

Synopsis: This ordinance, if adopted, would establish a designated outdoor refreshment area (DORA) in accordance with IC 7.1-3-31 et seq. within the Town of Roanoke.

ORDINANCE 2024-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ROANOKE, INDIANA, ESTABLISHING A DESIGNATED OUTDOOR REFRESHMENT AREA (DORA)

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 (“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 Roanoke, Indiana, as follows:

1. All definitions in Indiana Code 7.1-3-31 *et seq.* shall apply to this Ordinance.
2. The Town Council hereby adopts the Map of the Town of Roanoke Designated Outdoor Refreshment Area (“Roanoke DORA”) attached hereto as Exhibit “A” and incorporated herein by reference.
3. The Roanoke DORA boundary by address is as follows:

The Point of Beginning starting at the Northwest Corner of 375 N. Main Street; thence extending southerly approximately 132.3 feet to the Northwest corner of 345 N. Main; thence extending westerly approximately 97.95 feet to the Northwest corner of the parking lot commonly associated with 166 W. 3rd Street; thence extending southerly approximately 765.3 feet on and along the east side of the alley to the Southwest corner of 102 W. 1st Street; thence extending easterly approximately 197.8 feet on and along the East side of Main Street to the Southwest corner of 112 N. Main Street; thence extending southerly approximately 334.8 feet on and along the East side of Main Street to the Southwest corner of 191 S. Main Street; thence extending easterly approximately 366.1 feet on and along the North side of Vine Street to the Southeast corner of 208 Vine Street; thence extending northerly approximately 578.4 feet on and along the western side of the allies to the Northeast corner of 170 High Street; thence extending westerly approximately 170.5 feet to the Northwest corner of 170 High Street; thence extending northerly approximately 189.6 feet to the Northeast corner of the parking lot associated with 171 E. 2nd Street; thence extending westerly approximately 132.5 feet to the first Northwest corner of 171 E 2nd Street; thence extending northerly approximately 470 feet to the Northeast corner of parking lot associated with 314 N. Main Street; thence extending westerly approximately 275.2 feet on and along the South side of Fourth

Street to the Point of Beginning, containing 11.51 acres more or less, all part of the original plat of the Town of Roanoke, Indiana.

4. The Town Council finds that the Roanoke DORA is consistent with the Town of Roanoke's Zoning Code.
5. The Town Council hereby directs the creation of minimum signage designating the Roanoke DORA and directs the Town to place the signage at the designated locations on Exhibit "A".
6. The Town Council recognizes that additional signage designating the Roanoke DORA may be warranted and necessary and therefore Town Council may increase the number or change the type of signage as is needed.
7. Dates and Hours of Operation: The Roanoke DORA shall be in effect during all authorized times pursuant to Indiana Code 7.1-3-1-14 as amended from time to time by the Indiana General Assembly. Roanoke DORA Hours are: Monday through Saturday: 11:00 a.m. to 9:00 p.m. and Sunday: 12:00 p.m. to 6:00 p.m.
8. The following retailer permittees have submitted a completed application to the Town to participate in the Area as a Designated Permittee 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":

Joseph Decuis: 191 N. Main Street
Roanoke Village Inn: 90 N. Main Street
Copper Still: 65 S. High Street
Game On: 141 S. High Street
The Patio: 170 High Street

Any additional licensed premises located within the Roanoke DORA that wishes 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. Other temporary Vendors may submit special event permit applications to the Roanoke Town Council.

9. The locations of the Designated Permittees identified in paragraph 8 have been identified on Exhibit "A".
10. The Town Council has adopted the Town of Roanoke Special Event Permit Application which is attached hereto and incorporated herein by reference as Exhibit "B". A Special Event Permit Application, including the Exhibit 1 "State Form Designated Outdoor Refreshment Area Designated Form" shall be submitted to the Clerk-Treasurer for submission to the Town Council for consideration.

- a. A Designated Permittee expanding their operations into the Area outside of their designated outdoor patio area; or
 - b. An Approved Vendor, either by this Ordinance or future action, 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.
11. A Vendor's location may be at any area within the Roanoke DORA as shown on Exhibit "A", subject to approval of the Special Event Permit application (and State Form) by the Town Council, and issuance of the appropriate permit by the Indiana Alcohol and Tobacco Commission.
12. Business Participation:
- a. Nothing in this Ordinance prohibits a business, landlord, or other establishment from prohibiting alcoholic beverages to enter their premises or from prohibiting alcoholic beverages purchased from another establishment to enter their premises. Any such establishment shall post a conspicuous notice of such prohibition at the entrances to such establishment.
 - b. The Town of Roanoke 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 Roanoke DORA in those spaces, except for the Town of Roanoke Police Department in the exercise of its law enforcement duties.
13. In accordance with Indiana Code 7.1-3-31 *et seq.*:
- a. A person may consume an alcoholic beverage purchase from a designated permittee or Vendor anywhere within the Area, subject to the right of any retailer permittee or business within the 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 no 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.
14. A sign, as required by Indiana Code 7.1-3-31-16 must be posted at each exit of a Designated Permittee and on the licensed premises of a Vendor.

15. Glass containers may only be allowed in a Designated Permittee's Outdoor dining area and may not be removed into the Roanoke DORA.
16. Designated Permittees and approved Vendors may use only non-breakable plastic bottles, plastic cups, or paper cups, affixed with a logo or label that identifies the container for use only in the Roanoke DORA.
17. No person may consume an alcoholic beverage within the Roanoke DORA that was purchased outside of the Roanoke DORA.

BE IT FINALLY ORDAINED that this Ordinance shall be in full force and effect from and after its passage by Council and publication as required by law.

ORDINANCE 2024-03

Upon Council's unanimous consent to consider Ordinance 2024-03 for final adoption on the same day of its introduction, Ordinance 2024-03 was duly adopted this 7th day of May 2024, by a vote of 4 in favor and 1 opposed.

ROANOKE, INDIANA by its TOWN COUNCIL

Voting In Favor:

<u>Amanda R Sands</u>	Amanda Sands (President)
<u>Nicholas Scheer</u>	Nicholas Scheer
<u>Tinisha Weigelt</u>	Tinisha Weigelt
<u>Terri Edmiston</u>	Terri Edmiston
<u>Brian Humphries</u>	Brian Humphries

Voting Opposed:

Terri L. Edmiston

ATTEST:

By Sarah Milton as Clerk-
(Sarah Milton) Treasurer

**Map of Designated Outdoor Refreshment Area (DORA) for the town
of Roanoke, Indiana**



Border Key: A)Northwest corner of 375 N Main St, B)NW corner of 345 N Main, C)NW corner of parking lot associated with 166 W 3rd, D)SW corner of 102 W 1st, E) SW corner of 112 N Main, F)SW corner of 191 S Main, G)SE corner of 208 Vine, H) NE corner of 170 High, I) NW corner of 170 High, J) NE corner of 171 E 2nd, K) NW corner of 171 E 2nd, L) NE corner of parking lot associated with 314 N Main

Town of Roanoke Special Event Application

Town Use Only

Application Sent a Request to:

Town Clerk Treasurer

Amount Paid:

Receipt No:

Payment Type:

Check/Cash

Date Paid:

Date Application Received:

This form is exclusively for Festivals, Concerts, Races, Walks, DORA, and similar special events within the town limits of Roanoke.

We are happy that you have chosen to plan a special event within the Town of Roanoke. A completed application must be filed at least 30 days prior to the first day of your event. Keep in mind that acceptance of your application should in no way be construed as final approval or confirmation of your request.

Note: If the Roanoke Town Council approved your application and you have requested street closures, it is your responsibility to notify the following of the details of the dates, times and streets that will be closed:

- Roanoke Police Department- 260-672-8116 Ext. 1
- Roanoke Street Department- 260-672-8116 Ext. 4
- Roanoke Fire Department- 260-672-2352

EVENT NAME _____

EVENT DATE(S) _____

APPLICANT INFORMATION:

Organization putting on event: _____

Applicant Name _____ Title _____

Mailing _____ Address _____

Applicant's Contact Information: Office Phone: _____ Cell Phone: _____

E-Mail: _____ Fax Number: _____

On-Site Coordinator Name _____ Cell Phone: _____

EVENT OPERATIONS:

Event: ☐ Festival ☐ Concert ☐ Car Show ☐ DORA ☐ Parade
☐ Race/Walk ☐ Bike Race ☐ Other (please specify) _____

Anticipated attendance: _____ Specific area of Town to be used for event: _____

Set Up Date: ____/____/____ Hours: ____:____ AM or PM to ____:____ AM or PM

Public Bathrooms: Yes or No

Event Description: Please attach a narrative detailing all the activities that are going to be part of the event.

Use of Town Water Service: Available only at limited locations. Applicant must contact the Roanoke Superintendent of Operations to determine if water service is available.

Use of Town Police Dept: Does not include Town of Roanoke Police department services. You must contact the Town of Roanoke Police Department separately if services are needed.

Street Closures: If your event will require street closure, you must contact the Roanoke Police Department (260-672-8116 Ext. 1); Roanoke Fire Department (260-672-2352); and Roanoke Superintendent of Operations (260-672-8116 Ext. 4) for arrangements to be discussed. Each must approve and communicate that approval to the Roanoke Town Council at the next meeting at which your completed application is considered.

Use of Town Electric Service: Available only at limited locations. Applicant must contact the Roanoke Superintendent of Operations to determine if electric service is available.

Fees: The one-time, non-refundable application fee per event is:

Non-Profit Organizations - \$100. (for events with street closures only)

All Other Organizations - \$250. (for events with street closures only)

Note: The application fee will be waived for Town of Roanoke community-wide events (e.g., Roanoke Fall Festival).

Clean-up/Litter Management: You are responsible for all litter, grease, ash, and gray water generated by your event. Arrangements should be made with a private power-washing contractor to remove all stains left by your event. If clean-up is not done and gets completed by the Town of Roanoke, you will be billed separately. Spray painting of any kind is prohibited.

Additional Permits - IDHS Amusement & Entertainment Permit: Your event may require a separate permit from the State of Indiana. You should determine the need for such and obtain a permit if applicable. Visit: <http://www.in.gov/dhs/2795.htm> for more information.

ALCOHOL:

Will alcohol be served or sold? Yes ____ No ____

If Yes:

- The applicant must apply for and receive a temporary liquor license from the Alcohol & Tobacco Commission.
- Application cannot be processed without a copy of this license.
- Events that will have alcohol sales must provide security. If your event will be hiring a security company, please provide its contact information in sub-section (a) below. Otherwise, please list the names, phone numbers, and qualifications (e.g., off-duty police officer, professional security guard, or event applicant) of three (3) security guards in the fields provided in sub-section (b).

(a) Security Company Information

Company Name:

Contact Name:

Contact Phone:

Email:

Address:

City/State/ZIP:

(b) Independent Security Information

Name:

Contact Phone:

Qualifications:

Name:

Contact Phone:

Qualifications:

Name:

Contact Phone:

Qualifications:

MATERIALS/ACKNOWLEDGMENT/HOLD HARMLESS/SIGNATURE:

- 1) In addition to completing the following application form, and paying any fees, applicant is required to submit an original Certificate of Insurance in an amount not less than one million dollars (\$1,000,000) combined single bodily injury and property damage for each occurrence. If there is alcohol at the event, the Certificate of Insurance must also include one million dollars (\$1,000,000) of liquor liability for each occurrence. Your insurance certificate should list as the Certificate Holder and Additional Insured with Primary/Non-Contributory – Other Insurance Condition and Waiver of Subrogation: Town of Roanoke, 141 W Third St., Roanoke, IN 46783.
____ Certificate of Insurance
- 2) ____ Application Fee
- 3) ____ Event Site Map or Route Map
- 4) ____ Copy of Liquor License (if alcohol is being served and/or sold)
- 5) Approvals: Y____ N____ Fire Department
 Y____ N____ Street Department
 Y____ N____ Police Department
- 6) The undersigned, individually and as the duly authorized representative of the organization referenced herein, on behalf of undersigned and that organization certify (1) that I am responsible to provide all information necessary to meet the conditions and requirements of the application process and that by providing such information it is no guarantee that my proposed event will be permitted by the Town of Roanoke; (2) indemnify and hold harmless the Town of Roanoke from any claims brought against it relating to the event and to meet all other conditions of the Town; (3) I have read and understand this application and the conditions under which my request will be considered; and (4) the risk of promoting an event before permission is granted is the sole responsibility of the applicant.

Applicant's Signature _____ Date _____
Individually and as the duly authorized representative of the organization referenced herein

Printed Name: _____

Return this application to:
Roanoke Town Hall 141 W Third Street Roanoke, IN. 46783

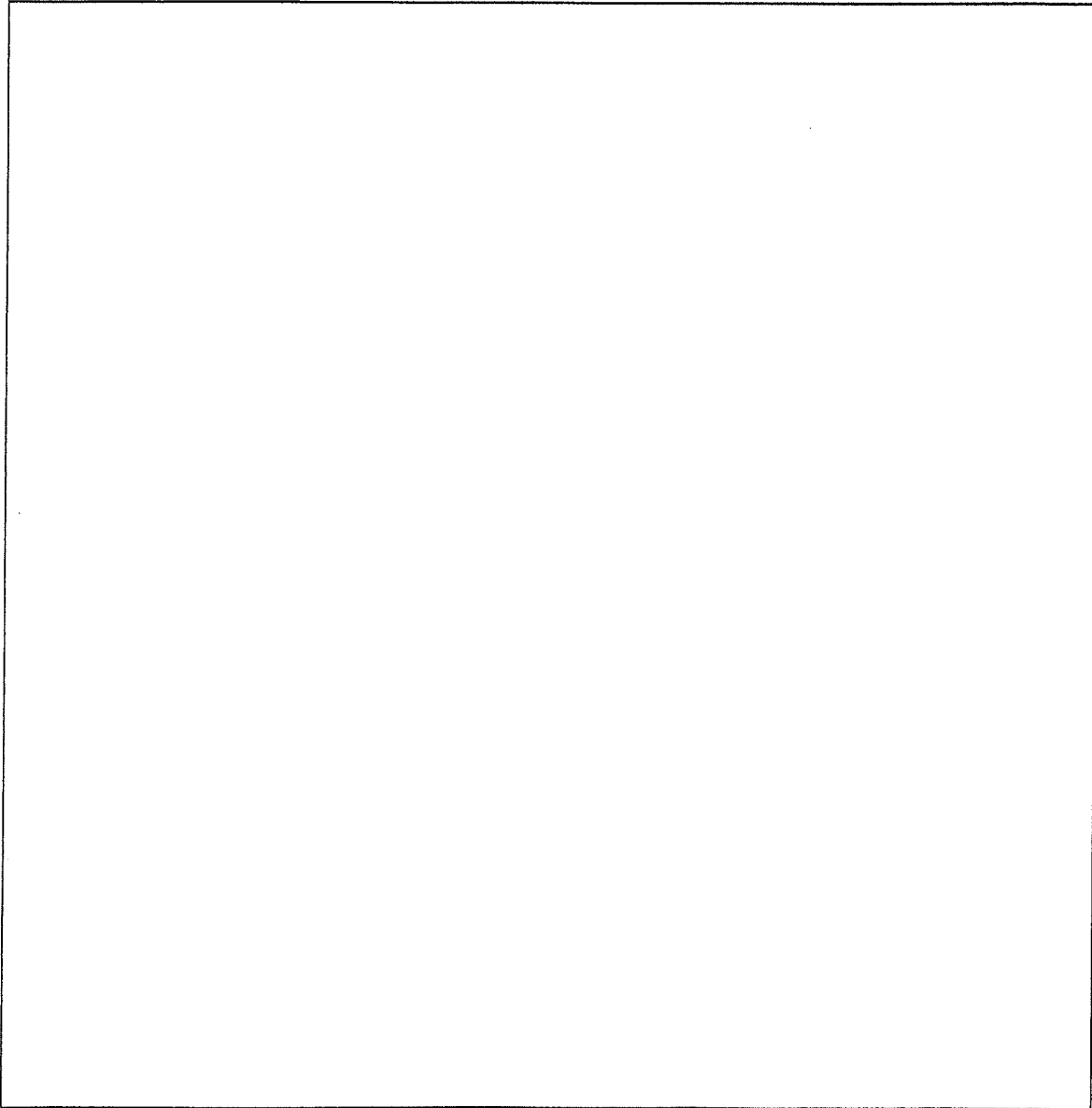
Applications are processed in the order they are received typically at the next regular meeting of the Roanoke Town Council. The Council meets the first Tuesday of each month at the Roanoke Town Hall.

Note: It is the responsibility of the applicant to contact the Town Clerk-Treasurer to have the application placed on the Town Council Agenda.

SITE/ROUTE MAP:

Event Site Map should include:

- An outline of the entire event venue including names of all streets or areas that are part of the venue and the surrounding area. If the event is a parade/race, indicate the direction of travel.
- The location of all stages, fencing, barricades, scaffolding, tents, portable restrooms, booths, cooking areas, trash dumpsters, grease/ash containers, gray water containers, and other temporary units.





DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) DESIGNATION

State Form 57288 (6-23)

INDIANA ALCOHOL AND TOBACCO COMMISSION
302 West Washington Street, Room E-114
Indianapolis, IN 46204
(317) 232-2430
<http://www.in.gov/alc>

- INSTRUCTIONS:**
1. Please type or print clearly.
 2. There is no charge or fee to be designated as part of a designated outdoor refreshment area (DORA).
 3. If you already hold a retail permit within a DORA and are requesting a DORA permittee designation, please complete Sections 1, 3, and 4 below.
 4. If you will be obtaining a temporary beer and wine permit, requesting supplemental catering authority, or are a craft manufacturer requesting to operate within a DORA on a temporary basis, please complete Sections 2, 3, and 4 below.

SECTION 1: RETAIL PERMITTEES		
Permittee name (as printed on permit)	Permittee number	
Doing business as (d/b/a)	Permit expiration date (mm/dd/yyyy)	
Permit address (number and street, city, state, and ZIP code)		
Name of person making application	Telephone number	E-mail address
Has the DORA already been approved by the ATC? <input type="checkbox"/> Yes <input type="checkbox"/> No	DORA Reference Number (approved DORAs only)	
SECTION 2: TEMPORARY VENDORS, SUPPLEMENTAL CATERERS & CRAFT MANUFACTURERS		
Please select one: <input type="checkbox"/> Temporary beer and wine permit <input type="checkbox"/> Supplemental catering permit <input type="checkbox"/> Craft manufacturer (artisan distiller, farm winery, small brewer)		
Permittee name	Permit number (catering and manufacturing permits only)	
Doing business as (d/b/a)	Permit expiration date (mm/dd/yyyy) (catering and manufacturing permits only)	
Address (number and street, city, state, or ZIP code) or description of designated vendor/caterer area		
Name of person making application	Telephone number	E-mail address
DORA Reference Number	Start date (mm/dd/yyyy)	End date (mm/dd/yyyy)
SECTION 3: LOCAL JURISDICTION APPROVAL		
Printed name of city or town official	Date (mm/dd/yyyy)	
Signature	Title	
SECTION 4: CERTIFICATION AND SIGNATURE		
I hereby certify that I have reviewed this application form prior to signing, and that all information provided herein is true and correct. I acknowledge and understand that it is a felony under Indiana law to misrepresent or falsify any portion of this application or attached documents.		
Printed name of applicant	Date (mm/dd/yyyy)	
Signature	Title	