

## **IC 7.1-3-20**

### **Chapter 20. Clubs, Restaurants, and Hotels**

#### **IC 7.1-3-20-0.1**

##### **Application of certain amendments to chapter**

Sec. 0.1. The following amendments to this chapter apply as follows:

(1) The amendments made to sections 18, 20, and 21 of this chapter by P.L.204-2001 supersede 905 IAC 1-41-2(c), as in effect on January 1, 2001.

(2) The amendments made to section 11.5 of this chapter by P.L.204-2001 apply only to applications submitted after June 30, 2001. Applicants who submit an application before July 1, 2001, must comply with section 11.5, as appropriate, as the provision was effective at the time the application was submitted.

(3) The addition of section 16.1 of this chapter by P.L.72-2004 applies to an application for a permit received after June 30, 2004.

*As added by P.L.220-2011, SEC.173.*

#### **IC 7.1-3-20-1**

##### **Clubs; general requirements**

Sec. 1. Clubs: General Requirements. In order to be considered a "club" within the meaning of this title and to be eligible to receive an appropriate club permit under this title, an association or corporation shall meet the following requirements:

(a) It shall have been organized in good faith under authority of law;

(b) It shall have been in active, continuous existence for at least three (3) years prior to the date the application for the permit is filed;

(c) It shall have maintained, in good faith, a membership roll for the three (3) year period;

(d) It shall have a paid-up membership of more than fifty (50) members at the time the application is filed;

(e) It shall be the owner, lessee, or occupant of an establishment operated solely for objects of a national, social, patriotic, political, or athletic nature, or the like;

(f) It shall not be operated for pecuniary gain;

(g) The property and the advantages of the organization shall belong to its members; and,

(h) It shall maintain an establishment provided with special space and accommodations where, in consideration of payment, food, with or without lodging, is habitually served.

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

#### **IC 7.1-3-20-2**

##### **Clubs within corporate limits**

Sec. 2. The commission may issue the appropriate permit upon the application of a club if the premises to be licensed are situated within

the corporate limits of a city or town.  
*(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1975, P.L.72, SEC.1.) As amended by Acts 1977, P.L.95, SEC.1; P.L.52-1992, SEC.8.*

#### **IC 7.1-3-20-2.5**

##### **Sunday sales; applicability; on-premises consumption**

Sec. 2.5. (a) This section applies to each holder of a permit issued under section 2, 3, or 4 of this chapter.

(b) A permit holder may sell alcoholic beverages under the terms of the permit on any twelve (12) Sundays during a calendar year.

(c) Sales under this section may be made only for on-premises consumption.

*As added by P.L.52-1992, SEC.9. Amended by P.L.224-2005, SEC.13.*

#### **IC 7.1-3-20-3**

##### **Clubs outside corporate limits**

Sec. 3. Clubs Outside Corporate Limits. The commission may issue the appropriate permit upon the application of a club whose premises to be licensed are situated outside the corporate limits of an incorporated city or town if the club meets the following additional requirements:

(a) The club has been duly organized for social, athletic, or outdoor exercise purposes;

(b) The club requires and receives an annual membership fee of at least six dollars (\$6.00);

(c) The club has an investment of not less than five thousand dollars (\$5,000), in addition to investment in buildings, in grounds or fields especially prepared for athletic or physical exercise;

(d) The grounds or fields have been especially prepared for use for a period of at least six (6) months prior to the filing of the application for the permit; and,

(e) The grounds or fields have been patronized and used regularly during seasonable weather for physical exercise.

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

#### **IC 7.1-3-20-4**

##### **Clubs outside corporate limits; exception**

Sec. 4. Clubs Outside Corporate Limits: Exception. A club which has been in continuous existence for at least three (3) years and which has been formed for social, athletic, or outdoor exercise purposes, and which has been well known during that period of time and which either through the financial records which it has preserved or through the financial or other institutions with which it has dealt, can show that it has been in continuous active operation for the three (3) year period, and which has acquired by lease or ownership or other kind of substantial control an establishment outside the corporate limits of a city or town and which is of such respectability and probable permanence as to warrant the issuance of an appropriate permit, may be eligible, although it does not have the

necessary qualifications, other than those contained in this section, to be granted a retailer's permit at the establishment.

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

#### **IC 7.1-3-20-5**

##### **Clubs; two locations**

Sec. 5. Clubs: Two Locations. If a club is eligible to be issued a permit for premises situated within a city or town, or outside of the corporate limits of a city or town, one (1) permit may be issued to the club for an establishment located outside of the corporate limits of a city or town, and another appropriate permit may be issued to the same club for an establishment located within the corporate limits of a city or town. The commission shall charge a separate annual license fee for each location.

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

#### **IC 7.1-3-20-6**

##### **Member of a club; qualifications**

Sec. 6. In order to be considered a "member of a club" within the meaning of this title, a person must meet the following qualifications:

- (1) The person must have become a member either as a charter member or by admission in accordance with the articles of incorporation, constitution, and bylaws of the club.
- (2) The person must maintain membership by the payment of dues in the required manner.
- (3) The person's name and address must be entered on the membership list which is supplied to the commission:
  - (A) the first time that the new or renewal application for the appropriate club permit is filed after the person becomes a member of the club; and
  - (B) with subsequent renewal applications that are filed after the person becomes a member of the club for as long as the person remains a member.

*(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.75-1996, SEC.1.*

#### **IC 7.1-3-20-7**

##### **Fraternal clubs; labor organizations**

Sec. 7. (a) As used in this title and to be eligible to receive the appropriate permit, "fraternal club" means an association or corporation whose membership is comprised of or forms:

- (1) a lodge or local chapter or corresponding unit of a fraternal order or of another association of a like nature; or
- (2) a body whose membership is comprised of persons who have served in the armed forces of the United States;

and which has been in continual existence on a national scale for more than five (5) years prior to the date the application is filed.

(b) Fraternal clubs and labor organizations need not meet the requirements of section 1 of this chapter, but are considered clubs for all other purposes of this title.

*(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.85-1985, SEC.10; P.L.13-2013, SEC.28.*

### **IC 7.1-3-20-8**

#### **Club; enabling ordinance required**

Sec. 8. The commission shall require the enactment of an enabling ordinance as provided in IC 1971, 7.1-3-9, before issuing a new liquor retailer's permit to a club in a city or town that has a population of less than five thousand (5,000). This section shall not apply to the renewal of an existing permit nor shall it apply to a fraternal club or a social club.

*(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.32.*

### **IC 7.1-3-20-8.5**

#### **Discriminatory practices**

Sec. 8.5. (a) As used in this section, "discriminatory practice" means a refusal to provide equal access to and use of services or facilities on the basis of a person's race or color. However, the term does not include a practice of a club or fraternal club that requires a specific religious affiliation or belief as a condition of membership in the club or fraternal club.

(b) To be eligible to hold a club permit under this chapter, a club, fraternal club, or labor organization may not engage in a discriminatory practice.

(c) A person may file a complaint with the civil rights commission alleging a discriminatory practice by a club, fraternal club, or labor organization.

(d) The civil rights commission shall investigate the allegations in the complaint and, if reasonable cause is found, shall hold a hearing under IC 22-9-1-6 on the complaint. If the civil rights commission finds that a club, fraternal club, or labor organization has engaged in a discriminatory practice, the civil rights commission shall certify the finding to the alcohol and tobacco commission.

(e) If a club, fraternal club, or labor organization is found to have engaged in a discriminatory practice, the commission shall do one (1) or more of the following:

- (1) Issue a warning to the club, fraternal club, or labor organization.
- (2) Impose a civil penalty on the club, fraternal club, or labor organization not to exceed one thousand dollars (\$1,000).
- (3) Suspend the club, fraternal club, or labor organization's permit for not more than ninety (90) days.
- (4) Not issue a new club permit under this chapter if the club, fraternal club, or labor organization does not hold a club permit under this chapter.
- (5) Revoke an existing club permit.

*As added by P.L.66-1990, SEC.1. Amended by P.L.204-2001, SEC.33.*

### **IC 7.1-3-20-8.6**

#### **Club guest day**

Sec. 8.6. (a) The holder of a club permit may do the following:

- (1) Designate as "guest day" or "guest days":
  - (A) three (3) or fewer days in a month; or
  - (B) nine (9) or fewer consecutive days in a quarter.
- (2) Keep a record of all designated guest days.
- (3) Invite guests who are not members of the club to attend the club on a guest day.
- (4) Sell or give alcoholic beverages to guests for consumption on the permit premises on a guest day.
- (5) Keep a guest book listing members and their nonmember guests, except on a designated guest day.

(b) This subsection applies to a club that furnishes alcoholic beverages on not more than two (2) days in each week. Notwithstanding subsection (a)(1), the holder of a club permit to which this subsection applies may designate twenty-four (24) guest days in each calendar year rather than one (1) guest day in each month.

*As added by P.L.52-1992, SEC.10. Amended by P.L.90-1993, SEC.1; P.L.205-1999, SEC.16; P.L.216-2011, SEC.1.*

### **IC 7.1-3-20-9**

#### **Restaurants; general requirements**

Sec. 9. Restaurants: General Requirements. In order to be considered a "restaurant" within the meaning of this title and to be eligible to receive an appropriate restaurant permit under this title, an establishment shall meet the following requirements:

- (a) It shall be provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers; and,
- (b) It shall have accommodations at which at least twenty-five (25) persons may be served at one (1) time.  
*(Formerly: Acts 1973, P.L.55, SEC.1.)*

### **IC 7.1-3-20-10**

#### **Restaurants within corporate limits**

Sec. 10. Restaurants Within Corporate Limits. The commission may issue the appropriate permit upon the application of a restaurant if the premises to be licensed are situated within the corporate limits of a city or town.

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

### **IC 7.1-3-20-11**

#### **Restaurants; unincorporated town exception**

Sec. 11. Restaurants: Unincorporated Town Exception. The commission may issue a beer retailer's permit to a restaurant if it is located within an unincorporated town, or in close proximity to one, and if the establishment meets the requirements provided in IC 1971, 7.1-3-20-9.

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

### **IC 7.1-3-20-11.5**

#### **Restaurants; small city provision**

Sec. 11.5. (a) The commission may issue a three-way permit for the sale of alcoholic beverages, for on-the-licensed-premises consumption only, to the proprietor of a restaurant which is located in a city or town that has a population of less than twenty-five thousand (25,000), if the applicant meets the following requirements:

- (1) The establishment is the holder of a one-way or a two-way permit.
- (2) The establishment is qualified to hold a three-way permit but for the provisions of IC 7.1-3-22-3.

(b) A permit that is issued under this section may be transferred.

(c) The annual license fee for a three-way retailer's permit issued under this section is the same as the fee for a three-way retailer's permit issued under other provisions of this chapter. A person who holds a three-way retailer's permit under this section is not required to pay an annual license fee for any one-way or two-way retailer's permit that the person must hold to maintain eligibility for a three-way retailer's permit under this section.

*As added by Acts 1976, P.L.24, SEC.1. Amended by Acts 1981, P.L.44, SEC.3; P.L.91-1993, SEC.1; P.L.204-2001, SEC.34; P.L.229-2011, SEC.99.*

### **IC 7.1-3-20-12**

#### **Restaurants outside corporate limits**

Sec. 12. The commission may issue a three-way permit for the sale of alcoholic beverages to the proprietor of a restaurant which is located outside the corporate limits of an incorporated city or town if the restaurant meets the additional requirements:

- (1) It shall be a table service restaurant in which a patron is seated at a table and is served by a waiter or waitress and the food served is predominantly consumed on the premises.
- (2) It shall be sufficiently served by adequate law enforcement at its premises.
- (3) If it does business during seven (7) or more months of each year, it shall have had an annual gross food sales of at least one hundred thousand dollars (\$100,000) for the three (3) years immediately preceding its application for a permit unless the permittee is the proprietor of a recreational facility such as a golf course, bowling center, or similar facility that has the recreational activity and not the sale of food and beverages as the principal purpose or function of the person's business.
- (4) If it does business during six (6) or fewer months of each year, it shall have had average monthly gross food sales of at least eight thousand five hundred dollars (\$8,500) for each month it did business for the three (3) years immediately preceding its application for a permit.

*(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1975, P.L.72, SEC.2.) As*

*amended by P.L.85-1985, SEC.11; P.L.106-1995, SEC.14; P.L.224-2005, SEC.14.*

### **IC 7.1-3-20-13**

#### **New restaurants outside corporate limits**

Sec. 13. (a) The commission may issue a three-way permit to the proprietor of a new restaurant which is located outside the corporate limits of an incorporated city or town for the sale of alcoholic beverages if:

- (1) the applicant proves to the local board and the commission that a projection of his experience had for the first ninety (90) days of gross food sales at the location will exceed not less than two hundred thousand dollars (\$200,000) in gross food sales by the end of two (2) years from the date of his application; and
- (2) the restaurant meets the additional requirements provided in section 12 of this chapter, other than the gross food sales requirement.

(b) Notwithstanding subsection (a), the gross food sales requirement under this section for an applicant who plans to do business during six (6) or fewer months of each year is an average of at least eight thousand five hundred dollars (\$8,500) per month for each full month that the applicant plans to do business.

(c) Notwithstanding subsections (a) and (b), the commission may issue a permit for a new restaurant to sell alcoholic beverages at the time of its opening if the applicant for this permit first executes a verified certification to the commission stating that the anticipated gross food sales are expected to exceed two hundred thousand dollars (\$200,000) during the first two (2) years of operation. Not more than one hundred twenty (120) days after the opening of the new restaurant, the applicant shall furnish to the commission a financial statement showing the dollar amount of food sales made during the first ninety (90) days of operation. The commission may require this financial statement to be audited by a certified public accountant. If the food sales shown on the financial statement do not meet the standards set forth in subsection (a), the commission may revoke the permit.

*(Formerly: Acts 1973, P.L.55, SEC.1; Acts 1975, P.L.72, SEC.3.) As amended by P.L.85-1985, SEC.12.*

### **IC 7.1-3-20-13.5**

#### **Public restaurant at golf course or tennis club; gross food sales requirement**

Sec. 13.5. Notwithstanding sections 12 and 13 of this chapter, there is no annual or monthly gross food sales requirement to obtain a three-way permit for the sale of alcoholic beverages in a restaurant that is:

- (1) open to the general public; and
- (2) located on:
  - (A) the grounds of a regulation size golf course that has at least nine (9) holes; or

(B) the premises of a tennis club that has at least eight (8) regulation size tennis courts.

*As added by P.L.64-1990, SEC.4. Amended by P.L.51-1994, SEC.8; P.L.76-1997, SEC.1; P.L.224-2005, SEC.15.*

#### **IC 7.1-3-20-13.6**

##### **"Clubhouse" defined; sale of alcoholic malt beverages; employees' or bartenders' permits**

Sec. 13.6. (a) As used in this section, "clubhouse" means a facility:

- (1) that is located on a golf course; and
- (2) where alcoholic beverages are sold under a retailer's permit or a club permit issued by the commission.

(b) The holder of a retailer's permit or a club permit for the sale of alcoholic beverages at a clubhouse may, under the same permit, sell alcoholic malt beverages at a permanent, semipermanent, or portable structure or cart that meets the following requirements:

- (1) Is on the same golf course premises as the clubhouse.
- (2) Is within reasonable proximity of the clubhouse.
- (3) Provides minimum food service.
- (4) Has a floor plan or design that meets the following requirements:

- (A) Is on file with the commission.
- (B) Has been approved by the commission.

(c) All employees of a permittee described in subsection (b), who are involved in the furnishing, supplying, conveying, selling or serving of alcoholic beverages, shall have an employee's permit or bartender's permit, as applicable.

*As added by P.L.87-1993, SEC.2.*

#### **IC 7.1-3-20-14**

##### **Restaurants outside corporate limits; nonrenewals**

Sec. 14. (a) The commission shall not renew the permit of a permittee licensed under section 12 or 13 of this chapter upon the expiration of the permit in the calendar year next succeeding a calendar year in which the permittee's gross food sales are less than one hundred thousand dollars (\$100,000), unless the permittee can establish to the satisfaction of the local board and the commission that his projected gross food sales for the ensuing calendar year will exceed one hundred thousand dollars (\$100,000).

(b) Notwithstanding subsection (a), the gross food sales requirement under this section for a permittee who does business during six (6) or fewer months of each year is an average of at least eight thousand five hundred dollars (\$8,500) per month for each full month that the permittee does business.

*(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.85-1985, SEC.13.*

#### **IC 7.1-3-20-15**

##### **Repealed**

*(Repealed by Acts 1975, P.L.72, SEC.4.)*

**IC 7.1-3-20-16**

**Airport restaurants; restaurants in certain economic development areas; redevelopment projects or districts, historic river vessels, cultural centers, historic districts**

Sec. 16. (a) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.

(b) The commission may issue a three-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant facility in the passenger terminal complex of a publicly owned airport. A permit issued under this subsection shall not be transferred to a location off the airport premises.

(c) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a redevelopment project consisting of a building or group of buildings that:

- (1) was formerly used as part of a union railway station;
- (2) has been listed in or is within a district that has been listed in the federal National Register of Historic Places maintained pursuant to the National Historic Preservation Act of 1966, as amended; and
- (3) has been redeveloped or renovated, with the redevelopment or renovation being funded in part with grants from the federal, state, or local government.

A permit issued under this subsection shall not be transferred to a location outside of the redevelopment project.

(d) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant:

- (1) on land; or
- (2) in a historic river vessel;

within a municipal riverfront development project funded in part with state and city money. A permit issued under this subsection may not be transferred.

(e) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a renovation project consisting of a building that:

- (1) was formerly used as part of a passenger and freight railway station; and
- (2) was built before 1900.

The permit authorized by this subsection may be issued without regard to the proximity provisions of IC 7.1-3-21-11.

(f) The commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption at a cultural center for the visual and performing arts to the following:

- (1) A town that:
  - (A) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and
  - (B) has a population of more than twenty thousand (20,000) but less than twenty-three thousand seven hundred (23,700).
- (2) A city that has an indoor theater as described in section 26 of this chapter.

(g) The commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than seven hundred (700) feet from a district, that meets the following requirements:

- (1) The district has been listed in the National Register of Historic Places maintained under the National Historic Preservation Act of 1966, as amended.
- (2) A county courthouse is located within the district.
- (3) A historic opera house listed on the National Register of Historic Places is located within the district.
- (4) A historic jail and sheriff's house listed on the National Register of Historic Places is located within the district.

The legislative body of the municipality in which the district is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. An applicant is not eligible for a permit if, less than two (2) years before the date of the application, the applicant sold a retailer's permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this section or within seven hundred (700) feet of the district. A permit issued under this subsection shall not be transferred. The total number of active permits issued under this subsection may not exceed ten (10) at any time. The cost of an initial permit issued under this subsection is six thousand dollars (\$6,000).

(h) The commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption to an applicant who will locate as the proprietor, as owner or lessee, or both, of a restaurant within an economic development area under IC 36-7-14 in:

- (1) a town with a population of more than twenty thousand (20,000); or
- (2) a city with a population of more than forty-four thousand five hundred (44,500) but less than forty-five thousand (45,000);

located in a county having a population of more than one hundred ten thousand (110,000) but less than one hundred eleven thousand (111,000). The commission may issue not more than five (5) licenses under this section to premises within a municipality described in subdivision (1) and not more than five (5) licenses to premises within a municipality described in subdivision (2). The commission shall

conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars (\$35,000), and the renewal fee for a license under this subsection is one thousand three hundred fifty dollars (\$1,350). Before the district expires, a permit issued under this subsection may not be transferred. After the district expires, a permit issued under this subsection may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

(i) After June 30, 2006, the commission may issue not more than five (5) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five hundred (500) feet from a district, that meets all of the following requirements:

(1) The district is within an economic development area, an area needing redevelopment, or a redevelopment district as established under IC 36-7-14.

(2) A unit of the National Park Service is partially located within the district.

(3) An international deep water seaport is located within the district.

An applicant is not eligible for a permit under this subsection if, less than two (2) years before the date of the application, the applicant sold a retailers' permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this subsection or within five hundred (500) feet of the district. A permit issued under this subsection may not be transferred. If the commission issues five (5) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed five (5) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission.

(j) Subject to section 16.2 of this chapter, the commission may issue not more than six (6) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant on land within a municipal lakefront development project funded in part with state, local, and federal money. A permit issued under this subsection may not be transferred. If the commission issues six (6) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed six (6) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction

may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial permit under this subsection is ten thousand dollars (\$10,000).

*(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.85-1985, SEC.14; P.L.78-1986, SEC.6; P.L.103-1989, SEC.2; P.L.72-1991, SEC.2; P.L.12-1992, SEC.56; P.L.277-1993(ss), SEC.131; P.L.15-1994, SEC.6; P.L.170-2002, SEC.55; P.L.155-2005, SEC.1; P.L.214-2005, SEC.48; P.L.224-2005, SEC.16; P.L.1-2006, SEC.148; P.L.165-2006, SEC.27; P.L.10-2010, SEC.7; P.L.71-2012, SEC.3; P.L.119-2012, SEC.80; P.L.176-2013, SEC.1.*

### **IC 7.1-3-20-16.1**

#### **Municipal riverfront development project; alcoholic beverage permit requirements**

Sec. 16.1. (a) This section applies to a municipal riverfront development project authorized under section 16(d) of this chapter.

(b) In order to qualify for a permit, 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:

(A) one thousand five hundred (1,500) feet; or

(B) three (3) city blocks;

from the river, whichever is greater. However, 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 clauses (A) and (B) are measured from the city blocks located nearest to the river that are capable of being developed.

(3) The permit premises are located within:

(A) an economic development area, a redevelopment project area, an urban renewal area, or a redevelopment area established under IC 36-7-14, IC 36-7-14.5, or IC 36-7-15.1;

(B) an economic development project district under IC 36-7-15.2 or IC 36-7-26; or

(C) a community revitalization enhancement district designated under IC 36-7-13-12.1.

(4) The project must be funded in part with state and city money.

(5) 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) 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.

(d) Notwithstanding subsection (b), the commission may issue a permit for premises, the location of which does not meet the criteria of subsection (b)(2), if all the following requirements are met:

(1) All other requirements of this section and section 16(d) of this chapter are satisfied.

(2) The proposed premises is located not more than:

(A) three thousand (3,000) feet; or

(B) six (6) blocks;

from the river, whichever is greater. However, 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 clauses (A) and (B) are measured from the city blocks located nearest to the river that are capable of being developed.

(3) The permit applicant satisfies the criteria established by the commission by rule adopted under IC 4-22-2. The criteria established by the commission may require that the proposed premises be located in an area or district set forth in subsection (b)(3).

(4) The permit premises may not be located less than two hundred (200) feet from facilities owned by a state educational institution.

(e) A permit may not be issued if the proposed permit premises is the location of an existing three-way permit subject to IC 7.1-3-22-3. *As added by P.L. 72-2004, SEC. 11. Amended by P.L. 155-2005, SEC. 2 and P.L. 214-2005, SEC. 49; P.L. 185-2005, SEC. 2; P.L. 1-2006, SEC. 149; P.L. 2-2007, SEC. 131.*

#### **IC 7.1-3-20-16.2**

##### **Municipal lakefront development project; qualifications for permit; documentation; restriction on issuance of permit**

Sec. 16.2. (a) This section applies to a municipal lakefront development project authorized under section 16(j) of this chapter.

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

(1) The municipal lakefront development project area must be located in a city (as defined in IC 36-1-2-3).

(2) All of the following must be located within the corporate boundaries of the city described in subdivision (1):

(A) A city park.

(B) A baseball stadium.

(C) An oil refinery.

- (3) The project boundaries must border on Lake Michigan.
- (4) The proposed permit premises may not be located more than:

- (A) one thousand five hundred (1,500) feet; or
- (B) three (3) city blocks;

from Lake Michigan, whichever is greater. However, if the area adjacent to Lake Michigan 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 clauses (A) and (B) are measured from the city blocks located nearest to Lake Michigan that are capable of being developed.

- (5) The permit premises are located within:

- (A) an economic development area, a redevelopment project area, an urban renewal area, or a redevelopment area established under IC 36-7-14, IC 36-7-14.5, or IC 36-7-15.1;
- (B) an economic development project district under IC 36-7-15.2 or IC 36-7-26; or
- (C) a community revitalization enhancement district designated under IC 36-7-13-12.1.

- (6) The project must be funded in part with state, local, and federal money.

- (7) The boundaries of the municipal lakefront development project must be designated by ordinance or resolution by the legislative body (as defined in IC 36-1-2-9) of the city in which the project is located.

(c) Proof of compliance with subsection (b) 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 lakefront 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 lakefront development project.
- (3) Detailed information concerning the expenditures of state, local, and federal funds on the municipal lakefront development project.

(d) A permit may not be issued if the proposed permit premises is the location of an existing three-way permit subject to IC 7.1-3-22-3. *As added by P.L.176-2013, SEC.2.*

### **IC 7.1-3-20-16.5**

#### **Restaurants in historic places or districts; retailer's permits**

Sec. 16.5. (a) A permit that is authorized by this section:

- (1) is subject to the quota provisions of IC 7-1-3-22; and
- (2) is not subject to the proximity provisions of IC 7.1-3-21-11.

(b) The commission may issue a retailer's permit to the proprietor of a restaurant that is located in a facility that is on the National

Register of Historic Places or that is located within the boundaries of an historic district that is established by ordinance pursuant to IC 36-7-11-7.

*As added by P.L.91-1993, SEC.2.*

### **IC 7.1-3-20-17**

#### **Service bars**

Sec. 17. Service Bars. (a) An establishment which is licensed under the provisions of this article and which has a gross annual business of at least one hundred thousand dollars (\$100,000), of which at least fifty percent (50%), is in the retail sale of food, may have, subject to the approval of the commission, a service bar which is not in full, free and unobstructed view from a street or public highway.

(b) An establishment shall qualify as to the gross annual business provision if the projection of the first ninety (90) days of business for the establishment for one (1) year equals, or is greater than, one hundred thousand dollars (\$100,000), in the proportions set forth in subsection (a), as shown by the books and records of the establishment.

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

### **IC 7.1-3-20-18**

#### **Hotels; general requirements**

Sec. 18. (a) In order to be considered a "hotel" within the meaning of this title and to be eligible to receive an appropriate hotel permit under this title, an establishment shall meet the following requirements:

(1) It shall be provided with special space and accommodations where, in consideration of payment, food and lodging are habitually furnished to travelers.

(2) It shall have at least twenty-five (25), adequately furnished and completely separate sleeping rooms with adequate facilities under one (1) continuous roof.

(3) It shall be so disposed that persons usually apply for and receive overnight accommodations in it in the course of usual and regular travel or as a residence.

(4) It shall operate either a:

(A) regular dining room constantly frequented by customers each day; or

(B) room in which continental breakfasts and hors d'oeuvres are served in areas designated as dining rooms.

(b) This subsection applies to a hotel that qualifies under subsection (a)(4)(B). All laws and commission rules regarding legal serving for alcoholic beverages fully apply to the hotel. Rooms that qualify under subsection (a)(4)(B) qualify as rooms under IC 7.1-5-7-11(a)(16). The commission may adopt rules under IC 4-22-2 concerning floor plans of the hotel.

*(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.35.*

### **IC 7.1-3-20-19**

#### **Hotels within corporate limits**

Sec. 19. Hotels Within Corporate Limits. The commission may issue the appropriate permit upon the application of a hotel if the premises to be licensed are situated within the corporate limits of a city or town.

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

### **IC 7.1-3-20-20**

#### **Hotels outside corporate limits**

Sec. 20. (a) The commission may issue a three-way permit to a hotel situated outside the corporate limits of an incorporated city or town if the establishment meets the following requirements:

- (1) It shall be provided with special space and accommodations where, in consideration of payment, food and lodging are habitually furnished to travelers.
- (2) It shall have at least twenty-five (25) adequately furnished and completely separate sleeping rooms with adequate facilities under one (1) roof.
- (3) It shall be so disposed that persons usually apply for and receive overnight accommodations in it in the course of usual and regular travel or as a residence.
- (4) It shall operate either a:
  - (A) regular dining room constantly frequented by customers each day; or
  - (B) room in which continental breakfasts and hors d'oeuvres are served in areas designated as dining rooms.
- (5) It shall be sufficiently served by adequate law enforcement at its premises.

(b) This subsection applies to a hotel that qualifies under subsection (a)(4)(B). All laws and commission rules regarding legal serving for alcoholic beverages fully apply to the hotel. Rooms that qualify under subsection (a)(4)(B) qualify as rooms under IC 7.1-5-7-11(a)(16). The commission may adopt rules under IC 4-22-2 concerning floor plans of the hotel.

*(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.36.*

### **IC 7.1-3-20-21**

#### **Resort hotels**

Sec. 21. (a) In order to be considered a "resort hotel" within the meaning of this title and to be eligible to receive an appropriate resort hotel permit under this title, an establishment shall meet the following requirements:

- (1) It shall be constantly patronized during a season of at least three (3) months.
- (2) It shall have improvements of a least five thousand dollars (\$5,000), in value, on the premises.
- (3) It shall have at least twenty-five (25), adequately furnished and completely separate sleeping rooms, exclusive of any

basement rooms, with adequate facilities.

(4) It shall be so disposed that persons usually apply for and receive overnight accommodations in it.

(5) It shall have either a:

(A) regular dining room frequented by customers each day during which the resort hotel is open to the public; or

(B) room in which continental breakfasts and hors d'oeuvres are served in areas designated as dining rooms.

(6) It shall be located on one (1) premises.

(7) It shall be operated by one (1) person, or under one (1) management.

(8) It shall be a permanent structure of at least two (2) stories, exclusive of the basement.

(9) It shall be reasonably fire-proof.

(10) It shall be sufficiently responsible to discharge all of its obligations under the law to its guests and it shall have kept a register of its guests.

(11) It shall have been in active operation for a period of three (3) years immediately prior to the filing of the application for a permit.

(b) This subsection applies to a hotel that qualifies under subsection (a)(5)(B). All laws and commission rules regarding legal serving for alcoholic beverages fully apply to the hotel. Rooms that qualify under subsection (a)(5)(B) qualify as rooms under IC 7.1-5-7-11(a)(16). The commission may adopt rules under IC 4-22-2 concerning floor plans of the hotel.

*(Formerly: Acts 1973, P.L. 55, SEC.1.) As amended by P.L.204-2001, SEC.37.*

### **IC 7.1-3-20-22**

#### **Resort hotels; seasonal permits**

Sec. 22. Resort Hotels: Seasonal Permits. The commission may grant a seasonal permit to a resort hotel upon the application of its owner or manager if he possesses the same qualifications that are required for the issuance of corresponding permits to other applicants. The seasonal permit shall entitle the permittee to sell beer, liquor, or wine, from the fifteenth day of April to the fifteenth day of October, both dates inclusive.

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

### **IC 7.1-3-20-23**

#### **Hotels; in-room vending units**

Sec. 23. (a) As used in this section, "in-room vending unit" means a closed container that is:

(1) located in a guest room of a hotel; and

(2) used for the storage and dispensing of food or beverage (alcoholic or nonalcoholic).

(b) The holder of a retailer's permit that is issued to a hotel may dispense alcoholic beverages in individual portions to registered hotel guests through in-room vending units.

- (c) Access to the interior of an in-room vending unit must be:
  - (1) restricted by a locking device, the opening of which requires use of a key, magnetic card, or similar device; or
  - (2) controlled at all times by the holder of a retailer's permit that is issued to a hotel.
- (d) Alcoholic beverages may be dispensed through in-room vending units only:
  - (1) on days and at times when the sale of alcoholic beverages is permitted under this title; and
  - (2) to persons who are permitted to purchase alcoholic beverages under this title.
- (e) A permittee to whom this section applies may provide a key, magnetic card, or similar device required to gain access to the interior of an in-room vending unit only to a person who is:
  - (1) a registered hotel guest; and
  - (2) twenty-one (21) years of age or older.
- (f) In order to prevent the illegal furnishing of an alcoholic beverage to a minor, a permittee to whom this section applies shall determine that the registered hotel guest is not a minor (as defined in IC 7.1-1-3-25) prior to providing a key, magnetic card, or similar device required to gain access to the interior of an in-room vending unit to that registered hotel guest.
- (g) Each employee of a permittee to whom this section applies who handles alcoholic beverages for dispensing through an in-room vending unit must be twenty-one (21) years of age or older and hold an employee's permit issued by the commission under IC 7.1-3-18-9. *As added by P.L.102-1989, SEC.3. Amended by P.L.1-1990, SEC.88.*

#### **IC 7.1-3-20-24**

##### **Licensed permit premises used exclusively as catering hall**

Sec. 24. (a) This section does not affect the requirements necessary to obtain a permit to sell alcoholic beverages on the premises of a licensed premises.

(b) The commission may designate a licensed permit premises used exclusively for catered events as a catering hall.

(c) Catering halls designated under this section are not required to be open to the general public. However, if a designated catering hall desires to host an event that is open to the general public, the catering hall shall comply with the notice requirement under IC 7.1-3-9.5-2. A catering hall with a special three-way catering hall permit under subsection (d) may not be open to the general public.

(d) The commission may issue a special three-way catering hall permit to an applicant to sell alcoholic beverages for on premises consumption on a premises that:

- (1) is used only for private catered events as a catering hall; and
- (2) has accommodations for at least two hundred fifty (250) individuals.

An applicant who is issued a permit under this subsection is not required to obtain a restaurant permit.

(e) A permit authorized by subsection (d) may be issued without

regard to the quota provisions of IC 7.1-3-22.

(f) The commission shall adopt rules under IC 4-22-2 to implement this section.

*As added by P.L.51-1994, SEC.9. Amended by P.L.136-2000, SEC.3.*

#### **IC 7.1-3-20-24.4**

##### **Malls**

Sec. 24.4. (a) This section applies only to malls.

(b) As used in this section, "mall" means a retail shopping center that has the following characteristics:

(1) The center consists of an area that:

(A) has been redeveloped or renovated in part with grants from the federal, state, or local government; and

(B) is entirely located within a one-half (1/2) mile radius of the center of a consolidated city.

(2) The center consists of a building or group of buildings that:

(A) contains more than twenty-five (25) retailers; and

(B) is constructed in a manner so that the buildings or retail locations can be accessed without going outside the center.

(c) The commission may issue a three-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of retail space within a mall. The permit may be a single permit even though more than one (1) area constitutes the licensed premises under the permit.

(d) A permit authorized by this section may be issued without regard to the proximity provisions of IC 7.1-3-21-11 or the quota provisions of IC 7.1-3-22.

(e) Permits issued under this section may not be transferred to a location outside the mall.

*As added by P.L.15-1994, SEC.7.*

#### **IC 7.1-3-20-25**

##### **City markets**

Sec. 25. (a) This section applies only to a city market.

(b) As used in this section, "city market" means a marketplace where spaces are leased for a valuable consideration for the purpose of selling and displaying for sale to the general public items or products approved by the City Market Corporation and that has the following characteristics:

(1) The market consists of an area that:

(A) has been redeveloped or renovated in part with grants from the federal, state, or local government; and

(B) is entirely located within a one-half (1/2) mile radius of the center of a consolidated city.

(2) The market consists of a building or group of buildings that:

(A) contains more than ten (10) retailers; and

(B) is constructed in a manner so that the buildings or retail locations can be accessed without going outside the market.

(c) The commission may issue a three-way permit to sell alcoholic beverages for consumption on the licensed premises to an applicant

who is the proprietor, as owner or lessee, or both, of retail space within a city market. The holder of a permit issued under this section may sell beer and wine for carryout. The permit may be a single permit even though more than one (1) area constitutes the licensed premises under the permit.

(d) A permit authorized by this section may be issued without regard to the proximity provisions of IC 7.1-3-21-11 or the quota provisions of IC 7.1-3-22.

(e) Permits issued under this section may not be transferred to a location outside the city market.

*As added by P.L.15-1994, SEC.8. Amended by P.L.64-2011, SEC.1.*

### **IC 7.1-3-20-26**

#### **Permit for historic theater**

Sec. 26. (a) The commission may issue a one-way, two-way, or three-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the owner of an indoor theater that:

(1) is located in a city having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000); and

(2) has been listed in the National Register of Historic Places maintained under the National Historic Preservation Act of 1966, as amended. A permit issued under this subsection may not be transferred.

(b) A permit issued under this section is subject to the quota requirements of IC 7.1-3-22-3.

*As added by P.L.10-2010, SEC.8. Amended by P.L.119-2012, SEC.81.*