

AN ORDINANCE AMENDING ORDINANCE 74-30 BY REPEALING SECTION 3-21, MECHANICAL AMUSEMENT DEVICES AND SECTION 3-22 MUSIC MACHINES AND ENACTING A NEW AMUSEMENT MACHINE ORDINANCE

WHEREAS, the City of Logansport, through the Common Council and a special Ad Hoc Committee, did cause to be studied the present and existing Ordinance of the City of Logansport pertaining to the mechanical amusement devices and music machines, and the licensing thereof; and

WHEREAS, it is the unanimous recommendation of the special Ad Hoc Committee, Common Council of the City of Logansport, that the existing Ordinance 74-30, Section 3-21 and 3-22 pertaining to mechanical amusement devices and music machines respectively be repealed and a new section be inserted; and

WHEREAS, said recommendation of the special Ad Hoc Committee on amusement machine devices has been duly considered;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL of the City of Logansport as follows:

Section One. Ordinance 74-30, Section 3-21, Mechanical Amusement Devises, passed January 30, 1942, and known as Ordinance Number 1006, at Volume Three, Page 91, is hereby repealed and of no force and effect.

Section Two. That Ordinance 74-30, Section 3-22 Music Machines, passed December 31, 1940, and known as Ordinance Number 981, Volume Three, Page 337, is hereby repealed and of no force and effect.

That in the place of Section 3-21 and 3-22, there is hereby enacted the following;

ARTICLE III AMUSEMENT MACHINES

Section 3-21. (a) Definitions. Whenever used in this article, the following words or phrases shall be defined as herein stated:

(1) Amusement Machine means any machine or device which is operated by coin or token primarily for music or amusement purposes that is not a machine or device used exclusively for the vending of merchandise of a tangible nature.

(2) Owner means a person, corporation or entity who owns, sells, leases or rents any amusement machine, whether on his own behalf or for/to another, within the city.

(3) Amusement location means any public room area where amusement machines are located.

(b) Licenses Required.

(1) Amusement machine license. It shall be unlawful for any owner to display, exhibit or expose or permit to be displayed, exposed or exhibited any amusement machine without having procured from the City Clerk/Treasurer a license for each amusement machine.

(2) Owner's license. It shall be unlawful for any person, corporation, or entity to act as a owner without a owner's license issued by the City Clerk/Treasurer. An owner's license shall not be transferable, without the consent of the City Clerk/Treasurer.

(c) Application for License. The application for an amusement machine license or owner's license shall be made in such form and contain such information as the City Clerk/Treasurer may prescribe.

(d) Investigation, Rejection, Notification. The Clerk/Treasurer, before issuing a license, shall investigate the character of the applicant or applicants, and the officers or general manager of the business. Each license shall have an owner, manager or resident agent who shall be a resident of Cass County, Indiana. The license may be denied if the Clerk/Treasurer shall find 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 sought to be licensed does not comply in every

way with the ordinances and laws applicable thereto. If an application is denied, the applicant for such permit shall be notified in writing of the reasons for rejection and shall have the right to appeal in accord with Paragraph (I).

(e) License Term; fees; insignia; condition of machines. The annual license fee shall be for the period of February 1st to January 31st, and shall be determined as follows:

Amusement machine license, per machine per annum	\$10.00
Owner's license, per annum	500.00

Each person, upon procuring a license from the Clerk/Treasurer shall be given one metal or plastic insignia for each amusement machine so licensed, which shall be securely attached thereto, and each amusement machine shall be kept in good operating condition at all times.

(f) Operations. All amusement locations shall be kept in a clean, well-lit, healthful and sanitary condition at all times and the Clerk/Treasurer shall have the power to determine if such room or rooms are kept in sanitary condition and for such purpose, when desired, have the assistance of the Cass County Board of Health. If said Clerk/Treasurer shall determine that an unsanitary condition exists within an amusement location, he shall have the power to suspend the license for such premises until such unsanitary condition is rectified.

(g) Unlawful acts. Whenever used in this article, the following acts shall be deemed to be unlawful as herein stated;

(1) It shall be unlawful to own or operate an amusement machine without an amusement machine license issued by the City Clerk/Treasurer.

(2) No person shall be permitted to be present in an amusement location either while required by law to be in attendance at a public or private school, or after the hours established by State statute or City Ordinance for juvenile curfew unless accompanied by a parent or legal guardian.

(h) Inspections; report of violations. It shall be the duty of every police officer, and all persons designated by the chief of police and City Clerk/Treasurer, to make frequent inspections of all such amusement machines, and amusement locations 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 and also to the City Clerk/Treasurer, who thereupon may revoke such licenses without notice, upon satisfactory proof thereof.

(i) If any license application is denied or license revoked, the applicant or licensee, within 30 days of such denial, or revocation, may petition the Common Council for a hearing to determine if such denial or revocation was just. The Common Council's decision shall be final.

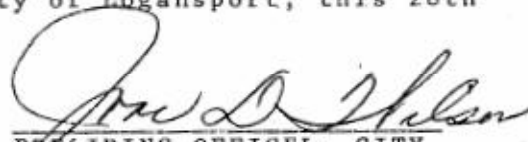
(j) Any person, firm or corporation violating any of the provisions of this Section, upon conviction, shall be fined in any sum not to exceed Five Hundred (\$500.00) Dollars for each separate violation.

The owning, operating, exhibiting, displaying or giving space to each amusement machine not licensed as herein provided shall be deemed a separate violation of this Section.

Each day any persona, firm or corporation shall violate any of the provisions of this Section shall constitute a separate violation.

This Ordinance amending Ordinance 74-30, Article 3, shall be in full force and effect from and after its passage and public notice pursuant to statute.

Passed by the Common Council, City of Logansport, this 28th day of December, 1981.


PRESIDING OFFICER, CITY
of Logansport.

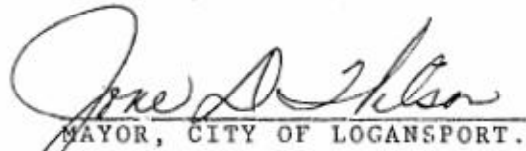
ATTEST:


CITY CLERK/TREASURER

Presented by me to the Mayor of the City of Logansport,
this 28th day of December, 1981


CITY CLERK/TREASURER

Approved by me this 28th day of December, 1981


MAYOR, CITY OF LOGANSPORT.

First Reading Dec. 7, 1981
Passed 4 to 2 - 1 Absent

Second Reading December 18, 1981
5 Yes Votes to 2 No Votes