

**Chapter 25**  
**DANCE HALLS**

**§ 25-1. Permit required; application.**

**§ 25-2. Permit approval.**

**§ 25-3. License fee.**

**§ 25-4. Penalties.**

**[HISTORY; Adopted 1-20-54, effective 2-1-54. Amended 11-7-94, effective 1-1-95.  
Amendment  
history noted where applicable.]**

**REFERENCES**

**Municipal infractions -- See Chapter 46.**

**§ 25-1. Permit required; application. [Amended 6-21-10, effective 7-11-10]**

(a) It shall be unlawful for any person to operate a dance hall without first having obtained from the Mayor and Council a permit and paying the permit fee provided in § 25-3. The requirements of this chapter are in addition to any requirements for the operator of a dance hall to obtain a license for such purpose from Prince George's County.

(b) As used in this chapter "dance hall" means any establishment operated for profit where dancing is permitted, even though dancing may not be the principal activity at the establishment. activities that indicate that an establishment is a dance hall may include, but not be limited to, the following:

(1) The presence of one or more individuals who provide live or recorded music, and a dance floor, stage or other area or space in the establishment is available for dancing.

(2) The presence of one or more individuals who provide live or recorded music and dancing is occurring.

(3) The establishment engages in activities to promote or advertise dancing at the establishment.

(c) A permit to operate a dance hall shall be issued only to an individual. If a business entity will operate the dance hall, the permit may be issued only to an officer of the business entity, or to an individual who has a financial interest in the business entity, who shall hold the permit for the sole use and benefit of the business entity. If an alcoholic beverage licensed is issued for the sale

of alcoholic beverages at the premises of the dance hall, the applicant shall be a licensee on the alcoholic beverage license.

(d) First time applicants for a permit to operate a dance hall may apply for a permit for a duration not longer than ninety-one (91) days. A permit holder whose permit is not suspended or revoked and who seeks to renew the permit for the first time may apply for a permit for a duration not longer than one hundred eighty-two (182) days. A permit holder whose permit is not suspended or revoked and who seeks to renew the permit for the second time and thereafter may apply for a permit for a duration of not more than one (1) year. If a permit is suspended or revoked, any future application shall be for an initial duration of not more than ninety-one (91) days. The provisions of this subsection (d) apply to the holder of the permit and to the business entity for whose use and benefit the permit was obtained.

(e) Any person seeking a permit, or the renewal of a permit, to operate a dance hall shall file with the Town Administrator a written application, under penalty of perjury, in a form prescribed by the Town Administrator. An application for the renewal of an existing permit shall be filed not later than the first Monday of the month before the permit is scheduled to expire (e.g., if the existing permit expires on June 15 the application for renewal must be filed by May 1), unless otherwise authorized by the Town Administrator. An application that is filed later than the first Monday of the month before the permit is scheduled to expire, or such later date as authorized by the Town Administrator, shall be treated as a new application. The application for an initial permit or the renewal of a permit shall include or be accompanied by the following, and such other information and documentation as the Town Administrator reasonably may require:

- (1) The address of the premises for which the permit is sought.
- (2) The zoning classification of the premises.
- (3) The name, telephone number and e-mail and postal mailing addresses of the owner of the premises.
- (4) The name, telephone number and e-mail and postal mailing addresses of the applicant.
- (5) The name, telephone number and e-mail and postal mailing addresses of the operator of the dance hall if the operator different from the applicant.
- (6) The name, telephone number and e-mail and postal mailing addresses of the business entity for whose use and benefit the permit is sought if the business entity is different from the applicant.
- (7) The names, telephone numbers and e-mail and postal mailing addresses of all on-site managers and other on-site individuals who will be responsible for the operation of the dance hall when it is open for business, and who will be authorized to accept notices and citations from the Town with respect to the operation of the dance hall.

(8) A certification by the applicant that the applicant is a resident of the State of Maryland and that neither the applicant nor any manager or other individual who will be responsible for the operation of the dance hall when it is open for business has been convicted of any crime involving moral turpitude.

(9) A copy of the current fire inspection and occupancy limitation certificates for the use of the premises as a dance hall.

(10) A copy of the current use and occupancy permit for the premises that shows that the operation of a dance hall is authorized at the premises.

(11) A copy of the current alcoholic beverage license for the premises if the service of alcoholic beverages is allowed at the premises.

(12) A security plan for maintaining the public peace in and about the premises during the operation of the dance hall. The security plan shall provide for the use of licensed, bonded and insured security contractors or officers.

(13) Evidence of a plan to monitor and prohibit the consumption of alcohol by underage individuals and by individuals who appear to be intoxicated or under the influence of alcohol.

(14) A copy of the current Prince George's County license for the operation of a dance hall.

(15) Evidence that the premises satisfies all applicable sanitary, building code, business licensing and safety regulations for the operation of a dance hall.

(16) The written consent of the owner of the premises to the operation of a dance hall on the premises.

(17) A statement by the applicant and the owner of the premises that the filing of the application and the acceptance of the permit issued by the Mayor and Council constitutes consent to and authority for Town code enforcement officers and police officers, and other regulatory officials, to enter the premises without prior notice during business hours for the purpose of investigating the information provided in the application and for inspecting the operation of the dance hall and investigating potential violations of this chapter and the permit.

(18) A statement of the duration of time for which the permit is sought.

(19) A non-refundable application fee for an initial application in the amount of two hundred fifty dollars (\$250), or a non-refundable fee for an application for the renewal of an existing permit in the amount of twenty percent (20%) of the fee for the existing permit as specified in section 25-3(A) (e.g., if the fee for the existing permit is \$600 the fee for the application for

renewal of the permit is \$120).

**§ 25-2. Application Review and Consideration. [Amended 6-21-10, effective 7-11-10]**

(a) When the Town Administrator receives a completed application for a permit under this chapter, the Town Administrator shall conduct a review and investigation of the application. The Town Administrator may request the assistance of other persons in conducting the investigation.

(b) After the Town Administrator completes the investigation, the Town Administrator shall submit a report of the investigation and the Town Administrator's recommendation to the Mayor and Council as to whether the permit should be granted and whether any terms, conditions and restrictions should be attached to the granting of the permit. The report shall set forth the reasons for the Town Administrator's recommendations. The report also shall include the recommendation of the Town's Chief of Police and other documentation as the Town Administrator deems appropriate to support the Town Administrator's recommendations.

(c) The Mayor and Council shall consider the application after receiving the Town Administrator's report and recommendation. The Mayor and Council shall give the applicant notice of the date, time and place of the Mayor and Council's consideration of the application and shall give the applicant an opportunity to be heard before the Mayor and Council acts on the application.

(d) After the Mayor and Council considers the Town Administrator's report and recommendation, hears from the applicant, and hears from any other persons or considers any other matters that the Mayor and Council deems appropriate, the Mayor and Council may approve, approve with terms, conditions and restrictions, or deny the application. The Mayor and Council's decision shall be based upon the Mayor and Council's determination as to the suitability of the applicant to hold the permit and the impact of the operation of the proposed dance hall upon the surrounding community and the public health, safety and welfare. The Mayor and Council shall make written findings to support its decision regarding the application.

**§ 25-3. Permit fee. [Amended 6-21-10, effective 7-11-10]**

(a) If the application is approved by the Mayor and Council, the applicant shall pay to the Town a non-refundable permit fee as follows:

(1) For a permit with a duration of up to ninety-one (91) days the fee shall be three hundred dollars (\$300).

(2) For a permit with a duration of up to one hundred eighty-two (182) days the fee shall be six hundred dollars (\$600).

(3) For a permit with a duration of up to one (1) year the fee shall be one thousand two hundred fifty dollars (\$1,250).

(b) No fee shall be required for any dance hall operated in any state-owned or municipal building, public school premises, or church premises.

**§ 25-4 Operational Regulations. [Added 6-21-10, effective 7-11-10]**

(a) The provisions of this section govern the operation of a dance hall under a permit issued under this chapter and are conditions of the permit.

(b) The holder of the permit promptly shall notify the Town Administrator of any changes to any of the information submitted as part of the application for the permit.

(c) A manager or other individual responsible for the operation of the dance hall shall always be on the premises when the dance hall is open for business. This manager or other individual responsible for the operation of the dance hall and the holder of the permit shall be jointly responsible for the operation of the dance hall and for all violations of this chapter and the terms and conditions of the permit and shall accept notices and citations issued under this chapter from Town code enforcement officers and police officers.

(d) The operation of the dance hall and premises shall comply with all applicable sanitary, building code, business licensing, zoning, alcoholic beverage and liquor licensing and life safety and occupancy regulations.

(e) The operation of the dance hall and premises shall comply with all plans submitted and approved as part of the application for the issuance of the permit.

(f) The operator of the dance hall shall maintain on file records as required by law for all employees who work at the dance hall. If not otherwise required by law, these records shall include telephone numbers, and e-mail and postal mailing addresses of all employees.

(g) The operator of the dance hall shall maintain on file records, including names, telephone numbers, and e-mail and postal mailing addresses of all independent contractors who work in the dance hall.

(h) The dance hall shall be operated within the times allowed by zoning and alcoholic beverage regulations, except to the extent that more limiting hours of operation are established by the mayor and council as a condition of the issuance of the permit.

(i) Where the sale or consumption of alcoholic beverages otherwise is permitted, alcoholic beverages may not be sold or served to any individual under 21 years of age or to any individual who reasonable observation demonstrates is intoxicated or under the influence of alcohol.

(j) No disorderly conduct or public nuisance shall be permitted to occur or continue in or within in close proximity to the premises of a dance hall.

(k) The dance hall and premises shall be operated in accordance with all applicable laws

including, but not limited to, those described in subsection (d) of this section.

(l) The individuals in charge of the operation of the dance hall shall not allow patrons or guests to engage in conduct on the premises that violates applicable laws including, but not limited to, laws relating to consumption of alcoholic beverages and public decency.

(m) The dance hall shall not require patrons to purchase a minimum number of beverages or impose upon patrons a minimum beverage charge.

(n) The operators of the dance hall shall not allow loitering to occur outside the premises of the dance hall.

(o) The dance hall shall be operated in a manner that does not result in the dance hall being a public nuisance or result in the repeated response by police officers for conduct in or about the premises where the dance hall is being operated.

**§ 25-5 Suspension and Revocation of Permit. [Added 6-21-10, effective 7-11-10]**

(a) The provisions of this section are in addition to the provisions of § 25-7.

(b) If a Town code enforcement officer or police officer observes that a dance hall for which a town permit has been issued is being operated in violation of this chapter or in violation of the permit, the officer immediately shall issue a written notice to the manager or other individual responsible for the operation of the dance hall to cease and desist, or to correct, the unauthorized activity immediately or such longer time specified in the notice. If the violation is not corrected immediately or within such longer time specified in the notice, the officer shall issue to the manager or other individual responsible for the operation of the dance hall a written notice that the Mayor and Council will hold a hearing to determine whether the dance hall permit will be suspended or revoked. Where Town code enforcement officers or officers of the Town police department reasonably believe that continued operation of the dance hall until the Mayor and Council can hold a hearing on suspension or revocation of the dance hall permit under this section will result in a immediate and substantial threat to the public health, safety or welfare, the officer may take the same action as is authorized under § 25-7(B) for a dance hall that is operating without a permit. Such action shall remain in effect until the Mayor and Council determines whether to allow the resumption of the dance hall or suspend or revoke the dance hall permit.

(c) If Prince George's County suspends or revokes a county dance hall license for operation of a dance hall in the Town, the Mayor and Council shall hold a hearing to determine whether the Town dance hall permit also shall be suspended or revoked.

(d) If the Mayor and Council holds a hearing to determine whether a dancehall permit should be suspended or revoked, the Town Administrator shall send notice of the date, time, place and purpose of the hearing, including the violations or grounds for which suspension or revocation of the permit will be considered. The notice shall be sent to the permit holder, to the business entity for whose use and benefit the permit was issued, and to the owner of the premises at which the dance

hall is located. The notice shall be sent by certified and first-class mail to the addresses of such persons as listed on the permit application. Where action as is authorized under § 25-7(B) is taken under § 25-5(B), the Mayor and Council shall conduct the hearing within 15 days after the date of the written notice of hearing issued to the manager or other individual responsible for the operation of the dance hall under § 25-5(B).

(1) At a hearing the Mayor and Council shall consider testimony and evidence from the town, from the holder of the permit, and from other interested persons.

(2) Following the hearing, if the Mayor and Council finds that the violations as alleged have been sustained, or that the county permit has been revoked or suspended, the Mayor and Council may suspend or revoke the permit, or take such other action with respect to the permit, including imposing new or additional conditions, as the Mayor and Council reasonably shall determine appropriate to protect the public health, safety and welfare and to ensure future compliance with this chapter and the permit.

(3) The Mayor and Council shall issue a written decision of their findings and actions with such sufficiency as would be required for judicial review. The Town Administrator shall mail copies of the decision promptly to the same persons and in the same manner as the notice of the hearing was sent. The Town Administrator also shall mail copies of the decision to all other parties of record.

(e) If the Mayor and Council revokes a permit, the holder of the permit, the operator of the dance hall and the owner of the property where the dance hall was located may not apply for or receive another permit for one (1) year following the date of the revocation.

#### **§ 25-6 Appeals. [Added 6-21-10, effective 7-11-10]**

Any person aggrieved by any decision of the Mayor and Council under this chapter may seek judicial review in the Circuit Court for Prince George's County by filing a petition for judicial review within thirty (30) days after the date of the decision of the Mayor and Council. The decision of the Circuit Court may be further appealed to the Maryland Court of Special Appeals as provided by law.

#### **§ 25-7. Penalties and Enforcement. [Added 3-6-95, effective 3-26-95.ammended 10-3- 05][Amended 6-21-10, effective 7-11-10]**

(a) Violations of this chapter and violations of a permit and any terms, conditions and restrictions attached to the issuance of a permit under this chapter are municipal infractions. Each day that a violation continues shall constitute a separate offense. Each violation is subject to a fine of one thousand dollars (\$1,000). Town code enforcement officers and officers of the Town police department are authorized to issue municipal infraction citations for violations of this chapter and violations.

(b) In addition to the issuance of municipal infraction citations, after notice to the manager or other individual on the premises in charge of the operation of the dance hall, Town code enforcement officers, with assistance of officers of the Town police department, may take such measures as reasonably necessary to effect the closing or otherwise prevent the unlawful continuance or operation of a dance hall that a code enforcement officer or police officer observes is being operated without the permit required by this chapter. Such measures include:

- (1) Locking or securing the premises or otherwise denying entry into the premises; or
- (2) Ordering the premises to be vacated and posting in and on the exterior of the premises notices that the dance hall is closed by order of the Town and that no person is to enter the premises without permission of the Town.

Such measures taken shall remain in force until the owner or operator of the premises provides assurances reasonably satisfactory to the Town Administrator that the operation of the dance hall will not be resumed without a permit.

(c) In addition to the other remedies provided in this section, the Town may institute a judicial proceeding to enforce or restrain violations of the provisions of this chapter or of a permit issued under this chapter.