

FILED

GENERAL ORDINANCE NO. 20, 2024

NOV 22 2024

**An Ordinance of the City of Terre Haute to Establish a
Designated Outdoor Refreshment Area (DORA)**

CITY CLERK

WHEREAS, the Common Council of the City of Terre Haute, Indiana, seeks to promote economic development and enhance the vibrancy of the downtown area by establishing a Designated Outdoor Refreshment Area (DORA); and

WHEREAS, Indiana Code § 7.1-3-31 allows municipalities to create designated refreshment areas where alcoholic beverages may be consumed in outdoor public places; and

WHEREAS, the establishment of a DORA is consistent with the municipality's zoning ordinance and aligns with the goals of the City's comprehensive plan to foster a lively and inviting downtown atmosphere.

SECTION 1. *Terre Haute City Code* Chapter 4 is hereby amended by adding Article 26 as outlined as follows:

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

ARTICLE 26

Designated Outdoor Refreshments Area

Sec. 4-500 Purpose and Intent.

Common Council of the City of Terre Haute, Indiana, seeks to promote economic development and enhance the vibrancy of the downtown area by establishing a Designated Outdoor Refreshment Area (DORA). The establishment of a DORA is consistent with the municipality's zoning ordinance and aligns with the goals of the City's comprehensive plan to foster a lively and inviting downtown atmosphere.

Sec. 4-501 Definitions.

All definitions in IC §7.1-3-31 et seq., as amended, shall apply to this Ordinance. The following terms shall also have the meanings ascribed to them herein:

- a. **Craft Manufacturer.** A entity that holds:
 1. A small brewery permit under IC 7.1-3-2-7(5); or
 2. A farm winery permit under IC 7.1-3-12; or
 3. An artisan distiller's permit under IC 7.1-3-27.
- b. **Designated Permittee.** A retailer permittee that operates a Licensed Premises which is located within and has received all applicable approvals to participate in a DORA

- c. **Licensed Premises.** A building, or part of a building, in which alcoholic beverages are authorized to be kept, manufactured, or sold, pursuant to all applicable laws and regulations
- d. **Refreshment Area.** An area established pursuant to IC §7.1-3-31 et seq, where an individual may: (i) exit the Licensed Premises of a Designated Permittee or Vendor with not more than two (2) open containers of an alcoholic beverage at a time, and consume the alcoholic beverages within such area.
- e. **Vendor.** An entity issued a temporary vendor designation pursuant to all applicable laws and regulations and either: (i) a temporary beer or wine permit, or (ii) a supplemental catering permit.

Sec. 4-502 Establishment of Designated Outdoor Refreshment Area.

The Common Council hereby establishes the Downtown Terre Haute Designated Outdoor Refreshment Area (DORA) with the following boundaries and provisions:

a. Boundaries

The DORA shall include the following areas:

1. Designated Outdoor Refreshment Area #1:

Beginning at the east corner of the right-of-way boundary at the intersection of Wabash Avenue and South 4th Street, thence continuing east approximately 2600 feet to the west corner of the right-of-way boundaries of the intersection at Wabash Avenue and North 9th Street. Additionally beginning at the south corner of the right-of-way boundary at the intersection of Cherry Street and 6th Street, thence continuing south approximately 740 feet to the north side of the right-of-way boundary at the intersection of Ohio Street and South 6th Street. Lastly, beginning at the south side of the right-of-way boundary at the intersection of Cherry Street and 7th Street, thence continuing south approximately 1100 feet to the north corner of the right-of-way boundaries of the intersection at 7th Street and Walnut Street.

2. Designated Outdoor Refreshment Area #2:

Beginning at the north corner of the right-of-way boundaries of the intersection at Crawford Street and South 9th Street, thence continuing approximately 1350 feet north to the northwest corner of the right-of-way boundaries of the intersection at South 9th Street and Poplar Street. Continuing from the west corner of the right-of-way boundaries of the intersection at South 9th Street and Poplar Street approximately 740 feet east to the west corner of the right-of-way boundaries of the intersection at Poplar Street and South 10 ½ Street.

b. Date & Hours of Operation

1. The DORA will operate during the hours authorized under IC §7.1-3-1-14, as amended by the Indiana General Assembly and further modified by the Common Council of the City of Terre Haute.
2. The Common Council of Terre Haute sees it fit to establish the local times for the DORA as follows:
 - a) Sunday 5pm to 12~~pm~~ ^{am} *W*
 - b) Thursday – Friday 5pm to 12~~pm~~ ^{am}
 - c) Saturday 11am – 12~~pm~~ ^{am}

c. Designated Permittees and Vendors.

The following initial businesses have submitted completed applications to participate as designated permittees within the DORA, **subject to approval** by the Alcohol and Beverage Commission and Mayor:

1. Designated Outdoor Refreshment Area #1:
 - a) Bar_Botics: 671 Wabash Ave, Terre Haute, IN 47807
 - b) Copper Bar: 810 Wabash Ave, Terre Haute, IN 47807
 - c) Federal Coffee + Fine Foods: 683 Wabash Ave, Terre Haute, IN 47807
 - d) Greek's Pizzeria: 600 Wabash Ave Suite B, Terre Haute, IN 47807
 - e) J. Ford's Black Angus: 129 S 7th St, Terre Haute, IN 47807
 - f) Saratoga Restaurant: 431 Wabash Ave, Terre Haute, IN 47807
 - g) Scout's Pizzeria: 677 Wabash Ave, Terre Haute, IN 47807
 - h) Taco Tequila's: 423 Wabash Ave, Terre Haute, IN 47807
 - i) Terminal Public House: 820 Wabash Ave, Terre Haute, IN 47807
 - j) Terre Haute Convention Center: 800 Wabash Ave, Terre Haute, IN 47807
 - k) The Verve: 677 Wabash Ave, Terre Haute, IN 47807
 - l) Wise Pies: 9 S 6th St, Terre Haute, IN 47807
2. Designated Outdoor Refreshment Area #2:
 - a) Afterburner Brewing Company: 629 S 9th St, Terre Haute, IN 47807
 - b) M. Mogger's Restaurant & Pub: 908 Poplar St, Terre Haute, IN 47807
 - c) Ripley's Beach Bar: 830 Oak St, Terre Haute, IN 47807
 - d) Stables Steakhouse: 939 Poplar St, Terre Haute, IN 47807
 - e) Terre Haute Brewing Company: 401 S 9th St, Terre Haute, IN 47807
3. Additional businesses within the DORA wishing to become designated permittees must submit applications for approval by the Mayor or their designee and approval by the Alcohol and Beverage Commission. The list of Designated Permittees and Vendors will be maintained by the City Clerk's Office. The means of maintaining the list will be at the City Clerk's Office Discretion, so long as it is readily available upon request.

Sec. 4-503 Signage.

Minimum signage standards for the DORA are as follows:

- a. Signs shall be posted at conspicuous locations from the public right-of-way at each pedestrian exit of the DORA. Signs identifying DORA exits will be installed at the time of establishment. See Exhibit C for signage. Each business will be required to post a DORA sign located at the entrance, exit, and one inside the establishment.
- b. Signs identifying DORA exits will be spaced no further than one block apart.
- c. Additional signs within the DORA will be placed in areas of high pedestrian activity.
- d. Signs must be composed of high-quality, all-weather durable material, and no smaller than 36 square inches.
- e. Signs must inform the public of the following:
 1. An indication whether the retailer permittee or business is participating in the refreshment area and whether an individual may enter with an open container.
 2. Any open alcoholic beverage containers purchased within the DORA must remain within the DORA.
 3. Possessing an open container of alcoholic beverages in a motor vehicle may constitute a Class C infraction under IC 9-30-15.
 4. The DORA shall be in effect during authorized times as per IC §7.1-3-1-14 and may be modified by the Mayor or their designee.

Sec. 4-504 Additional Requirements.

The ordinance may include additional provisions regarding the operation of the DORA:

- a. Retailer permittees and other businesses within the DORA must post signs indicating participation and whether open containers are allowed.
- b. Designated permittees and vendors must use only non-breakable plastic bottles, plastic cups, or paper cups for alcoholic beverages consumed in the DORA.
- c. Consumption of alcoholic beverages purchased outside the DORA within its boundaries is prohibited.
- d. Designated permittees with outdoor dining may serve alcoholic beverages in open containers within authorized areas during operational hours.

Sec. 4-505 Effective Date.

This ordinance shall take effect upon passage and compliance with statutory procedures for publication and adoption.

SECTION 2. The illegality or invalidity, for any reason, of any of the sections of this ordinance, or parts thereof, shall invalidate only such section or sections as are so determined to be illegal or invalid, any such invalidity shall have no effect on the remaining sections of this ordinance.

SECTION 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after the date of its passage by the Common Council of Terre Haute, Indiana and approval of the Mayor and upon publication as required by law.

Introduced by: Cheryl Loudermilk Cheryl Loudermilk, Councilperson

Passed in open Council this 12 day of December, 2024.

Tammy Boland Tammy Boland, President

ATTEST: Michelle L. Edwards Michelle L. Edwards, City Clerk

Presented by me to the Mayor this 12 day of December, 2024 at 8:10pm o'clock.

Michelle L. Edwards Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 12 day of December, 2024.

Brandon C. Sakbun Brandon C. Sakbun, Mayor

EXHIBIT A

BOUNDARY DESCRIPTION OF DESIGNATED OUTDOOR REFRESHMENT AREA

Designated Outdoor Refreshment Area #1:

Beginning at the east corner of the right-of-way boundary at the intersection of Wabash Avenue and South 4th Street, thence continuing east approximately 2600 feet to the west corner of the right-of-way boundaries of the intersection at Wabash Avenue and North 9th Street. Additionally beginning at the south corner of the right-of-way boundary at the intersection of Cherry Street and 6th Street, thence continuing south approximately 740 feet to the north side of the right-of-way boundary at the intersection of Ohio Street and South 6th Street. Lastly, beginning at the south side of the right-of-way boundary at the intersection of Cherry Street and 7th Street, thence continuing south approximately 1100 feet to the north corner of the right-of-way boundaries of the intersection at 7th Street and Walnut Street.

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Exhibit B

Map of DORA

