

ADOPTED

Oct 13 2015

Board of Supervisors
James City County, VA

ORDINANCE NO. 160A-1

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 6, DANCE HALLS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY REPEALING CHAPTER 6, DANCE HALLS, BY DELETING ARTICLE I, IN GENERAL, SECTION 6-1, DEFINITION OF PUBLIC DANCE HALL; SECTION 6-2, PERMIT REQUIRED; SECTION 6-3, APPLICATION FOR PERMIT, SECTION 6-4, INVESTIGATION PRIOR TO HEARING OR TO ISSUANCE OF PERMIT; SECTION 6-5, HEARING GRANT OR REFUSAL; SECTION 6-6, PROCURING BY FRAUD, ETC.; SECTION 6-7, REVOCATION; SECTION 6-8, PREREQUISITE TO OPERATION OF DANCE HALL; AND BY DELETING ARTICLE II, CONDITIONS AND RESTRICTIONS, SECTION 6-9, TRANSFER OF PERMIT; SECTION 6-10, CHANGE OF OWNERSHIP, MANAGEMENT OR LOCATION; SECTION 6-11, CLOSING HOURS; SECTION 6-12, OCCUPANCY ALLOWANCE; SECTION 6-13, SEATING; SECTION 6-14, OFF-STREET PARKING; SECTION 6-15, PLUMBING FIXTURES; AND SECTION 6-16, RIGHT OF ENTRY OF POLICE DEPARTMENT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 6, Dance Halls, is hereby repealed by deleting Article I, In General, Section 6-1, Definition of public dance hall; Section 6-2, Permit required; Section 6-3, Application for permit, Section 6-4, Investigation prior to hearing or to issuance of permit; Section 6-5, Hearing grant or refusal; Section 6-6, Procuring by fraud, etc.; Section 6-7, Revocation; Section 6-8, Prerequisite to operation of dance hall; and by deleting Article II, Conditions and Restrictions, Section 6-9, Transfer of permit; Section 6-10, Change of ownership, management or location; Section 6-11, Closing hours; Section 6-12, Occupancy allowance; Section 6-13, Seating; Section 6-14, Off-street parking; Section 6-15, Plumbing fixtures; and Section 6-16, Right of entry of police department.

Chapter 6 - DANCE HALLS

~~ARTICLE I. - IN GENERAL~~

~~Sec. 6-1. Definition of public dance hall.~~

~~A public dance hall shall be defined as any place open to the general public, where dancing is permitted.
(3-8-76)~~

~~Sec. 6-2. Permit required.~~

~~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.
(3-8-76)~~

~~Sec. 6-3. 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 such 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.~~

~~(3-8-76)~~

~~Sec. 6-4. Investigation prior to hearing or to issuance of permit.~~

~~The county administrator shall, in all instances, prior to the issuance of a permit under section 6-5, cause a copy of the application to be forwarded to the offices of the fire chief, police chief and zoning administrator and any other department or official who in his judgment would be affected by such application or might have comments pertaining thereto.~~

~~(3-8-76; Ord. No. 160, 7-7-86)~~

~~Sec. 6-5. Hearing grant or refusal.~~

~~Upon the filing of an application pursuant to the provisions of section 6-3, 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; as to the suitability and adequacy of the facilities; as to the fitness of the person or persons who will own, manage or conduct such; and pursuant to the hearing, if the county administrator deems such hearing to be necessary, he shall grant or refuse such permit within 15 days from the date of such hearing, or if no hearing is held, within 30 days from the date of application for such permit.~~

~~(3-8-76)~~

~~Sec. 6-6. Procuring by fraud, etc.~~

~~It shall be unlawful for any person to procure by fraud or false representation of facts a permit under section 6-5.~~

~~(3-8-76)~~

~~Sec. 6-7. 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 6-5, 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.~~

~~(3-8-76)~~

Sec. 6-8. 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 an amount not exceeding \$500.00 or be confined in jail for a period not exceeding 30 days, or by both such fine and imprisonment.~~

~~(3-8-76)~~

Article II. — Conditions and Restrictions

Sec. 6-9. 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.~~

~~(3-8-76)~~

Sec. 6-10. Change of ownership, management or location.

~~The ownership, management or location of a public dance hall operated pursuant to a license for 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.~~

~~(3-8-76)~~

Sec. 6-11. Closing hours.

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

~~(3-8-76)~~

Sec. 6-12. 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 which a permit was obtained under the provisions of this chapter, so as to afford 15 square feet of leasable floor space to each individual in attendance at such dance hall.~~

~~(3-8-76)~~

Sec. 6-13. Seating.

~~The total seats available in a public dance hall operated pursuant to a license for 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.~~

~~(3-8-76)~~

~~Sec. 6-14. Off street parking.~~

~~Off street parking space at a public dance hall, operated pursuant to a license for 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.~~

~~(3-8-76)~~

~~Sec. 6-15. 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 which a permit was obtained under the provisions of this chapter.~~

~~(3-8-76)~~

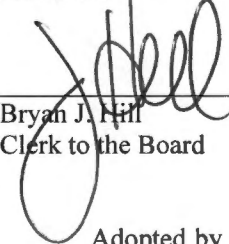
~~Sec. 6-16. Right of entry of police department.~~

~~Members of the police department or sheriff's department may enter any dance hall operated pursuant to a license for which a permit was obtained under the provisions of this chapter at all hours to ensure that the peace and quiet of the county is preserved.~~

~~(3-8-76; Ord. No. 160, 7-7-86) *Reserved.*~~


Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:


Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JONES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ONIZUK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KENNEDY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of October, 2015.