

★ **Roll Call Number**

Agenda Item Number

49A

Date July 27, 2009

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, by repealed Section 10-10, dancing at liquor licensed premises, and repealing Article III, Public Dances of Chapter 14, Amusements and Entertainments and repealing Section 30-393, dancing at after hours business thereof, relating to regulations and permit requirements for public dances",

which was considered and voted upon under Roll Call No. 09-_____ of July 13, 2009; again presented.

Moved by _____ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| HENSLEY | | | | |
| KIERNAN | | | | |
| MAHAFFEY | | | | |
| MEYER | | | | |
| VLASSIS | | | | |
| TOTAL | | | | |
| MOTION CARRIED | | | APPROVED | |
| _____ Mayor | | | | |

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk

ORDINANCE NO. _____

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, by repealed Section 10-10, dancing at liquor licensed premises, and repealing Article III, Public Dances of Chapter 14, Amusements and Entertainments and repealing Section 30-393, dancing at after hours business thereof, relating to regulations and permit requirements for public dances.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, is hereby amended by repealing Section 10-10, dancing at liquor licensed premises, and repealing Article III, Public Dances of Chapter 14, Amusements and Entertainments and repealing Section 30-393, dancing at after hours business thereof, relating to regulations and permit requirements for public dances , as follows:

Sec. 10-10. Dancing Repealed by Ord. No. 14,---

~~(a) Dancing is authorized in connection with the operation of a beer, wine, or liquor business under a permit or license provided that:~~

~~—— (1) The floor space used for dancing purposes therein contain at least 100 square feet, all of which shall be of the same general floor level as the place where the beer, wine, or liquor is dispensed;~~

~~—— (2) The space to be used for dancing shall be in the same room as or in a room adjacent to and opening directly from the place where beer, wine, or liquor is dispensed; and~~

~~—— (3) The floor space shall not be obstructed or crossed, in any part or portion, by partitions or other obstructions of any kind except necessary structural posts, pillars, or similar supports.~~

~~(b) No permittee or licensee, except clubs operating under club permits, shall be entitled to the benefit of the authorization provided in this section unless such permittee or licensee shall first obtain a public dance license as provided in article III of chapter 14 of this Code, and any dancing allowed by such permittee or licensee, who has not first obtained such license, shall be deemed in violation.~~

ARTICLE III. PUBLIC DANCESRepealed by Ord. No. 14,---

Sec. 14-76. Compliance with articleRepealed by Ord. No. 14,---.

~~Any dance held within the city to which the public may gain admission, with or without payment of a fee, shall be subject to this article and shall be subject to supervision and regulation as required by this article.~~

Sec. 14-77. License requiredRepealed by Ord. No. 14,---.

~~No person shall conduct, host, organize or sponsor a dance open to the public without first obtaining a license as provided in this article. This article, however, shall not be deemed to apply to dance clubs with a specific membership nor to persons conducting dance classes.~~

Sec. 14-78. License applicationRepealed by Ord. No. 14,---.

~~(a) All applicants for a public dance license shall apply in writing to the city clerk. The city clerk shall forward the application to the appropriate departments for inspections.~~

~~(b) All applications shall be made in the name of the owner of the business, whether an individual, a partnership, or a corporation, and shall contain the following:~~

~~—— (1) The full name, residence address, business address, date of birth and social security number of the applicant and, when the applicant is a partnership or corporation, of the partners or officers.~~

~~—— (2) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation together with the names and residence addresses of each of the officers, directors, and each stockholder holding more than ten percent of the stock of the corporation; if the applicant is a partnership, the application shall set forth the name and the residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the subsections of this section pertaining to a corporate application apply.~~

~~—— (3) The name and address of the owner of the building where such dance will be located.~~

~~(c) Upon receipt of departmental inspections and if the city clerk finds that the applicant has fully complied with all requirements of this article and all applicable ordinances and codes regulating fire, buildings, health and zoning and that the applicant is of good moral character, the city clerk shall approve the application and shall authorize the issuance of a license to conduct public dances.~~

Sec. 14-79. License feesRepealed by Ord. No. 14,---.

- ~~(a) An applicant for a dance license shall submit a fee to the city clerk at the time of filing the application.~~
- ~~(b) All dance licenses shall expire on December 31 of the year of issuance.~~
- ~~(c) An applicant who files for renewal less than thirty (30) days prior to the date of any license expiration shall pay a late fee.~~
- ~~(d) If the application is denied or if the application is withdrawn before final action is taken by the city clerk, a portion of the application fee shall be retained by the city clerk for the cost of administration.~~
- ~~(e) The license fee, its nonrefundable portion and the late fee for a dance license shall be in the amounts set in the schedule of fees adopted by the city council by resolution.~~

Sec. 14-80. Restrictions Repealed by Ord. No. 14,---

~~Every annual or occasional license authorized under this article shall be limited to a single property or place designated in the license. No dance shall be held by the licensee at any place other than so designated. For the purpose of this article, a single property or place shall include the dance room, check room, lounge or other room constituting a suite in connection therewith.~~

Sec. 14-81. License assignability Repealed by Ord. No. 14,---

~~The licenses granted under this article shall be personal to the licensee and shall not be assignable.~~

Sec. 14-82. Display of license Repealed by Ord. No. 14,---

~~No public dance shall be conducted unless the license required therefor is conspicuously displayed on the walls of the place designated therein so that all persons visiting the premises may readily see it.~~

Sec. 14-83. Standards for dance premises Repealed by Ord. No. 14,--

~~(a) The premises for any public dance shall provide for actual dancing a floor space of at least 100 square feet. The room where dancing is conducted shall be illuminated to a minimum of two footcandles, as measured by a photometer at a plane 30 inches above the floor, at any point in the room. Such building or structure shall also be equipped with two exits that will furnish ample protection in case of fire, and all materials used for interior decoration shall be fire resistant or so chemically treated as to be fire resistant.~~

~~(b) The premises of a beer permit or liquor license holder, where public dancing is permitted, shall be subject to other structural requirements as may be required by the provisions of~~

~~this Code, state law, or city ordinance.~~

~~Sec. 14-84. Description of premises~~Repealed by Ord. No. 14,---

~~The premises used for a public dance shall be described in the license by street name and number or other definite description.~~

~~Sec. 14-85. Disorderly conduct~~Repealed by Ord. No. 14,---

~~No dance licensee or employee or agent thereof shall permit such licensed premises to become disorderly. The term "disorderly" as used in this section shall have the meaning contained in section 70-36 of this Code.~~

~~Sec. 14-86. Hours of operation~~Repealed by Ord. No. 14,---

~~No person shall permit any public dance to remain open or permit any public dancing between the hours of 2:00 a.m. and 6:00 a.m., Monday through Saturday, and between the hours of 2:00 a.m. and 8:00 a.m. Sunday.~~

~~Sec. 14-87. Suspension or revocation of license~~Repealed by Ord. No. 14,---

~~Any license issued pursuant to this article may be suspended or revoked for violations of this article or any other chapter of this Code, and the procedures for such suspension or revocation shall be those contained in section 14-160 of this chapter.~~

~~Sec. 30-393. Public dance law~~Repealed by Ord. No. 14,---

~~An after-hours business licensed under this article shall not allow public dancing in accordance with Article III of chapter 14 of this Code unless the licensed business is a private club.~~

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Ann DiDonato
Ann DiDonato
Assistant City Attorney