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**ARTICLE V. - DANCE HALLS**

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**Sec. 14.5-100. - Legislative findings, intent, and purpose.**

(a)

The city hereby finds and determines as a matter of fact that late night and all night dance halls and similar forums of assembly commonly referred to as "raves" are sites conducive for the sale, possession and use of illicit drugs.

(b)

The city also finds such raves expose drug activity to the uninitiated youth of our city, and such exposure to drug activity occurring at such raves is often found to result in drug addiction, overdose and death of both juveniles and adults.

(c)

The city hereby finds raves provide an arena for predatory-type sexual crimes, thus, for the protection of our city's youth, juveniles should not congregate in such social settings with adults; additionally, regulation of raves is also necessary for the protection of adult victims of such crimes.

(d)

The city hereby finds raves are often times the sites for violent criminal activity.

(e)

The city hereby finds that the dangerous criminal activity occurring at such raves occurs predominately in the late night/early morning hours.

(f)

The city hereby finds that the actions of rave patrons entering and exiting dance hall establishments has a deleterious effect on nearby residential and commercial properties in terms of excessive noise, traffic and debris, and such impacts are exacerbated by the fact that rave patrons enter and exit such raves at extraordinarily late night/early morning hours when citizens have a reasonable expectation of peace and quiet.

(g)

The city hereby finds that the above-referenced problems associated with raves are unique and specific to such late night dance hall establishments and are not prevalent in other types of unregulated places of assembly.

(h)

It is the intent of the city to address the unique problems associated with raves by implementing dance hall regulations for both juvenile and adult dance halls; to prevent dance hall contact between juveniles and adults so as to prevent and/or reduce illicit or undesirable juvenile involvement and exposure to illegal drugs and dangerous criminal activity; and further to protect both juveniles and adults from criminal activity that occurs at such raves.

(i)

The city hereby asserts that the following purposes of the dance hall regulations set forth herein are matters of legitimate, substantial and compelling governmental interests:

(1)

To protect juveniles and adults from illegal drug activity, including use, sale and drug abuse such as overdoses and to reduce, if not eliminate, such activity from occurring in dance halls;

(2)

To protect juveniles and adults from violent, criminal activity occurring in dance halls;

(3)

To protect juveniles and adult victims from predatory-type sexual crimes occurring in dance halls;

(4)

To reduce the amount of criminal activity occurring predominately in the late night/early morning hours;

(5)

To prevent the deleterious impacts of noise, traffic and debris on adjacent residential and commercial property that occurs in the late night/early morning hours.

(Ord. No. 990985, § 1, 2-14-00)

## **Sec. 14.5-101. - Definitions.**

For the purpose of this article, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.

*Adult dance hall* means any dance hall whose patrons or admittees are 18 years of age or older.

*Conviction or convicted* means the finding of guilt for a violation of a municipal or county ordinance or state or federal law, adjudication withheld on such a finding of guilt, an adjudication of guilt on any plea of guilty or nolo contendere or the forfeiture of a bond or bail when charged with a violation of a municipal or county ordinance or state or federal law.

*Dance hall* means any place, area or property operated as open to the public which:

(1)

Has music either live or electronically produced or transmitted;

(2)

Has space available for dancing or dancing is permitted whether such dancing takes place or not;

(3)

Allows admission by payment of a direct or indirect charge, fee, donation, or any form of consideration, or by the purchase, possession or presentation of a ticket or token; and

(4)

Is not zoned for the sale of alcoholic beverages or does not sell or serve alcoholic beverages.

Notwithstanding the foregoing, a "dance hall" as defined herein, does not include:

(a)

A private residence or residential facility from which the general public is excluded;

(b)

A place owned by the federal, state, or local government;

(c)

A public or private elementary school, secondary school, college or university;

(d)

A place owned and operated by a bona fide religious organization, created, organized, existing and recognized as such pursuant to all applicable laws; or

(e)

An adult performance establishment as defined in Article IV of Chapter 14.5 of this Code, lawfully established, existing, permitted and licensed under the provisions of this Code, during such hours of the day as said establishment is being lawfully and principally operated as an adult performance establishment.

*Dance hall regulations* means the regulations set forth in this article.

*Juvenile dance hall* means any dance hall whose patrons or admittees are 18 years of age or younger.

*Knowingly* means with actual knowledge of a specific fact or facts, or with reasonable inquiry a reasonable person should have known a specific fact or facts.

*Permit or dance hall permit* means a permit to operate a dance hall.

*Permittee* means a person in whose name a permit to operate a dance hall has been issued, as well as the individual listed as an applicant on the application for a dance hall permit.

*Person* means an individual, partnership, corporation, association, or legal entity.

(Ord. No. 990985, § 1, 2-14-00; Ord. No. 040406, § 1, 10-11-04)

**Sec. 14.5-102. - Permit required; application for permit.**

(a)

No person may operate a dance hall without a permit.

(b)

A notarized application for a permit shall be made on a form provided by the city manager or designee. The applicant must be qualified according to the provisions of this article.

(c)

The applicant shall indicate whether the application is for a juvenile dance hall or adult dance hall.

(d)

A person who wishes to operate a dance hall shall sign the application for a permit as applicant. If a person who wishes to operate a dance hall is other than an individual, each individual who has a 20 percent or greater interest in the business must sign the application for a permit as an applicant. Each applicant must meet the requirements of section 14.5-103(6), and each applicant shall be considered a permittee if a permit is granted.

*(Ord. No. 990985, § 1, 2-14-00)*

**Sec. 14.5-103. - Requirement for issuance of permit; posting.**

(a)

The city manager or designee shall approve issuance of a dance hall permit within 60 days after receipt of an application unless the city manager or designee finds one or more of the following to be true:

(1)

An applicant is under 18 years of age.

(2)

An applicant failed to answer or falsely answered a question(s) or request for information on the application provided.

(3)

An applicant has been convicted of a violation of any dance hall regulations within two years immediately preceding the application.

(4)

An applicant has failed to obtain a certification from the fire marshall that the dance hall complies with all applicable provisions of Chapter 10, Fire Prevention and Protection, relative to places of assembly, including but not limited to maximum permitted occupancy load.

(5)

An applicant has failed to obtain a certification from the director of planning and development services or designee that the dance hall complies with all applicable provisions of the land development code, including, but not limited to, parking.

(6)

An applicant has been convicted of a crime,

a.

Involving:

1.

Any felony; or

2.

Any misdemeanor offense of F.S. Ch. 784, Assault; battery; culpable negligence; Ch. 787, Kidnapping; false imprisonment; luring or enticing a child; custody offenses; Ch. 790, Weapons and firearms; Ch. 794, Sexual battery; Ch. 800, Lewdness; indecent exposure; Ch. 812, Theft, robbery and related crimes; Ch. 827, Abuse of children; Ch. 837, Perjury; Ch. 856, Drunkenness; open house parties; loitering; prowling; desertion; Ch. 859, Poisons; adulterated drugs; Ch. 870, Affrays; riots; routs; unlawful assemblies; Ch. 874, Street terrorism enforcement and prevention; Ch. 877, Miscellaneous crimes; and Ch. 893, Drug abuse prevention and control, as said chapters currently exist or may be amended from time to time; or

3.

Any violation of dance hall regulations of any other city, county, state or government; and

b.

For which:

1.

Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

2.

Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

3.

Less than five years have elapsed since the date of the last conviction or the date of release from confinement for last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

(b)

The fact that a conviction is being appealed has no effect on the disqualification of the applicant under subsection (a) above.

(c)

An applicant who has been convicted of an offense listed in subsection (a)(6)a. may qualify for a dance hall permit only when the time period required by subsection (a)(6)b. has elapsed.

(d)

The application shall be reviewed by the appropriate city departments. Review shall be conducted by those departments within 30 days from the receipt of the application by the city manager or designee, and their comments forwarded to the city manager or designee for consideration in issuance of the permit in accordance with the provisions hereof.

(e)

The city manager or designee, upon approving issuance of a dance hall permit, shall send to the applicant, by hand delivery or U.S. mail, written notice of that action and state where the applicant must pay the permit fee and obtain the permit. The city manager's approval of the issuance of a permit does not authorize the applicant to operate a dance hall until the applicant has paid all fees required by this chapter and obtained possession of the permit.

(f)

The permit shall state on its face the name of the person to whom it is granted, the expiration date, the address of the dance hall, and whether it is issued for a juvenile dance hall or adult dance hall.

(g)

The permit must be posted in a conspicuous place at or near the entrance to the dance hall so that it may be easily read at any time.

*(Ord. No. 990985, § 1, 2-14-00)*

#### **Sec. 14.5-104. - Fees.**

The city commission, may, by resolution, establish nonrefundable fees for the city to review the contents of a dance hall permit application and for each permit issued under the terms of this chapter.

*(Ord. No. 990985, § 1, 2-14-00)*

#### **Sec. 14.5-105. - Persons under 18 prohibited in adult dance hall.**

(a)

No person under the age of 18 years may enter an adult dance hall unless accompanied by a parent or guardian.

(b)

No person shall falsely represent himself to be either a parent or guardian of another person under the age of 18 years for the purpose of gaining the other person's admission into an adult dance hall.

(c)

Except as noted in subsection (a) above, no permittee or employee of an adult dance hall shall knowingly allow a person under the age of 18 years to enter or remain on the premises of an adult dance hall.

(d)

No permittee of an adult dance hall shall maintain or operate the premises without posting a sign at each entrance to the business that reads: "It is unlawful for any person under 18 years of age to enter this premises without a parent or guardian."

*(Ord. No. 990985, § 1, 2-14-00)*

#### **Sec. 14.5-106. - Persons age 19 and over prohibited in juvenile dance hall.**

(a)

No person age 19 and over may enter a juvenile dance hall except:

(1)

A permittee or employee of the dance hall;

(2)

A parent or guardian of a person inside the dance hall; or

(3)

A governmental employee in the performance of official duties.

(b)

No person shall falsely represent himself to be under age 19 for the purpose of gaining admission to a juvenile dance hall.

(c)

No permittee or employee of a juvenile dance hall shall knowingly allow a person age 19 or over to enter or remain on the premises of the juvenile dance hall.

(d)

No permittee of a juvenile dance hall shall maintain or operate the premises without posting a conspicuous sign at the entrance to the business that reads: "It is unlawful for any person age 19 or over to enter these premises."

*(Ord. No. 990985, § 1, 2-14-00)*

### **Sec. 14.5-107. - Hours of operation.**

(a)

No person shall operate a juvenile dance hall during any hours other than 4:00 p.m. to 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, and from 4:00 p.m. on Friday to 12:01 a.m. of the following day, and from 1:00 p.m. Saturday to 12:01 a.m. of the following day. The establishment shall close and all customers or members shall vacate the premises when it is required to close until the time that the club may legally open for operation.

(b)

No person shall operate an adult dance hall during any hours other than 1:00 p.m. to 2:00 a.m. of the following day. The establishment shall close and all customers or members shall vacate the premises from 2:00 a.m. until the time that the club may legally open for operation.

*(Ord. No. 990985, § 1, 2-14-00)*

### **Sec. 14.5-108. - Code of Ordinances.**

No person shall operate a dance hall in violation of any applicable provisions of this Code.

*(Ord. No. 990985, § 1, 2-14-00)*

### **Sec. 14.5-109. - Dance hall supervisor.**

(a)

A person who operates a dance hall shall designate a person as the dance hall supervisor and shall register that supervisor's name with the city manager or designee.

(b)

The person designated as the dance hall supervisor shall meet the requirements set forth in section 14.5-103(a)(6) a. and b. for applicants.

(c)

The person designated dance hall supervisor shall remain on the premises of the dance hall during all hours of operation and until 30 minutes after closing to ensure that the operation is conducted in accordance with all dance hall regulations herein.

*(Ord. No. 990985, § 1, 2-14-00)*

### **Sec. 14.5-110. - Inspection.**

(a)

Application for, and issuance of, any dance hall permit shall constitute consent by the permittee for representatives of the city to enter and inspect the premises of the dance hall at any time it is open for business or occupied for the purpose of verifying compliance with the law.

(b)

No person who operates a dance hall or a person designated as the dance hall supervisor shall refuse to permit a lawful inspection of the premises of a dance hall by a representative of the city at any time it is open for business or occupied.

*(Ord. No. 990985, § 1, 2-14-00)*

### **Sec. 14.5-111. - Expiration of permit.**

(a)

A permit for a dance hall expires one year from the date of issuance. A permit may be renewed only by making application as provided in section 14.5-102. Application for renewal should be made at least 60 days before the expiration date, and when made less than 60 days before the expiration date, the expiration of the permit will not be affected by the pendency of the application.

(b)

If the city manager or designee denies renewal of a permit, the applicant may not be issued any dance hall permit for one year from the date denial becomes final. If, subsequent to denial, the city manager or designee finds that the basis for denial of the renewal permit has been corrected or abated, the applicant may be granted a permit if at least 90 days have elapsed since the date denial became final.

*(Ord. No. 990985, § 1, 2-14-00)*

### **Sec. 14.5-112. - Suspension.**

The city manager or designee shall suspend a dance hall permit for a period of time not exceeding 30 days if the city manager determines that a permittee or an employee of a permittee has committed any one or more of the following acts:

(1)

Violated any provisions of the dance hall regulations;

(2)

Engaged in the use of alcoholic beverages on the dance hall premises;

(3)

Refused to allow an inspection of the dance hall premises so authorized in this article;

(4)

Knowingly permitted an intoxicated person to remain on the premises;

(5)

Knowingly permitted gambling by any person on the dance hall premises;

(6)

Knowingly permitted the possession, consumption, or sale of an alcoholic beverage on the premises of a dance hall;

(7)

Knowingly permitted the possession, consumption or sale of any illegal drugs on the premises of the dance hall;

(8)

Knowingly allowed performances or activity that violates Chapter 17, Article II of this Code, which regulates nudity in public places.

*(Ord. No. 990985, § 1, 2-14-00)*

### **Sec. 14.5-113. - Revocation.**

(a)

The city manager or designee shall revoke a permit if a cause of suspension under section 14.5-112 occurs and the permit has been previously suspended within the preceding 12 months.

(b)

The city manager shall revoke a permit if the city manager determines that one or more of the following is true:

(1)

A permittee has given false or misleading information in the material submitted to the city during the application process.

(2)

A permittee or an employee has knowingly allowed possession, use, or sale of controlled substances or any derivative thereof on the premises.

(3)

A permittee or an employee knowingly permitted dancing or a live performance during a period of time when the dance hall permit was suspended.

(4)

A permittee has been:

a.

Convicted of an offense listed in section 14.4-103(a)(6)b. for which the time period required in section 14.5-103

(6)(a)b. has not elapsed; or

b.

Convicted of or is under indictment for any felony offense while holding a dance hall permit.

(5)

While an employee of the dance hall, and while on the permitted premises, a person has committed an offense listed in section 14.5-103(a)(6)a., for which a conviction has been obtained, two or more times within a 12-month period.

(c)

The fact that a conviction is being appealed shall have no effect on the revocation of the permit.

(d)

When the city manager or designee revokes a permit, the revocation will continue for one year, and the permittee may not be issued any dance hall permit for one year from the date revocation became final. If, subsequent to revocation, the city manager finds that the basis for the revocation action has been corrected or abated, the applicant may be granted a permit if at least 90 days have elapsed since the date the revocation became final. If the permit was revoked under subsection (b)(4) hereof, an applicant may not be granted another permit until the appropriate number of years required under section 14.5-103(a)(6)b. has elapsed.

*(Ord. No. 990985, § 1, 2-14-00)*

### **Sec. 14.5-114. - Appeals.**

If the city manager denies the issuance or renewal of a permit, suspends or revokes a permit, the chief of police shall send the applicant or permittee, by certified mail, return receipt requested, written notice of the action and the right to an appeal. The aggrieved party (applicant or permittee only) may appeal the decision of the city manager to the city commission in accordance with the following procedures. The filing of an appeal stays the action of the city manager in suspending or revoking a permit until the city commission makes a final decision.

(1)

The aggrieved party may, not later than ten calendar days after receiving notice of the denial, file with the clerk of the commission a written request for a hearing before the city commission. Such request shall constitute notice of appeal.

(2)

If a written request is filed under subsection (1) hereof with the clerk of the commission within the ten-day limit, the city commission shall consider the request. The clerk of the commission shall set a date for the hearing within 30 days from the date the written request is received.

(3)

The city commission shall hear and consider evidence offered by any interested person to determine whether the city manager properly denied issuance or renewal, or properly suspended or revoked the permit in accordance with the provisions of this division. The formal rules of evidence do not apply.

(4)

The city commission shall grant or deny the appeal by majority vote. Failure to reach a majority vote will result in denial of the appeal. Any dispute of fact must be decided on the basis of a preponderance of the evidence. The decision of the city commission is final.

(5)

If the city commission denies the appeal, the aggrieved party may not re-apply until at least 12 months have elapsed since the date of the commission's action.

*(Ord. No. 990985, § 1, 2-14-00)*

### **Sec. 14.5-115. - Transfer of permit.**

A permittee shall not transfer a permit to another person, nor shall a permittee operate a dance hall under the authority of a permit at any place other than the address designated in the application.

*(Ord. No. 990985, § 1, 2-14-00)*

### **Sec. 14.5-116. - Penalties and remedies.**

A person who operates or causes to be operated a dance hall without a valid permit or in violation of any provision of this article shall be subject to the following penalties and/or remedies:

(1)

Violations of this article may be punished as provided in section 1-9 of this Code.

(2)

Each day that any violation continues after receipt of a written notice of such violation shall constitute a separate violation and a separate offense for purposes of the penalties and remedies specified herein.

(3)

In addition to the penalties and remedies above, the city may institute any appropriate action or proceedings to prevent, restrain, correct or abate a violation of this article, as provided by law.

*(Ord. No. 990985, § 1, 2-14-00)*

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**| Sec. 14.5-117. - Existing establishments.**

All dance halls that are in existence and open to the public as of the effective date of Ordinance No. 990985 shall apply for a permit by 5:00 p.m. on March 15, 2000. These establishments may continue to operate until the permit is granted, or the appeal process if final. Failure to apply for a permit by March 15, 2000, or to diligently pursue issuance of the permit shall constitute a violation of this article.

*(Ord. No. 990985, § 1, 2-14-00)*

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**| Secs. 14.5-108—14.5-119. - Reserved.**