



Common Council

Agenda Item

Cover Sheet

MEETING DATE: April 9, 2024

- ☐ Previously Discussed Ordinance
- ☐ Proposed Development Presentation
- ☒ New Ordinance for Discussion
- ☐ Miscellaneous
- ☐ Transfer

ITEM or ORDINANCE: #09-04-24

PRESENTED BY: Aaron Head

- ☒ Information Attached
- ☐ Bring Paperwork from Previous Meeting
- ☐ Verbal
- ☐ No Paperwork at Time of Packets

ORDINANCE 09-04-24

A ORDINANCE ESTABLISHING THE CITY OF NOBLESVILLE DOWNTOWN NOBLESVILLE DESIGNATED OUTDOOR REFRESHMENT AREA

WHEREAS, Ind. Code 7.1-3-31 provides authority to a municipality, defined as a city or town, to enact an ordinance creating Designated Outdoor Refreshment Areas (DORA); and

WHEREAS, the Common Council believes it is in the best interest of the City to create a Designated Outdoor Refreshment Area in the City's downtown, as authorized by Indiana Code 7.1-3-31 *et seq.*, which Area is shown on the attached Map, which is designated as "**Exhibit A**" and incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Noblesville, Indiana, as follows:

1. All definitions in Ind. Code 7.1-2-31 *et seq.* shall apply to this Ordinance.
2. The map of the Downtown Noblesville Designated Outdoor Refreshment Area attached hereto as "**Exhibit A**", and incorporated herein by reference is hereby approved and confirmed.
3. That the Downtown Noblesville Designated Outdoor Refreshment Area boundary (Exhibit A) shall be defined as follows:

Starting at the north/south alley immediately east of 10th Street and on the south side of Wayne Street and heading west along Wayne Street to 8th Street. Following a northwest line approximately 470 feet to the entrance of Forest Park at 221 Cicero Road. Following northwest along the White River Greenway Trail into Forest Park. Following the trail approximately 1300 feet to the future trail connection to Federal Hill Commons. South along the west boundary of the future trail connection to Federal Hill Commons. West along the north side of Logan Street to the west side of John Street. South to the north property line of 350 Westfield Road. West along the north property line of 350 Westfield Road to west property line of 325 Logan Street. South along west property line of 325 Logan Street and 350 Westfield Road to Westfield Road (SR32) and including sidewalk. East along Westfield Road to the east bank of the White River. South along the east bank of White River along the Riverwalk Trail to the south side of Maple Avenue. East along Maple Avenue to the N/S alley between 6th and 8th Street. South along the north/south alley to the south side of the east/west alley. East along the east/west alley to 8th Street.

North on 8th Street to the south side of Maple Avenue. East on Maple Avenue to the east property line of 98 S. 10th Street. North along the east property line of 98 N. 9th Street to beginning at Wayne Street.

4. The Common Council finds that the DORA is consistent with zoned areas that allow for commercial, retail and entertainment establishments.
5. IC 7.1-3-31 gives retailer permittees and temporary permittees located in a DORA the ability to allow persons twenty-one and over to leave their premises with open containers of alcohol up to a certain threshold, which the person may consume anywhere in the DORA.
6. The Downtown Noblesville Designated Outdoor Refreshment Area shall be active during the following days and times:
January 1 – December 31
Monday – Thursday, 12pm to 11pm
Friday – Sunday, 10am to 11pm
7. The following are proposed Designated Permittees and Vendors within the Noblesville DORA:
Designated Permittees:
 1. Primeval Brewing, 960 Logan Street, Suite 100
 2. Syd's Fine Food and Spirits, 808 Logan Street
 3. 9th Street Bistro, 56 S. 9th Street
 4. The Silver Dollar, 26 S. 8th Street
 5. Alexander's on the Square, 864 Logan Street
 6. Bru Burger, 350 Westfield Road
 7. Bica Café, 933 Conner Street
 8. The Nesst, 917 Conner Street
 9. Noble Coffee and Tea; 933 Logan Street
 10. The Elks; 35 S. 9th Street

Vendors:

1. Primeval Brewing
 2. Noblesville Creates
-
8. Any additional licensed premise located within the Downtown Noblesville DORA that desires to be a "Designated Permittee" and/or any business the desires to be a "Vendor" within the Downtown Noblesville DORA and granted a "refreshment area designation" shall submit "State Form 57288 - Designated Outdoor Refreshment Area Designation", which is attached hereto and incorporated herein by reference as "**Exhibit B**", for

approval by the Common Council by resolution prior to submittal of State Form 57288 being sent to the Indiana ATC for review.

Furthermore, and more specifically, this form shall be submitted to the City for placement on a Common Council agenda as a resolution for review and potential approval prior to:

- a. A Designated Permittee expanding their operations into the Area outside of their designated outdoor patio area;
 - b. An Approved Vendor, either by this Ordinance or future Resolution, requesting a temporary permit to serve in the Area;
 - c. Any Organization holding a special event in the Area with a Vendor requesting a temporary permit to serve;
9. The signage designating the Downtown Noblesville DORA attached as “**Exhibit C**” and incorporated by reference is hereby approved and adopted and directs the City to place the signage at designated locations at the boundaries of the DORA. This includes approximately 30 signs that mark the DORA boundary. Signs shall be a combination and include but may not be limited to pole mounts and sidewalk decals.
10. The Common Council recognizes that additional signage designating the City of Noblesville Downtown Designated Outdoor Refreshment Area may be warranted and necessary, and therefore city staff is hereby authorized and granted full authority to increase the number or change the type of signage in their sole discretion.
11. Participating, licensed designated permittees, vendors and patrons within the established DORA will be required to follow the local guidelines herein attached and more specifically set forth as “**Exhibit D**”, all of which is in accordance with local and State laws;
12. This ordinance shall be in full force and effect upon its passage, approval and publication pursuant to Indiana law.

Approved on this _____ day of _____, 2024 by the Common Council of the City
of Noblesville, Indiana

| AYE | | NAY | ABSTAIN |
|-----|------------------|-----|---------|
| | Mark Boice | | |
| | Michael J. Davis | | |
| | Evan Elliott | | |
| | David M. Johnson | | |
| | Darren Peterson | | |
| | Pete Schwartz | | |
| | Aaron Smith | | |
| | Todd Thurston | | |
| | Megan G. Wiles | | |

ATTEST: _____
 Evelyn L. Lees, City Clerk

Presented by me to the Mayor of the City of Noblesville, Indiana, this _____ day of
 _____, 2024 at _____.M.

 Evelyn L. Lees, City Clerk

MAYOR'S APPROVAL

 Chris Jensen, Mayor

 Date

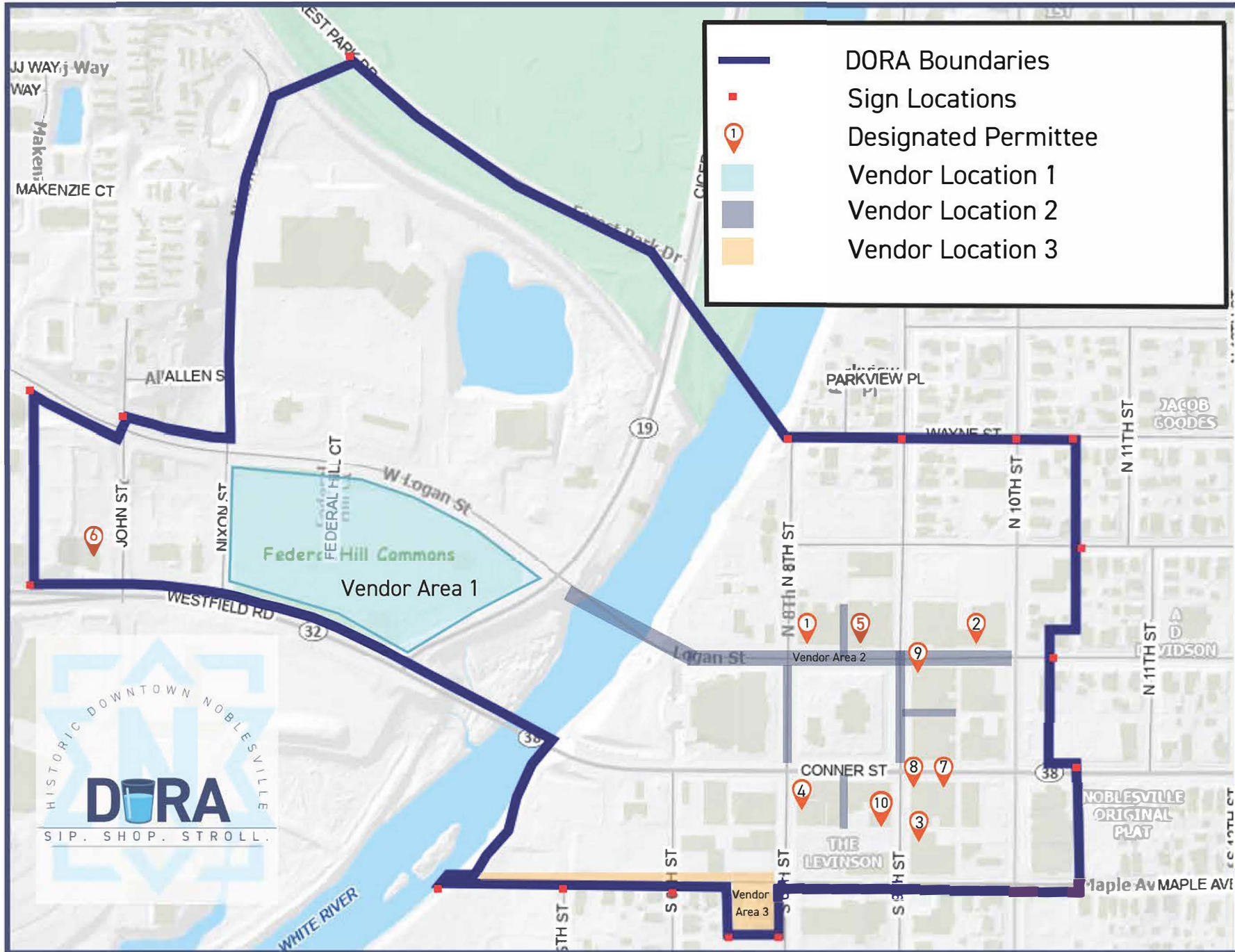
MAYOR'S VETO

 Chris Jensen, Mayor

 Date

ATTEST: _____
 Evelyn L. Lees, City Clerk

Downtown Noblesville DORA



Designated Permittees

1. Syd's
2. Primeval Brewing
3. 9th Street Bistro
4. Silver Dollar
5. Alexander's
6. Bru Burger
7. Bica Cafe
8. The Nesst
9. Noble Coffee & Tea
10. The Elks





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/atc>

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:

☐

Temporary beer and wine permit

☐

Supplemental catering permit

☐

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 |

Exhibit C

DORA Signage

(subject to change)

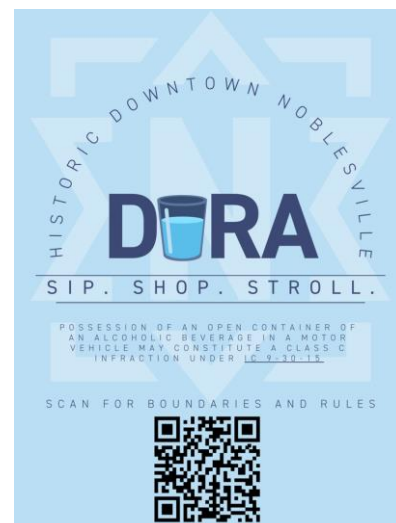
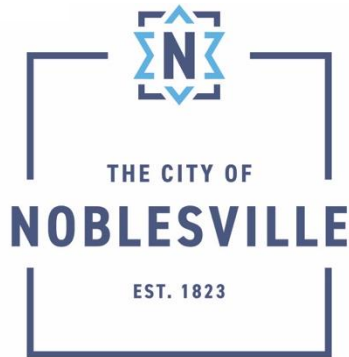


Exhibit D



Downtown Noblesville Designated Outdoor Refreshment Area

The DORA is a designated area where alcoholic beverages can be purchased in a marked container from participating establishments and carried within the district.

- The Downtown Noblesville DORA is in effect January 1 – December 31. Monday through Thursday from 12pm to 11pm & Friday through Sunday from 10am to 11pm.
- Patrons must be age 21 or over.
- No outside alcoholic beverages are permitted to be consumed in the DORA.
- DORA beverages may be purchased only at participating liquor establishments.
- DORA drinks are allowed only within the DORA boundaries.
- Exit signage is placed at the boundaries of the DORA, and DORA beverages are not permitted outside of these exit points.
- Pre-packaged beverages are not permitted to be dispensed as a DORA beverage.
- Only specific plastic cups with the DORA logo are permitted to be used for DORA beverages.
- No glass containers are permitted in the DORA area.
- Patrons may enjoy their beverage outdoors (staying within the DORA boundaries).
- Patrons may take their drink into their favorite shop if a green decal is displayed in the window.
- DORA container must be disposed of before you enter another bar or restaurant including those that are Designated Permittees and those businesses displaying an orange decal.
- Possession of an open container of an alcoholic beverage in a motor vehicle may constitute a Class C infraction under IC 9-30-15.
- Safety and nuisance laws are strictly enforced. Patrons participating in the DORA should enjoy the DORA responsibly, respect the residents and businesses, and never drink and drive.

