

AN ORDINANCE OF THE CITY OF RIDGECREST
REGULATING PUBLIC DANCES AND PUBLIC CAFE
DANCES

THE CITY COUNCIL OF THE CITY OF RIDGECREST DOES ORDAIN
AS FOLLOWS:

SECTION 1. Definitions - The following words, terms and phrases, when used in this ordinance, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) "Person" includes any natural person, firm, co-partnership, joint venture, association, club, corporation, estate, trust, business trust, receiver, syndicate or any other group or combination, acting as a unit, and the plural as well as the singular.

(b) "Public Dance" means:

(i) Any public gathering to which the public may gain admission or is entitled to attend for the purpose of attending or indulging in the pastime of dancing, regardless of whether or not an admission charge is made; or

(ii) Any gathering of persons assembling for the purposes of attending or indulging in the pastime of dancing in or upon any privately owned building or premises designed or used for the assembling of persons for any purpose, including, but not limited to, dancing or other recreation, regardless of whether any admission charge is made and regardless of whether attendance at said gathering is invitational by the person holding or conducting the same;

(iii) Expressly excluded from the definition of public dance is any dance held and conducted for the private purposes of the owner within or upon any privately owned dwelling house and appurtenances.

(c) "Public Dance Hall" is defined as any hall, room, platform, pavilion, building or space in which a public dance is conducted.

(d) "Alcoholic Beverage" means and includes alcohol, spirits, liquor, wine, beer and every liquor or solid containing any of such substances, and which contains one-half of one per cent or more of alcohol by volume and which is fit for beverage purpose, either alone or when diluted, mixed or combined with other substances.

(e) "Public Cafe Dance Hall" is any hall, room, platform, pavilion, building or space in which a portion of the floor space is set aside for the purpose of indulging in the pastime of dancing, and which includes only such places as have been issued a license for the dispensing of alcoholic beverages.

(f) "Public Cafe Dance" is any public gathering in a public cafe dance hall to which the public may gain admission or is entitled to attend or engage in the pastime of dancing, regardless of whether an admission charge is made.

SECTION 2. - Application Forms; Public Dance - Any person desiring to conduct a public dance within the City of Ridgecrest shall first procure from the City Clerk an application, which shall be in substantially the following form:

APPLICATION FOR PUBLIC DANCE LICENSE

TO THE CITY COUNCIL OF THE CITY OF RIDGECREST:

THE UNDERSIGNED hereby applies for a public dance license and states:

1. The name and place of residence of the person making the application is:

2. The names and addresses of all owners, lessees and persons interested in the conduct of said public dance are as follows:

3. The exact location and description of the building wherein it is proposed to conduct said public dance, together with a plan of the building, showing the location of exits, drinking fountains, rest rooms and other accessories to be used in connection therewith, are as follows:

4. The number of square feet of dancing floor space in the public dance hall in which said public dance is to be conducted is as follows:

5. Applicant has never been denied a license for a public dance in the City of Ridgecrest or County of Kern, or had such a license revoked, except:

6. Applicant will conduct such dance for the following age group:

7. Applicant intends to conduct the following business in conjunction with such public dance:

8. The applicant requests a gratuitous license for the following reasons:

I declare that I am the applicant herein (or one of the applicants, or one of the officers of the Corporation, if a Corporation) for a public dance license; that I have read the foregoing application and know the contents thereof, and the same is true of my own knowledge.

I declare under penalty of perjury the foregoing is true and correct. Executed this _____ day of _____, 19____, in the City of _____, State of California.

SECTION 3. Application Forms; Public Cafe Dance - Any person desiring to conduct a public cafe dance within the City of Ridgecrest shall first procure from the City Clerk an application which shall be in substantially the same form and wording prescribed in the foregoing section, except that wherever the words "public dance" are used, the words "public cafe dance" shall be substituted.

SECTION 4. Certificates to Accompany Applications - Applicant shall fully answer in writing all questions in the application form, and furnish any other information that may be required by the City Council or City Clerk. Such applications shall be filed with the City Clerk and shall have attached thereto a certificate of approval signed by representatives of the City Police Department, Health Department and Fire Department. Such applications shall also have attached thereto a certificate by at least ten (10) qualified electors of the City, in which certificate each elector signing the same shall for himself state that he is a qualified elector of the City and in which he shall state substantially as follows: that he is acquainted with the applicant or applicants, or if the applicant be a corporation, that he is acquainted with the officers and representatives of such corporation; that the particular place and premises where it is proposed to conduct said business is a fit and proper place in which to conduct the same; that the applicant or applicants, if a natural person or persons, is of good moral character, and a fit and proper person to conduct, manage and control said business, or if the applicant be a corporation, that its representatives are of good moral character, and fit and proper persons to conduct, manage and control said business, and that the person signing said certificates desires said place of business to be established.

SECTION 5. Compliance with Health and Safety Regulations - No permit shall be issued under this ordinance unless the premises for which the permit is issued shall fully comply with all health and safety rules and regulations concerning the construction of and the facilities in and upon the premises for the uses for which the permit is issued. Whenever any alteration, repair or improvement is required to place the premises in compliance with such health and safety rules and regulations, the applicant shall be advised of the nature of such required alteration, repair or improvement and which such advice shall be given by the particular city department charged with the enforcement of the applicable health or safety rule or regulation. The applicant shall not be bound to effect any such required alteration, repair or improvement in or upon the premises until his application shall be approved in all other respects. If at the time of the hearing on such application the City Council finds and determines that the application is proper in all other respects, the City Council shall issue the license conditioned upon the effecting by applicant of the required alterations, repairs or improvements necessary to place the premises in compliance with all applicable health and safety rules and regulations. The licensee shall not conduct any operation by virtue of said conditional license unless and until the required alteration, repair or improvement shall have been fully completed. Upon the completion thereof the license shall become fully operative for all intents and purposes for which it was issued.

SECTION 6. Setting Time for Hearing; Notice - Upon the filing of an application for public dance or public cafe dance license, accompanied by the required certificates, a time shall be fixed for the hearing of such application, which time shall not be less than two weeks from the date of filing, and notice of such hearing shall be given by the City Clerk by publication in a newspaper of general circulation published in said City, and said notice shall contain a statement of the name or names of the applicant or applicants and/or person, the nature of the business to be conducted under the license for which application has been made, the location of the particular place and premises in which it is proposed to conduct the business under the license applied for, and the time and place fixed for hearing such application, and said notice shall be published in such newspaper once a week for two successive weeks before the time fixed for hearing such application, and the applicant or applicants shall at the time of filing such application, deposit with the Clerk a sum sufficient to pay for publication of such notice.

SECTION 7. Hearing - At the time fixed for hearing such application, or at such time to which said hearing may have been continued, and upon proof to the satisfaction of the City Council that notice of such hearing was given as herein provided, the hearing of such application shall be held, and if it appears that the applicant or applicants have complied with all provisions of this ordinance; that

the matters and statements set forth in the application are true; that the applicant, if a natural person, is of good moral character, and a fit and proper person to hold such license and to conduct the business for which the license is requested, or if the applicant is a corporation, that the officers and representatives of such corporation are of good moral character, and fit and proper persons to conduct, manage and control the business for which such license is requested; that the nature and particular kind of business for which it is proposed to conduct under such license is of such a character as to not likely become immoral or indecent or vulgar; that the place and premises described in such application is a fit and proper place for such purpose, and that the certificates accompanying such application are signed by the proper representatives and correct number of persons; and that in the judgment of the City Council it will not be prejudicial to public interest and welfare to grant or issue such license; then the City Council may by proper order entered on its minutes direct the City Clerk to issue the license.

SECTION 8. Temporary Continuance Pending Transfer of Alcoholic Beverage Control License - Whenever any person acquires by purchase or other transfer any public cafe dance business operating under and by virtue of a validly existing public cafe dance license issued to the transferor, and which business is also operating under any alcoholic beverage license issued by the Department of Alcoholic Beverage Control of the State of California, and the transferee has duly applied to said department for the transfer of such license, said transferee may apply to the Police Department for a temporary continuance of the existing public cafe dance license prior to the completion of the transfer of the alcoholic beverage license. Subject to the requirements of fitness of person and premises prescribed by this ordinance, the Police Department prior to the hearing on the application may approve the continuance of the existing public cafe dance license pending the completion of the transfer of the alcoholic beverage license. Any such temporary license continuance may be revoked by the Police Department for any cause sufficient to deny the issuance of the license in the first instance. Upon the completion of the transfer of the alcoholic beverage license, the required notice shall be given and the required hearing shall be held as hereinabove provided. Any temporary public cafe dance license continuance shall terminate at the time of determination of the City Council granting or denying the application.

SECTION 9. Temporary Continuance of Existing Public Dance Hall License - Whenever any person acquires by purchase or other transfer any public dance hall business operating under a validly existing public dance hall license, the transferee may apply to the Police Department for a temporary continuance of the existing license pending the determination of the application filed by the transferee under this ordinance. Subject to the requirements of fitness of

person and premises prescribed herein, the Police Department may prior to the hearing on the application approve the continuance of the existing public dance hall license pending the determination of the issuance of the license applied for by transferee. Any such temporary license continuance may be revoked by the Police Department for any cause sufficient to deny the issuance of the license in the first instance. Any such temporary license continuance shall terminate at the time of determination by the City Council granting or denying the application.

SECTION 10. Issuance of License; Effect - Such license, when issued, shall be authority to the person to which issued to conduct at the particular place and premises described in the application therefor, and at no other place, the business for which such license was sought, and of conducting public dancing therein, but such license shall not, nor shall any interest therein be assignable or transferable, and such license shall be valid only when held by the person to which the same was issued, and while the business thereunder shall be conducted and carried on at the particular place and premises described in the application therefor. Provided, however, that the City Council may for good cause shown, and upon personal application of the holder of such license, permit such license to be used for another suitable and proper place, but this proviso shall not be construed in any way as permitting any business to be conducted in more than one place at the same time under said license.

SECTION 11. Fee - Any person to which a public dance or public cafe dance license is issued under this ordinance must pay for such license to the City Clerk at the time of issuance thereof, and annually thereafter, the sum of \$0.01 for each square foot of floor space of such public dance hall, or public cafe dance hall, and in computing floor space only that part of the floor actually used for or devoted to dancing shall be measured.

SECTION 12. Additional License Fee - Notwithstanding any other provisions herein to the contrary, if the number of square feet of floor space used for dancing in a public dance hall or public cafe dance hall is increased after a public dance or public cafe dance license has been issued, the licensee, or his representative, before conducting a public dance therein, shall so notify the City Clerk in writing. Such notice shall be accompanied by an affidavit of licensee, or his representative, certifying to the exact number of square feet of additional floor space used for dancing and the sum of \$0.01 for each square foot thereof. Upon receipt of such notice, affidavit and money, the City Clerk shall issue a receipt to licensee, together with the public dance or public cafe dance license, and no further license shall be required during the period for such such license has been issued. Failure of any person to comply herewith shall be grounds for revocation or suspension of his license.

SECTION 13. Fee for Single Dance Event - If the application is for conducting a dance upon a single date only, the fee for

issuance of such license shall be \$0.01 for each square foot of floor space as hereinabove provided, but in no event shall such fee exceed the total sum of \$25.00.

SECTION 14. Youth Dances; Types of Licenses - Three types of youth dance licenses are hereby established:

(a) Type A Youth Dance License: a license which may be issued to an establishment serving alcoholic beverages and qualifying as a bona fide public eating place as defined by the Business and Professions Code.

(b) Type B Youth Dance License: a license which may be issued to establishments not serving alcoholic beverages.

(c) Type C Youth Dance License: a special dance license specifically endorsed by the City Council as such.

SECTION 15. Youth Dances; Type A Youth Dance License - A person under seventeen (17) years of age shall not enter, be, or remain on or in any premises for which a Type A Youth Dance License is required or has been issued pursuant to these provisions, except when such person is accompanied by his parent, his guardian, or his spouse over twenty-one (21) years of age.

SECTION 16. Youth Dances; Type B Youth Dance License - A person under fifteen (15) years of age shall not enter, be, or remain in or on any premises for which a Type B Youth Dance License is required or has been issued pursuant to these provisions, except such person may do so when accompanied by his parent, his guardian, or his spouse over twenty-one (21) years of age. No person or persons licensed pursuant to this provision shall permit any person under fifteen (15) years of age to enter, be, or remain in or on any premises for which a license is required or has been issued except when such person is accompanied by his parent, his guardian, or his spouse over twenty-one (21) years of age.

SECTION 17. Youth Dances; Type C Youth Dance License - Type C Youth Dance Licenses shall designate the age group permitted to participate in said dance, as determined by the City Council. Persons under fifteen (15) years of age may attend and participate in dances conducted under this type license. The City Council, in addition to the foregoing, may impose such additional terms and conditions as the City Council, in its discretion, deems advisable, including the requirement that transportation to and from such dances be provided.

SECTION 18. Youth Dances; Application of General Provisions - Except as specifically otherwise provided herein, all of the provisions of this ordinance apply to youth dance licenses.

SECTION 19. Youth Dances; Minors - If a license is issued for a youth dance under this ordinance, and such dance is conducted in full compliance with the provisions of this ordinance, a minor may attend such dance even if not accompanied by a parent, guardian or spouse over twenty-one (21) years of age, where such minor is within the designated age group covered by the license.

SECTION 20. Youth Dances; Reports Required - Before a license for any youth dance is issued, the City Council shall obtain a report from the City Police Department, including a statement as to the maximum number of persons which may be allowed within such premises. Any applicant or licensee under these youth dance provisions shall, when so requested by the City Council, provide such financial reports, including profit and loss statements, as may be required.

SECTION 21. Youth Dances; Number of Participants - A license for any youth dance shall specify the maximum number of persons who may be on the premises. This number shall not exceed the number specified by the City Police Department.

SECTION 22. Youth Dances; Exemption - The City Council may issue a Type C Youth Dance License for a continuing period of time when so requested by a bona fide charitable, religious, benevolent, patriotic or educational organization, or by a bona fide dancing school.

SECTION 23. Youth Dances; Sponsors - In addition to the other requirements of this ordinance, a Type C Youth Dance License shall be issued only to an adult sponsoring group of not less than five (5) persons, each of whom has been approved by the City Council. Such sponsors, or any of them, may be the applicant for a license, but each sponsor must make all disclosures of information required of an applicant whether such sponsor is listed as the applicant or otherwise. Sponsors shall be present during the conducting of all dances for which a Type C Youth Type Dance License is required. The City Council may waive the requirements of this section, following a hearing, when the City Council finds that such action is in the public interest.

SECTION 24. Youth Dances; Physical Separation Required - Any licensee under a Type A Youth Dance License shall provide an area in which all persons under twenty-one (21) years of age shall sit. No alcoholic beverages shall be served to, consumed by, or possessed by any person within such area. Such area shall be physically separated from any areas where alcoholic beverages are served, and must be approved by the City Council prior to the issuance of any license. The City Council may, however, waive the provisions of this section after a hearing, due notice of which is given, when an acceptable alternate procedure can be provided for carrying out the intent of this section. Any such waiver must be endorsed by the City Council on the license to which it pertains.

SECTION 25. Revocation or Suspension - All licenses issued under this ordinance are subject to investigation, suspension, revocation or cancellation as herein provided, and each license shall contain a statement that it is subject to revocation or cancellation by the City Council and/or investigation or suspension by the Police Department, and it shall be the duty of any person conducting a business under such license to post in a conspicuous place on the premises for which it is issued the original license and to keep it posted at all times, and it shall be unlawful for any person to conduct or assist in conducting such business while such license is not so posted.

SECTION 26. Hearing on Complaint - The City Council at any time on its own motion, and upon the filing of a complaint in writing under oath, may cause an investigation to be made by the Police Department of any licensee issued a license under this ordinance. The City Council shall fix a time for the hearing of all matters connected therewith, and the Police Department shall give ten (10) days' notice in writing of such hearing to the person or licensee involved, and the time and place of such hearing. If it appears at such hearing that the licensee, or any agents, clerks, servants, employees, members, officers or representatives thereof, are not of good moral character, or are not sober or suitable persons to conduct such business, or have wilfully committed any act not authorized by such license, or that the business for which such license has been issued has not been conducted in a quiet, orderly, decent or lawful manner, or that violations of any city, county or state law have wilfully or knowingly been permitted to occur or exist, or that any fraud or misrepresentation has been used in obtaining such license, or that any licensee wilfully fails or refuses to appear and answer all pertinent questions, then the City Council may cancel or revoke such license and order the surrender of the same, and no further license under this ordinance shall ever be granted to such person.

SECTION 27. Suspension Pending Hearing - Upon motion of the City Council or the filing of a written complaint, as provided in the preceding section, any license shall be automatically suspended and no dance shall be conducted until a decision is made by the City Council. If such license is suspended, the period of suspension shall be for such time not to exceed the unexpired term of the license. It shall be unlawful for any person to conduct or assist in conducting a dance on the premises covered by a license during the period of suspension. The Police Department is hereby authorized to suspend any license for such period as is deemed necessary to preserve the peace, dignity and propriety of the community, and such suspension shall be effective immediately upon delivery to the licensee of written notice thereof. If a licensed is cancelled or revoked or suspended, all claims to license fees is forfeited by the licensee.

SECTION 28. Public Dance; Possession of Liquor - It shall be unlawful for any holder of a public dance license to have in his possession, or serve or drink, or to wilfully or knowingly permit any person to have, serve or drink any alcoholic beverage in or within a radius of one hundred (100) feet of such public dance hall, and it shall be unlawful for any person or persons to be or remain in any public dance hall within the City of Ridgecrest while under the influence of alcoholic beverages, or to dance or engage in any form of dancing suggestive of vulgarity, and it shall be unlawful for any person or persons to remain in such public dance hall while under the influence of alcoholic beverages, or after engaging in any form of dancing that is suggestive of vulgarity, while any such public dance is being conducted.

SECTION 29. Public Cafe Dance; Furnishing Liquor to Inebriates - It shall be unlawful for any person conducting a public cafe dance to sell, furnish, give or cause to be sold, furnished or given away, any alcoholic beverages to any habitual or common drunkard or to any obviously intoxicated person or persons, or to allow any such person or persons to be or remain in any public cafe dance within the City of Ridgecrest; and it shall be unlawful for any habitual or common drunkard or obviously intoxicated person or persons to be or remain in any public cafe dance within the City of Ridgecrest, or to dance or engage in any form of dancing suggestive of vulgarity while in such public cafe dance.

SECTION 30. Concealing Liquor Near Premises - It shall be unlawful for any person to store, conceal or leave any alcoholic beverages in or near any automobile or conveyance, while the same is parked or standing within five hundred (500) feet of any premises while a dance is being conducted for which a license is required under this ordinance.

SECTION 31. Closing Hours - It shall be unlawful to conduct or assist in conducting any dance for which a license is required between the hours of 2:00 o'clock a.m. and 8:00 o'clock a.m. immediately following.

SECTION 32. Public Dance; Age Restrictions - No person under the age of sixteen (16) years, unaccompanied by parents or legal guardian, shall attend any public dance or public dance hall, or loiter at or near the doors of any public dance hall within the City of Ridgecrest while a public dance is being conducted therein, and it shall be unlawful for any person in charge of, or conducting such public dance or public dance hall, to permit any person under the age of sixteen (16) years, unaccompanied by parents or legal guardian, to enter any public dance hall, or engage in dancing in such place where a public dance is being conducted or to loiter at or near the doors of any public dance hall within the City of Ridgecrest while a public dance is being conducted therein.

SECTION 33. Public Cafe Dance; Age Restrictions - It shall be unlawful for any person under the age of twenty-one (21) years to attend any public cafe dance or public cafe dance hall, or loiter at or near the doors of any public cafe dance hall within the City of Ridgecrest while a public cafe dance is being conducted therein. It shall be unlawful for any person in charge of, or conducting such public cafe dance or public cafe dance hall, to permit any person under the age of twenty-one (21) years to enter any public cafe dance hall, or engage in dancing in such place where a public cafe dance is being conducted or to loiter at or near the doors of any public cafe dance hall while a public cafe dance is being conducted therein.

SECTION 34. Matron and/or Peace Officer Required - Every person who conducts a public dance, or a public cafe dance, shall have in attendance a matron and/or peace officer at all times while said dance is being conducted, except that the Police Department may permit such dances to be conducted without a matron and/or peace officer when it is deemed unnecessary to protect the peace, dignity and propriety of such dance. All matrons and/or peace officers shall be approved by the Police Department prior to their acting as such. Additional matrons and/or peace officers may be required at any dance if deemed by the Police Department to be necessary to preserve the peace, dignity and propriety of such dance. Compensation for each matron and/or peace officer required to attend any dance shall be paid by the licensee.

SECTION 35. Pass-Out Checks - It shall be unlawful for any person conducting a dance for which a license is required to permit the issuance of pass-out checks or return checks to anyone under the age of twenty-one (21) years, and anyone under such age shall not be readmitted to such dance except upon payment of the regular admission charge.

SECTION 36. Lighting - Every establishment licensed under this ordinance shall be lighted throughout to an intensity of not less than three (3) foot-candles during all hours of operation, except only when a floor show is in progress.

SECTION 37. Noise Abatement - Whenever, upon due notice and hearing, it shall be determined that noise from any establishment licensed under this ordinance interferes with the right of persons dwelling in the vicinity of such establishment to the peaceful and quiet use and enjoyment of their property, the City Council may require that the premises be soundproofed in a manner to eliminate or reduce such noise to a reasonable level. In acting under this section, the City Council must balance all of the interests of the respective parties, as well as the hardship which result from any order. If the City Council finds that the noise complained of is of a minimum or unsequential degree, no action shall be taken under this section.

SECTION 38. Exits - No dancing shall be permitted in any establishment where a license is required which does not provide unlocked doors with free and easy egress while patrons are in the establishment.

SECTION 39. Period of License - All licenses issued under this ordinance, unless otherwise indicated thereon, shall be valid until the 31st day of December following its issuance, unless earlier revoked, canceled or suspended.

SECTION 40. Fee Required - All fees required for the issuance of any licenses under this ordinance shall be paid in advance for the entire period for which such licenses are issued.

SECTION 41. Gratuitous Licenses - A special gratuitous license for the conducting of any dance, subject to the terms and conditions of this ordinance, may be issued by the City Council at its discretion in any of the following events:

(a) For any dance where the proceeds thereof over and above the expenses of operation of said dance are used exclusively for the benefit of any charitable, patriotic, educational, benevolent or fraternal organization;

(b) For any dance where no admission charge is made or other consideration given for admission thereto;

(c) For any dance where admission thereto is limited to members and/or the invited guests of members of any regularly established and organized private club, fraternal organization, church, benevolent association, employees group organization or other similar organization holding and conducting the dance and regardless of whether or not any admission charge is made and regardless of the distribution of the proceeds of said dance.

Such license may be granted for a period of one (1) year from the date of issuance. Nothing in this section shall be construed as exempting any person from the necessity of obtaining a license to conduct any public dance or public cafe dance or youth dance, and if such gratuitous license is granted as herein provided, the City Council, for good cause shown, at the time of the application, may dispense with the necessity of giving notice and may proceed immediately to hear the application and grant such gratuitous license.

The application for a gratuitous license need not be accompanied by the certificate of ten (10) qualified electors, but shall be subject to approval by the Police Department, the Health Department and such other city departments as may be required by the City Council.

SECTION 42. Violation and Penalty - Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25.00 nor more than \$500.00, or by being imprisoned for a term not exceeding six (6) months, or by both such fine and imprisonment.

SECTION 43. Constitutionality - If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, phrases or portions thereof. The City Council hereby declares that it would have passed this ordinance and each part thereof irrespective of the fact that any one or more of said sections, subsections, sentences, clauses, phrases or portions might be held invalid.

SECTION 44. Publication - The City Clerk is instructed to certify to the adoption of this ordinance and to cause the same to be published in the manner required by law.

PASSED AND ADOPTED by the City Council of the City of Ridgecrest this 6th day of July, 1967, by the following vote:

AYES: Mayor Smith, Councilmen Fox, Jules, Kessler and Shacklett
NOES: None
ABSENT: None

Kenneth M. Smith
Mayor

ATTEST:

James R. Heck
City Clerk

