

AN ORDINANCE TO AMEND THE BLACKSBURG TOWN CODE BY ESTABLISHING ADDITIONAL REGULATIONS FOR PUBLIC DANCE HALLS AND NEW REGULATIONS FOR TEENAGE NIGHTCLUBS BY AMENDING SECTIONS 4-400, 4-401, 4-402, 4-403, 4-407, 4-409, 4-411, 4-412 AND 4-413 AND ADDING NEW SECTIONS 4-418, 4-419, 4-420 AND 4-421

WHEREAS, recent “teen nights” at public dance halls in the Town have resulted in numerous police calls for incidents involving disorderly conduct, drunkenness and fights;

WHEREAS, the demands for police services created by these teen nights have become so frequent and extensive that the health, safety and welfare of the community is threatened; and

WHEREAS, based on the number and types of calls for police services at these events, the Town Council hereby finds and determines that additional regulations for public dance halls, as well as new regulations for “teenage nightclubs,” are necessary.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Blacksburg:

1. That the Blacksburg Town Code is amended and reordained, as follows:

Section 4-400. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

* * *

Manager means any person charged with conducting the business affairs of a public dance hall or a teenage nightclub, or in his or her absence during hours of operation, the person acting in his or her stead.

* * *

Teenage nightclub means any establishment, open to teenage members of the general public and other persons authorized by this article, where dances or dancing activities, accompanied by either recorded music or live entertainment, are held or undertaken for consideration, whether such consideration is by cover charge, admission fee or the sale of refreshment, food or merchandise.

Teenage means between and including the ages of thirteen (13) years and eighteen (18) years.

Section 4-401. Rules and regulations of chief of police.

(a) The chief of police may promulgate rules and regulations, not inconsistent with the provisions of this article, governing public dance halls, *teenage nightclubs* and public dances, including hours of operation. Such rules and regulations shall be presented to and approved by the council prior to becoming effective. It shall be unlawful for any person to violate any of such rules and regulations.

* * *

Section 4-402. Right of entry of police.

Members of the police department may enter any public dance hall, *teenage nightclub* or public dance during all hours of operation to protect the peace and quiet of the town.

Section 4-403. Fire rules; building and zoning regulations.

The operation of a dance hall, *teenage nightclub* or other place where a public dance is held shall be in compliance with all applicable fire and health hazard regulations and all of the provisions of the building and zoning regulations of the town.

Section 4-407. Permit required.

(a) It shall be unlawful for any person to operate a public dance hall, *teenage nightclub* or hold a public dance in the town, unless he or she has a current permit issued in accordance with the provisions of this division.

(b) This section shall not apply to dances held for benevolent, civic, patriotic or charitable purposes, or where dances are conducted under the auspices of religious, *governmental*, charitable or educational organizations.

Section 4-409. Application generally.

* * *

(b) The application for a permit under this division shall contain, but shall not be limited to the following information:

* * *

(12) *A written certification by the zoning administrator that the proposed use of the property is permitted by the Zoning Ordinance.*

Section 4-411. Investigation of applicant – Generally.

The chief of police shall forthwith conduct an investigation of the application, when he *or she* receives the fully completed application filed under this division and notice that the required deposit has been made.

Section 4-412. Same – Certification of results.

Upon completion of the investigation provided for in section 4-411, the chief of police shall certify to the town council that he *or she* has investigated the applicant and, if the findings so warrant, that the applicant is of good moral character and should receive a permit. Should the investigation disclose the applicant to be of bad moral character and not entitled to

the permit, the chief of police shall so certify. *The criteria for determining an applicant to be of bad moral character includes, but is not limited to, convictions of a felony or of any crime involving moral turpitude or the possession or sale of, attempted possession or sale of, or conspiracy to possess or sell, a controlled substance, alcohol or firearms; and in the case of an application for a permit to operate a teenage nightclub, in addition to the foregoing, contributing to the delinquency of a minor or any other criminal offense against a juvenile.*

Section 4-413. Grant or refusal.

(a) Upon receipt of the certification provided for in section 4-411, the town council shall, upon recorded vote, grant or refuse the permit applied for under this division. In making its decision, the council may, if it elects to do so, hear evidence and statements of citizens and others as to the suitability of the location of the public dance hall *or teenage nightclub*, or the place where the public dance is to be held, and as to the fitness of the person who proposes to conduct the same.

* * *

(d) *In the case of an application for a permit to operate a teenage nightclub, no permit shall be granted if any portion of the proposed establishment, including any on-site parking, is located within five hundred (500) feet of any business having a license issued by the alcoholic beverage control board to sell alcoholic beverages for either on-premises or off-premises consumption.*

Section 4-418. Entry prohibited to certain persons.

(a) *No person under the age of eighteen (18) years shall remain in a public dance hall after 8:00 p.m. unless lawfully employed therein.*

(b) *No person eighteen (18) years of age or older who is not the parent or legal guardian of a patron shall enter, or be permitted to enter, a teenage nightclub during hours of operation unless for purposes related to his or her lawful employment; and no person under the age of thirteen (13) years shall enter, or be permitted to enter, a teenage nightclub for any reason.*

(c) *The manager of any public dance hall or teenage nightclub shall conduct, or cause to be conducted, a positive identification check of each person seeking admittance to ensure compliance with this section.*

(d) *It shall be unlawful for any person to falsely represent his or her age in order to gain admittance to a public dance hall or teenage nightclub or for any person to aid, abet or assist in making such false representation.*

Section 4-419. Special provisions applicable to teenage nightclubs.

The provisions of this section shall apply only to teenage nightclubs.

(a) *No person who has been convicted of any offense set forth in section 4-412 shall be employed in a teenage nightclub.*

(b) *The total number of persons, other than employees, shall not exceed the number of seats at any time.*

(c) *No teenage nightclub shall remain open after 11:30 p.m., except that such establishments may remain open for one (1) additional hour on New Year's Eve.*

(d) *It shall be unlawful to permit any person apparently under the influence of alcohol or a controlled substance to enter upon, or remain within, a teenage nightclub.*

(e) *No patron having exited a teenage nightclub shall be permitted to reenter the premises on the same day.*

(f) *At least one (1) police officer, deputy sheriff or state licensed security officer shall be provided, at the expense of the owner or operator, for every one hundred (100) patrons, or portion thereof, in attendance at any teenage nightclub.*

Section 4-420. New permit upon change in ownership, management or location.

Any change in the ownership of a public dance hall or teenage nightclub shall invalidate the permit for such establishment, unless the town manager consents, in writing, to such change. Any change in the location of a public dance hall or teenage nightclub shall invalidate the permit.

Section 4-421. Severability.

The provisions of this article shall be deemed to be severable; if any such provision is adjudged to be invalid or unenforceable, the remaining provisions shall be unaffected thereby and shall remain in full force and effect.

2. That this ordinance shall be effective upon its adoption.

Mayor

ATTEST:

Town Clerk

1st Reading: _____

2nd Reading & Adoption: _____

APPROVED AS TO CONTENT:

Chief of Police

APPROVED AS TO LEGAL SUFFICIENCY:

Town Attorney