C: Director, Department of City Planning

City of NORFOLK

To the Honorable Council
City of Norfolk, Virginia

January 26, 2016

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Amendments to the *Code of the City of Norfolk, Virginia, 1979*, as amended; Chapter 5. – "Amusements;" Article II. – "Public Dance Halls;"** to remove Section 5-23 "Minimum seating requirements", and Section 5-26 "Minors prohibited if alcoholic beverages are sold; exception"; and to amend Section 5-22.1 "Security requirements", section 5-24 "Closing hours", Section 5-40 "Application generally", and Section 5-42 "Referral of application to city manager."

Reviewed: Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: Citywide

Approved: Marcus D. Jones, City Manager

Item Number: **R-1**

I. **Staff Recommendation: Approval**

II. **Request:** An ordinance to remove the mandatory minimum seating requirements and the prohibition of minors whenever alcoholic beverages are served or sold at public dance halls.

III. **Applicant: City of Norfolk**

IV. **Description:**

- This agenda item is to amend Chapter 5, Article II of the City Code in order to remove certain operational requirements for public dance halls that have been largely superseded by the modern practice of regulating through the special exception permit process.
  - In particular, an application for a special exception to authorize the operation of an Entertainment Establishment known as "Mambo Room" at 419 West 22nd Street includes a full roster of operational conditions to mitigate any negative impacts that might otherwise result.
  - Although the Mambo Room is essentially a dance school, it technically meets the definition of a "public dance hall" under City Code because it will be open to the public on occasions when special events and performances are being held and it proposes a dance floor with an area exceeding ten percent of the total floor area of the establishment.

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V. Analysis

- The City first began regulating the operation of public dance halls in 1919.
  - The law at that time prohibited people who were "under the influence of liquor" or "not of good fame" from being inside the dance hall.
- In 1944, the City added more limitations, including a rule prohibiting minors in the hall whenever "alcoholic beverages are sold or dispensed for consumption."
- The next amendment to these rules, adopted in 1967, added a requirement that the dance hall provide one seat for every patron "present at any one time."
- A survey of other Virginia cities shows that, in addition to Norfolk, Newport News, Richmond, Roanoke, Suffolk, and Virginia Beach all impose operational rules for dance halls.
  - However, none of the other cities impose a mandatory minimum seating requirement.
  - Because Norfolk carefully regulates Entertainment Establishments through its special exception process, the minimum seating rule adopted in 1967 and the prohibition against minors adopted in 1944 have effectively been obviated by the more specialized conditions imposed in the special exception.
  - Therefore, it is recommended that these older, less precise attempts to mitigate negative impacts that may be caused by public dance halls be eliminated.
  - This ordinance accomplishes that change.

VI. Financial Impact

Not applicable.

VII. Environmental

Not applicable.

VIII. Community Outreach/Notification

Not applicable.

IX. Board/Commission Action

No Board or Commission actions are required.

X. Coordination/Outreach

This letter has been coordinated with the Department of Law.

Staff points of contact: Matthew Simons, CFM, City Planner II – Land Use Services at 664-4750, matthew.simons@norfolk.gov and Adam D. Melita, Deputy City Attorney – Law Department at 664-4366, adam.melita@norfolk.gov

Supporting Material from the City Attorney's Office:

- Ordinance

10/06/2015 lds

Form and Correctness Approved:

By _____
Office of the City Attorney

Contents Approved:

By _____
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

R-1

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 5, ARTICLE II OF THE NORFOLK CITY CODE, 1979, IS HEREBY AMENDED AND REORDAINED SO AS TO REMOVE THE MANDATORY MINIMUM SEATING REQUIREMENTS AND THE PROHIBITION OF MINORS WHENEVER ALCOHOLIC BEVERAGES ARE SERVED OR SOLD AT PUBLIC DANCE HALLS.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Chapter 5, Article II of the Norfolk City Code, 1979, is hereby amended and reordained so as to remove the mandatory minimum seating requirements and the prohibition of minors whenever alcoholic beverages are served or sold at public dance halls. The amendments shall read as follows:

ARTICLE II. PUBLIC DANCE HALLS (2)

DIVISION 1. GENERALLY

Sec. 5-19. Definition.

Sec. 5-20. Violations of article.

Sec. 5-21. Reserved.

Sec. 5-22. Right of entry of police.

Sec. 5-22.1. Security requirements.

Sec. 5-23. Minimum seating requirements.

Sec. 5-24. Reserved.

Sec. 5-25. Operator not to permit intoxicated or disorderly persons on premises.

Sec. 5-26. Reserved.

Sec. 5-27. Lewd, indecent, etc., dances, etc.

Secs. 5-28—5-38. Reserved.

(2) License tax for dance halls, § 24-100.

Authority of city to regulate public dance halls. Code of Virginia, § 15.2-912.3.

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Sec. 5-22.1. Security requirements.

Each such place authorized shall provide minimum security as follows: one uniformed security guard per one hundred (100) attendees with a minimum of five (5) uniformed security guards for the first three hundred (300) attendees.

Sec. 5-23. Reserved.

Sec. 5-24. Closing hours.

The closing hour of any place used as a public dance halls shall not be later than 2:00 a.m. and such place shall not open as a public dance hall until 12:00 noon. (Code 1958, § 15.1-12)

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Sec. 5-26. Reserved.

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Sec. 5-40. Application generally.

Any person desiring to obtain a permit for the operation of a public dance hall shall make written application therefor to the city council. Such application shall be filed with the department of planning and shall contain the following information:

(1) The location of the proposed dance hall.

(2) The names and addresses of all persons who are owners, operators or managers of such dance hall, together with the names and addresses of all persons having a financial interest in such dance hall, including stockholders, lien

holders or partners.

(3) If the owner or operator is a corporation, the names and addresses of the true or equitable owners of the stock of such corporation.

(4) A detailed statement of the facilities to be provided, including type of food or beverages to be offered, the seating capacity of the dance hall and the amount of off-street parking space available for patrons. (Code 1958, § 15.1-3)

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Sec. 5-42. Referral of application to city manager.

The department of planning is hereby authorized and directed to transmit directly to the city manager, for review and report to the council at a subsequent meeting, each application for a permit under this division, without first submitting the same to the council. (Code 1958, § 2-6)

Section 2:- That this ordinance shall be in effect from the date of its adoption.