

ORDINANCE NO. 13-2025

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

WHEREAS, the Common Council (the "Council") of City of Rensselaer (the "City"), pursuant to IC 7.1-3-31, may establish a designated outdoor refreshment area ("DORA"); and

WHEREAS, the City has a vibrant core with many entertainment venues, restaurants, public walkways, squares, and green spaces; and

WHEREAS, the City's downtown core hosts a multitude of public events and festivals including Little Cousin Jasper Festival, Oktoberfest, Farmers Markets, Art in the Alley and others; and

WHEREAS, the Council wishes to continue its support for the downtown core's vitality and encourage its growth and prosperity, while ensuring the DORA is administered in an orderly, safe, and inviting fashion in accordance with all state and local laws, rules, and regulations; and

WHEREAS; the Council analyzed the location of the proposed DORA and determined it to be consistent with the economic development pattern for the area and the City's 2023 Comprehensive Plan; and

WHEREAS; the Council believes it is in the best interest of its residents and businesses to establish a DORA in the City's downtown core; and

WHEREAS; the Truth Bible Church, Inc holds regular services at 116 S Van Rensselaer St, which is within the boundaries of the DORA, has provided the written approval of the DORA citing no objects, attached as Exhibit C, pursuant to IC 7.1-3-21-11; and

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

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

Section 2. Definitions. All definitions in IC 7.1-3-31, as amended, shall apply to this Ordinance.

Section 3. Establishment of DORA. The Council establishes a DORA to be known as the "Main Street DORA" (the "DORA") pursuant to IC 7.1-3-31, and consist with all applicable state and local laws, rules, and regulations.

Section 4. Map and Boundaries. The DORA shall comprise the area identified and depicted in the DORA map, which is attached hereto as Exhibit A, with boundaries described in the attached Exhibit B. Exhibits are fully incorporated herein by this reference and may be amended from time to time. The Council delegates the duty to the City's Board of Public Works and Safety (the "BPWS") to finalize the map by depicting designated permittees and their respective locations on the map.

Section 5. Signage. The Council hereby adopts the following signage requirements for the DORA.

(1) The Council hereby delegates the duty to design the form and logo of the DORA signage, and distribute said signs to the Designated Permittees, Vendors, and participating businesses to the BPWS.

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- (2) Signs shall be posted in the City's right-of-way, at all pedestrian entrances and exits to the DORA to inform the public of the DORA's boundaries. All signs shall be posted in conspicuous locations, able to be seen by the pedestrians entering or exiting the DORA. Signs designating the DORA may be placed as new signs, attached to existing City signs or directional devices, or be placed as street decals. In addition to signs designating the DORA's boundaries, informational signs shall be installed at the busiest pedestrian entrances. At a minimum, such informational signs shall contain information or a QR code directing to information regarding the DORA's hours of operation, the DORA's map, the list of participating Designated Permittees, and a statement that no outside alcoholic beverages are allowed within the DORA. The BPWS shall approve modifications to the original signage design or information contained therein.
- (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 are an approved participant in the DORA. Additionally, Designated Permittees and participating businesses shall also indicate whether a person may enter the premises with an open container of alcohol. 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 containers purchased within the DORA must remain within the DORA.
 - (b) Possessing an open container of alcoholic beverage in a motor vehicle may constitute a Class C infraction under IC 9-30-15.
 - (c) The DORA shall be in effect during all authorized times pursuant to IC 7.1-3-1-14, as amended.

Section 6. Times of Operation. The DORA will be operational seven days a week, year-round. The hours of operation will be between 11:00 AM and 11:00 PM.

The BPWS or Council may modify the above times of operation during certain holidays or specific events by adopting a resolution to that extent.

Section 7. Special Events. Vendors shall only be permitted in the DORA during a special event that has first been approved by the Indiana Alcohol and Tobacco Commission and the Chief of Police.

Section 8. DORA Containers.

- (1) Designated Permittees shall only use containers with the DORA label sticker or the to-go orders of alcoholic beverages. No glass containers may be used for to-go orders of alcoholic beverages. The Council hereby delegates the duty to design the form and logo of the DORA container label sticker to the BPWS. The Council hereby authorizes the Mayor, or his designee(s), to create and distribute the DORA label sticker to the Designated Permittees.
- (2) Vendors shall only use containers that have been approved by the Chief of Police for the special event. The Chief of Police may restrict the color of the container, allow the use of aluminum containers, require the issuance of approved wrist bands, or any other requirement they deem appropriate for the safety of an event.

Section 9. Drink Limitations. A Designated Permittee or Vendor may allow a person to exit their premises with an alcoholic beverage pursuant to IC 7.1-3-31-12, as amended.

Section 10. Prohibited Beverages. A person may not consume an alcoholic beverage within public areas of the DORA that was acquired outside of the DORA.

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Section 11. Carryout Privileges. The carryout privileges that a Designated Permittee may have in their scope of permit approved by the Alcohol and Tobacco Commission is not impacted in this ordinance.

Section 12. Designated Permittees. Business located at the following locations, that may be updated before submission to the Alcohol and Tobacco Commission, have submitted applications to the City to participate as Designated Permittees within the DORA, subject to approval by the Alcohol and Tobacco Commission:

- (1) Embers, LLC, 230 W Washington St, Rensselaer, IN 47978
- (2) Fenwicks Brewing Company, LLC, 219 W Washington St, Rensselaer, IN 47978
- (3) Aydas Mexican Cuisine, LLC, 208 S Van Rensselaer St, Rensselaer, IN 47978
- (4) Fraternal Order of Eagles #2548, 220 W Harrison St, Rensselaer, IN 49798
- (5) Mt Hood Pizza & Grill, Inc, 305 N College Ave, Rensselaer, IN 47978

Section 13. Additional Designated Permittees. Any additional business located within the DORA that wishes to become a Designated Permittee shall submit an application attached hereto to the BPWS for approval. Once approved, the applicant may proceed to apply for the Designated Permittee status with the Alcohol and Tobacco Commission.

Section 14. Vendor Permittees. 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 DORA to the same extent that they would otherwise be eligible. Additionally, an entity with catering privileges may serve within the 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 designation Vendor Form attached hereto seeking such vendor status and obtain approval in writing from the BPWS.

Section 15. Fines. A violation of any section of this Ordinance shall carry a fine as prescribed below, payable to the City's Violations Bureau. Money collected from fines shall be deposited into Fund 2228 Local Law Enforcement Continuing Education.

- (1) Designated Permittee or Vendor Violation - \$250 per offense
- (2) All other violations within the same calendar year:
 - (a) 1st offense - \$50
 - (b) 2nd offense - \$100
 - (c) 3rd offense - \$150
 - (d) Subsequent offenses - \$250

Section 16. If any portion of this Ordinance is for any reason declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of the same can be given the same effect.

Section 17. This Ordinance shall be in full force and effect from and after the date on which all of the following have occurred:

- (1) The Common Council has passed this ordinance; and
- (2) The Mayor has approved this ordinance; and
- (3) The Indiana Alcohol and Tobacco Commission has approved this ordinance; and
- (4) Publication of its adoption, pursuant to IC 36-6-4-14(b).

ORDINANCE NO. 13-2025

PASSED by the Common Council of the City of Rensselaer, Indiana on this 25 day of August, 2025.

AYES

NAYES

Kevin M Arnold

Kevin M Arnold

Kevin M Arnold

Noelle Weishaar

Noelle Weishaar

Noelle Weishaar

Jeff Rayburn

Jeff Rayburn

Jeff Rayburn

Ernest Watson, Jr.

Russel C Overton

Russel C Overton

Ernest Watson, Jr.

Russel C Overton

ATTEST:

Shelby E. Keys

Shelby E. Keys, Clerk-Treasurer

Presented by me to the Mayor of the City of Rensselaer, Indiana on this 25 day of August, 2025.

Shelby E. Keys

Shelby E. Keys, Clerk-Treasurer

Approved by me, Mayor of the City of Rensselaer, Indiana on this 11 day of August, 2025.

Jeffrey S Phillips

Jeffrey S Phillips, Mayor

ATTEST:

Shelby E. Keys

Shelby E. Keys, Clerk-Treasurer