

Chapter 5.38

DANCEHALLS—PUBLIC, TEENAGE, OR CLUBS

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5.38.010 Definitions.

As used in this chapter:

A. “Public dance” means any dance to which the public generally may gain admission, with or without the payment of a fee, but shall not include any dance conducted on or in any public park, street or public grounds by permission of the manager and under the supervision of the city.

B. “Public dancehall” means any room, place or space in which a public dance is held or in which classes in dancing are held and instruction in dancing is given for hire.

5.38.020 License—Required—Exemptions.

It is unlawful to operate a public dancehall or conduct a public dance in the city without having first obtained a license therefor as required in this chapter; provided, however, that this chapter shall not apply to churches or charitable organizations where the returns or proceeds are used entirely for religious or charitable purposes.

5.38.030 License—Application—Issuance conditions.

A. Application for such licenses shall specify the location of the proposed dances and the person or organization sponsoring the same.

B. No license shall be issued to a person not of good moral character, or to a corporation or other organization which is not represented by a person of good moral character.

5.38.040 License—Application—Investigation.

It shall be the duty of the police department to make or cause to be made an investigation into the character of each applicant for license and report the results of such investigation to the manager.

5.38.050 License—Fees—Exempt activities.

The annual license fee for a public dancehall shall be as specified in the consolidated fee schedule, provided that any bar, cabaret or other business licensed elsewhere under these ordinances where dining is permitted shall be deemed exempt from the licensing requirements of this section. Except for bars, cabarets or other

business licenses deemed exempt hereunder, the fee imposed hereunder is in addition to any other license fees.

5.38.060 Hours of operation.

It is unlawful for any person to conduct a public dance or, having charge or control thereof, to allow or permit any such dance or dancing to be held between the hours of 1:00 a.m. and 7:00 a.m., MST, of the same day, or between the hours of 2:00 a.m. and 7:00 a.m., MST, of the same day when daylight savings time is in effect by law in the city; except that on New Year's Day, dancing shall not be allowed or permitted between the hours of 3:00 a.m. and 7:00 a.m., MST, of the same day.

5.38.070 Exit and lighting requirements.

It is unlawful to conduct a public dance in any hall or place which is not equipped with at least a minimum of two exits of four feet or more in width, and any such hall or place shall maintain throughout such premises and during business hours a constant minimum of one candlepower light, measured at a level of five feet above the floor.

5.38.080 Unlawful conduct.

It shall be grounds for license revocation to indulge in or permit any unlawful conduct at any public dance, or in any public dancehall.

5.38.090 Teenage dancehalls—Definitions.

As used in this chapter:

A. An "establishment" will be regarded to be designed or intended to attract or appeal to a teenage clientele when its name and decor, the type of music provided, and the form and content of its advertising, together with any other pertinent factors, indicate such attraction or appeal is the intent or the actual result thereof.

B. A public teenage "dancehall" or "club" is any room, house, building, structure or

place where dancing is permitted and public dancing is held, or in which classes in dancing are held and instruction is given for hire and which is designed or intended to attract or appeal to a teenage clientele, and to which admittance may be gained by teenage persons, with or without payment or admission.

C. "Teenage person" means persons between the ages of 15 and 19, inclusive.

5.38.100 License—Required.

It is unlawful to operate a public teenage dancehall or club in the city unless such hall or club is duly licensed as provided in this section. Any establishment seeking to obtain or maintain a license under the provisions of this section shall conform with all standards hereinafter enumerated.

5.38.110 License—Exemptions.

The provisions of this chapter shall not apply to dances, dancehalls or clubs conducted or sponsored by private or public schools, or by churches, for students or members or invited guests thereof, even though an admission fee is charged. All dances conducted in private homes on a private basis shall likewise be exempt from the provisions of this chapter.

5.38.120 License—Issuance conditions.

The police department shall examine and investigate all applicants and the premises to be licensed under this chapter. Following such initial examination, the recommendations of the police department shall be made in writing to the license official.

5.38.130 License—Fee.

The annual fee for a teenage dancehall or club shall be as specified in the consolidated fee schedule.

5.38.140 Hours of operation.

No establishment licensed under the provisions of this chapter shall be open later

than 11:30 p.m., nor later than 10:00 p.m. on Sunday through Thursday during the scheduled school year.

5.38.150 Supervision during operation.

All establishments required to be licensed under this chapter must be maintained under the direct control and supervision of responsible adults furnished by and at the expense of the management, such supervision to include not only the dancing area but all anterooms and parking lots of the establishment. There shall be at least one adult supervisor for every 50 persons or fractional part thereof in attendance.

5.38.160 Admittance—Age restrictions.

Admittance to dances held in the establishments licensed hereunder must be limited to those teenage persons, exclusive of supervisory personnel, between 15 and 19 years of age, inclusive.

5.38.170 Proof of age to be shown.

The age of any person seeking admittance to a public teenage dancehall or club shall be established by a showing of either a valid high school activity card or a driver's license, indicating the age of the owner to be within the provisions of section 5.38.160.

5.38.180 Pass-out and return checks prohibited.

No pass-out or return checks shall be issued for use by persons who leave the dance premises or any rooms thereof, and all persons leaving the dance premises or any rooms thereof must be required to pay the regular admission fee before being permitted to reenter the dance premises.

5.38.190 Lighting of premises and parking area.

All persons licensed pursuant to this section shall maintain throughout the licensed premises and during all hours of operation, a

constant minimum of one candlepower of light, measured at a level of five feet above the floor, and shall, in addition, provide for the adequate lighting of any parking area adjacent to the licensed premises.

5.38.200 Unlawful activities designated.

It is unlawful for any licensee under the provisions of this chapter to allow or permit on the licensed premises any lewd dress or act, or any conduct of a gross, violent or vulgar character.

5.38.210 Alcoholic beverages and tobacco prohibited.

There shall be no liquor, beer or tobacco sold, used or allowed to be consumed on the licensed premises or in its parking lot during operating hours.

5.38.220 Police department—Access for inspection.

The police department shall be permitted reasonable access to all premises licensed or applying for a license under this chapter, shall make periodic inspections of the premises after the licensing thereof, and shall report its findings to the license official.