

TOWN OF FORTVILLE

ORDINANCE NO. 2024-12A

AN ORDINANCE ESTABLISHING A DESIGNATED OUTDOOR REFRESHMENT AREA

- A. Indiana Code § 7.1-3-31 ("DORA Statute") allows a municipality to create, by ordinance, a designated outdoor refreshment area ("DORA") in which retailer permittees (i.e., restaurants and businesses that sell alcohol for on-premises consumption) and temporary permittees located in the DORA to allow persons who are at least 21 years of age to leave their premises with open containers of alcoholic beverages and consume those beverages within the boundaries of the DORA.
- B. The creation of DORAs can facilitate economic development and benefit the municipality by creating an inviting atmosphere for visitors to patronize restaurants and other businesses within the DORA, whether during regular business hours or as part of a festival or special event.
- C. The Town of Fortville ("Town") has a thriving number of restaurants and local businesses that would benefit from the creation of a DORA.
- D. The Town Council of Fortville ("Council") desires to establish a DORA in accordance with Indiana law and pursuant to the terms of this ordinance.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Council as follows:

SECTION 1. Creation of the DORA, Map, and Zoning. The Fortville DORA #1 is hereby created within the boundaries shown on the map attached hereto as Exhibit A, which is consistent with the Town's zoning ordinance.

SECTION 2. Boundaries of the DORA. The following streets and addresses constitute the boundaries of the Fortville DORA #1:

Starting at the SW corner of the intersection of E. High St. and S. Merrill St., continuing NW along S. Merrill St. to the NW corner of the intersection of S. Merrill St. and E. Staat St., then ENE along E. Staat St. to the NW corner of the intersection of E. Staat St. and N. Main St., then NW along N. Main St. to the NW corner of the intersection of N. Main St. and E. Church St., then ENE along E. Church St. to the NW corner of the intersection of E. Church St. and School St., then NW along School St. to the NW boundary of Landmark Park, then ENE along the northern boundary of Landmark Park to the NE corner of the intersection of the northern boundary of Landmark

Park and N. Leland St., then SSE along N. Leland St. to the SE corner of the intersection of N. Leland St. and E. Staat St., then WSW along E. Staat St. to the SE corner of the intersection of E. Staat St. and Noel St., then South along Noel St. to the NE corner of the intersection of Noel St. and S. Oak St., then SSE long S. Oak St. to the SE corner of the intersection of S. Oak St. and E. High St., then along E. High Street to the point of beginning at the SW corner of the intersection of E. Hight St. and S. Merrill St.

SECTION 3. Location(s) of Designated Permittees and Proposed Vendors. The Designated Permittees and Vendors, as those terms are defined by Indiana Code §§ 7.1-3-31-2 and -5, respectively, are as follows:

- 510 Business Group LLC, 8 and 10 S. Main St. d/b/a The Kitchen on Main, Fortville, IN – Permit No. RR3041341
- American Legion Post 391 Inc. d/b/a American Legion Post 391, 207 S. Merrill St., Fortville, IN – Permit No. RC3002226
- Certified Hospitality, LLC d/b/a AJ's Wine & Dine Garage, 305 S. Main St., Fortville, IN – Permit No. RR3040809
- Cortona's Tuscan Cuisine & Wine Bar LLC d/b/a Cortona's Tuscan Cuisine & Wine Bar, 209 and 201 S. Main St., Fortville, IN – Permit No. RR3034497 (RR3034496 underlying)
- Foxgardin Kitchen & Ale, LLC d/b/a Foxgardin Kitchen & Ale, 215 S. Main St., Fortville, IN – Permit No. RR3032687
- Los Maguelles, LLC d/b/a Los Maguelles Mexican Restaurant, 222 S. Main St., Fortville, IN – Permit No. RR3032004 (RR3032003 underlying)
- Taxman Fortville, LLC d/b/a Taxman Brewing Company, 29 S. Main St., Fortville, IN – Permit No. RR3032642
- Tiki Coop LLC d/b/a Denver's, 101 E. Broadway St., Fortville, IN – Permit No. RR3037349
- Veterans of Foreign Wars Post 6904 d/b/a VFW Post 6904, 206 S. Main St., Fortville, IN – Permit No. RC3010933
- Wild Sake LLC d/b/a Bonsai Fortville, 18 S. Main St., Fortville, IN – Permit No. RR3036021 (RR3036020 underlying)

SECTION 4. Signage.

(a) Each Designated Permittee and Vendor shall post at each exit of their respective premises a sign provided by the Town. In addition, the Town shall also ensure signs are posted on all trash receptacles within the DORA, as well as at the locations indicated on the boundary map.

(b) Businesses within the DORA may post additional signage at their respective premises indicating whether the business is participating in the DORA and whether an individual may enter that business with an open container of alcohol.

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SECTION 5. Dates and Hours of Operation. The DORA shall only be operational during the following dates and times:

January 1 through December 31, 11:00AM to 11:00PM local time, Sunday through Saturday.

SECTION 6. Glass Containers Prohibited. No Designated Permittee or Vendor within the DORA shall permit glass containers to be taken from their licensed premises, as shown on the floor plan approved by the Indiana State Excise Police. Designated Permittees and Vendors shall ensure customers use plastic to-go cups with identifying stickers.

SECTION 7. If any provision in this Ordinance is declared invalid, the remaining provisions of the Ordinance shall remain in full force and effect.

SECTION 8. Any ordinances or provisions thereof that are inconsistent with this Ordinance are hereby superseded.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage and subject to the approval of the Indiana Alcohol & Tobacco Commission.

[Signature Page Follows]

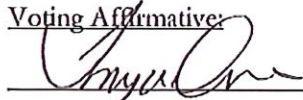
Ordinance No. 2024-12A

Introduced and filed on the 2nd day of December 2024.

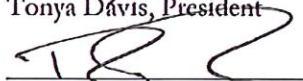
Duly ordained and passed this 16 day of December, 2024 by the Town Council of the Town of Fortville, Hancock County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN OF FORTVILLE, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative:



Tonya Davis, President



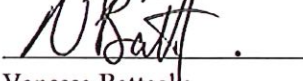
Ryan Rummell, Vice President



Frederick Fentz



Elizabeth Wyatt



Vanessa Battaglia

Voting Opposed:

Tonya Davis, President

Ryan Rummell, Vice President

Frederick Fentz

Elizabeth Wyatt

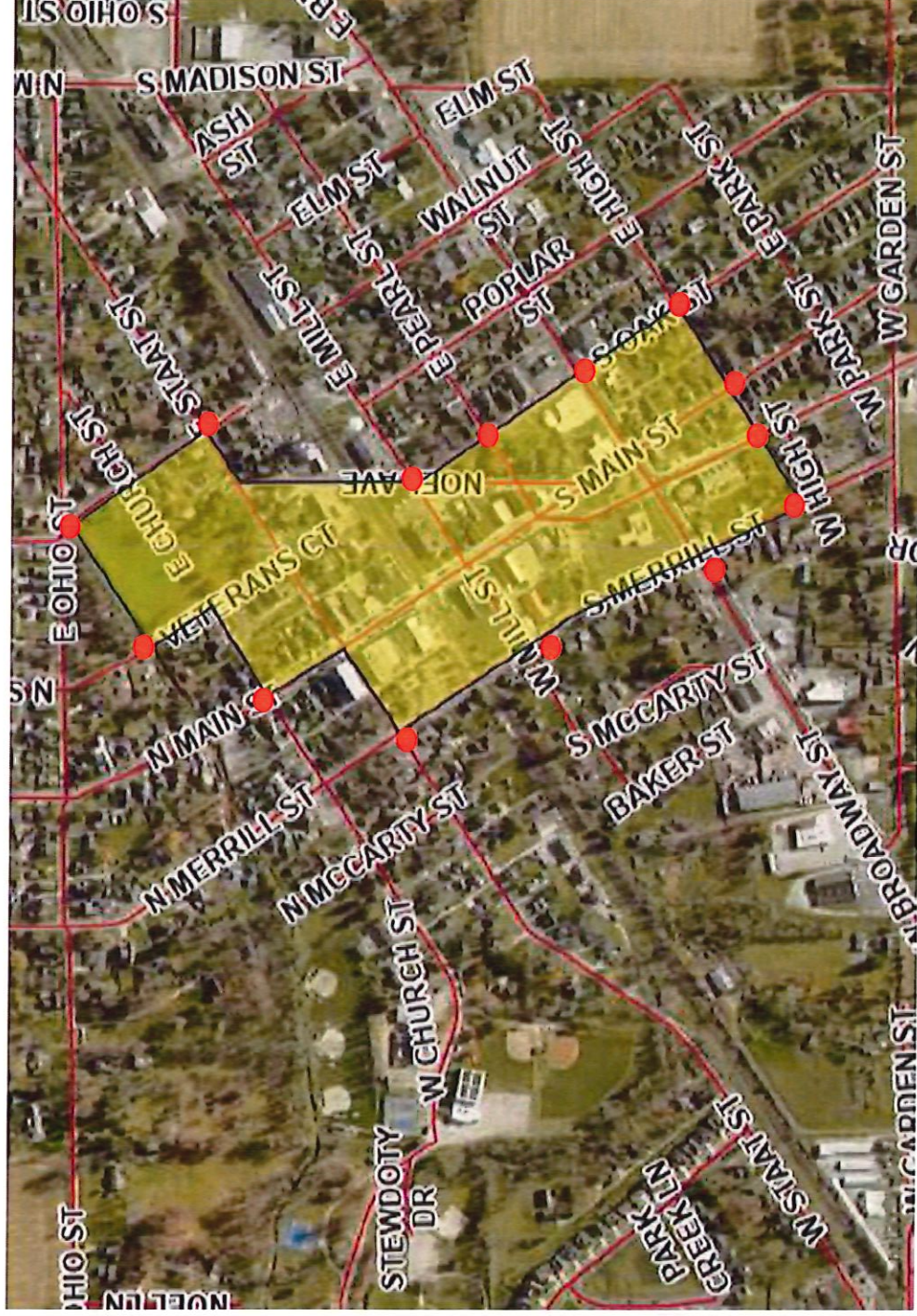
Vanessa Battaglia

ATTEST:



Melissa Glazier
Clerk-Treasurer

EXHIBIT A



Sign placement
Indicating the
boundaries of
the DORA.

Signs will also
be placed on all
trash receptacles
within the DORA
as indicated in
the ordinance.