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**TITLE 905 ALCOHOL AND TOBACCO  
COMMISSION**

**Proposed Rule**  
LSA Document #03-280

**DIGEST**

Adds 905 IAC 1-47 to establish rules defining a municipal riverfront development project under IC 7.1-3-20-16. Effective 30 days after filing with the secretary of state.

**905 IAC 1-47**

SECTION 1. 905 IAC 1-47 IS ADDED TO READ AS FOLLOWS:

**Rule 47. Municipal Riverfront Development Projects**

**905 IAC 1-47-1 Definition**

**Authority:** IC 7.1-2-3-7

**Affected:** IC 7.1-3-20-16; IC 36-1-2-9

**Sec. 1. (a)** As used in this rule, “municipal riverfront development project” refers to a project authorized under IC 7.1-3-20-16(d).

**(b)** In order to qualify for a permit under this rule, an applicant must demonstrate that the municipal riverfront development project area where the permit is to be located meets the following criteria:

- (1)** The project boundaries must border on at least one (1) side of a river.
- (2)** The proposed permit premises may not be located more than one thousand five hundred (1,500) feet or three (3) city blocks from the river, whichever is greater.
- (3)** The project must be funded in part with state and city money.
- (4)** The boundaries of the municipal riverfront development project must be designated by ordinance or resolution by the legislative body as defined in IC 36-1-2-9(3) or IC 36-1-2-9(4) of the city in which the project is located.

**(c)** Proof of compliance with subsection (b) shall consist of the following documentation, which is required at the time the permit application is filed with the commission:

- (1)** A detailed map showing definite boundaries of the entire municipal riverfront development project and the location of the proposed permit located therein.
- (2)** A copy of the local ordinance or resolution of the local governing body authorizing the municipal riverfront development project.
- (3)** Detailed information concerning the expenditures of state and city funds on the municipal riverfront development project.

**(d)** At the request of the mayor with the support of the legislative body, the commission may consider an application for a proposed permit premises, the location of which does not meet the criteria of subsection (b)(2), provided that all other requirements of this rule are satisfied. (*Alcohol and Tobacco Commission; 905 IAC 1-47-1*)

**905 IAC 1-47-2 Former permit premises excluded**

**Authority:** IC 7.1-2-3-7

**Affected:** IC 7.1-3-20-16; IC 7.1-3-22-3; IC 7.1-3-24

**Sec. 2. A permit may not be issued under this rule if the proposed permit premises is the location of an existing three-way permit covered by IC 7.1-3-22-3. (Alcohol and Tobacco Commission; 905 IAC 1-47-2)**

**905 IAC 1-47-3 Applicability to existing permit applications**

**Authority:** IC 7.1-2-3-7

**Affected:** IC 7.1-3-20-16; IC 7.1-3-24

**Sec. 3. This rule does not apply to applications covered by IC 7.1-3-20-16(d) that were received prior to the effective date of this rule. (Alcohol and Tobacco Commission; 905 IAC 1-47-3)**

***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on January 26, 2004 at 10:00 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room E114, Indianapolis, Indiana the Alcohol and Tobacco Commission will hold a public hearing on a proposed new rule governing municipal riverfront development projects. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E114 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Mark C. Webb  
Executive Secretary  
Alcohol and Tobacco Commission