ORDINANCE NO. 02-2025

AN AMENDED ORDINANCE PROVIDING FOR THE CREATION OF A DESIGNATED OUTDOOR REFRESHMENT AREA WITHIN THE TOWN OF HAMILTON, INDIANA

WHEREAS, the General Assembly of Indiana has allowed the creation of Designated Outdoor Refreshment Area(s) (DORA), and;

WHEREAS, The Town of Hamilton has, and desires to continue to have, a lively downtown with festivals, events, shopping options, and restaurants, and;

WHEREAS, the Town of Hamilton has determined that it is in the best interests of the Town of Hamilton to encourage a more inviting downtown atmosphere, and;

WHEREAS, the Town of Hamilton desires to encourage growth and economic prosperity in its downtown and in other areas of the Town, and;

WHEREAS, the Common Council of the Town of Hamilton has control of the DORA perimeter, signage, operations, and requirements of participants, and;

WHEREAS, the Common Council of the Town of Hamilton now determines it to be in the best interests of the Town of Hamilton to create a DORA in parts of Hamilton, Indiana;

WHEREAS, the Common Council of the Town of Hamilton had adopted the DORA Ordinance on April 3, 2025 as Ordinance #02-2025 which did not include Sundays for DORA operation. This amended DORA Ordinance allows DORA operation on Sundays from 11:00 a.m. to Midnight:

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Hamilton, Indiana, as follows:

DEFINITIONS:

1. "Craft Manufacturer" means a person who holds:

(1) a small brewery permit under IC 7.1-3-2-7(5);

(2) a farm winery permit under IC 7.1-3-12; or

(3) an artisan distiller's permit under IC 7.1-3-27

2. "Designated Permittee" means a permittee that:

(1) holds a retailer or craft manufacturer permit located within a refreshment area;

(2) has submitted a completed application to the municipality to participate in the refreshment area as a designated permittee; and

(3) is designated by the commission under section 9 of this chapter.

3. "Refreshment Area" means an outdoor area that a municipality designates as a refreshment area as provided in this chapter.

4. "Vendor" means a person issued a temporary vendor designation under section 10 of this chapter and either:

(1) a temporary beer or wine permit; or

(2) a supplemental catering permit.

Section 1. That the following described area will be the boundaries of the DORA and the interior space created will be considered the DORA within the Town of Hamilton, to-wit;

- From 3980 E. Church Street to 3930 E. Church Street, thence North (perpendicular to Church Street) to the east side of 3935 E. Bellefontaine Road, thence West along E. Bellefontaine Road to the Northwest corner of E. Bellefontaine Road and Lake Street, thence North (perpendicular to E. Bellefontaine Road) to Hamilton Lake (the DORA includes the piers/docks as well as the Town of Hamilton Beach as shown on Exhibit A), also a portion of real estate commonly known as 3990 E. Bellefontaine Road and along E. Bellefontaine Road to the Easternmost point of the DORA at 4015 E. Bellefontaine Road, thence South (perpendicular to E. Bellefontaine Road) on the Easternmost boundary of real estate owned by the Town of Hamilton on the 4000 Block of E. Bellefontaine Road ending back at 3980 E. Church Street
- A map of the DORA is attached hereto as Exhibit A and is incorporated herein.

Section 2. Pursuant to I.C. 7.1-3-31 there are laws and regulations about which businesses can apply to be a designated permittee or vendor and the process to do so. The Town of Hamilton will require that businesses comply with Indiana statutes before using or participating in the DORA program.

Those businesses who have successfully been approved as vendors are Howie's, Rose Bros., and Laker's Landing.

Section 3. When a temporary vendor has petitioned the State of Indiana for an event, there are locations within the DORA that they may set up in. These temporary vendor locations have been established in Exhibit A, attached hereto and incorporated herein. Temporary vendors will identify the location of their request per State requirements.

Section 4. This ordinance is consistent with the Town of Hamilton's zoning ordinance and comprehensive plan.

Section 5. The Town of Hamilton will establish a brand and signage guidelines for the DORA. Only authorized signage may be used for DORA purposes. This can be assigned to an agent of the Town. Any signage using the DORA logo or language must include approval of the Town of Hamilton and carry its current logo or approval stamp.

Section 6. The aforementioned signage will be posted at the boundaries of the DORA.

Locations include but are not limited to:

- Intersections on the boundary
- Major sidewalks along the boundary
- Potential points of gathering near the boundary
- Area of congregation
- Where appropriate to confer the message

Signage will be of similar material as street signs and be approximately 18" by 18"

At least ten (10) signs will be placed along the perimeter of the DORA.

Section 7. The Town of Hamilton Planning department shall oversee the signage, branding (with approval from the Common Council), and allows the planning department to charge a reasonable fee associated with items carried into the DORA. The fee is to be used to cover costs associated with DORA signage, public safety, sanitation costs, events, improvements, and operations of the DORA. The planning department shall adopt some form of requirement for affixing the DORA logo that identifies the container for use in DORA. The fee or logo affixation is not required for products not consumed in private spaces inside the DORA, only those carried into the DORA.

Section 8. The posting of signs by retailer permittees and other businesses in the DORA indicating whether the business is participating in the DORA and whether a person may enter the business with an open container of alcohol is optional.

Section 9. Hours of operation of the DORA are limited. The DORA is available for use on Fridays and Saturdays from 11:00 a.m. to midnight and also Sundays from 11:00 a.m. to midnight. Further, the DORA is available for use on the 4th of July, Memorial Day and Labor day from 11:00 a.m. to midnight.

Section 10. Designated permittees and vendors shall use only non-breakable containers, including but not limited to, plastic bottles, aluminum cans or bottles, plastic cups, or paper cups all of which can contain alcoholic beverages sold by designated permittees and vendors to be consumed in the DORA. No glass containers are allowed to be carried into the DORA.

Section 11. A designated permittee or a temporary vendor may allow a person to exit their premises into the DORA with not more than two (2) open alcoholic beverages. A person may not consume an alcoholic beverage in public areas of the DORA that was purchased outside of the DORA.

Section 12. The maximum fill limits for an alcoholic beverage being sold for consumption within the DORA are as follows:

- Beer or flavored malt beverages: up to sixteen (16) ounces.
- Wine, cider, or a premixed cocktail: up to twelve (12) ounces.
- Liquor or a liquor-based cocktail; up to ten (10) ounces, including up to two (2) ounces of liquor.

Designated permittees and vendors remain responsible for enforcement of the volumes served and to ensure compliance with State law and regulations of their permits.

Section 13. The carryout privileges that a designated permittee may have in their scope of permit is not impacted by being located within the DORA. Carryout of sealed original alcoholic containers may occur, but these alcoholic containers shall not be opened or consumed in the DORA.

Section 14. Following DORA approval from the Indiana Alcohol and Tobacco Commission (ATC), a retailer permittee operating in the DORA who wishes to receive a designated permittee status must complete the applicable form and obtain approval by signature from the relevant authority of the Town of Hamilton. Once signed, the form shall be submitted to the ATC as part of the retailer's application process.

Section 15. Temporary vendors are eligible to participate in the DORA withing the DORA boundaries. To become a temporary vendor, you must fill out and turn in the Town of Hamilton Temporary Vendor Application, the DORA form, and the ATC Temporary Beer/Wine Permit, if applicable. The DORA reference number for the Town of Hamilton is DA 76 0006.

Additionally, a retailer permittee with catering privileges may serve in a DORA under its catering permit by following normal procedures and submitting the temporary application or seeking catering approval, the person must complete the designation form seeking vendor status and obtain approval in writing from the relevant authority of the Town of Hamilton. When submitting a temporary permit application to the excise district office, please include a copy of the DORA map (which shall include the vendor areas designated by the Town of Hamilton in its ordinance) and indicate on the map the location where the vender will operate.

Section 16. This Ordinance shall take effect and be in full force from and after its passage and approval according to law.

PASSED AND ADOPTED by the Town Council of the Town of Hamilton, Steuben County, Indiana, at their regular meeting on the 23 day of June, 2025.

Town Council of the Town of Hamilton, Indiana

Mary Vail, President

Nancy Renner, Council Member

Tom Werling, Council Member

Gerry Martin, Council Member

James Meert, Council Member

ATTEST:

Jenna Steigerwald
Clerk-Treasurer

Presented to the President of the Town Council of the Town of Hamilton this 23 day of June, 2025, at 5:00 o'clock A.M./P.M.

Jenna Steigerwald, Clerk-Treasurer

Approved by me this 23 day of June, 2025, at 5:00 o'clock A.M./P.M.

Mary Vail, President

Brent Shull

From: pla@pla.in.gov
Sent: Monday, June 30, 2025 3:37 PM
To: Brent Shull
Subject: Your DORA has been Issued

302 West Washington Street
IGCS Room E114
Indianapolis, IN 46204

STATE OF INDIANA

ALCOHOL AND TOBACCO COMMISSION

Telephone 317 / 232-2430
Fax 317 / 233-6114
www.IN.gov/atc

June 30, 2025

Town of Hamilton
900 S Wayne St.
PO box 249
Hamilton IN 46742

Designated Outdoor Refreshment Area Approval

This letter is to inform Hamilton that the Indiana Alcohol and Tobacco Commission (ATC or Commission) has approved the Designated Outdoor Refreshment Area (DORA) application for 900 S wayne St.. The DORA has been assigned the reference number DA7600066. This DORA is the approved by the Commission for Hamilton. Under I.C. Â§ 7.1-3-31-7(b), a municipality may establish up to seven (7) DORAs. In addition to this notification of DORA approval, the Commission will issue designations to each of the retailer permittees that completed designation forms and Hamilton submitted with its application.

Note that approval of a DORA is subject to IC Â§ 7.1-3-21-11, which provides generally that, absent waiver, a DORA boundary may not be located within 200 feet of a church or school, unless there is at least eighty-five (85) feet and a two (2) lane road of at least thirty (30) feet in width between the boundary and the church or school. If the Commission later determines that, at approval, IC Â§ 7.1-3-21-11 was violated, it shall revoke its approval of the DORA, as well as all designations issued within the dissolved DORA. Note also that Hamilton may dissolve DORA DA7600066 at any time in accordance with I.C. Â§ 7.1-3-31-11.

If you have any questions, please contact the Commission at (317) 232-2430.