CHAPTER 14

DANCE HALLS

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SEC. 14-1. DEFINITIONS.

In this chapter:

(1) APPLICANT means:

(A) a person in whose name a license to operate a dance hall will be issued;

(B) each individual who signs an application for a dance hall license as required by Section 14-2(c);

(C) each individual who is an officer of a dance hall business for which a license application is made under Section 14-2, regardless of whether the individual's name or signature appears on the application;

(D) each individual who has a 20 percent or greater ownership interest in a dance hall business for which a license application is made under Section 14-2, regardless of whether the individual's name or signature appears on the application; and

(E) each individual who exercises substantial de facto control over a dance hall business for which a license application is made under Section 14-2, regardless of whether the individual's name or signature appears on the application.

(2) DANCE HALL means a place where:

(A) dancing by patrons or customers is permitted; or

(B) dance or any similar live performance is presented to the public.

(3) CLASS A DANCE HALL means any place where dancing is permitted three days or more a week.

(4) CLASS B DANCE HALL means any place where dancing is permitted less than three days a week.

(5) CLASS C DANCE HALL means any place where dancing is scheduled one day at a time.

(6) CLASS E DANCE HALL means any place where dancing is permitted seven days a week for persons from age 14 through age 18 only.

(7) CONVICTION means a conviction in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned. "Conviction" includes disposition of charges against a person by probation or deferred adjudication.

(8) HOTEL OR MOTEL means a hotel or motel as defined in the Dallas Development Code, as amended.

(9) IN SESSION means the status of a school during the fall or spring term when students are required to attend the school.

(10) LATE-HOURS PERMIT means a permit authorizing a licensee to operate a Class A, B, or C dance hall until 4:00 a.m.

(11) LICENSE means a permit to operate a dance hall.

(12) LICENSEE means:

(A) a person in whose name a license to operate a dance hall has been issued;

(B) each individual listed as an applicant on the application for a dance hall license;

(C) each individual who is an officer of a dance hall business for which a license has been issued under this chapter, regardless of whether the individual's name or signature appears on the license application;

(D) each individual who has a 20 percent or greater ownership interest in a dance hall business for which a license has been issued under this chapter, regardless of whether the individual's name or signature appears on the license application; and

(E) each individual who exercises substantial de facto control over a dance hall business for which a license has been issued under this chapter, regardless of whether the individual's name or signature appears on the license application.

(13) PERSON means an individual, partnership, corporation, association, or other legal entity.

(14) PRIVATE CLUB means an association of persons for the promotion of some common object, which operates not for a profit a place for the accommodation of its members and guests only.

(15) SCHOOL means a public or private elementary or secondary school.

(16) TRANSFER OF OWNERSHIP OR CONTROL of a dance hall means and includes any of the following:

(A) the sale, lease, or sublease of the business;

(B) the transfer of securities that constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(C) the establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control. (Ord. Nos. 15721; 18725; 18803; 18994; 19241; 21184; 21837; 23137; 24440; 24541)

SEC. 14-2. LICENSE REQUIRED.

(a) A person commits an offense if he operates a dance hall without a license.

(b) An application for a license must be made on a form provided by the chief of police. Only a person who is an officer of or who has an ownership interest in a dance hall business may apply for a license for the dance hall. Each applicant must be qualified according to the provisions of this chapter.

(c) A person who wishes to operate a dance hall must sign the application for a license as an applicant. If a person who wishes to operate a dance hall is other than an individual, each individual who is an officer of the business or who has a 20 percent or greater ownership interest in the business must sign the application for a license as an applicant. Each applicant must meet the requirements of Section 14-3(a), and each applicant will be considered a licensee if a license is granted.

(d) It is a defense to prosecution under this chapter that the actor is conducting a dance at:

(1) a private residence from which the general public is excluded;

(2) a place owned by the federal, state, or local government;

(3) a public or private elementary school, secondary school, college, or university;

(4) a place owned by a religious organization;

(5) a location where no more than three dances a month are conducted and the actor is a private club;

(6) a hotel or motel that contains a dance hall that is not promoted or advertised for use by members of the general public who are not occupants of the hotel's or motel's guest rooms;

(7) an establishment that:

(A) has a restaurant certificate of occupancy;

(B) has a valid food and beverage certificate issued by the Texas Alcoholic Beverage Commission;

(C) derives 50 percent or more of its gross revenues on a quarterly basis from the sale of food and nonalcoholic beverages; and

(D) does not charge an entrance or admission fee; or

(8) an establishment where:

(A) persons contract for instruction in dance methods, styles, techniques, and disciplines recognized by professional dance organizations;

(B) the dance instruction is only provided by persons trained in dance methods, styles, techniques, and disciplines recognized by professional dance organizations;

(C) no dancing occurs on the premises except by:

(i) a person employed or under contract to provide dance instruction at the establishment; and

(ii) a person contracting for dance instruction at the establishment; and

(D) the primary purpose of the dancing at the establishment is for the education of the persons contracting for dance instruction and not for the entertainment of the general public. (Ord. Nos. 15721; 19241; 21184; 21837; 23137; 24440; 24541)

SEC. 14-2.1. LOCATION OF CLASS E DANCE HALLS WITHIN 1,000 FEET OF A BUSINESS SERVING OR SELLING ALCOHOLIC BEVERAGES.

(a) In this section, BUSINESS THAT SERVES OR SELLS ALCOHOLIC BEVERAGES means a bar, lounge, tavern, or liquor store use, as defined in Section 51A-4.210 of the Dallas City Code, as amended.

(b) No license may be issued for a Class E dance hall under this chapter if the dance hall will be located within 1,000 feet of a lawfully existing business that serves or sells alcoholic beverages.

(c) For purposes of this section, measurements must be made in a straight line, without regard to intervening structures or objects, from the nearest entry door in the part of a building used as a Class E dance hall to the nearest entry door in the part of a building used as a business that serves or sells alcoholic beverages.

(d) If, on June 27, 1990, a business operating as a Class E dance hall is located within 1,000 feet of a business that serves or sells alcoholic beverages, then the business that was first lawfully established and continually operating at that particular location is deemed a conforming use and the later established business is deemed a nonconforming use. A nonconforming use is exempted from the location requirement of Subsection (b) of this section for the first three license renewals after June 27, 1990, unless the use is sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. A nonconforming use may not be increased, enlarged, extended, or altered, except that the use may be changed to a conforming use. (Ord. Nos. 20663; 21184; 23137; 24440)

SEC. 14-2.2. RESERVED.

(Repealed by Ord. 23137)

SEC. 14-2.3. EXEMPTION FROM LOCATIONAL RESTRICTIONS FOR LATE-HOURS PERMITS.

(a) If the chief of police denies the issuance of a late-hours permit for a Class A, B, or C dance hall to an applicant because the location of the dance hall is in violation of Section 14-3.1 of this chapter, then the applicant may, not later than 10 calendar days after receiving notice of the denial, file with the city secretary a written request for an exemption from the locational restrictions of Section 14-3.1.

(b) If a written request is filed under Subsection (a) of this section with the city secretary within the 10-day limit, a permit and license appeal board, created under Section 2-95 of this code, shall consider the request. The city secretary shall set a date for the hearing within 60 days from the date the written request is received.

(c) A hearing by the board may proceed if a quorum of the board is present. The board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply.

(d) The permit and license appeal board may, in its discretion, grant an exemption from the locational restrictions of Section 14-3.1 for a late-hours permit for a Class A, B, or C dance hall, whichever applies, if it finds that:

(1) the location of the proposed dance hall will not have a detrimental effect on nearby property or be contrary to the public safety or welfare;

(2) the location of the proposed dance hall will not downgrade the property value or quality of life in any adjacent area or encourage the development of urban blight;

(3) the location of the proposed dance hall operating under a late-hours permit in the area will not be contrary to any program of neighborhood

conservation or interfere with any efforts of urban renewal or restoration; and

(4) all other applicable provisions of this chapter will be observed.

(e) The board shall grant or deny the exemption by majority vote. Failure to reach a majority vote will result in denial of the exemption. Any dispute of fact must be decided on the basis of a preponderance of the evidence. The decision of the permit and license appeal board is final.

(f) If the board grants the exemption, the exemption is valid for one year from the date of the board's action, unless a two-year exemption is granted under Subsection (g) of this section.

(g) Two-year exemptions.

(1) The board, by a majority vote, may grant a dance hall an exemption from the locational restrictions of Section 14-3.1 for a two-year period after the date of the board's action, if, in addition to determining that the dance hall qualifies for an exemption under Subsection (d) of this section, the board finds that:

(A) the dance hall has been granted an exemption from the locational restrictions of Section 14-3.1 for the three consecutive years preceding the current exemption request;

(B) the applicant has not had any dance hall license suspended, revoked, or denied within the 24 months preceding the exemption request; and

(C) no violations of this chapter have been committed by the applicant, or by any employee of a dance hall of the applicant, within the 24 months preceding the exemption request.

(2) If the board grants a two-year exemption for a dance hall under this subsection, the applicant is still required to annually obtain a dance hall license and a late-hours permit for the dance hall and pay the required license and permit fees in accordance with this chapter. If an annual late-hours permit for the dance hall is denied under Section 14-3.1(c), then the two-year exemption becomes void, and a new exemption must be obtained from the permit and license appeal board.

(h) Upon the expiration of an exemption, a dance hall operating under a late-hours permit is in violation of the locational restrictions of Section 14-3.1, until the applicant applies for and receives another exemption.

(i) If the board denies the exemption, the applicant may not re-apply for an exemption until at least 12 months have elapsed since the date of the board's action.

(j) The grant of an exemption for a late-hours permit for a Class A, B, or C dance hall does not exempt the applicant from any provision of this chapter other than the locational restrictions of Section 14-3.1. (Ord. Nos. 21184; 21837; 23137; 24440; 25002)

SEC. 14-2.4. EXEMPTION FROM LOCATIONAL RESTRICTIONS FOR CLASS E DANCE HALLS.

(a) If the chief of police denies the issuance of a Class E dance hall license to an applicant because the location of the Class E dance hall is in violation of Section 14-2.1 of this chapter, then the applicant may, not later than 10 calendar days after receiving notice of the denial, file with the city secretary a written request for an exemption from the locational restrictions of Section 14-2.1.

(b) If a written request is filed under Subsection (a) of this section with the city secretary within the 10-day limit, a permit and license appeal board, selected in accordance with Section 2-95 of this code, shall consider the request. The city secretary shall set a date

for the hearing within 60 days from the date the written request is received.

(c) A hearing by the board may proceed if a quorum of the board is present. The board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply.

(d) The permit and license appeal board shall grant an exemption from the locational restrictions of Section 14-2.1 for a Class E dance hall if it finds that:

(1) a physical barrier exists between the proposed dance hall and the business that serves or sells alcoholic beverages, such that the shortest distance in any direction that a person would have to physically travel from the nearest entry door in the part of the building used as the dance hall to the nearest entry door in the part of the building used as the business that serves or sells alcoholic beverages is not less than 1,000 feet;

(2) the character of the neighborhood surrounding the proposed dance hall is conducive to youth programs and activities and contains other uses that promote positive youth development;

(3) the public safety record for the premises of the proposed dance hall and the surrounding businesses, including any business that serves or sells alcoholic beverages, indicates that the area is reasonably safe for persons from age 14 through age 18;

(4) the location of the Class E dance hall in the area will not be contrary to any program of neighborhood conservation or development; and

(5) all other applicable provisions of this chapter will be observed.

(e) The board shall grant or deny the exemption by majority vote. Failure to reach a majority vote will result in denial of the exemption. Any dispute of fact must be decided on the basis of a preponderance of the evidence. The decision of the permit and license appeal board is final.

(f) If the board grants the exemption, the exemption is valid for one year from the date of the board's action. Upon the expiration of an exemption, a Class E dance hall is in violation of the locational restrictions of Section 14-2.1 until the applicant applies for and receives another exemption.

(g) If the board denies the exemption, the applicant may not re-apply for an exemption until at least 12 months have elapsed since the date of the board's action.

(h) The grant of an exemption for a Class E dance hall does not exempt the applicant from any provision of this chapter other than the locational restrictions of Section 14-2.1. (Ord. Nos. 22416; 23137; 24440; 25002)

SEC. 14-3. ISSUANCE OF LICENSE; POSTING.

(a) The chief of police shall approve issuance of a license by the special collections division of the water utilities department to an applicant within 30 days after receipt of an application unless the chief of police finds one or more of the following to be true:

(1) An applicant is under 18 years of age.

(2) An applicant or an applicant's spouse is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or the applicant's spouse.

(3) Reserved.

(4) Reserved.

(5) An applicant has failed to answer or falsely answered a question or request for information on the application form provided.

(6) An applicant or an applicant's spouse has been convicted of a violation of a provision of this chapter within two years immediately preceding the application.

(7) Any fee required by this chapter has not been paid.

(8) An applicant or an applicant's spouse has been convicted of a crime:

(A) involving:

(i) any of the following offenses as described in Chapter 43 of the Texas Penal Code:

(aa) prostitution;

(bb) promotion of prostitution;

(cc) aggravated promotion of prostitution;

(dd) compelling prostitution;

(ee) obscenity;

(ff) sale, distribution, or display of harmful material to minor;

(gg) sexual performance by a child; or

(hh) possession of child pornography;

(ii) any of the following offenses as described in Chapter 21 of the Texas Penal Code:

(aa) public lewdness;

(bb) indecent exposure; or

(cc) indecency with a child;

(iii) sexual assault or aggravated sexual assault as described in Chapter 22 of the Texas Penal Code;

(iv) incest, solicitation of a child, or harboring a runaway child as described in Chapter 25 of the Texas Penal Code; or

(v) criminal attempt, conspiracy, or solicitation to commit any of the offenses listed in Paragraph (10)(A)(i) through (iv) of this subsection;

(B) for which:

(i) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

(ii) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

(iii) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

(9) An applicant has been operating the proposed business as a dance hall without a valid license issued under this chapter.

(10) Alcoholic beverages are possessed, consumed, or sold on premises used or to be used by the applicant for a Class E dance hall.

(11) An applicant for a Class E dance hall license is in violation of the locational requirements of Section 14-2.1 of this chapter.

(12) Operation of the proposed dance hall would violate the city's zoning ordinances.

(b) The fact that a conviction is being appealed has no effect on the disqualification of the applicant or the applicant's spouse under Subsection (a).

(c) Except as otherwise provided in this subsection, when the chief of police denies issuance or renewal of a license, the applicant may not apply for or be issued any class of dance hall license for one year after the date the denial became final. If, subsequent to the denial, the chief of police finds that the basis for the denial has been corrected or abated, the applicant may apply for and be granted a license if at least 90 days have elapsed since the date the denial became final. If issuance or renewal of a license is denied under Section 14-3(a)(11) only, the applicant may be granted a license immediately upon compliance with Section 14-2.1 of this chapter. If issuance or renewal of a license is denied under Subsection (a)(8)(A), the applicant may not apply for or be issued another dance hall license until the appropriate number of years required by Subsection (a)(8)(B) has elapsed. If issuance or renewal of a license is denied under Subsection (a)(6), the applicant may not apply for or be issued another dance hall license until the time period required by Subsection (a)(6) has elapsed.

(d) The chief of police, upon approving issuance of a dance hall license, shall send to the applicant, by certified mail, return receipt requested, written notice of that action and state where the applicant must pay the license fee and obtain the license. The chief of police's approval of the issuance of a license does not authorize the applicant to operate a dance hall until the applicant has paid all fees required by this chapter and obtained possession of the license.

(e) The license must state on its face the name of the person to whom it is granted, the expiration date, the address of the dance hall, and whether it is issued for a Class A, Class B, Class C, or Class E dance hall.

(f) The license, along with any late-hours permit, must be posted in a conspicuous place at or near the entrance to the dance hall so that it may be easily read at any time. (Ord. Nos. 15721; 16067; 18725; 18803; 20663; 21184; 21837; 23137; 24206; 24440; 24541; 27697)

SEC. 14-3.1. LATE-HOURS PERMIT.

(a) A person who is issued a Class A, Class B, or Class C dance hall license may apply, on a form provided by the chief of police, for a late-hours permit. Upon receipt of the application and payment of the late-hours permit fee, the chief of police shall issue a late-hours permit to the applicant, except that no late-hours permit may be issued for a dance hall located within 1,000 feet of:

(1) a boundary of a residential district as defined in Chapter 41A of this code; or

(2) the property line of a lot devoted to a residential use as defined in Chapter 41A of this code, whether such use is within the city limits or not.

(b) For purposes of Subsection (a) of this section, measurement will be made in a straight line, without regard to intervening structures or objects, from the nearest part of the building or structure used as a part of the premises where a dance hall is conducted, to the nearest boundary of a residential district or property line of a lot devoted to a residential use.

(c) Dance halls with two-year exemptions from locational restrictions.

(1) Notwithstanding Subsection (a), upon receipt of a late-hours permit application and payment of the late-hours permit fee for a dance hall that has been granted a two-year exemption from locational restrictions by the permit and license appeal board under Section 14-2.3 of this chapter, the chief of police shall issue a late-hours permit to the applicant without requiring further action by the permit and license

appeal board, except that no late-hours permit may be issued if the chief finds that:

(A) the exemption has expired;

(B) the applicant has had a dance hall license suspended, revoked, or denied within the 24 months preceding the application for the late-hours permit; or

(C) the applicant, or any employee of a dance hall of the applicant, has committed a violation of this chapter within the 24 months preceding the application for the late-hours permit.

(2) If the chief of police denies a late-hours permit under Paragraph (1) of this subsection, the dance hall's two-year exemption from the locational restrictions of this section becomes void, and the applicant must obtain another exemption from the permit and license appeal board in accordance with Section 14-2.3 before a late-hours permit may be issued for the dance hall.

(d) Once issued, a late-hours permit is considered a part of the license for a Class A, Class B, or Class C dance hall and is valid only when the dance hall license it accompanies is valid. (Ord. Nos. 18725; 21184; 21837; 23137; 24440; 25002)

SEC. 14-4. FEES.

(a) The following nonrefundable fees will be charged for each license issued under the terms of this chapter:

(1) For a Class A dance hall, the annual license fee is $851.

(2) For a Class B dance hall, the annual license fee is $851.

(3) For a Class C dance hall, the daily license fee is $852.

(4) For a Class E dance hall, the annual license fee is $926.

(5) For a late-hours permit, the annual fee is $926 in addition to the license fee for a Class A, B, or C dance hall, whichever is applicable.

(b) In addition to the fees required by Subsections (a) and (c), an applicant for an initial Class E dance hall license or an initial late-hours permit shall, at the time of making application, pay a nonrefundable fee of $2,375 for the city to conduct a survey to ensure that the proposed dance hall is in compliance with the locational restrictions set forth in Section 14-2.1 or 14-3.1, whichever is applicable.

(c) In addition to the fees required by Subsections (a) and (b), an applicant for an initial dance hall license shall, at the time of making application, pay a nonrefundable fee of $90 for the chief of police to obtain a letter of zoning verification to ensure that the proposed dance hall is permitted in the zoning district in which it will be located. The chief of police shall request and obtain the letter of zoning verification from the department of sustainable development and construction within 30 days after receipt of the license application. For any dance hall holding a valid license on October 25, 2000, this subsection will apply to the first renewal of that license issued after October 25, 2000. (Ord. Nos. 15721; 18411; 18725; 18803; 20612; 21184; 21837; 22206; 23137; 24440; 25047; 25048; 27697; 29477; 30653)

SEC. 14-5. HOURS OF OPERATION.

(a) A person without a late-hours permit commits an offense if he operates a Class A, Class B, or Class C dance hall between the hours of 2:00 a.m. and 7:00 a.m., Monday through Saturday, or between 2:00 a.m. and 12:00 noon on Sunday.

(b) A person with a late-hours permit commits an offense if he operates a Class A, Class B, or Class C dance hall between the hours of 4:00 a.m. and 7:00 a.m., Monday through Saturday, or between 4:00 a.m. and 12:00 noon on Sunday.

(c) A person commits an offense if he operates a Class E dance hall during any hours other than the following:

(1) when school is in session in the school district in which the dance hall is located, between the hours of:

(A) 4:00 p.m. and 10:00 p.m., Monday through Thursday;

(B) 4:00 p.m. and 12:00 midnight, Friday;

(C) 1:00 p.m. and 12:00 midnight, Saturday; and

(D) 1:00 p.m. and 10:00 p.m., Sunday; or

(2) when school is not in session in the school district in which the dance hall is located, between the hours of 1:00 p.m. and 12:00 midnight, Monday through Sunday. (Ord. Nos. 15721; 18725; 18803; 21184; 23137; 24440)

SEC. 14-6. INSPECTION.

(a) Representatives of the police department, the fire department, the department of code compliance, and the building official may inspect the premises of a dance hall, for the purpose of ensuring compliance with the law, at any time it is open for business or occupied and at other reasonable times upon request.

(b) A person who operates a dance hall or a person designated as the dance hall supervisor commits an offense if he refuses to permit a lawful inspection of the premises of a dance hall by a representative of the police department, the fire department, the department of code compliance, or the building official at any time the dance hall is open for business or occupied and at other reasonable times upon request. (Ord. Nos. 15721; 18803; 21184; 22026; 23137; 23694; 24440; 27697)

SEC. 14-6.1. IDENTIFICATION RECORDS.

(a) A person commits an offense if he operates a dance hall without maintaining on the premises a current registration card or file that clearly identifies:

(1) all employees of the dance hall; and

(2) all individuals who perform or otherwise provide entertainment at the dance hall more than seven calendar days within any month.

(b) The registration card or file must contain the following information for each employee or individual required to be registered under Subsection (a):

(1) Full legal name.

(2) Date of birth.

(3) Race and gender.

(4) Hair color, eye color, height, and weight.

(5) Current residence address and telephone number.

(6) Driver's license number or other personal identification number.

(7) Social security number.

(8) Color photograph with a full face view.

(c) If a dance hall is located on premises that contain multiple uses, only the employees and

individuals that actually perform work associated with the dance hall use are required to be registered and identified in compliance with this section.

(d) All records maintained on an employee or individual in compliance with this section must be retained at the dance hall for at least 90 days following the date of any voluntary or involuntary termination of the employee's or individual's employment or contract with the dance hall.

(e) A person who operates a dance hall or the person's agent or employee shall allow immediate access to these records by representatives of the police department. (Ord. Nos. 24440; 24541)

SEC. 14-7. DANCE HALL SUPERVISOR.

(a) A person who operates a dance hall must designate a person as dance hall supervisor and register that person's name with the chief of police.

(b) A person designated dance hall supervisor must remain on the premises of the dance hall during the time dancing is permitted and until 30 minutes after the end of the dance to ensure that the dance is conducted in an orderly manner. (Ord. Nos. 15721; 21184; 23137; 24440)

SEC. 14-8. PERSONS UNDER 17 PROHIBITED.

(a) No person under the age of 17 years may enter a Class A, Class B, or Class C dance hall unless accompanied by a parent or guardian.

(b) A person commits an offense if he falsely represents himself to be either a parent or guardian of a person under the age of 17 years for the purpose of gaining the person's admittance into a Class A, Class B, or Class C dance hall.

(c) A licensee or employee of a Class A, Class B, or Class C dance hall commits an offense if he knowingly allows a person under the age of 17 years to enter or remain on the premises of the dance hall unless the person is accompanied by a parent or guardian.

(d) A licensee of a Class A, Class B, or Class C dance hall commits an offense if he maintains the premises without posting a sign at each entrance to the business that reads: "It is unlawful for any person under 17 years old to enter this location without a parent or guardian." (Ord. Nos. 15721; 18803; 21184; 23137; 24440)

SEC. 14-8.1. PERSONS UNDER 14 AND OVER 18 PROHIBITED.

(a) No person under the age of 14 years or over the age of 18 years may enter a Class E dance hall.

(b) A person commits an offense if he is over the age of 18 years and:

(1) enters a Class E dance hall; or

(2) for the purpose of gaining admittance into a Class E dance hall, he falsely represents himself to be:

(A) of an age from 14 years through 18 years;

(B) a licensee or an employee of the dance hall;

(C) a parent or guardian of a person inside the dance hall; or

(D) a governmental employee in the performance of official duties.

(c) A licensee or an employee of a Class E dance hall commits an offense if he knowingly allows a

person to enter or remain on the premises of the dance hall who is:

(1) under the age of 14 years; or

(2) over the age of 18 years.

(d) It is a defense to prosecution under Subsections (b)(1) and (c)(2) that the person is:

(1) a licensee or employee of the dance hall;

(2) a parent or guardian of a person inside the dance hall; or

(3) a governmental employee in the performance of official duties.

(e) A licensee of a Class E dance hall commits an offense if he maintains the premises without posting a sign at each entrance to the dance hall that reads: "It is unlawful for any person under 14 years old to enter this location without a parent or guardian. It is unlawful for any person over 18 years old to enter this location." (Ord. Nos. 18803; 18994; 21184; 23137; 24440)

SEC. 14-8.2. RESERVED.

(Repealed by Ord. 23137)

SEC. 14-9. EXPIRATION OF LICENSE.

(a) A license for a Class A, Class B, or Class E dance hall expires one year from the date of issuance, except that a license for a Class E dance hall issued pursuant to an exemption to a locational restriction expires on the date the exemption expires. A license may be renewed only by making application as provided in Section 14-2. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the license will not be affected by the pendency of the application.

(b) A late-hours permit for a Class A, Class B, or Class C dance hall expires in conjunction with the accompanying dance hall license and may be renewed only by making application as provided in Section 14-3.1.

(c) A license for a Class C dance hall expires at 2:00 a.m., or 4:00 a.m. if a late-hours permit has been issued, on the day following the date of the dance. (Ord. Nos. 15721; 18725; 18803; 20663; 21184; 21837; 22416; 23137; 24440)

SEC. 14-10. SUSPENSION.

The chief of police shall suspend a dance hall license for a period of time not exceeding 30 days if the chief of police determines that a licensee or an employee of a licensee has:

(1) violated Sections 14-3(c), 14-5, 14-8, or 14-8.1 of this chapter;

(2) refused to allow an inspection of the dance hall premises as authorized in this chapter;

(3) knowingly permitted gambling by any person on the dance hall premises; or

(4) knowingly permitted the possession, consumption, or sale of an alcoholic beverage on the premises of a Class E dance hall. (Ord. Nos. 15721; 18803; 21184; 23137; 24440; 24541)

SEC. 14-11. REVOCATION.

(a) The chief of police shall revoke a license if a cause of suspension in Section 14-10 occurs and the license has been suspended within the preceding 12 months.

(b) The chief of police shall revoke a license if the chief of police determines that one or more of the following is true:

(1) A licensee has given false or misleading information in the material submitted to the chief of police during the application process.

(2) Reserved.

(3) A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises.

(4) A licensee or an employee has knowingly allowed prostitution on the premises.

(5) A licensee or an employee knowingly permitted dancing or a live performance during a period of time when the dance hall license was suspended.

(6) A licensee has been:

(A) convicted of an offense listed in Section 14-3(a)(8)(A) for which the time period required in Section 14-3(a)(8)(B) has not elapsed; or

(B) convicted of or is under indictment for any felony offense while holding a dance hall license.

(7) While an employee of the dance hall and while on the licensed premises, a person has committed an offense listed in Section 14-3(a)(8)(A), for which a conviction has been obtained, two or more times within a 12-month period.

(8) A licensee of a Class E dance hall is in violation of the locational requirements of Section 14-2.1 of this chapter.

(9) A licensee or an employee has violated Section 14-13 of this chapter.

(10) A licensee's state license or permit to sell or serve alcoholic beverages is revoked by the Texas Alcoholic Beverage Commission or a renewal license or permit is refused to the licensee on grounds set forth in Section 11.46 of the Texas Alcoholic Beverage Code.

(c) The fact that a conviction is being appealed has no effect on the revocation of the license.

(d) When the chief of police revokes a license, the revocation will continue for one year, and the licensee may not apply for or be issued any class of dance hall license for one year from the date revocation became final. If, subsequent to revocation, the chief of police finds that the basis for the revocation action has been corrected or abated, the applicant may apply for and be granted a license if at least 90 days have elapsed since the date the revocation became final. If the license was revoked under Subsection (b)(8) only, the applicant may be granted a license immediately upon compliance with Section 14-2.1 of this chapter. If the license was revoked under Subsection (b)(6), an applicant may not apply for or be granted another license until the appropriate number of years required under Section 14-3(a)(8)(B) has elapsed. (Ord. Nos. 15721; 16067; 18803; 20663; 21184; 21837; 23137; 24206; 24440; 24541)

SEC. 14-11.1. SURRENDER OF LICENSE AFTER SUSPENSION, REVOCATION, OR DENIAL OF RENEWAL.

After receipt of notice of suspension, revocation, or denial of renewal of a dance hall license, the licensee shall, on or before the date specified in the notice, discontinue operating the dance hall and surrender the license to the chief of police. (Ord. 24440)

SEC. 14-12. APPEALS.

If the chief of police denies the issuance or renewal of a license, suspends or revokes a license, or denies issuance of a late-hours permit, the chief of

police shall send to the applicant or licensee, by certified mail, return receipt requested, written notice of the action and the right to an appeal. The aggrieved party may appeal the decision of the chief of police to a permit and license appeal board in accordance with Section 2-96 of this code. The filing of an appeal stays the action of the chief of police in suspending or revoking a license until the permit and license appeal board makes a final decision. A suspension or revocation upheld by the board takes effect on the first midnight that is at least 24 hours after the board issues its decision. If within a 10-day period the chief of police suspends, revokes, or denies issuance of a sexually oriented business license for the same location involved in the chief's actions on the dance hall license, then the chief may consolidate the requests for appeals of those actions into one appeal. (Ord. Nos. 15721; 16067; 18200; 19241; 21184; 21837; 23137; 24440)

SEC. 14-13. TRANSFER OF LICENSE OR LATE-HOURS PERMIT.

A licensee shall not transfer a license or late-hours permit to another, nor shall a licensee operate a dance hall under the authority of a license, or a late-hours permit, at any place other than the address designated in the application. (Ord. Nos. 15721; 18725; 21184; 23137; 24440)

SEC. 14-14. PENALTY.

(a) Any person who violates any provision of this chapter, except Sections 14-2.1 and 14-3.1, upon conviction, is punishable by a fine of not less than $200 or more than $500. Any person who violates Section 14-2.1 or 14-3.1 of this chapter, upon conviction, is punishable by a fine of not less than $200 or more than $2,000.

(b) Except where otherwise specified, a culpable mental state is not required for the commission of an offense under this chapter. (Ord. Nos. 21184; 23137; 24440; 24541)

SEC. 14-15. INJUNCTION.

A person who operates or causes to be operated a dance hall without a valid license or in violation of Section 14-2.1 of this chapter is subject to a suit for injunction as well as prosecution for criminal violations. (Ord. Nos. 21184; 23137; 24440)