

## Chapter 829 - DANCE HALLS

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### **Sec. 829-1. - Definitions.**

For the purpose of this chapter the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them, unless a different meaning is clearly indicated by the context.

(C.O. 715-1; renumbered to C.M.C. 829-1, eff. Jan. 1, 1972)

### **Sec. 829-1-P. - Public Dance; Public Ball.**

"Public dance" or "public ball" shall mean any dance or ball to which admission may be obtained by the payment of a fee or cover charge, or equivalent, or by the purchase, possession or presentation of a ticket or taken, or any other dance to which the public generally may gain admission, with or without the payment of a fee.

(C.O. 715-1; renumbered to C.M.C. 829-1-P, eff. Jan. 1, 1972)

### **Sec. 829-1-P1. - Public Dance Hall.**

"Public dance hall" shall mean any room, place or space in which a public dance or public ball shall be held.

(C.O. 715-1; renumbered to C.M.C. 829-1-P1, eff. Jan. 1, 1972)

### **Sec. 829-3. - Unlawful Operation of Dance Hall.**

No person shall hold any public dance or public ball or permit any premises or property that is either owned by or under that person's custody, control or supervision to be used to hold any public dance or public ball unless the dance hall in which it is to be held has been previously licensed for such purpose.

The license shall be issued by the city treasurer with the approval and consent of the city manager or person designated by the city manager, and the fee therefor shall be paid at the time of issuance.

No person shall hold a public dance or public ball or permit any premises or property that is either owned by or under that person's custody, control or supervision to be used to hold any public dance or public ball between the hours of 1:30 a.m. and 6:00 a.m. where individuals under the legal age in Ohio for consuming beer and intoxicating liquor are present.

(C.O. 715-2; renumbered to C.M.C. 829-3, eff. Jan. 1, 1972; a. Ord. No. 92-1977, eff. Mar. 23, 1977; a. Ord. No. 289-1988, eff. Aug. 3, 1988; a. Ord. No. 40-2006, § 1, eff. Mar. 17, 2006)

**Cross reference—** Penalty, § 829-99.

### **Sec. 829-5. - Dance Hall License Fees.**

Every application for a license to operate a dance hall shall be accompanied by a non-refundable application fee of \$50.00. Upon approval, license fees for dance halls shall be payable on the basis of floor space as follows:

- (a) For 1,000 square feet or less, \$500.00 per year, or \$100.00 per single dance.
- (b) More than 1,000 square feet, nor more than 2,000 square feet, \$785.00 per year, or \$125.00 per single dance.
- (c) More than 2,000 square feet, not more than 3,000 square feet, \$1,175.00 per year, or \$150.00 per single dance.
- (d) More than 3,000 square feet, not more than 4,000 square feet, \$1,500.00 per year, or \$175.00 per single dance.
- (e) More than 4,000 square feet, not more than 5,000 square feet, \$1,900.00 per year, or \$200.00 per single dance.
- (f) More than 5,000 square feet, not more than 6,000 square feet, \$2,200.00 per year, or \$225.00 per single dance.
- (g) More than 6,000 square feet, \$2,400 per year or \$250.00 per single dance.

In computing floor space, only that portion of the floor actually used for dancing shall be considered. Annual licenses granted under this chapter shall expire on February 15 next after date of issuance.

(C.O. 715-3; a. Ord. No. 265-1962, eff. Aug. 4, 1962; a. Ord. No. 90-1969, eff. Apr. 1, 1969; renumbered to C.M.C. 829-5, eff. Jan. 1, 1972; a. Ord. No. 327-1975, eff. Sept. 1, 1975; a. Ord. No. 282-1979, eff. Sept. 1, 1979; Emer. Ord. 463-2010, § 33, eff. Dec. 30, 2010)

### **Sec. 829-7. - Requirements to License.**

No person shall be licensed to operate a dance hall if he has been convicted within the preceding ten years of a felony or if he has been convicted within the preceding five years of a misdemeanor involving moral turpitude. No license shall be issued to a firm or corporation if any officer of the firm or corporation has been convicted within the preceding ten years of a felony or if any officer has been convicted within the preceding five years of a misdemeanor involving moral turpitude.

No license to operate a dance hall shall be issued without the written approval of the division of building construction inspection and the fire division indicating the building is constructed and maintained in strict accordance with all laws, ordinances and regulations governing the erection, maintenance and conduct of buildings used for such purpose. No application for renewal of an existing license shall be approved if prior to the expiration of the existing license the division of building construction inspection or the fire division notifies the city treasurer in writing that the building is not constructed or maintained in strict accordance with all laws, ordinances and regulations governing the erection, maintenance and conduct of buildings used for such purpose.

No license to operate a dance hall shall be issued until notice has been given to all property owners within 300 feet of the dance hall premises and to the community council of the area where the dance hall premises are located, at least 30 days prior to the license issuance. Such notice shall request from the property owners and community council information as to whether the issuance of the dance hall license will prejudice public decency, morals or good order, or will disturb the peace and quiet of the surrounding neighborhood.

(C.O. 715-5; renumbered to C.M.C. 829-7, eff. Jan. 1, 1972; a. Ord. No. 237-1979, eff. June 6, 1979; a. Ord. No. 93-1991, eff. Apr. 12, 1991)

**Sec. 829-9. - License Shall Not Be Issued.**

The city manager or person designated by the city manager shall not give consent to the issuance of a dance hall license when it appears, after an investigation has been conducted by the police, that the issuance of the dance hall license will substantially prejudice public decency, morals, or good order, or will disturb the peace and quiet of surrounding neighborhood.

(Sec. 715-6; ordained by Ord. No. 367-1960, eff. Oct. 19, 1960; renumbered to C.M.C. 829-9, eff. Jan. 1, 1972; a. Ord. No. 92-1977, eff. Mar. 23, 1977)

**Sec. 829-11. - Applicant to be of Good Moral Character.**

The city manager or person designated by the city manager shall not issue a license until satisfied that the person applying for the license is a reputable person of good moral character.

(C.O. 715-7; renumbered to C.M.C. 829-11, eff. Jan. 1, 1972; a. Ord. No. 92-1977, eff. Mar. 23, 1977)

**Sec. 829-13. - Police to Have Access.**

The city manager, the city manager's designee and city police officers shall at all times have access to any premises licensed to conduct a public dance.

(Sec. 715-8; ordained by Ord. No. 367-1960, eff. Oct. 19, 1960; renumbered to C.M.C. 829-13, eff. Jan. 1, 1972; a. Ord. No. 92-1977, eff. Mar. 23, 1977)

**Cross reference—** Penalty, § 829-99.

**Sec. 829-15. - Revocation of License.**

The license of any public dance hall may be forfeited or revoked by the city manager or the city manager designee for disorderly or immoral conduct on the premises, or for violation of any of the rules, regulations, ordinances and laws governing or applying to public dance halls or public dance, or if the city manager or the designee finds that the further maintenance of any public dance hall or public

dance does prejudice public decency, morals or good order, or is a disturbance to the peace and quiet of the surrounding neighborhood, the license of such public dance hall or public dance shall be revoked without refund, or the reissuance of a license of such public dance hall or public dance upon the expiration of the dance hall license shall be refused.

If, at any time, the license of a public dance hall or public dance shall be forfeited or revoked, or the holder of a dance hall license shall be found to be or have been in violation of any of the rules and regulations, at least six months shall elapse before another license or permit for dancing may be issued to the holder or to any individual associated with a corporation which applied for and received the dance hall license, if the holder is a corporation.

(C.O. 715-9; a. Ord. No. 367-1960, eff. Oct. 19, 1960; renumbered to C.M.C. 829-15, eff. Jan. 1, 1972; a. Ord. No. 92-1977, eff. Mar. 23, 1977; a. Ord. No. 250-1993, eff. July 8, 1993)

**Sec. 829-17. - Educational Institutions Exempt.**

The provisions of this chapter shall not apply to schools, academies, colleges or other educational institutions.

(C.O. 715-9; a. Ord. No. 367-1960, eff. Oct. 19, 1960; renumbered to C.M.C. 829-17, eff. Jan. 1, 1972)

**Sec. 829-19. - Bona Fide Clubs Exempt.**

The provisions of this chapter shall not apply to bona fide clubs, fraternal orders or societies conducting dances where admission is restricted to members of such clubs, orders or societies and families of members, whether held on their own premises or in a hall leased or donated for the purpose.

(C.O. 715-11; renumbered to C.M.C. 829-19. eff. Jan. 1, 1972)

**Sec. 829-21. - Public Recreation Commission and Park Board Activities.**

Dances conducted by the public recreation commission or board of park commissioners and held on public property must comply with all ordinances and regulations specified herein, but will not be required to pay a license fee.

If, however, either the public recreation commission or board of park commissioners shall lease any of their facilities to any private individual or organization for purposes of conducting public dances, the lessee shall be required to comply with all provisions of this chapter, including the payment of license fee herein provided.

(C.O. 715-12; renumbered to C.M.C. 829-21, eff. Jan. 1, 1972)

**Sec. 829-23. - Rules and Regulations.**

The city manager or city manager's designee shall promulgate a set of rules and regulations describing the procedures to be observed by any such licensee. These rules shall provide specific procedures to be followed for "teen dances" to include rules as to age limits, ending times, security requirements, notice to potentially affected neighborhoods, parking and pick-up areas, and identification of attendees.

A "teen dance" is defined for the purposes of this chapter, as any dance which is directed to and promoted for individuals under the age of 18.

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The city manager or city manager's designee shall have the authority to change such rules and regulations when safety concerns and the public peace so require.

(Ordained by Ord. No. 250-1993, eff. July 8, 1993)

**Sec. 829-99. - Penalties.**

Whoever violates Sections 829-3 or 829-13 or the rules and regulations promulgated by the city manager or city manager's designee under Section 829-23 of this chapter shall be guilty of a misdemeanor of the fourth degree. If the offender has within one year been convicted of a previous violation of this chapter, then the violation shall be a misdemeanor of the first degree.

(C.O. 715-15; a. Ord. No. 414-1970, eff. Dec. 23, 1970; renumbered to C.M.C. 829-99, eff. Jan. 1, 1972; a. Ord. No. 133-1991, May 10, 1991; a. Ord. No. 40-2006, § 2, eff. Mar. 17, 2006)