

INTRODUCED: 06/27/2011

REFERRED TO: Rules and Public Policy Committee

SPONSOR: Councillor Rivera

DIGEST: amends portions of the Code pertaining to the permitting, licensing, and organization of activities related to special events licensed by the department of code enforcement, and adds a new chapter creating an annual license for ticket brokers engaged in the sale or resale of tickets on public streets, sidewalks, and alleys.

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SOURCE:

Initiated by: Office of Corporation Counsel

Drafted by: Richard McDermott, Assistant Corporation Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: \_\_\_\_\_

Date: June 23, 2011

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CITY-COUNTY GENERAL ORDINANCE NO. , 2011

PROPOSAL FOR A GENERAL ORDINANCE to amend various code sections of the Revised Code pertaining to the permitting, licensing, and organization of activities related to special events licensed by the department of code enforcement, and to add a new chapter creating an annual license for ticket brokers engaged in the sale or resale of tickets on public streets, sidewalks, and alleys.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Sections 407-107 through 407-109 of the "Revised Code of the Consolidated City and County" regarding the sale and/or resale of tickets to National Collegiate Athletic Association or National Football League championship contests hereby are REPEALED.

SECTION 2. Chapter 411, Article II of the "Revised Code of the Consolidated City and County" regarding parades and parade permits hereby is REPEALED.

SECTION 3. Chapter 431, Article II of the "Revised Code of the Consolidated City and County" regarding ticket selling near Victory Field hereby is REPEALED.

SECTION 4. Section 645-512 of the "Revised Code of the Consolidated City and County" regarding the prohibition of private use of a public right-of-way hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 645-512. Public ways not to be used for private purposes; exceptions.**

(a) The streets, alleys, sidewalks, bridges and public places of the city shall be maintained open at all times for travel by vehicles and pedestrians and for all other proper public uses and purposes. No part thereof, or any spaces above or below such public ways, except as otherwise authorized by statute, this article or Code, or by any other city ordinance, shall be used for any private purpose or business. Except as may be so authorized, no use shall be permitted that affects the orderly appearance thereof, or obstructs or hinders public travel thereover, contrary to the public safety and welfare.

(b) As provided in Chapter 986 of the Code, a temporary sign may be placed upon any street, alley, sidewalk, bridge, or public place, so long as the following conditions are met:

- (1) The temporary sign is associated with a civic sponsored special event;
- (2) The temporary sign has been approved by the civic sponsored special event sponsor;
- (3) The temporary sign complies with the operating requirements established in Section 986-204 of the Code; and
- (4) A fee as provided in section 131-501 of the Code has been paid to the bureau of license and permit services.

(c) The board of code enforcement may adopt reasonable regulations regarding the materials, dimensions, and locations of these temporary signs.

SECTION 5. Title IV of the "Revised Code of the Consolidated City and County" regarding business and commercial regulations and licenses hereby is amended by the addition of NEW Chapter 841 to read as follows:

#### Chapter 841

### TICKET BROKERS

#### **Sec. 841-101. Definitions.**

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

*Event organizer* means the entity or person that is organizing or in charge of conducting a ticketed event.

*Event venue* means any part of the location, facility, or structure that a ticketed event for more than five hundred (500) people occurs. For purposes of this chapter, the following locations are specifically included:

- (1) Lucas Oil Stadium;
- (2) Conseco Fieldhouse;
- (3) Victory Field;
- (4) Hinkle Fieldhouse;
- (5) Murat Theatre at Old National Centre;
- (6) Indianapolis Convention Center;
- (7) Indiana State Fairgrounds; and
- (8) White River State Park.

*Face value* means the value of a ticket as printed on the ticket itself, or, absent such a marking, the amount for which the ticket was authorized to be sold by the event organizer.

*Repurchase* means purchasing or offering to purchase a ticket or tickets for admission to a ticketed event on the day of the ticketed event within one (1) mile of the event venue.

*Resell* means selling or offering to sell a ticket or tickets for admission to a ticketed event on the day of the ticketed event within one (1) mile of the event venue.

*Ticket* means a document serving as evidence that the holder has paid admission or entitles the holder to admission.

*Ticket broker* means a person to whom the license administrator has granted a license to resell or repurchase tickets.

*Ticketed event* means an organized event open to the public and requiring a ticket for admission.

**Sec. 841-102. License required.**

(a) It shall be unlawful to resell or repurchase tickets on public streets, sidewalks, or other public outdoor locations to a ticketed event within one (1) mile of the event venue without a license issued according to the provisions of this chapter.

(b) It shall be unlawful to resell or repurchase tickets on public streets, sidewalks, or other public outdoor locations to a ticketed event within one (1) mile of the event venue unless one (1) of the parties to the transaction is a licensed ticket broker.

(c) A license shall not be required for any person reselling or repurchasing tickets under the following conditions:

- (1) That the person reselling or repurchasing the ticket has written authorization from the event organizer to do so; or
- (2) That all tickets were repurchased or resold for not more than the face value of the ticket.

**Sec. 841-103. Application.**

In addition to the general requirements for license applications provided in Section 801-203 of the Code, each application shall contain the following information:

- (1) Applicant's residential street address;
- (2) Applicant's place of residence for the five (5) years immediately preceding the filing date of the application;
- (3) Applicant's date of birth, place of birth, race, sex, height, weight, eye color, and hair color;
- (4) Whether applicant is a United States citizen, and if not, the applicant's country of origin;
- (5) The date of judgment, court, and description of each conviction or pending charge for a misdemeanor or felony committed by the applicant; and
- (6) Such additional information as the license administrator deems necessary.

**Sec. 841-104. Attachments to the application.**

Each application shall be accompanied by the following:

- (1) Two (2) recent photographs of the applicant in a format prescribed by license administrator, designed to be easily attachable to the license;
- (2) A complete set of the applicant's fingerprints in a format prescribed by the license administrator;
- (3) A copy of the applicant's driver's license or state issued photographic identification card;
- (4) A copy of the applicant's limited criminal history from the Indiana State Police and from the Indianapolis Metropolitan Police Department, as provided by IC 5-2-5-5; and
- (5) Such additional items as the license administrator may deem necessary.

**Sec. 841-105. Eligibility for license.**

In addition to the general eligibility requirements identified in Section 801-202 of the Code, the license administrator may deny a ticket broker license application for the following reasons:

- (1) The applicant has been convicted of a felony or a crime of dishonesty within the last five (5) years; or
- (2) The applicant has provided information to the license administrator that is false, incomplete, or misleading.

**Sec. 841-106. License fee.**

The fee for a ticket broker license shall be as provided in Section 131-501 of the Code.

**Sec. 841-107. License term.**

The term of a ticket broker license issued under this chapter shall be as provided in Section 801-209 of the Code.

**Sec. 841-108. Display of license during operation.**

(a) The license administrator shall, upon issuing a ticket broker's license, provide the ticket broker with a laminated card, that has the ticket broker's photograph and the following information:

- (1) The title "Licensed Ticket Broker";
- (2) The date the license is valid;
- (3) The licensee's full name;
- (4) An identification number unique to each licensee;
- (5) Instructions for reporting misconduct by the licensee; and
- (6) Any other content deemed necessary by the license administrator.

(b) It shall be unlawful for any licensed ticket broker to engage in the resale or repurchase of tickets without clearly displaying the laminated card on his or her person.

**Sec. 841-109. Operational requirements.**

A ticket broker may not resell or repurchase tickets to a ticketed venue except in accordance with the following provisions:

- (1) Tickets shall not be resold or repurchased on sidewalks where passage is restricted by construction activity;
- (2) Tickets shall not be resold or repurchased within fifteen (15) feet of a bus stop, taxi stand, sidewalk ramp intended to provide disability access, curb, or public entrance to a building;
- (3) Tickets shall not be resold to or repurchased from occupants in vehicles in traffic;
- (4) Tickets shall not be resold or repurchased in a manner that blocks, obstructs, or restricts the passage of pedestrians or vehicles in the lawful use of sidewalks or streets, ingress or egress to the abutting property, or interferes with the operation of any other vendor licensed under Title IV of this Code; and

- (5) A ticket broker shall not use a display stand, table, booth, chair, or sign other than a hand-held sign for the purchase, offering to purchase, sale or offering for sale of tickets.

**Sec. 841-110. Transferability of license.**

A license issued pursuant to this chapter shall not be transferable.

**Sec. 841-111. Right of inspection of tickets.**

It shall be unlawful for a ticket broker to refuse to provide any tickets in his or her possession to an officer of the Indianapolis Metropolitan Police Department or a member of the Department of Code Enforcement Division of Inspections for the purposes of inspecting such tickets.

**Sec. 841-112. Limited duration license required during special events.**

Notwithstanding any other provision of this Code, a ticket broker who desires to engage in licensed activities during a special event shall be required to obtain a limited duration license as provided in Chapter 986 of the Code. It shall be unlawful for a ticket broker to engage in the reselling or the repurchasing of tickets during a special event without first having obtained a limited duration license from the bureau of license and permit services.

SECTION 6. Section 931-101 of the "Revised Code of the Consolidated City and County" regarding definitions relevant to commercial parking facilities hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 931-101. Definitions.**

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

*Attendant parking* means the practice of having the motor vehicle handled by the registrant between the motor vehicle reservoir area and the parking area, and between the parking area and the exits.

*Commercial parking facility* means a lot or building that is used on a regular basis to provide space for the parking of more than five (5) motor vehicles. Any combination of one (1) or more lots or buildings that are both located contiguous to another lot or building or across a street or alley from another lot or building, and are operated by the same person shall be considered one (1) commercial parking facility; however, a lot or building that is provided solely for one (1) or more of the following uses shall not be considered a commercial parking facility:

- (1) By an employer for use of the employer's employees;
- (2) By a landlord for use of the landlord's tenants;
- (3) By a merchant or professional, selling goods or services, for use of the merchant's or professional's exclusive customers; or
- (4) By the owner of the lot or building, or by a charitable organization, for a period of no more than fourteen (14) consecutive days, and no more than thirty (30) days in a calendar year, for use in connection with a distinct ~~special~~ event or activity (excluding a special event licensed under Chapter 986 of the Code) outside the geographic area bounded by North, East, South, and West Streets;

*Motor vehicle* means any self-propelled wheeled vehicle similar to an automobile, truck, bus or motorcycle.

*Motor vehicle reservoir area* means the area at the entrance of a commercial parking facility between the property line and the point ten (10) feet beyond the point that a ticket or claim check is given, a fee is paid or the registrant takes physical control of the motor vehicle for the purpose of handling it.

SECTION 7. Chapter 961, Article V of the "Revised Code of the Consolidated City and County" regarding special events licenses hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**ARTICLE V. VENDOR CART ACTIVITIES DURING SPECIAL EVENTS; LICENSES**

**~~Sec. 961-501. Designation of special events.~~**

~~(a) Each year, the license administrator shall designate and authorize the following events as special events under this article:~~

- ~~(1) The 500-Mile Race Festival;~~
- ~~(2) The Indiana Black Expo concert;~~
- ~~(3) The St. Patrick's Day Parade;~~
- ~~(4) The Circle City Classic Parade;~~
- ~~(5) The Circle of Lights;~~
- ~~(6) The 2012 National Football League Super Bowl Sunday; and~~
- ~~(7) National Collegiate Athletic Association championship contests.~~

~~(b) With respect to each of the special events designated in this section, the license administrator shall exercise the duties and authority provided for the license administrator in this article.~~

~~(c) The license administrator may designate and authorize special events other than those listed in this section under the authority and procedures provided in this article.~~

**~~Sec. 961-502. Authorization of special events; conditions.~~**

~~(a) Prior to its occurrence, a special event must be designated and authorized by the license administrator. To determine whether a special event should be authorized, the license administrator shall consult with city officials responsible for traffic control, public safety, and right-of-way cleanup and maintenance, and further may request or receive recommendations from any special event sponsor. The license administrator may specify reasonable conditions to the approval of a special event.~~

~~(b) The authorization shall be issued in writing and shall prescribe the geographic boundaries, conditions, and duration of the special event.~~

**~~Sec. 961-503. Special event licenses; fee.~~**

~~(a) With the assistance and recommendation of the special event sponsor, the license administrator is authorized to issue special event licenses, and may:~~

- ~~(1) Designate a specific location for each licensee under this article to engage in licensed activities pursuant to this section; and~~
- ~~(2) Approve a list of the food, frozen food, flowers and merchandise that licensees under this article are authorized to sell.~~

~~(b) The fee for a special event license application shall be provided in section 131-501 of the Code. This fee shall not be refundable, even if such application is denied, and shall be paid in addition to any other fees required by this section.~~

~~(c) The fee for a special event license shall be provided in section 131-501 of the code; however, if authorization of the special event under section 961-502 of the Code is conditioned upon the Indianapolis Fire Department's apparatus or personnel being present at the special event, then the fee for a special~~

~~event license shall be increased as provided in section 131-501 of the code, which additional amount shall be deposited in the fire service district fund of the city as miscellaneous revenues.~~

~~(d) Notwithstanding any other provision of this Code, licensees under this article shall be permitted to engage in licensed activities upon city property within the geographic boundaries during the term of the special event, subject to any applicable conditions or restrictions imposed under this article or sections 961-211 and 961-212.~~

**Sec. 961-504 ~~961-501~~. Activities of vendor’s cart licensees during special events.**

(a) Notwithstanding any other provision of this Code, a franchise zone licensee or commercial transaction zone licensee whose zone is at least in part included within the geographic boundaries of a special event licensed according to the provisions of Chapter 986 of the Code, and who desires to engage in licensed activities during the special event, ~~may do so with the written approval of the license administrator, in consultation with the special event sponsor~~ shall be required to obtain a limited duration license as provided in Chapter 986 of the Code.

(b) Such licensee:

- (1) ~~Shall not be required to obtain a special event license in addition to the franchise zone license or commercial transaction zone license; and~~
- (2) ~~May engage in licensed activities during the term and within the geographic boundaries of the special event, subject to any conditions or restrictions imposed by the license administrator.~~

~~(e) A vendor cart licensee who has not been issued a special event limited duration license and who has not received written approval of the license administrator as provided in this section, may not engage in activities under the vendor cart license within the geographic boundaries or during the term of a special event licensed under Chapter 986 of the Code.~~

**Sec. 961-505 ~~961-502~~. Display of license and prices; violations.**

(a) Prior to the commencement of the special event, the license administrator shall issue ~~special event~~ limited duration licenses to ~~licensees~~ cart vendors meeting the requirements of this article.

(b) Throughout the duration of the special event, each ~~licensee~~ cart vendor shall display the limited duration license on the cart in public view as a means of identification, and post a list of the ~~licensee's~~ cart vendor's prices.

(c) It shall be unlawful for any ~~licensee~~ cart vendor to fail to display the ~~special event~~ limited duration license, or to charge prices in excess of the posted prices, as required by this section. Each day a violation of this section continues shall constitute a separate offense, and shall be punishable as provided by section 103-3 of this Code.

SECTION 8. Title IV of the “Revised Code of the Consolidated City and County” regarding business and commercial regulations and licenses hereby is amended by the addition of a NEW chapter 986 to read as follows:

Chapter 986

**SPECIAL EVENTS**

**ARTICLE I. IN GENERAL**

**Sec. 986-101. Definitions.**

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

*Block party* means a distinct event held by and for the residents of a specific neighborhood or group of neighborhoods for a period of one (1) day or less.

*Civic sponsored special event* means any special event designated in Section 986-104 of this Code.

*Clean zone* means a geographically defined area within a special event zone during a civic sponsored special event that no temporary advertising, signage, or structures shall be erected or transient merchant, vendor, or otherwise licensed activity may take place without the person or entity performing such activity first having received approval from the event sponsor and a limited duration license from the bureau of license and permit services.

*Event sponsor* means the person, party, or entity that organizes a special event and has applied for a special event license under this chapter, or the person, party or entity designated as such on a special event license application.

*Limited duration license* means a license issued by the bureau of license and permit services for a limited time frame within a defined area and for certain activities as authorized by this chapter.

*Mobile advertising sign* means any sign or advertisement that is attached to a portable device or person, that allows the advertisement to move around or park, including but not limited to signs mounted on bicycles, cars, motorcycles, trucks, flatbeds, or any other device with wheels that allows movement through an area, but does not include any currently licensed entity (such as a licensed public vehicle for hire) or other public transit services.

*Mobile wireless communication facility* means a structure, antenna, or trailer temporary and portable in nature that is used to provide or increase wireless cellular communication.

*Pedestrian information sign* means a sign that is erected solely for the purposes of providing directional, traffic, or event information. Such signs may reference the special event itself, but shall not include advertising.

*Residential parking areas* means areas that have been identified as dwelling districts in Chapter 731 of the Code.

*Special event* means a temporary event or gathering, including a parade, using either private or public property, that draws an estimated number of participants and spectators exceeding two hundred fifty (250) people present on any day of the event and that involves one or more of the following activities, except when the activities are for the purpose of construction or moving a structure:

- (1) Closing of a public street;
- (2) Blocking or restricting streets, sidewalks, alleys, or other public places, in whole or in part;
- (3) Sale, distribution, or display of merchandise, food, or beverages on streets, sidewalks, alleys, or other public places, or on private or public property where such activity would otherwise be prohibited by ordinance;
- (4) Erection or placement of a tent, utility pole, booth, or other temporary structure on a street, sidewalk, alley, or other public place;
- (5) Erection or placement of a stage, bandshell, trailer, van, portable building, grandstand, bleachers, or other apparatus used for entertainment purposes on public property, or on private property where otherwise prohibited by ordinance;
- (6) Erection or placement of public toilets on a street, sidewalk, alley, or other public place, or on private property where otherwise prohibited by ordinance;
- (7) Erection or placement of temporary signage, banners, or displays of any kind in or over a public right of way, or on private property where otherwise prohibited by ordinance; or
- (8) Activity that requires for its successful execution the provision and coordination of municipal services to a degree significantly over and above that which the city routinely provides under ordinary circumstances.

This term shall not include any event or function held on private property entirely within the existing structure or appurtenants thereto of an establishment that has been operating continuously for thirty (30) days or more prior to the start of a special event.

*Special event zone* means a geographically defined area during a special event in which no temporary advertising, signage, or structures may be erected or transient merchant, vendor, or otherwise licensed activity may take place without the person first having received a limited duration license from the bureau of license and permit services.

**Sec. 986-102. Special event license required; geographic area defined.**

(a) It shall be unlawful for a special event to be held without a special event license having been obtained from the bureau of license and permit services.

(b) The license administrator shall identify the date and outline the geographic boundaries of each special event. Dates and geographic boundaries of the special event and any separate special event zones shall be identified by the license administrator according to provisions of Section 986-107 of the Code.

(c) The license administrator may, at the request of the event sponsor, identify and outline separate clean zones within the special event zone to accommodate the specific requirements of that civic sponsored special event.

**Sec. 986-103. Fee.**

(a) The fee for a special event license shall be as provided in Section 131-501 of the Code; however, if authorization of the special event is conditioned upon the Indianapolis Fire Department's apparatus or personnel being present at the special event, then the fee for a special event license shall be increased as provided in Section 131-501 of the Code, which additional amount shall be deposited in the fire service district fund of the city as miscellaneous revenues.

(b) A block party as defined and licensed under this Chapter shall be exempt from paying the special event license fee.

**Sec. 986-104. Designation of civic sponsored special events.**

(a) Each year, the following events shall be designated as civic sponsored special events under this article:

- (1) The 500-Mile Race Festival;
- (2) The Indiana Black Expo concert;
- (3) The St. Patrick's Day Parade;
- (4) The Circle City Classic Parade;
- (5) The Circle of Lights; and
- (6) The Indiana State Fair.

(b) The following events shall be designated as civic sponsored special events under this article during any year in which they are to be held in the City:

- (1) National Collegiate Athletic Association championship contests and all official related events;
- (2) National Football League Super Bowl, Pro Bowl, draft and all official related events;
- (3) Big Ten Conference championship contests and all official related events;

- (4) National Basketball Association Finals or All-Star activities and all official related events; and
- (5) Women's National Basketball Association Finals or All-Star activities and all official related events.

(c) In the interest of retaining the ability to attract additional events to the City, the Mayor shall have the authority to designate additional events as civic sponsored special events at his or her sole discretion.

**Sec. 986-105. Application.**

(a) An application for a special event license shall be filed at least thirty (30) days prior to the start of the event. The applicable license fee shall be submitted with the application. Applications for special event licenses shall include the following information:

- (1) Proposed date of the special event;
- (2) Proposed geographic location of the special event zone and clean zone;
- (3) The approximate number of persons attending the special event, including but not limited to vendors, attendees, and participants;
- (4) Location and duration of any proposed street closures;
- (5) Location, if applicable, of provision or consumption of alcoholic beverages;
- (6) Location, size, and description of any temporary structures;
- (7) Location, size, and description of any signs, banners, or similar advertising or promotional material to be used on site;
- (8) Location and duration of any entertainment that will be provided or present;
- (9) Proposed sanitation plan, including but not limited to the provision of toilets and wash stations and plan to recycle or remove waste, trash, and litter, including but not limited to the use of Department of Public Works or private resources;
- (10) Proposed emergency safety plan, including but not limited to the number of Indiana Law Enforcement Academy certified officers, fire protection, or medical personnel that will be present or contracted for;
- (11) Proposed traffic management plan, including but not limited to provision of personnel and location of proposed loading areas, barricades, secured areas, and parking areas; and
- (12) Any other information requested by the license administrator.

(b) An application for a special event license shall possess the following attachments:

- (1) Certificate of insurance in amounts as prescribed by this chapter or regulation naming the City of Indianapolis as an additional insured, which amounts of insurance may vary according to the specific type of activity occurring;
- (2) A site plan drawn to scale with existing streets, sidewalks and buildings identified, showing the location of the proposed zones as well as any potential events or vendors that will be present during the special event; and
- (3) Any other documentation requested by the license administrator.

**Sec. 986-106. Indemnification agreement.**

The applicant for a special event license, and any other person on whose behalf the application is made, by filing such application, represents, stipulates, contracts and agrees that he or she will jointly or severally indemnify and hold the city harmless against liability for any and all claims for damage to property, or injury to, or death of, persons arising out of or resulting from the issuance of the permit or the conduct of the special event or its participants.

**Sec. 986-107. General and specific criteria for issuance of special event license.**

The license administrator may issue a license as provided for within this chapter, from a consideration of the application and from such other information as may otherwise be obtained, provided he or she finds the following:

- (1) Adequate traffic management will be provided for and that the special event will meet the requirements of the Department of Public Works and the Department of Public Safety for the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;
- (2) Upon consultation with the Department of Public Safety, that the special event will not require the diversion of police, fire, or medical resources so as to have an immediate and adverse effect on the welfare and safety of persons in the city;
- (3) The concentration of persons, animals, or vehicles at the special event will not unduly interfere with proper fire and police protection or emergency services to, areas contiguous to the special event area;
- (4) The conduct of the special event is not reasonably likely to cause injury to persons or property;
- (5) Adequate sanitation and other required health facilities will be made available in or adjacent to any public assembly areas;
- (6) Adequate recycling or waste collection services will be provided in or adjacent to the special event zone; and
- (7) The special event, or activities conducted therein, will not conflict with any provision of Chapter 801 of this Code.

**Sec. 986-108. Approval or denial of a special event license.**

(a) For a special event involving two thousand and five hundred (2,500) persons or more, the license administrator shall approve or deny the license application in writing according to the provisions of Chapter 801 of this Code within thirty (30) calendar days of the date of application. Any special event application not approved or denied within this thirty (30) calendar day period will be considered to have been denied by the license administrator.

(b) For a special event involving less than two thousand and five hundred (2,500) persons, the license administrator shall approve or deny the license application in writing according to the provisions of Chapter 801 Article II of this Code within fifteen (15) calendar days of the date of application. Any special event application not approved or denied within this fifteen (15) calendar day period will be considered to have been denied by the license administrator.

(c) For a special event license application, failure to provide the city with a response to any requested information shall not trigger the provisions of subsections (a) and (b) above. If responses to any requested information are not provided within a reasonable period, the license administrator may use discretion to deny the special event application. If requested information is provided, it shall extend the city's period to reach a decision on a special event application by fifteen (15) calendar days.

(d) Upon notification to the special event license applicant in writing, the license administrator may request an extension of time to make a decision to approve or deny a license request. Such request shall identify the reason(s) for such extension and the date by which a decision will be made to approve or deny the special event license application.

(e) A special event application may be denied, or an existing special event application license may be suspended or revoked, if any of the following conditions are met:

- (1) The applicant has made any false representation in the application;
- (2) The applicant fails to provide any item or information required by this Chapter or by the license administrator;
- (3) The proposed special event will substantially interfere with any other event, parade, city sponsored event, street or right-of-way closure, or other special event for which a license has already been granted, or substantially interfere with the provision of public safety or other city services in support of such other previously scheduled event or events, or will have an immitigable adverse impact upon residential or business access and traffic circulation in the area in which it is to be conducted;
- (4) The special event application, including any required attachments and/or submissions, is not fully completed and executed;
- (5) The applicant has not obtained, tendered, and/or maintained the required insurance certificate or security deposit;
- (6) The applicant is not legally competent to contract, either on behalf of himself or herself, or on behalf of a specific entity;
- (7) The applicant, or other entity responsible for the special event, has on prior occasions damaged city property and has not paid in full for such damage, or have other outstanding and unpaid debts to the city;
- (8) If the applicant is proposing the use of a public facility that the proposed use is inconsistent with the type of public facility;
- (9) The special event's intended use or activity would present an unreasonable danger to the health or safety of the applicant, or other uses of a public facility, or city employees, or the public at large;
- (10)The applicant, or other entity responsible for the special event, have not complied with or cannot comply with applicable license requirements, ordinances, or regulations concerning the sale or offering of sale of any goods or services;
- (11)The special event's intended use is prohibited by law, by this Code, or by any regulation of any city department or agency;
- (12)The activities involved with the proposed special event will substantially interrupt the safe and orderly movement of aerial navigation, or of public transportation, or other vehicular and pedestrian traffic in the designated special event area, or will cause irresolvable conflict with construction or development on public property or at a public facility where a special event is to be held, or will close streets or unreasonably restrict the number of traffic lanes during peak commuter hours on weekdays so as to cause unsafe conditions for the public, or the expected attendance at the event will exceed the lawful capacity of the public facility under the state fire code, or the parking available at the public facility will be inadequate to accommodate the expected attendance at the special event. The above conditions may be waived by the license administrator where the benefits of the proposed special event will outweigh the proposed negative effects; or

- (13) The proposed special event would create an unreasonable risk to the public safety and welfare, including in particular its effect on any surrounding property, businesses, and residents, or would conflict another special event.

**Sec. 986-109. Waiver of established time periods.**

As it is the policy of the city to encourage the holding of special events within the city, time deadlines provided for in this Chapter may be reduced or waived for civic sponsored special events, at the discretion of the license administrator, so long as such waiver is consistent with the interests of public health and safety.

**Sec. 986-110. Designation of special event zones and clean zones.**

(a) For a licensed special event, the license administrator shall designate the duration and geographic boundaries of a special event zone upon consultation with the Department of Public Safety and the Department of Public Works. The boundaries of each special event zone shall be established in writing.

(b) For a licensed civic sponsored special event, the license administrator shall designate the duration and geographic boundaries of one or more special event zones upon consultation with the Department of Public Safety and the Department of Public Works. The license administrator may also designate one or more clean zones within the designated special event zone(s) boundaries. The boundaries of each zone shall be established in writing.

**Sec. 986-111. Discretionary authority granted to license administrator.**

(a) Notwithstanding any other provision of this Code, the license administrator may, upon consultation with the Department of Public Safety and the Department of Public Works, suspend the use of loading zones authorized under Chapter 621 during a licensed special event. The license administrator shall notify the owner or operator of the suspension in writing.

(b) Notwithstanding any other provision of this Code, the license administrator may, upon consultation with the Department of Public Safety and the Department of Public Works, authorize the bagging, blocking, or other use of parking meters in the City during a licensed special event. All applicable fees for the bagging, blocking, or use of parking meters shall be paid in the amount provided in Section 131-501 of the Code and deposited into the parking meter fund. The applicant or other entity responsible for the special event shall pay all parking charges set forth in Section 621-225 of this Code associated with the use of parking meters, unless such charges are waived by the parking meter concession agreement, as defined in Section 621-100 of this Code, or are waived in accordance with the procedure and policy set forth in the operations plan required by the parking meter concession agreement.

(c) Notwithstanding any other provision of this Code, the license administrator may, upon consultation with the Department of Public Safety and the Department of Public Works, authorize the temporary suspension, closing, or creation of any taxicab stands within the designated special event zone or clean zone during a licensed special event. Any temporarily suspended stands will be automatically reinstated and temporarily created stands will cease to exist after the duration of the licensed special event.

(d) Notwithstanding any other provision of this Code, the license administrator may, upon consultation with the Department of Public Safety and the Department of Public Works, authorize the temporary creation or use of traffic lanes expressly reserved for the use of municipal vehicles and vehicles licensed under this Chapter within the designated special event zone or clean zone during a civic sponsored special event. Any temporary created or used lanes will automatically revert to their normal operation upon the expiration of the licensed special event.

(e) Notwithstanding any other provision of this Code, the license administrator may authorize the temporary removal or relocation of individual newsracks placed in the public right-of-way according to Chapter 645 of the Code during a civic sponsored special event. Any individual modular newsracks temporarily removed or relocated will be reinstated after the designated duration of the licensed special

event. The owner of any individual modular newsracks requiring temporary removal or relocation shall be moved by the owner of such newsrack.

(f) Notwithstanding any other provision of this Code, the license administrator may authorize the placing of temporary signage upon litter receptacles during a civic sponsored special event.

(g) Notwithstanding any other provision of this Code, the license administrator may authorize the creation and use of temporary residential parking areas within a special event zone or clean zone during a civic sponsored special event for the purposes of providing adequate residential parking for neighborhoods or for public safety purposes within the special event zone. Any temporary residential parking areas will cease to exist after the duration of the special event.

## ARTICLE II. LIMITED DURATION LICENSE

### Sec. 986-201. License required.

(a) Notwithstanding any other provision of this Code, the following activity shall be permitted within the special event zone boundaries during a civic sponsored special event, provided that a limited duration license is first issued by the bureau of license and permit services:

- (1) The outdoor sale or distribution of any marketing or promotional items, merchandise, food, frozen food, flowers, or souvenirs from a fixed or mobile location on public or private property, except any of the described merchandise sold or distributed in the ordinary course of business by a retail establishment in continuous operation for more than thirty (30) days prior to the start of a licensed special event;
- (2) The distribution, giving away, or providing for free any type of product, service, or coupon on public or private property (otherwise referred to as "sampling");
- (3) The erection of temporary signage or other displays, including but not limited to inflatables, cold air balloons, banners, pennants, flags, building wraps, A-frame signs, T-frame signs, projected image signs, electronic variable message signs, and light emitting diode signs. Mobile advertising signs shall not be permitted under this provision;
- (4) The construction, placement, occupation, or use of any temporary structure (including but not limited to temporary retail locations, tents, canopies, and air-supported, air-inflated, and tensioned membrane structures) on any public or private area;
- (5) The occupation or use of any structure that had previously been vacant for a period of not less than thirty (30) days prior to the scheduled start of the licensed special event;
- (6) Any activity not otherwise listed for which a license under Title IV of this Code would otherwise be issued, except for transient merchant activity under Chapter 987 of the Code that is only occurring during the special event and within the special event zone;
- (7) The use of any temporary transportation route or taxi stand within the designated special event zone boundaries by a vehicle transporting passengers for a fare or predetermined rate;
- (8) The parking of vehicles on residential property on areas other than a driveway, parking pad, or other area meant for the parking of vehicles, for which a fee is paid by the person using such services; or
- (9) The erection or placement of a mobile wireless communication facility.

(b) For a special event licensed under this Chapter that is not a civic sponsored special event, the following activity shall be permitted within the special event boundaries, provided that a limited duration license is first issued by the bureau of license and permit services:

- (1) The outdoor sale or distribution of any marketing or promotional items, merchandise, food, frozen food, flowers, or souvenirs from a fixed or mobile location on public or private property, except

any of the described merchandise sold or distributed in the ordinary course of business by a retail establishment in continuous operation for more than thirty (30) days prior to the start of a licensed special event;

- (2) The use of any temporary transportation route or taxi stand within the designated special event zone boundaries by a vehicle transporting passengers for a fare or predetermined rate; and
- (3) The erection of a temporary banner sign for the purposes of advertising the licensed special event in an area near or adjacent to the identified special event zone.

**Sec. 986-202. Fee.**

(a) The fee for a limited duration license shall be as provided in Section 131-501 of the Code. Any applicant holding a license issued under Title IV of the Code for a continuous period of more than ninety (90) days, however, shall be exempt from paying the limited duration license fee.

(b) For an event that is focused on a specific commercial activity (including but not limited to the sale of art, food, or merchandise), a limited duration license shall not be required for vendors solely engaged in selling or distributing that particular commercial product. All vendors not solely engaged in the sale or distribution of that particular commercial product, however, will be required to obtain a limited duration license to sale or distribute other commercial products, goods, or services. The license administrator shall have the discretion to determine the products, if any, that do not require a limited duration license for a specific event.

**Sec. 986-203. Licensure within the special event zone and the clean zone.**

(a) Any license applicant seeking a license to operate under Section 986-201 of the Code within a special event zone only may be issued a limited duration license by the bureau of license and permit services. Such determination will be made by the license administrator in consultation with the event sponsor. The license administrator shall have the ability to exclude license categories or types upon request of the event sponsor.

(b) In addition to the requirements of subsection (a) above, any license applicant seeking a license to operate within a designated clean zone may be issued a limited duration license by the bureau of license and permit services and shall be subject to approval by the event sponsor.

(c) All limited duration licenses issued pursuant to this Chapter shall not eliminate the requirement for the license applicant to obtain any necessary permit required under Chapters 536, 645, or 730 of the Code.

(d) Notwithstanding any other provision of the Code, limited duration licenses for any temporary activity identified in this Chapter, as well as any outdoor commercial amusements and recreation, outdoor retail sales, and outdoor cafes shall be permitted in the Central Business District, commercially zoned areas, and industrially zoned areas without requiring Regional Center approval from the Department of Metropolitan Development.

**Sec. 986-204. General operating requirements for limited duration licenses.**

(a) During the duration of a licensed special event, no part of any licensed vendor's facilities shall be located within the following:

- (1) Fifteen (15) feet from the entrance or exit of any existing building;
- (2) One hundred (100) feet or more from the customer entrance of any establishment selling like goods;
- (3) Fifteen (15) feet of any bus loading zone;
- (4) Ten (10) feet of any sidewalk elevator;

- (5) Six (6) feet of any sidewalk grate;
- (6) Six (6) feet of any building standpipe or building hydrant, unless the state fire marshal or his or her designee determines upon inspection that access to the standpipe or hydrant is not impeded by the temporarily erected facilities; and
- (7) Five (5) feet of any taxi stand area, bus stop, crosswalk, driveway, alleyway, or access ramp.

(b) Facilities erected or operated by a licensee shall not reduce or otherwise negatively affect compliance of public areas with the Americans with Disabilities Act of 1990 (as amended).

(c) Any licensees shall remove, lock, or otherwise secure all facilities, equipment, and goods that are susceptible to movement by the elements or unauthorized persons.

(d) All licensees shall provide necessary resources, including but not limited to trash receptacles, to ensure that any public right-of-way or other public places are not littered as a result of their operations.

(e) The license administrator shall have the discretionary authority to approve, in writing, any variance from the restrictions identified above.

(f) Limited duration licenses shall be valid for a period not to exceed sixty (60) days for civic sponsored special events and a period not to exceed thirty (30) days for special events.

**Sec. 986-205. Operating requirements for specific license types.**

- (a) Limited duration licenses may only be issued pursuant to the restrictions provided in this section.
- (b) *Temporary signs.*
  - (1) All temporary signs shall refer to the event underlying the licensed civic sponsored special event or be affixed with an official emblem of said event.
  - (2) Temporary sign area shall not exceed the actual façade of the structure to which the temporary sign is affixed.
  - (3) Temporary signs will not be permitted on buildings that are abandoned, vacant, or declared unsafe by either Chapter 537 of the Code or IC 36-7-9.
  - (4) Temporary signs will not be permitted on buildings or structures whose property taxes show a balance past due at the time of application.
  - (5) License applicants must deposit funds or provide a bond of an amount to be determined by the license administrator that is sufficient to cover the cost of removal of the licensed temporary sign in the event that such sign is not removed within seven (7) calendar days after the completion of the designated civic sponsored special event. Deposited funds will be returned to licensees whose signs are removed within such seven (7) day period. Any temporary sign still in place after the expiration period will be considered an illegal sign, subject to citation and removal by the city, with the licensee or property owner to be responsible for the costs of such removal.
  - (6) Temporary signs that are attached or suspended from a building, and that are constructed of cloth or other combustible material, shall be constructed in an approved manner and securely supported.
  - (7) Signs that are to be attached to a structure within an existing historic district under the jurisdiction of the Indianapolis Historic Preservation Commission must first obtain approval from the Commission regarding the manner and method by which such signs are attached to the building.
  - (8) Projection type or light emitting diode signs must be directed away from and not negatively affect or disrupt neighboring hotels or residential buildings.

(9) Temporary signs shall be permitted on any permanent fixtures within the right-of-way, such as litter receptacles, utility poles and cabinets, benches and structures located at bus stops, and modular newsracks. Signs that are attached to the right-of-way must be erected or placed in a manner approved by the Department of Public Works. Signs that are placed or laid on any sidewalk, street, or alley must be constructed of an approved material designed to prevent unstable footing in the event of precipitation. Signs placed or laid on any sidewalk, street, or alley must not be of a size larger than four (4) feet by four (4) feet.

(10) A-frame or T-frame signs shall meet the following provisions:

- a. Only one such sign shall be permitted for each building entrance;
- b. Such sign erected in front of a building shall be within twenty (20) feet of the building entrance;
- c. Such signs shall be no larger than eight (8) square feet and shall not exceed four (4) feet in height, including the base of the sign;
- d. Such signs shall remain five (5) feet or more from the curb of a public street and shall leave five (5) or more feet of effective walkway width unobstructed; and
- e. Such signs shall be removed whenever the adjacent business is closed.

(11) Pedestrian information signs may be located on a sidewalk, street, alley, or other public place so long as eight (8) or more feet of effective walkway width remains available to passersby.

(c) *Temporary structures.*

(1) All erected structures shall be subject to the provisions of Chapter 536 of the Code.

(2) All tents erected pursuant to this Chapter shall meet the following requirements:

- a. Tents shall be frame, self-supporting style tents that shall comply with the applicable portions of building and fire codes adopted by the State of Indiana; and
- b. Exterior signs may be permitted on tents within a special event zone or a clean zone, subject to the approval of the event sponsor and the issuance of a separate limited duration license by the bureau of license and permit services.

(3) Any temporary structure or tent that is to be attached to a structure within a historic district under the jurisdiction of the Indianapolis Historic Preservation Commission must first obtain approval from the Commission regarding the manner and method by which temporary structure or tent is attached to the building.

(d) *Vacant structures.*

(1) All vacant structures used as temporary sites for entertainment programming, the sale and service of food and beverages, and the sale of merchandise must comply with Chapter 536 of the Code, applicable portions of building and fire codes adopted by the State of Indiana, and applicable health codes.

(2) All vacant structures used for the purposes described above must be inspected by the Department of Code Enforcement Division of Inspections and the Department of Public Safety prior to occupancy, if required by the applicable building and/or fire codes.

(3) No physical alteration, repair or removal of building elements on the exterior of a vacant structure within a historic district under the jurisdiction of the Indianapolis Historic Preservation Commission may be undertaken without first being granted approval by the Commission. This includes, but is not limited to, painting, reglazing, replacing windows or doors, masonry or wood repairs, and removing or replacing light fixtures.

(e) *Temporary transportation routes and taxi stands.*

- (1) All vehicles using any temporary transportation route or taxi stand located within a special event zone must first pass an inspection conducted by the Department of Code Enforcement Division of Inspections to ensure the safety of the vehicle's operation. Any vehicle currently licensed by the city as a public vehicle for hire under Chapter 996 of the Code or by a state regulatory agency shall not require inspection.
- (2) All vehicles using any route or stand described above shall provide the bureau of license and permit services with a copy of any fare schedule to be used during the duration of the special event.

**Sec. 986-206. License applications; attachments; insurance.**

(a) All applications submitted for a limited duration license under this chapter shall contain the following information:

- (1) The applicant or applicant's company name;
- (2) The applicant's proposed location of operation;
- (3) Identification of the type of activity for which a license is requested;
- (4) Indication of whether a temporary structure, such as a tent or stage, is needed for the activity;
- (5) Identification of the type of items will be served or sold; and
- (6) Any other information required by the license administrator.

(b) All completed applications shall be accompanied by the documentation provided in this subsection.

- (1) *Insurance.* The following insurance shall be required:
  - a. Two hundred thousand dollars (\$200,000) for general and aggregate coverage;
  - b. One hundred thousand dollars (\$100,000) for property damage; and
  - c. Workmen's compensation insurance as required by the State.

The City of Indianapolis shall be named as an additional insured on all policies issued for activities that will occur within a designated clean zone or special event zone.

- (2) A fully dimensional drawing shall be required, including but not be limited to, floor plans, a site plan to scale showing the property lines of the site, existing structures and paved areas, sidewalks, rights-of-way, the location of any proposed temporary structures, and any other information as required by the license administrator.

**Sec. 986-207. General and specific criteria for limited duration license approval.**

Except as otherwise provided in this chapter, applications for a limited duration license shall be evaluated by the license administrator based upon the following criteria:

- (1) Whether the proposed use is one consistent with and authorized by this chapter;
- (2) Whether the ingress and egress to the property, structure, and uses therein are adequate, with particular reference to pedestrian safety and convenience, traffic flow and control, and emergency access;

- (3) Whether the location, scale, design, and screening of refuse and the manner in which refuse is to be stored or collected is adequate;
- (4) Whether the number, size, character, location, and orientation of the proposed lighting for premises is sufficient, with particular reference to traffic safety, glare, and the compatibility and harmony with adjoining and nearby property and the character of the area;
- (5) Whether the availability and capacity of the utilities required, with particular reference to the location of connections and potentially adverse appearance on other adjoining and nearby property and character of the area are adequate;
- (6) Whether the adequacy of the on-site drainage, with particular reference to the effect on adjoining and nearby properties or on the general drainage systems in the area is adequate;
- (7) Whether the number of sanitary service facilities required for the size of the crowd expected and the number of accessible facilities required under the Americans with Disabilities Act is sufficient;
- (8) Whether the potentially adverse effects generally on the nearby properties, the area, and the neighborhood caused by the issuance of the limited duration license and the specific activity involved would be inimical to the public health, safety, and welfare; where such potentially adverse effects are found, consideration shall be given to special remedial measures appropriate in the particular circumstances of the case, including screening or buffering, hours of operation, alteration of proposed layout, or other such measures as required to assure that such potentially adverse effects are compatible and harmonious with other development in the area; and
- (9) Whether, upon consultation with the Department of Public Safety or the Department of Public Works, the effect of the proposed licensed activity would constitute a public safety risk or significantly impair the availability of municipal resources.

**Sec. 986-208. Display of license.**

Throughout the duration of a limited duration license's valid duration, each license holder shall display the license in a conspicuous location for public view as a means of identification. It shall be unlawful for a limited duration license holder to fail to display the license. Each day a violation of this section continues shall constitute a separate offense. Failure to display a license as directed may also serve as cause for the license administrator to suspend or revoke a limited duration license according to the provisions of Chapter 801 of the Code.

**ARTICLE III. PARADES**

**Sec. 986-301. Definition.**

As used in this article, *parade* shall mean any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or rallies or demonstrations, or any similar display, in or upon any street, partial street, sidewalk, alley park, or other outdoor place owned or under the control of the city. Funeral processions, lawful picketing in a labor dispute or orderly processions on the sidewalks that do not violate the provisions of this Code or other city ordinances, and governmental agency acting within the scope of its functions are expressly excluded from this definition and licensure by the bureau of license and permit services.

**Sec. 986-302. Public conduct during parades.**

(a) *Interference.* No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or parade assembly or with any person, vehicle, or animal participating or used in a parade.

(b) *Driving through parades.* No driver of any vehicle shall drive between the vehicles or persons comprising a parade when the vehicles or persons are in motion and are conspicuously designated as a parade. Exception to this provision shall be made for any vehicle under the control or direction of an officer of the Department of Public Safety.

(c) *Parking on parade route.* The license administrator shall, upon consultation with the Department of Public Safety, have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway, street, alley, parking lot, or part thereof, constituting a part of the route of a parade or adjoining routes or areas deemed critical to the parade. Officers of the Indianapolis Metropolitan Police Department shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

**Sec. 986-303. Application.**

In addition to any application requirements in Articles I and II of this Chapter, the following information shall be included in an application for a special event license including a parade:

- (1) The proposed date when the parade is to be conducted;
- (2) The proposed route to be traveled, including the starting and termination point;
- (3) The approximate number of persons who, and animals and vehicles that, will constitute such parade;
- (4) The type of animals and description of vehicles, if any, to be used in the parade;
- (5) The hours when the proposed parade will start and terminate;
- (6) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
- (7) The location of any assembly or staging areas for the parade;
- (8) The time at which units of the parade will begin to assemble at any such assembly or staging areas; and
- (9) Any additional information as required by the license administrator.

**Sec. 986-304. Criteria for special event license issuance specific to parades.**

The bureau of license and permit services shall issue a special event license for a license including a parade when, from a consideration of the application and upon consultation with the Department of Public Safety, and from such other information as may be obtained, shall find that:

- (1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (2) The conduct of the parade will not require the diversion of so great a number of Indianapolis Metropolitan Police Department officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;
- (3) The conduct of the parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed route and areas contiguous thereto;
- (4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- (5) The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;
- (6) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;

- (7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;
- (8) The parade is not to be held for the sole purpose of advertising or promoting any commercial entity, its product or services, goods or event, and is not designed to be held purely for private profit; however, the prohibition against advertising or promoting any commercial entity, its product or services, goods or event shall not apply to signs identifying organizations or sponsors officially supporting the event, furnishing or sponsoring floats, or transportation for the parade; or
- (9) The parade will not conflict with another licensed special event.

**Sec. 986-305. Designated parade route.**

(a) Except where the applicant for a parade permit demonstrates to the satisfaction of the license administrator, upon consultation with the Department of Public Safety and the Department of Public Works, that there are factors requiring an exception, all parades shall confine themselves to and follow this designated route: South on Pennsylvania Street from Saint Clair Street to Ohio Street; west on Ohio Street from Pennsylvania Street to Meridian Street; and north on Meridian Street from Ohio Street to Saint Clair Street.

(b) Except where the license administrator, upon consultation with the Department of Public Safety and the Department of Public Works, determines that special circumstances make it unnecessary, traffic shall be excluded (during the time reserved for a parade) from the streets and alleys located within the area encompassed by Illinois Street on the west, Market Street and Monument Circle on the south, Delaware Street on the east, and Twelfth Street on the north. Provided, that traffic shall not be excluded from Illinois Street, Market Street, Monument Circle, Delaware Street, Twelfth Street, Eleventh Street or Interstate 65.

(c) Other provisions of this article notwithstanding, the license administrator, upon consultation with the Department of Public Safety and the Department of Public Works, may issue a permit and designate a parade route that includes Monument Circle for parades that have the ability to offer and deliver a split television feed for international distribution.

**ARTICLE IV. ENFORCEMENT AND PENALTIES**

**Sec. 986-401. Violations; remedies.**

(a) A person who violates any provision of this Chapter shall be punishable as provided in Section 103-3 of the Code. Upon order of a court of competent jurisdiction, inspectors from the Department of Code Enforcement or officers from the Indianapolis Metropolitan Police Department shall have the authority to seize and impound any and all tangible property related to non-licensed activity occurring during a civic sponsored special event.

(b) Any person engaged in the selling or distributing of illegal, non-licensed, or unauthorized merchandise, regardless of whether said person has received a license under this Chapter, shall be subject to the immediate impoundment of said merchandise. Any Indiana Law Enforcement Academy certified officer employed by the event sponsor for copyright and merchandising purposes shall be authorized to inspect the merchandise of licensed entities related to copyright infringement and trademark violation.

(c) It shall be the duty of the Department of Code Enforcement Division of Inspections and the Indianapolis Metropolitan Police Department to enforce the provisions of this Chapter. Both entities shall have the right to inspect the facilities, equipment, vehicle, or merchandise of any person or entity licensed under this Chapter.

SECTION 8. Section 987-102 of the "Revised Code of the Consolidated City and County" regarding transient merchant activity hereby is amended by the deletion of the language that is stricken-through, and the addition of the language that is underlined, to read as follows:

**Sec. 987-102. License required; fee; exempt activities.**

(a) It shall be unlawful for a person to engage in transient merchant activity in the city without first having obtained a license therefor from the license administrator. The annual fee for registration of transient merchant activity shall be provided in section 131-501 of the Code.

(b) Notwithstanding the provisions of subsection (a) of this section, a person is not required to obtain a license under this article if the person's transient merchant activity consists solely of the following:

- (1) Transient merchant activity that is authorized by a license obtained under this article by another person;
- (2) The operation of a licensed vendor cart, any other activity authorized under Chapter 961 of the Code, or any activity associated with an encroachment license issued under Chapter 645 of the Code;
- (3) The operation of a food vending vehicle that meets the requirements of section 611-501 et seq. of the Code;
- (4) The sale of goods or services to benefit a charitable cause, organized and conducted by an organization that is exempt from the Indiana gross retail tax under IC 2.5-5-26, provided that:
  - a. The sale of goods or services occurs for no more than thirty (30) days in a calendar year;
  - b. No more than two (2) persons engage in the sale of goods or services at any one (1) outdoor sales location; and
  - c. Each person who engages in the sale of goods or services has in his or her possession a card or letter that identifies that person as being authorized by the organization to engage in such sales;
- (5) A garage sale, as provided under Article II of this chapter;
- (6) An auction of goods or services that originate primarily on the property where the auction occurs, and that were not moved to the property from another location for the purpose of sale at the auction, conducted by an auctioneer licensed under IC 25-6.1;
- (7) The sale of goods or services on commercial property that occurs during the regular hours of operation of the business located on the property; ~~or~~
- (8) The sale of newspapers; or
- (9) The transient merchant activity is occurring during a special event within a special event zone and the person or entity engaging in such activity has obtained a limited duration license from the bureau of license and permit services pursuant to Chapter 986 of the Code.

(c) If the transient merchant activity described in subsections (b)(4) and (b)(7) of this section occurs on private property, it shall not be exempt from the license requirement unless the person engaged in the transient merchant activity has written consent, dated and signed by the property owner, to use the property.

SECTION 9. Section 131-501 of the "Revised Code of the Consolidated City and County" regarding the schedule of license and permit fees hereby is amended by the deletion of the language that is stricken-through and by the addition of the language that is underscored, to read as follows:

**Sec. 131-501. Schedule of license and permit fees.**

The following fees are established for their respective licenses and permits issued by the city or county.

<i>Code Section</i>	<i>License or Permit</i>	<i>Fee</i>
441-364	Operation of certain trucks on certain streets	\$162.00
536-211	Transfer of building permit	\$48.00
536-602	Construction or placement of, or additions to, Class 2 structures for a primary Class 2 structure	For structures less than or equal to 1,000 square feet, a minimum fee of two hundred and seventeen dollars (\$217.00); for each additional 500 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply. Square feet calculation shall include the area of an attached garage or carport and the area of a finished basement or attic, but exclude the area of an unfinished basement or attic
536-602	Accessory Class 2 structure appurtenant to a primary Class 2 structure	For accessory structures less than or equal to 200 square feet a fee of forty-two dollars (\$42.00). For accessory structures greater than 200 square feet and less than or equal to 1,000 square feet, a minimum fee of one hundred and ninety-three dollars (\$193.00); for each additional 500 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-602	Construction or placement of, or additions to, Class 1 structures	For structures less than or equal to 2,500 square feet, a minimum fee of three hundred and fifty-one dollars (\$351.00); for each additional 1,000 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-603	Remodeling, alteration, or repair of Class 2 structures; provided, however, that when remodeling, alteration, or repair of a Class 2 structure is accomplished at the same time as an addition to an existing structure, a single permit fee shall be determined according to section 536-602	For structures less than or equal to 1,000 square feet, a minimum fee of one hundred and fifty-nine dollars (\$159.00); for each additional 500 square feet, an additional fee of thirty-nine dollars (\$39.00) shall apply
536-603	Remodeling, alteration, or repair of Class 1 structures	For structures less than or equal to 2,500 square feet, a minimum fee of two hundred and fifty-seven dollars (\$257.00); for each additional 1,000 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-604	Installation of a plumbing system in a new Class 2 structure	For structures less than or equal to 2,500 square feet, a minimum fee of one hundred and eighty-five dollars (\$185.00); for each additional 500 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-604	Installation or alteration of a plumbing system in a Class 1 structure	For the first ten (10) fixtures installed, a minimum fee of one hundred and eighty-two dollars (\$182.00); for each additional five (5) fixtures, an additional fee of twenty-three dollars (\$23.00) shall apply
536-604	Alteration, repair or replacement of plumbing in an existing Class 2 structure	For structures less than or equal to 1,000 square feet, a minimum fee of one hundred and fifty-three dollars (\$153.00); for each additional 500 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply

536-604	Initial connection or reconnection of plumbing to a structure that has been removed from one (1) location and is being placed at another location or to a factory constructed building	\$134.00
536-605	Installation of an electrical power distribution system in a new structure or in an addition to an existing structure other than a Class 2 structure	For structures less than or equal to 2,500 square feet, a minimum fee of two hundred and two dollars (\$202.00); for each additional 1,000 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-605	Repair, alteration or remodeling of an electrical power distribution system in an existing structure, or in an addition to a Class 2 structure	For structures less than or equal to 1000 square feet, a minimum fee of one hundred and sixty-nine dollars (\$169.00); for each additional 500 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-605	Installation or replacement of space heating equipment using electricity as its primary source of energy	For structures or affected areas less than or equal to 10,000 square feet, a minimum fee of one hundred and forty-six dollars (\$146.00); for each additional 2,500 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-605	Installation or replacement of space cooling equipment using electricity as its primary source of energy	For structures or affected areas less than or equal to 10,000 square feet, a minimum fee of one hundred and forty-six dollars (\$146.00); for each additional 2,500 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-605	Installation or replacement of combined space heating and space cooling equipment using electricity as their primary source of energy	For structures or affected areas less than or equal to 10,000 square feet, a minimum fee of one hundred and seventy-eight dollars (\$178.00); for each additional 2,500 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-605	Initial connection or reconnection of electrical power to a structure that has been removed from one (1) location and is being placed at another location or to a factory constructed building	\$89.00
536-605	Installation, alteration, replacement or repair of a system distributing electrical power to service equipment supplying power to manufactured home located in a manufactured home park	\$498.00
536-605	Obtaining each "electrical craft work certificate of compliance" form, as allowed in subsection 536-404(b)	\$22.00
536-606	Installation, replacement, or addition of a heating system, space heating equipment or other types of heating transfer, or installation, replacement, alteration, or addition of duct work only	For structures or affected areas less than or equal to 2,500 square feet, a minimum fee of one hundred and fifty-three dollars (\$153.00); for each additional 1,000 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply

536-606	Installation, addition or replacement of a cooling system, space cooling equipment, or other types of cooling transfer, or installation, replacement, alteration, or addition to duct work only	For structures or affected areas less than or equal to 2,500 square feet, a minimum fee of one hundred and fifty-three dollars (\$153.00); for each additional 1,000 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-606	Installation, replacement, or addition of combined heating systems and cooling systems, combined space heating equipment and space cooling equipment, or other types of heating or cooling transfer, or installation, replacement, alteration, or addition of duct work only	For structures or affected areas less than or equal to 2,500 square feet, a minimum fee of one hundred and eighty-five dollars (\$185.00); for each additional 1,000 square feet, an additional fee of twenty-three dollars (\$23.00) shall apply
536-606	Refrigeration equipment	\$156.00
536-607	Demolition or removal of primary Class 2 structures located on the same premises	\$127.00
536-607	Demolition or removal of accessory Class 2 structure	\$94.00
536-607	Demolition or removal of Class 1 structures with ground floor area of less than two thousand and five hundred (2,500) square feet	\$141.00
536-607	Demolition or removal of Class 1 structures with ground floor area equal to or greater than two thousand and five hundred (2,500) square feet, but less than five thousand (5,000) square feet	\$199.00
536-607	Demolition or removal of Class 1 structures with ground floor area equal to or greater than five thousand (5,000) square feet, but less than ten thousand (10,000) square feet	\$231.00
536-607	Demolition or removal of Class 1 structures with ground floor area equal to or greater than ten thousand (10,000) square feet	\$292.00
536-607	Demolition or removal of smokestacks, aboveground storage tanks, overhead hoppers, or other similar structures	\$296.00
536-608	Master permit	The sum of the applicable fees
536-609	Administrative fee	\$215.00
536-610	General service activity permit fee	\$89.00
536-612	General construction permit, where not specified by chapters 536 or 131 of this code	\$170.00 for Class 1 structures; and \$141.00 for Class 2 structures
536-615	Amendment of a building permit that requires submittal of additional plans	\$101.00
536-616	Building permit renewal after expiration	\$56.00

536-619	Additional service fee for applying for all demolition, master, sign, structural, and infrastructure related permits	\$32.00
536-620	Plan review of a primary or accessory Class 2 structure. Review includes appropriate structural and mechanical plan review	Eighty-five dollars (\$85.00) for structures less than 1,000 square feet. For each additional 500 square feet an additional fee of twenty-one dollars (\$21.00)
536-620	Plan review of Class 1 structures. Review includes appropriate structural and mechanical plan review	Three hundred and forty-six dollar (\$346.00) initial fee; review time in excess of three (3) hours shall be billed at a rate of ninety-one dollars (\$91.00) per hour in addition to the initial fee
536-620	Accelerated plan review of Class 1 structures. Review includes appropriate structural and mechanical plan review	\$316.00 per hour
575-7	Administrative fee for abatement of environmental public nuisance	\$288.00
601-8	Operation of sanitary landfill	\$437.00
645-548	Transfer of right-of-way overhead or subsurface use permit	\$48.00
645-579	Encroachment	\$360.00
671-22	Extension, amendment, or transfer of sewer connection permit	\$56.00
671-122	Private disposal facility	\$100.00
671-159	Extension of sanitary sewer construction permit	\$56.00
671-167	Amendment of sanitary sewer construction permit	\$56.00
671-170	Transfer of sanitary sewer construction permit	\$56.00
801-310	Administrative fee – licensing	\$215.00
807-203	Adult entertainment business	\$377.00
811-213	Alarm business	\$250.00
831-2	Amusement location	\$207.00
836-2	kennel, pet shop, or stable	\$200.00
845-105	<u>Ticket broker</u>	<u>\$57.00</u>
875-701	New listing or license for a sole proprietor, partnership or corporation as a general contractor, or for licensing a person, sole proprietor, partnership or corporation as an electrical contractor, heating and cooling contractor or wrecking contractor	\$247.00 for a business entity; and \$377.00 for an individual
875-701	Renewal of a listing or license for a sole proprietor, partnership or corporation as a general contractor, or for licensing a person, sole proprietor, partnership or corporation as an electrical contractor, heating and cooling contractor or wrecking contractor	\$247.00

875-701	Registration of state licensed plumbing contractors who are sole proprietors, and individuals within a corporation who are eligible to secure permits	\$142.00
875-701	Additional names of persons eligible to secure permits for a contractor	\$63.00
881-7	Dance permit	\$209.00
881-7	Annual dance license	\$335.00
886-8	Fire extinguisher service company	\$207.00
895-1	Horse-drawn carriage	\$105.00
901-3	Hotel	\$291.00
903-102	Pedal cabs	\$70.00
909-103	Lobbyist	\$100.00
911-6	Massage parlor, bathhouse, escort service, body painting studio or nude modeling studio	\$319.00
911-6	Massage therapist, escort, body painting model or nude model	\$103.00
931-201	Commercial parking facility	\$207.00
936-2	Public pay telephone	\$81.00
951-104	Pawnbroker	\$320.00 for each place of business of licensee
951-404	Dealers in salvage or scrap metal	\$568.00 for each place of business of licensee
955-1	Trash hauling	\$286.00
961-204	Vendor cart in franchise zone or commercial franchise zone	\$99.00
961-209	Vendor cart transfer	\$69.00
961-303	Vendor cart franchise zone drawing	\$40.00
961-503	<del>Special event — application fee</del>	<del>\$32.00</del>
961-503	<del>Special event</del>	<del>\$25.00</del>
961-503	<del>Special event requiring fire department personnel or apparatus</del>	<del>\$100.00</del>
986-103	<u>Special event fee – 250 to 2,500 attendees</u>	<u>\$75.00, or \$175.00 if the special event requires fire department personnel or apparatus</u>
986-103	<u>Special event fee – Over 2,500 attendees</u>	<u>\$268.00, or \$368.00 if the special event requires fire department personnel or apparatus</u>
986-202	<u>Limited duration license without inspection</u>	<u>\$75.00</u>
986-202	<u>Limited duration license with inspection</u>	<u>\$139.00</u>
987-102	Transient merchant	\$121.00
995-201	Tow business	\$145.00, and \$21.00 for every five (5) tow truck operators employed or contracted by the licensee
996-25	Taxicab operator	\$59.00
996-47	Public vehicle for hire – per vehicle	\$208.00

SECTION 10. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings

begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 11. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 12. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this \_\_\_\_\_ day of \_\_\_\_\_, 2011, at \_\_\_\_\_ p.m.

ATTEST:

\_\_\_\_\_  
Ryan Vaughn  
President, City-County Council

\_\_\_\_\_  
Melissa Thompson  
Clerk, City-County Council

Presented by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2011, at 10:00 a.m.

\_\_\_\_\_  
Melissa Thompson  
Clerk, City-County Council

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Gregory A. Ballard, Mayor