

ORDINANCE NO. 1626

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF BLUFFTON, INDIANA TO
ADD A NEW TITLE 18 TO ESTABLISH A DESIGNATED OUTDOOR REFRESHMENT AREA**

(Parlor City Refreshment Districts)

WHEREAS, the City of Bluffton, Indiana (“**City**”) is a duly organized municipal corporation and political subdivision under the laws of the State of Indiana, governed by its duly elected Mayor and Common Council (the “**Council**”); and

WHEREAS, the Council has authority under the Acts of the Indiana General Assembly to make all necessary regulations for the preservation of the rights, property, health, safety and welfare of its citizens; and

WHEREAS, Indiana Code § 7.1-3-31 (the “Act”) authorizes the establishment of not more than seven (7) Designated Outdoor Refreshment Areas (“DORA”);

WHEREAS, the City supports the revitalization and economic re-development of its historic downtown and commercial core, desires to maintain an economically vital and vibrant downtown center for its residents, visitors, and tourists; sees an economically healthy downtown as one of its critical assets; and realizes that a sustainable town center economy contributes to the community’s economic health;

WHEREAS, the City wishes to maintain a livable, walkable downtown and main street with opportunities to shop, dine, work, live, and discover recreational, cultural, and heritage opportunities;

WHEREAS, the Wells County Area Plan Commission (“APC”) analyzed a map proposing and identifying a possible DORA within the City and considered and adopted Resolution _____, determining that a DORA is consistent with the purpose and intent of the Wells County Zoning Ordinance, Wells County Subdivision Control Ordinance, and of the Wells County Vision 2035 Comprehensive Plan.

WHEREAS, the Council concurs with APC Resolution _____ and believes the creation of a DORA within the City’s downtown is in the best interests of the City, as authorized by the Act, which DORA are shown on the Parlor City Refreshment District Maps, included in this Ordinance No. 1626.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLUFFTON, INDIANA, AS FOLLOWS:

SECTION 1. A new Title 18 is added to the Code of Ordinances of the City of Bluffton, Indiana in the form as set forth in “**Exhibit A**” attached hereto and is to be enforced as an ordinance of the City of Bluffton, Indiana. and is to be titled “Parlor City Refreshment Districts.”

Section 2: This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bluffton, approval of the Mayor and filed in the records of Wells County, Indiana.

Adopted by the Common Council of the City of Bluffton, Wells County, Indiana, this ___ day of _____ 2024, by the following vote:

<u>Councilperson</u>	AYES _____	NAYS _____	ABSENT _____
Scott A. Mentzer	_____	_____	_____
Rickey D. Elwell	_____	_____	_____
Janella J. Stroncsek	_____	_____	_____
Joshua D. Hunt	_____	_____	_____
Chandler T. Gerber	_____	_____	_____
Blake A. Fiechter	_____	_____	_____
Sarah J. Reed	_____	_____	_____

Mayor John S. Whicker, Presiding Officer

ATTEST:

Michelle Simon, City Clerk-Treasurer

Presented by me to the Mayor of the City of Bluffton, Indiana, at ___:___ o'clock p.m. this day of __, 2024.

Michelle Simon, City Clerk-Treasurer

Approved by me this ___ day of _____, 2024.

Mayor John S. Whicker

This instrument was prepared by Anthony O. Crowell, Attorney for the City of Bluffton, Indiana, Ind. Bar No. 4255-49, 119 East Oak Forest Drive, Bluffton, Indiana 46714; (260) 824-9377; tony.crowell@blufftonindiana.gov.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. (Anthony O. Crowell)

EXHIBIT A

TO

ORDINANCE NO. _____

TITLE 18. -PARLOR CITY REFRESHMENT DISTRICTS (DORA)

Chapter 18.01 DEFINITIONS.

18.01.010. All definitions in Indiana Code § 7.1-3-31, as amended, shall apply to this Title 18, including, but not limited to the following:

- A. Craft Manufacturer – IC 7.1-3-31-1.
- B. Designated Permittee – IC 7.1-3-31-2.
- C. Refreshment Area – IC 7.1-3-31-4.
- D. Vendor – IC 7.1-3-31-5.

Chapter 18.02 BOUNDARIES AND MAPS.

18.02.010. The Parlor City Refreshment Area are created and identified in the map immediately following and incorporated into this Section, which may be updated from time to time by an amendment to this Section. The DORA is identified in the map by the boundaries outlined by rights-of-way and parcels as follows:

A. PARLOR CITY REFRESHMENT DISTRICT 1 –

1. DESCRIPTION

Beginning at the northeast corner of the rights-of-way of the platted alleyway and E. Wabash St. (Point of Beginning)

Then West along the north right-of-way of E. Wabash St. and W. Wabash St. to the northeast corner of the rights-of-way of W. Wabash St. and N. Johnson St.

Then North along the east right-of-way of N. Johnson St. to the southeast corner of the rights-of-way of N. Johnson St. and Water St.

Then East along the north right-of-way of Water St six (6) feet to include the designated pedestrian crossing at the intersection N. Johnson St. and Water St.

Then North along the east side of the pedestrian crossing to the north right-of-way line of Water St.

Then East along the north right-of-way of Water St to the northwest corner of the rights-of-way of Water St. and N. Main St.

Then North along west right-of-way of N. Main St. to the northeast corner of parcel number 90-08-04-539-404.000-004.

Then West along the south bank of the Wabash River to the northwest corner of parcel number 90-08-04-539-402.000-004.

Then South along the west property line of parcel number 90-08-04-539-402.000-004 to the southwest corner of parcel number 90-08-04-539-402.000-004.

Then East along north right-of-way line of Water St. to a point 8 feet west of northwest corner of the rights-of-way of Water St. and N. Johnson St.

Then South along the west side of the pedestrian crossing to the south right-of-way line of Water St.

Then East along the right-of-way of N. Johnson St. to the southwest corner of the rights-of-way of Water St and N. Johnson St.

Then South along the right-of-way of N. Johnson St. to the northwest corner of the rights-of-way of N. Johnson St. and W. Wabash St.

Then West along the right-of-way of W. Wabash St. to the northwest corner of the rights-of-way of W. Wabash St. and S Marion St.

Then South along the west right-of-way of N. Marion St. and S. Marion St. to the southwest corner of the rights-of-way of S. Marion St. and W. Washington St.

Then East along the south right-of-way of W. Washington St. to the southwest corner of the rights-of-way of W. Washington St. and S. Johnson St.

Then South along the west right-of-way of S. Johnson St. to the northwest corner of the rights-of-way of S. Johnson St. and W. Elm St.

Then West along the north right-of-way of W. Elm St. to the northwest corner of the rights-of-way of W. Elm St. and platted alleyway.

Then South along the north south running platted alleyway to the southwest corner of the rights-of-way of the platted alleyway and W. Cherry St.

Then East along the south right-of-way of W. Cherry St. to the southeast corner of the rights-of-way of W. Cherry St and S. Johnson St.

Then North along the east right-of-way of S. Johnson St. to the southeast corner of the rights-of-way of S. Johnson St. and W. Elm St.

Then East along the south right-of-way of W. Elm St. to the southwest corner of the rights-of-way of W. Elm St. and the west right-of-way of the platted alleyway.

Then South along the west right-of-way of the platted alleyway to the southwest corner of the rights-of-way of the platted alleyway and W. Cherry St.

Then East along the south right-of-way of W. Cherry St. and E. Cherry St. to the southeast corner of the rights-of-way of E. Cherry St. and S. Main St.

Then North along the east right-of-way of S. Main St. to the southeast corner of the rights-of-way of S. Main St. and E. Elm St.

Then East along the south right-of-way of E. Elm St. to the southeast corner of the rights-of-way of the platted alleyway and E. Elms St.

Then North along the east right-of-way of the platted alleyway to the southeast corner of the rights-of-way of the platted alleyway and E. Market St.

Then East along the south right-of-way of E. Market St. to the southeast corner of the rights-of-way of E. Market St. and S. Scott St.

Then North along the east right-of-way of S. Scott St and N. Scott St. to the northeast corner of the rights-of-way of N. Scott St. and E. Perry St.

Then West along the north right-of-way of E. Perry St. to the northeast corner of the rights-of-way of E. Perry St. and the platted alleyway.

Then North along the east right-of-way of the platted alleyway to the northeast corner of the rights-of-way of platted alleyway and E. Wabash St. (Point of Beginning)

2. PARCELS

90-08-04-539-400.000-004	90-08-04-539-359.000-004	90-08-04-539-304.000-004
90-08-04-539-401.000-004	90-08-04-539-394.000-004	90-08-04-539-339.000-004
90-08-04-539-402.001-004	90-08-04-539-340.000-004	90-08-04-539-374.000-004
90-08-04-539-403.000-004	90-08-04-539-406.000-004	90-08-04-539-373.000-004
90-08-04-539-405.000-004	90-08-04-539-331.000-004	90-08-04-539-021.000-004
90-08-04-539-408.000-004	90-08-04-539-241.000-004	90-08-04-539-291.000-004
90-08-04-539-365.000-004	90-08-04-539-308.000-004	90-08-04-539-090.000-004
90-08-04-539-380.000-004	90-08-04-539-053.000-004	90-08-04-539-089.000-004
90-08-04-539-099.000-004	90-08-04-539-218.000-004	90-08-04-539-110.000-004
90-08-04-539-014.000-004	90-08-04-539-191.000-004	90-08-04-539-234.000-004
90-08-04-539-122.000-004	90-08-04-539-197.000-004	90-08-04-539-181.000-004

90-08-04-539-025.000-004	90-08-04-539-361.000-004	90-08-04-539-183.000-004
90-08-04-539-105.000-004	90-08-04-539-093.000-004	90-08-04-539-038.000-004
90-08-04-539-365.000-004	90-08-04-539-272.000-004	90-08-04-539-165.000-004
90-08-04-539-271.000-004	90-08-04-539-030.000-004	90-08-04-539-135.000-004
90-08-04-539-216.000-004	90-08-04-539-317.000-004	90-08-04-539-256.000-004
90-08-04-539-352.000-004	90-08-04-539-277.000-004	90-08-04-539-225.000-004
90-08-04-539-352.000-004	90-08-04-539-012.000-004	90-08-04-539-108.000-004
90-08-04-539-273.000-004	90-08-04-539-270.000-004	90-08-04-539-178.000-004
90-08-04-539-102.000-004	90-08-04-539-043.000-004	90-08-04-539-042.000-004
90-08-04-539-362.000-004	90-08-04-539-044.000-004	90-08-04-539-103.000-004
90-08-04-539-109.000-004	90-08-04-539-045.000-004	90-08-04-539-133.000-004
90-08-04-539-121.000-004	90-08-04-539-280.000-004	90-08-04-539-366.000-004
90-08-04-539-414.000-004	90-08-04-539-007.000-004	90-08-04-539-413.000-004
90-08-04-539-369.000-004	90-08-04-539-367.000-004	90-08-04-539-412.000-004
90-08-04-539-145.000-004	90-08-04-539-236.000-004	90-08-04-539-224.000-004
90-08-04-539-372.000-004	90-08-04-539-024.001-004	90-08-04-539-109.000-004
90-08-04-539-381.000-004	90-08-04-539-024.000-004	90-08-04-539-271.000-004
90-08-04-539-027.000-004	90-08-04-539-416.000-004	90-08-04-539-238.000-004
90-08-04-539-130.000-004	90-08-04-539-197.000-004	90-08-04-539-238.000-004
90-08-04-539-036.000-004	90-08-04-539-093.000-004	90-08-04-539-402.000-004
90-08-04-539-029.000-004	90-08-04-539-108.000-004	90-08-04-539-402.000-004
90-08-04-539-231.000-004	90-08-04-539-225.000-004	90-08-04-539-183.000-004
90-08-04-539-002.000-004	90-08-04-539-256.000-004	90-08-04-539-270.000-004
90-08-04-539-409.000-004	90-08-04-539-256.000-004	90-08-04-539-270.000-004
90-08-04-539-238.000-004	90-08-04-539-380.000-004	90-08-04-539-270.000-004
90-08-04-539-404.000-004	90-08-04-539-122.000-004	90-08-04-539-270.000-004
90-08-04-539-402.000-004	90-08-04-539-256.000-004	90-08-04-539-352.000-004
90-08-04-539-038.000-004	90-08-04-539-362.000-004	90-08-04-539-025.000-004
90-08-04-539-197.000-004	90-08-04-539-362.000-004	90-08-04-539-036.000-004
90-08-04-539-197.000-004	90-08-04-539-362.000-004	90-08-04-539-105.000-004
90-08-04-539-362.000-004	90-08-04-539-362.000-004	90-08-04-539-027.000-004
90-08-04-539-109.000-004	90-08-04-539-362.000-004	90-08-04-539-372.000-004
90-08-04-539-236.000-004	90-08-04-539-236.000-004	90-08-04-539-014.000-004
90-08-04-539-236.000-004	90-08-04-539-236.000-004	90-08-04-539-317.000-004
90-08-04-539-236.000-004	90-08-04-539-236.000-004	90-08-04-539-236.000-004
90-08-04-539-236.000-004	90-08-04-539-029.000-004	

3. STREET ADDRESSES

numb	prefix	street	suffix	numb	prefix	street	suffix
204	W	Wabash	ST	112	N	Main	ST
126	N	Main	ST	211	W	Water	ST
120	N	Main	ST	112	S	Johnson	ST
116	N	Main	ST	110	S	Johnson	ST

118	N	Main	ST	108	S	Johnson	ST
125	N	Johnson	ST	202	W	Market	ST
122	N	Johnson	ST	204	W	Market	ST
217	W	Market	ST	206	W	Market	ST
221	W	Market	ST	208	W	Market	ST
225	W	Market	ST	212	W	Market	ST
229	W	Market	ST	210	W	Market	ST
213	W	Market	ST	214	W	Market	ST
211	W	Market	ST	218	W	Market	ST
209	W	Market	ST	216	W	Market	ST
207	W	Market	ST	222	W	Market	ST
205	W	Market	ST	224	W	Market	ST
203	W	Market	ST	113	S	Johnson	ST
201	W	Market	ST	111	S	Johnson	ST
123	W	Market	ST	107	S	Johnson	ST
121	W	Market	ST	130	W	Market	ST
135	W	Market	ST	128	W	Market	ST
127	W	Market	ST	124	W	Market	ST
115	W	Johnson	ST	122	W	Market	ST
111	W	Johnson	ST	118	W	Market	ST
107	W	Johnson	ST	102	W	Market	ST
113	W	Market	ST	124	S	Main	ST
109	W	Market	ST	116	S	Main	ST
107	W	Market	ST	114	S	Main	ST
105	W	Market	ST	112	S	Main	ST
110	N	Main	ST	111	W	Washington	ST
114	N	Main	ST	123	W	Washington	ST

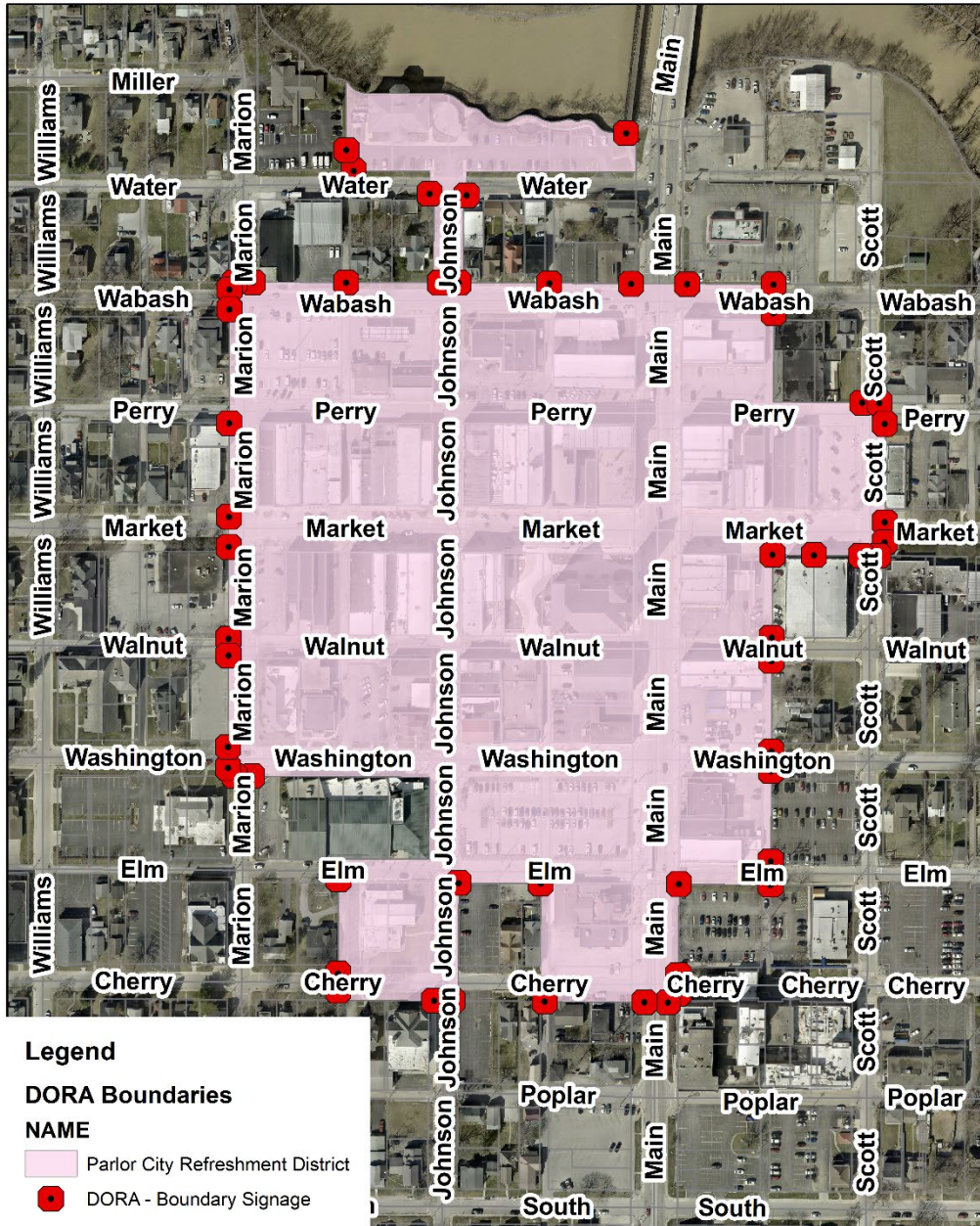
numb	prefix	street	suffix	numb	prefix	street	suffix
110	E	Walnut	ST	214	W	Perry	ST
112	E	Walnut	ST	205	W	Washington	ST
205	S	Main	ST	205	W	Walnut	ST
213	S	Main	ST	224	W	Market	ST
211	W	Cherry	ST	224	W	Market	ST
105	W	Cherry	ST	131	W	Market	ST
228	W	Market	ST	133	W	Market	ST
218	S	Main	ST	129	W	Market	ST
220	N	Main	ST	117	W	Market	ST
120	N	Johnson	ST	215	W	Market	ST
100	W	Washington	ST	220	W	Market	ST
101	W	Market	ST	109	W	Washington	ST
125	W	Walnut	ST	116	E	Perry	ST
123	W	Walnut	ST	224	W	Wabash	ST
217	W	Washington	ST	117	N	Main	ST

107	W	Water	ST	125	E	Market	ST
125	S	Johnson	ST	107	N	Main	ST
123	S	Johnson	ST	105	N	Main	ST
121	S	Johnson	ST	101	N	Main	ST
119	S	Johnson	ST	107	E	Market	ST
117	S	Johnson	ST	109	E	Market	ST
128	W	Walnut	ST	111	E	Market	ST
203	W	Washington	ST	115	E	Market	ST
118/122	S	Johnson	ST	114	E	Perry	ST
116	S	Johnson	ST	117	E	Market	ST
223	W	Washington	ST	121	E	Market	ST
123	S	Marion	ST	101	S	Main	ST
127	N	Main	ST	117	S	Main	ST
125	N	Main	ST	119	S	Main	ST
121	N	Main	ST	127	S	Main	ST
110	E	Wabash	ST	108	E	Walnut	ST
113	N	Main	ST	109	N	Main	ST

DORA BOUNDARY MAP

Parlor City Refreshment District

1 inch = 250 feet



Chapter 18.03 Signage.

18.03.010 Signage designating the Parlor City Refreshment District boundary shall include the following logo:



18.03.020 In a Parlor City Refreshment District, a Designated Permittee who desires to sell beverages, allow beverages to enter the premises, or not to allow beverages to enter the premises, must display a Window Cling near the entrance of the premises. Initial window clings are to be provided at no cost to the Designated Permittee. Replacement window clings will be provided to Designated Permittee at cost.



18.03.030 The following sign must be posted at each exit of a Designated Permittee and on the licensed premises of a Vendor.

PARLOR CITY REFRESHMENT DISTRICT RULES (DORA)

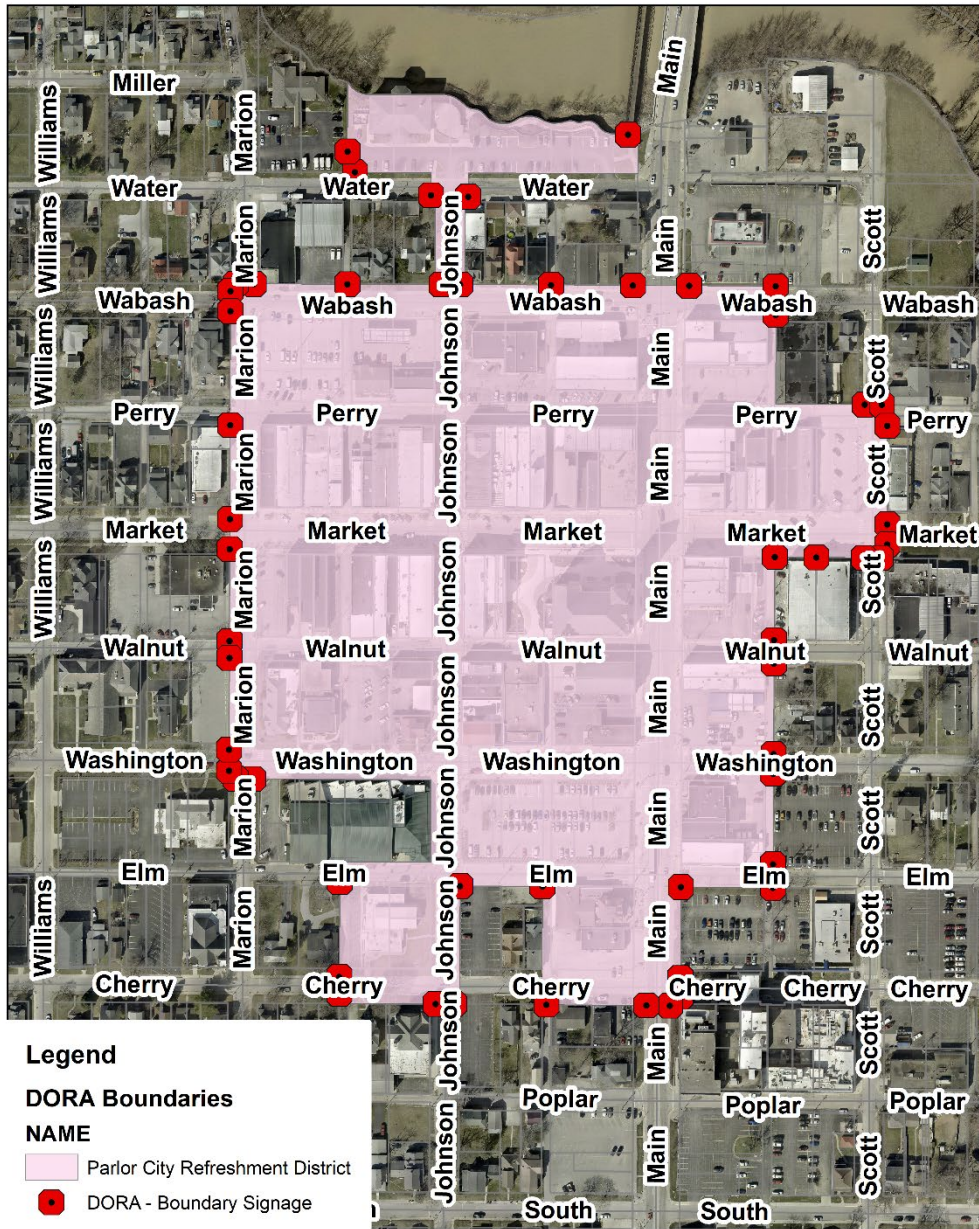
1. Parlor City Refreshment District's daily hours are as established through IC 7.1-3-1-14. Available during legal sales hours for the designated permittee or vendor.
2. Any open alcoholic beverage containers purchased within the refreshment district must remain within the refreshment district.
3. You may only possess two (2) Parlor City Refreshment District cups at one time.
4. The Parlor City Refreshment District cup costs \$___ and is meant for one-time use.
5. Possessing an open container of alcoholic beverages in a motor vehicle may constitute a Class C infraction under IC 9-30-15.

18.03.040 The minimum signage that shall be installed designating the boundary of the Parlor City Refreshment District area is represented in the following map showing location of sidewalk decals or metal signs with post.

DORA BOUNDARY MAP

Parlor City Refreshment District

1 inch = 250 feet



Chapter 18.04 DESIGNATED DISTRICT CUP

18.04.010 The Designated District Cup shall be approved by the City’s Board of Public Works and Safety (“BOW”), and shall include the following logo, and any other information approved or required by the BOW. The City Board of Public Works may amend the logo.



The Designated District Cups will be provided at a cost to be determined by Bluffton NOW! or their designee. The cost must cover the cost of the cup and operation expenses for Designated Retailer Permittees and Temporary Vendors.

Chapter 18.05 DESIGNATED PERMITTEE APPLICANTS.

18.05.010 The following retailers have submitted a completed application to the City to participate in the Parlor City Refreshment District as a “Designated Permittee.”

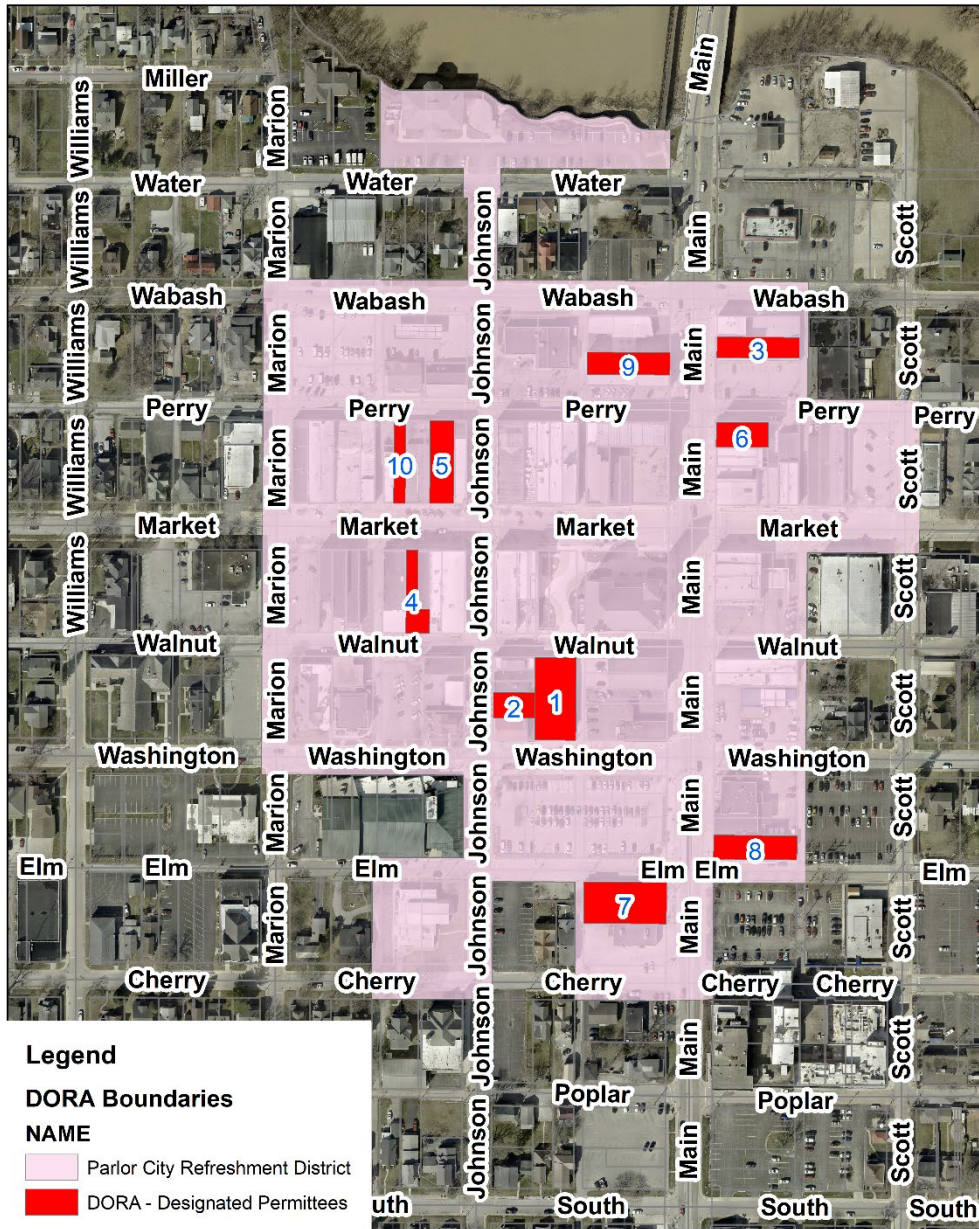
1. American Legion – 111 W. Washington St.
2. Hideaway Beer & Bourbon – 121 S. Johnson St.
3. Mt. Fuji – 121 N. Main St.
4. The Parlor City Brewing Company – 212 W. Market St.
5. Unique Blue – 205 W. Market St.
6. Billy Ann’s Supper Pub – 113 N. Main St.
7. Hunt Club – 218 S. Main St.
8. Elks – 213 S. Main St.
9. Moose – 120 N. Main St.
10. Pitties Dog House – 211 W. Market St.

Each applicant’s location within the DORA is depicted on the follow map.

DORA DESIGNATED PERMITTEES

Parlor City Refreshment District

1 inch = 250 feet



- A. Any permittee operating at a licensed premises, located within the Parlor City Refreshment Districts, and not specifically listed in this Section as a “Designated Permittee”, but who desires to be designated as a “Designated Permittee” and granted a “Refreshment Area Designation” must request an amendment to this Section and submit a “Designated Permittee Application” to the City prior to the submission of the City’s application to the Alcohol & Tobacco Commission (“Commission”) for approval of the City’s DORAs.
- B. Following the adoption of Ordinance No. _____, any permittee operating at a licensed premises and not a Designated Permittee who desires to be a Designated Permittee must follow the requirements of Indiana Law, Rules and Regulations, and this Title 18. The City is not required to approve or submit to the Commission any application.

Chapter 18.06 TEMPORARY VENDORS.

18.06.010 Any person holding a temporary beer or wine permit or a supplemental catering permit pursuant to Indiana Code § 7.1-3-31-5, or a craft manufacturer’s permit, and desires to be designated as a “Vendor” and granted “temporary vendor designation” to participate in a special event or festival held within a DORA, must submit a Special Event Permit Application and State Designated Outdoor Refreshment Area Designation Form for each event.

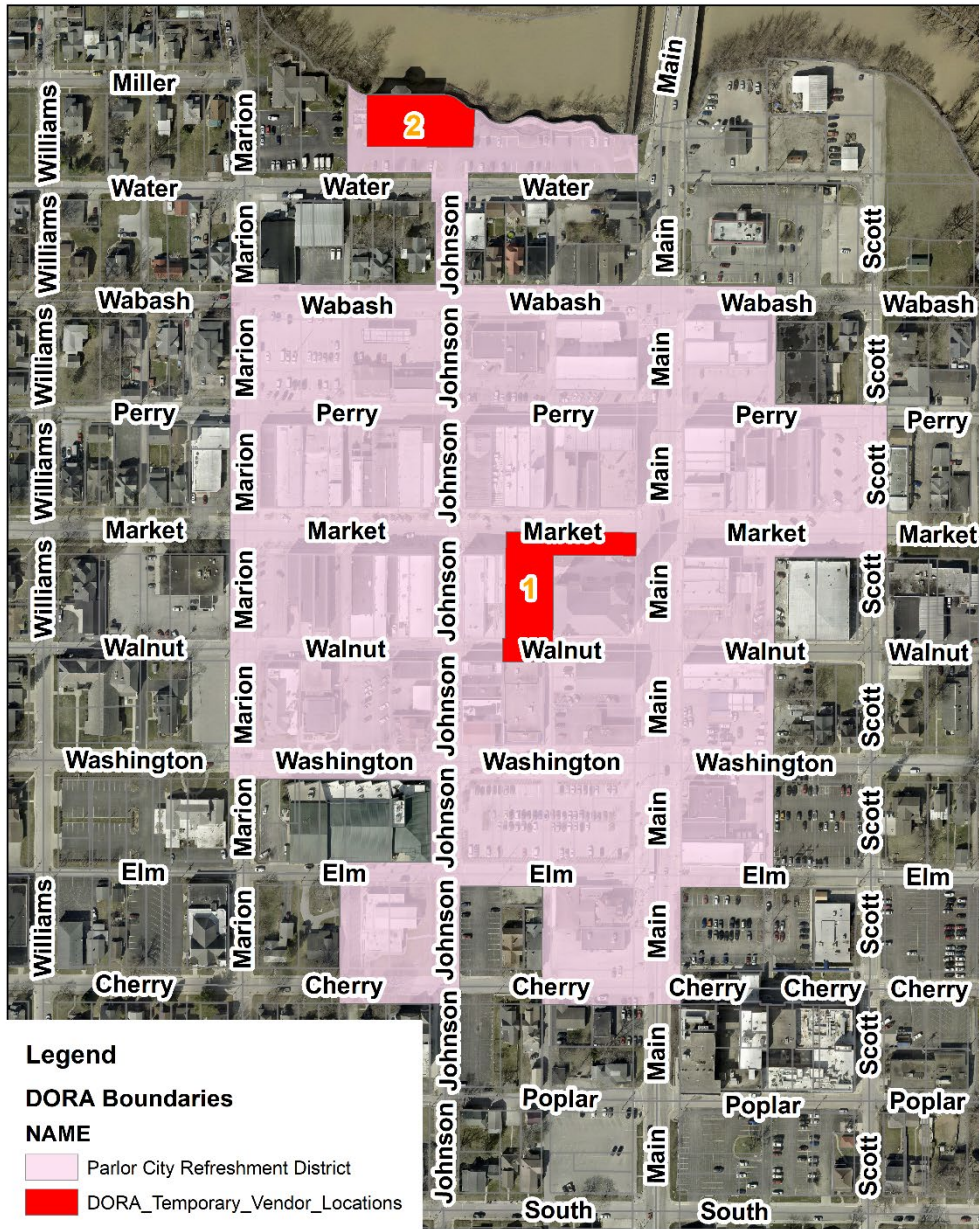
18.06.020 The BOW has the authority to approve or decline an application of a vendor for the DORAs. Upon approval, a Vendor may locate at any or all of the available Temporary Vendor Locations within the DORAs as shown on the following map. Each available Vendor Location is numbered.

- 1. Parlor City Plaza – 118 W. Market St.
- 2. Chamber of Commerce – 211 Water St.
- 3. Kehoe Park – 300 N. Main St.

DORA TEMPORARY VENDORS

Parlor City Refreshment District

1 inch = 250 feet



Chapter 18.07 BUSINESS PARTICIPATION.

Nothing in this chapter prohibits a business, landlord, or other establishment from not allowing open containers of alcoholic beverages in or on their premises.

Chapter 18.08 CITY CONTROL OF RIGHT-OF-WAY

The City of Bluffton has full authority and control over the sidewalks and common areas and no one may prohibit or limit open containers in accordance with § 7.1-3-31 within the DORAs, except for the BOW and Council.

Chapter 18.09 DESIGNATED OUTDOOR REFRESHMENT AREA OPERATING RULES AND REGULATIONS.

18.09.010 In accordance with Indiana Code § 7.1-3-31:

- A. The Parlor City Refreshment District's daily hours are all day, every day, following the establishment's liquor license.
- B. A person may consume an alcoholic beverage purchased from a Designated Permittee or Vendor anywhere within the DORA, 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.
- C. 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 alcoholic beverages at a time. 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.
- D. A person may not consume an alcoholic beverage within the refreshment area that was purchased outside of the refreshment area.
- E. Alcoholic beverages subject to this Title 18 must be contained in a designated Parlor City Refreshment District cup.
- F. Glass containers may only be allowed in a Designated Permittee's Outdoor dining area and may not be removed into the Parlor City Refreshment District.

Chapter 18.10 SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereunder.

Chapter 18.11 PRIOR ORDINANCES.

Any City ordinance or parts of a City ordinance in conflict with this Ordinance is hereby repealed.

Chapter 18.12 EFFECTIVE DATE.

This Ordinance shall be effective after passage by the Council, approval by the Mayor, approval by the Indiana Alcohol and Tobacco Commission, but not before the _____ day of _____, 202__, all in the manner as provided by law.