

ORDINANCE NO. 91A-1

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF JAMES CITY BY REPEALING CHAPTER 4, DANCE HALLS, AND BY ADOPTING A NEW CHAPTER, CHAPTER 4A, DANCE HALLS, BY DEFINING PUBLIC DANCE HALLS, REQUIRING A PERMIT, ESTABLISHING CONDITIONS AND RESTRICTIONS, PROVIDING FOR REVOCATION OF THE PERMIT AND SETTING OUT PENALTIES FOR VIOLATION OF THE CHAPTER.

BE IT ORDAINED, by the Board of Supervisors that the Code of the County of James City be and the same is, hereby, amended by repealing Chapter 4, Dance Halls, and by adopting a new chapter, Chapter 4A, Dance Halls, by defining public dance halls, requiring a permit, establishing conditions and restrictions, providing for revocation of the permit and setting out penalties for violations of the chapter.

CHAPTER 4A

DANCE HALLS

Article I. In General.

Section 4A-1. Definition of public dance hall.

A public dance hall shall be defined as any place open to the general public where dancing is permitted.

Section 4A-2.

No license shall be issued by the Commissioner of the Revenue for the operation of a public dance hall in the County, unless and until the permit to obtain a public dance hall, as provided for in this article, shall be authorized by the County Administrator.

Section 4A-3. Application for permit.

Any person desiring to obtain from the Commissioner of the Revenue a license for the operation of a public dance hall in the County shall first make written application to the County Administrator for a permit to obtain such license.

Such permit shall contain the following information:

- a) The location of the proposed dance hall.
- b) The name and address of any person who is or who will be an owner, operator or manager of such dance hall, together with the name and address of any person having a financial interest in said dance hall, including stockholders, lienholders or partners.
- c) If the owner or operator of the public dance hall is a corporation, then such application shall set forth the true or equitable owners of the stock of such corporation.
- d) A statement as to the type of food or drink to be offered and the facilities to be provided for the preparation and service thereof.
- e) The number of spaces for off-street parking available for patrons.

Section 4A-4. Investigation prior to hearing or issuance of permit.

The County Administrator shall in all instances prior to the issuance of a permit under Section 4A-5, cause a copy of the application to be forwarded to

the offices of the Fire Marshal, Sheriff and Zoning Administrator and any other department or official who in his judgement would be affected by such application or might have comments pertaining thereto.

Section 4A-5. Hearing; grant or refusal.

Upon the filing of an application pursuant to the provisions of Section 4A-3, the County Administrator may hear statements and receive evidence as to the suitability of the location of such proposed dance hall, preference being given to ground floor locations, and as to the suitability and adequacy of the facilities, as to the fitness of the person or persons who will own, manage or conduct the same, and pursuant to the hearing if the County Administrator deems such hearing to be necessary, he shall grant or refuse such permit within fifteen (15) days from the date of such hearing, or if no hearing is held, within thirty (30) days from the date of application for such permit.

Section 4A-6. Procuring by fraud, etc.

It shall be unlawful for any person to procure by fraud or false representation of facts a permit under Section 4A-5.

Section 4A-7. Revocation.

Upon the violation of any of the provisions of this chapter, the County Administrator shall have the right, in addition to any other remedies allowed by law, to revoke any permit granted as provided in Section 4A-5, after due hearing and upon not less than five days notice in writing to the permittee, such notice to be sent by registered letter or certified mail to the address given by the permittee when applying for such permit.

Section 4A-8. Prerequisite to operation of dance hall.

It shall be unlawful for any person to operate, or cause to be operated, a public dance hall in the County without first obtaining the permit provided for in this article. Any person violating this section shall, upon conviction thereof, be fined not exceeding Five Hundred Dollars (\$500.00) or be confined in jail not exceeding thirty (30) days, or by both such fine and imprisonment.

Article II. Conditions and Restrictions.

Section 4A-9. Transfer of permit.

A permit to obtain a license for the operation of a public dance hall shall not be transferable without written consent of the County Administrator.

Section 4A-10. Change of ownership, management or location.

The ownership, management or location of a public dance hall operated pursuant to license for the obtaining of which a permit was obtained under the provisions of this chapter shall not be altered or changed without the written permission of the County Administrator.

Section 4A-11. Closing hours.

The closing hour of any dance hall operated pursuant to a license for the obtaining of which a permit was obtained under the provisions of this Chapter shall be no later than 2:00 a.m.

Section 4A-12. Occupancy allowance.

Sufficient floor area space, as defined by the BOCA Basic Building Code, 1970, as amended, shall be provided in any dance hall operated pursuant to a license for the obtaining of which a permit was obtained under the provisions of this chapter to afford 15 square feet of leaseable floor space to each individual in attendance at such dance hall.

Section 4A-13. Seating.

The total seats available in a public dance hall operated pursuant to a license for the obtaining of which a permit was obtained under the provisions of this chapter shall be not less than the total number of patrons present at any one time.

Section 4A-14. Off-street parking space.

Off-street parking space, at a public dance hall operated pursuant to a license for the obtaining of which a permit was obtained under the provisions of this chapter, shall be available in the ratio of a parking space to every six patrons.

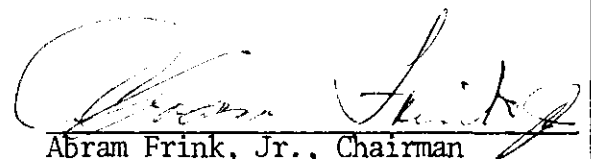
Section 4A-15. Plumbing fixtures.

Separate plumbing facilities shall be available within the building for male and female patrons at a public dance hall operated pursuant to a license for the obtaining of which a permit was obtained under the provisions of this chapter.


Section 4A-16. Right of entry of Sheriff's Department.

Members of the Sheriff's Department may enter any dance hall operated pursuant to a license for the obtaining of which a permit was obtained under the provisions of this chapter at all hours to insure that the peace and quiet of the County is preserved.

This ordinance shall be in full force and effect from the day of its adoption.


Abram Frink, Jr., Chairman
Board of Supervisors
James City County

ATTEST:


James B. Oliver, Jr.
Clerk to the Board

Adopted by the Board of Supervisors, James City County, Virginia on
the 8th day of March, 1976.