



Legislation Text

File #: 000278-AA, Version: 3

Amending Chapter 9-700 of The Philadelphia Code, entitled "Amusement Businesses," by amending Section 9-703, entitled "Dance Halls and Dances," to provide for the licensing and registration of Nightclub Operators, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," is amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

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§9-703. Dance Halls [and Dances].

(1) Definitions.

(a) "Dance Hall" shall mean [any room, place or space dedicated to dancing regardless whether dancing is the primary use of the space or merely an incidental use of the space, regardless whether a fee for admission is charged and regardless whether the space is open for public or private use] *any facility that the Philadelphia Building Code defines as a Use Group A-2 structure, which shall include all buildings and places of assembly where the intended occupancy is for the gathering together of fifty (50) or more persons for dancing, regardless of whether dancing is the primary intended purpose of the building or place of assembly.*

(b) ["Dance Event" shall mean an event at which more than four people are expected to congregate or do congregate for the purpose of dancing, regardless whether dancing is the primary purpose for such event or such congregation and regardless whether the dance is open for public or private admission.] *"Teen event" shall mean any event or time for which the dance hall is open for use either overwhelmingly or exclusively by minors.*

(2) Licenses.

(a) No person shall operate a dance hall without first obtaining [an annual] *a* dance hall license from the Department.

(.1) The fee for [an annual] *a* dance hall license shall be [fifty (50)] *one hundred (100)* dollars.

(.2) Within five (5) days of filing an application for a dance hall license, the applicant shall post a notice of application provided by the Department on the exterior of the proposed dance hall location

for a period of thirty (30) days.

(.3) Dance hall licenses shall be renewed [from year to year] *every two years* upon payment of the renewal fee of [fifty (50)] *one hundred (100)* dollars, subject to the conditions set forth in subsection (2)(b) herein.

(b) No [annual] dance hall license shall be issued *or renewed* by the Department unless the Department determines that:

(.1) The applicant has [a] valid *amusement and* business privilege licenses.

(.2) No dance hall license has been denied or revoked for the proposed location within the preceding three (3) months.

(.3) The proposed location is in compliance with all relevant local and state laws, including zoning.

(.4) The proposed location is a safe and proper place for purposes of the dance *hall* [or dances proposed to be conducted]. In making such determination, the Department shall consider:

(.a) The results of a safety inspection of the proposed location, including inspection relating to electrical wiring, lawful occupancy, fire safety and emergency exits.

(.b) The results of a criminal background check of the applicant and its principals.

(.c) The suitability of the location, taking into consideration such factors as crime, traffic, litter, noise, parking and hours of operation. In making such suitability determination, the Department shall take into account community concerns, particularly those of neighbors in the immediate vicinity, as well as the views of the Police Department.

(.5) *The applicant or licensee has filed all required returns and made payment of any monies due and owing as a result of all taxes imposed by the City or School District of Philadelphia or, if delinquent in the payment of taxes, interest or penalties, has entered into and is in compliance with a payment agreement with the Department of Revenue or the Law Department.*

(.6) *The applicant has received a certificate of occupancy.*

(c) *No dance hall license shall be renewed unless the dance hall has been inspected by the Department within the year prior to the renewal application.*

(d) A dance hall license shall be revoked upon a finding of non-compliance with any provision(s) of this Section. *A finding of one instance of non-compliance may be sufficient cause to revoke a dance hall license.*

(3) Operation of Dance Halls [and Conduct of Dance Events].

(a) It shall be the responsibility of every dance hall licensee [and every dance event sponsor]

as a condition to the receipt or retention of the dance hall license to insure that patrons do not congregate in a disorderly manner, and do not engage in any illegal activity, including non-compliance with §10-604 relating to alcoholic beverages in and around the immediate vicinity of the dance hall [or dance location].

(b) No [public dance event] *dance hall* shall [take place] *operate* between the hours of 2:00 a.m. and 7:00 a.m. Notwithstanding the foregoing, special application may be made to the Department for permission *for a dance hall* to [conduct an] *operate* after-hours [dance]. The Department shall grant such permission only upon a showing of special circumstances, including, *but not limited to*, a showing that the proposed location and event are safe and proper for after-hours dancing.

[(c) No dance hall licensee shall allow a dance event to take place on the premises unless the dance event sponsor has obtained any amusement license required by Chapter 19-600 of this Code.]

(c) It shall be the responsibility of every dance hall licensee as a condition to the receipt or retention of the dance hall license to:

(.1) refrain, under color of such license, from selling, transferring, delivering or manufacturing, illegal drugs to any person, or alcoholic beverages to a minor, or engaging in acts of prostitution or promoting prostitution as defined at 18 Pa.C.S. §5902(a) and (b), or permitting a minor to remain upon the premises of said establishment in violation of Chapter 10-300 of The Philadelphia Code;

(.a) To ensure that no dance hall knowingly permits a minor to remain upon the premises of said establishment in violation of Chapter 10-300 of The Philadelphia Code, all dance halls shall conclude all teen events and take reasonable steps to vacate all minors from the premises no later than thirty (30) minutes prior to the time restrictions set forth in Chapter 10-300 of The Philadelphia Code.

(.2) refrain, under color of such license, from leasing real estate to a person knowing, or having reason to know, that such person is using, or intends to use, such real estate or improvements thereon in the selling, transferring, delivering or manufacturing of illegal drugs, or in the sale of alcoholic beverages to a minor, or to engage in acts of prostitution or promoting prostitution as defined at 18 Pa.C.S. §5902(a) and (b) or permitting a minor to remain upon the premises of said establishment in violation of Chapter 10-300 of The Philadelphia Code; and

(.3) refrain from causing or permitting a patron or employee to cause a public or private nuisance, either directly or indirectly, or by permitting third persons or conditions to do so, when such nuisances may be minimized or prevented by reasonable measures, regardless of whether the dance hall licensee was aware of such nuisance. A nuisance shall include the sale of illegal drugs or paraphernalia on or about the premises of the dance hall. As used in this subparagraph, a dance hall operator shall be conclusively deemed to have taken reasonable measures and therefore to have complied with its obligations under this subparagraph if it (i) has a reasonable policy to prevent nuisances such as the sale of illegal drugs, (ii) has an adequate security staff to enforce such a policy, and (iii) its security staff does in fact undertake good faith measures to enforce said policy.

(d) The Department shall take all steps necessary to terminate the business operations of any dance hall that has violated any provisions of this subsection (3), including, but not limited to the following:

(.1) The seizure of the illegal drugs and/or drug paraphernalia located at such establishment, and the delivery of the material taken to appropriate law enforcement personnel for forfeiture proceedings pursuant to the provisions of the Act of June 30, 1988, P.L. 464, No. 79, §4, as amended, P.L. 1337, No. 154, §1; and,

(.2) padlocking and physical closure of the dance hall; and,

(.3) the initiation of proceedings to enjoin preliminarily and/or permanently the further operation of the dance hall which has violated or intends to violate such sub-sections.

(e) Any dance hall licensed under this Section who violates the provisions of this Section or whose agents or employees violate the provisions of this Section shall also be subject to immediate revocation of his or her amusement and business privilege licenses.

(4) Enforcement.

(a) All dance halls shall be subject to inspection by the Philadelphia Police Department or the Department of Licenses and Inspections at all reasonable times and whenever such place is open for [dancing] *business*.

(b) The Police Department and the Department of Licenses and Inspections shall have the power to order a place vacated and/or closed in the event a dance hall [or dance event sponsor] is not in compliance with the terms of this Section.

(c) The Department shall promulgate such regulations as it deems proper to regulate the form and manner of issuing and revoking dance hall licenses and the imposition of sanctions set forth in this Chapter for operating without, or in violation of the conditions of, a valid license. Such regulations may provide for the imposition of sanctions on one or more of the premises operated under a particular license, depending on the breadth of occurrence of the violative behavior.

(5) Supersession. This Ordinance is intended to supersede Act 1919, May 16, P.L. 193, as amended, 53 P.S. Section 4731 to 4742, with respect to the regulation of dance halls and dance events in the City of Philadelphia, and said Act shall no longer be applicable to the regulation of dance halls and dance events in the City of Philadelphia.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.