

CHAPTER 52**PUBLIC DANCE HALLS**

52.01 SHORT TITLE. This Chapter may be known, referred to and cited as the "Dance Hall Ordinance".

52.02 DEFINITIONS. The following words and phrases, when used in this Chapter, shall, for the purposes of this Chapter, have the meanings respectively ascribed to them in this section:

1. "Application": means a formal written request for the issuance of a license, supported by a verified statement of facts.
2. "Good Moral Character": means a person who meets all of the following requirements:
 - A. Such person shall have such financial standing and be of such good reputation as will satisfy the Clerk that such person will comply with the provisions of this Chapter and all other laws and ordinances applicable to his operations.
 - B. Such person shall not possess a federal gambling stamp.
 - C. Such person shall not have been convicted of a felony or an indictable misdemeanor. However, such conviction shall not prevent the issuance of a license if (1) the conviction occurred more than five (5) years prior to the date of application for a license; (2) the rights of citizenship have been restored to such person; and (3) the Clerk determines that such person is of good moral character notwithstanding such conviction.

If such person is a corporation, firm, co-partnership or association, the foregoing requirements shall apply to each of the officers, directors, partners and general managers thereof and to any person who owns or controls ten (10) percent or more of the ownership or profits thereof.

3. "License": means a license by the Clerk authorizing the holding of the license to operate a public dance hall.
4. "Licensee": means the person to whom a license has been issued in accordance with the provisions of this Chapter.

5. "Open to the Public": means a place in or at which a public dance is conducted for, engaged in or performed by the general public and to which the general public is admitted or in attendance. The term "open to the public" shall not include the following:

A. A place that the general public is not free to enter and to which admission is restricted by reason of and to members of a club, fraternal organization, or religious or educational group;

B. A place where dancing is conducted for the primary purpose of instruction, where no one is permitted to dance except regularly enrolled students and employed instructors and where no beer is sold or available on or about the premises where the dancing is conducted.

6. "Premises": when applied to locations where public dancing is authorized by license, means all rooms or enclosures encompassed by such license.

7. "Public Dance Hall": means a place which is open to the public in or at which public dancing is conducted for, engaged in or performed by the general public and to which the general public is admitted or in attendance. The term "public dance hall" may include the following:

A. A place whose operator holds a license issued in accordance with the provisions of Code of Iowa Chapter 137A.

B. A place whose operator holds a license or permit issued in accordance with Chapter 26 of this Code and the provisions of Code of Iowa Chapter 123.

52.03 LICENSE REQUIRED. No person shall either operate a public dance hall or permit or allow a public dance to be conducted within the City unless such person holds a valid license issued in accordance with the provisions of this Chapter.

52.04 APPLICATION FOR LICENSE. An application for a license shall be filed with the Clerk and shall contain the following:

1. Name of Applicant. The full name of the applicant, other names by which the applicant has been known and the name of his spouse, if any.

2. Residence of Applicant. A list of the residences at which the applicant has resided in the five (5) years immediately preceding the date of the application and the length of time at each such residence.

3. **Citizenship.** A statement that the applicant is a citizen of the State of Iowa.
4. **Birth/Naturalization Date.** The place and date of birth of the applicant and, if the applicant is a naturalized citizen, the time and place of such naturalization.
5. **Location.** The location of the place or building where the applicant intends to operate.
6. **Building Owner.** The name of the owner of the place or building where the applicant intends to operate and, if the applicant is not the owner thereof, a statement that the applicant is the actual lessee thereof.
7. **Code Compliance.** A statement that the place or building where the applicant intends to operate conforms with all of the requirements of the Code of Iowa and the ordinances of the City applicable thereto and that the same is a safe and proper place or building.
8. **Seating Available.** A statement that the place or building where the applicant intends to operate is and will continue to be equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one time.

If the applicant is a corporation, firm, co-partnership or association, the requirements of subparagraphs 1 through 4, inclusive, as aforesaid, shall apply to each of the officers, directors, partners and general managers thereof and to any person who owns or controls ten (10) percent or more of the ownership or profits thereof. If the applicant is a corporation, the application shall contain a statement showing that the applicant is incorporated under the laws of the State of Iowa and is in good standing as of the date of the application.

52.05 MATERIAL TO ACCOMPANY APPLICATION. In addition to the foregoing, each application shall be accompanied by the following:

1. **Plot Diagram.** A diagram of the lot on which the place or building where the applicant intends to operate is located which shall show (1) the dimensions of the lot; (2) the location and identification of adjacent streets; (3) the location of adjacent sidewalks; (4) the location of access driveways; (5) front yard, side yard and rear yard dimensions as computed in accordance with the provisions of the Zoning Ordinance; (6) the location of any off-street parking facilities available to the applicant; and (7) the location and dimensions of all buildings and accessory structures located on the lot.
2. **Interior Diagram.** A diagram of the interior of the place or building where the applicant intends to operate which shall show (1) the location and dimensions of all rooms and enclosures in which the applicant intends to conduct public dances, (2) the

location and dimensions of any restroom, kitchen, storage area or other room or enclosure owned or leased by the applicant which will be used in conjunction with the premises for which the license is sought; and (3) the location of all exits available for use by the general public.

3. When Required. The foregoing requirements shall apply to all applications for new licenses and to all applications for renewal of licenses whenever any changes have been made in the place or building for which the renewal is sought which would require the issuance of a building permit under the provisions of the Building Code.

52.06 APPLICATION FOR LICENSE - BUILDING REQUIREMENTS. At the time an application for a license is filed, the place or building where the applicant intends to operate shall meet the following requirements:

1. Safety. The same shall conform to all of the requirements of the Code of Iowa and ordinances of the City applicable thereto and the same shall be a safe and proper place or building.

2. Church or School. If the place or building where the applicant intends to operate fronts on the same street as a church or school, said place or building shall be at least three hundred (300) feet from said church or school. If the place or building where the applicant intends to operate fronts on a different street than a church or school, said place or building shall be at least one hundred fifty (150) feet from said church or school. In determining the distances set forth herein, measurements shall be taken on a direct line from the nearest part of the place or building where the applicant intends to operate to the nearest part of the church or school.

3. Seating. The same shall be equipped with sufficient tables and seats to accommodate twenty-five (25) persons at one time.

4. Booths. All booths therein shall be entirely open at one side in such a manner as to afford a full view of the interior thereof, and the occupants therein, from any place in the room in which they are located. No booth structure shall exceed forty (40) inches in height.

5. Lighting. All premises on which beer is sold at retail or served shall be lighted so that all objects therein are plainly visible at all times. Minimum compliance with this section shall be an illumination of two (2) foot candles as measured by a foot candle meter at a plane of thirty (30) inches above the floor line.

52.07 INSPECTION FEE. Any person applying for a license shall pay to the Clerk, at the time the application is filed, an inspection fee. Such inspection fee under this Chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such inspection fee,

may from time-to-time, be amended by the Council by resolution. A copy of the resolution setting forth the currently effective inspection fee shall be kept on file in the office of the City Administrator, and be open to inspection during regular business hours. Payment of such inspection fee shall be by cash or by certified or cashier=s check payable to the City. In the event that a license is granted to the applicant, such inspection fee shall be credited to the license fee. In the event that a license is not granted to the applicant, such inspection fee shall not be refunded, but the same shall be credited to the general fund of he City to defray the cost of the inspections required hereunder.

52.08 INVESTIGATION. Before any application for a license is approved by the Clerk, the Clerk shall cause a thorough investigation to be made of the applicant, the statements made in the application and the place or building where the applicant intends to operate. Such investigation shall include, but not be limited to, the following:

1. Police Chief. A written report by the Chief of Police to the Clerk as to the background and reputation of the applicant, the truth of the statements made in the application, and the effect which the granting of a license would have on the welfare and morals of the City as a whole.
2. Fire Chief. A written report by the Fire Chief to the Clerk as to the results of his inspection of the place or building where the applicant intends to operate for compliance with the Fire Prevention Code.
3. Building Official. A written report by the Building Official to the Clerk as to the results of his inspection of the place or building where the applicant intends to operate for compliance with the provisions of the Building Code, Zoning Ordinance and this Chapter.
4. Plumbing Inspector. A written report by the Plumbing Inspector to the Clerk as to the results of his inspection of the place or building where the applicant intends to operate for compliance with the provisions of the Plumbing Code.
5. Electrical Inspector. A written report by the Electrical Inspector to the Clerk as to the results of his inspection of the place or building where the applicant intends to operate for compliance with the provisions of the Electrical Code.
6. Referred to Clerk. Such reports shall be furnished to the Clerk within fifteen (15) days following the filing of the application. The Clerk may order such further or supplemental reports as the Clerk deems necessary.

52.09 LICENSE - ACTION BY CLERK. The Clerk shall act on all applications for licenses within forty-five (45) days following receipt of the application. If the Clerk finds that all of the prescribed conditions for the issuance of a license have been satisfied and that no grounds for revocation exist, the Clerk shall authorize the issuance of the license.

52.10 LICENSE FEE. Before any license is issued, the applicant shall pay to the Clerk a license fee, subject, however, to credit for the inspection fee herein before provided. Payment of such license fee shall be by cash or by certified cashier=s check payable to the City. All license fees under this Chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such license fee, may from time-to-time, be amended by the Council by resolution. A copy of the resolution setting forth the currently effective license fee shall be kept on file in the office of the City Administrator, and be open to inspection during regular business hours.

52.11 FORM OF LICENSE. The license shall be signed by the Mayor and the Clerk and shall show the name of the licensee, the address of the licensed premises, the purpose of the license, the date of issuance of the license and the date of expiration of the license.

52.12 LICENSE - DISPLAY. Every licensee shall display the license in a conspicuous place on the licensed premises.

52.13 LICENSE - EXPIRATION DATE. Each license issued under the provisions of this Chapter shall expire at 11:59 p.m. on December 31 in the calendar year of issuance.

52.14 LICENSE - REBATES PROHIBITED. No licensee shall be entitled to a rebate of any kind by reason of the surrender of a license prior to the expiration date.

52.15 LICENSE - TRANSFER PROHIBITED. Each license issued hereunder shall be personal to the licensee, shall be restricted to the licensed premises and shall be void upon transfer or assignment to another person or transfer to other premises.

52.16 RULES AND REGULATIONS. Every licensee shall observe the following rules and regulations:

1. Intoxicated Persons. No intoxicated person or person simulating intoxication shall enter or remain on the licensed premises.
2. Profanity. No person shall use profane, obscene, or threatening language on the licensed premises.

3. Lewd and Lascivious Acts. No person shall commit any lewd or lascivious acts on the licensed premises.
4. Indecent Dances. No person shall engage in any indecent exposure on the licensed premises.
5. Fighting and Quarreling. No person shall engage in any fighting or quarreling on the licensed premises.
6. Enforcement. It shall be the duty of the licensee to inform all persons present at a public dance of the foregoing regulations and to cause the same to be enforced.

52.17 HOURS OF OPERATION. No person shall permit any public dancing between the hours of two (2) o'clock a.m. and six (6) o'clock a.m., Tuesday through Saturday, inclusive, or between the hours of two (2) o'clock a.m. on Sunday and six (6) o'clock p.m. on the following Monday, except that a permittee or licensee authorized to sell alcoholic liquor, beer, or wine on Sunday may play or permit music to be played on Sunday between the hours of ten (10) o'clock a.m. and twelve (12) o'clock midnight.

52.18 REVOCATION - GROUNDS. The following reasons shall be grounds for the revocation of any license issued under the provisions of this Chapter:

1. Fraud. That the licensee has made fraudulent or untrue statements in his application for a license.
2. Violation. That the licensee has violated any of the provisions of this Chapter.
3. Operation. That the licensee has conducted the business in such a manner as to endanger the public welfare, health, safety, order or morals.

52.19 REVOCATION - PROCEDURE. When it shall appear to the Clerk or the Council that grounds for the revocation of a license may exist, the following procedure shall be followed:

1. Investigation. The Council or the Clerk shall direct the Chief of Police to make an investigation concerning the alleged grounds for revocation.
2. Report to Council. The Chief of Police shall make such investigation and report the findings in writing to the Council.
3. Determination. The Council shall make a determination as to whether probable cause for revocation exists.
4. Hearing. If the Council finds that probable cause for revocation exists, it

shall set a date, time and place for a hearing on the matter and shall direct the City Attorney to prepare the complaint against the licensee. The complaint shall state the alleged grounds for the revocation and the date, time and place for a hearing on the matter.

5. Service of Complaint. The complaint shall be served upon the licensee by certified mail, return receipt requested, not less than ten (10) days prior to the date set for a hearing on the matter.

6. Conduct of Hearing. The Council shall conduct the hearing at which the licensee shall be present. The purpose of the hearing shall be to determine the truth of the facts alleged in the complaint. Should the licensee, or the licensee's authorized representative fail to appear without good cause, the Council may proceed to a determination on the complaint.

7. Rights of Licensee. The licensee shall have the right to be represented by counsel, to testify and present witnesses in his or her own behalf and to cross-examine adverse witnesses.

8. Evidence. The Council shall admit only reliable and substantial evidence into the revocation proceeding and shall give all admitted evidence its natural probative value.

9. Findings. The Council shall make and record findings of fact and conclusions of law and shall revoke a license under this section only when, upon review of the entire record, it finds substantial evidence of a violation of this Chapter.

52.20 REVOCATION - EFFECT. Revocation of a license shall bar the licensee from being eligible for any license under this Chapter for a period of three (3) years from the date of revocation.

52.21 SUMMARY SUSPENSION. The Chief of Police may summarily suspend any license issued under this Chapter if, after investigation, the Chief finds reasonable grounds to believe that the continuation of public dancing at the licensee's establishment would pose an immediate hazard to the health or safety of the community. Such suspension shall be effective upon the service of a written notice of suspension upon the licensee. Such service may be accomplished by personal service or by certified mail, return receipt requested. The Chief of Police shall forthwith report such suspension to the Council and the Council shall forthwith commence revocation proceedings in accordance with the provisions of Section 52.19 of this Chapter. Such suspension shall remain effective until the completion of said revocation proceedings.