



Legislation Text

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AN ORDINANCE AMENDING TITLE V, CHAPTER 7; PUBLIC DANCE HALLS AND PUBLIC DANCES, 5:7-3 PREREQUISITES TO LICENSEES, AND TITLE V, CHAPTER 11: DISCOTHEQUES, 5:11-3 PREREQUISITES TO LICENSING, AND PROVIDING FOR UNIFORM PARKING AND SPRINKLER REQUIREMENTS FOR LICENSEES OF DANCE HALLS AND DISCOTHEQUES.

**Sponsors: Councilmembers Amador/Ramos
Deferred 6PSF-e 030514/ Public Hearing Open**

WHEREAS, the proliferation of Public Dance Halls and Discotheques has created difficulty with neighborhood parking in City of Newark; and

WHEREAS, in order to ensure adequate parking for residents and other commercial establishments, the Municipal Council seeks to amend the associated licensing ordinances (Title V, Chapter 7, for Dance Halls and Chapter 11 for Discotheques) to include uniform on-site or off-site, but not on-street parking requirement for both uses and to make the requirement of sprinklers the same for each such use.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

Note: Strikethroughs are deletions and bold underlined are additions.

Section 1. That Title V, Chapter 7, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, are hereby amended as follows:

CHAPTER 7, PUBLIC DANCE HALLS AND PUBLIC DANCES

Editor's Note: The City is authorized to license and regulate Dance Halls by *N.J.S.A. 40:52-1*.

5:7-1. DEFINITIONS

As used in this Chapter:

"Dancing" shall not apply to exhibitions or performances where persons paying admission do not participate.

"Director" shall mean the Director of the Department of Finance and/or his/her designee (for this Chapter only, this includes for enforcement purposes, the Police Director, Deputy Mayor for Public Safety, Executive Secretary of the Alcoholic Beverage Control Board and/or their designees, where

applicable).

“**Promotional event**” shall mean any event that is commercial and may be advertised, used in whole or in part, intentionally or otherwise, to augment sale, and market visibility, including, but not limited to showcasing talent, releasing music or dance products or products for commercial sale. This definition is not intended to include any First Amendment activity that meets the definition of Demonstration in Title 5, Amusements, Chapter 10, Carnivals, Street Fairs and Street Festivals of the Revised General Ordinances, as shall be amended from time to time.

“**Public Dance**” shall mean any dance to which admission can be had either with or without payment of a fee, wardrobe charge or otherwise, or any other dance in which the public generally may participate.

“**Public Dance Hall**” shall mean any room, space or place in which dancing is carried on and to which admission can be had either with or without the payment of a fee, wardrobe charge or otherwise.

(R.O. 1966 § 5:7-1; Ord. 6 PSF-e, March 18, 2009 § 1)

5:7-2. PUBLIC DANCE HALL LICENSE REQUIRED

No person shall operate a public dance hall until the public dance hall shall first have been duly licensed for such purpose; provided, however, that no license shall be required for dances held in public schools when held under the supervision of the District Superintendent, Newark Public Schools.

(R.O. 1966 § 5:7-2; Ord. 6 PSF-e, March 18, 2009 § 1)

5:7-3. PREREQUISITES TO LICENSING

a. No license shall be issued, unless the premises comply with and conform to all laws of the United States, of this State and the ordinances and regulations of the City including building, health, fire prevention and safety ordinances and are, in the judgment of the Directors, a safe and proper place for the purposes for which they are to be used. Every license issued by the Director shall contain the maximum capacity of the premises, as determined by its certificate of occupancy, which shall be posted in a conspicuous location within the premises for the appropriate City officials (Police, Fire Inspectors, etc..) to view upon their routine inspections of the premises for which fire inspections shall be conducted at least three (3) times a year. Any premises, which has a legal maximum capacity of two hundred (200) or more persons shall be required to have a fire suppression sprinkler system, as certified by the Fire Subcode Official, installed throughout the building.

b. No license shall be issued or renewed, unless the applicant therefor shall be a citizen of the United States and a person of good moral character.

c. No license shall be issued or renewed, unless the applicant shall provide a certification (affidavit) that the premises can accommodate via on-site or off-site street parking a minimum of one (1) parking space for every thirty (30) square feet of total floor area within a radius of eight hundred (800) feet from the building to be served. **The certification shall be supported by a copy of a site plan reflecting the on-site parking and any lease for off-site street parking, in the name of the property owner or the licensee for the term of the license, irrespective of any more lenient zoning requirements. On-street parking shall not be considered in regard to fulfilling the**

parking requirement.

(R.O. 1966 § 5:7-3; Ord. 6 S+FB, 4-16-03 § 1; Ord. 6 PSF-e, March 18, 2009 § 1)

CROSS REFERENCE: Suspended or revoked licenses may not be reissued until at least six (6) months after such suspension or revocation, see Section 5:7-10.

5:7-4. ISSUANCE OF LICENSE; TERM OF LICENSE

a. The Director is hereby authorized to grant the licenses herein provided for to such person(s) of good moral character and otherwise qualified according to the provisions of this Chapter, and to such rules and regulations as he/she may promulgate as he/she shall deem fit and proper for the health, safety and welfare of the public.

b. The license fee as provided by Section 5:7-5 shall be payable upon presentation of the application therefor and shall be returned less the sum of ten (\$10.00) dollars in the event such license is not granted.

c. All licenses issued, and renewals thereof, under this Chapter shall be for a period of one (1) year from the date of issuance. The Division of Tax Abatements/Special Taxes shall establish administrative rules and/or regulations pertaining to scheduling for the issuance of a public dance hall license.

(R.O. 1966; R.O. 1966 C.S. § 5:7-4; Ord. 6 PSF-e, March 18, 2009 § 1)

5:7-5. LICENSE FEES

There shall be charged the following fees for licenses herein provided for:

a. Any room or place in any building actually and exclusively used in the work of associations and corporations organized exclusively for the moral and mental improvement of men, women and children or for religious or charitable purposes, where dancing is permitted for one (\$1.00) dollar.

b. Any room or place, which is conducted as a dancing school for fifty (\$50.00) dollars.

c. Any room or place that is connected with any other room or place in which alcoholic beverages are sold and dispensed; any room or place that is connected with any other room and place in which dancing or exhibitions commonly called "cabaret" is conducted; and any room or place that is connected with any other room or place, which is conducted as a restaurant, hotel or motel, shall pay a license fee according to the actual space used for the purpose of dancing, as follows:

- Space less than 150 square feet \$ 50.00
- Space 151 square feet to 250 square feet inclusive \$75.00
- Space over 250 square feet. \$500.00

d. Any other room or place conducted as a public dance hall and not herein otherwise provided for \$200.00

(R.O. 1966; R.O. 1966 C.S. § 5:7-5; Ord. 6 S+FJ, 3-16-88 § 1; Ord. 6 PSF- e, March 18, 2009 § 1)

5:7-6. NOTIFICATION REQUIRED TO RENT HALLS FOR DANCES

a. No person shall rent, hire or occupy any public dance hall for a promotional event without first notifying the Police Department, and the Executive Secretary of the Alcoholic Beverage Control Board, if there is a liquor license on the premises, at least three (3) weeks in advance of the event. A form notification letter shall be requested from the local Police Precinct Commander in which the dance hall is located. The notification letter shall be completed and returned to the same Precinct Commander at least three (3) weeks in advance of the event. Upon submission, it must include a copy of the contract between the parties (owner and operator of the premises and the promoter), as well as a security plan to the satisfaction of the Police Department, which may be modified where needed for the welfare and safety of the public. It shall be the duty of the owner or operator of the premises or the person in charge to conform to the requirements hereof.

b. Commencing on or about September 1, 2009, but in no event later than March 1, 2010, all promoters of promotional events are required to obtain a license from the Director, which license shall be renewed on a yearly basis, in accordance with such rules and regulations that shall be established by the Municipal Council and the Business Administrator.

(R.O. 1966 § 5:7-6; Ord. 6 PSF- e, March 18, 2009 § 1)

5:7-7. AGE RESTRICTIONS WHERE ALCOHOL IS SERVED

No person under the legal drinking age shall be permitted in a dance hall where alcohol is being served and there is a promotional event taking place.

(Ord. 6 PSF- e, March 18, 2009 § 1)

5:7-8. CLOSING AND OPENING HOURS OF DANCE HALLS

No licensed public dance hall or public dance as herein defined and provided for shall remain open beyond the following hours:

1. From 2:00 a.m. to 7:00 a.m. on Monday through Thursday, except New Year's Day.
2. From 3:00 a.m. to 7:00 a.m. on Friday and Saturday, except New Year's Day.
3. From 3:00 a.m. through 12:00 noon on Sunday, Except New Year's Day.
4. From 5:00 a.m. through 7:00 a.m. on New Year's Day, when such day falls on a weekday.
5. From 5:00 a.m. through 12:00 noon on New Year's Day, when such day falls on a Sunday.

No public dance shall be held or dancing as aforesaid defined shall be engaged in during the hours when the premises and public dances are to be closed. It shall be the duty of the owner or operator of the premises and the person in charge of the licensed premises to conform to the requirements hereof.

(R.O. 1966; R.O. 1966 C.S. § 5:7-7; Ord. 6 PSF- e, March 18, 2009 § 1)

5:7-9. SANITATION AND SAFETY

a. All public dance halls shall be kept at all times in a clean, healthy and sanitary condition. All

rooms connected therewith as well as all stairways and other passages shall be kept open and well lighted, unobstructed and clear at all times when dances are being held.

b. All exits and means of egress shall be clearly visible to all participants or members at the dance hall. At the entrance to the dance hall there shall be posted by the owner or operator of the premises or the person in charge, a diagram or chart showing the floor plan of the premises and clearly identifying the exits and all other requirements established by law.

(R.O. 1966 § 5:7-8; Ord. 6 PSE- e, March 18, 2009 § 1)

5:7-10. ORDERING PREMISES VACATED

It shall be the duty of the Director to order and cause any hall or place where any public dance is held to be vacated whenever in his/her judgment any provision of this Chapter is being violated therein or whenever any indecent act shall be permitted or whenever any disorder shall take place therein.

(R.O. 1966 § 5:7-9; Ord. 6 PSF- e, March 18, 2009 § 1)

5:7-11. SUSPENSION OR REVOCATION OF LICENSE

The license of any public dance hall may be suspended or revoked, after notice and hearing, by the Director for good cause. Such license when suspended or revoked shall not be reissued until at least six (6) months has elapsed from the date of the suspension.

(R.O. 1966 § 5:7-10; Ord. 6 PSF- e, March 18, 2009 § 1)

5:7-12. PENALTY

Any person, who violates any provision of this Chapter shall, upon conviction thereof, be punished by one or more of the following: (1) imprisonment for a term not exceeding ninety (90) days; and (2) a fine not exceeding two thousand (\$2,000.00) dollars; (3) or community service not exceeding ninety (90) days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (R.O. 1966 § 5:7-11; Ord. 6 PSF- e, March 18, 2009 § 1)

Section 2. Title V, Chapter 11 of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented are hereby amended as follows:

CHAPTER 11 DISCOTHEQUES

5:11-1. DEFINITIONS

As used in this Chapter:

Discotheque dancing shall not apply to exhibitions or performances where persons paying admission do not participate.

“**Director**” shall mean the Director of the Department of Finance and/or his/her designee.

“**Discotheque**” shall mean any room, place or space where discotheque dancing is carried on as

defined above.

“Discotheque dancing” shall mean any dancing to recorded or performed music or sounds in which pulsating, flashing, or revolving lights or effects in a substantially darkened atmosphere are used or presented and in which admission can be had either with or without payment of a fee, wardrobe charge or otherwise and in which the public generally may participate or to which admission can be obtained through the presentation, use, or acceptance of a membership card or other form of admittance, whether or not the membership card or other form of admittance is or may be available to the public generally by purchase or gratuitously and whether or not the public generally may participate or not.

(R.O. 1966 C.S. § 5:11-1)

5:11-2. DISCOTHEQUE LICENSE REQUIRED

No person shall operate a discotheque until the discotheque shall first have been duly licensed for such purpose; provided, however, that no license shall be required for discotheque dancing or dances held in public schools when held under the supervision of the District Superintendent, Newark Public Schools.

(R.O. 1966 C.S. § 5:11-2)

5:11-3. PREREQUISITE TO LICENSING

a. No license shall be issued, unless the premises comply with and conform to all laws of the United States, of this State and the ordinances and regulations of the City of Newark, including building, health, fire prevention and safety ordinances and are, in the judgment of the Director, a safe and proper place for the purpose for which they are to be used and in which there is an operable automatic fire suppression system approved for use by the Newark Fire Department and in conformity with all applicable laws and regulations. **Every license issued by the Director shall contain the maximum capacity of the premises, as determined by its certificate of occupancy, which shall be posted in a conspicuous location within the premises for the appropriate City officials (Police-Fire Inspectors) to view upon their routine inspections of the premises for which fire inspections shall be conducted at least three (3) times a year. Any premises, which has a legal maximum capacity of two hundred (200) or more persons shall be required to have a fire suppression sprinkler system, as certified by the Fire Subcode Official, installed throughout the building.**

b. No license shall be issued or renewed, unless the applicant therefor shall be a citizen of the United States and a person of good moral character.

(R.O. 1966 C.S. § 5:11-3)

c. No license shall be issued or renewed, unless the applicant shall provide a certification (affidavit) that the premises can accommodate via on-site or off-site street parking a minimum of one (1) parking space for every thirty (30) square feet of total floor area within a radius of eight hundred (800) feet from the building to be served. The certification shall be supported by a copy of a site plan reflecting the on-site parking and any lease for off-site street parking, in the name of the property owner or the licensee for the term of the license, irrespective of any more lenient zoning requirements. On-site street parking shall not be considered in

regard to fulfilling the parking requirement.

5:11-4. ISSUANCE OF LICENSE AND TERM OF LICENSE

a. The Director is hereby authorized to grant the license herein provided for to such person(s) of good moral character and otherwise qualified according to the provisions of this Chapter and to such rules and regulations as he/she may promulgate as he/she shall deem fit and proper for the health, safety and welfare of the public.

b. The license fee as provided by Section 5:11-5 shall be payable upon presentation of the application therefor and shall be returned less the sum of ten (\$10.00) dollars in the event the license is not granted.

c. All licenses issued, and renewals thereof, under this Chapter shall be for a period of one (1) year from the date of issuance. The Division of Tax Abatements/Special Taxes shall establish administrative rules and/or regulations pertaining to scheduling for the issuance of a discotheque license.

(R.O. 1966 C.S. § 5:11-4)

5:11-5. LICENSE FEES

There shall be charged the following fees for licenses herein provided for:

a. Any room or place in any building actually and exclusively used in the work of associations or incorporations organized exclusively for the moral and mental improvement of men, women, and children or for religious purposes, where discotheque dancing is permitted for one (\$1.00) dollar.

b. Any room or place, which is conducted as a discotheque dancing school for fifty (\$50.00) dollars.

c. Any room or place that is connected with any other room or place in which alcoholic beverages are sold or dispensed; any room or place that is connected with any other room or place in which dancing or exhibitions commonly called "cabaret" is conducted; any room or place, which is conducted as a restaurant, hotel, motel, shall pay a license fee according to the actual space used for the purpose of dancing, as follows:

- Space less than 150 square feet \$ 50.00
- Space 151 square feet to 250 square feet inclusive \$75.00
- Space over 250 square feet. \$500.00

d. Any other room or place conducted as a discotheque and not herein otherwise provided for \$200.00

e. Any person operating a discotheque, who presently is the holder of a dance hall license pursuant to Section 5:7-1 et seq. shall not be required to obtain an additional discotheque license pursuant to this Chapter provided that all provisions of this Chapter have been complied with by the holder, but shall be required to acquire a permit from the Division Tax Abatements/Special Taxes. All provisions of this Chapter shall be complied with prior to the issuance of the permit, except that the automatic fire suppression system must be installed in premises having a dance hall license within

six (6) months of the effective date of this ordinance. In those premises having six (6) months to install an automatic fire suppression system, a temporary permit shall be issued, which shall expire six (6) months after the effective date of this ordinance.

(R.O. 1966 C.S. § 5:11-5; Ord. 6 S+Fr, April 20, 1988 § 1)

5:11-6. PERMIT REQUIRED TO RENT HALL FOR DISCOTHEQUES

No person shall rent, hire, or occupy any discotheque for the purpose of discotheque dancing without having first obtained from the Chief of Police a permit therefor, provided that the discotheque complies with all provisions of this Chapter.

(R.O. 1966 C.S. § 5:11-6)

5:11-7. CLOSING AND OPENING HOURS OF DISCOTHEQUES

No licensed discotheque as herein defined and provided for shall remain open beyond the following hours:

1. From 9:00 a.m. to 2:00 a.m. on Monday through Wednesday.
2. From 9:00 a.m. to 3:00 a.m. on Thursday through Saturday.
3. From 12:00 noon through 2:00 a.m. on Sunday.
4. From 9:00 a.m. through 5:00 a.m. on Christmas Eve and New Year's Eve.
5. From 9:00 a.m. through 3:00 a.m. on Thanksgiving Eve.

No discotheque dancing as aforesaid defined shall be engaged in during the hours when the premises are to be closed. It shall be the duty of the owner or operator of the premises and the person in charge of the licensed premises to conform to the requirements hereof.

(R.O. 1966 C.S. § 5:11-7; Ord. 6 S+Fe, November 15, 1993)

5:11-8. SANITATION AND SAFETY

a. All discotheques shall be kept at all times in a clean, healthy, and sanitary condition. All rooms connected therewith, as well as all stairways and other passages shall be kept open, well lighted, unobstructed, and clear at all times.

b. All exits and means of egress shall be clearly visible to all participants or members at the discotheque. At the entrance to the discotheque there shall be posted by the owner or operator of the premises or the person in charge, a diagram or chart showing the floor plan of the premises and clearly identifying the exits and all their requirements established by law.

c. All discotheques with over two hundred fifty (250) square feet of dancing space shall be tested three (3) times annually for noise level by the Department of Neighborhood and Recreational Services. The Department shall develop rules and regulations for monitoring such noise levels and any discotheque exceeding such levels and refuses to take steps to reduce such levels shall be subject to the penalties provided herein and shall be denied a license renewal.

(R.O. 1966 C.S. § 5:11-8; Ord. 6 S+Fr, April 20, 1988 § 1)

5:11-9. ORDERING PREMISES VACATED

It shall be the duty of the Director to order and cause any hall or place where any discotheque dance is held to be vacated whenever in his/her judgment any provision of this Chapter is being violated therein or whenever any indecent act shall be permitted or whenever any disorder shall take place therein.

(R.O. 1966 C.S. § 5:11-9)

5:11-10. SUSPENSION OR REVOCATION OF LICENSE

The license of any discotheque may be suspended or revoked, after notice and hearing by the Director for good cause. Such license when suspended or revoked shall not be reissued until at least six (6) months has elapsed from the date of suspension.

(R.O. 1966 C.S. § 5:11-10)

5:11-11. PENALTY

Any person, who violates any provision of this Chapter shall, upon conviction thereof, be punished by one or more of the following: (1) a minimum fine, not exceeding one hundred (\$100.00) dollars and a maximum fine, not exceeding one thousand (\$1,000.00) dollars; and/or (2) by imprisonment for a term not exceeding ninety (90) days. A separate offense shall be deemed committed on each day during or on which violation occurs or continues.

(R.O. 1966 C.S. § 5:11-11; Ord. 6 S+FrApril 20, 1988 § 1)

Section 3. Any prior ordinances or parts thereof inconsistent herewith are hereby repealed.

Section 4. If any part of these ordinances are declared unconstitutional or illegal, the remaining provisions shall continue in full force and effect.

Section 5. The adoption of these ordinance amendments shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT:

Ordinance providing for uniform parking and sprinkler requirements for licensees of Dance Halls and Discotheques.