

Chapter 5.24

Cabarets And Public Dance Halls

Sections:

- 5.24.00A Article I. General Provisions**
- 5.24.010 Special police officers required on premises.**
- 5.24.020 Employees-Generally.**
- 5.24.030 Employees-Mingling for pay prohibited.**
- 5.24.040 Employees-Certain acts prohibited.**
- 5.24.050 Employees-Percentage compensation prohibited.**
- 5.24.060 Dance partners prohibited.**
- 5.24.070 Employees-Drinking on premises prohibited-Obtaining employment permit.**
- 5.24.080 License-Investigation of application-Fee.**
- 5.24.090 License-Grant or denial by city council.**
- 5.24.100 License-Inspection of licensed premises-Temporary suspension and revocation.**
- 5.24.110 Police officers to have access-Temporary closing by police order.**
- 5.24.120 Expiration of license.**
- 5.24.130 Compliance with laws and regulations required prior to licensing.**
- 5.24.140 Entertainment-Regulations generally.**
- 5.24.150 Entertainment-Age of entertainers.**
- 5.24.160 Entertainment-Entertaining in manner other than that contracted for prohibited.**
- 5.24.170 Employees not to associate with patrons, etc.**
- 5.24.180 Minors prohibited.**
- 5.24.190 Patron prohibited from carrying alcoholic beverages into cabaret or public dance hall.**
- 5.24.200 Unlawful to permit patron to carry in alcoholic beverages.**
- 5.24.210 Distribution of alcoholic beverages in bottles prohibited on premises-- Exception.**
- 5.24.220 Intoxicated persons prohibited.**
- 5.24.230 Passageway for ingress or egress to dance floor area.**
- 5.24.240 Premises to be kept in good condition.**
- 5.24.250 Summary of provisions-Notices to be posted.**
- 5.24.260 Summary of provisions-Operation without notices posted prohibited.**
- 5.24.270 Hours of operation.**
- 5.24.279A Article II. Cabarets**
- 5.24.280 Defined.**
- 5.24.290 License required.**
- 5.24.300 License-License tax classification.**
- 5.24.310 Exemption from license; Loss of exemption.**
- 5.24.319A Article III. Public Dance Halls**
- 5.24.320 Defined.**

- 5.24.330 License required.**
- 5.24.340 Classes of licenses.**
- 5.24.350 License-Exception.**
- 5.24.360 Boisterous conduct prohibited.**
- 5.24.390 Right of access of peace officers.**
- 5.24.430 Closing hours.**

Section 5.24.00A Article I. General Provisions

Section 5.24.010 Special police officers required on premises.

It is the duty of every owner, lessee, proprietor, manager or occupant of any public dance hall or cabaret licensed under this chapter to have personally present or immediately available in such public dance hall or cabaret a special police officer of this city approved by the sheriff or the chief of police for such a position, which special police officer shall see that no violation of the law or breach of the peace, or drunkenness or other illegal or unlawful conduct is carried on therein, and whose duty it is to arrest any person or persons engaged in violating any of the laws of the state or of the ordinances of this city in or on such premises licensed under the provision of this code.

(Prior code 3-1; Ord. No. 98-1, Amended, 02/10/1998)

Section 5.24.020 Employees-Generally.

Every person conducting, operating or managing, either as principal or agent, any cabaret or public dance hall where alcoholic beverages are dispensed or served in the city shall comply with the conditions set forth in this chapter covering the employment of persons in or about such establishments or premises.

(Prior code 3-2; Ord. No. 98-1, Amended, 02/10/1998)

Section 5.24.030 Employees-Mingling for pay prohibited.

It is unlawful for any person conducting, operating or managing, either as principle or agent, in the establishment to which an on-sale beer, beer and wine or general license has been issued under the State Alcoholic Beverage Control Act, to permit any employee to drink, dance or mingle with any patron of such establishment, whether such employee is compensated by a straight salary or by any other mode of compensation.

(Prior code 3-3; Ord. No. 98-1, Amended, 02/10/1998)

Section 5.24.040 Employees-Certain acts prohibited.

It is unlawful for any person to procure, employ or permit any male for female employed in or about a cabaret or public dance hall whether such male or female is compensated by a straight salary or by any other mode of compensation, to drink or dance or mingle with any patron or to consume any alcoholic beverages in or about such premises.

(Prior code 3-4, Employees -Permits required, Repealed, Ord. No. 98-1, 2/10/98; Prior code 3-4.1, 5.24.050, renumbered, Ord. No. 98-1, 02/10/1998)

Section 5.24.050 Employees-Percentage compensation prohibited.

It is unlawful for any person to compensate any male or female employed in or about a cabaret or public dance hall at a rate determined by a percentage of moneys received or sales made or to permit any male or female so employed to be so compensated.

(Prior code 3-5; 5.24.060, renumbered, Ord. No. 98-1, 02/10/1998)

Section 5.24.060 Dance partners prohibited.

It is unlawful for any person who operates a public dance hall or cabaret, or for an agent, representative or employee of such person, to have, employ, furnish or keep in or about such dance hall or cabaret any person of either sex to act in the capacity of a dance partner. It is unlawful for any person or for their agents, representative or employees to engage, keep or employ on a salary, percentage or otherwise, any person of either sex to act as dance partners for the patrons of such public dance hall or cabaret. It is unlawful for any person to be in or about such dance hall or cabaret for the purpose of acting as a dance partner with the patrons of such dance hall or cabaret for hire, on a salary, percentage or other method of employment.

(Prior code 3-5.28; 5.24.320, Amended & Renumbered, Ord. No. 98-1, 02/10/1998)

Section 5.24.070 Employees-Drinking on premises prohibited-Obtaining employment permit.

It is unlawful for any male or female employed in any capacity in or about a cabaret or public dance hall to consume any alcoholic beverage in or about such premises. No male or female shall accept employment in, or act in any capacity in the operation or maintenance of, a cabaret or public dance hall without first obtaining a permit from the sheriff or the chief of police of the city authorizing such employment.

(Prior code 3-5.1)

Section 5.24.080 License-Investigation of application-Fee.

A. Upon receipt of each application by the city for a license to operate a public dance hall or cabaret, it is the duty of the sheriff or the chief of police of the city to conduct such investigation as he may deem necessary to determine the truth of the matters set forth in the application, the character of the applicant, the character of the premises proposed to be occupied and any other matters which the sheriff, chief of police or city council may deem pertinent or essential for the protection of the public welfare of the community.

B. Upon completion of the investigation, the sheriff or chief of police shall report the result of such investigation to the city administrator, who shall transmit such

report to the city council and shall specifically recommend to the council the approval or denial of the application.

C. All applications for licenses to be issued under the provisions of this chapter shall be accompanied by an investigation fee in the sum of fifty dollars. In the event such license is denied, the application fee shall become the property of the city.
(Prior code 3-5.3; 5.24.090, Amended & Renumbered, Ord. No. 98-1, 02/10/98)

Section 5.24.090 License-Grant or denial by city council.

The council shall, after receipt of the recommendations of the city administrator, by motion, grant or deny the license. The council has the power to deny any application if it determines that the applicant, or the person who is to have direct management of the premises, is not a suitable or proper person to carry on the business for which a license is sought, or if the premises proposed to be used in the conduct of the business is deemed not to be a suitable or proper place therefor.

(Prior code 3-5.4; 5.24.100, Renumbered , Ord. No. 98-1, 02/10/1998)

Section 5.24.100 License-Inspection of licensed premises-Temporary suspension and revocation.

A. The sheriff shall inspect all places licensed under this chapter as often as deemed necessary and shall investigate all complaints. In the event the sheriff has obtained evidence that the cabaret or public dance hall licensed under this chapter is operating in violation of any law or in violation of this code, or has become a nuisance under the Drug Abatement Act set forth in Health and Safety Code Section 11570, et seq., the sheriff shall cause to be personally served on the subject property manager notice of such evidence, and notice of a hearing with the city manager or his appointed designee, which shall be held within five days of the notice, to determine whether the license should be temporarily suspended.

B. Evidence shall be presented to the city manager, or his appointed designee, from the sheriff and from the property manager. After considering all evidence, the city manager, or his appointed designee, may conclude and make a ruling that due to the evidence of the violation of laws, the license is to be temporarily suspended for a maximum period of thirty days from the date of the ruling. The ruling of the city manager or his appointed designee shall be made in writing within three days of the hearing and shall be mailed to the property manager by certified mail, return receipt requested.

C. The city manager shall place the matter on the city council agenda for a public hearing to be heard within the thirty day period, unless the property manager requests, in writing, from the city clerk, an extension to the suspension of the license to prepare for the city council hearing.

D. At the hearing before the city council, the sheriff shall present evidence that the cabaret or public dance hall is operating in violation of laws, and the property manager shall present evidence to the city council. The city council will hear evidence from any other neighboring property owners or managers or interested people with regard to the suspension or revocation of the license. At the conclusion of the hearing, the city council shall determine, by findings set forth in a resolution, whether to revoke the

suspension made by the city manager or his appointed designee, or to suspend the license for a further period as necessary, or to revoke and annul such license.

(Prior code 3-5.5; Ord. 90-22 Section 1, 1990; 5.24.110, Renumbered, Ord. 98-1, 02/10/1998)

Section 5.24.110 Police officers to have access-Temporary closing by police order.

Any peace officer of the city or of the state, or any officer or official of the United States government charged with the duty of enforcing police laws of the United States government shall have free access during business hours to any establishment regulated by this chapter, and such cabarets or public dance halls shall be closed at any time upon the order of the sheriff or the chief of police of the city, upon a finding that immediate closure is necessary to protect the health, safety or welfare of the public. Such temporary closure shall expire at the end of five days unless the sheriff or the chief of police has filed written charges with the city manager. Upon an investigation of such charges, pursuant to the procedures in Section 5.24.100, the city council has power, by resolution, to revoke the temporary closure theretofore made by the sheriff or the chief of police, to suspend the license for such further period as it may deem proper or to revoke and annul such license.

(Prior code 3-5.12; 5.24.170, Amended & Renumbered, Ord. No.98-1, 02/10/1998)

Section 5.24.120 Expiration of license.

All cabaret and public dance hall licenses issued under this chapter shall automatically expire when the following conditions arise:

- A. There is a transfer of ownership of the cabaret or dance hall;
- B. The cabaret or dance hall moves to a new location;
- C. There is a change in the nature of the business (e.g. the business changes from a cafe to a bar).
- D. Annually on the 30th of June.

(License-License tax classification, 5.24.300, Renumbered, Ord. No. 98-1, 02/10/1998; Ord. No. 98-1, Added, 02/10/1998)

Section 5.24.130 Compliance with laws and regulations required prior to licensing.

No city license shall be granted under the provisions of this chapter unless the cabaret or public dance hall or place conforms to and complies with all laws and regulations of the city.

(Prior code 3-5.25; 5.24.290, Amended & Renumbered, Ord. No. 98-1, 02/10/1998)

Section 5.24.140 Entertainment-Regulations generally.

It is unlawful for the owner, proprietor, manager or person in charge, or any employee of a cabaret or public dance hall to harbor, admit or receive, or to allow or

permit in such cabaret or public dance hall, any entertainment except that which is furnished by the person or persons who own and operate the business conducted at such cabaret or public dance hall, and such entertainment must be only upon a stage, platform or dance floor, and the patrons, guests or customers shall at all times be excluded from such stage, platform or dance floor during the progress of the entertainment. In cases where a lack of space requires an entertainer(s), performing live music, to be set-up on a portion of the dance floor, there must be at least a four foot separation between dancing patrons and the entertainer(s). The owner, proprietor, manager or person in charge of any cabaret or public dance hall shall provide a reasonable passageway through any part of the room used by customers, guests or patrons for ingress and egress of the entertainers to the stage, platform or dance floor where such entertainment is being presented. It is unlawful for any paid entertainers to mingle with the patrons, guests or customers of such cabarets or public dance hall during the period of time they are employed.
(Prior code 3-5.7; 5.24.130, Amended & Renumbered, Ord. No. 98-1, 02/10/1998)

Section 5.24.150 Entertainment-Age of entertainers.

It is unlawful for the owner, proprietor, manager or person in charge of a public dance hall or cabaret to employ as entertainers any person or persons not at least twenty-one years of age, provided that the foregoing provisions shall not apply to persons employed as entertainers who are at least fifteen years of age in any public dance hall or cabaret where alcoholic beverages are not sold, furnished or permitted.
(Prior code 3-5.8, Ord. No. 90-17 Section 19; 5.24.140, Amended & Renumbered, Ord. No. 98-1, 02/10/1998)

Section 5.24.160 Entertainment-Entertaining in manner other than that contracted for prohibited.

It is unlawful for any paid entertainer, employee, concessionaire or employee of any concessionaire to entertain patrons, guests or customers in any cabaret or public dance hall except in the manner lawfully contracted for under the provisions of this chapter.
(Prior code 3-5.10; 5.24.150, Amended & Renumbered, Ord. No. 98-1, 02/10/1998)

Section 5.24.170 Employees not to associate with patrons, etc.

It is unlawful for any employee to leave the cabaret or public dance hall where he or she may be employed, or to in any way associate with any guest, patron or customer of such cabaret or public dance hall during the hours of employment. Nothing contained in this chapter shall be construed, however, to prevent any employee of cabaret or public dance hall licensed under the provisions of this chapter from selling or serving food or drink to a customer, patron or guest of such cabaret or public dance hall.
(Prior code 3-5.11; 5.24.160, Amended & Renumbered, Ord. No. 98-1, 02/10/1998)

Section 5.24.180 Minors prohibited.

A. It is unlawful for any person conducting, managing, operating or maintaining any cabaret or public dance hall, or any employee thereof, to harbor, admit, receive or permit to be or remain in or about such cabaret or public dance hall any person under the age of twenty-one years, not accompanied by his or her parent or legal guardian, provided that the foregoing provisions shall not apply to such persons who are at least fifteen years of age in any cabaret or public dance hall where spirituous, malt, vinous or other alcoholic beverages are not sold, furnished or permitted, provided further, however, that such foregoing provisions shall not prohibit the entry of such persons under the age of twenty-one years into any dining room located in or about premises occupied by a hotel or inn of sixty rooms or more, and actually maintained and operated as a bona fide part of such hotel business.

B. It is unlawful for any person to falsely represent, state or declare in any cabaret or public dance hall that he or she is of an age other than his or her true age, or for any parent, guardian or any other person to aid and abet in such false representation in order for such person to obtain employment in any such cabaret or public dance hall.
(Prior code 3-5.13; Ord. No. 98-1, Amended, 02/10/1998)

Section 5.24.190 Patron prohibited from carrying alcoholic beverages into cabaret or public dance hall.

It is unlawful for any patron, customer or visitor to bring, carry or transport into any cabaret or public dance hall, room, place or space wherein dancing is permitted under the terms of this chapter, during hours when dancing is actually being conducted or carried on therein, any bottle or other container containing any alcoholic beverage.
(Prior code 3-5.36; 5.24.400, Amended & Renumbered, Ord. No. 98-1, 02/10/1998)

Section 5.24.200 Unlawful to permit patron to carry in alcoholic beverages.

It is unlawful for any person knowingly to permit any patron, customer or visitor to bring, carry or transport into any cabaret or public dance hall, room, place or space wherein dancing is actually being conducted or carried on therein any bottle or other container containing any alcoholic beverage.
(Prior code 3-5.37; 5.24.410, Amended & Renumbered, Ord. No. 98-1, 02/10/1998)

Section 5.24.210 Distribution of alcoholic beverages in bottles prohibited on premises-Exception.

It is unlawful for any person in any cabaret or public dance hall room, place or space wherein dancing is permitted under the terms of this article to sell, serve, give away or distribute in bottles any alcoholic beverage, with the exception of beer or wine.
(Prior code 3-5.38; 5.24.420, Amended & Renumbered, Ord. No. 98-1, 02/10/1998)

Section 5.24.220 Intoxicated persons prohibited.

It is unlawful for any person conducting, managing, operating or maintaining any cabaret or public dance hall, or any employee thereof, to harbor, admit or receive, or to permit to be or remain in or about such cabaret or public dance hall, any intoxicated or boisterous person or any person under the influence of intoxicating liquors or drugs whose conduct while present in such cabaret or public dance hall tends to violate any of the laws of this city or this state, or interferes with the proper management of such cabaret or public dance hall.

(Prior code 3-15.14; Ord. No. 90-17 Section 20, 1990; 5.24.220, Amended & Renumbered, Ord. No. 98-1, 02/10/1998)

Section 5.24.230 Passageway for ingress or egress to dance floor area.

The owners, proprietors or manager in charge of any cabaret or public dance hall shall provide a reasonable passageway through any part of the room used by customers, guests or patrons for the ingress or egress of such customers, guests or patrons and entertainers to the dance floor area.

(Prior code 3-5.34; 5.24.380, Amended & Renumbered, Ord. No. 98-1, 02/10/1998)

Section 5.24.240 Premises to be kept in good condition.

Cabarets and public dance halls shall be kept in a clean, healthful and sanitary condition at all times, and have the stairways and other passages and all rooms and places used by patrons at all times open, adequately lighted and properly ventilated during the hours such cabaret or dance hall is open for business.

(Prior code 3-5.33; 5.24.370, Amended & Renumbered, Ord. No. 98-1, 02/10/1998)

Section 5.24.250 Summary of provisions-Notices to be posted.

The sheriff or the chief of police shall furnish and cause to be furnished, printed notices containing a summary or synopsis of the provisions of this chapter to the proprietors or managers of every cabaret or public dance hall. Such notices shall be printed in type of no less than twelve point in size, and it is the duty of the owner, proprietor and person having the charge and control of such cabaret or public dance hall to post one of the notices in each ladies' bathroom and one in each gentlemen's bathroom where patrons are admitted, and one in each male entertainer's room and one in each female entertainer's room.

(Prior code 3-5.15; 5.24.200, Amended & Renumbered, Ord. No. 98-1, 02/10/1998)

Section 5.24.260 Summary of provisions-Operation without notices posted prohibited.

It is unlawful for any cabaret or public dance hall to be open or to remain open for use of the public unless the notices specified in Section 5.24.250 are kept posted as

provided. It is a violation of this section for a proprietor, owner or manager or person having the charge of such business to refuse to immediately replace any notice provided for in Section 5.24.250, upon demand of any peace officer of the city or the state.

(Prior code 3-5.22, Application for license-Investigation-Fee, Repealed and Replaced, Ord. No. 98-1, 02/10/1998; Prior code 3-5.16; 5.24.210, Amended & Renumbered, Ord. No. 98-1, 02/10/1998)

Section 5.24.270 Hours of operation.

No entertainment or dancing shall be conducted in a cabaret or public dance hall between the hours of 2:00 a.m. and 11:00 a.m. of the same day.

(Prior code 3-5.23, Application for license-Form, Repealed & Replaced, Ord. No. 98-1, 02/10/1998; Prior code 3-5.17; 5.24.220, Closing Hours, Amended & Renumbered, Ord. No. 98-1, 02/10/1998)

Section 5.24.279A Article II. Cabarets

Section 5.24.280 Defined.

"Cabaret" means any commercial establishment which features, allows or provides live entertainment. A cabaret may permit patron dancing without obtaining a public dance hall permit. "Live entertainment" shall mean any artistic, theatric, dramatic, athletic, or similar performance by persons and/or animals designed to entertain spectators thereof.

(Prior code 3-5.24, Application for license-Report of sheriff or police chief-Recommendation to council, Repealed & Replaced, Ord. No. 98-1, 02/10/1998; Prior code 3-5.2; 5.24.080, Amended & Renumbered, Ord. No. 98-1, 02/10/1998)

Section 5.24.290 License required.

No person or persons owning, having in charge or under their control any cabaret shall permit or allow any cabaret to be held in any such business, hall or place unless a license has been granted in the manner provided in this chapter. Cabaret licenses must be renewed annually.

(Ord. No. 98-1, Added, 02/10/1998)

Section 5.24.300 License-License tax classification.

For purposes of license taxes imposed by Chapter 5.04 of this code, cabarets are classified as follows:

A. Class A. Those cabarets employing entertainment groups of three or more persons, where dancing is carried on by patrons.

B. Class B. Cabarets employing entertainment groups of three or more persons, where no dancing is carried on by patrons.

C. Class C. Cabarets employing single acts or double acts only, where dancing is

carried on by patrons.

D. Class D. Cabarets employing single acts or double acts only, where no dancing is carried on by patrons.

(Prior code 3-5.26, Grant or denial of license by city council, Repealed & Replaced, Ord. No. 98-1, 02/10/1998; Prior code 3-5.6; 5.24.120, Renumbered, Ord. No. 98-1, 02/10/1998)

Section 5.24.310 Exemption from license; Loss of exemption.

Cabarets that do not sell or distribute alcoholic beverages, or allow alcoholic beverages to be consumed on the premises, that only employ single or double acts with no amplified music, and have no dancing by patrons, are exempt from the license provisions of Section 5.24.290. All other provisions of this chapter apply to cabarets exempted from licensure by this section. Any violation of this chapter or Chapter 8.32 of this code shall constitute an immediate loss of exemption of the cabaret.

(Prior code 3-5.27, Inspection of licensed premises-temporary suspension & revocation of licenses, Repealed, Ord. No. 98-1, 02/10/1998; Ord. No. 98-1, Added, 02/10/1998)

Section 5.24.319A Article III. Public Dance Halls

Section 5.24.320 Defined.

"Public Dance Hall" shall mean any room, place or space, excepting a private residence or home, which admits persons, whether for a fee or not, for the purpose of or which allows patron dancing to recorded or live music or sound.

(Prior code 3-15.18, 5.24.230, Amended & Renumbered, Ord. No. 98-1, 02/10/1998)

Section 5.24.330 License required.

No person or persons owning, having in charge or under their control any hall, room or place, shall permit or allow any public dance to be held in any such room, hall or place unless a license has been granted in the manner provided in this chapter. Public dance hall licenses must be renewed annually.

(Prior code 3-5.29, Minors prohibited-Exceptions, Repealed & Replaced, Ord. No. 98-1, 02/10/1998; Prior code 3-5.19, 5.24.240, Amended & Renumbered, Ord. No. 98-1, 02/10/1998)

Section 5.24.340 Classes of licenses.

For purposes of license taxes imposed by Chapter 5.04 of this code, public dance halls are classified as follows:

A. A "Class A" license is required where there is daily or nightly dancing and where the sale of alcoholic beverages equals or exceeds the sale of food.

B. A "Class B" license is required where there is daily or nightly dancing, and the sale of food exceeds the sale of alcoholic beverages, or where no food or alcohol is sold.

C. A "Class C" license is required where there is dancing not to exceed three days or nights in any calendar week.

D. A "Class D" license is required where dancing is not regularly conducted, but only occurs occasionally or by special arrangement.

(Prior code 3-5.30, Ord. No. 90-17 Section 22; Drunks prohibited, Repealed & Replaced, Ord. No. 98-1, 02/10/1998; Prior code 3-5.20, 5.24.250, Amended & Renumbered, Ord. No. 98-1, 02/10/1998)

Section 5.24.350 License-Exception.

The following persons and organizations are not required to obtain a public dance hall license:

A. An agency or department of any city, political subdivision, school district or other governmental agency;

B. Any recognized youth service organization, as defined in Chapter 5.84; provide, that the guests shall not exceed the number of members present,

C. The holder of a valid Teenage Dance Permit issued pursuant to Chapter 5.84.

(Prior code 3-5.31, Ord. No. 90-17 Section 23; Loitering by minors, drunks-Prohibited, Repealed & Replaced, Ord. No. 98-1, 02/10/1998; Ord. No. 98-1, Added, 02/10/1998)

Section 5.24.360 Boisterous conduct prohibited.

(Prior code 3-5.32; Ord. No. 98-1, Repealed, 02/10/1998)

Section 5.24.390 Right of access of peace officers.

(Prior code 3-5.35; Ord. No. 98-1, Repealed, 02/10/1998)

Section 5.24.430 Closing hours.

(Prior code 3-5.39; Ord. No. 98-1, Repealed, 02/10/1998)