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**TITLE 905 ALCOHOL AND TOBACCO  
COMMISSION**

LSA Document #03-280(F)

**DIGEST**

Adds 905 IAC 1-47 to establish rules defining a municipal riverfront development project under IC 7.1-3-20-16.1. 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 Application**

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

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

**Sec. 1. Application.** This rule applies to an application for a permit located in a municipal riverfront development project pursuant to IC 7.1-3-20-16 where the proposed premises is located more than one thousand five hundred (1,500) feet but not more than three thousand (3,000) feet or more than three (3) blocks but not more than six (6) blocks from the river, whichever is greater. *(Alcohol and Tobacco Commission; 905 IAC 1-47-1; filed Aug 10, 2004, 3:30 p.m.: 27 IR 4021)*

**905 IAC 1-47-2 Eligibility for permit**

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

**Affected:** IC 4-23-2; IC 7.1-3-20-16; IC 36-7

**Sec. 2.** The commission may issue a permit pursuant to IC 7.1-3-20-16 for a premises, which is located within the area described in section 1 of this rule, if the following conditions are met:

- (1) The proposed permit premises must be located within the original boundaries of the municipal riverfront development project as set forth in IC 7.1-3-20-16.1(c)(1)(A).
- (2) The area within the original boundaries of the municipal riverfront development project is:
  - (A) blighted under IC 36-7-14 or IC 36-7-15.1;
  - (B) a redevelopment area under IC 36-7-14.5;
  - (C) an economic development area under IC 36-7-15.2 or IC 36-7-26; or
  - (D) a historic district established under IC 36-7-11, IC 36-7-11.1, IC 36-7-11.3, or IC 14-3-3.2 (before its repeal); and
- (3) The proposed permit premises is located in a building or structure which is designated historical pursuant to subdivision 2(D) of this rule and used primarily in connection with a community-based activity or event that is artistic or cultural in nature, including, but not limited to, music, including folk, contemporary, classical, or jazz; theatre, including media arts; dance, including contemporary or ballet; painting; sculpture; and architecture; and which may be eligible for funding from the Indiana arts commission pursuant to IC 4-23-2. *(Alcohol and Tobacco Commission; 905 IAC 1-47-2; filed Aug 10, 2004, 3:30 p.m.: 27 IR 4021)*

**905 IAC 1-47-3 Proof of compliance criteria**

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

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

**Sec. 3. Proof of compliance with this rule must consist of the following documentation, which is required at the time the permit application is filed with the commission:**

**(1) A detailed map showing:**

**(A) definite boundaries of the entire municipal riverfront development project; and**

**(B) the location of the proposed permit within the project.**

**(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.**

**(4) A listing of the types of events being held at the proposed permit premises pursuant to section 2(3) of this rule; and**

**(5) Information concerning historical characteristics of the permit premises, including, but not limited to, the age and significance within the municipality.**

*(Alcohol and Tobacco Commission; 905 IAC 1-47-3; filed Aug 10, 2004, 3:30 p.m.: 27 IR 4021)*

**905 IAC 1-47-4 Nude dancing excluded**

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

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

**Sec. 4. For purposes of this rule, subsection (2)(c) [sic.] does not include activities described in 905 IAC 1-16.1-3. (Alcohol and Tobacco Commission; 905 IAC 1-47-4; filed Aug 10, 2004, 3:30 p.m.: 27 IR 4021)**

**905 IAC 1-47-5 Area incapable of development; alternative measurements**

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

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

**Sec. 5. If the area adjacent to the river is incapable of being developed because the area is in a floodplain, or for any other reason that prevents the area from being developed, the distances described in section 1 of this rule are measured from the city blocks located nearest to the river that are capable of being developed. (Alcohol and Tobacco Commission; 905 IAC 1-47-5; filed Aug 10, 2004, 3:30 p.m.: 27 IR 4021)**

**905 IAC 1-47-6 "Original boundaries" defined**

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

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

**Sec. 6. For purposes of this rule, the term "original boundaries" means the initial geographic parameters or boundaries of the municipal riverfront development project as determined by the governing body. (Alcohol and Tobacco Commission; 905 IAC 1-47-6; filed Aug 10, 2004, 3:30 p.m.: 27 IR 4021)**

**905 IAC 1-47-7 For-profit status; not disqualifying**

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

**Affected: IC 4-23-2; IC 7.1-3-20-16**

**Sec. 7. For purposes of this rule, the for-profit status of an entity applying for a permit shall not disqualify it for further consideration by the commission if it otherwise meets the criteria for eligibility of funding by the Indiana arts commission pursuant to IC 4-23-2. (Alcohol and Tobacco Commission; 905 IAC 1-47-7; filed Aug 10, 2004, 3:30 p.m.: 27 IR 4022)**

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