

# COMMON COUNCIL OF RISING SUN, INDIANA

## ORDINANCE 2025- 6

### AN ORDINANCE ESTABLISHING A DESIGNATED OUTDOOR REFRESHMENT AREA

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

**WHEREAS**, the Common Council believes it is in the best interest of the City to create a Designated Outdoor Refreshment Area in the City's downtown, 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 Rising Sun, Indiana, that a new Chapter shall be added to the Code of Ordinances of the City of Rising Sun, Indiana to read as follows:

#### **TITLE XI: BUSINESS REGULATIONS** **Chapter 117. Designated Outdoor Refreshment Areas**

##### **§ 117.01 Incorporation of State Law**

All requirements and definitions found in Indiana Code § 7.1-3-31 *et seq.*, as the same may be amended from time to time, shall apply throughout this Chapter and are incorporated herein by reference. If there exists a conflict between the Indiana Code and this Chapter, the provisions found in the Indiana Code shall govern.

##### **§ 117.02 Total Designated Outdoor Refreshment Areas**

The City of Rising Sun (the "City") does hereby authorize the establishment of a Designated Outdoor Refreshment Area ("DORA"), as described and detailed herein, with the potential to establish a total of seven (7) DORAs in and throughout the City, as permitted by State law, at a point in the future as may be determined by the Common Council.

##### **§ 117.03 Amendment or Revocation of DORAs**

The City may, at any time, by subsequent Ordinance of the Common Council, amend or revoke a DORA, individually, or all DORAs in their entirety.

**§ 117.04      Downtown DORA Boundary**

The downtown area depicted in Exhibit “A”, attached to the Ordinance creating this Chapter and incorporated herein by reference, is designated as the Downtown Rising Sun Designated Outdoor Refreshment Area (the “Downtown DORA”). The boundaries of the Downtown DORA by intersections and direction are as follows:

*Beginning at the intersection of Second Street and an unnamed alleyway (running between Poplar and Walnut Streets) (Border Point #1) and moving Southeasterly to the intersection of Second Street and Short Street (Border Point #2). Moving then Southwesterly to the intersection of Short Street and Maiden Lane (Border Point #3) and then extending Maiden Lane Southeasterly to the City and State limits located on the Ohio River (Border Point #4). Continuing with the City and State limits along the Ohio River Northeasterly to its intersection with the extension of Fifth Street (Border Point #5) and continuing Northwesterly to the intersection of Fifth Street and Short Street (Border Point #6) and then Southwesterly to the intersection of Short Street and Fourth Street (Border Point #8) and then Northwesterly to the intersection of Fourth Street and an unnamed alleyway (running between Poplar and Walnut Streets) (Border Point #8). Finally, from Border Point #8 Southwesterly along said unnamed alleyway to its intersection with Second Street at Border Point #1.*

**§ 117.05      Compliance with Zoning Code**

The Common Council finds that the adoption of the Downtown DORA and/or other DORAs subsequently established are consistent with the City of Rising Sun Zoning Ordinance.

**§ 117.06      DORA Signage and Logo**

(A) The Common Council hereby approves and adopts the signage requirements of Indiana Code § 7.1-3-31 *et seq.* designating the City’s Downtown DORA and said signage shall be placed at the boundaries of the Downtown DORA at common and conspicuous exit locations as required by law. Said signage is attached to the Ordinance creating this Chapter, marked as Exhibit “B”, and is incorporated herein by reference.

(B) The Common Council shall adopt and establish a common brand or logo (the “DORA Logo”) for the Downtown DORA (said logo is attached to the Ordinance creating this Chapter, marked as Exhibit “C”, and is incorporated herein by reference) and other DORAs subsequently established. Any and all private signage utilizing the DORA Logo shall be subject to the approval of the Common Council and shall comply with all applications and fees so determined or required.

(C) All signage posted in furtherance of the Downtown DORA and/or other DORAs subsequently established shall comply with all signage requirements of the City as enumerated in the Code of Ordinance and/or the Zoning Ordinance. However, reasonable accommodations and deference shall be made and afforded to enable and ensure signage which is proper and compliant with Indiana Code § 7.1-3-31 *et seq.*

**§ 117.07 Hours of Operation**

Hours of operation for all DORAs shall be Sunday through Saturday from 10:30 A.M. until closure as required by Indiana Code § 7.1-3-1-14, as the same may be amended from time to time.

**§ 117.08 Designated Permittee.**

(A) Businesses, persons, entities, or organizations which are located within a DORA wishing to continually participate by selling or distributing alcoholic beverages shall be required to complete and submit an application and pay all required costs and/or fees, if any so required, to the City in order to participate in a DORA as a “Designated Permittee”. Once approved by the City, applications shall be sent to the Indiana Alcohol and Tobacco Commission for said Commission’s approval.

(B) Upon approval of the Downtown DORA and each Designated Permittee by the Indiana Alcohol and Tobacco Commission, the Designated Permittees may 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 as provided in Indiana Code § 7.1-3-31-15.

(C) As required by Indiana Code § 7.1-3-31-16, a sign must be 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 DORA must remain within the DORA;
- (2) Possessing an open container of alcoholic beverages in a motor vehicle may constitute a Class C infraction under Indiana Code § 9-30-15; and
- (3) The dates the DORA will be open if the DORA has date restrictions.

**§ 117.09 Proposed Designated Permittees of Downtown DORA**

(A) The proposed and/or potential Designated Permittees of the Downtown DORA, pending each’s interest, application, and approval shall include, but not be necessarily limited to:

- (1) Noah O’Bannon American Legion Post #59, 110 Main Street
- (2) Kings Landing, 143 Main Street
- (3) Mi Jalisco, 147-149 Main Street
- (4) The Courtyard, 133 North Front Street

(B) The City requests that the Indiana Alcohol and Tobacco Commission approve each as a Designated Permittee upon submission of their completed application to the City. Any additional licensed premises located within the Downtown DORA who desire to be designated as

a Designated Permittee shall submit the City's DORA Designated Permittee Application to the City for approval and recommendation by the Common Council.

**§ 117.10      Trash Receptacles**

A Designated Permittee approved by the City and the Indiana Alcohol Tobacco Commission shall continuously maintain a trash receptacle(s) outside of all main entrances to their premises at their sole cost and expense.

**§ 117.11      Special Event Application**

Any business, person, entity, or organization, which is either (a) not a Designated Permittee; or (b) a Designated Permittee wishing to expand operations and service into the DORA beyond its licensed premises, that desires to sell alcoholic beverages during an event, festival, or otherwise within a DORA (both of the foregoing are referred to herein as a "Vendor"), shall submit a Special Event Application and pay all required fees, if any so determined, to the City for review and approval by the Common Council. Prior to submission of the Special Events Application, the Vendor shall provide, as an attachment to the application, copies of the Vendor's (i) Temporary Beer or Wine Permit or their Catering Permit and/or supplement thereto; (ii) Temporary Vendor Designation, both of which may be obtained from the Indiana Alcohol and Tobacco Commission; and (iii) any other required documentation or items so requested. Vendors shall be permitted to establish a location of service and participation anywhere within a DORA which they have elected to participate, subject to review and approval by the Common Council as part of the Special Event Application process.

**§ 117.12      Right of Refusal**

(A) Any business, residence, landlord, building owner, retailer, real property owner, lessee, and/or other establishment located in a DORA may, on a non-discriminatory basis, refuse to allow patrons to enter their premises, building, property, or business with an alcoholic beverage. Any business or premises which elects to exercise a right of refusal or to otherwise deny patrons' entry with alcoholic beverages is recommended to post signage indicating such election; however, such signage shall not be required.

(B) The City maintains full authority and control over sidewalks, streets, parks, and/or other common areas of the City and no person or entity may prohibit or limit open and authorized containers in accordance with Indiana Code § 7.1-3-31 *et seq.* within a DORA in those spaces except for the City elected officials, appointed officials, and/or employees and/or the Ohio County Sheriff's Office.

(C) All Designated Permittees and/or Vendors shall continue to have the right to refuse service to any patron, on a non-discriminatory basis, in their sole discretion in compliance with Indiana law.

### **§ 117.13 Permitted Amounts**

Subject to the provisions of § 117.14, below, all Designated Permittees and/or Vendors shall permit patrons to exit a Designated Permittee's and/or Vendor's 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 amounts:

- (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; and
- (C) A mixed drink of not more than ten (10) ounces which contains not more than two (2) ounces of liquor.

### **§ 117.14 Authorized Containers**

Designated Permittees and/or Vendors shall only permit patrons to exit their premises into a DORA if the alcoholic beverages, as described in § 117.13, above, have been placed into a clear, non-breakable plastic cup that has been affixed with a DORA sticker and the DORA stickers shall be provided to the Designated Permittees by the City. Beverages consumed within a Designated Permittee's and/or Vendor's premises are not required to be in a clear, non-breakable plastic cup. Glass containers are explicitly prohibited from exiting the Designated Permittee's and/or Vendor's premises into the DORA.

### **§ 117.15 Carryout Businesses**

The carryout privileges that a Designated Permittee may have under the scope of the Designated Permittee's other permits or licenses shall not be impacted or otherwise affected by being located within a DORA. Carryout of sealed original containers shall be permitted, but said containers shall not be opened or consumed within a DORA.

### **§ 117.16 Prohibition of Outside Beverages**

Persons may not consume beverages within a DORA which (i) were not purchased from a Designated Permittee and/or Vendor; and/or (ii) which were brought from outside a DORA into the subject DORA.

### **§ 117.17 Revocation of Designated Permittee and/or Vendor Status**

Failure of a Designated Permittee and/or Vendor to comply with this Chapter shall result in an immediate revocation of a Designated Permittee's and/or Vendor's right and ability to participate in a DORA. In such event, the City or its designated department or agent shall deliver or serve notice of such revocation upon the Designated Permittee and/or Vendor. Said revocation shall contain the following: (i) that the revocation shall be immediately effective; (ii) that the Designated Permittee and/or Vendor shall immediately cease their participation in the DORA; and (iii) the basis for the revocation. Said revocation may be appealed to the Common Council

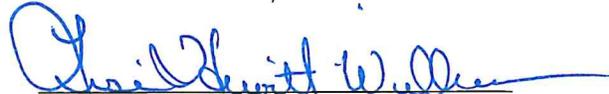
by the Designated Permittee and/or Vendor by providing the Clerk-Treasurer of the City with a request to appear before the Common Council at its next regularly scheduled meeting within ten (10) calendar days of the notice of revocation being delivered or served on the Designated Permittee and/or Vendor. If a revocation is reversed by the Common Council, the Designated Permittee and/or Vendor shall be subject to a fine as outlined in § 117.18, below. The decision of the Common Council regarding such appeal of a revocation shall be final.

**§ 117.18      Violations**

In addition to the revocation outlined in § 117.16, above, any violation of any Section of this Chapter by any Designated Permittee, Vendor, person, business, and the like shall be a Class C infraction punishable by a fine of up to Five Hundred Dollars (\$500.00).

ADOPTED AND PASSED BY THE COMMON COUNCIL OF THE CITY OF RISING SUN, INDIANA THIS THE 3<sup>rd</sup> DAY OF July, 2025.

\_\_\_\_\_  
Don Thomason, Member

  
\_\_\_\_\_  
Lisa Hewitt-Williams, Member

  
\_\_\_\_\_  
Cliff Thies, Member

  
\_\_\_\_\_  
Britt Minks, Member

  
\_\_\_\_\_  
Todd Walton, Member

Presented by me to the Mayor of the City of Rising Sun, Indiana, for his approval and signature this the 3<sup>rd</sup> day of July, 2025.

  
\_\_\_\_\_  
Rae Baker Gipson, Clerk-Treasurer

This Ordinance duly approved and signed by me this the 3<sup>rd</sup> day of July, 2025.

  
\_\_\_\_\_  
Steve Slack, Mayor

ATTEST:

  
\_\_\_\_\_  
Rae Baker Gipson, Clerk-Treasurer

*This Ordinance prepared by: Andrew D. Baudendistel, City Attorney, 60 East High Street, Lawrenceburg, Indiana 47025. Phone: (812) 537-4500. Fax: (812) 539-4500.*

**EXHIBIT “A”**

**DOWNTOWN DORA MAP**

# Downtown Rising Sun DORA

## Downtown Rising Sun DORA

 Downtown Rising Sun DORA

 Boundary Point #1 - Second Street and Unnamed Alleyway

 Boundary Point #2 - Second and Short Streets

 Boundary Point #3 - Short Street and Maiden Lane

 Boundary Point #4 - Extension of Maiden Lane to City/State limits in Ohio River

 Boundary Point #5 - Extension of Fifth Street to City/State limits in Ohio River

 Boundary Point #6 - Fifth and Short Streets

 Boundary Point #7 - Short and Fourth Streets

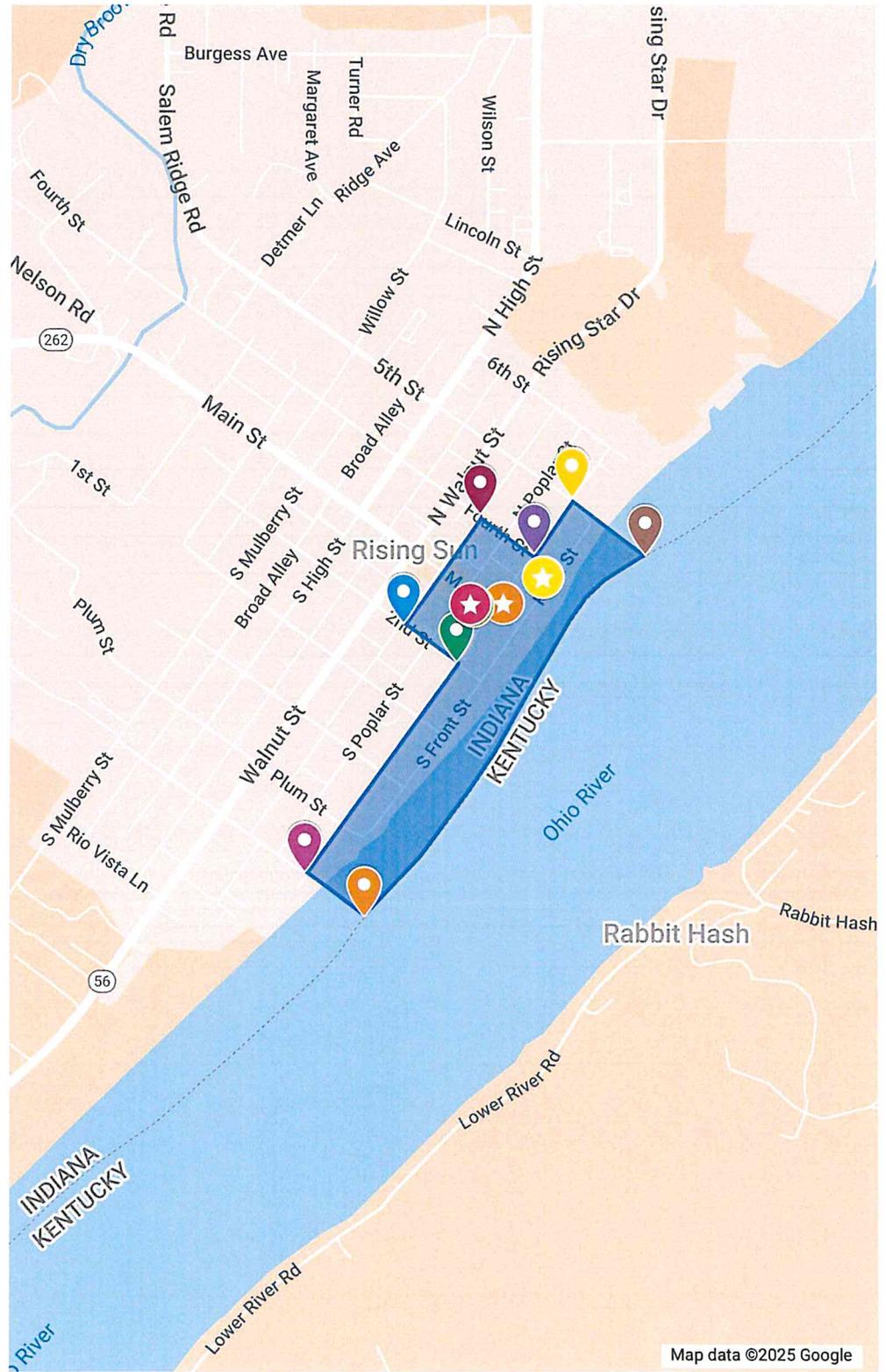
 Boundary Point #8 - Fourth Street and Unnamed Alleyway

 American Legion

 Kings Landing

 Mi Jalisco

 The Courtyard



**EXHIBIT “B”**

**DOWNTOWN DORA  
ENTRANCE AND  
EXIT SIGNS**

**YOU ARE NOW ENTERING THE**

**DOWNTOWN**

**DORA**

**Designated Outdoor Refreshment Area**  
**City of Rising Sun, Indiana**

**NO OUTSIDE ALCOHOL**  
**PERMITTED**  
**INSIDE DORA BOUNDARY**

**[www.cityofrisingsun.com](http://www.cityofrisingsun.com)**

**YOU ARE NOW LEAVING THE**

**DOWNTOWN**

**DORA**

**Designated Outdoor Refreshment Area**  
**City of Rising Sun, Indiana**

**NO ALCOHOL PERMITTED**  
**OUTSIDE DORA BOUNDARY**

**[www.cityofrisingsun.com](http://www.cityofrisingsun.com)**

**EXHIBIT “C”**

**DORA LOGO**

Rising Sun's  
DORA

Designated Outdoor  
Refreshment Area