

**TOWN COUNCIL OF  
BROOKVILLE, INDIANA**

**ORDINANCE #2024-10**

**AN ORDINANCE ESTABLISHING  
A DESIGNATED OUTDOOR REFRESHMENT AREA**

**WHEREAS**, Indiana Code § 7.1-3-31 authorizes the establishment of a Designated Outdoor Refreshment Area; and

**WHEREAS**, the Town Council believes it is in the best interest of the Town to create a Designated Outdoor Refreshment Area in the Town'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 ORDAINED**, by the Town Council of the Town of Brookville, Indiana, that a new Chapter shall be added to the Code of Ordinances of the Town of Brookville, Indiana to read as follows:

**TITLE XI: BUSINESS REGULATIONS  
Chapter 112. Designated Outdoor Refreshment Areas**

**§ 112.01      Incorporation of State Law**

All requirements and definitions found in Indiana Code § 7.1-3-31 *et seq.*, as the same may be amended from time to time, shall apply throughout this Chapter and are incorporated herein by reference. If there exists a conflict between the Indiana Code and this Chapter, the provisions found in the Indiana Code shall govern.

**§ 112.02      Total Designated Outdoor Refreshment Areas**

The Town of Brookville (the "Town") does hereby authorize the establishment of a Designated Outdoor Refreshment Area ("DORA"), as described and detailed herein, with the potential to establish a total of seven (7) DORAs in and throughout the Town, as permitted by State law, at a point in the future as may be determined by the Town Council.

**§ 112.03      Amendment or Revocation of DORAs**

The Town may, at any time, by subsequent Ordinance of the Town Council, amend or revoke a DORA, individually, or all DORAs in their entirety.

**§ 112.04      Downtown DORA Boundary**

The downtown area depicted in Exhibit “A”, attached to the Ordinance creating this Chapter and is incorporated herein by reference, is designated as the Downtown Brookville Designated Outdoor Refreshment Area (the “Downtown DORA”). The boundaries of the Downtown DORA by street address and direction are as follows:

*Beginning at the intersection of Cliff Street and West 9<sup>th</sup> Street (Border #1) and moving East to the intersection of 9<sup>th</sup> Street and Main Street (Border #2). Thence moving South to the intersection of Main Street and 5<sup>th</sup> Street (Border #3) and then East to the intersection of East 5<sup>th</sup> Street and Franklin Avenue (Border #4). Moving then South to the intersection of Franklin Avenue and East 4<sup>th</sup> Street (Border #5) and then West to the intersection of East 4<sup>th</sup> Street and an unnamed alleyway (Border #6). South along said unnamed alleyway to the intersection of the unnamed alleyway and East Third Street (Border #7). Then moving West to the intersection of West 3<sup>rd</sup> Street and Progress Street (Border #8) and then North to the intersection of Progress Street and West 7<sup>th</sup> Street (Border #9) and then West to the intersection of West 7<sup>th</sup> Street and Cliff Street (Border #10). Finally, from Border #10 north along Cliff Street to its intersection with East 9<sup>th</sup> Street at Border #1.*

**§ 112.05      Compliance with Zoning Code**

The Town Council finds that the adoption of the Downtown DORA and/or other DORAs subsequently established are consistent with the Franklin County Zoning Ordinance.

**§ 112.06      DORA Signage and Logo**

(A) The Town Council hereby approves and adopts the signage requirements of Indiana Code § 7.1-3-31 *et seq.* designating the Town’s Downtown DORA and said signage shall be placed at the boundaries of the Downtown DORA at common and conspicuous exit locations as required by law. Said signage is attached to the Ordinance creating this Chapter, marked as Exhibit “B”, and is incorporated herein by reference.

(B) The Town Council shall adopt and establish a common brand or logo (the “DORA Logo”) for the Downtown DORA and other DORAs subsequently established. Any and all private signage utilizing the DORA Logo shall be subject to the approval of the Town Council and shall comply with all applications and fees so determined or required.

(C) All signage posted in furtherance of the Downtown DORA and/or other DORAs subsequently established shall comply with all signage requirements of the Town of Brookville as enumerated by the Code of Ordinance and/or the Franklin County Zoning Ordinance. However, reasonable accommodations and deference shall be made and afforded to enable and ensure signage which is proper and compliant with Indiana Code § 7.1-3-31 *et seq.*

**§ 112.07 Hours of Operation**

Hours of operation for all DORAs shall be Sunday through Saturday from 10:30 A.M. until closure as required by Indiana Code § 7.1-3-1-14, as the same may be amended from time to time.

**§ 112.08 Designated Permittee.**

(A) 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 all required costs and/or fees, if any so required, to the Town of Brookville in order to participate in a DORA as a “Designated Permittee”. Once approved by the Town of Brookville, applications shall be sent to the Indiana Alcohol and Tobacco Commission for said Commission’s approval.

(B) Upon approval of the Downtown DORA and each Designated Permittee by the Indiana Alcohol and Tobacco Commission, the Designated Permittees shall remove all stanchions, fencing, or other means of separation previously required by law from all common areas, sidewalks, and right-of-way of the Town of Brookville as provided in Indiana Code § 7.1-3-31-15.

(C) As required by Indiana Code § 7.1-3-31-16, a sign must be posted at each exit of a Designated Permittee and on the licensed premises of a Vendor that informs the public of the following:

- (1) Any open alcoholic beverage containers purchasing within the DORA must remain within the DORA;
- (2) Possessing an open container of alcoholic beverages in a motor vehicle may constitute a Class C infraction under Indiana Code § 9-30-15; and
- (3) The dates the DORA will be open if the DORA has date restrictions.

**§ 112.09 Proposed Designated Permittees of Downtown DORA**

(A) The proposed and/or potential Designated Permittees of the Downtown DORA, pending each’s interest, application, and approval shall include, but not be necessarily limited to:

- (1) Veterans of Foreign Wars Post 2014
- (2) Brookville Bowling Lanes
- (3) Fraternal Order of Eagles #1129
- (4) Third Place
- (5) Pioneer Restaurant and Lounge
- (6) Knights of Columbus #1010
- (7) Hilltop Restaurant and Sports Dining

(B) The Town of Brookville requests the Indiana Alcohol and Tobacco Commission to approve each as a Designated Permittee upon submission of their completed application to the Town. Any additional licensed premises located within the Downtown DORA who desire to be designated as a Designated Permittee shall submit the Town's DORA Designated Permittee Application to the Town for approval and recommendation by the Town Council.

**§ 112.10 Trash Receptacles**

A Designated Permittee approved by the Town of Brookville and the Indiana Alcohol Tobacco Commission shall continuously maintain a trash receptacle(s) outside of all main entrances to their premises at their sole cost and expense.

**§ 112.11 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 Town of Brookville for review and approval by the Town Council. 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 their Catering Permit and/or supplement thereto; (ii) Temporary Vendor Designation, both of which may be obtained from the Indiana Alcohol and Tobacco Commission; and (iii) any other required documentation or items so requested. Vendors shall be permitted to establish a location of service and participation anywhere within a DORA which they have elected to participate, subject to review and approval by the Town Council as part of the Special Event Application process.

**§ 112.12 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 patrons 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) The Town of Brookville maintains full authority and control over sidewalks, streets, parks, and/or other common areas of the Town and no person or entity may prohibit or limit open and authorized containers in accordance with Indiana Code § 7.1-3-31 *et seq.* with a DORA in those spaces except for the Town of Brookville Police Department.

(C) All Designated Permittees and/or Vendors shall continue to have the right to refuse service to any patron, on a non-discriminatory basis, in their sole discretion in compliance with Indiana law.

### **§ 112.13 Permitted Amounts**

Subject to the provisions of § 112.14, below, 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 an 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.

### **§ 112.14 Authorized Containers**

(A) Designated Permittees and/or Vendors shall only permit patrons to exit their premises into a DORA if the alcoholic beverages, as described in § 112.13, above, have been placed into a clear, non-breakable plastic cup labeled with a label approved and authorized by the Town of Brookville ("DORA Container"). Beverages consumed within a Designated Permittee's and/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.

(B) The Town of Brookville may delegate and designate a department, agent, entity, and/or individual with the right to serve as the exclusive designer, manufacturer, distributor, and/or retailer and service provider of DORA Containers for use in DORAs and does so delegate said authority to Main Street Brookville, Inc., an Indiana Non-Profit Corporation with 501(c)(3) status ("Main Street").

(C) The Town of Brookville 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 the Town Council.

(D) Designated Permittees and/or Vendors shall purchase the requisite DORA Containers from Main Street. Main Street shall utilize proceeds obtained from the sale of the authorized DORA Containers to assist the Town of Brookville with the payment of costs and expenses associated with signage, public safety, sanitation costs, events, improvements, and operations of the Downtown DORA and any subsequently created DORAs.

### **§ 112.15 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.

**§ 112.16 Prohibition of Outside Beverages**

Persons may not consume beverages within a DORA which (i) were not purchased from a Designated Permittee and/or Vendor; and/or (ii) which were brought from outside a DORA into the subject DORA. The refilling of a DORA Container with alcoholic or other beverages is strictly prohibited.

**§ 112.17 Revocation of Designated Permittee and/or Vendor Status**

Failure of a Designated Permittee and/or Vendor to comply with this Chapter 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 Town of Brookville or its designated department or agent shall deliver or serve notice of such revocation upon the 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. Said revocation may be appealed to the Town Council by the Designated Permittee and/or Vendor by providing the Clerk-Treasurer of the Town with a request to appear before the Town Council at its next regularly scheduled meeting within ten (10) calendar days of the notice of revocation being delivered or served on the Designated Permittee and/or Vendor. If a revocation is reversed by the Town Council, the Designated Permittee and/or Vendor shall be subject to a fine as outlined in § 112.18, below. The decision of the Town Council regarding such appeal of a revocation shall be final.

**§ 112.18 Violations**

In addition to the revocation outlined in § 112.16, above, any violation of any Section of this Chapter by any Designated Permittee, Vendor, person, business, and the like shall be a Class C infraction punishable by a fine of up to Five Hundred Dollars (\$500.00).

ADOPTED AND PASSED BY THE COUNCIL OF THE TOWN OF  
BROOKVILLE, INDIANA THIS THE 17<sup>th</sup> DAY OF June, 2024.

Bridget C. Hayes  
Bridget C. Hayes, President

[Signature]  
John Estridge, Vice President

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Curtis Ward

[Signature]  
Daniel Rottinghaus


















[Signature]  
Richard Whitaker

ATTEST:  
[Signature]  
Gina Gillman, Clerk-Treasurer

*This Ordinance prepared by: Andrew D. Baudendistel, City Attorney, 60 East High Street, Lawrenceburg, Indiana 47025. Phone: (812) 537-4500. Fax: (812) 539-4500.*

# Downtown Brookville DORA

## DORA Designated Permittees and Boundary

-  #1 VFW Post 2014
-  #2 Brookville Lanes
-  #3 Fraternal Order of Eagles #1129
-  #4 Third Place
-  #5 Pioneer Restaurant & Lounge
-  #6 Knights of Columbus #1010
-  #7 Hilltop Restaurant and Sports Dining
-  Border #1 - Cliff Street and West 9th Street
-  Border #2 - 9th Street and Main Street
-  Border #3 - Main Street and 5th Street
-  Border #4 - East 5th Street and Franklin Avenue
-  Border #5 - Franklin Avenue and East 4th Street
-  Border #6 - East 4th Street and Alley
-  Border #7 - Alley and East Third Street
-  Border #8 - West 3rd Street and Progress Street
-  Border #9 - Progress Street and West 7th Street
-  Border #10 - West 7th Street and Cliff Street
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