

Ordinance 2016-~~4~~
Repealing the Enabling Ordinance (2008) of 3-way liquor sales within the
town limits of Westport

In the June 9th, 2008 Westport Town Council meeting minutes it is documented that the Town Council (per IC 7.1-3-9-3) voted 2-1 in favor of an "enabling ordinance" to allow the Kizer Korner Pub to get a hard liquor license. It has recently come to our attention that they may be closing and giving up that license. Per IC 7.1-3-9-4 the city or town having granted the enabling ordinance cannot alter, amend, or repeal it for a period of 2 years and 60 days after the date of its enactment. We are now well outside of that time period and we also have two new members on our Town Council.

Therefore, I, Bryan Gatewood, now move to repeal the enabling ordinance for 3-way liquor sales in Westport, thereby prohibiting the sale of hard liquor by the drink within our town limits. This non-enabling ordinance shall remain in full force until such time that a future town council sees fit to change it.

Put to a vote this 13th day of June, 2016

Ayes:

Bryan Gatewood

Richard Smith

Nays:

Jepe Gundlach

Attest:

Jenny Hardebeck

Westport Clerk/Treasurer

Westport Deputy Clerk Treasurer

6/13/16

Jenny Hardebeck

Jenny Hardebeck

Decatur Co. Indiana

my commission expires

3/31/2022



**Town of Westport
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(812)591-3500 - Phone
(812)591-3953 – Fax**

June 17, 2016

Mr. Devine, Lt. Lang,

In Monday evening's Westport Town Council meeting 6/13/2016 we passed an ordinance (attached) repealing the 3-way liquor enabling ordinance that was passed in 2008. As I read IC 7.1-3-9-5 any holder of a 3-way permit in Westport now has 90 days to cease operations. Mr. Paul Dunagan of County Line Cycle Sales who is trying to open the Kickstand Saloon came to our meeting stating that he had recently purchased the 3-way permit from the Kizer Korner Pub operator Melody Johnson. Mr. Dunagan was very unhappy with our repealing ordinance and threatened to switch to a private club type of operation. Can he actually do that and still serve hard liquor by the drink within our Town limits?

Also as I read IC 7.1-3-9-7 I need to send a copy of our new ordinance via registered mail to the Alcohol and Tobacco Commission. The website lists the mailing address as:

Indiana Alcohol & Tobacco Commission
Indiana Government Center South, Room E-114
302 W. Washington Street
Indianapolis, IN 46204

Is there any particular person that we should send the new ordinance to their attention?

Thanks in advance for your help in this matter.

Sincerely, -Bryan Gatewood
President - Westport Town Council