



Charlotte City Council
**COMMUNITY SAFETY
COMMITTEE**

Meeting Summary for May 26, 2015

COMMITTEE AGENDA TOPICS

- I. Subject:** **Dance Hall Ordinance**
Action: The Committee directed staff to research ways to strengthen the Ordinance.

COMMITTEE INFORMATION

Present: Claire Fallon, Barnes, Phipps, Al Austin, and Kenny Smith
Time: 1:30 pm – 1:50 pm

ATTACHMENTS

1. Agenda Package
2. Dance Hall Ordinance.ppt

DISCUSSION HIGHLIGHTS

Chairwoman Fallon called the meeting to order and asked everyone in the room to introduce themselves. She then turned it over to Assistant City Manager Ann Wall.

I. Dance Hall Ordinance

Ms. Wall thanked the Committee for gathering for this special Committee meeting. She stated that the Dance Hall Ordinance was referred back to the Committee at the May 11 Council meeting. She then turned it over to Major Voorhees. Major Voorhees began reviewing the “Dance Hall Ordinance presentation (copy attached). He reviewed the issues the ordinance attempts to address and discussed how the ordinance is enforced. The key to this ordinance is CMPD uses this as a prevention tool for illegal clubs. Greensboro and Winston Salem also use a Dance Hall Ordinance.

Austin: Do their ordinances have the same language as ours? Have they been challenged?

Community Safety Committee

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Rusty Perlungher: I am unaware of any legal challenges to their ordinances. Greensboro's ordinance is more a regulatory scheme with regards to a security requirement. It has a minimum security requirement of either two off-duty officers or two licensed armed security officers. Winston Salem's ordinance is shorter but has a similar permitting requirement in that in order to hold a public dance they are required to have a permit before operating.

Major Voorhees continued reviewing the presentation and discussed ways CMPD finds out about parties being advertised, which allows them to be proactive and attempt to meet with the party promoters, etc. He reviewed the number of violations and showed an example of a flyer that promotes an illegal dance. Mr. Perlungher then read through the amendment the staff is recommending Council adopt.

Fallon: Does this apply to proms at the Mint Museum or a hotel?

Perlungher: A prom would not be open to the public. Plus those locations would be regulated under an ABC permit.

Smith: What about the Atrium at Founders Hall?

Perlungher: Founders Hall has to be closed by midnight and doesn't fall under the ordinance.

Fallon: What happens if we do not have this ordinance?

Voorhees: We would lose a great tool and would not have the authority to stop the illegal parties quickly.

Council member Barnes made a motion and was seconded by Council member Austin to recommend the amended ordinance be forwarded to City Council at their next meeting for approval. (*Motion passed unanimously*)

Chairwoman Fallon adjourned the meeting at 1:50 p.m.

Community Safety Committee
Tuesday, May 26, 2015; 1:30 p.m. –2:30 p.m.
Room CH-14

Committee Members: Claire Fallon, Chair
Michael Barnes, Vice Chair
Al Austin
Greg Phipps
Kenny Smith

Staff Resource: Ann Wall, Assistant City Manager

AGENDA

I. Dance Hall Ordinance

Staff Resource: Rusty Perlungher, Police Attorney's Office

At the May 11 Council meeting, the Council referred this item back to the Community Safety Committee to continue a review of the Dance Hall Ordinance. Staff will provide a presentation to explain the purpose and intent of the Dance Hall Ordinance, to provide examples of dance halls and enforcement and to explain the suggested revisions.

Action: Recommend to Council for approval.

Next Meeting: Thursday, June 11 at Noon, Room 280

Distribution: Mayor/City Council
Bob Hagemann
Jon Hannan

Ron Carlee, City Manager
Stephanie Kelly
Thomas Powers

Leadership Team
Rodney Monroe
Tracy Evans



Community Safety Committee
May 26, 2015

Dance Hall Ordinance



Issues

- Bars and nightclubs staying open past 2:30 AM
- Parties/Events that are one time or infrequent where there is no ABC permit

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Dance Hall Ordinance

- Regulates ABC establishments after hours
- Helps regulate other unlicensed dances, events, and illegal clubs
- Gives enforcement authority to local police

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Dance Hall Ordinance

- Gives CMPD a tool to work with promoters and event sponsors and nightclubs to conduct events in a safe and responsible manner
- One of several ordinances used.
- Prevention: CMPD utilizes the ordinance to promote lawful voluntary compliance and address public safety concerns

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Dance Hall Ordinance

- NC G.S. 160A-181 gives authority to cities to license, prohibit and regulate dance halls.
- CMPD found other ordinances in:
 - Greensboro
 - Winston Salem

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Dance Hall Ordinance

- Application and permit fees cover 100% of the cost of the program
- Effective tool to use in working with club owners and operators

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Dance Hall Ordinance

- Permitted Dance Halls

935, 935 S. Summit Avenue

Scorpio Lounge, 2301 Freedom Drive

Daisy Dooks/Cameo's, 3049 Scott Futrell Drive

Crystals on the Plaza, 3018 The Plaza

Mi reina Bar Billards, 2843 Eastway Drive

La Zima, 111 Eastway Drive

Las Mamacitas, 215 East Sugar Creek Road

Label Charlotte, 900 NC Music Factory Blvd.

Indomable Sports Bar, 225 E. Sugar Creek Road

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Dance Hall Ordinance

- Most licensed clubs comply with dance hall ordinance
- Most enforcement is for illegal clubs
- Illegal clubs generate calls for service and community complaints

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Dance Hall Ordinance

- Parties are advertised via social media (Kik, Twitter, Instagram)
- CMPD is alerted through flyers, community tips, and officer observation

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Dance Hall Ordinance

- CMPD is proactive when scheduled events are known in advance to ensure:
 - Youth protection
 - Security
 - Accountability-Who is in charge?

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Dance Hall Enforcement

Based on calls for service, complaints, community concerns, the dance hall ordinance provides for:

- immediate action to close down an event
- Prevent future occurrences
- Holding people accountable for illegal events

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Dancehall Violations

	2011	2012	2013	2014
Licensed	2	2	0	0
Unlicensed	6	5	3	6

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Dance Hall Violations

2014

- CMPD responded to complaints that a barber shop was being run as a nightclub.

2013

- Shooting victim at hospital said he was shot at 1301 Commercial Avenue. Search warrant issued and guns, DJ equipment, stripper pole inside. The location was being run as an illegal club.
- CMPD officers heard gunshots and responded to a party on Orr Road. Learned the party was advertised on Instagram. CMPD utilized the dance hall ordinance to close down the event

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Example of Flyer



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Dance Hall Ordinance



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Dance Hall Ordinance

- Amendment to Dance Hall Ordinance
 - Change definition of “dance hall” in response to District Court Order which declared the Dance Hall Ordinance unconstitutionally vague and overbroad
 - Removes locations identified in Court’s Order without excluding locations that operate as dance halls
 - Adds exception for *bona fide* non-profit charitable organizations such as a 501(c)(3)
 - Clarified exemption for ABC permitted locations

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Dance Hall Ordinance

Dance hall means any place or area of property where a dance(s) open to the public is held which allows admission by payment of a direct or indirect charge, fee, donation, or any form of consideration, or by the purchase, possession, or presentation of a ticket or token.

Notwithstanding the foregoing, a "dance hall" does not include: (i) a private residence or residential facility from which the general public is excluded. A private residence does not include a structure primarily designed as a warehouse or storage structure, regardless of whether an individual is living within the structure; (ii) a place owned and operated by the federal, state, or local government; (iii) a public or private elementary school, middle school, high school, college, or university; (iv) a place owned or operated by a bona fide religious or charitable organization, created, organized, existing, and recognized as such pursuant to all applicable laws; or (v) any establishment or place that is regulated by the alcoholic beverage control laws as set forth in G.S. Ch. 18B, provided that it does not remain open or operate between the hours of 2:30 A.M and 7:00 A.M.

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Dance Hall Ordinances

- The Committee is requested to forward the following recommendations to the full City Council:
 - Amendment to Dance Hall Ordinance definition of Dance Hall
- Questions

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