

Enrolled Memorandum of the Meeting
Study Session/Meeting (In person)
Thirtieth Town Council of Highland
Monday, October 7, 2024

The Thirtieth Town Council of the Town of Highland, Lake County, Indiana met in a study session on **Monday, October 7, 2024**, at 6:30 O'clock P.M., in the regular place, the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

*This meeting was convened as an in person meeting and lived streamed to the Town of Highland Facebook. Facebook permits the public to observe and record the proceedings but allows no interaction between and among the Town Council and members of the public. The public is able to participate in person. All Councilors were simultaneously seen and heard. Councilor Turich, Councilor Robertson, Councilor Black, Councilor Philip Scheeringa all participated in person. Councilor Georgeff was absent.

Silent Roll Call: Councilors Doug Turich, Alex Robertson, Tom Black, Philip Scheeringa, were present in person as indicated and Councilor Georgeff was absent as indicated. The Clerk-Treasurer, Mark Herak was present to memorialize the proceedings. *A quorum was attained.*

Officials Present: IT Director Ed Dabrowski, Highland Public Works Director Mark Knesek and Metropolitan Police Chief Ralph Potesta were in person.

General Substance of Matters Discussed.

Appointments:

• **Statutory Boards and Commissions**

Executive Appointments (May be made in meeting or at another time)

Home Rule Commissions or Boards

1. **Shared Ethics Advisory Commission.** (1) appointment to be made by Town Council President. *(Note: Fill vacancy made by resignation of Rev. Tim Huizenga.) (Made pursuant to Article 5, Subdivision (A) of the Interlocal Cooperation Agreement Establishing the Shared Ethics Entity. Qualifications are to be persons who live work or hold property in the county. Further persons appointed must be of good character and not hold any positions within the local government.)*

Legislative Appointments

Home Rule Commissions

1. **Main Street Bureau Board:** (7) appointments to be made by the Town Council. Term: Two years ending 1 Jan 2025. *There are currently 10 of the 17 in place and serving. Currently serving are Ben Reinhart, Renee Reinhart, Allan Simmons, Diane Barr-Roumbus, James Roumbus, Sandra McKnight, Sandy Ray, Kathy Smailis, Ben Tomera and Laura Pilewski.*
2. **Community Events Commission** *Multi-year positions:* (1) appointment to be made by the Town Council. **Term: 4 years.** *(Note: Currently vacancy)*

Single year positions: (9) appointments to be made by the Town Council. **Term: 1 year.** There are currently 6 of the 9 in place and serving. *(Note: Currently serving, Rachael Carter, Olga Briseno, Kathy Camp-Burke, Linda Carter, Jack Rowe and Kelly Bridges)*

x. Discussion: Review the job description of the Chief of the Fire Department/Fire Inspector.

At the September 23, 2024 Town Council Plenary Meeting, Councilor Black introduce only Ordinance No. 1804. Councilor Scheeringa said he had reviewed the job description with the Fire Department Personnel Committee and they were fine with it. The Clerk-Treasurer said he would send a copy for the Fire Department Personnel Committee and ask them to make one final review. He also asked the Council to also to one final review.

The Council indicated that they were fine with the current wording.

The Council President advised the Clerk-Treasurer to keep Ordinance No. 1804 on the October 14, 2024 plenary meeting agenda.

HIGHLAND FIRE DEPARTMENT

Station #1 923-9876

Emergency 911

Station #2 924-7878

Job Description

Title: Fire Chief

The Fire Chief is the executive head of the Department and has direct responsibility for the proper, legal, efficient and effective operation of the Fire Department. The Chief is appointed by the Town Council with the recommendation of the members of the Highland Fire Department and its Personnel Committee. The Chief shall meet the requirements below along with all applicable State and Local laws and ordinances.

Essential Function

Description of the Fire Chief:

1. The administrator, manager and supervisor of the Department
2. The person responsible for the readiness of all Fire Department assets
3. The Chief Fire Code official as defined in section 103.1-103.4.1 of the Indiana Fire Code with the authority listed in section 104.1- 104.11.3 of the 2006 International Fire Code
4. The Fire/Rescue/EMS training administrator
5. The Town Disaster and Emergency Management director
6. The EMS services and contracts administrator

Required Knowledge Skills and Abilities

The Chief shall have skill, knowledge, and demonstrated understanding of this office to include the following:

- The organizational philosophy and policies of all aspects of the Highland Fire Department as defined in this document, The Highland Way, nationally recognized standards and recommendations of the International Fire Chiefs, NFPA, FEMA, National Fire Administration and other leading fire service organizations
- The laws, ordinances, SOG's, Rules and Policies relating to the overall operations of the Highland Fire Department in the areas of fire suppression, prevention and investigations, Homeland Security and Emergency Management functions for the Town of Highland
- Advanced fire suppression, hazardous materials, rescue and disaster management operations
- Advanced skills and training in all aspects of the Department's employee relations, budget administration, public safety ethics, Town governance and operations, and customer service complaints
- Fire Ground Command and Blue Card System and the National Incident Management System as defined in the National Response Plan under Presidential Directives 5 & 7

Experience

- The Fire Chief shall have a minimum of ten (10) years' experience in the Fire Service. The Chief shall have an extensive background in fire ground operations, budget development, Human Resources and personnel management, fire inspection, fire cause and origin, firefighter training and emergency management operations. An extensive background is

HIGHLAND FIRE DEPARTMENT

Station #1 923-9876

Emergency 911

Station #2 924-7878

defined as a combination of actual experience, education and training that can be demonstrated by action and educational documents received and evaluated by the Personnel Committee

- Minimum of 5 years as Captain, Lieutenant or Operations Chief

Education, Training, Certifications and Residency

- Fire Officer I certificate
- Fire Officer Strategy/Tactics certificate
- Instructor I certificate
- Fire Inspector I certificate
- Associates degree in Fire Science (preferred)
- Current EMT certificate (preferred)
- NIMS 100, 200, 300, 400 and 700
- Live in the Town of Highland Within 18 months of hire date

ORDINANCE No. 1804
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE AMENDING CHAPTER 9.05 OF THE HIGHLAND MUNICIPAL CODE ENTITLED FIRE DEPARTMENT

WHEREAS, In consequence of the execution of its public safety powers, set forth in IC 36-1-4, and IC 36-8, the Town of Highland through its Fire Department, the Town Provides Fire prevention, suppression, life and limb and other emergency public safety services; and

WHEREAS, I.C. 36-1-3-4 et sequitur, provides that a unit of town government possesses all powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute; and

WHEREAS, It has been determined that several provisions of Chapter 9.05 need to be modified and enhanced to reflect the current job description for the Fire Chief; and

WHEREAS, The Town Council has determined the municipal code requires amendment in order to the current job description of the Fire Chief.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Chapter 9.05; Section 9.05.03(B) of the Highland Code of Ordinances is hereby amended by repealing it in its entirety and replacing which shall read as follows:

(B) The fire chief shall be a full-time position subject to the following:

- (1) **The Fire Chief** shall be appointed by and serve at the pleasure of the Town Council upon receiving a recommendation from the Personnel Committee of the Highland Firemen's Association. The Town Council reserves the right to reject any recommendation from the Personnel Committee and direct that another recommendation, be made.
- (2) The Fire Chief shall have a minimum of ten (10) years' experience in the Fire Service, with an extensive background in; fire operations, fire cause and origin, fire inspection, firefighting training and emergency management operations. (An extensive background is defined as a combination of actual experience, education and training that can be demonstrated by action and educational documents received and evaluated by the Personnel Committee).
- (3) The Fire Chief shall have a minimum of five (5) years as a Lieutenant, Captain, Operations Chief or Chief.
- (4) The Fire Chief shall enter into a contract with the town with regard to the services to be performed and the full-time Fire Chief position shall be a PERF covered position.

- (5) The Fire Chief's position shall also include all of the duties of the fire inspector, the Chief Fire Code Official as defined in section 103.1-103.4.1 of the Indiana Fire Code with the authority listed in section 104.1-104.11.3 of the 2006 International Fire Code, the Fire/Rescue/EMS training administrator, the Town Disaster and EMS Management Director and the EMS services and contracts administrator. The Fire Chief shall be paid in the amount and manner set forth in the most recently adopted wage and salary ordinance as may be amended from time to time for the performance of the duties associated with the position.

Section 2. That Chapter 9.05; Section 9.05.07(3) of the Highland Code of Ordinances is hereby amended by repealing it in its entirety and replacing which shall read as follows:

(3) Machines, Tools, Equipment, Software.

Machines, Tools, Equipment, Software. The fire chief must have a knowledge of and ability to operate various firefighting apparatuses and equipment, computer terminal, telephone, two-way radio, computer hardware, computer software and various office supplies.

Section 3. That Chapter 9.05; Section 9.05.07(4) of the Highland Code of Ordinances is hereby amended by repealing it in its entirety and replacing which shall read as follows:

(4) Licenses, Certificates, Age, Residency.

The fire chief should possess a minimum of National Fire Prevention Association (NFPA) Fire Officer 1 certificate, Instructor 1 certificate, Fire Officer Strategy/Tactics certificate, Fire Inspector 1 Certificate, (preferred) Associate Degree in Fire science, (preferred) Current EMT certification, NIMS 100, 200, 300, 400 & 700, a valid hazardous material technician certificate, a valid Indiana driver's license, live in the Town of Highland within 18 months of hire date and should be at least 21 years of age.

Section 4. All provisions of ordinances in conflict with the provisions hereof are hereby repealed and of no further force nor effect.

Section 5. This ordinance shall become and be in full force and effect from and after its adoption, passage and publication in the manner prescribed by law and until its subsequent amendment or repeal by proper ordinance.

Introduced and Filed on the 23rd day of September 2024. Consideration on same day or at same meeting of introduction was not considered, pursuant to IC 36-5-2-9.8.

Duly Ordained and Adopted this 14th Day of October 2024 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of in favor opposed and abstention.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Philip Scheeringa, President (IC 36-5-2-10)

ATTEST:

Mark Herak, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- x. Discussion: Ordinance No. 1792-F: An Ordinance to amend Ordinance No. 1792 to Establish the Wage and Salary Rates of the Elected Officers, the Non-Elected Officers, and the Employees of the Town of Highland, Indiana particularly regarding a change to the STARTING PAY and ESTABLISHING a Compensation Range in the Fire Department as it pertains to the Chief of the Department/Fire Inspector. (Awaiting confirmation from the Council on the compensation range to add to the Ordinance.)

Councilor Turich asked if the Council expected the new Chief to perform fire inspections as the job title reads – Chief of the Fire Department/Fire Inspector. Councilor Scheeringa said that would be part of the Chief's normal duties, as Chief Timmer performed fire inspections. Councilor Turich asked if the new chief didn't have the qualifications to perform fire inspections, could a second person be hired, as previously the fire chief and fire inspector were separate positions and the fire inspector was a part-time position. Councilor Turich was advised that the salary ordinance could be amended to re-establish the position of fire inspector. Councilor Scheeringa said the new chief would be expected to become certified in order to perform inspections. It was thought that Building and Inspection Commissioner Ken Mika could help out but with the electrical inspector out with knee problems and the code enforcement officer only working part-time, he doesn't have the band width to help out. Councilor Turich asked why a range for the fire chief and not for the metropolitan police chief or public works director. It was explained that when Chief Potesta became Chief he was paid the starting salary found in the salary ordinance and after one (1) year he was paid the incumbent rate. As for the fire chief position, there was a starting rate and an incumbent rate but the Council wanted to make the rate higher. Councilor Georgeff felt that making a range would better serve in the selection process if a candidate they liked, didn't have all the qualifications and could be started out at a different rate and as they attained the certifications, they would be compensated more. Councilor Turich said he was fine with the explanation but wanted to see measurable time frames when the new chief had to attain certain certifications.

The Clerk-Treasurer was asked to provide salary ranges for the various area fire chiefs. He said he would supply them with the 2024 AIM salary survey.

The Council President hearing no objections, advised the Clerk-Treasurer to place the item on the October 14, 2024 plenary meeting to introduce only.

ORDINANCE No. 1792-F
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE to AMEND ORDINANCE No. 1792 to ESTABLISH THE WAGE and SALARY RATES of the ELECTED OFFICERS, the NON-ELECTED OFFICERS, and the EMPLOYEES of the TOWN of HIGHLAND, INDIANA PARTICULARLY REGARDING A CHANGE to the STARTING PAY and Establishing a Compensation Range of the FIRE DEPARTMENT as it pertains to the CHIEF of the DEPARTMENT/FIRE INSPECTOR.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees;

WHEREAS, I.C. 36-5-3-2 provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

WHEREAS, I.C. 36-5-3-2(b), further provides that the Town Legislative body shall, by ordinance fix the compensation of its own members and the Town Clerk-Treasurer;

WHEREAS, I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year;

WHEREAS, The Town Council of the Town of Highland, as the Town Legislative body, now desires to amend the ordinance that was adopted to fix the compensation of its elected officers, appointed officers and employees of the Town for the year 2024 and thereafter as amended;

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, has been advised that it is necessary change the STARTING SALARY and create a COMPENSATION RANGE for the Fire Chief within the Fire Department; and

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, now desires to amend the wage and salary ordinance as it pertains to the Fire Department; and,

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, Lake County, Indiana, that the Salary of the Chief of the Department/Fire

Inspector is modified and a compensation range created, pursuant to the provisions indicated herein and as follows:

Section 1. That Section 12 (A) Chief of the Department/Fire Inspector of Ordinance No. 1792 be amended by repealing Section 12 (A) of that Ordinance in its entirety and replacing with the following section, which shall be numbered as Section 12 (A) and read as follows:

Section 12. *Fire Department.* That subject to the provisions of this ordinance, the salary and wages for the non-elected officers and employees of the Town of Highland are hereby fixed for its **Fire Department** as follows:

	Starting Rate	
(A) Chief of Department/Fire Inspector (1)	\$3,073.48	\$4038.46

Section 2. That all portions of ordinances in conflict with this ordinance are hereby repealed and are of no further force nor effect;

Section 3. That except where otherwise noted herein, other compensation and benefits matters not expressly provided herein for salaried and hourly employees and the Clerk-Treasurer shall be as set forth in the Compensation and Benefits Ordinance, commonly called the Employee Handbook as amended from time to time;

Section 4. Rewritten job description will be on file for any position created, modified and authorized by this ordinance and maintained on file with the Fire Department and the Office of the Clerk-Treasurer;

Section 5. That an emergency exists for the immediate taking effect of this Ordinance which, shall become effective and shall remain in full force and effect from and *after the date of its passage and adoption* pursuant to any constrains currently in force in Ordinance No. 1792 and until its repeal or amendment by subsequent enactment;

Section 6. That the provisions set forth in Section 1, shall be effective from October 28, 2024 and continue thereafter until amended , modified or repealed by passage and adoption of a successor ordinance.

(B) That the Clerk-Treasurer shall have authority to implement the provisions of this ordinance pursuant to the authority expressly set forth in IC 36-5-6-6 (a) (3) & (4).

Introduced and Filed 14th day of October 2024. Consideration on same day or at same meeting of introduction was not considered, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 28th Day of October 2024, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of in favor and opposed and abstention. .

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Philip Scheeringa, President (IC 36-5-2-10)

Attest:

Mark Herak
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5; IC 36-5-2-10.2)

- x. **Discussion:** An Ordinance establishing the Town of Highland Downtown District a Designated Outdoor Refreshment Area. The Council to review the guide lines as established by the Alcohol and Tabaco Commission, as well as the Griffith Ordinance, the City of Batesville Ordinance which is the recommended model by the Alcohol and Tabaco Commission and the Ordinance created by Council Robertson. At the last study session, the Council deferred further discussion till Councilor Robertson could be present.
- a) Per excise, if Main Square is included in the DORA and the Town decides to have a beer garden at Main Square, the Town still needs apply to excise to get the plan approved.
 - b) the Control Event Permit is unique to Highland (a local Ordinance) and excise has no control over it. Unless repealed, the Town still needs to abide by the Ordinance.
 - c) Per excise, All establishments participating (including the beer garden at Main Square) must have cups printed with the words DORA.
 - d) Per excise, signs must be visibly posted designating entering and leaving the DORA
 - e) Per excise, the fencing around Main Square can be eliminated, as people can leave Main Square and walk within the DORA with their refreshments
 - f) People can buy refreshments at those establishments within the DORA and then walk down to Main Square with their refreshments to listen to the bands or buy food.
 - g) It is important (only applies to when a Town event is taking place) that the Town and those vendors within the DORA, agree on a price schedule for refreshments. What you don't want to have happen is say the beer garden is selling refreshments at \$6 and one of the vendors in the DORA decides to have a 4th of July blow out sale and sell refreshments at \$4 or \$5.

Councilor Black wanted to know that if a DORA is established and when the 4th of July celebration is taking place, can a person buy refreshments in an establishment within the DORA and then bring it down to the 4th of July Celebration. He was yes, as long as, the refreshment was bought in an approved establishment. Refreshments in the park, would not be exclusively sold at the beer garden.

In addition, Councilor Robertson added that the most refreshments a person can buy in a DORA is two (2) and then walk down the street. He felt that like Griffith, the DORA would not affect Highland's refreshment sales at Main Square. If anything, he thought it would enhance the other events taking place downtown like the large restaurant crawls or events in the park. He said he would like to make modifications to the map and when completed then the ordinance would be ready for adoption. He wanted to move the DORA boundary from the alley behind the buildings to the sidewalk in front.

Councilor Robertson was asked once the DORA is established, say another business moves into the DORA or say the Fire Department wants to set up beer trailer and wanted to sell refreshments, how do they get added to the list. Councilor Robertson said they would have to apply to the Town and the Town would have to approve before they could apply for a license at the State level. He added that the person dispensing the refreshments must have a liquor license. He said that if a current establishment wanted to changed their floor plan to include beer sales outside their establishment, they would still need to get Town approval before they apply for a license down state.

The Council President agreed with Councilor Robertson that the proposed ordinance needed some additional refinement. He said he would wait until Councilor Robertson was ready and wanted to have it placed on a plenary meeting agenda.

ORDINANCE (Insert Number)

**AN ORDINANCE ESTABLISHING THE TOWN OF HIGHLAND
DOWNTOWN 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 Town Council believes it is in the best interest of the Town to create a Designated Outdoor Refreshment Area in the downtown area, 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 HEREBY ORDAINED by the Town Council of the Town of Highland, 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 Highland Designated Outdoor Refreshment Area attached hereto as "Exhibit A", and incorporated herein by reference is hereby approved and confirmed.
3. That the Downtown Highland Designated Outdoor Refreshment Area boundary (Exhibit A) shall be defined as follows:

Starting at the northeast corner of 2618 Garfield Avenue and heading southeast along the west side of Garfield Avenue to the transition to 2nd Street near 2644 Condit Street. Then following south along 2nd Street to the corner of Ridge Road at American Legion Post 180, 8727 2nd Street. Following due East adjacent to Ridge Road to Kennedy Ave. Continuing East Across Kennedy Avenue along the Erie Lackawanna Trail to 5th Street. From 5th Street traveling east on the north side of Ridge Road to the west side of Delaware Street. At the southwest corner of Delaware Street and Ridge Road heading North along the west side of Delaware Street to the southwest corner of Highway Avenue and Delaware Street. Starting at the southwest corner of Highway Avenue and Delaware Street and following south along the north boundary of Main Square Park to 2943 Highway Avenue. Then, traveling north on the west side of 5th street to the northeast corner of 2943 Highway Avenue and turning west through the alleyway. Traveling west along the southside of the alleyway to Kennedy Avenue immediately north of 2803 Highway Avenue. Crossing to the west side of Kennedy Avenue and traveling north along the west side of Kennedy Avenue to the northeast corner of 8600 Kennedy Ave and Garfield Avenue. Heading west on the south side of Garfield Avenue to the intersection of the Erie Lackawanna Trail and Garfield Avenue to the start at the northeast corner of 2618 Garfield Street.

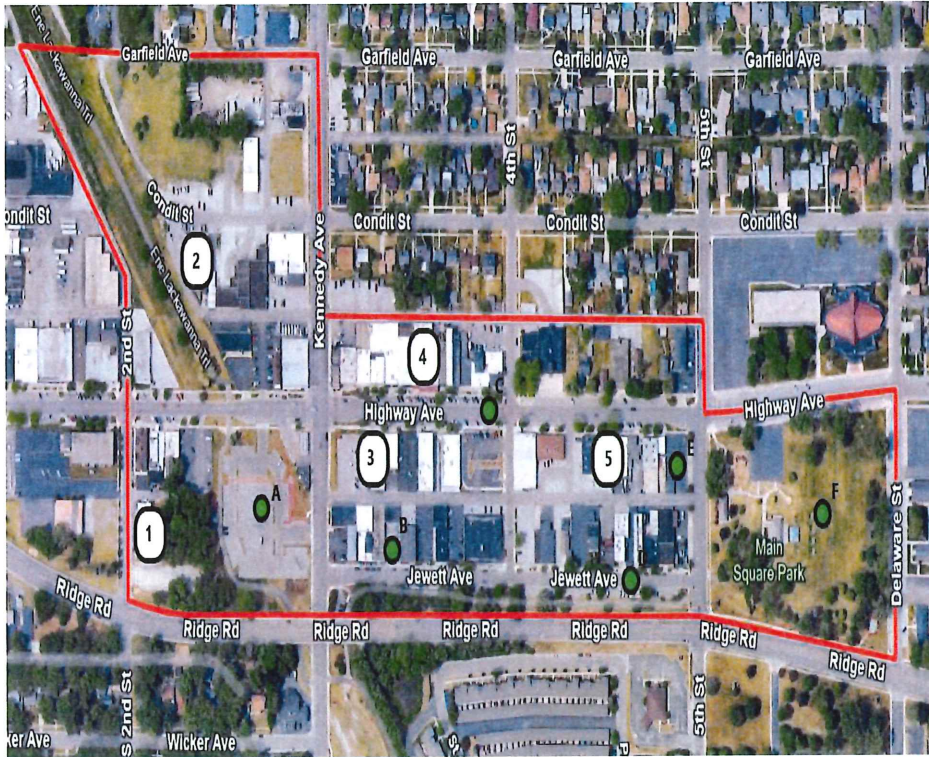
4. The Town Council finds that the DORA is consistent with zoned areas that allow for commercial, retail and entertainment establishments.
5. IC 7.1-3-31 gives retailer permittees and temporary permittees located in a DORA the ability to allow persons twenty-one and over to leave their premises with open containers of alcohol up to a certain threshold, which the person may consume anywhere in the DORA.
 - a. Nothing in this Ordinance prohibits a business, landlord, or other establishment from prohibiting open containers of alcoholic beverages to enter their premises or from prohibiting alcoholic beverages purchased from another establishment to enter their premises. Any such establishment shall post a conspicuous notice of such prohibition at the entrances to such establishment.
 - b. The Town of Highland maintains full authority and control over the sidewalks and common area and no one may prohibit or limit open containers in accordance with Indiana Code 7.1-3-31 within the Designated Outdoor Refreshment Area in those spaces, except for the Town of Highland Police Department in the exercise of its law enforcement duties.
6. The Downtown Highland Designated Outdoor Refreshment Area shall be active during the following days and times:
January 1 -December 31
Monday - Thursday, 12pm to 10pm
Friday- Sunday, 10am to 11pm
7. The following are proposed Designated Permittees within the Highland DORA:
Designated Permittees:
 1. American Legion Post 180, 8727 2nd Street
 2. Fuzzyline Brewing Co, 2712 Condit Street
 3. Growler's on Highway, 2816 Highway Ave
 4. Langel's Pizza, 2833 Highway Ave
 5. Jose's Family Restaurant, 2934 Highway Ave
8. Any additional licensed premise located within the Downtown Highland DORA that desires to be a "Designated Permittee" and/or any business the desires to be a "Vendor" within the Downtown Highland 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 Town 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 Town for placement on a Town 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 Highland DORA attached as "Exhibit C" and incorporated by reference is hereby approved and adopted and directs the Town to place the signage at designated locations at the boundaries of the DORA. Signs shall be a combination and include but may not be limited to pole mounts and sidewalk decals.
10. The Town Council recognizes that additional signage designating the Town of Highland Downtown Designated Outdoor Refreshment Area may be warranted and necessary, and therefore town 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.
13. In accordance with Indiana Code 7.1-3-31 *et seq.*:
- a. A person may consume an alcoholic beverage purchase from a designated permittee or vendor anywhere within the refreshment area boundaries, subject to the right of any retailer permittee or business within the refreshment area to refuse to allow individuals to enter the licensed premises or business with an alcoholic beverage.

- b. All Designated Permittees and Vendors may allow a person to exit the designated permittee's or vendor's licensed 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:
 - i. Beer or flavored malt beverage of not more than sixteen (16) ounces.
 - ii. Wine, cider, or hard seltzer of not more than twelve (12) ounces.
 - iii. A mixed drink of not more than ten (10) ounces containing not more than two (2) ounces of liquor.
- 14. Glass containers may only be allowed in a Designated Permittee's Outdoor dining area and may not be removed into the Downtown Designated Outdoor Refreshment Area.
- 15. Designated Permittees and approved Vendors may use only non-breakable plastic or metal bottles, plastic cups, paper cups, or metal cups affixed with a logo or label that identifies the container for use only in the Designated Outdoor Refreshment Area.

Exhibit A



- | | | | |
|----------------|---|-----------------------------|---------------------------|
| Vendor Areas |  | 1) American Legion Post 180 | A. Municipal Parking Lot |
| | | 2) Fuzzyline Brewing Co | B. Jewett Ave Alcove Lot |
| Permit Holders |  | 3) Growlers on Highway | C. Highway Ave Block |
| | | 4) Langel's Pizza | D. Jewett Ave Block |
| DORA Boundary |  | 5) Jose's Family Restaurant | E. 5th Street Parking Lot |
| | | | F. Main Square Park |



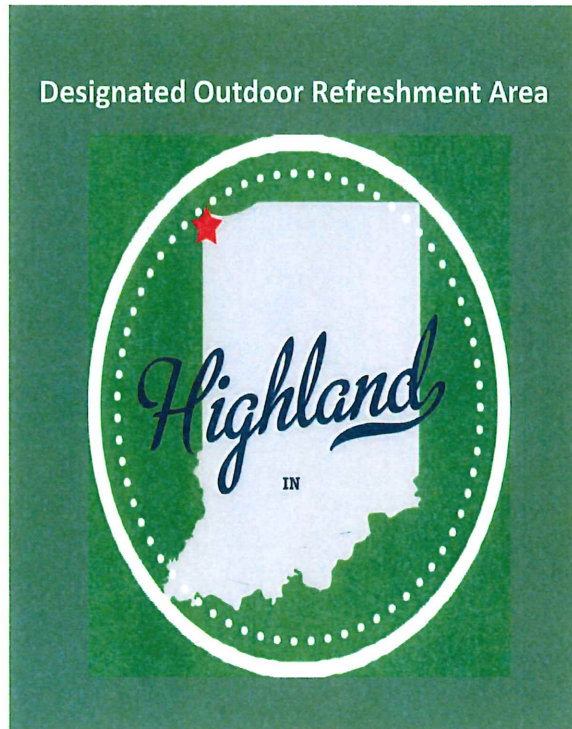
"EXHIBIT B"
**DESIGNATED OUTDOOR
REFRESHMENT AREA (DORA)
DESIGNATION**
State Form 57288 (R / 7-24)

INDIANA ALCOHOL AND TOBACCO COMMISSION
302 West Washington Street, Room E-114 Indianapolis,
IN 46204
(317) 232-2430
www.in.gov/atc

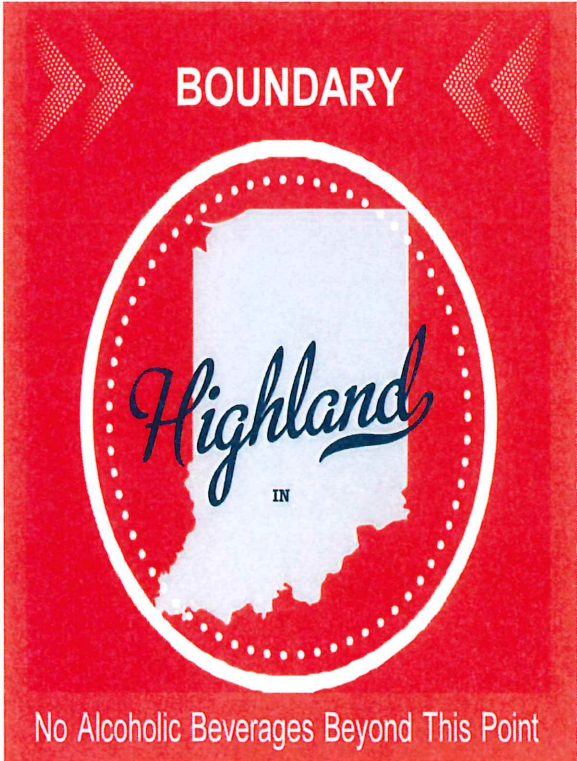
- INSTRUCTIONS:** 1. Please type or print clearly.
2. There is no fee or charge to be designated as part of a designated outdoor refreshment area (DORA).
3. If you hold a retailer or craft manufacturer permit that is located within the boundaries of a DORA and are requesting to be a designated permittee, please complete Sections 1, 3, and 4 below.
4. If you are or 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.
5. If you have any questions regarding DORAs, please visit www.in.gov/atc/alcohol-permit-resources/designated-outdoor-refreshment-areas/.

SECTION 1: RETAILERS & CRAFT MANUFACTURERS		
Permittee name (as printed on permit)	Permit number	
Doing business as (d/b/a)	Permit expiration date (mm/dd/yyyy)	
Address of permit premises (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? No <input type="checkbox"/> Yes <input type="checkbox"/>	DORA number (approved DORAs only)	
SECTION 2: TEMPORARY VENDORS, SUPPLEMENTAL CATERERS & CRAFT MANUFACTURERS		
Please select one: <input type="checkbox"/> Temporary beer and wine permit <input type="checkbox"/> Supplemental catering permit <input type="checkbox"/> Craft manufacturer (artisan distiller, farm winery, small brewer)		
Permittee name (as printed on permit)	Permit number (caterers and craft manufacturers only)	
Doing business as (d/b/a)	Permit expiration date (mm/dd/yyyy) (caterers and craft manufacturers only)	
Name of person making application	Telephone number	E-mail address
DORA number (approved DORAs only)	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”



“EXHIBIT C”



“EXHIBIT D”

Downtown Highland 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 Highland DORA is in effect January 1- December 31.
Monday through Thursday from 12pm to 10pm & 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 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 a red 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.

ALCOHOL AND TOBACCO COMMISSION

Nonrule Policy ATC # 31

1. NOTICE: Under [IC 4-22-7-7](#), this document is required to be published with the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Indiana Alcohol and Tobacco Commission's (Commission) official position concerning a specific issue.

2. DISCLAIMER: This nonrule policy is being established by the Commission consistent with the authority under [IC 7.1-2-3-7](#). It is intended solely as guidance and shall be used in conjunction with applicable rules or laws. It does not replace applicable rules and laws, and, if it conflicts with these rules or laws, the rules or laws shall control.

3. AUTHORIZED: Jessica Allen, Chairwoman

4. SUPERSEDES: New

5. SUBJECT: The purpose of this nonrule policy is to outline the process municipalities and permittees must follow in enacting a Designated Outdoor Refreshment Area ("DORA") in accordance with IC §§ 7.1-3-31.

6. SCOPE: The Indiana General Assembly in the 2023 legislative session passed SEA 20, which provides authority to a municipality, defined as a city or town, to enact an ordinance creating a DORA. Retailer permittees and temporary permittees located in a DORA may 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.

SEA 20 allows each municipality to establish by ordinance up to seven (7) DORAs in their jurisdiction. A municipality does not have to renew DORA authorization, and it may revoke an established DORA at any time. The municipality, in its ordinance, may limit the hours or days during the week or calendar year that the DORA is in effect. However, regardless of any time limits in place, each DORA that is operational at any point during the year counts toward the maximum seven allowed.

7. POLICY:

7.1 A municipality seeking to enact a DORA need first determine its boundaries. The area encompassing a proposed DORA is subject to IC § 7.1-3-21-11, which limits proximity of alcohol to a church or a school. Generally speaking, a DORA may not be established if a church or a school is located within 200 feet of a proposed boundary of a DORA, 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. In order to proceed with establishing the proposed boundary, the municipality must obtain a written statement from an authorized representative of the church or school stating expressly that it does not object to the approval of the DORA and provide that written statement to the Commission as a part of its application. **If the Commission approves a DORA application and it is later determined that IC § 7.1-3-21-11 was violated when the DORA was approved, the Commission shall revoke its approval of the DORA, as well as all designations issued within the dissolved DORA.**

7.2 In order to establish a DORA, there must be at least one (1) retailer permittee operating a licensed premises within the boundaries, which the Commission approves as a "Designated Permittee." When a municipality prepares to submit its application to the Commission for approval, the municipality must collect completed designation form from each retailer permittee in the boundaries of the DORA who wishes to be designated and submit those forms to the Commission as a part of the application. *The designation form is contained as an attachment, and it will be posted on the Commission's website on the Alcohol Permit Applications and Forms tab.*

7.3 The municipality must prepare a map that identifies in sufficient detail the DORA's boundaries. The map may also contain the locations of proposed Designated Permittees and designated vendor ("Vendor") locations in the DORA.

7.4 The municipality must design signage to be posted at each exit of a Designated Permittee and on a Vendor's premises, as well as at other conspicuous areas in the DORA. The signage must contain the following information:

- Any open container of alcohol purchased within the DORA must remain within the DORA;
- Possession of an open container of an alcoholic beverage in a motor vehicle may constitute a class C infraction under IC §§ 9-30-15; and
- Contain dates in which the DORA is open, if the DORA is subject to date restrictions.

Additionally, as a best practice it is recommended that the signage contain a map of the DORA, any logo that the municipality may design to brand the DORA, and the hours of operation if the municipality limits the hours beyond IC § 7.1-3-1-14.

7.5.1 The municipality shall designate a DORA by enacting an ordinance to be submitted to the Commission for approval. By law, the ordinance must contain the following information:

7.5.2 The map of the DORA discussed in Section 7.3.

7.5.3 The boundaries of the DORA by street addresses. Please list the streets and addresses that constitute the borders of the DORA.

7.5.4 The locations of proposed Designated Permittees and vendors within the DORA. For Designated Permittees, please list the addresses of the businesses and mark them on the prepared map. A DORA *must* contain at least one Designated Permittee. **For proposed vendor locations in public spaces, please mark them on the prepared map and identify them by number.** Unless accompanied by a letter from the municipality explaining the circumstances of a specific event, the Commission will **only** approve temporary permit applications or supplemental caterer requests to operate as vendors in public spaces in a location that the municipality has identified in its ordinance.

7.5.5 A statement that the DORA is consistent with the municipality's zoning ordinance. Such statement may reference any order or resolution passed by the municipality's planning commission, if one is needed.

7.5.6 The number, spacing, and type of signage designating the DORA. Please refer to the signage designed consistent with Section 7.4 above. In this section, please lay out where the signage will appear in the DORA. Best practice may include posting signage on trash receptacles, at major areas of congregation, and at the extreme boundaries of the DORA.

7.5.7 The dates and hours of operation for the DORA. The Commission will only accept date limitations that are specifically listed by month and day.

7.6 Additionally, the law suggests the following other provisions that may be included in the ordinance:

- 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. If a municipality decides to include this in its ordinance, it may wish to design signs for the area's businesses to post.

- Requiring Designated Permittees and Vendors to use only non-breakable containers such as plastic bottles, plastic cups, cans, or paper cups for alcoholic beverages sold to be consumed in the DORA. (Note: another provision of SEA 20 mandates that glass containers may not be carried out from a designated permittee's premises into the DORA).
- Requiring bottles or cups be affixed with a logo that identifies the container for use only in the DORA.
- Providing a public safety plan for the DORA.
- Providing a sanitation plan for the DORA.

In addition to the items listed above, a municipality is invited to include any additional information or requirements that the community desires in an ordinance establishing a DORA.

7.7.1 The municipality shall submit its application for DORA approval to the Commission using its online My License One ("ML1") platform (link [here](#)). In order to access ML1, the municipality will need to create an Access Indiana profile (instructions [here](#)). After navigating to DORA application in ML1, the municipality will be prompted to provide the name of the point of contact and the municipality's address, and it will be asked to name the DORA. The municipality shall include the following documents in its submission:

7.7.2 The ordinance adopted by the municipality;

7.7.3 The map prepared in accordance with Section 7.3;

7.7.4 Any waivers prepared by a church or school in accordance with Section 7.1; and

7.7.5 Applications for retailer permittees to be approved as Designated Permittees;

7.8 The Commission shall review the application for approval, including confirming that the municipality has not already created seven (7) DORAs, completeness (including meeting all of the requirements listed in Section 7.5 above), and compliance with IC § 7.1-3-21-11. Upon approval, the Commission shall issue a letter to the municipality informing it of the approval of the ordinance and designations to the Designated Permittees.

7.9 Following ATC approval of the DORA, a retailer permittee operating in the DORA who wishes to receive a Designated Permittee status must complete the designation form and obtain approval by signature from the relevant authority of the municipality. Once signed, the form may be submitted to the ATC as part of the retailer's application process.

7.10 A person may apply to the relevant Indiana State Excise Police (Excise) district office for a temporary beer and wine permit for operation in the DORA to the same extent that they would otherwise be eligible. Additionally, a retailer permittee with catering privileges may serve in a DORA under its catering permit by following normal procedures and submitting a catering authority request form for approval. In each case, prior to 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 municipality. 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 municipality in its ordinance) and indicate on the map the location where the Vendor will operate. **Temporary permittee applicants that complete the designation form as a vendor do not need to obtain the sheriff's signature on their temporary permit application.**

7.11 A Designated Permittee or a Vendor may allow a person to exit their premises into the DORA with not more than two (2) open alcoholic beverages. The maximum fill limits for an alcoholic beverage being sold for consumption within a DORA are as follows:

- Beer or flavored malt beverages: up to sixteen (16) ounces.
- Wine, cider, or a premixed cocktail¹: up to twelve (12) ounces.
- Liquor or a liquor-based cocktail: up to ten (10) ounces, including up to two (2) ounces of liquor.

A person may not consume an alcoholic beverage in public areas of the DORA that was purchased outside of the DORA.

7.12 Craft manufacturers (including small brewers, farm wineries, and artisan distillers) may operate in a DORA using one of its forty-five (45) annual trade show or exposition days (a/k/a festival days) which are permitted under the scope of its manufacturing permit by seeking approval from the relevant Excise district office. The Excise district office will determine whether the permittee has demonstrated that

¹ Also known as a ready-to-drink cocktail or RTD, these are liquor-based beverages that are premixed and packaged by the manufacturer.

a trade show or exposition event requirement has been met. The permittee must also obtain Vendor status as discussed in Section 7.10 prior to final approval to operate using a trade show or exposition day.

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

7.14 A retailer permittee or other business located in a DORA may, on a nondiscriminatory basis, refuse to allow persons to enter their licensed premises or business with an alcoholic beverage.

7.15 Designated Permittees may serve alcoholic beverages on an outdoor patio or terrace portion of their licensed premises in any container. For patios located in a DORA, it is not required that the patio's perimeter be enclosed by fencing or other means. However, if the DORA enacted by the municipality is sufficiently limited in the number of days in a year that it is effective, the normal fencing requirements will be enforced during periods when the DORA is not in effect. A patio will need to be outlined on a retailer's floor plan and the retailer shall not serve alcoholic beverages beyond the patio premises.

ATTACHMENTS BELOW



**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: <input type="checkbox"/> Temporary beer and wine permit <input type="checkbox"/> Supplemental catering permit <input type="checkbox"/> 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	

Example map denoting DORA boundaries and Vendor locations



DESIGNATED PERMITTEES 1-4: Vendor Locations
A: Scovies
B: Town House Pump
C: Whitney's
D: The Villager

**CITY OF BATESVILLE
ORDINANCE No. 01-2024**

**AN ORDINANCE ADOPTING AND ESTABLISHING DESIGNATED OUTDOOR
REFRESHMENT AREAS IN THE CITY OF BATESVILLE, INDIANA**

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

WHEREAS, as of the date of adoption of this Ordinance, the Batesville City Council knows it to be in the best interest of the City of Batesville to establish DORA districts throughout the city with the ability to establish a total of seven (7) DORAs.

WHEREAS, one DORA shall be located in the City’s downtown area, the same be shown and depicted on the attached map labeled as Exhibit “A.”

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

There is hereby added to the Batesville Code of the City of Batesville, Indiana, Chapter 160, the language of which shall be:

Chapter 160 Designated Outdoor Refreshment Areas

§160.01 Incorporation of State Law. All definitions stated under Indiana Code §7.1-3-31 *et seq.* shall apply to this Ordinance and are incorporated herein by reference.

§160.02 Total DORAs. The City of Batesville (the “City”) 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 City, as allowed by law, at a point in the future as deemed fit and proper by appropriate governing bodies.

§160.03 Revocation of DORAs. The City may, at anytime, by resolution of Common Council, amend, revoke, or alter a DORA, individually, or all DORAs in their entirety.

§160.04 Main Street DORA. That the area depicted in Exhibit “A,” attached hereto, is designated as the Main Street Designated Outdoor Refreshment Area (“Main Street DORA”).

(A) The boundaries of the Main Street DORA by street address and direction are as follows:

Beginning at the Northwest Corner of the intersection of E Hillenbrand Avenue and Park Avenue (202 S. Park Ave.) then due South along the West side of Park Avenue to the south side of the intersection of Park Avenue and Woody’s Way (16 Park Avenue); then due East along the South side of Woody’s Way to the Northeast corner of the property located at 504 E. Pearl Street; then due South along the East property line of said property to the South side of East Pearl Street; then due West to the Southeast Corner of the

intersection of East Pearl Street and Eastern Avenue (495 E. Pearl Street). Then due South from said intersection to the Northeast Corner of the intersection of Eastern Avenue and South Street; then due West along the North side of South Street to the North West corner of the intersection of South Street and Depot Street; then due North to the Southwest corner of the intersection of Depot Street and E. Pearl Street; then due West to the Southwest Corner of E. Pearl Street and S. Park Avenue; then due South along the West side of S. Park Avenue to the Northwest corner of the intersection of S. Park Avenue and E. George Street (298 E George Street); then due West from said intersection to the North East Corner of George Street and Sycamore Street (201 E George Street); then due South to the South East corner of Sycamore Street and South Street (199 Sycamore Street); then due West through the alley way constituting an extension of South Street to the address of 117 Vine Street; then due North along the East side of Vine Street to the South East Corner of intersection of Vine Street and W. Hillenbrand Avenue (142 Vine Street); then due East on W. Hillenbrand Avenue to the South West Corner of the intersection of W Hillenbrand and Elm Street (201 Elm Street) then due North along the West side of Elm Street to the North West corner of the Intersection of Elm Street and Columbus Avenue (215 Elm Street) then due East on Columbus Avenue to the North East Corner of the Intersection of Columbus Avenue and Walnut Street (300 Walnut Street); then due South along the East side of Walnut Street to the property located at 200 N. Walnut Street then around the North and East property lines of said parcel to include said parcel within the DORA; then due East along the North side of E. Hillenbrand Avenue to the Point of beginning.

That the Main Street DORA and all subsequently adopted and established DORA areas are referred to collectively, herein, as "DORAs" or generally as a "DORA." A map of the main street DORA is attached hereto and incorporated herein by reference as Exhibit "A."

§160.05 Compliance with Zoning Code. That the City Council finds that adoption of the Main Street DORA and/or other DORAs are consistent with the City of Batesville's Zoning Code.

§160.06 DORA Signage. The minimum signage required by Indiana Code §7.1-3-31 *et seq.* for all DORAs shall be required.

§160.07 DORA Logo. The City of Batesville, by and through the Mayor's office, shall adopt and establish a common brand or logo ("DORA Logo") for Main Street DORA and all future DORAs. Any and all signage utilizing the DORA Logo shall be approved by the City of Batesville through its designated and appointed agent and shall comply with all applications and fees so determined or required.

§160.08 DORA District Boundary Signage. All signage posted in furtherance of the Main Street DORA and/or other DORAs shall comply with all signage requirements of the City of Batesville as enumerated by ordinance and of Zoning Code. However, reasonable accommodations and deference shall be made and afforded to enable and ensure signage which is proper and compliant with State Law with respect to DORAs. Signage indicating the boundaries shall be placed at common and conspicuous exit locations a DORA. That signage for the Main Street DORA shall be placed in a manner substantially similar to the locations indicated the map attached hereto as Exhibit "B."

§160.09 Hours of Operation. Hours of operation for all DORAs shall be from 12:00p.m. until 12:00a.m. every day of each week.

§160.10 Designated Permittee. 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 City of Batesville in order to participate in a DORA as a "Designated Permittee," as defined in I.C. 7.1-3-31 *et seq.* Once approved by the City of Batesville, applications shall be sent to the Alcohol and Tobacco Commission for said Commission's approval. The City of Batesville shall be permitted to delegate this application process to their identified department or agent to process applications.

§160.11 Proposed Designated Permittees of Main Street DORA. The proposed and/or potential Designated Permittees of the Main Street DORA, pending each's interest, application, and approval shall include, but not be limited to:

- (A) Lil Charlies' Restaurant and Brewery;
- (B) Randy's Roadhouse;
- (C) The Sherman/Bier Hall;
- (D) Benny's Bar & Grill;
- (E) The Fraternal Order of Eagles Aerie #1130;
- (F) Veterans of Foreign Wars Auxiliary 3183; and/or
- (G) Big Four Café.

§160.12 Trash Receptacles. A Designated Permittee approved by the City of Batesville and Alcohol and Tobacco Commission shall continuously maintain a trash receptacle(s) outside of all main entrances to their premises at their sole cost and expense.

§160.13 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 City of Batesville for review and approval by the Chief of the Batesville Police Department with a copy of the application to the office of the Mayor. 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 Alcohol and Tobacco Commission; and (iii) any other required documentation or items so requested.

(A) *Vendor Locations.* Vendor's 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 City of Batesville after review of the Vendor's Special Event Permit application.

§160.14 Signage Requirements. All Designated Permittees and/or Vendors participating within a DORA shall post signs indicating that the Designated Permittee and/or Vendor is a business participating in the DORA. Said signage shall contain the (i) DORA Logo, (ii) that a person may not enter the premises with an alcoholic beverage regardless if the alcoholic beverage is in a DORA container from another Designated Permittee or Vendor; (iii) that a patron may exit the premises into the DORA with only two (2) open containers of alcoholic beverages at a time; and (iv) all notices required by I.C. §7.1-3-31-16, as amended from time to time. Said Signage shall be placed at each entry and exit point of the Designated Permittee. All signage placed by a Designated Permittee and/or Vendor shall also be in compliance with and subject to the Zoning Code of the City of Batesville.

§160.15 Right of Refusal.

(A) Alcoholic beverages in a DORA Container are prohibited from entering the premises of another Designated Permittee and/or Vendor.

(B) 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 patron(s) 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.

(C) Any business or premises located in a DORA which allows patrons to enter their premises, building, property, or business with an alcoholic beverage shall be required to post signage indicating that said business or premises is a participant in the DORA and that alcoholic beverages are permitted.

(D) The City of Batesville maintains full authority and control over sidewalks, streets, parks, and/or other common areas of the city and no person or entity may prohibit

or limit open and authorized containers in accordance with I.C. 7.1-3-31 *et seq.* within a DORA in those spaces except for the City of Batesville Police Department.

- (E) All Designated Permittees and/or Vendors shall continue to have the right to refuse service to any patron in their sole discretion in compliance with Indiana Law.

§160.16 Permitted Amounts. Subject to the provisions of §160.17, hereinafter, All Designated Permittees and/or Vendors shall permit patrons to exit a Designated Permittees' and/or Vendor's premises with not more than two (2) open containers of 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.

§160.17 Authorized Containers. Designated Permittees and/or Vendors shall only permit patrons to exit their premises into a DORA if the alcoholic beverages, as described in §160.17, hereinabove, have been placed into a clear plastic cup labeled with a label approved and authorized by the City of Batesville ("DORA Container"). Beverages consumed within a Designated Permittee's or Vendor's premises are not required to be in a DORA Container. Glass containers are explicitly prohibited from exiting the Designated Permittee and/or Vendor's premises into the DORA.

- (A) The City of Batesville may delegate and designate a department, agent, entity, or individual the right to serve as the exclusive designer, manufacturer, distributor, and/or retailer and service provider of DORA Containers for use in DORAs, the initial of which shall be Batesville Main Street, an Indiana Non-Profit Corporation with 501(c)(3) status ("Main Street").
- (B) The City of Batesville 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 Batesville City Council.
- (C) Proceeds obtained from the sale of authorized DORA Containers shall be used, in part, to assist the City of Batesville in payment of costs and expenses associated with signage, public safety, sanitation costs, events, improvements, and operations of the DORAs. All other proceeds shall be the exclusive and sole property and/or be incorporated into the budget of the designated department, agent, entity, or individual responsible for those obligations under §160.17(A).

§160.18 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.

§160.19 Revocation of Designated Permittee or Vendor Status. Failure of a Designated Permittee and/or Vendor to comply with this ordinance 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 City of Batesville or its designated department or agent, shall deliver or serve notice of such revocation to 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.

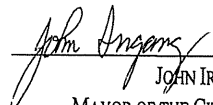
(A) *Fine.* In the alternative of a revocation of a Designated Permittee's or Vendor's right and ability to participate in the DORA, the City of Batesville or its designated department or agent may issue a fine to a Designated Permittee or Vendor for their failure to comply with this ordinance in an amount not exceeding five hundred dollars (\$500.00). The issuance of said fine shall comply with the notice requirements set forth in the preceding section.

§160.20 Prohibition of Outside Beverages. Persons may not consume beverages within a DORA which (1) were not purchased from a Designated Permittee or Vendor and/or (2) which were brought from outside a DORA into the subject DORA. The refilling of an authorized container with alcoholic or other beverages is strictly prohibited. Individuals found to be in violation of this section shall be subject to a fine of up to Five Hundred and 00/100 dollars (\$500.00).

§160.21 Repeal of Existing Code Section. The adoption of this Chapter 160 contradicts existing Code §130.12 and as such the same is hereby repealed.

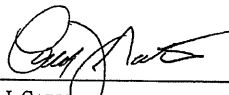
By suspension of rules, passed and adopted on 1st reading this 12th day of February 2024, by the Common Council of the City of Batesville.

WHEREUPON, the Mayor declared said ordinance finally and legally adopted.



JOHN IRRGANG
MAYOR OF THE CITY OF BATESVILLE

Attest:



PAUL J. GATES
CLERK-TREASURER, CITY OF BATESVILLE

- x. Discussion: House Bill 1016. New law (HEA 1016-2023) mandates that a merit system be put in place for police/fire departments and fire territories/districts for municipalities with populations over 20,000 and at least 12 full time active members (unless there is a vote by the active members to reject the merit system prior to December 31, 2024).

Allows a fire protection district or fire protection territory to establish a merit system. Provides that unless a resolution or ordinance to establish a merit system is rejected not later than December 31, 2024, a merit system is established on January 1, 2025, for eligible: (1) city and town police and fire departments and township fire departments; and (2) fire protection districts and fire protection territories. Provides that the merit system may be dissolved after January 1, 2025. Requires a unit, district, or territory to vote to either retain or dissolve the merit system after January 1, 2029, and before January 31, 2029.

The Council reviewed the three (3) options. Attorney Reed said that if adopted, the current Police Commission would still be in existence but would have limited powers. He said by creating a resolution to reject the House Bill, advising the State that you do not want to participate in the State established merit system but before you can send the resolution down state, the active members of the police department have to vote either in favor or opposed. The vote is active members and not only FOP members. The Town has to give the officers a three (3) week window from the day of the notice. Then officers have three (3) weeks to have a vote either in favor of the Town's resolution or opposing it. He said he will prepare a letter of the pros and cons and give it to Chief Potesta so he can distribute to the officers. This has to be completed by December 31, 2024. He said he has seen different versions from various municipalities of their resolution rejecting the notion of the State putting in a system for us. He said he believes the system Highland has in place, which has been developed over years is very good and has been around for a very long time. It has been developed by trial and error. He said the State's plan is not a bad plan but it takes away any flexibility that has been built into Highland's plan. He said the State's plan put you in a lockstep program based upon seniority. But ultimately, it's the active members of the department who vote. Of course, the first step is the Council needs to adopt a resolution rejecting the state's plan. Then the active members must vote on it. In order to be fully rejected, the active members would have to reject by a vote of 50% plus 1.

Councilor Scheeringa said the Council wants to work with the active members of the police department to create our own. The State's plan is set in stone but the definition of merit is not set in stone. It is factors that you establish. What is meritorious and what is not. He asked Attorney Reed that in order for this process to start, the Town must first opt out before it can be taken to a vote by the active members. Attorney Reed acknowledged that that is the process.

Councilor Turich is there anyway that the active members can advise as to what direction they would want to go rather than the Council taking it to a vote. He said he

would hate taking it to a vote and voting against something they want. And then all you are doing is delaying the process. Attorney Reed said he would have to research but his gut says the resolution has to come first. He thought it would be tough to do it the way Councilor Turich is suggesting as his way is not giving the active an option to say yes or no. It is sort of like, it is being forced upon them. The resolution would be to opt out of the State's plan and leave the current Police Commission in place. The active members would then vote yes or no. If they vote to the Council's resolution, then the State's plan become law and you cannot have a different merit system.

Councilor Scheeringa if the Council does decide to opt out, the Council will have to restructure the Police Commission by the end of the year.

Without taking a formal vote, the Council thought best to at least meet with members of the police department and get a read on their feelings before creating a resolution to opt out. They will bring this up again at the 21st meeting of October.

It's all part of IC 36-8-3.5-5.5.

There are 3 options:

Option 1: If the town does not have a merit system in place on 1/1/25, one is established by the statute (the town has no choice at that point): "Effective January 1, 2025, a merit system is established for each eligible department that does not have a merit system . . ." [IC 36-8-3.5-5.5(d)]

Option 2: The town can, prior to 12/31/24, establish a merit system under the provisions IC 36-8-3 if they want: "Effective January 1, 2025, a merit system is established for each eligible department that does not have a merit system unless, not later than December 31, 2024, the unit, . . . (1) establishes a merit system under section 3 of this chapter.

Option 3: The town council can choose to, by resolution, reject the establishment of a merit system: ". . . the unit's legislative body or the governing board of the district or territory may adopt a resolution not later than December 31, 2024, that rejects the establishment of a merit system. The resolution rejecting establishment of a merit system must be adopted by an affirmative vote of at least a majority of the members of each of the following: (1) In the case of a: (A) unit, the unit's legislative body . . . (2) The active full-time, paid members of the department." [IC 36-8-3.5-5.5(e)] Under this option, if the town doesn't want a merit system, council adopts a resolution first stating they are rejecting it. Then, the resolution shall be voted on by the active full-time, paid members of the department.

If the town doesn't want a merit system, the Council and the active members of the department vote. If the town wants a merit system, council can vote on it prior to 12/31/24 (see IC 36-8-3). If there are no votes or actions taken prior to 1/1/25, a merit system is established by statute.

[IC 36-8-3.5-6](#)

The merit board/commission has 5 members. 2 of them have to be from different political parties and are appointed by the town's 'executive', which in a town is the council president. 1 is appointed by the council (legislative body). The other 2 are active members of the department, have to be of different political parties, and are appointed by the active members of the department.

IC 36-8-3.5-6 Merit commission; establishment; appointment of members; qualifications; oath

Sec. 6. (a) A merit commission consisting of five (5) commissioners shall be established for:

- (1) each department of a unit;
- (2) a district; or
- (3) a territory;

having a merit system.

(b) The commissioners of a unit are:

- (1) two (2) persons, who must be of different political parties, appointed by the unit's executive;
- (2) one (1) person appointed by the unit's legislative body; and
- (3) two (2) persons, who must be of different political parties, elected by the active members of the department.

Notwithstanding [IC 36-1-8-10](#), political affiliation shall be determined through the voters' registration records of the three (3) most recent primary elections.

(c) The commissioners of a district or territory are:

- (1) the members of the governing board; and
- (2) two (2) persons, who must be of different political parties, elected by the active members of the department.

Notwithstanding [IC 36-1-8-10](#), the political affiliation of the persons appointed under subdivision (2) shall be determined through the voters' registration records of the three (3) most recent primary elections.

(d) This subsection does not apply to a commissioner who is a member of the governing board of a district or territory. A commissioner must have been a legal resident of the unit, district, or territory for three (3) consecutive years immediately preceding the commissioner's term and must be a person of good moral character. The unit's legislative body may, upon the recommendation of the safety board, determine a per diem to be paid to each commissioner for each day of actual service for the commission. The governing board may determine a per diem to be paid to each commissioner appointed under subsection (c)(2) for each day of actual service for the commission. A commissioner must be at least twenty-one (21) years of age. A commissioner may not be an active member of a police or fire department or agency and not more than two (2) of the commissioners may be past members of a police or fire department or agency. In addition, a person may not serve on the commission if the person receives any remuneration as salary from the unit.

(e) Each commissioner shall take an oath of office to conscientiously discharge the commissioner's duties. A signed copy of the oath shall be filed with the safety board of a unit or the governing board.

- x. Discussion: Meeting Schedule. Action to cancel, reschedule or leave as is, the standing Study Session for Monday, November 4, 2024 owing to unavailability of the plenary meeting room due to it being used as a polling place on November 5, 2024. *Pursuant to HMC Section 2.05.130(D), Town Council study sessions may be cancelled by a majority vote of the Town Council or by direction of the Town Council president.*

Whereas no official vote was taken, the general consensus of the Council was to cancel

the November 4th study session.

The Council President hearing no objections, advised the Clerk-Treasurer to place the item on the October 14, 2024 plenary meeting.

- x. Discussion: Authorize the proper officer to publish legal notice of a public hearing. Public hearing to considering additional appropriations in the amount of \$30,000 in the Municipal Cumulative Street Fund to be held on October 28, 2024, at 6:30 P.M. O'clock in the Municipal Building, 3333 Ridge Road Highland.

Public Works Director Knesek explained the sidewalk replacement program was very successful this year which is why he's requesting the additional appropriation.

The Council President hearing no objections, advised the Clerk-Treasurer to place the item on the October 14, 2024 plenary meeting.

- x. Discussion: In all cases above, ten (10) or more taxpayers may object to a budget, a tax rate or tax levy by filing a petition with the Office of the Clerk-Treasurer not more than seven (7) days following these hearings. (Monday, October 7, 2024) The objection petition must identify the provisions of the budget, tax rate or tax levy to which taxpayers object. If a petition is filed, the Town Council shall adopt with the budget a finding concerning the objections in the petition and the testimony presented.

The Clerk-Treasurer explained that nothing was filed, so no action is required on the part of the Council.

- x. Discussion: An Order Authorizing and Approving the Payment of Elective Honoraria to St. Joseph College, Rick Trater and Seth Leon in Recognition of and in they're Goodwill for their Assistance and Support of the Events under the Community Events Commission and Authorizing the Payment of Elective Honoraria (\$100 each) for their Participation in the Annual Highland Independence Day Festival.

The Council President hearing no objections, advised the Clerk-Treasurer to place the item on the October 14, 2024 plenary meeting.

Councilor Scheeringa asked if there were any additional agenda items. Hearing none, he adjourned the meeting at 7:20 p.m.