

**Chapter 5.46**  
**JUVENILE DANCE HALLS**

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**5.46.010 Definitions.**

As used in this chapter, the words and phrases defined in this section shall have the following meanings:

- A. "In Session" means the status of a school during the fall or spring terms when students are required to attend the school;
- B. "Juvenile" means a person 14 years of age through 20 years of age;
- C. "Juvenile dance hall" means any place primarily attended by juveniles, to participate in dancing or listening to recorded music, whether admission thereto is by a set admission charge, by the donation of money, or no charge at all;
- D. "License" means a permit to operate a juvenile dance hall;
- E. "Licensee" means the person to whom the license required under this chapter is issued as well as any manager, agent or employee of such person at the licensed place of business;
- F. "School" means a public or private elementary or secondary school.

(History: Ord. JDH-1626A §1, 89; JDH-1626 §1, 89)

**5.46.020 License Required.**

It is unlawful and prohibited for any person to operate a juvenile dance hall within the City without having in such person's possession a valid juvenile dance hall license for the place of business issued by the City.

(History: Ord. JDH-1626 §2, 89)

**5.46.030 Exceptions.**

The following activities do not require a license pursuant to this chapter:

- A. A dance conducted at a private residence from which the general public is excluded;
- B. A dance conducted at or sponsored by a public or private elementary school, secondary school, college, or university;
- C. A dance conducted at a religious or fraternal organization;
- D. A dance conducted at a place owned by the federal, state, or local government.

(History: Ord. JDH-1626 §3, 89)

**5.46.040 License Application.**

The application for a license to operate a juvenile dance hall shall be made by the applicant to the City Clerk on a form provided by the City Clerk and shall contain, but not be limited to, the following information:

- A. The name and residence of the applicant;
- B. A description of the location to be licensed, the dimensions of the interior of the location, the dimensions of the dance floor, the seating arrangements, the location of any food service area, and the location and dimensions of the parking area. These dimensions shall be provided by inclusion of a floor plan graphically depicting the location of said items;
- C. A detailed description of the provisions the applicant has made for security on the premises to include parking lot security and the names and addresses of the persons who will supervise and manage the premises;
- D. The manner in which admission will be permitted, and, if admission will be by a set admission charge or the donation of money, the amount of the charge or the donation that will be required;
- E. The length of time the applicant has resided within Johnson County and the state of Kansas;
- F. The name of the owner of the premises upon which the place of business is located;
- G. The name and address of all employees who will be employed on the premises;
- H. A statement that the applicant and all employees are citizens of the United States and that the applicant and all employees have never been convicted of a felony or during the five years immediately preceding the date of application have never been convicted of:
  - 1. Prostitution;
  - 2. Promotion of prostitution;
  - 3. Public lewdness;
  - 4. Gambling;
  - 5. Violation of the Kansas Uniform Controlled Substance Act;
  - 6. Violation of the liquor laws of the state of Kansas or any city or state;

7. Driving under the influence of alcohol or drugs or any other alcohol-related offense;
8. Carrying a concealed weapon;
9. Disorderly conduct;
10. Battery;
11. A violation of this chapter.

One copy of the application shall be transmitted to the Chief of Police for investigation of the applicant. The Chief of Police shall investigate the applicant and the applicant's employees to determine whether the applicant is qualified under the provisions of this chapter and shall report the findings and recommendations to the City Clerk.

(History: Ord. JDH-1626A §2, 89; JDH-1626 §4, 89)

**5.46.050 License Fee.**

A license fee in the amount of \$200 per year shall be paid for each license that is issued pursuant to this chapter. The full amount of the license fee shall be required regardless of the time of the year in which the application is made. There shall be no refund in any case when the licensee quits business prior to the end of the year. No license shall be transferable.

(History: Ord. JDH-1626 §5, 89)

**5.46.060 Issuance of License.**

If the application is in proper form and accompanied by the license fee, the City Clerk shall examine the application and shall, if the applicant is qualified as provided herein, issue the license; provided no license shall be issued to:

- A. A person who is not a resident of Johnson County, Kansas, or has not been a resident of such county for at least six months prior to filing the application;
- B. A person who is not of good character or reputation in the community in which he/she resides.
- C. A person who is not a citizen of the United States.
- D. A person who has been convicted of during the immediately preceding five years, or if any employee or manager has been convicted of during the same period, any of the following:
  1. Prostitution;
  2. Promotion of prostitution;
  3. Public lewdness;
  4. Gambling;
  5. Violation of the Kansas Uniform Controlled Substance Act;
  6. Violation of the liquor laws of the state of Kansas or any city or state;
  7. Driving under the influence of alcohol or drugs or any other alcohol-related offense;

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8. Carrying a concealed weapon;
  9. Disorderly conduct;
  10. Battery;
  11. A violation of this chapter.
- E. A partnership, unless all the members are qualified individually;
- F. A corporation, if any corporation officer or director thereof or any stockholder owning in the aggregate more than 25% of the stock of such corporation would be ineligible to receive a license for any reason other than citizenship and residency requirements;
- G. A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required of the licensee including citizenship and residency requirements;
- H. A person whose spouse would be ineligible.

The licensee shall keep the license posted in a conspicuous place on the licensed premises.  
(History: Ord. JDH-1626A §3, 89; JDH-1626 §6, 89)

### **5.46.070 Hours of Operation.**

Juvenile dance halls shall be open to business only during the following times.

- A. If school is in session in the public school district in which the juvenile dance hall is located, the hours of operation shall be:
1. 5:00 p.m. through 10:30 p.m. Monday through Thursday;
  2. 5:00 p.m. on Friday through 1:00 a.m. on Saturday;
  3. 1:00 p.m. Saturday through 1:00 a.m. on Sunday;
  4. 1:00 p.m. through 10:30 p.m. on Sunday.
- B. If school is not in session in the public school district in which the dance hall is located, the hours of operation shall be 1:00 p.m. through 1:00 a.m. Monday through Sunday.

(History: Ord. JDH-1626B §1, 90; JDH-1626A §4, 89; JDH-1626 §7, 89)

### **5.46.080 Persons permitted in club.**

- A. Licensees may allow persons 14 years of age through 20 years of age to enter the club; provided, if a licensee allows persons 14 and 15 years of age to enter the club, they shall be prohibited from allowing persons 19 and 20 years of age from entering the club; provided further, if a licensee prohibits individuals 14 and 15 years of age from entering the club, they may allow persons 16 through 20 years of age to enter the club. Licensees are prohibited from allowing both 14 and 15-year-old individuals and 19 and 20-year-old individuals in the club at the same time. In addition, licensees must state on their application for license which age group they intend to serve. If during the license period a licensee desires to change the age group to be served, the licensee must first notify the City Clerk in writing of the change.
- B. In those clubs where the licensee has indicated on the license application that service will be to 14 through 18-year-old individuals, no person under the age of 14 years of age or over the age of 18 years old may enter or remain on the premises. In those clubs where

the licensee has indicated on the license application that service will be to 16 through 20-year-old individuals, no person under the age of 16 and no person over the age of 20 may enter or remain on the premises; provided that regardless of the age of the patrons selected by the licensee, parents or legal guardians of patrons on the premises, employees, or licensees of the juvenile dance hall and government officials conducting business may enter upon the premises.

- C. It is a violation of this chapter for any person for the purpose of gaining admittance to a juvenile dance hall to falsely represent:
1. Their actual age;
  2. Themselves to be a licensee or an employee of the juvenile dance hall;
  3. Themselves to be a parent or guardian of a person in the juvenile dance hall;
  4. Themselves to be a governmental employee in the performance of his/her duties.
- D. It shall be a violation of this chapter for a licensee not to check each person entering the licensed premises to insure by way of valid identification the person entering is of juvenile age as defined herein. Persons without identification shall be denied entrance to the premises.
- E. It shall be a violation of this chapter for any person on the premises, to include the parking areas, to not provide identification to law enforcement officers to include name, age and address.

(History: Ord. JDH-1626A §5, 89; JDH-1626 §8, 89)

#### **5.46.090 Alcohol and Tobacco Prohibited.**

- A. The possession of alcohol or cereal malt beverages is prohibited on the premises of any juvenile dance hall and it shall be a violation of this chapter for any person to possess alcohol on the premises of a juvenile dance hall or for a licensee to permit the possession of alcohol on the premises. Licensees shall physically check all handbags, purses or hand carried clothing to insure no alcohol is brought into the premises.
- B. There shall be no smoking permitted on the premises of a juvenile dance hall. It shall be a violation of this chapter for any person to smoke on the premises of a juvenile dance hall or for a licensee to permit smoking on the premises.

(History: Ord. JDH-1626 §9, 89)

#### **5.46.100 Posting.**

Licensee shall post the age restrictions and the alcohol and tobacco prohibitions conspicuously upon the premises, preferably on the outside of the building adjacent to the main entrance.

(History: Ord. JDH-1626 §10, 89)

#### **5.46.110 Maximum Occupancy.**

Juvenile dance hall occupant loads shall not exceed the value established by O.P.M.C. Chapter 16.100. The occupancy load shall be posted as required by O.P.M.C. Title 16.

(History: Ord. JDH-2251 §1, 2001; JDH-1626 §11, 89)

#### **5.46.120 Interior Lighting.**

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During all times a juvenile dance hall is open for business the interior lighting shall be sufficient to make the appearance and conduct of all patrons and other persons easily discernable immediately upon entering the premises.

(History: Ord. JDH-1626 §12, 89)

### **5.46.130 Parking.**

Every juvenile dance hall shall provide and maintain parking spaces sufficient for the location as determined by the City Planning and Development Services Department. All parking areas shall be maintained and supervised as required by 5.46.140. In addition, all parking areas shall be posted with "No Loitering" signs.

(History: Ord. JDH-2251 §2, 2001; JDH-1626 §13, 89)

### **5.46.140 Supervision and Security.**

Every juvenile dance hall licensee shall provide during hours of operation and one hour subsequent to hours of operation at least one uniformed security guard for each 100 anticipated customers. Such security guards shall patrol both the interior and exterior of the premises to include the parking areas and maintain order and shall supervise the cleanup of trash and litter in the parking lot. At all times there shall be at least one security guard in the parking areas.

Security guards shall enforce the required "No Loitering" signs and report all criminal violations to law enforcement authorities as necessary.

(History: Ord. JDH-1626 §14, 89)

### **5.46.150 License Revocation.**

After five days written notice to any person holding a juvenile dance hall license, the Governing Body of the City may suspend or revoke such license for a violation of any of the provisions of this chapter or for any of the following:

- A. Licensee permits criminal activity to include drug sales on premises;
- B. Licensee or employee violates any City, state or federal laws;
- C. Licensee employs persons in violation of the licensing standards of this chapter;
- D. Licensee fails to cooperate with City officials in the conduct of their enforcement and inspection duties.

Within 20 days of Governing Body's action, the licensee may appeal any decision to the District Court.

(History: Ord. JDH-1626A §6, 89; JDH-1626 §15, 89)

### **5.46.160 Penalty.**

Any person convicted of a violation of this chapter shall be fined not more than \$1,000 or imprisoned for more than six months, or by both such fine and imprisonment in addition to any action taken pursuant to Section 5.46.150.

(History: Ord. JDH-1626 §16, 89)

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