



## **Advisory Opinion 19-05: Brewery Separation Walls**

### **I. Background**

The following question was posed to the Alcohol and Tobacco Commission:

1. What is the requirement for a wall with a window separating a brewery's brewing facility from its seating area?

Specifically, requestor wants to know whether or not six-foot chain-link fence panels and a lockable chain-link fence gate would suffice as the separation between the brewery and the public area.

Additionally, requestor submits that they have received approval from the Federal Alcohol and Tobacco Trade and Tax Bureau for their fencing.

### **II. Analysis & Conclusion**

IC 7.1-3-2-7(E) allows brewers to "install a window between the brewery and an adjacent restaurant that allows the public and the permittee to view both premises" and IC 7.1-3-2-7(F) allows brewers to "install a doorway or other opening between the brewery and an adjacent restaurant that provides the public and the permittee with access to both premises."

By allowing a window and doorway, the statute contemplates there be a barrier between a permittee's brewery and their adjacent restaurant. It is the position of the Indiana Alcohol and Tobacco Commission that any barrier between the brewery and the adjacent restaurant that reasonably and fully separates the two premises is sufficient if the barrier is at least six-foot tall.

Chain-link fence panels that fully separate the two premises is permitted by the Indiana Alcohol and Tobacco Commission. It should be stated that a brewery will also need approval from the Federal Alcohol and Tobacco Tax and Trade Bureau.

**DISCLAIMER:** Opinions expressed in this advisory opinion are fact-sensitive and based on the 2019 Indiana Code. Every advisory opinion is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information that is not consistent with the law, regulations or court decisions is not binding on either the Commission or the public.