DESIGNATED OUTDOOR REFRESHMENT AREA**

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

WHEREAS, the City of Gas City (the "City" or "Gas City") wishes to encourage growth and economic prosperity in its downtown and in other areas of the city, and;

WHEREAS, the Common Council (the "Council") of the City of Gas City, Indiana deems it desirable and in the best interest of the City to provide and establish a DORA;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Gas City, Indiana, as follows:

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

*Beginning at the intersection of the north Right-of-Way line of Main Street (SR 22/US 35) and the west Right-of-Way line of North 3<sup>rd</sup> Street; thence north to the south Right-of-Way line of North A Street; thence west to the west Right-of-Way line of Harrisburg Avenue; thence south to the north Right-of-Way line of Main Street (SR 22/US 35); thence west to the east Right-of-Way line of the railroad; thence south to the south Right-of-Way line of Main Street (SR 22/US 35); thence east to the west Right-of-Way line of Harrisburg Avenue; thence south to the north Right-of-Way line of South A Street; thence east to the west Right-of-Way line of North 3<sup>rd</sup> Street; thence north to the Place of Beginning; ALSO, the properties located at 105 N Harrisburg Avenue and 306 W Main Street.*

Except all residential properties are excluded.

4. The Gas City Downtown DORA boundary streets are as follows:
  - a. To the North, North A Street
  - b. To the East, 3<sup>rd</sup> Street
  - c. To the South, South A Street
  - d. To the West, Railroad
5. The Council finds that the Gas City Downtown DORA is consistent with the City's Zoning Code.

6. The Council hereby approves and adopts the minimum signage designating the City of Gas City Downtown DORA 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 Council recognizes that additional signage designating the City of Gas City Downtown DORA Area may be warranted and necessary, and Exhibit "A" and Exhibit "B" are only minimum standards and therefore, the City's Board of Public Works & Safety is hereby authorized and granted full authority to increase the number or change the type of signage subject to the standards set forth in the effective zoning ordinance.
8. The City of Gas City Downtown DORA shall be in effect during all authorized times pursuant to IC 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. River Rat Properties, LLC, 512 E Main Street, Gas City, Indiana 46933
  - b. BKLKB, LLC, 135 E Main Street, Gas City, Indiana 46933

Any additional licensed premises located within the Downtown DORA who desires to be designated as a "Designated Permittee" and granted a "Refreshment Area Designation" shall submit an application to the City for approval and recommendation by the Council by Resolution.
10. The locations of the "Designated Permittees" identified in Paragraph 9 have been identified on Exhibit "A".
11. The City of Gas City Board of Public Works & Safety has adopted the City of Gas City Special Event Permit Application which is incorporated 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 City of Gas City Planning & Zoning Department for approval by the Board of Public Works & Safety prior to:
  - a. A "Designated Permittee" expanding their operations into the Area outside of the designated outdoor patio area;
  - b. An "Approved Vendor" either by this Ordinance or by 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 Downtown DORA Area as shown on Exhibit "A", subject to approval of the Special Event Permit and State Form by the City of Gas City Board of Public Works & 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 Gas City maintains full authority and control over the sidewalks and common area and no one may prohibit or limit open containers in accordance with IC 7.1-3-31 within the DORA Area in those spaces, except for the City of Gas City Police Department or another law enforcement agency 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 rights-of-way of the City of Gas City as provided by IC 7.1-3-31-15. Failure to remove said enclosures within seventy-two (72) hours notice shall result in a fine in accordance with Gas City Code.

**15. In accordance with IC 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 licenses 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 IC 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 DORA 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 DORA Area.

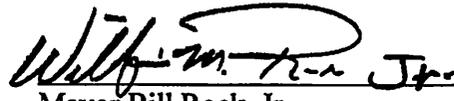
This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Gas City, approval by the Mayor, and publication as required by law.

Introduced on 5-21, 2024, and adopted by the Common Council of the City of Gas City, Indiana, on 6-4, 2024, by a vote of 5 in favor and 0 against.

COMMON COUNCIL OF THE CITY  
OF GAS CITY, INDIANA

  
\_\_\_\_\_  
, President

This Ordinance is approved and signed by me, the Mayor of the City of Gas City, Indiana, on this 4th day of June, 2024, at the hour of 6:30 pm.

  
\_\_\_\_\_  
Mayor Bill Rock, Jr.

ATTEST:

  
\_\_\_\_\_

Karen Wood, Clerk-Treasurer  
City of Gas City, Indiana

This Ordinance prepared by:

David Glickfield  
Glickfield & Meeks  
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Marion, Indiana 46952