

Document: Proposed Rule, **Register Page Number:** 26 IR 2688

Source: May 1, 2003, Indiana Register, Volume 26, Number 8

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**TITLE 905 ALCOHOL AND TOBACCO
COMMISSION**

Proposed Rule
LSA Document #03-39

DIGEST

Amends 905 IAC 1-11.1-1 to increase the fees for temporary beer/wine permits. Amends 905 IAC 1-11.1-2 to provide that the commission may revoke a temporary permit for good cause at any time, including before the event. Effective 30 days after filing with the secretary of state.

905 IAC 1-11.1-1

905 IAC 1-11.1-2

SECTION 1. 905 IAC 1-11.1-1 IS AMENDED TO READ AS FOLLOWS:

905 IAC 1-11.1-1 Temporary beer and wine permits

Authority: IC 7.1-2-3-7; IC 7.1-3-6-1

Affected: IC 7.1-2-3-7; IC 7.1-3-6-1

Sec. 1. The fee for a temporary beer and wine permit is ~~twenty-five~~ **fifty** dollars (~~\$25~~) (**\$50**) per day. No rain checks shall be given on any of the above events. (*Alcohol and Tobacco Commission; 905 IAC 1-11.1-1; filed May 16, 1985, 3:51 p.m.: 8 IR 1308; readopted filed Dec 2, 2001, 12:23 p.m.: 25 IR 1350*)

SECTION 2. 905 IAC 1-11.1-2 IS AMENDED TO READ AS FOLLOWS:

905 IAC 1-11.1-2 Qualification requirements

Authority: IC 7.1-2-3-7; IC 7.1-3-6-1

Affected: IC 7.1-2-3-7; IC 7.1-3-6-1

Sec. 2. In order to qualify for a temporary permit, the following guidelines must be met:

- (1) There must be a well-defined premises, ~~i.e. that is, a~~ building, tent, enclosure, **or** fenced-in or designated area.
- (2) The applicant must submit a floor plan or diagram (~~8½ × 11~~) (**eight and one-half (8½) by eleven (11)**) showing either a beer garden/barroom (for adults only) or beer garden/barroom and family area (for families to consume food). All alcoholic beverages must be dispensed from the beer garden/barroom. Minors will be allowed in the family area with a parent or guardian or to consume food, **BUT MAY NOT LOITER**.
- (3) There shall be **NO** carry-out privileges, **NO** carry-in privileges, and **NO** spirituous beverages allowed.
- (4) Each applicant must designate an individual responsible for the event and such person must sign the application.
- (5) **ANY** and **ALL** persons dispensing or selling or accepting payment for alcoholic beverages **MUST POSSESS** a valid alcoholic beverage commission employee's permit.
- (6) The event must meet applicable board of health requirements, particularly with regard to restroom facilities.
- (7) Legal hours for dispensing alcoholic beverages:

(Prevailing time)

Monday through	7 a.m. to 3 a.m. the following
Saturday	day
Sunday	12 noon to 12:30 a.m. the
	following day

- (8) The applicant must file this application with the alcoholic beverage commission at least fifteen (15) days prior to the event.

Failure to comply is grounds for denial.

(9) The temporary permit must be posted in the most conspicuous place at the location of the event. An excise officer, or commissioner for good cause, has the authority to revoke a temporary permit **at any time before or** during the event.

(Alcohol and Tobacco Commission; 905 IAC 1-11.1-2; filed May 16, 1985, 3:51 p.m.: 8 IR 1308; readopted filed Oct 4, 2001, 3:15 p.m.: 25 IR 941)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on June 9, 2003 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 proposed amendments governing temporary permits. 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.

Mary L. DePrez
Chairperson
Alcohol and Tobacco Commission