

## GENERAL ORDINANCE #1, 2021

**General Ordinance #1, 2021**, is an Ordinance that amends Chapter 112 of the Code of Ordinances for the City of Beech Grove, concerning Amusement machines and Mastor Vendor's License.

**WHEREAS,** Certain businesses in Beech Grove have Amusement Machines located on their property for public use, and;

**WHEREAS,** A vending company may provide those machines for individual businesses, and;

**WHEREAS,** the Police Chief or his designee has to inspect the operation of the amusement location to insure operations are within the law, and;

**WHEREAS,** the current ordinance concerning licenses is extremely outdated and needs to be replaced.

**THEREFORE BE IT AFFIRMED** that the Common Council desires to amend Chapter 112 of the Code of Ordinance for the City of Beech Grove.

**NOW THEREFORE BE IT FURTHER AFFIRMED** that the Common Council desires the following actions take place.

**DELETE CHAPTER 112 OF THE CODE OF ORDINANCES IN ITS ENTIRETY AND REPLACE WITH THE FOLLOWING:**

### **CHAPTER 112: AMUSEMENT LICENSES**

#### ***Amusement Licenses***

112.01	Definitions
112.02	Unlawful Acts
112.03	Licenses
112.04	Application for License
112.05	License Fee
112.06	Regulations concerning operation
112.07	Investigation of applicant prior to issuance of license
112.08	Reports of Violations
112.09	Term of License
112.99	Penalty

Cross-reference:

Admission of violation and payment of fines to Ordinance Violations Bureau, see Chapter 39

## **VENDOR / AMUSEMENT LICENSE AND PERMITS**

### **112.01 DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AMUSEMENT LOCATION.** Any public room or area containing five or more amusement machines and the room or area is not under the jurisdiction of the Indiana State Alcohol Beverage Commission or is maintained by for for the benevolent, religious, educational, civic, patriotic, fraternal, or philanthropic organization or purpose.

**AMUSEMENT MACHINE.** Any machine or device, designed or modified to be operated by any coin, coins, or token, or for which charge is made for the operation thereof, excluding pool tables or billiard tables. The purpose or function of which is to provide music or amusement in public places.

**MASTER VENDOR.** The owner of a business and or a person, corporation, or entity who sells, leases, or rents any amusement machine, whether on his own behalf or for another, within the City of Beech Grove.

### **112.02 UNLAWFUL ACTS.**

(A) It shall be unlawful to allow to be operated in any public place more than 5 amusement machines without a Master Vendor's license issued by the City of Beech Grove.

(B) It shall be unlawful for any exhibitor to permit a minor under the age of 18 years of age to play an amusement machine on the premises of the exhibitor's place of business, unless the minor child is accompanied by his parent or legal guardian.

### **112.03 LICENSES.**

(A) It shall be unlawful for any person, corporation, or entity to act as a master vendor without a master vendor's license issued by the City of Beech Grove. A master vendor's license shall not be transferable.

(B) Licenses shall be posted in a common area for inspection by the police department or the Department of Compliance.

**112.04 APPLICATION FOR MASTER VENDOR LICENSE.**

(A) The application for a Master Vendor's license to operate an amusement location shall contain the following information and be signed individually under penalties of perjury for false information on the application:

- (1) Name of the applicant and, if a partnership or corporation, the state in which organized;
- (2) Home address of applicant;
- (3) The age of the applicant, if an individual; of all partners, if the applicant is a partnership or joint venture; or the manager and officers, if the applicant is a corporation;
- (4) The street address of the premises to be licensed;
- (5) The location and time and duration of any other amusement location operated by the applicant presently or at any previous time, and whether such license was revoked;

(B) The application for a master vendor's license shall be made in such form and contain such information as the City of Beech Grove may prescribe.

**112.05 LICENSE FEE.**

(A) The annual license fee for each master vendor's license shall be \$75.00.

(B) License shall be good for a period of one year, effective April 1, of every year.

(C) Fees shall not be charged to Not for Profit Organizations, Fraternal Organizations, Religious, Educational, Civic, Patriotic or Philanthropic Organizations.

**112.06 REGULATIONS CONCERNING OPERATION.**

(A) All amusement locations shall be kept in a clean, healthful, and sanitary condition at all times. The Chief of Police or his assigned subordinate shall have the authority to determine if the room is kept in a sanitary condition and for such purpose, when desired, shall have the assistance of the Department of Compliance. If the Chief of Police determines, after investigation by himself or his subordinate or the Department of Compliance that an unsanitary condition exists within an amusement location or on property immediately adjacent to the amusement location, which property is under the control of the amusement location owners or their lessee or lessor, the Chief of Police shall have the authority to suspend the amusement location license for the premises until the unsanitary condition is rectified.

(B) No license under this chapter shall permit persons to congregate in a disturbing manner or to commit unlawful acts within the amusement location.

**112.07 INVESTIGATION OF APPLICANT PRIOR TO ORIGINAL ISSUANCE OF A LICENSE.**

(A) The Chief of Police or his designated subordinate, before the issuance of a license, shall investigate the character of the applicant and the officers or general manager of the business. Such licenses shall have the owner, manager, or resident agent listed on the application. The license may be denied by the Chief of Police upon the findings that any of the persons named in the application have previously been convicted of a felony, connected with any amusement location where the license has been revoked, or where any of the provisions of the law, applicable to him, have been violated, or if the amusement location does not comply in every way with the ordinances and laws applicable thereto.

(B) All employees of the licensee shall be 18 years of age or older. If an application is denied, the applicant of such permit shall be notified in writing of the reason for rejection and shall have the right to appeal to the Board of Public Works and Safety.

**112.08 REPORTS OF VIOLATIONS.**

(A) It shall be the duty of every police officer and all persons designated by the Chief of Police, to make frequent inspections of all such amusement machines, and if any gaming, improper, or unlawful practices are observed in the use thereof, to report the same to the Chief of Police for proper action, who thereupon may recommend to the Board of Public Works and Safety proceedings to revoke the licenses, in accordance with the provisions of this chapter.

**112.09 TERM OF LICENSE.**

The annual license fee for amusement machines shall be for the period of one year, beginning on April 1, 2021.

**112.95 REFUSAL TO GRANT MASTER VENDORS LICENSE.**

The Police Chief may refuse to grant license approval for the following reasons:

(A) If the applicant has been convicted of a felony or any violation of federal or state laws relating to intoxicating liquors, narcotic drugs, or disorderly or immoral conduct; or if the applicant is reputed or known to be a person of bad character in any respects.

**112.99 PENALTY.**

(A) Whoever violated any provisions of this Ordinance shall be fined not less than \$100 nor more than \$250 for each offence. In addition thereto, any subsequent permits may be revoked or denied if found guilty in the City Court.

**NOW THEREFORE BE IT AFFIRMED** that Common Council desires to amend Chapter 112 of the Code of Ordinances for the City of Beech Grove.

**NOW THEREFORE BE IT BE FURTHER AFFIRMED** that this Ordinance only applies to Chapter 112 of the Code of Ordinances and no other Chapter.

**NOW THEREFORE BE IT FURTHER AFFIRMED** that this Ordinance shall take effect 30 days after passage by the Common Council, signed by the President Pro-Tem, attested by the Clerk Treasurer and signed by the Mayor.

Ordinance Resolution Number: # 1, 2021

Passed by the Common Council of the City of Beech Grove, Indiana this 1<sup>st</sup> day of

MARCH, 2021.

1st Reading: Feb 1, 2021

3rd Reading: MARCH 1, 2021

2nd Reading: MARCH 1, 2021

**Common Council for the City of Beech Grove, Indiana**

[Signature] Y or N  
Elizabeth Lamping

[Signature] Y or N  
Gary Hall

[Signature] Y or N  
Robert Ferguson

[Signature] Y or N  
David Harrison

[Signature] Y or N  
Kevin Day

[Signature] Y or N  
Buddy Templin

[Signature] Y or N  
Kara Ferguson

Presented by me to the Mayor of the City of Beech Grove, Indiana on this 1<sup>st</sup> day of MARCH, 2021 at 7:00 P.M.

[Signature]  
ATTESTED:  
James W. Coffman, Clerk Treasurer

Approved by the Mayor of the City of Beech Grove, Indiana this 1<sup>st</sup> day of MARCH, 2021 at 7:00 P.M.

[Signature]  
Dennis B. Buckley, Mayor  
City of Beech Grove