

**TITLE 4**  
**BUSINESS REGULATIONS AND LICENSING**

## **TITLE 4**

### **BUSINESS REGULATIONS AND LICENSING**

#### **Chapters:**

- 4.04 Gambling**
- 4.08 Liquor retailer's permit**
- 4.09 Business establishments selling alcoholic beverages**
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## Chapter 4.04

### GAMBLING

#### Sections:

<b>4.04.005</b>	<b>Purpose</b>
<b>4.04.010</b>	<b>Gambling Prohibited</b>
<b>4.04.020</b>	<b>Enforcement</b>
<b>4.04.020</b>	<b>In accordance with Indiana Legislature</b>
<b>4.04.040</b>	<b>Games of chance prohibited</b>

**4.04.005 Purpose.** French Lick, Indiana, has become a mecca for gamblers. This town has been repeatedly written up by the newspapers of the county, because of flagrant and unlawful practices of gamblers and, the gamblers are becoming more law defying in their pursuits, setting degrading and immoral examples daily before the growing children of the town and community. The adults of the town are responsible for the bringing up of the youths--the children of today being the men of tomorrow. (Res. unnumbered, Whereas, Feb. 7, 1910)

**4.04.010 Gambling Prohibited.** Because of the aforementioned conditions, it is hereby resolved by the Board of Trustees of the Town of French Lick, Indiana now assembled in regular session, this the 7<sup>th</sup> day of February 1910, that all gambling, and that all games of chance of what ever nature of kind and where ever found within this town shall be prohibited, that the gamblers or any one found in rooms or places where gambling is being conducted or gambling devices found shall be arrested and prosecuted, and that all unlawful devices where ever found shall be seized and destroyed. (Res. unnumbered, Whereas, Feb. 7, 1910)

**4.04.020 Enforcement.** That the Marshall is hereby ordered to take all proper and legal steps and to call to his aid all help needed at the expense of the Town of French Lick, Indiana, to enforce this resolution from and after this date. (Res. unnumbered, Feb. 7, 1910)

**4.04.030 In accordance with Indiana Legislature.** This resolution is passed in accordance to Section six, Chapter 152 of the Acts of 1909, Indiana Legislature, 66<sup>th</sup> Session. (Res. unnumbered, Feb. 7, 1910)

**4.04.040 Games of chance prohibited.** Be it further ordained by the Board of Trustees of said town that the Marshall is hereby ordered to see that all dice boxes and other games of chance are excluded from all billiard rooms, pool rooms, restaurants or where ever found. (Res. unnumbered, Feb. 7, 1910)

## Chapter 4.08

### LIQUOR RETAILER'S PERMIT

#### Sections:

- 4.08.010 Issuance of liquor retailer's permits**
- 4.08.020 Pursuant to Indiana Code**

**4.08.010 Issuance of liquor retailer's permits.** Pursuant to the provisions of IND. CODE 7.1-3-9-4, the Town Council of the Town of French Lick, hereby consents to the issuance of liquor retailer's permits as authorized by IND. CODE 7.1-3-20-11.5, pertaining to restaurants and small cities as more specifically set forth therein. (Ord. 92-3, S1, Mar. 16, 1992) (Ord. 86-9, Dec. 1, 1986) (Ord. No. 1, S1, Apr. 24, 1935) (Ord. unnumbered, S1, 2, 3, 4, 5, Mar. 20, 1911)

**4.08.020 Pursuant to Indiana Code.** Pursuant to the provisions of IND. CODE 7.1-3-9-4, this enabling ordinance, after it has been duly enacted, may not be altered, amended or appealed for a period of two (2) years and sixty (60) days after the date of its enactment. (Ord. 92-3, S2, Mar. 16, 1992) (Ord. No. 1, S3, Apr. 24, 1935)

## Chapter 4.09

### BUSINESS ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES

#### Sections:

- 4.09.010 Window openings / Doors**
- 4.09.020 This ordinance shall not conflict with IC 7.1-3-9-6**
- 4.09.030 Penalty for violation**

**4.09.010 Window openings / Doors.** All window openings into the outer air of all business establishments engaged in the retail sales of alcoholic beverages in the Town of French Lick, Indiana, shall be effectively screened, and all said doors of said establishments open to the outer air shall be self-closing, nor permitted to be propped or remain open, as to permit the entrance of flies or other insects. (Ord. 85-6, S1, Sept. 4, 1985)

**4.09.020 This ordinance shall not conflict with IC 7.1-3-9-6.** Provided, however, that this ordinance shall not be construed to violate the provisions of IND. CODE § 7.1-3-9-6 which proscribes certain local ordinances. (Ord. 85-6, S2, Sept. 4, 1985)

**4.09.030 Penalty for violation.** Any person, firm, or corporation in violation of this ordinance shall be fined not less than One Dollar (\$1.00) nor more than Twenty-Five Hundred Dollars (\$2,500.00) for each violation thereof. (Ord. 85-6, S3, Sept. 4, 1985)

## Chapter 4.10

### POOL ROOMS

#### Sections:

<b>4.10.010</b>	<b>License required</b>
<b>4.10.020</b>	<b>License fee</b>
<b>4.10.030</b>	<b>Payment of license fees</b>
<b>4.10.040</b>	<b>Information upon license</b>
<b>4.10.050</b>	<b>Penalty for violation</b>
<b>4.10.060</b>	<b>Repealing conflicting ordinances</b>

**4.10.010 License required.** Be it ordained by the Board of Trustees of the Town of French Lick, Orange County, State of Indiana, that it shall be unlawful for any person, persons, firm or corporation to maintain, keep or operate any room or place in said Town in which a billiard table or tables, or a pool table or tables, or both billiard or pool tables are kept for hire or pay without first having procured a license from the Town Clerk for that purpose. (Ord. unnumbered, S1, May 6, 1912)

**4.10.020 License fee.** That the license fee to be paid to said Town Clerk for the privilege of maintaining, keeping or operating such room or place where a billiard or pool table or tables or both billiard and pool tables are kept for hire, for any such table or tables so kept, not exceeding four (4) shall be One Hundred Dollars per year; and for each additional billiard or pool table exceeding four (4) so kept in such room or place for hire, a license fee of five dollars a year. (Ord. unnumbered, S2, May 6, 1912)

**4.10.030 Payment of license fees.** That such license fees may be paid in monthly installments of one-twelfth part of the license fees for one year. (Ord. unnumbered, S3, May 6, 1912)

**4.10.040 Information upon license.** That upon the payment of the amount of such license fees to the Town Clerk, for the use of said Town, by any person, persons, firm or corporation for the term of one year or for the term of one month as provided herein, the Clerk of said Town shall issue to any such party a license to maintain, keep or operate such billiard or pool table or tables for the term of one year, or for the partial term of one month from date as herein provided. That said license shall specifically describe the number of tables, the location of the place or room in which such tables are, and the term for which the same is issued. (Ord. unnumbered, S4, May 6, 1912)

**4.10.050 Penalty for violation.** That any person, firm or corporation who shall violate the provisions of this ordinance shall upon conviction thereof be fined in the sum of Ten Dollars for each offense. (Ord. unnumbered, S5, May 6, 1912)

**4.10.060 Repealing conflicting ordinances.** That all that part of Ordinance No. 55, passed by the Board of Trustees of the Town of French Lick, Indiana, on the 6<sup>th</sup> day of

April, 1908, in conflict with this ordinance, and all other ordinances and parts of ordinances in conflict with this ordinance is hereby repealed. (Ord. unnumbered, S6, May 6, 1912)

## Chapter 4.11

### COIN OPERATED MUSIC BOX

#### Sections:

<b>4.11.010</b>	<b>Operation of coin operated music box</b>
<b>4.11.020</b>	<b>License fee</b>
<b>4.11.030</b>	<b>Repeal of former ordinances</b>
<b>4.11.040</b>	<b>Effective when</b>
<b>4.11.050</b>	<b>Penalty for violation</b>

**4.11.010 Operation of coin operated music box.** Be it ordained by the Board of Trustees of the Town of French Lick, Indiana, that from and after the publication of this ordinance as provided by law it shall be unlawful to operate, exhibit for hire and maintain for use any coin operated music box, record player or any machine for the dispensing of music operated by a coin without complying with the provisions of this ordinance. (Ord. No. 3, S1, Dec. 21, 1948)

**4.11.020 License fee.** Every person, firm or corporation placing coin operated music boxes, record players or any machine for the dispensing of music operated by coin in any place of business in the Town of French Lick, Indiana, shall pay to the Town Clerk-Treasurer of the Town of French Lick, Indiana, the sum of \$10.00 per year at the time that any such coin operated music boxes, record players or any machine for the use of dispensing music operated by coin is placed for use in any place of business in said town and said license fee of \$10.00 shall be payable annually thereafter upon the first day of January of every year. (Ord. No. 3, S2, Dec. 21, 1948)

**4.11.030 Repeal of former ordinances.** All ordinances, regulations and resolutions concerning the placing of coin operated music boxes, record players and machines for dispensing of music operated by coin for use in a place of business in the Town of French Lick, Indiana, in conflict with this ordinance are hereby repealed. (Ord. No. 3, S3, Dec. 21, 1948)

**4.11.040 Effective when.** This ordinance shall take effect and shall be effective from the 1<sup>st</sup> day of January, 1949 and thereafter. (Ord. No. 3, S4, Dec. 21, 1948)

**4.11.050 Penalty for violation.** Whoever shall violate any of the provisions of this ordinance shall upon conviction thereof be fined and shall forfeit to and pay to the said Town of French Lick, Indiana, an amount not less than \$15.00 and not more than \$25.00 for each and any offense under this ordinance and shall pay all court costs. (Ord. No. 3, S5, Dec. 21, 1948)

## Chapter 4.12

### SKATING RINKS, STEAM SWINGS, FERRIS WHEEL, DOLL RACKET AND SHOOTING GALLERIES

#### Sections:

<b>4.12.010</b>	<b>License required</b>
<b>4.12.020</b>	<b>License fee</b>
<b>4.12.050</b>	<b>Penalty for violation</b>

**4.12.010 License required.** Be it resolved by the Board of Trustees of the Town of French Lick, Orange County, Indiana, that from and after the 15<sup>th</sup> day of May, 1916, it shall be unlawful to operate within the corporate limits of said Town, any skating rink, steam swing, ferris wheel, doll racket or shooting gallery, without first having obtained a license from the Clerk of Town of French Lick to operate the same. (Ord. unnumbered, S1, May 1, 1916)

**4.12.020 License fee.** That the license for operating a

SKATING RINK shall be FIVE DOLLARS per month;

For each STEAM SWING, FIVE DOLLARS per month;

For each FERRIS WHEEL, FIVE DOLLARS per month;

For each DOLL RACKET, TWO DOLLARS AND FIFTY CENTS per month;

For each SHOOTING GALLERY, FIVE DOLLARS per month,

to be paid to the Clerk of said Town of French Lick. (Ord. unnumbered, S2, May 1, 1916)

**4.12.050 Penalty for violation.** Whoever shall operate any skating rink, steam swing, ferris wheel, doll racket, or shooting gallery without first having received the license therefor as provided in this ordinance shall on conviction thereof be fined and forfeit and pay to said Town of French Lick the sum of TEN DOLLARS for each and every violation of the provisions of this ordinance. (Ord. unnumbered, S5, May 1, 1916)

## Chapter 4.15

### TRANSIENT MERCHANTS

#### Sections:

<b>4.15.010</b>	<b>Short Title</b>
<b>4.15.020</b>	<b>Definitions</b>
<b>4.15.030</b>	<b>License required</b>
<b>4.15.040</b>	<b>Application procedure</b>
<b>4.15.050</b>	<b>Standards for issuance</b>
<b>4.15.060</b>	<b>Revocation procedure</b>
<b>4.15.070</b>	<b>Standards for revocation</b>
<b>4.15.080</b>	<b>Appeal procedure</b>
<b>4.15.090</b>	<b>Provision for service of process</b>
<b>4.15.100</b>	<b>Exhibition of license and badges</b>
<b>4.15.110</b>	<b>Fees</b>
<b>4.15.120</b>	<b>Transfer not allowed</b>
<b>4.15.130</b>	<b>Expiration of license</b>
<b>4.15.140</b>	<b>Penalty</b>

**4.15.010 Short Title.** This ordinance shall be known and may be cited as “PEDDLERS, ITINERANT MERCHANTS, and SOLICITORS ORDINANCE of the Town of French Lick, County of Orange, State of Indiana.” (Ord. 77-10, S1, Oct. 17, 1977)

**4.15.020 Definitions.** As used in this ordinance:

- (1) “Town” means the Town of French Lick.
- (2) “Person” means any individual, corporation, or partnership, and includes the plural.
- (3) “Business” means the business carried on by any person who is an itinerant merchant, peddler, or solicitor as defined in this section.
- (4) “Goods” means merchandise of any description whatsoever, and includes, but is not restricted to, wares and foodstuffs,
- (5) “Itinerant merchant” means any person, whether as owner, agent, or consignee, who engages in a temporary business of selling goods within the town and who, in the furtherance of such business, uses any building, structure, vehicle, or any place within the town.

- (6) "Peddler" means:
- A. Any person who travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or
  - B. Any person who, without traveling from place to place sells or offers goods for sale from any public place within the town.

A person who is a peddler under this subsection is not an itinerant merchant under subsection (5)

- (7) "Solicitor" means any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future.

A person who is a solicitor under this subsection is not a peddler under subsection (6). (Ord. 77-10, S2, Oct. 17, 1977)

**4.15.030 License required.** Any person who is an itinerant merchant, peddler, or solicitor shall obtain a license before engaging in such activity within the town. (Ord. 77-10, S3, Oct. 17, 1977) (Ord. No. 4, S1, Dec. 15, 1953) (Ord. unnumbered, S1, Apr. 7, 1913)

**4.15.040 Application procedure.**

- (1) All applicants for license required by this ordinance shall file, a written, sworn application with the Clerk-Treasurer. Such application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. Applications should be made, if possible, on forms available in the office of the Clerk-Treasurer. The application shall state:
- A. The name and address of the applicant;
  - B.
    - 1. The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the town;
    - 2. The local address of such individual;
    - 3. The permanent address of such individual;
    - 4. The capacity in which such individual will act;
  - C. The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;

- D. The time period or periods during which it is proposed to carry on applicant's business;
- E.
  - 1. The nature, character, and quality of the goods or services to be offered for sale or delivered;
  - 2. If goods, their invoice value and whether they are to be sold by sample as well as from stock;
  - 3. If goods, where and by whom such goods are manufactured or grown, and where such goods are at the time of application
- F. The nature of the advertising proposed to be done for the business;
- G.
  - 1. Whether or not the applicant or the individual identified in subsection (1)(B)(1), or the person identified in subsection (1)(C) has been convicted of any crime or misdemeanor; if so, the nature of each offense and the penalty assessed for each offense.
  - 2. All applications for peddler or solicitor license shall state, in addition to statements required by subsection (1);
    - A. A description of the applicant;
    - B. A description of any vehicle proposed to be used in the business, including its registration number, if any.
  - 3. All applicants for licenses required by this statute shall attach to their application the following:
    - A. Two letters of recommendation from any person residing or doing business in the County of Orange, certifying the applicant's good moral character and business responsibility; or, in lieu of such letters, other evidence which may be used by the official to satisfy his duties under Section E of this statute.
    - B. If required by the Clerk-Treasurer copies of all printed advertising, proposed to be used in connection with the applicant's business.
    - C. Credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

4. Applicants who propose to handle-foodstuffs shall also attach to their application in addition to attachments required under subsection (3), a statement from a licensed physician, dated not more than 10 days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.
5. Upon receipt of the application, the Clerk-Treasurer may cause a set of applicant's fingerprints to be taken and attached to the application; he may also cause a picture of the applicant to be taken and to be attached to the application. (Ord. 77-10, S4, Oct. 17, 1977)

**4.15.050 Standards for issuance.**

- (1) Upon receipt of an application, the Clerk-Treasurer shall cause an investigation of the applicant's business reputation and moral character.
- (2) The Clerk-Treasurer shall approve the application unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. In particular, the following will constitute valid reasons for disapproval of an application tangible, evidence that applicant:
  - A. has been convicted of a crime of moral turpitude; or
  - B. has made willful misstatements in the application; or
  - C. has committed prior violations of ordinances pertaining to itinerant merchant, peddlers, solicitors, and the like; or
  - D. has committed prior fraudulent acts; or
  - E. has a record of continual breaches of solicited contracts; or
  - F. has an unsatisfactory moral character. (Ord. 77-10, S5, Oct. 17, 1977)

**4.15.060 Revocation procedure** Any license or permit granted under this statute may be revoked by the Clerk-Treasurer after notice and hearing, pursuant to the standards in Section 4.15.070. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at last known address, at least 10 days prior to the date set for the hearing. (Ord. 77-10, S6, Oct. 17, 1977)

**4.15.070 Standards for revocation.** A license granted under this statute may be revoked for any of the following reasons:

- (1) Any fraud or misrepresentation contained in the license application; or
- (2) Any fraud, misrepresentation, or false statement made in connection with the business being conducted under the license; or
- (3) Any violation of this ordinance; or
- (4) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or
- (5) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals, or general welfare of the public. (Ord. 77-10, S7, Oct. 17, 1977)

**4.15.080 Appeal procedure.**

- (1) Any person aggrieved by a decision under Section 4.15.050 or under Section 4.15.070 of this ordinance shall have the right to appeal to the Board of Trustees. Such appeal shall be taken by filing with the Board of Trustees within 14 days after notice of the decision has been mailed to such person's last known address, a written statement setting forth the grounds for appeal. The Board of Trustees shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided in Section 4.15.070
- (2) The order of the Board of Trustees after such hearing shall be final. (Ord. 77-10, S8, Oct. 17, 1977)

**4.15.090 Provision for service of process.**

- (1) Requirements of successful applicant:
  - A. Upon receipt of notice of approval of his application, the applicant shall file with the Clerk-Treasurer an instrument appointing the Clerk-Treasurer as his true and lawful agent with full power and authority to acknowledge service of process for and on behalf of applicant in respect to any matter arising under this ordinance.
  - B. Forms for the required statement are available at the Town Hall. Such form or instrument shall contain recitals to the effect that said applicant consents and agrees that service of any notice or process may be made upon said agent, and when so made shall be taken and held to be as valid as if personally served upon the applicant, according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgement.

- (2) Duty of Clerk-Treasurer:
  - A. Immediately upon service of any process upon Clerk-Treasurer under this ordinance, the Clerk-Treasurer shall send, by registered mail, a copy of said process to the licensee at his last known address. (Ord. 77-10, S9, Oct. 17, 1977)

#### **4.15.100 Exhibition of license and badges.**

- (1) Any license issued to an itinerant merchant under this ordinance shall be posted conspicuously in or at the place therein. In the event more than one place within the Town shall be used to conduct the business licensed, separate licenses shall be issued for each place.
- (2) The Clerk-Treasurer shall issue a license/identification/credentials for each vehicle to be used by any peddler under this ordinance. The license/identification/credentials shall contain the words "Licensed Peddler", the expiration date of the license, and the number of the license. Such license/identification/credentials shall be affixed conspicuously to each vehicle used by the licensee in persons business.
- (3) The Clerk-Treasurer shall issue a credential/identification/license to each peddler or solicitor licensed under this Ordinance. The above shall contain the words "Licensed Peddler" or "Licensed Solicitor", licensee's picture, the expiration date of the license, and the number of the license. Such identification shall be worn conspicuously by the licensee during such time as he is engaged in the business licensed.
- (4) Peddlers or solicitors are required to exhibit their license at the request of any citizen. (Ord. 77-10, S10, Oct. 17, 1977)

#### **4.15.110 Fees.**

- (1) Peddlers Itinerant Merchants, and Solicitors license fee shall be \$25.00 payable to the Town of French Lick.
- (2) The Clerk-Treasurer shall deposit same in the General Fund giving a receipt for the same. (Ord. 77-10, S11, Oct. 17, 1977)

**4.15.120 Transfer not allowed.** No license issued under this ordinance shall be transferable. (Ord. 77-10, S12, Oct. 17, 1977)

**4.15.130 Expiration of license.** All license issued under this ordinance shall expire five days after the date of issuance thereof. (Ord. 77-10, S13, Oct. 17, 1977)

**4.15.140 Penalty.** Any person, firm, or corporation in violation of any provision of this Ordinance shall be fined not less than one (\$1.00) dollar nor more than Five Hundred (\$500.00) dollars for each violation thereof. (Ord. 77-10, S14, Oct. 17, 1977)

## Chapter 4.20

### ADULT BOOKSTORES AND MOTION PICTURE THEATRES

#### Sections:

<b>4.20.010</b>	<b>Definitions</b>
<b>4.20.020</b>	<b>License required</b>
<b>4.20.030</b>	<b>Application procedure</b>
<b>4.20.040</b>	<b>Standards for issuance</b>
<b>4.20.050</b>	<b>Revocation procedure</b>
<b>4.20.060</b>	<b>Standards for revocation</b>
<b>4.20.070</b>	<b>Appeal procedure</b>
<b>4.20.080</b>	<b>Provision for service of process</b>
<b>4.20.090</b>	<b>Exhibition of license</b>
<b>4.20.100</b>	<b>Fees</b>
<b>4.20.110</b>	<b>Transfer not allowed</b>
<b>4.20.120</b>	<b>Expiration of license</b>
<b>4.20.130</b>	<b>Penalty</b>
<b>4.20.140</b>	<b>Effective date</b>

#### **4.20.010 Definitions.** As used in this ordinance:

- (1) "Specified Sexual Activities" is:
  - A. Human genitals in a state of sexual stimulation or arousal;
  - B. Acts of human masturbation, sexual intercourse or sodomy;
  - C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast. (Ord. 83-4, pt. S1, May 16, 1983)
- (2) "Specified Anatomical Areas" is:
  - A. Less than completely and opaquely covered (1.) human genitals, pubic region, (2.) buttock, and (3.) female breast below a point immediately above the top of the areola; and
  - B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Ord. 83-4, pt. S1, May 16, 1983)
- (3) "Adult Book Store" is:

An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as defined herein or an

establishment with a segment or section devoted to the sale or display of such material. (Ord. 83-4, pt. S1, May 16, 1983)

(4) “Adult Motion Picture Theatre” is:

An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as defined herein for observation by patrons therein. (Ord. 83-4, pt. S1, May 16, 1983)

(5) “Adult Mini Motion Picture Theatre” is:

An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” as defined herein for observation by patrons therein. (Ord. 83-4, pt. S1, May 16, 1983)

**4.20.020 License required.** Any person, partnership, or corporation shall obtain a license before maintaining and operating an Adult Book Store, Adult Motion Picture Theatre, or Adult Mini Motion Picture Theatre in the Town of French Lick, Indiana. (Ord. 83-4, S2, May 16, 1983)

**4.20.030 Application procedure.**

(1) All applicants for licenses required by this ordinance shall file a written, sworn application with the Clerk-Treasurer of the Town of French Lick, Indiana. Such application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. Applications are to be made on forms prescribed by and available in the office of the said Clerk-Treasurer. The application shall state:

- A. The name and address of the applicant;
- B.
  - 1. The name of the individual having management authority or supervision of the applicant’s business during the time that it is proposed to be carried on in the Town;
  - 2. The local address of such individual;
  - 3. The permanent address of such individual;
  - 4. The capacity in which such individual will act;

- C. The name and address of the person, if any, for whose purpose the business will be carried on, and if a corporation, the state of incorporation;
- D. The time period or periods during which it is proposed to carry on applicant's business;
- E.
  - 1. The nature, character, and quality of the goods or services to be offered for sale or delivered;
  - 2. If goods, their invoice value and whether they are to be sold by sample as well as from stock;
- F. The nature of the advertising proposed to be done for the business;
- G. Whether or not the applicant, or the individual identified in subsection (1)(B)(1.), or the person identified in subsection (1)(C) has been convicted of any crime or misdemeanor; if so, the nature of each offense and the penalty assessed for each offense. (Ord. 83-4, S3, May 16, 1983)

**4.20.040 Standards for issuance.**

- (1) Upon receipt of an application, the Clerk-Treasurer shall cause an investigation of the applicant's business reputation and moral character.
- (2) The Clerk-Treasurer shall approve the application unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare.

In particular, the following will constitute valid reasons for disapproval of an application--tangible evidence that applicant:

- A. has been convicted of a crime of moral turpitude; or
- B. has made willful misstatements in the application; or
- C. has committed prior violations of ordinances or statutes pertaining to Adult Book Stores; Adult Motion Picture Theatres, or Adult Mini Motion Picture Theatres;
- D. has committed prior fraudulent acts; or
- E. has an unsatisfactory moral character. (Ord. 83-4, S4, May 16, 1983)

**4.20.050 Revocation procedure.** Any license or permit granted under this ordinance may be revoked by the Clerk-Treasurer after notice and hearing, pursuant to the standards in Section 4.20.060. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at his last known address, at least 10 days prior to the date set for the hearing. (Ord. 83-4, S5, May 16, 1983)

**4.20.060 Standards for revocation.** A license granted under this statute may be revoked for any of the following reasons:

- (1) Any fraud or misrepresentation contained in the license application; or
- (2) Any fraud, misrepresentation or false statement made in connection with the business being conducted under the license; or
- (3) Any violation of this ordinance; or
- (4) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or
- (5) Conducting the business in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals, or general welfare of the public. (Ord. 83-4, S6, May 16, 1983)

**4.20.070 Appeal procedure.**

- (1) Any person aggrieved by a decision under Section 4.20.040 or Section 4.20.060 of this chapter shall have the right to appeal to the Board of Trustees of the Town of French Lick. Such appeal shall be taken by filing with said Board within 14 days after notice of the decision has been mailed to such person's last known address, a written statement setting forth the grounds for appeal. The Board shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner and provided for in Section 4.20.080. (Ord. 83-4, S7, May 16, 1983)
- (2) The order of the Board of Trustees shall be final. (Ord. 83-4, S7, May 16, 1983)

**4.20.080 Provision for service of process.**

- (1) Requirements of successful application:
  - A. Upon receipt of notice of approval of his application, the applicant shall file with the Clerk-Treasurer an instrument appointing said Clerk-Treasurer as his true and lawful agent with full power and authority to acknowledge service of process for and on behalf of the applicant in respect to any matter arising under this ordinance.

- B. Forms for the required statement are available at the Town Hall. Such form or instrument shall contain recitals to the effect that said applicant consents and agrees that service of any notice or process may be made upon said agent, and when so made shall be taken and held to be as valid as if personally served upon the applicant, according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgment.

(2) Duty of Clerk-Treasurer

- A. Immediately upon service any process upon the Clerk-Treasurer under this ordinance, the Clerk-Treasurer shall send by certified mail a copy of said process to the licensee at his last known address. (Ord. 83-4, S8, May 16, 1983)

**4.20.090 Exhibition of license.** Any license issued under this ordinance shall be posted conspicuously in or at the place named therein. In the event more than one place within the town shall be used to conduct the business licensed, separate licenses shall be issued for each place. (Ord. 83-4, S9, May 16, 1983)

**4.20.100 Fees.**

- (1) The sum of Five Thousand Dollars (\$5,000.00) shall be paid each year as a license fee for maintenance and operation of each Adult Book Store, Adult Motion Picture Theatre, and Adult Mini Motion Picture Theatre in the Town of French Lick, Indiana.
- (2) The Clerk-Treasurer shall deposit same in the general fund giving a receipt for the same. (Ord. 83-4, S10, May 16, 1983)

**4.20.110 Transfer not allowed.** No license issued under this ordinance shall be transferable. (Ord. 83-4, S11, May 16, 1983)

**4.20.120 Expiration of license.** All licenses issued under this ordinance shall expire one (1) year after the date of issuance thereof. (Ord. 83-4, S12, May 16, 1983)

**4.20.130 Penalty.** Each day of non-compliance with the provisions of this ordinance constitutes a separate and distinct ordinance violation. Judgment of up to Two Thousand Five Hundred Dollars (\$2,500.00) per day may be entered for a violation of this ordinance. (Ord. 83-4, S13, May 16, 1983)

**4.20.140 Effective date.** Because an emergency exists, this ordinance takes effect upon passage and posting pursuant to the provisions of IND. CODE § 36-5-2-10. (Ord. 83-4, S14, May 16, 1983)

## Chapter 4.25

### COMMERCIAL ACTIVITIES UPON NORTH MAPLE STREET

#### Sections:

<b>4.25.010</b>	<b>Definitions</b>
<b>4.25.020</b>	<b>Vending machines</b>
<b>4.25.030</b>	<b>Advertising upon poles or trees</b>
<b>4.25.040</b>	<b>Sidewalk sales</b>
<b>4.25.050</b>	<b>Sales by speakers</b>
<b>4.25.060</b>	<b>Penalty for violation</b>

**4.25.010 Definitions.** The following definitions shall apply in the interpretation and the enforcement of this ordinance:

- (1) The term “vending machine” shall mean any self service device offered for public use which, upon insertion of a coin, coins or token, or by other means, dispenses unit servings of food, beverage, or merchandise either in bulk or in package, without the necessity of replenishing the device between each vending operation.
- (2) The term “person” means any individual, partnership, corporation, company, firm, institution, trustee, association, or any other public or private entity. (Ord. 87-5, S1, July 27, 1987)

**4.25.020 Vending machines.** No person shall erect, maintain, or place any vending machine upon the public sidewalks adjacent to North Maple Street between College and Main Streets in the Town of French Lick, Indiana. (Ord. 87-5, S2, July 27, 1987)

**4.25.030 Advertising upon poles or trees.** No person shall erect, maintain, tack or place any advertising sign, signboard, poster or bill on any pole, tree or other plant or upon the public sidewalks adjacent to North Maple Street between College and Main Streets in the Town of French Lick, Indiana. (Ord. 87-5, S3, July 27, 1987)

**4.25.040 Sidewalk sales.** No person shall place or display any merchandise for sale upon the sidewalks adjacent to North Maple Street between College and Main Streets in the Town of French Lick, Indiana. Provided, however, permits for the sale of such merchandise shall be issued by the Town Clerk, subject to approval by the Board of Trustees of the Town of French Lick, Indiana, for temporary sales of a short duration, not to exceed one week, upon application by any merchant or merchants to the Clerk-Treasurer. (Ord. 87-5, S4, July 27, 1987)

**4.25.050 Sales by speakers.** No person shall sell or attempt to sell any commodity by means of any outcry, sound, speaker or amplifier or instrument, or device which can be heard for a distance greater than 300 feet. (Ord. 87-5, S5, July 27, 1987)

**4.25.060 Penalty for violation.** Any person in violation of this ordinance shall be fined not less than One Dollar (\$1.00) nor more than Twenty-Five Hundred Dollars (\$2,500.00) for each violation thereof. (Ord. 87-5, S6, July 27, 1987)