

ORDINANCE NO. 33-2024

**AN ORDINANCE ESTABLISHING THE ROCHESTER
DOWNTOWN DESIGNATED OUTDOOR REFRESHMENT AREA
(DORA)**

WHEREAS, the Common Council of the City of Rochester, Indiana has determined that the creation of a Designated Outdoor Refreshment Area ("DORA") pursuant to Indiana Code § 7.1-3-31 would benefit the residents and businesses of the City of Rochester; and that the City's downtown area is the most beneficial location for a DORA.

NOW, THEREFORE BE IT ORDAINED by the Common Council for the City of Rochester, Indiana hereby creates the Rochester Downtown Designated Outdoor Recreation Area (DORA) as follows:

DESIGNATION, LOCATION, SIGNAGE, HOURS

1. All of the definitions in Indiana Code § 7.1-3-31-1 et seq., as currently written or as amended, shall apply to this ordinance.
2. The map of the Designated Outdoor Refreshment Area established by this ordinance, and hereby known as the Rochester Downtown DORA, is attached hereto as *Exhibit A*.
3. That the following area is designated as the Rochester Downtown DORA:

A tract of land in the Plat of the Town of Rochester as recorded in Plat Book 2, page 3 thru 9, as recorded in the Office of the Recorder of Fulton County, Indiana and is more particularly described as follows:

Beginning at the Northeast Corner of Lot Number 53 in the Plat of the Town of Rochester as recorded in Plat Book 2, page 3 thru 9, as recorded in the Office of the Recorder of Fulton County, Indiana; thence Easterly, along the extended North line of Lot Number 30 and said North line to the Northwest corner of Lot Number 11 and the East side of an alley; thence Southerly, along the East line of said Alley and with West line of Lots Numbered 11 thru 16, to the Southwest corner of Lot Number 16; thence Easterly, along the South line of Lot Number 16, to the Southeast corner of said Lot Number 16; thence Southerly, along the West line of Madison Street to the Southeast corner of Lot Number 20; thence Westerly, along the North line of 8th Street, to the Southeast corner of Lot Number 62; thence Northerly, along the West line of Main Street, to the Southeast corner of Lot Number 57; thence Westerly, along the North line of Lot Number 57, to the Southwest corner of Lot Number 57; thence Northerly, along the East line of an alley running along the West line of Lots Number 55 thru 57, and continuing Northerly to a point on the West line of Lot Number 54, being the Northwest corner of property conveyed to Dwight S. and Ruth Ann Gunter recorded in Document Number 2013011831; thence Easterly, along the North line of said Gunter property, to the Northeast corner of said Gunter property, being on the East line of Lot Number 54; thence Northerly, along the West line of Main Street, to the Point of Beginning, containing 9.0 acres more or less.

4. The Rochester Downtown DORA's boundaries provided by street addresses are listed in the document attached hereto and labeled *Exhibit B*.
5. The Common Council hereby finds that the Rochester Downtown DORA is consistent with the zoning districts applicable to the City of Rochester.
6. The Common Council hereby approves and adopts the minimum signage designating the City of Rochester Downtown DORA attached hereto as *Exhibit C*, and directs the City to place the signage at the designated locations on *Exhibit D*. These are minimum standards, and additional signage may be appropriate. The Rochester Board of Public Works and Safety is authorized to create additional signage or modify the type of signage at its discretion.
7. The hours of the Rochester Downtown DORA shall be Monday through Thursday, 4:00 p.m. to 11:00 p.m.; and Friday and Saturday 11:00 a.m. to 12:00 a.m. Under no circumstances shall the Rochester Downtown DORA be in effect during any day or time prohibited by I.C. § 7.1-3-1-14, as amended.

DESIGNATED PERMITEES AND APPLICATIONS

8. The retailer permittees listed on *Exhibit E* have submitted a completed *Designated Outdoor Refreshment Area Designation* form to the City to participate in the Area as a Designated Permittee and the City finds each of them is an appropriate Designated Permittee and requests the Indiana Alcohol Commission to issue each a "refreshment area designation" as Designated on *Exhibit A* in red.
9. Any additional licensed premises located within the Rochester Downtown DORA that desires to become a "Designated Permittee" shall submit a *Designated Outdoor Refreshment Area Designation* form to the Clerk-Treasurer's Office for approval by the Board of Public Works and Safety.
10. [Reserved]
11. [Reserved]

PERMITTED AND PROHIBITED ACTIONS WITHIN THE DORA

12. The City of Rochester maintains full authority and control over the sidewalks and common area and no one may prohibit or limit open containers in accordance with Indiana Code § 7.1-3-31 within the Rochester Downtown DORA in those spaces except for the City of Rochester Police Department.
13. Nothing in this ordinance prohibits a business, landlords or other establishments from prohibiting open containers of alcoholic beverages to enter their premises or from prohibiting alcoholic beverages purchased from another establishment to enter their premises.

14. [Reserved]

15. Upon receipt of "refreshment area designation" from the Indiana Alcohol Commission the Designated Permittee as defined by Indiana Code may 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 Rochester as permitted by Indiana Code § 7.1-3-31-15.
16. In accordance with Indiana Code § 7.1-3-31.
- 16.1. A person may consume an alcoholic beverage purchased from a designated permittee 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.
 - 16.2. All Designated Permittees may allow a person to exit the Designated Permittee'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:
 - 16.2.1. Beer or flavored malt beverage of not more than sixteen (16) ounces;
 - 16.2.2. Wine, cider, or hard seltzer of not more than twelve (12) ounces;
 - 16.2.3. A mixed drink of not more than ten (10) ounces containing not more than two (2) ounces of liquor.
17. A sign, as required by Indiana Code § 7.1-3-31-16, and attached hereto as Exhibit C, must be posted at each exit of a Designated Permittee.
18. Glass containers may only be allowed in a Designated Permittee's Outdoor dining area and may not be removed into the Rochester Downtown DORA.

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

Passed by the Common Council of Rochester, Indiana the 25th day of February, 2025.

ORDINANCE 33-2024
Signature Page

ROCHESTER COMMON COUNCIL

Brian Fitzwater

John Garrett

Ruth Gunter



Martin J. Smith



Brian Goodman




Amy Roe



Bob Cannedy

Approved this 25th day of February, 2025.



Trent Odell Mayor

ATTEST:



E. Beth Stocking
Clerk-Treasurer

ROCHESTER DOWNTOWN DORA ORDINANCE

EXHIBIT SUMMARY

Exhibit Label	Description
Exhibit A	Map
Exhibit B	Boundaries by Street Address
Exhibit C	Minimum signage examples
Exhibit D	Designated signage locations
Exhibit E	List of Retailer Permittees / Permits

Exhibit A - Downtown DORA

DORA#1

T Andrew Perk

2024-12-11

20:25:11

Designated Per

Exhibit A -
Downtown
DORA

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001.000

005.000

007.000

008.000

009.000

001.000

003.000

004.000

005.000

006.000

008.000

001.000

006.020

E 6TH ST

E 7TH ST

E 8TH ST

MADISON ST

MAIN ST

DORA#1

0 125

1" = 125'



Exhibit B - Street Addresses

EXTERNAL DOWNTOWN DORA #1

North External Boundary (1):

1. 513 Main St, Rochester, IN

East External Boundary (13):

1. 118 E 6th St, Rochester, IN
2. (Not addressed) E 6th St, Rochester, IN
3. 121 E 6th St, Rochester, IN
4. 612 Madison St, Rochester, IN
5. 124-126 E 7th St, Rochester, IN
6. (Not addressed) 7th St, Rochester, IN
7. 629 Madison St, Rochester, IN
8. 701 Madison St, Rochester, IN
9. 705 Madison St, Rochester, IN
10. 711 Madison St, Rochester, IN
11. 715 Madison St, Rochester, IN
12. 719 Madison St, Rochester, IN
13. 200 E 8th St, Rochester, IN

South External Boundary (1):

1. 815 Main St, Rochester, IN

West External Boundary (21):

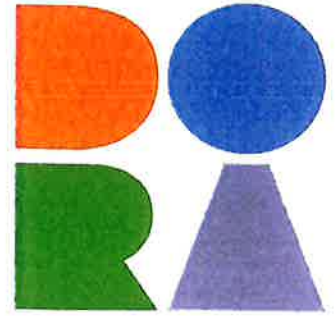
1. 516 Main ST, Rochester, IN
2. 526 & 528 Main St, Rochester, IN
3. 128 W 6th St, Rochester, IN
4. 117 W 6th St, Rochester, IN
5. 609 W Jefferson St, Rochester, IN
6. 613 Jefferson St, Rochester, IN
7. (Not addressed) 7th, Rochester, IN
8. 626 Main St, Rochester, IN
9. 628 Main St, Rochester, IN
10. 700 Main St, Rochester, IN
11. 706 Main St, Rochester, IN
12. 708 Main St, Rochester, IN
13. 710 Main St, Rochester, IN
14. 712 Main St, Rochester, IN
15. 716 Main St, Rochester, IN
16. 718 Main St, Rochester, IN
17. 720 Main St, Rochester, IN
18. 722 Main St, Rochester, IN
19. 724 Main St, Rochester, IN
20. 728 Main St, Rochester, IN
21. 730 Main St, Rochester, IN

Exhibit B (cont'd.)





Exhibit D - Downtown DORA



DESIGNATED OUTDOOR REFRESHMENT AREA

-  DORA border
-  Designated permittees
-  Vendor location
-  DORA sign locations



Exhibit E

Leroy C. Shelton American Legion Post No. 36 Inc.
d/b/a American Legion Post #36
611 Main St.,
Rochester, IN 46975

RDG Evergreen
d/b/a Los Bandidos
530 Main Street
Rochester, IN 46975

Tawnya Properties
d/b/a Mikey's Pizza Pit Stop
114 E. 7th St.
Rochester, IN 46975

Ferro26, LLC
d/b/a Uncorked
527 Main St.
Rochester, IN 46975

Jarrety's LLC
701 Main St.
Rochester, IN 46975

RDG604 LLLC
d/b/a Ruthless Bar & Patio
604 Main St.
Rochester, IN 46975

MMW & Family, LLC
d/b/a Putts Bar and Grill
128 E. 8th St.
Rochester, IN 46975

Tip-a-Canoe Brews, LLC
d/b/a Tip a Canoe Brew
527 ½ Main St.
Rochester, IN 46975

Main St., LLC
Possible Future Location
721 Main St.
Rochester, IN 46975