

ORDINANCE NO. 2023-11-1

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINONA LAKE,
INDIANA, ESTABLISHING A DESIGNATED OUTDOOR REFRESHMENT AREA**

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

WHEREAS, the Town Council believes it is in the best interests of the Town to create a Designated Outdoor Refreshment Area in the Town, as authorized by Indiana Code 7.1-3-31 et seq, which Area is shown on the attached Map- Exhibit A;

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Winona Lake, Indiana, as follows:

1. All definitions in Ind. Code 7.1-3-31 *et seq.* shall apply to this Ordinance.
2. The Town Council hereby adopts the Map of the Town of Winona Lake Village Designated Outdoor Refreshment Area attached hereto as Exhibit A and incorporated herein by reference;
3. That the following area is designated as the Winona Lake Village Designated Outdoor Refreshment Area:

A part of the Northwest and Southwest Quarters of Section 15, Township 32 North, Range 6 East, Wayne Civil Township, Town of Winona Lake, Kosciusko County, Indiana, also being part of the Village at Winona P.U.D. (Planned Unit Development) as recorded in Plat Book 13, page 43 in the Office of the Recorder of Kosciusko County, Indiana, and more particularly described as follows:

Beginning at the Southwest corner of Lot E in said Village at Winona P.U.D.; thence North 87 degrees 56 minutes 36 seconds East (being the basis of all bearings this description), on and along the South line of said Lot E, a distance of 313.44 feet; thence North 03 degrees 15 minutes 42 seconds East, on and along the South line of said Lot E, a distance of 20.06 feet; thence North 87 degrees 55 minutes 56 seconds East, on and along the South line of said Lot E and extension thereof, a distance of 67.36 feet to the West right-of-way line of Park Avenue, also being the Southeast corner of said Lot E; thence North 14 degrees 54 minutes 59 seconds West, on and along said West right-of-way line of Park Avenue and the East line of said Lot E and extension thereof, a distance of 489.11 feet to the centerline of Auditorium Boulevard; thence South 84 degrees 45 minutes 08 seconds West, on and along said centerline of Auditorium Boulevard, a distance of 7.63 feet to an extension of the East line of Lot D in said Village at Winona P.U.D.; thence North 15 degrees 20 minutes 00 seconds West, on and along said extension, said East line of Lot D and said West right-of-way line of Park Avenue, a

distance of 71.58 feet; thence Northwesterly, on and along said West right-of-way line of Park Avenue, said East line of Lot D and the East line of Lot C in said Village at Winona P.U.D., being on a curve to the right, having an arc length of 691.85 feet, a chord length of 689.83 feet, a chord bearing North 07 degrees 44 minutes 37 seconds West, and a radius of 2611.50 feet; thence North 00 degrees 11 minutes 40 seconds West, on and along said West right-of-way line of Park Avenue and the East line of said Lot C, a distance of 200.00 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 100.96 feet to the waters edge of Winona Lake and the West line of Lot C in said Village at Winona P.U.D.; thence South 26 degrees 18 minutes 51 seconds West, on and along said waters edge and said West line of Lot C, a distance of 82.90 feet; thence South 38 degrees 11 minutes 53 seconds West, on and along said waters edge and said West line of Lot C, a distance of 41.69 feet; thence South 80 degrees 54 minutes 43 seconds West, on and along said waters edge and said West line of Lot C, a distance of 6.72 feet; thence South 20 degrees 53 minutes 16 seconds West, on and along said waters edge and said West line of Lot C, a distance of 149.14 feet; thence South 17 degrees 57 minutes 24 seconds West, on and along said waters edge and said West line of Lot C, a distance of 53.56 feet; thence South 05 degrees 14 minutes 39 seconds East, on and along said waters edge and said West line of Lot C and the West line of Lots D and E in said Village at Winona P.U.D., a distance of 1164.68 feet to the Point of Beginning, containing 6.641 acres of land, more or less.

Except all residential property is excluded.

4. The Winona Lake Downtown Designated Outdoor Refreshment Area boundary by streets as follows:
 1. To the west, the canal and lake's water edge;
 2. To the south, the back side of the residential lots along the north side of 12th street;
 3. To the east, the west side of Park Avenue; and
 4. To the north, a line to the north of the entrance to the Boathouse Restaurant entrance off of Park Avenue.

Except all residential property is excluded.

5. The Town Council finds that the Winona Lake Village Outdoor Refreshment Area is consistent with the Town of Winona Lake's Zoning Code.
- 6.
7. The Town Council hereby approves and adopts the minimum signage designating the Town of Winona Lake Downtown Designated Outdoor Refreshment Area attached hereto as Exhibit B and incorporated herein by reference and directs the Town to place the signage at the designated locations on Exhibit C;
8. The Town Council recognizes that additional signage designating the Town of Winona Lake Village Designated Outdoor Refreshment Area may be warranted and

necessary, Exhibit B and C are only minimum standards and therefore the Town of Winona Lake Town Manager is hereby authorized and granted full authority to increase the number or change the type of signage in their sole discretion;

9. Dates and Hours of Operation:

The Town of Winona Lake Village Designated Outdoor Refreshment Area shall be in effect during all authorized times pursuant to Ind. Code 7.1-3-1-14 as amended from time to time by the Indiana General Assembly.

10. The following retailer permittees are recognized as being within the area and the Town finds that each of them is an appropriate Designated Permittee and requests the Indiana Alcohol Commission to issue each a “refreshment area designation:
- a. Port Winona Wine & Market, 807 E Canal St.
 - b. Light Rail Café, 1000 Park Ave.
 - c. Cerulean Restaurant, 1101 E. Canal St.
 - d. Boathouse Restaurant, 700 Park Ave.

Any additional licensed premises located within the Downtown Refreshment Area who desires to be designated as “Designated Permittee” and granted a “refreshment area designation” shall submit an application to the Town for approval and recommendation by the Town Council by Resolution.

11. The Town of Winona Lake Board of Public Works and Safety adopted the Town of Winona Lake Special Event Permit Application which will be prepared. A Special Event Permit Application, including the Exhibit 1 “State Form Designated Outdoor Refreshment Area Designation Form” shall be submitted to the Winona Lake Town Council for approval by the Town Council prior to:
- a. A Designated Permittee expanding their operations into the Area outside of their designated outdoor patio area;
 - b. An Approved Vendor, either by this Ordinance or future Resolution, requesting a temporary permit to serve in the Area; or
 - c. Any Organization holding a special event in the Area with a Vendor requesting a temporary permit to serve.
12. Any establishments that desires to be a “vendor” for the Village Designated Refreshment Area shall submit an application to the Town for approval by the Town Council. Any additional establishments whom desire to be Vendor’s shall submit an application for review and approval by the Town Council by Resolution. This Application must be submitted prior to submission of the Special Event Permit Application required under paragraph 10. Upon approval by the Town Council each additional Special Event Permit and Application shall be submitted to the Town Planning and Building Department.
13. Designated Permittees identified in paragraph 9 have been identified on Exhibit A.

14. Vendor's location may be at any or all of the designated areas within the Downtown Designated Outdoor Refreshment Area as shown on Exhibit A, subject to approval of the Special Event Permit and State Form by the Town of Winona Lake Town Council.

15. 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.
- b. The Town of Winona Lake maintains full authority and control over the sidewalks and Town 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 Town of Winona Lake Police Department.

16. In accordance with Ind. Code 7.1-3-31 *et seq.*

- a. 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.
- 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.
 - iv.

17. A sign, as required by Ind. Code 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.

18. Glass containers may only be allowed in a Designated Permittee's Outdoor dining area and may not be removed into the Downtown Designated Outdoor Refreshment Area.

This Ordinance shall be in full force and effect upon its passage, approval, and publication pursuant to Indiana law.

ALL OF WHICH IS ORDAINED by the Town Council of Winona Lake, Indiana, this 19th day of December, 2023.


Passed by the Town Council of the Town of Winona Lake, Indiana, on the first reading this 21st day of November, 2023 by a vote of 5 ayes and 0 nays.

Passed by the Town Council of the Town of Winona Lake, Indiana, on the second reading this 19th day of December, 2023 by a vote of 5 ayes and 0 nays.

WINONA LAKE TOWN COUNCIL

AYE

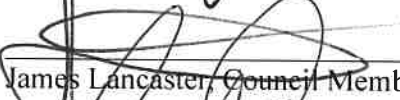
NAY


Rick Swaim, President

Rick Swaim, President


Ashley McGinnis, Council Member

Ashley McGinnis, Council Member


James Lancaster, Council Member

James Lancaster, Council Member


Austin Reynolds, Council Member

Austin Reynolds, Council Member


Barry Andrew, Council Member

Barry Andrew, Council Member

ATTEST:



Heather James, Clerk-Treasurer
Town of Winona Lake

Exhibit A

- A. Port Winona Wine & Market
807 E Canal St.
- B. Light Rail Café
1000 Park Ave.
- C. Cerulean Restaurant
1101 E. Canal St.
- D. Boathouse Restaurant
700 Park Ave.





Town of Winona Lake Designated Outdoor Refreshment Area



- A Port Winona
Wine & Market
807 E. Canal
- B. Light Rail Cafe
1000 Park Ave.
- C. Cerulean
Restaurant
1101 E. Canal
- D. Boathouse
Restaurant
700 Park Ave.



Exhibit C

- A. Port Winona Wine & Market
807 E Canal St.
- B. Light Rail Café
1000 Park Ave.
- C. Cerulean Restaurant
1101 E. Canal St.
- D. Boathouse Restaurant
700 Park Ave.

* No alcohol past this
point signage



Exhibit D



Town of Winona Lake Designated Outdoor Refreshment Area



- Any open alcoholic beverage containers purchased within the refreshment area must remain within the below designated refreshment area.
- Possessing an open container of alcoholic beverages in a motor vehicle may constitute a Class C infraction under IC 9-30-15.

A Port Winona
Wine & Market
807 E. Canal

B. Light Rail Cafe
1000 Park Ave.

C. Cerulean Restaurant
1101 E. Canal

D. Boathouse Restaurant
700 Park Ave.



*Post at each entrance and exit of establishment



Town of Winona
Lake Designated
Outdoor
Refreshment Area



**NO OUTSIDE
ALCOHOL IS
PERMITTED
INSIDE THIS
LOCATION**

Pursuant to Town of Winona Lake Ordinance 2023-11-1

*Post at each entrance of establishment.