

FILED

SEP 23 2024

Belinda Munson

MUNCIE CITY CLERK

ORDINANCE 20-24

AN ORDINANCE OF THE CITY OF MUNCIE ESTABLISHING DESIGNATED OUTDOOR REFRESHMENT AREAS

WHEREAS, Indiana Code § 7.1-3-31 *et. seq.*, authorizes the establishment of a Designated Outdoor Refreshment Area (“DORA”).

WHEREAS, the Common Council of the City of Muncie has determined that the City of Muncie would benefit from designating an area in downtown, an area within “The Village” near Ball State University, and in an area in the McKinley neighborhood as a DORA.

WHEREAS, the Common Council of the City of Muncie has determined that the establishment of the DORAs described herein is consistent with the City of Muncie Comprehensive Zoning Code.

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

Section 1: Chapter 104 is hereby added to the City of Muncie Code of Ordinances to read as follows:

Chapter 104 – Designated Outdoor Refreshment Areas

Sec. 104.1 – Purpose and Definitions.

The purpose of this Chapter is to designate certain areas within the City of Muncie as a Designated Outdoor Refreshment Area (“DORA”), which allows patrons of legal age to purchase alcoholic beverages from approved vendors and retail establishments within the DORA and carry the beverages outside to be consumed within the DORA boundaries. All definitions set forth in Indiana Code § 7.1-3-31-1 through 5 are hereby incorporated by reference and shall be applicable to this Chapter.

Sec. 104.2. – Downtown DORA.

(A) There is hereby established the Downtown Designated Outdoor Refreshment Area (“Downtown DORA”), which is depicted in the map designated as Exhibit A below.

(B) The boundaries of the Downtown DORA are as follows:

North Boundary: N. High Street at the intersection with W. Wysor Street at Riverbend Park running south to the northeast side of the intersection with Washington Street, and then east on Washington Street to its northeast intersection with North Mulberry Street.

East Boundary: Mulberry Street at the northeast intersection with Washington Street running south to the northeast intersection of Mulberry Street and East Howard Street, then east on East Howard Street to its northeast intersection with S. Jefferson Street, then south on S. Jefferson Street to its southeast intersection with

E. Seymour Street, then west on E. Seymour Street to its southeast intersection with S. Mulberry Street.

South Boundary: Seymour Street starting at the southeast intersection with Mulberry Street running west through the intersection with South Walnut Street (including the south side of the roundabout and the sidewalk on both sides of the street) to the point Seymour Street turns into High Street (at 123/125 W. Seymour Street).

West Boundary: High Street starting at the intersection with Seymour Street (at 123/125 W. Seymour Street including the sidewalk on both sides of the street) running north to the southwest intersection with Washington Street at 121 N. High Street, and then west on Washington Street to its southwest intersection with N. Franklin Street, then north on N. Franklin Street to its intersection with N. High Street at Riverbend Park.

(C) The proposed and/or potential Designated Permittees of the Downtown DORA, pending application and approval as provided herein shall include:

- Savage's Ale House – 127 N. High Street
- The Clubhouse Muncie – 115 S. Walnut Street
- Vera Mae's Bistro – 207-209 South Walnut Street
- Heorot – 219 S. Walnut Street
- Ron Lahody's Trust Your Butcher Steakhouse – 231 S. Walnut Street
- Casa Del Sol – 206 S. Walnut Street
- Twin Archer Brew Pub – 117 W. Charles Street
- Downtown Farm Stand/Second Story - 125 E. Main Street/107 S. Mulberry Street
- 1925 Pubhouse - 625 S. High Street
- Little Chicagos, 112 S. Walnut Street

(D) Any individual or entity located within the Downtown DORA who desires to be a Vendor or Designated Permittee shall submit an application for approval in accordance with the procedure established by the Board of Public Works and Safety.

Sec. 104.3. –Village DORA.

(A) There is hereby established The Village Outdoor Refreshment Area (“Village DORA”), which is depicted in the map designated as Exhibit B below.

(B) The boundaries of the Village DORA are as follows:

North Boundary: Ashland Avenue at the intersection with McKinley Avenue running east to the east edge of Dill Street.

East Boundary: Dill Street starting at the intersection with Ashland Avenue running south to the intersection with North Street.

South Boundary: North Street at the intersection with Dill Street running west to the intersection with McKinley Street.

West Boundary: McKinley Street starting at the intersection with North Street running north to the intersection with Ashland Avenue.

(C) The proposed and/or potential Designated Permittees of the Village DORA, pending application and approval as provided herein shall include, but not be limited to:

- Roots Burger Bar – 1700 W. University Avenue
- Brothers Bar & Grill – 1601 W. University Avenue
- The Chug – 409 N. Martin Street
- Greek’s Pizzeria – 1600 W. University Avenue
- Be Here Now Craft Brew Bar – 505 N. Dill Street
- Yats – 1625 W. University Avenue
- Lacasa Restaurant and Bar - 1529 W. University Avenue
- Future food and beverage operators in the Cantio Hotel – 1800 W. University Avenue.

(D) Any individual or entity located within the Village DORA who desires to be a Vendor or Designated Permittee shall submit an application for approval in accordance with the procedure established by the Board of Public Works and Safety.

Sec. 104.4 – McKinley DORA

(A) There is hereby established the McKinley Designated Outdoor Refreshment Area (“McKinley DORA”), which is depicted in the map designated as Exhibit C below.

(B) The boundaries of the McKinley DORA are as follows:

North Boundary: Columbus Avenue at the intersection with N. Jefferson Street running east to intersection with N. Madison Street.

East Boundary: N. Madison Street at the intersection with E. Columbus Avenue running south to the intersection with E. Wysor Street.

South Boundary: E. Wysor Street at the intersection with N. Madison Street running west to the intersection with N. Jefferson Street.

West Boundary: N. Jefferson Street at the intersection with E. Wysor Street running north to the intersection with Columbus Avenue.

(C) The proposed and/or potential Designated Permittees of the Downtown DORA, pending application and approval as provided herein shall include:

- Elm Street Brewing Company – 519 N. Elm Street
- 7 Rock Brew – 613 N. Madison Street

(D) Any individual or entity located within the Downtown DORA who desires to be a Vendor or Designated Permittee shall submit an application for approval in accordance with the procedure established by the Board of Public Works and Safety.

Sec. 104.5 – DORA Boundary Signage.

The City shall install a sufficient number of signs (a minimum of 36 square inches in size) in each DORA to visibly designate the boundaries of the DORA at the corners and each cross street exit of each Dora. The signs shall comply with the signage requirements of the City of Muncie Zoning Code and shall be composed of high-quality, all-weather, durable material. The signs in the Village Dora shall also be reviewed and approved by the Ball State University Office of Facilities Planning and Management, and the Village Review Committee. Signs shall be placed in or near the following locations:

(A) Downtown DORA:

- i. Intersection of Franklin Street and High Street;
- ii. Intersection of Wysor Street and High Street;
- iii. Intersection of Washington Street and Mulberry Street;
- iv. Intersection of Mulberry Street and Main Street;
- v. Intersection of Mulberry Street and Jackson Street;
- vi. Intersection of Mulberry Street and Adams Street;
- vii. Intersection of Mulberry Street and Charles Street;
- viii. Intersection of Mulberry Street and Howard Street;
- ix. Intersection of Howard Street and Jefferson Street;
- x. Intersection of Jefferson Street and Seymour Street
- xi. Intersection of Mulberry Street and Seymour Street;
- xii. Intersection of High Street and Charles Street;
- xiii. Intersection of High Street and Adams Street;
- xiv. Intersection of High Street and Jackson Street
- xv. Intersection of High Street and Main Street;
- xvi. Intersection of Washington Street and Franklin Street; and
- xvii. Intersection of Franklin Street and Gilbert Street.

(B) Village DORA:

- i. Intersection of Ashland Avenue and McKinley Avenue;
- ii. Intersection of Ashland Avenue and Calvert Street;
- iii. Intersection of Ashland Avenue and Martin Street
- iv. Intersection of Ashland Avenue and Dill Street;
- v. Intersection of Dill Street and University Avenue;
- vi. Intersection of Dill Street and North Street;
- vii. Intersection of North Street and Martin Street;
- viii. Intersection of North Street and Calvert Street;
- ix. Intersection of North Street and McKinley Avenue; and

x. Intersection of McKinley Avenue and University Avenue

(C) McKinley DORA:

- i. Intersection of Columbus Avenue and Jefferson Street;
- ii. Intersection of Columbus Avenue and Elm Street;
- iii. Intersection of Columbus Avenue and N. Madison Street;
- iv. Intersection of N. Madison Street and Race Street;
- v. Intersection of N. Madison Street and Wysor Street;
- vi. Intersection of Wysor Street and Elm Street;
- vii. Intersection of Wysor Street and Jefferson Street; and
- viii. Intersection of Jefferson Street and Race Street.

Sec. 104.6 – Hours of Operation.

Hours of operation for all DORAs shall be from 12:00 p.m. until 12:00 a.m. each day.

Sec. 104.7 – DORA Regulations.

(A) Within the boundaries of a DORA established herein, a person may 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 beverage within DORA. The open container shall be placed in a plastic or aluminum container prior to exiting the licensed premises of a Designated Permittee. The contents of an open container may not exceed the following:

- (1) Beer or flavored malt beverage of not more than sixteen (16) ounces.
- (2) Wine, cider, or hard seltzer of not more than twelve (12) ounces.
- (3) A mixed drink of not more than ten (10) ounces containing not more than two (2) ounces of liquor.

(B) The plastic or aluminum container in which the alcoholic beverage is placed when exiting the premises of a Designated Permittee shall have affixed an official DORA logo sticker that shall be approved by the Board of Public Works and Safety. The City of Muncie shall work with a local community partner to provide stickers to all Designated Permittee within each DORA and change the color of the approved sticker at various times each year.

(C) A person may consume an alcoholic beverage purchased from a Designated Permittee or Vendor anywhere within the DORA in which the beverage was purchased, subject to the right of any business within the refreshment area to refuse to allow individuals to enter the licensed premises or business with an alcoholic beverage.

(D) A person may not consume an alcoholic beverage within a DORA that was purchased outside of the DORA.

(E) If a Designated Permittee in a DORA includes outdoor dining:

- (1) The Designed Permittee may serve alcoholic beverages in open containers during the hours of operation and in the areas authorized by the retailer permit;
 - (2) Glass containers may be allowed in the outdoor dining areas but may not be removed from those areas in the DORA; and
 - (3) No fencing or other enclosure of the outdoor dining area is required.
- (F) 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 purchased 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 Ind. Code § 9-3-15.
 - (3) The hours of operation of the DORA.

Sec. 104.8. – Designated Permittee.

Any individual or entity located within a DORA licensed to sell alcoholic beverages that wants to continually participate in the DORA as a Designated Permittee shall submit an application to the Board of Public Works and Safety to be approved as a Designated Permittee. Once approved, applications shall be sent to the State of Indiana Alcohol and Tobacco Commission for further approval.

Sec. 104.9. – Special Events; Vendors.

Any individual or entity that is either (a) not a Designated Permittee; or (b) a Designated Permittee wishing to expand operations into the DORA beyond its licensed premises for the purpose of selling alcoholic beverages during a special event held within the boundaries of a DORA shall submit a special event application to the Board of Public Works and Safety. The special event application shall include, as an attachment, copies of the Vendor's (1) valid Temporary Beer or Wine Permit or Catering Permit; and (2) Temporary Vendor Designation, both of which may be obtained from the Indiana Alcohol and Tobacco Commission. Vendors shall be permitted to establish a temporary location of service and participate in a special event at a location approved by the Board of Public Works and Safety and only during the hours approved by the Board of Public Works and Safety. The approximate location of the temporary locations available for use by Vendors within a DORA is depicted on the maps below.

Sec. 104.10. – Maps.

	Yeas	Nays	Abstained	Absent
Jeff Green		✓		
Nora Powell	✓			
Brandon Garrett	✓			
Sara Gullion	✓			
Jerry Dishman		✓		
Harold Mason	✓			
Dale Basham	✓			
Ro Selvey	✓			
William McIntosh	✓			

President Muncie Common Council

Presented by me to the Mayor for his approval, this 4 day of November, 2024.

Belinda Munson
Belinda Munson, Muncie City Clerk

The above Ordinance is approved/vetoed by me this 4th day of November, 2024.

Dan Ridenour, Mayor of the City of Muncie

ATTEST:

Belinda Munson
Belinda Munson, Muncie City Clerk of the Common Council

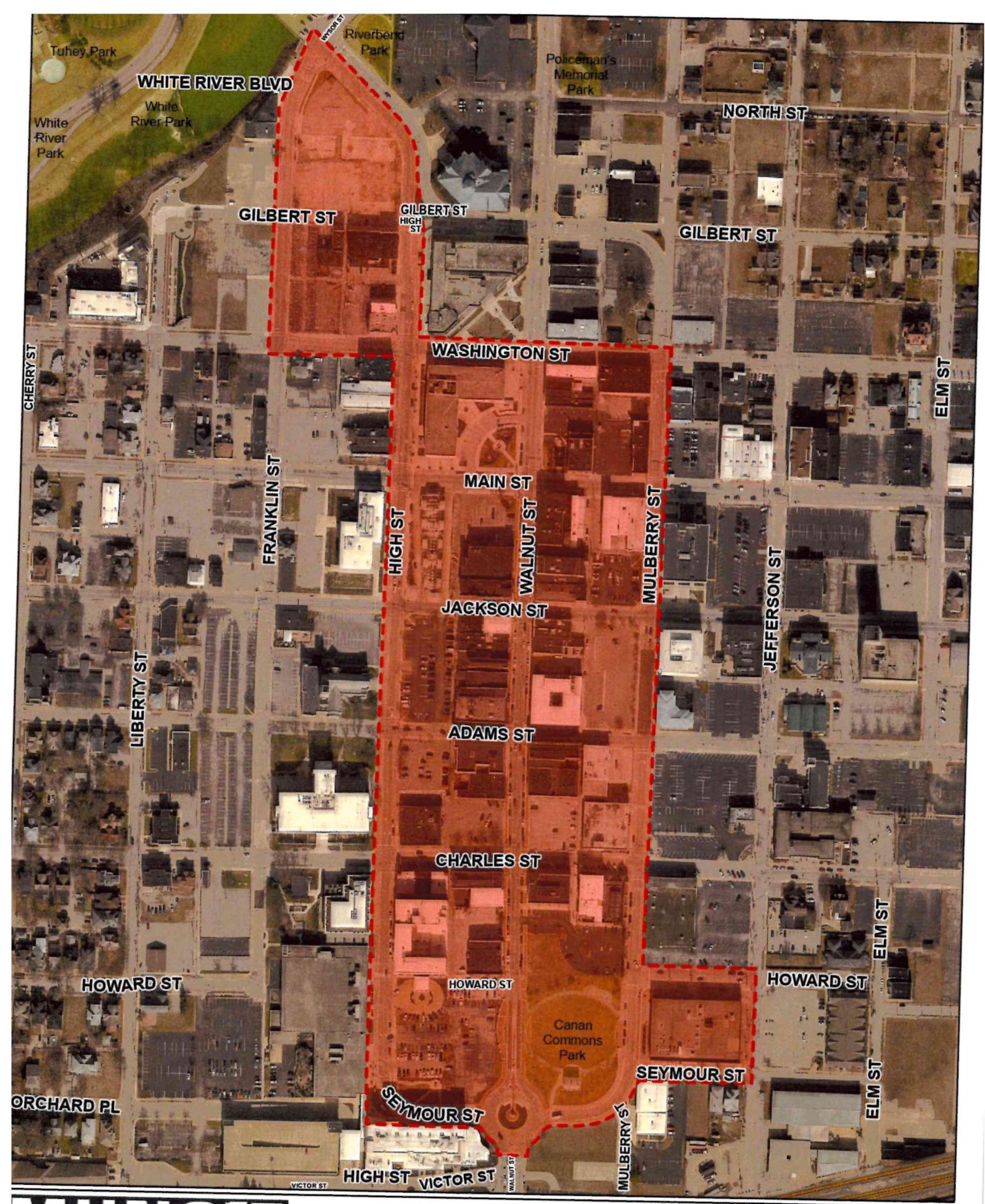
This Ordinance is proposed by Council Member

This Ordinance is proposed by Council Member

This Ordinance is approved in form by Legal Counsel

Boza de la Rey
Pia (Julia)

ansel Daniel J. Sturz



MUNCIE

Downtown DORA

0 250 500 1,000 Feet



CAMPUS DR

BEECHWOOD AVE



MUNCIE

Village DORA

0 125 250

500
Feet



White
River Park



MUNCIE

McKinley DORA

0 125 250 500
Feet

