

ORDINANCE 235

AN ORDINANCE REGULATING PUBLIC DANCES

WHEREAS, to promote the public safety, health and welfare of the City of Arlington;

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA, DOES ORDAIN AS FOLLOWS:

SECTION 1. *Regulation of Public Dances.* All public dances held in the City of Arlington shall be conducted in accordance with the provisions of this ordinance.

SECTION 2. *Definitions.* The terms stated below shall have the following meanings:

PUBLIC DANCE shall mean any dance where the general public may participate, whether or not a charge for admission to the event is made.

PUBLIC DANCING PLACE shall mean any room or space or other area, whether indoors or outside, other than a private residence, which is open to the general public for the purpose of participating in public dancing.

SECTION 3. *Application.* Any person desiring a permit to hold a public dance shall submit an application for a permit on a form provided by the City at least ten (10) days before the date of the proposed dance. Every application for a permit to hold a public dance shall state the following information:

- a. Full name of person or organization requesting the dance permit.
- b. Address of the person or organization requesting the dance permit.
- c. Date of public dance.
- d. Location of dance.
- e. Estimate of number of people to attend.
- f. Indication of whether alcohol will be served or allowed to be consumed on the premises.
- g. The time the dance event will be conducted
- h. Proof of liability insurance in an amount that shall be established by the City Council.
- i. Proof that said liability policy names the City of Arlington as an additional insured.
- j. Written lease or proof of ownership by the applicant of the property where the dance will be held.
- k. Security plan which shall include the name and number of persons who will be enforcing the rules at the event and the description of number and location of restrooms for event.
- l. The application shall be in a form prescribed by the City Council of the City of Arlington and shall be verified and filed with the City Administrator of the City. No person shall make a false statement in an application.

SECTION 4. *Permits.* No person shall conduct a public dance in the City of Arlington unless a permit has been obtained from the City prior to the holding of the dance. The permit fee shall be set by the City Council from time to time by resolution, and a schedule of such fees shall be on file and available in the office of the City Administrator during normal business hours.

The applicant shall be responsible to clean up public areas used as part of the event, or public areas surrounding the event if held on private property, to include all streets, alleys, sidewalks and other areas normally open to use by the public, to include removal of all drink containers, bottles, paper plates, napkins and other trash generated by the dance event, immediately after the end of the event. If the applicant fails to clean up the public areas used or surrounding the event location to the reasonable said cleanup, the applicant shall be responsible to reimburse the city promptly for the cost of said cleanup. In addition, if the applicant does not conduct the cleanup required under this paragraph, this failure shall be taken into consideration by the city if the applicant applies for a new dance permit at a later date, and may be considered sufficient grounds to deny such future application.

SECTION 5. *Yearly Permit.* The Arlington City Council may issue a yearly dance permit. The fee for the yearly permit shall be set by the City Council from time to time by resolution. All yearly permits shall expire at midnight on the 31st day of December of each year. New yearly permits shall be issued by the Council on January 1st of each year and at other times at the discretion of the Council.

SECTION 6. *Permit to be Posted.* When a permit is issued, the holder of the permit shall post the permit in a prominent location on the premises on which the dance is to be held during the time the dance is occurring. The applicant shall be present at all times while the dance is occurring.

SECTION 7. *Police Responding.* Any person conducting a public dance shall pay to the City a police response fee, to be set by the City from time to time, for each response after three responses within one calendar year, for each time the City of Arlington Police Department responds to the premises of the permit holder of a public dance regarding any disturbance, injury or criminal act at the event.

SECTION 8. *Security.* Every public dance shall provide adequate security for each event. The amount of event security shall be determined by the Arlington Police Department based upon the number of anticipated participants, whether alcohol will be served, and any prior disturbances at public dances held by the applicant. The names of the security personnel shall be provided to the Arlington Police Department at least 48 hours prior to the event. The security personnel shall not have any convictions or any assaults or other crimes of violence as defined by Minnesota Statutes.

SECTION 9. *Liquor License Required.* No person shall give, hold, conduct or permit any public dance where liquor will be served, as defined in Minnesota Statutes Chapter 340A, or as amended from time to time, without obtaining a license from the City.

SECTION 10. *Alcohol Outside of Licensed Premises.* Any person conducting a public dance shall not allow the transfer of alcohol outside of the licensed premises unless the City has authorized distribution in an area outside of the normal licensed premises. An area outside of the normal licensed premises shall be enclosed by a snow fence or temporary barrier approved by the Arlington Police Department to prevent any person from accessing the dance area except

through a gate or other controlled structure. The person conducting the public dance shall monitor any area in which alcohol is being sold or consumed to prevent transfer of alcohol to areas outside of the premises or fenced area.

SECTION 11. *Hours.* No public dance shall occur between the hours of 1:00 a.m. and Noon.

SECTION 12. *Certain Behavior Prohibited.* No person present at any public dance shall engage in any disorderly conduct as defined by Minnesota Statutes §609.72 and any disorderly person shall be immediately removed from the dance by security present at the public dancing place. Should a substantial number of persons at the public dance engage in disorderly conduct, the security present shall terminate the dance and remove all persons from the public dancing place.

SECTION 13. *Noise.* All public dances shall be subject to the provisions of any noise ordinance of the City of Arlington.

SECTION 14. *Private Dances.* Dances held at a private residence shall be exempt from the provisions of this ordinance.

SECTION 15. *Penalties.* Any person/organization found to be in violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and their public dance permit will be suspended immediately at the time of any arrest or citation for violating this ordinance.

SECTION 16. *Appeals.* The applicant may appeal a suspended permit to the Arlington City Council. The request shall be made within 48 hours of the notification by the Arlington Police Department of the cancellation of the future dance permit. The request for hearing shall be filed with the City Administrator during normal business hours. The hearing before the City Council shall be at its next regular meeting or if the next scheduled public dance will be held prior to the next council meeting, the Mayor shall hold a special meeting of the City Council. Prior to said hearing, the police department shall serve written notice on the applicant of the reasons for the cancellation of the dance permit.

This Ordinance shall become effective January 1, 2009.

Adopted by the City Council of the City of Arlington on the 17th day of November, 2008.

James R. Kreft, Mayor

ATTEST:

Matthew Jaunich, City Administrator

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Second Reading: November 17, 2008
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