

ORDINANCE 2024-16

AN ORDINANCE ADOPTING AND ESTABLISHING DESIGNATED OUTDOOR REFRESHMENT AREAS IN THE CITY OF GREENCASTLE, INDIANA

WHEREAS, Indiana Code 7.1-3-31 et seq. authorizes the establishment of a Designated Outdoor Refreshment Areas ("DORA") within municipalities.

WHEREAS, the Common Council of the City of Greencastle (City) believes it to be in the best interest of the City to establish DORA districts throughout the city with the ability to establish a total of seven (7) DORAs.

WHEREAS, one DORA shall be located in the City's downtown area, as shown and depicted on the attached map labeled as Exhibit "A."

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

There is hereby added to the Greencastle Code of the City of Greencastle, Indiana, Chapter 4, Article 5. Designated Outdoor Refreshment Areas, the language of which shall be:

CHAPTER 4. FEES, LICENSES, PERMITS, AND FRANCHISES

Article 5. Designated Outdoor Refreshment Areas

Sec.4-110. Incorporation of State Law.

All definitions stated under Indiana Code 7.1-1-3-31 et seq. shall apply to this Ordinance and are incorporated herein by reference.

Sec. 4-111. Establishment.

The City of Greencastle (the "City") does hereby authorize the establishment of Designated Outdoor Refreshment Areas ("DORAs"), as described and detailed herein, with the potential to establish a total of seven (7) DORAs in and throughout the City, as allowed by law.

Sec. 4-112. Revocation of DORAs. The City may, at any time, by Ordinance of Common Council, amend, revoke, or alter a DORA, individually, or all DORAs in their entirety.

Sec. 4-113. Downtown DORA Designation

The area depicted in Exhibit "A," attached hereto and incorporated herein, is designated as the Downtown Designated Outdoor Refreshment Area ("Downtown DORA"). The Downtown DORA and all subsequently adopted and established DORA areas are referred to collectively, herein, as "DORAs" or generally as a "DORA." The boundaries of the Downtown DORA by street location and direction are as follows:

Zone 1 (Historic Downtown)

Boundaries: East Sidewalks from the intersections at N Market St and E Franklin to east to the West Sidewalks N College St and E Franklin; from the North

Sidewalk of Franklin St, South to the South Sidewalks of Poplar St., except the two blocks east of Indiana Street and Walnut Street; and all the area in between.

Overview: Effectively Downtown Greencastle. The sidewalk directly behind the east side of the Square down to include south to Burdge Boots and public city lot on Jackson Street. To the West of Lost Hollow, and including Doc's Inn. And North of the public lot of Walnut. Dora Cups would be prohibited in the parking lot to deter drinking and driving.

Zone 2 (Seminary Square/DePauw Corridor)

Boundaries: From the west sidewalk of Indiana St. to the east sidewalk of S. Spring St. From the south sidewalk of E. Walnut St. to the south sidewalk of E. Seminary St. Also, the half block running from the south sidewalk of Poplar Street, to the north sidewalk of Seminary Street, between Indiana Street and ½ block west of Indiana Street.

Overview: From the bottom edges of Zone 1 and Zone 3, south to include 202 S College and 2 West Seminary (Marvin's, The Duck, The Elks and the Inn at DePauw).

Zone 3 (East Downtown/South City Hall)

Boundaries: The south sidewalk from the intersection of S. College St. and US HWY 231 (Washington St) to the west sidewalk at the Intersection of S. Locust St. and US HWY 231 (Washington St). south to the south sidewalk of E. Walnut St.

Overview: The area east of Zone 1 and North of Zone 2 to include 302 & 306 E Washington Street (Taco Wapo and Meyer's Market), with the approval of St. John's Catholic Church.

Zone 2 (Seminary Square/DePauw Corridor)

Boundaries: From the west sidewalk of Indiana St. to the east sidewalk of S. Spring St. From the south sidewalk of E. Walnut St. to the south sidewalk of E. Seminary St.

Overview: From the bottom edges of Zone 1 and Zone 2, south to include 202 S College and 2 West Seminary (Marvin's, The Duck).

Sec. 4-114. Compliance with Zoning Code.

The City Council finds that adoption of the Downtown DORA and/or other DORAs are consistent with the City of Greencastle's Zoning Code.

Sec. 4-115. DORA Signage.

The minimum signage designating DORA boundaries, as required by Indiana Code 7.1-3-31 et seq. for all DORAs, shall be required. All signage posted in furtherance of the Downtown DORA and/or other DORAs shall comply with all signage requirements of the City of Greencastle as enumerated by ordinance and of Zoning Code. Signage indicating the boundaries shall be placed at common and conspicuous exit locations a DORA. That signage for the Downtown DORA shall be placed in a manner substantially similar to the locations

indicated the map attached hereto as Exhibit "B." The DORA signs shall include signs with pole mounts and sidewalk decals, to indicate boundaries and rules (Exhibit B).

All Designated Permittees and/or Vendors participating within a DORA shall decals signs indicating that the Designated Permittee and/or Vendor is a business participating in the DORA. Said decals shall contain the (i) DORA Logo, (ii) that a person may not enter the premises with an alcoholic beverage unless the alcoholic beverage is in a DORA container from another Designated Permittee or Vendor; (iii) that a patron may exit the premises into the DORA with only two (2) open containers of alcoholic beverages at a time; and (iv) all notices required by I.C. 7.1-3-31-16, as amended from time to time. Said decal shall be placed at each entry and exit point of the Designated Permittee. All decals and other signage placed by a Designated Permittee and/or Vendor shall also be in compliance with and subject to the Zoning Code of the City of Greencastle and shall not count towards the location's total number of allowable signs.

Sec. 4-116. DORA Logo.

The City of Greencastle, by and through the Mayor's office, shall adopt and establish a common brand or logo ("DORA Logo") for Downtown DORA and all future DORAs. Any and all signage utilizing the DORA Logo shall be approved by the City of Greencastle through its designated and appointed agent and shall comply with all applications and fees so determined or required.

Sec. 4-117. Hours of Operation. Hours of operation for all DORAs shall be as follows:

January 1 - December 31.

Thursday to Saturday, 10 AM - 11 PM.

Sec. 4-118. Designated Permittee. 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 a \$50 application fee to the Clerk-Treasurer of the City of Greencastle in order to participate in a DORA as a "Designated Permittee," as defined in I.C. 7.1-3-31 et seq. If the application meets all City requirements and is approved by the Clerk-Treasurer, the Clerk-Treasurer shall send the application to the Alcohol and Tobacco Commission for said Commission's approval. Only those applications approved by the Alcohol and Tobacco Commission shall be allowed to participate in the DORA. The Clerk-Treasurer shall be permitted to delegate this application process to his/her designee to process applications. Any establishment wishing to join or expand operations within the DORA must submit a "Designated Outdoor Refreshment Area Application" to the Clerk-Treasurer to approve. An applicant may bring its form to the City Council for approval in lieu of submitting it to the Clerk-Treasurer.

Sec. 4-119. Trash Receptacles. A Designated Permittee approved by the City of Greencastle and the Alcohol and Tobacco Commission shall continuously maintain a trash receptacle(s) outside of all main entrances to their premises at its sole cost and expense.

Sec. 4-120. 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 of Greencastle for review and approval.

by the Chief of the Greencastle Police Department with a copy of the application to the office of the Mayor. 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 Catering Permit and/or supplement thereto; (ii) Temporary Vendor Designation, both of which may be obtained from the Alcohol and Tobacco Commission; (iii) a Certificate of Insurance, listing the City of Greencastle as an additional insured, and (iv) any other required documentation or items so requested.

Vendors shall be permitted to establish a location of service and participation anywhere within a DORA in which they have elected to participate, subject to review and approval by the City of Greencastle after review of the Vendor's Special Event Permit application.

Sec. 4-121. 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 patron(s) 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; but, such signage shall not be required.
- b. Any business or premises located in a DORA which allows patrons to enter their premises, building, property, or business with an alcoholic beverage shall be required to post signage indicating that said business or premises is a participant in the DORA and that alcoholic beverages are permitted.
- c. The City of Greencastle 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 I.C. 7.1-3-31 et seq. within a DORA in those spaces except for the City of Greencastle Police Department.
- d. All Designated Permittees and/or Vendors shall continue to have the right to refuse service to any patron in their sole discretion in compliance with Indiana Law.

Sec. 4-122. Permitted Amounts. 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 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.

Sec. 4-123. Authorized Containers. Designated Permittees and/or Vendors shall only permit patrons to exit their premises into a DORA if the alcoholic beverages, as described hereinabove have been placed into a clear plastic cup labeled with a label approved and authorized by the City of Greencastle ("DORA Container"). Beverages consumed within a Designated Permittee's or Vendor's premises are not required to be in a DORA Container. Glass containers are explicitly prohibited from exiting the Designated Permittee's and/or Vendor's premises into the DORA.

- a. The City of Greencastle may delegate and designate a department, agent, entity, or individual the right to serve as the exclusive designer, manufacturer, distributor, and/or retailer and service provider of DORA Containers for use in DORAs.

- b. The City of Greencastle shall adopt and approve a DORA Container, the design of which shall include the DORA Logo and/or any other information approved or so required by Greencastle City Council.
- c. It shall be the responsibility of each participating Permittee/Vendor to purchase, at its expense, the designated DORA Containers which it sells at its location.

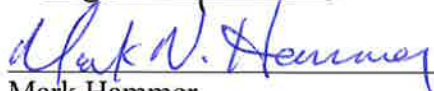
Sec. 4-124. Carryout Businesses. The carryout privileges that a Designated Permittee may have under the scope of the Designated Permittee's other permits or licenses shall not be impacted or otherwise affected by being located within a DORA. Carryout of sealed original containers shall be permitted, but said containers shall not be opened or consumed within a DORA.

Sec. 4-125. Revocation of Designated Permittee or Vendor Status. Failure of a Designated Permittee and/or Vendor to comply with this ordinance 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 of Greencastle or its designated department or agent, shall deliver or serve notice of such revocation to 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.

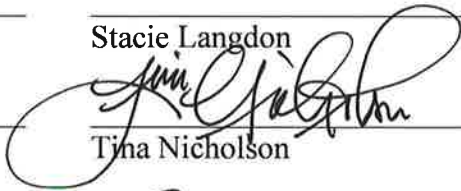
In the alternative of a revocation of a Designated Permittee's or Vendor's right and ability to participate in the DORA, the City of Greencastle or its designated department or agent may issue a fine to a Designated Permittee or Vendor for their failure to comply with this ordinance in an amount not exceeding five hundred dollars (\$500.00). The issuance of said fine shall comply with the notice requirements set forth in the preceding section.

Sec. 4-126. Prohibition of Outside Beverages. Persons may not consume beverages within a DORA which (1) were not purchased from a Designated Permittee or Vendor and/or (2) which were brought from outside a DORA into the subject DORA. The refilling of an authorized container with alcoholic or other beverages is strictly prohibited. Individuals found to be in violation of this section shall be subject to a fine of up to five hundred dollars (\$500.00).

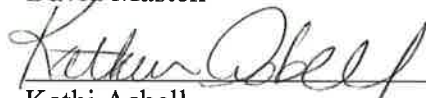
SO ORDAINED by the Common Council of the City of Greencastle, Indiana this 13 day of February, 2025.


Mark Hammer

Stacie Langdon


Tina Nicholson

David Masten


Kathi Asbell


Vincent Aguirre

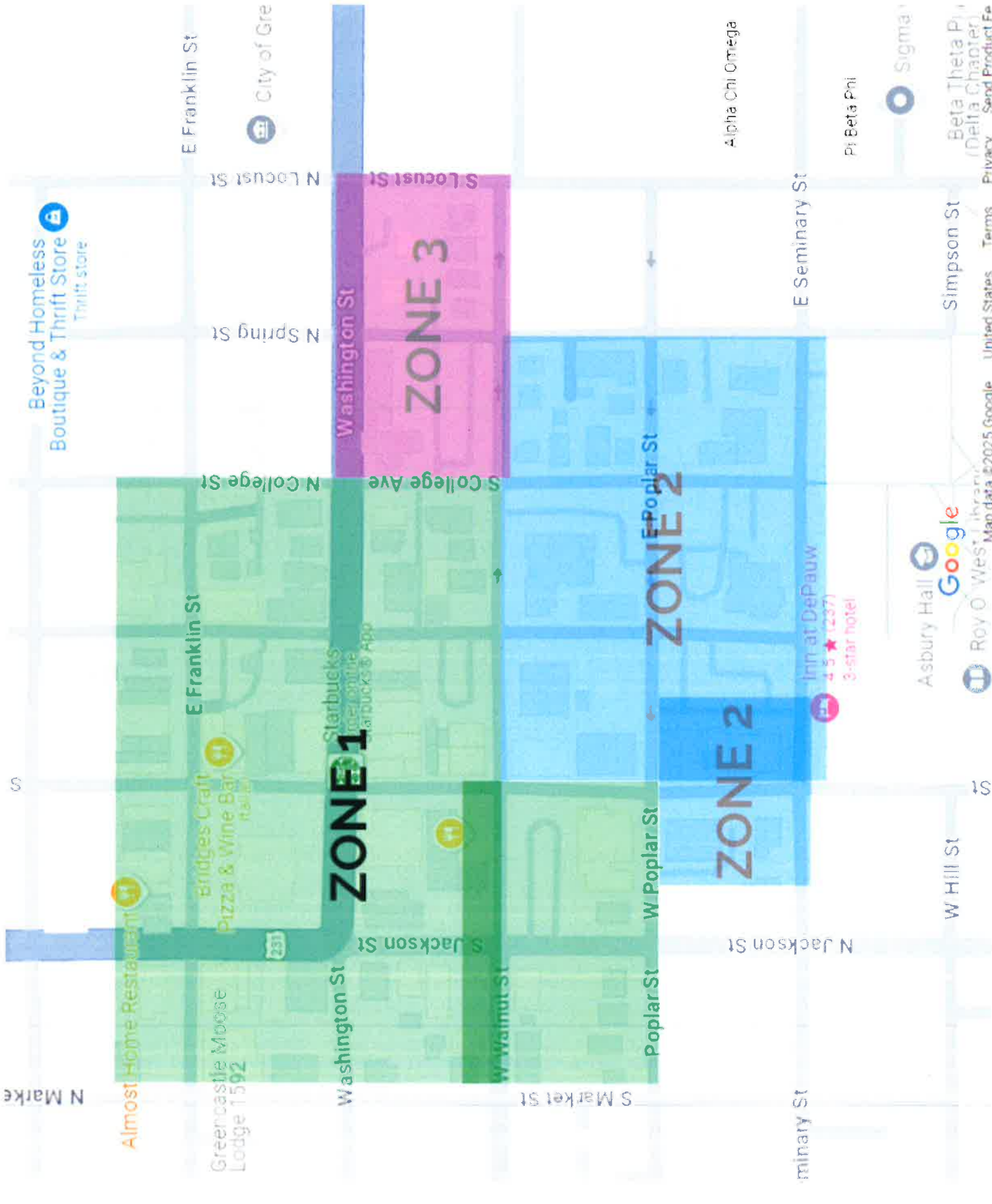
Darrel Thomas

Approved and signed by me this 13 day of February, 2025, at 7:59 o'clock P.m.


Lynda Dunbar, Mayor

ATTEST:


Mikayla J. Johnson, Clerk-Treasurer



ZONE 3

ZONE 2

ZONE 1



Roy O'West Library
Map data ©2025 Google

United States

Privacy

Terms

Beta Theta Phi
(Delta Chapter)
Send Product Fa



Pi Beta Phi

Alpha Chi Omega

E Seminary St

E Poplar St

W Poplar St

Washington St

Starbucks

merchandise

Starbucks & App

Greencastle Moose
Lodge 1592

Bridges Craft
Pizza & Wine Bar
Hall

Almost Home Restaurant

Beyond Homeless
Boutique & Thrift Store
Thrift store



E Franklin St

N Locust St

N Spring St

N College St

S Locust St

S College Ave

S Jackson St

W Walnut St

S Market St

minary St

W Hill St

Asbury Hall

Inn at DePauw
4.5 ★ (237)
3-star hotel