

Sec. 14-561. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dancehall means any room or place or space at which a public dance may be held, or any hall or academy in which classes in dancing are held and instruction in dancing given, and shall include pavilions and amusement parks; except, however, this shall not include halls or academies where bona fide instruction in dancing is given to children 17 years of age or under. The fact that the room or place or space is not used exclusively for dancing, but merely as an incidental activity in connection with the operation of some other business, shall not exclude the room, place or space from the definition of the term "public dancehall."

Person means natural persons, corporations, partnerships, associations, joint stock companies, societies and all other entities of any kind capable of being used.

Public dance means any dance to which admission can be had by the public generally with or without the payment of a fee, with or without the purchase, possession or presentation of a ticket or token, or any other dance operated by club membership, season ticket or invitation, or any other dance open or offered to the public generally, regardless of whether the music is furnished by an orchestra, phonograph, radio, juke box or any other device, and regardless of whether such dance is the exclusive or principal activity provided, or whether such dance is an incidental activity permitted by a person in connection with his operation or some other commercial activity.

(Code 1982, § 12.12(1))

Cross reference— Definitions generally, § 1-2.

Sec. 14-581. Required.

No person shall permit or allow any room, space, place or building owned, leased, managed, supervised or controlled by him to be used for the purpose of a public dancehall unless the dancehall shall have been licensed under the provisions of this article, regardless of the type of music employed and regardless of whether such dancing is incidental to the operation of another commercial activity.

(Code 1982, § 12.12(2))

Sec. 14-582. Application for license.

The application for any license permitted under this article shall be filed with the clerk-treasurer. Such application shall contain the following:

- (1) Name, age, residence, occupation and citizenship of the applicant, if any individual, or the names of the principal officers, their residences and ages if the applicant is an association or corporation. The application shall also contain the name or names of one or more persons whom such firm, partnership or association shall designate as manager or person in charge, with his address.
- (2) The length of time such applicant, if an individual, or the manager or person in charge, in case the applicant is a firm, partnership, corporation or association, has resided in the county; his place of previous employment; whether he has been convicted of violating any law or ordinance regulating the conduct of public dancehalls or public dances, and if so, when and in what court.
- (3) The premises where such public dancehall is to be located or conducted as well as the location of the room or rooms to be occupied for the purpose of conducting such dance, and the total amount of floor space to be used for dancing purposes.
- (4) Whether the applicant or manager has, either alone or with someone else, previously engaged as owner, lessee or employee in conducting a public dancehall, when, where and for how long.
- (5) The name and address of the person owning the premises for which the license is sought.
- (6) Whether a hotel, roominghouse, lodginghouse, restaurant or tavern is conducted in any part of the premises for which the license is sought.

(Code 1982, § 12.12(3))

Sec. 14-583. When licenses refused.

- (a) No dancehall license shall be issued unless the town board finds that all of the persons named in the application as applicant, manager or person in charge are residents of the state, that the proposed public dancehall complies with and conforms to all ordinances, laws and regulations governing public buildings and health and fire regulations applicable thereto, and that it is a safe and proper place for such proposed use.
- (b) No license shall be granted unless the town board finds that the applicant, manager or person in charge is capable of maintaining the public peace and good order at a public dance. In determining whether or not the applicant is capable of meeting the required standard, the town board shall consider the records of law enforcement agencies or of any courts that touch upon the applicant's operation of a dancehall in the preceding license year.
- (c) No license shall be granted unless adequate modern toilet facilities are provided within the building where the public dance is to be held, an adequate supply of drinking water is available, the premises are properly lighted and ventilated, and all parts of the premises are safe and sanitary.
- (d) No license under this article shall be granted to any applicant or applicants who have been convicted within five years of the date of the application of a second offense against any of the provisions of this section or any similar ordinance of any other municipality.
- (e) No license under this article shall be granted to any applicant to whom a license has been refused or has been suspended or revoked until at least six months shall have elapsed from the date of refusal, suspension or revocation unless he can show that the reason for such refusal, revocation or suspension no longer exists.
- (f) No license under this article shall be granted to a person under 18 years of age.
- (g) No license under this article shall be granted to any person who knowingly makes any false statement in his application for a dancehall license.

(Code 1982, § 12.12(4))

Sec. 14-584. Classification as to types of licenses.

Nontransferable licenses for public dances shall be issued the following four divisions of classification, namely: Class A, Class B, Class C, and special permit licenses.

- (1) *Class A.* A Class A license is required for the premises in which a public dance is held where a charge is made for admission or where admission is by means of the purchase, possession or presentation of a ticket or token or where the

dance is advertised as such and where an orchestra is employed to furnish dance music.

- (2) *Class B.* A Class B license is required for the premises in which a public dance is held and where no charge is made for admission or where admission is not by means of the purchase, possession or presentation of a ticket or token and where an orchestra is employed to furnish the dance music.
- (3) *Class C.* A Class C license is required when dancing is incidental to such other business conducted in the premises used for dancing and where no charge, either directly or indirectly, is made for admission and no orchestra or musicians are employed to furnish the music for such dancing.
- (4) *Special permit.* A special permit license may be granted to hold not more than two public dances in any structure or premises not licensed under either subsection (1), (2), or (3) of this section, and such special permit license shall be valid only within a specified 24-hour period.

(Code 1982, § 12.12(5))

Sec. 14-585. License fees.

The fees for the four classes of dancehall licenses shall be as stated in [section 14-35](#).

(Code 1982, § 12.12(6))

Sec. 14-586. Method of issuing licenses.

- (a) All applications for dancehall licenses shall be accompanied by the appropriate license fee fixed in this article. If such license is denied, such fee shall be returned to the applicant.
- (b) The clerk-treasurer shall submit the application for a dancehall license to the town board for its consideration. The town board may schedule a public hearing on the application; provided, however, before the denial of any renewal application, the town board shall grant the applicant a hearing. If the town board is satisfied that the requirements of this article have been met and, if it is determined that the issuance of a license is not contrary to the public health, safety and welfare, the town board may grant a license to the applicant.
- (c) All licenses under this article shall be numbered in the order of their date of issuance and shall state clearly the name of the licensee, the location of the public dancehall, the date of issuance and expiration and the amount of fee paid.
- (d) Each license, except a special permit license, issued under this article shall expire on June 30 of each year and any license issued shall be posted in a conspicuous place within the hall in which the dance is to be held.

(Code 1982, § 12.12(7))

Sec. 14-611. Rules and regulations.

- (a) No person shall post a license issued under this article on premises other than those described in the application.
- (b) No person conducting a public dance or operating a dancehall, or any manager or agent of such person, shall:
 - (1) Permit during any public dance in such hall the use of intoxicating liquor or fermented malt beverages in violation of law.
 - (2) Permit the presence of any intoxicated person or persons under the influence of intoxicating liquors or drugs in such dancehall or on the premises in which such dancehall is located.
 - (3) Permit the presence of any minor 17 years of age or under in such dancehall who is not accompanied by his parent or lawful guardian.
 - (4) Permit any public dance beyond the hour of 1:00 a.m. or before the hour of 9:00 a.m.

(Code 1982, § 12.12(8))

Sec. 14-612. Miscellaneous provisions.

- (a) Nothing in this section shall be construed to prevent the attendance of children 17 years of age or under at bathing beaches or public dancehalls when public dances are not being held.
- (b) No person, licensee, proprietor or manager of any dancehall shall advertise, operate, maintain, promote or aid in the advertising, operating, promoting or maintaining of any mental or physical endurance contest in the nature of a marathon, dance or any other like endurance contest whether under that or similar names.
- (c) No person, licensee, proprietor or manager of any dancehall shall conduct a public dance or public ball in the manner or form commonly known as a "taxi-dance," and no license shall be issued for any public dance to be conducted in the form or manner commonly known as "taxi-dance."
- (d) This article shall not apply to dances conducted by any church, grade school, high school or college, or other recognized educational institution located in the town which are intended primarily to be attended by students of such schools or of similar schools, or to dances conducted by any 4-H Club, parent-teacher or similar organization, or any fraternal society when conducted in conformity with the rules of such society.

(Code 1982, § 12.12(9))

Sec. 14-613. Penalties.

In addition to any other penalties provided in this chapter, or in lieu thereof, the town board may suspend or revoke the license of any dancehall proprietor or manager if any of the provisions of this article are violated.

(Code 1982, § 12.12(10))