

IC 7.1-2-4

Chapter 4. Local Boards

IC 7.1-2-4-1

Local boards created

Sec. 1. Local Boards Created. There is hereby created in each county a local board to be known as the "Alcoholic Beverage Board of _____ County."

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-4-2

Qualifications of appointed members

Sec. 2. Qualifications of Appointed Members. An appointed member of a local board shall possess the following qualifications:

(a) He shall be twenty-one (21) years of age or older;

(b) He shall have been a bona fide resident of the county in which he is to serve for at least five (5) years immediately preceding his appointment;

(c) He shall never have been convicted of a felony under the laws of this state or of the United States; and,

(d) He shall have a good moral character.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-4-3

Qualifications of designated members

Sec. 3. Qualifications of Designated Members. The designated member of a local board shall be a person of good moral character, a resident of Indiana and familiar with the laws of Indiana concerning alcoholic beverages. The designated member may be an officer or employee of the commission.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-4-4

Repealed

(Repealed by P.L.204-2001, SEC.68.)

IC 7.1-2-4-5

Composition

Sec. 5. Composition. A local board shall be composed of four (4) members who are qualified for their positions according to this chapter, and who, other than the designated representative of the commission, do not hold other lucrative public office or employment.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-4-6

Appointments

Sec. 6. Appointments. A local board shall be composed of three (3) appointed members and one (1) designated member. One (1) of the appointed members shall be appointed by the board of county commissioners of the county in which the board is to perform its

duties. One (1) of the appointed members shall be appointed by the county council of the county in which the board is to perform its duties. One (1) of the appointed members shall be appointed by the mayor of the city within the county having the largest population. The designated member of the board shall represent the commission and shall be designated by the commission.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-4-7

Composition; two-cities exception

Sec. 7. Composition: Two-Cities Exception. In a county in which there are located two (2) or more cities, each having a population of more than ten thousand (10,000), as to all applications for permits which apply to premises within the corporate limits of one (1) of the cities, the local board shall consist of the designated member, the appointed members appointed by the board of county commissioners and the county council, and a member appointed by the mayor of the effected city.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-4-8

Composition; no city exception

Sec. 8. If there is no city within a county, the executive of the town within the county having the largest population shall make the one (1) appointment to the local board normally made by the executive of the largest city.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.8-1989, SEC.33.

IC 7.1-2-4-9

Order of appointments

Sec. 9. The order of appointments to a local board shall be as follows:

- (1) The board of commissioners of a county shall make its appointment first.
- (2) The city or town executive, as the case may be, shall make the executive's appointment second.
- (3) The county fiscal body shall make its appointment third.
- (4) The commission shall designate its representative fourth.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.8-1989, SEC.34; P.L.4-1991, SEC.136.

IC 7.1-2-4-10

Appointments; time limits

Sec. 10. The county executive and fiscal body and the city or town executive, as the case may be, shall make their appointments to the local board within fifteen (15) days after being notified by the commission by registered mail to do so. The commission may extend this time limit by an additional fifteen (15) days.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.8-1989,

SEC.35.

IC 7.1-2-4-11

Ad interim appointments

Sec. 11. Ad Interim Appointments. The commission shall have the power to make an ad interim appointment to a local board if the required appointment is not made within the applicable time limit. An ad interim appointee shall have full power to act as a member of the local board for a period of sixty (60) days and as much longer as is required to complete an investigation or questionnaire begun during his temporary appointment.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-4-12

Commission appointments

Sec. 12. Commission Appointments. The commission shall have the power to make an appointment to a local board if the required appointment is not made within one hundred (100) days following the mailing of the first notice requesting that the appointment be made.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-4-13

Terms of office

Sec. 13. Terms of Office. The term of office of an appointed member, other than an ad interim appointee, shall be for one (1) year from the date of his appointment and until his successor is appointed and qualified. The designated representative of the commission shall not have any specific term on any particular local board.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-4-13.5

Training of members

Sec. 13.5. (a) This section does not apply to a designated member of the local board who is an employee or officer of the commission.

(b) A local board member shall complete a training program conducted by the commission. A local board member may not be required to take a test or an examination or pay a fee in order to complete the training program.

(c) The training program must include training on all the following subjects:

- (1) An overview of Indiana alcoholic beverage law and enforcement.
- (2) Duties and responsibilities of the board concerning new permit applications, permit transfers, and renewal of existing permits.
- (3) The open door law (IC 5-14-1.5) and the public records law (IC 5-14-3).
- (4) Notice and hearing requirements.
- (5) The process for appeal of an adverse decision of the board.

(6) Any other subject determined by the commission.

(d) A local board member must complete the training program not more than one hundred eighty (180) days after the member is appointed to the board. A local board member who does not complete the training program within the time allowed by this subsection shall be removed from the board under section 21 of this chapter.

As added by P.L.94-2008, SEC.6.

IC 7.1-2-4-14

Local board organization

Sec. 14. Local Board Organization. A local board shall meet and organize immediately following the appointment of its members. The local board shall elect one (1) of its members to serve as president. The president shall preside at the meetings of the board and shall sign the minutes of meetings. The local board also shall elect one (1) of its members to serve as secretary. The secretary shall keep the minutes of meetings and other records, attest the signature of the president and perform other duties assigned to him by the board.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-4-15

Meetings

Sec. 15. Meetings. Meetings of the local board shall be held in the office of the clerk of the circuit court, or at another place provided by the board of county commissioners. It shall be the duty of a member to attend the meetings of his board and to discharge the duties of his office. Any member of a local board may administer oaths. A meeting of a local board called for the purpose of a public investigation of an application for a permit may be continued from day to day, or adjourned until a later meeting of the local board in the discretion of the designated representative of the commission.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-4-16

Quorum and voting

Sec. 16. Quorum and Voting. Three (3) members of a local board shall constitute a quorum for the transaction of business. A local board may take action only upon the affirmative votes of at least three (3) of its members.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-4-17

Compensation

Sec. 17. Compensation. As compensation for services, an appointed member of a local board shall receive an annual salary in the amount of two hundred forty dollars (\$240), from the state, paid in twelve (12) equal, monthly installments.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-4-18

Additional compensation

Sec. 18. Additional Compensation. An appointed member of a local board shall receive, in addition to the annual salary, compensation from the state at the rate of three dollars (\$3.00), for each application on which he is required to, and does, investigate and report. The additional compensation shall be paid within sixty (60) days after the required questionnaire has been completed in due form, signed by the member, and delivered to the commission in duplicate.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-4-19

Mileage

Sec. 19. An appointed member of a local board shall receive mileage at the same rate per mile as is provided for state employees in the state travel policies and procedures established by the department of administration and approved by the state budget agency for each mile, in excess of two (2) miles per day, traveled by him in necessary attendance at the meetings of the local board. The claim for mileage shall be certified by the member and filed with the commission. The claim for mileage shall be paid by the state at the expiration of sixty (60) days after the questionnaire covering an application investigated at the meeting of the local board in respect to which the mileage is claimed has been filled out and signed by the member.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.85-1985, SEC.3.

IC 7.1-2-4-20

Oath of office

Sec. 20. Oath of Office. An appointed member of a local board shall execute an oath of office in duplicate. One (1) copy of the oath shall be filed in the office of the clerk of the circuit court of the judicial circuit in which the local board sits. The other copy shall be filed with the chairman.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-4-21

Removal from office

Sec. 21. Removal from Office. An appointed member of a local board may be removed from office only for good cause. The commission shall give the member a written copy of the charges against him and shall fix the time, which shall not be less than five (5) days thereafter, when the member may appear before the commission and show cause why he should not be removed. The commission shall establish procedures for the removal of an appointed member of a local board. The findings and determinations of the commission in respect to a removal shall be final.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-4-22

Oral comments at meetings

Sec. 22. (a) A local board shall allow all individuals attending a public local board meeting or hearing to make oral comments at the meeting or hearing regarding the subject of the meeting or hearing. However, a local board may set a reasonable limit on the amount of time allowed to each individual to provide oral comment.

(b) A local board may give greater weight to oral comments provided by a person who:

(1) owns or operates a business that is located; or

(2) owns real property or resides;

not more than one thousand (1,000) feet from the location for which a permit is requested.

As added by P.L.94-2008, SEC.7.