

Amusement & Entertainment Permits

IC 22-12-1-23 "Regulated place of amusement or entertainment"

Sec. 23. "Regulated place of amusement or entertainment" refers to the following:

- (1) A theater, opera house, movie theater, dance hall, night club with a stage or floor show, or another place that offers an amusement or entertainment to the public for consideration or promotional purposes.
- (2) A place where a boxing exhibition is conducted under the supervision of the state boxing commission.
- (3) A hall, gymnasium, or place of assembly where a school, college, university, social or fraternal organization, lodge, farmers organization, society, labor union, trade association, or church holds any type of amusement.
- (4) A public or private place where a regulated amusement device is operated.

As added by P.L.245-1987, SEC.1.

It must be understood by the user of this information that the purpose here is to discuss permit requirements only. Inspections will be covered separately.

Several definitions must be provided in order to fully understand the requirements of this statute. Please note that these definitions are limited to the purposes of this analysis.

Theater – A Use Group A-1 building or portion thereof with a legitimate stage or platform intended for the presentation of live performances before a live audience.

Opera House – A Use Group A-1 building or portion thereof with a legitimate stage intended for the presentation of live performances before a live audience. An orchestra pit is normally in front of the stage.

Movie Theater – A Use Group A-1 building or portion thereof where video images are presented upon a wall or screen before an audience. There may or may not be a platform or a legitimate stage.

Dance hall – A Use Group A-2 or A-3 building or portion thereof where live or recorded music is provided and the primary purpose in attending the facility is dancing.

Nightclub with a stage or floor show – A use group A-2 building or portion thereof with a legitimate stage or platform intended for live performances or recorded musical presentations are made to a live audience. This would include bars and taverns with live entertainment such as a band or comedic act; or recorded music is presented by a live person, to a live audience.

Regulated amusement device – See IC 22-12-1-19.1. The term includes the following:

- (1) An amusement ride.
- (2) A ski lift.
- (3) A passenger tramway.
- (4) An aerial tramway or lift.
- (5) A surface lift or tow.
- (6) A bull ride simulator.
- (7) A bungee jump facility.

The term does not include a passenger operated device or an inflatable amusement chamber.

ITEM 1 - A theater, opera house, movie theater, dance hall, night club with a stage or floor show, or another place that offers an amusement or entertainment to the public for consideration or promotional purposes.

The above definitions will serve to delineate the meaning of this item. The key items here are the facilities themselves, the intended function and being open to the public.

The following is a list of locations and/or events/activities which would require a permit:

- A theater where live performances or concerts are held.
- All movie theaters.
- Dance halls; be it Friday night clogging or Saturday evening square dancing.
- Night clubs with entertainment, this would include the dinner/theater establishments.
- Bowling alleys, indoor pools during 'free' swim, indoor golf, tennis, volleyball or other sports where a fee is charged. This would include park district leagues where a fee is charged to participate.
- Spectator race tracks, be it horses, dogs, cars, trucks, motorcycles, snowmobiles, aircraft and other such activities are regulated under the phrase 'or another place'. It would not include warm-up tracks or private facilities where the public is not invited.

The following is a list of examples of what are **NOT** included in this item.

- The use of any of the above facilities by a private group for any of the defined uses. This would include uses such as wedding receptions, birthday parties, company parties or private group functions.
- A lecture type scenario where the primary purpose is gain information from a speaker or speakers.
- A restaurant, bar or tavern with mood music such as mariachi singers or a musical instrument being played in the background.

- A restaurant, bar or tavern with any number of game machines such as pin ball, video games, pool tables, shuffleboard tables, bowling machines, air hockey or foose ball.

Please note that a restaurant, bar or tavern is not automatically included or excluded in this item. The need for a permit is based solely on the event providing amusement for consideration.

ITEM 2 - A place where a boxing exhibition is conducted under the supervision of the state boxing commission.

Any facility where the state boxing commission has sanctioned an event. This could be any type of building from an arena to an abandoned warehouse.

ITEM 3 - A hall, gymnasium, or place of assembly where a school, college, university, social or fraternal organization, lodge, farmers organization, society, labor union, trade association, or church holds any type of amusement.

This item discusses specific locations where specific groups hold amusement events. Please note that civic groups (Rotary, Kiwanis, Lions and others) are not in this group.

Example of what would be included here are:

- Pep rally's held in a school, college or university hall, gym or other assembly building.
- Special presentations by churches such as Easter or Christmas productions – these would be outside of the normal regularly scheduled services.
- Events such as bingo, raffles, card games or auctions held by any of the listed groups.
- A circus sponsored by a listed group.
- A haunted house sponsored by any of the listed groups.

Examples of what would **NOT** be included here include:

- Lectures or informational presentations made on behalf of the above groups.
- Regularly scheduled church services, weddings, funerals or the like, held at any of the listed facilities.

Please note that while schools holding an amusement are defined as regulated places of amusement by this section, they are exempted from the inspection and permitting requirements by IC 22-14-3.

ITEM 4 - A public or private place where a regulated amusement device is operated.

Any facility (public or private) which holds any function or as a part of its daily operation includes the operation of a regulated amusement device as defined above, a permit is required. This would include the mall, shop or shopping center with a carousel but does not include the 'kiddie' rides which may or may not be coin-operated.

Additional examples of what would not require a permit are:

- Private wedding receptions, anniversary parties, birthday parties, company holiday parties, family/school reunions or the like no matter where they are held.
- Poker runs sponsored by one or more restaurants, bars or taverns.
- Tournaments such as pool, shuffleboard, darts sponsored by a restaurant, bar or tavern.
- An arcade with pinball, video games or the like.
- Go-kart tracks – these are not a regulated amusement.

Please note that the statute does not specifically mention facilities such as restaurants, bars, taverns, sports bars, or the like. While a few of these have been mentioned above, their inclusion is based strictly upon the use of the facility at the time of the function.

EXAMPLE:

I rent Lucas stadium to hold my daughter's birthday party, I also hire the Indianapolis Symphony for background music and her favorite band Country Joe & the Fish for a special show.

- If this party is just for her guests, family and other invited dignitaries, it is not a regulated place of amusement.
- If we open it to the public it is a regulated place of amusement.
- If at the last minute I bring in a Ferris wheel and bumper cars for the guests, it now becomes a regulated place of amusement.