

COUNCIL OF THE TOWN OF RIVERDALE PARK

RESOLUTION 2010-OR-08

Introduced By: Council Member, David Lingua

Date Introduced: June 21, 2010

Date Adopted: June 21, 2010

Date Effective: July 11, 2010

1 **An Ordinance** concerning

2
3 **DANCE HALLS**

4
5 **FOR** the purpose of comprehensively revising regulations regarding applications for,
6 and the approvals, suspension and revocation of permits for, the operation of
7 dance halls within the Town of Riverdale Park; defining certain terms;
8 establishing and revising certain penalties and enforcement proceedings;
9 providing for the applicability of the terms of this Ordinance to existing Town
10 dance hall permits; providing for the severability of the provisions of this
11 Ordinance; and matters generally relating to preserving the public health, safety
12 and welfare by regulating dance halls in the Town.

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15
16 **BY** repealing and reenacting, with amendments
17 Chapter 25 – DANCE HALLS
18 Sections 25-1, 25-2 and 25-3
19 Code of the Town of Riverdale Park
20 (January 2008 Revision)

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BY repealing and reenacting, with amendments, and renumbering
Chapter 25 – DANCE HALLS
Sections 25-4
Code of the Town of Riverdale Park
(January 2008 Revision)

BY adding
Chapter 25 – DANCE HALLS
Sections 25-4, 25-5 and 25-6
Code of the Town of Riverdale Park
(January 2008 Revision)

SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK, That Sections 25-1, 25-2 and 25-3 of the Code of the Town of Riverdale Park (January 2008 Revision), Article 25 – DANCE HALLS, are hereby repealed and reenacted, with amendments; Section 25-4 of the Code of the Town of Riverdale Park (January 2008 Revision), Article 25 – DANCE HALLS, is hereby repealed and reenacted, with amendments, and renumbered; and new Sections 25-4, 25-5 and 25-6 are hereby added to the Code of the Town of Riverdale Park (January 2008 Revision), Article 25 – DANCE HALLS, to follow immediately after Section 25-3, all to read as follows:

Chapter 25 – DANCE HALLS

§ 25-1 Permit required; application.

(A) It shall be unlawful for any person to operate ((any public)) A dance hall without first having obtained from the Mayor and Council a permit and paying the ((license)) PERMIT fee ((herein)) 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.

64 (2) THE PRESENCE OF ONE OR MORE INDIVIDUALS WHO
65 PROVIDE LIVE OR RECORDED MUSIC AND DANCING IS OCCURRING.
66

67 (3) THE ESTABLISHMENT ENGAGES IN ACTIVITIES TO PROMOTE
68 OR ADVERTISE DANCING AT THE ESTABLISHMENT.
69

70 (C) A PERMIT TO OPERATE A DANCE HALL SHALL BE ISSUED ONLY TO
71 AN INDIVIDUAL. IF A BUSINESS ENTITY WILL OPERATE THE DANCE HALL, THE
72 PERMIT MAY BE ISSUED ONLY TO AN OFFICER OF THE BUSINESS ENTITY, OR
73 TO AN INDIVIDUAL WHO HAS A FINANCIAL INTEREST IN THE BUSINESS ENTITY,
74 WHO SHALL HOLD THE PERMIT FOR THE SOLE USE AND BENEFIT OF THE
75 BUSINESS ENTITY. IF AN ALCOHOLIC BEVERAGE LICENSE IS ISSUED FOR
76 THE SALE OF ALCOHOLIC BEVERAGES AT THE PREMISES OF THE DANCE
77 HALL, THE APPLICANT SHALL BE A LICENSEE ON THE ALCOHOLIC BEVERAGE
78 LICENSE.
79

80 (D) FIRST TIME APPLICANTS FOR A PERMIT TO OPERATE A DANCE
81 HALL MAY APPLY FOR A PERMIT FOR A DURATION NOT LONGER THAN NINETY-
82 ONE (91) DAYS. A PERMIT HOLDER WHOSE PERMIT IS NOT SUSPENDED OR
83 REVOKED AND WHO SEEKS TO RENEW THE PERMIT FOR THE FIRST TIME MAY
84 APPLY FOR A PERMIT FOR A DURATION NOT LONGER THAN ONE HUNDRED
85 EIGHTY-TWO (182) DAYS. A PERMIT HOLDER WHOSE PERMIT IS NOT
86 SUSPENDED OR REVOKED AND WHO SEEKS TO RENEW THE PERMIT FOR THE
87 SECOND TIME AND THEREAFTER MAY APPLY FOR A PERMIT FOR A DURATION
88 OF NOT MORE THAN ONE (1) YEAR. IF A PERMIT IS SUSPENDED OR REVOKED,
89 ANY FUTURE APPLICATION SHALL BE FOR AN INITIAL DURATION OF NOT MORE
90 THAN NINETY-ONE (91) DAYS. THE PROVISIONS OF THIS SUBSECTION (D)
91 APPLY TO THE HOLDER OF THE PERMIT AND TO THE BUSINESS ENTITY FOR
92 WHOSE USE AND BENEFIT THE PERMIT WAS OBTAINED.
93

94 (E) Any person seeking a permit, OR THE RENEWAL OF A PERMIT, to
95 operate a ((public)) dance hall shall file with the Town Administrator a written
96 application, UNDER PENALTY OF PERJURY, IN A FORM PRESCRIBED BY THE
97 TOWN ADMINISTRATOR. AN APPLICATION FOR THE RENEWAL OF AN EXISTING
98 PERMIT SHALL BE FILED NOT LATER THAN THE FIRST MONDAY OF THE MONTH
99 BEFORE THE PERMIT IS SCHEDULED TO EXPIRE (E.G., IF THE EXISTING
100 PERMIT EXPIRES ON JUNE 15 THE APPLICATION FOR RENEWAL MUST BE
101 FILED BY MAY 1), UNLESS OTHERWISE AUTHORIZED BY THE TOWN
102 ADMINISTRATOR. AN APPLICATION THAT IS FILED LATER THAN THE FIRST
103 MONDAY OF THE MONTH BEFORE THE PERMIT IS SCHEDULED TO EXPIRE, OR
104 SUCH LATER DATE AS AUTHORIZED BY THE TOWN ADMINISTRATOR, SHALL BE
105 TREATED AS AN NEW APPLICATION. THE APPLICATION FOR AN INITIAL PERMIT
106 OR THE RENEWAL OF A PERMIT SHALL INCLUDE OR BE ACCOMPANIED BY THE

107 FOLLOWING, AND SUCH OTHER INFORMATION AND DOCUMENTATION AS THE
108 TOWN ADMINISTRATOR REASONABLY MAY REQUIRE:

109
110 (1) ((designating the)) THE ADDRESS OF THE premises for which the
111 ((privilege)) PERMIT is sought((,)).

112
113 (2) ((showing its)) THE zoning classification OF THE PREMISES.

114
115 (3) THE ((and)) name, TELEPHONE NUMBER and E-MAIL AND
116 POSTAL MAILING ((address)) ADDRESSES of the owner ((thereof)) OF THE
117 PREMISES((,)).

118
119 (4) ((and the)) THE name, TELEPHONE NUMBER and E-MAIL AND
120 POSTAL MAILING ((address)) ADDRESSES of the applicant.

121
122 (5) THE NAME, TELEPHONE NUMBER AND E-MAIL AND POSTAL
123 MAILING ADDRESSES OF THE OPERATOR OF THE DANCE HALL IF THE
124 OPERATOR DIFFERENT FROM THE APPLICANT.

125
126 (6) THE NAME, TELEPHONE NUMBER AND E-MAIL AND POSTAL
127 MAILING ADDRESSES OF THE BUSINESS ENTITY FOR WHOSE USE AND
128 BENEFIT THE PERMIT IS SOUGHT IF THE BUSINESS ENTITY IS DIFFERENT
129 FROM THE APPLICANT.

130
131 (7) THE NAMES, TELEPHONE NUMBERS AND E-MAIL AND
132 POSTAL MAILING ADDRESSES OF ALL ON-SITE MANAGERS AND OTHER ON-
133 SITE INDIVIDUALS WHO WILL BE RESPONSIBLE FOR THE OPERATION OF THE
134 DANCE HALL WHEN IT IS OPEN FOR BUSINESS, AND WHO WILL BE
135 AUTHORIZED TO ACCEPT NOTICES AND CITATIONS FROM THE TOWN WITH
136 RESPECT TO THE OPERATION OF THE DANCE HALL.

137
138 (8) ((certifying that)) A CERTIFICATION BY THE APPLICANT THAT
139 the applicant is a resident of the State of Maryland and that ((he)) NEITHER THE
140 APPLICANT NOR ANY MANAGER OR OTHER INDIVIDUAL WHO WILL BE
141 RESPONSIBLE FOR THE OPERATION OF THE DANCE HALL WHEN IT IS OPEN
142 FOR BUSINESS has ((not)) been convicted of any ((offense against the laws of the
143 United States or of the state)) CRIME involving moral turpitude.

144
145 (9) A COPY OF THE CURRENT FIRE INSPECTION AND
146 OCCUPANCY LIMITATION CERTIFICATES FOR THE USE OF THE PREMISES AS A
147 DANCE HALL.

148
149 (10) A COPY OF THE CURRENT USE AND OCCUPANCY PERMIT

150 FOR THE PREMISES THAT SHOWS THAT THE OPERATION OF A DANCE HALL IS
151 AUTHORIZED AT THE PREMISES.

152
153 (11) A COPY OF THE CURRENT ALCOHOLIC BEVERAGE LICENSE
154 FOR THE PREMISES IF THE SERVICE OF ALCOHOLIC BEVERAGES IS ALLOWED
155 AT THE PREMISES.

156
157 (12) A SECURITY PLAN FOR MAINTAINING THE PUBLIC PEACE IN
158 AND ABOUT THE PREMISES DURING THE OPERATION OF THE DANCE HALL. THE
159 SECURITY PLAN SHALL PROVIDE FOR THE USE OF LICENSED, BONDED AND
160 INSURED SECURITY CONTRACTORS OR OFFICERS.

161
162 (13) EVIDENCE OF A PLAN TO MONITOR AND PROHIBIT THE
163 CONSUMPTION OF ALCOHOL BY UNDERAGE INDIVIDUALS AND BY INDIVIDUALS
164 WHO APPEAR TO BE INTOXICATED OR UNDER THE INFLUENCE OF ALCOHOL.

165
166 (14) A COPY OF THE CURRENT PRINCE GEORGE'S COUNTY
167 LICENSE FOR THE OPERATION OF A DANCE HALL.

168
169 (15) EVIDENCE THAT THE PREMISES SATISFIES ALL APPLICABLE
170 SANITARY, BUILDING CODE, BUSINESS LICENSING AND SAFETY REGULATIONS
171 FOR THE OPERATION OF A DANCE HALL.

172
173 (16) THE WRITTEN CONSENT OF THE OWNER OF THE PREMISES
174 TO THE OPERATION OF A DANCE HALL ON THE PREMISES.

175
176 (17) A STATEMENT BY THE APPLICANT AND THE OWNER OF THE
177 PREMISES THAT THE FILING OF THE APPLICATION AND THE ACCEPTANCE OF
178 THE PERMIT ISSUED BY THE MAYOR AND COUNCIL CONSTITUTES CONSENT TO
179 AND AUTHORITY FOR TOWN CODE ENFORCEMENT OFFICERS AND POLICE
180 OFFICERS, AND OTHER REGULATORY OFFICIALS, TO ENTER THE PREMISES
181 WITHOUT PRIOR NOTICE DURING BUSINESS HOURS FOR THE PURPOSE OF
182 INVESTIGATING THE INFORMATION PROVIDED IN THE APPLICATION AND FOR
183 INSPECTING THE OPERATION OF THE DANCE HALL AND INVESTIGATING
184 POTENTIAL VIOLATIONS OF THIS CHAPTER AND THE PERMIT.

185
186 (18) A STATEMENT OF THE DURATION OF TIME FOR WHICH THE
187 PERMIT IS SOUGHT.

188
189 (19) A NON-REFUNDABLE APPLICATION FEE FOR AN INITIAL
190 APPLICATION IN THE AMOUNT OF TWO HUNDRED FIFTY DOLLARS (\$250), OR A
191 NON-REFUNDABLE FEE FOR AN APPLICATION FOR THE RENEWAL OF AN
192 EXISTING PERMIT IN THE AMOUNT OF TWENTY PERCENT (20%) OF THE FEE FOR

193 THE EXISTING PERMIT AS SPECIFIED IN SECTION 25-3(A) (E.G., IF THE FEE FOR
194 THE EXISTING PERMIT IS \$600 THE FEE FOR THE APPLICATION FOR RENEWAL
195 OF THE PERMIT IS \$120).

196
197 **§ 25-2 ((Permit approval)) APPLICATION REVIEW AND CONSIDERATION.**

198
199 ((The Town Administrator upon receipt of an application shall forthwith notify the
200 Fire Marshal, who shall make an inspection and report in writing whether the premises
201 conform to the fire regulations governing such use. The Town Administrator shall also
202 notify the Chief of Police, who shall make an investigation as to the truth of the
203 statements contained in the application and make a written report thereon, together with
204 his recommendations. The Town Administrator shall transmit to the Mayor and Council
205 the application accompanied by the reports of the Fire Marshal and the Chief of Police.
206 The Mayor and Council shall have the authority to grant or refuse a permit or to grant a
207 permit for such time and under such rules and regulations as they may deem proper for
208 the public welfare, as well as the right to revoke any such permit for cause after notice
209 and a hearing.))

210
211 (A) WHEN THE TOWN ADMINISTRATOR RECEIVES A COMPLETED
212 APPLICATION FOR A PERMIT UNDER THIS CHAPTER, THE TOWN
213 ADMINISTRATOR SHALL CONDUCT A REVIEW AND INVESTIGATION OF THE
214 APPLICATION. THE TOWN ADMINISTRATOR MAY REQUEST THE ASSISTANCE
215 OF OTHER PERSONS IN CONDUCTING THE INVESTIGATION.

216
217 (B) AFTER THE TOWN ADMINISTRATOR COMPLETES THE
218 INVESTIGATION, THE TOWN ADMINISTRATOR SHALL SUBMIT A REPORT OF THE
219 INVESTIGATION AND THE TOWN ADMINISTRATOR'S RECOMMENDATION TO THE
220 MAYOR AND COUNCIL AS TO WHETHER THE PERMIT SHOULD BE GRANTED AND
221 WHETHER ANY TERMS, CONDITIONS AND RESTRICTIONS SHOULD BE
222 ATTACHED TO THE GRANTING OF THE PERMIT. THE REPORT SHALL SET FORTH
223 THE REASONS FOR THE TOWN ADMINISTRATOR'S RECOMMENDATIONS. THE
224 REPORT ALSO SHALL INCLUDE THE RECOMMENDATION OF THE TOWN'S CHIEF
225 OF POLICE AND OTHER DOCUMENTATION AS THE TOWN ADMINISTRATOR
226 DEEMS APPROPRIATE TO SUPPORT THE TOWN ADMINISTRATOR'S
227 RECOMMENDATIONS.

228
229 (C) THE MAYOR AND COUNCIL SHALL CONSIDER THE APPLICATION
230 AFTER RECEIVING THE TOWN ADMINISTRATOR'S REPORT AND
231 RECOMMENDATION. THE MAYOR AND COUNCIL SHALL GIVE THE APPLICANT
232 NOTICE OF THE DATE, TIME AND PLACE OF THE MAYOR AND COUNCIL'S
233 CONSIDERATION OF THE APPLICATION, AND SHALL GIVE THE APPLICANT AN
234 OPPORTUNITY TO BE HEARD BEFORE THE MAYOR AND COUNCIL ACTS ON THE
235 APPLICATION.

236
 237 (D) AFTER THE MAYOR AND COUNCIL CONSIDERS THE TOWN
 238 ADMINISTRATOR'S REPORT AND RECOMMENDATION, HEARS FROM THE
 239 APPLICANT, AND HEARS FROM ANY OTHER PERSONS OR CONSIDERS ANY
 240 OTHER MATTERS THAT THE MAYOR AND COUNCIL DEEMS APPROPRIATE, THE
 241 MAYOR AND COUNCIL MAY APPROVE, APPROVE WITH TERMS, CONDITIONS AND
 242 RESTRICTIONS, OR DENY THE APPLICATION. THE MAYOR AND COUNCIL'S
 243 DECISION SHALL BE BASED UPON THE MAYOR AND COUNCIL'S DETERMINATION
 244 AS TO THE SUITABILITY OF THE APPLICANT TO HOLD THE PERMIT AND THE
 245 IMPACT OF THE OPERATION OF THE PROPOSED DANCE HALL UPON THE
 246 SURROUNDING COMMUNITY AND THE PUBLIC HEALTH, SAFETY AND WELFARE.
 247 THE MAYOR AND COUNCIL SHALL MAKE WRITTEN FINDINGS TO SUPPORT ITS
 248 DECISION REGARDING THE APPLICATION.
 249

250 **§ 25-3 ((License)) PERMIT fee.**

251
 252 (A) If the application is approved by the Mayor and Council, the applicant shall
 253 pay to the Town ((an annual license)) A NON-REFUNDABLE PERMIT fee ((of Three-
 254 Hundred Dollars (\$300.00))) AS FOLLOWS ((.)):
 255

256 (1) FOR A PERMIT WITH A DURATION OF UP TO NINETY-ONE (91)
 257 DAYS THE FEE SHALL BE THREE HUNDRED DOLLARS (\$300).

258
 259 (2) FOR A PERMIT WITH A DURATION OF UP TO ONE HUNDRED
 260 EIGHTY-TWO (182) DAYS THE FEE SHALL BE SIX HUNDRED DOLLARS (\$600).

261
 262 (3) FOR A PERMIT WITH A DURATION OF UP TO ONE (1) YEAR
 263 THE FEE SHALL BE ONE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$1,250).
 264

265 (B) No fee shall be required for any ((public)) dance ((held)) HALL
 266 OPERATED in any state-owned or municipal building, public school premises, or church
 267 ((property)) PREMISES. ((In the event any permit issued hereunder is revoked before
 268 the expiration of the period for which it was granted, there shall be refunded the pro rata
 269 proportion of the fee representing the unexpired term of the permit computed on a
 270 monthly basis.))
 271

272 **§ 25-4 OPERATIONAL REGULATIONS.**

273
 274 (A) THE PROVISIONS OF THIS SECTION GOVERN THE OPERATION OF A
 275 DANCE HALL UNDER A PERMIT ISSUED UNDER THIS CHAPTER AND ARE
 276 CONDITIONS OF THE PERMIT.
 277

278 (B) THE HOLDER OF THE PERMIT PROMPTLY SHALL NOTIFY THE TOWN

279 ADMINISTRATOR OF ANY CHANGES TO ANY OF THE INFORMATION SUBMITTED
280 AS PART OF THE APPLICATION FOR THE PERMIT.

281
282 (C) A MANAGER OR OTHER INDIVIDUAL RESPONSIBLE FOR THE
283 OPERATION OF THE DANCE HALL SHALL BE ON THE PREMISES AT ALL TIMES
284 WHEN THE DANCE HALL IS OPEN FOR BUSINESS. THIS MANAGER OR OTHER
285 INDIVIDUAL RESPONSIBLE FOR THE OPERATION OF THE DANCE HALL AND THE
286 HOLDER OF THE PERMIT SHALL BE JOINTLY RESPONSIBLE FOR THE OPERATION
287 OF THE DANCE HALL AND FOR ALL VIOLATIONS OF THIS CHAPTER AND THE
288 TERMS AND CONDITIONS OF THE PERMIT, AND SHALL ACCEPT NOTICES AND
289 CITATIONS ISSUED UNDER THIS CHAPTER FROM TOWN CODE ENFORCEMENT
290 OFFICERS AND POLICE OFFICERS.

291
292 (D) THE OPERATION OF THE DANCE HALL AND PREMISES SHALL
293 COMPLY WITH ALL APPLICABLE SANITARY, BUILDING CODE, BUSINESS
294 LICENSING, ZONING, ALCOHOLIC BEVERAGE AND LIQUOR LICENSING AND LIFE
295 SAFETY AND OCCUPANCY REGULATIONS.

296
297 (E) THE OPERATION OF THE DANCE HALL AND PREMISES SHALL
298 COMPLY WITH ALL PLANS SUBMITTED AND APPROVED AS PART OF THE
299 APPLICATION FOR THE ISSUANCE OF THE PERMIT.

300
301 (F) THE OPERATOR OF THE DANCE HALL SHALL MAINTAIN ON FILE
302 RECORDS AS REQUIRED BY LAW FOR ALL EMPLOYEES WHO WORK AT THE
303 DANCE HALL. IF NOT OTHERWISE REQUIRED BY LAW, THESE RECORDS SHALL
304 INCLUDE TELEPHONE NUMBERS, AND E-MAIL AND POSTAL MAILING ADDRESSES
305 OF ALL EMPLOYEES.

306
307 (G) THE OPERATOR OF THE DANCE HALL SHALL MAINTAIN ON FILE
308 RECORDS, INCLUDING NAMES, TELEPHONE NUMBERS, AND E-MAIL AND POSTAL
309 MAILING ADDRESSES OF ALL INDEPENDENT CONTRACTORS WHO WORK IN THE
310 DANCE HALL.

311
312 (H) THE DANCE HALL SHALL BE OPERATED WITHIN THE TIMES
313 ALLOWED BY ZONING AND ALCOHOLIC BEVERAGE REGULATIONS, EXCEPT TO
314 THE EXTENT THAT MORE LIMITING HOURS OF OPERATION ARE ESTABLISHED
315 BY THE MAYOR AND COUNCIL AS A CONDITION OF THE ISSUANCE OF THE
316 PERMIT.

317
318 (I) WHERE THE SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES
319 OTHERWISE IS PERMITTED, ALCOHOLIC BEVERAGES MAY NOT BE SOLD OR
320 SERVED TO ANY INDIVIDUAL UNDER 21 YEARS OF AGE OR TO ANY INDIVIDUAL
321 WHO REASONABLE OBSERVATION DEMONSTRATES IS INTOXICATED OR UNDER

322 THE INFLUENCE OF ALCOHOL.

323
324 (J) NO DISORDERLY CONDUCT OR PUBLIC NUISANCE SHALL BE
325 PERMITTED TO OCCUR OR CONTINUE IN OR WITHIN IN CLOSE PROXIMITY TO
326 THE PREMISES OF A DANCE HALL.

327
328 (K) THE DANCE HALL AND PREMISES SHALL BE OPERATED IN
329 ACCORDANCE WITH ALL APPLICABLE LAWS INCLUDING, BUT NOT LIMITED TO,
330 THOSE DESCRIBED IN SUBSECTION (D) OF THIS SECTION.

331
332 (L) THE INDIVIDUALS IN CHARGE OF THE OPERATION OF THE DANCE
333 HALL SHALL NOT ALLOW PATRONS OR GUESTS TO ENGAGE IN CONDUCT ON
334 THE PREMISES THAT VIOLATES APPLICABLE LAWS INCLUDING, BUT NOT
335 LIMITED TO, LAWS RELATING TO CONSUMPTION OF ALCOHOLIC BEVERAGES
336 AND PUBLIC DECENCY.

337
338 (M) THE DANCE HALL SHALL NOT REQUIRE PATRONS TO PURCHASE A
339 MINIMUM NUMBER OF BEVERAGES OR IMPOSE UPON PATRONS A MINIMUM
340 BEVERAGE CHARGE.

341
342 (N) THE OPERATORS OF THE DANCE HALL SHALL NOT ALLOW
343 LOITERING TO OCCUR OUTSIDE THE PREMISES OF THE DANCE HALL.

344
345 (O) THE DANCE HALL SHALL BE OPERATED IN A MANNER THAT DOES
346 NOT RESULT IN THE DANCE HALL BEING A PUBLIC NUISANCE OR RESULT IN THE
347 REPEATED RESPONSE BY POLICE OFFICERS FOR CONDUCT IN OR ABOUT THE
348 PREMISES WHERE THE DANCE HALL IS BEING OPERATED.

349
350 **§ 25-5 SUSPENSION AND REVOCATION OF PERMIT.**

351
352 (A) THE PROVISIONS OF THIS SECTION ARE IN ADDITION TO THE
353 PROVISIONS OF § 25-7.

354
355 (B) IF A TOWN CODE ENFORCEMENT OFFICER OR POLICE OFFICER
356 OBSERVES THAT A DANCE HALL FOR WHICH A TOWN PERMIT HAS BEEN
357 ISSUED IS BEING OPERATED IN VIOLATION OF THIS CHAPTER OR IN VIOLATION
358 OF THE PERMIT, THE OFFICER IMMEDIATELY SHALL ISSUE A WRITTEN NOTICE
359 TO THE MANAGER OR OTHER INDIVIDUAL RESPONSIBLE FOR THE OPERATION
360 OF THE DANCE HALL TO CEASE AND DESIST, OR TO CORRECT, THE
361 UNAUTHORIZED ACTIVITY IMMEDIATELY OR SUCH LONGER TIME SPECIFIED IN
362 THE NOTICE. IF THE VIOLATION IS NOT CORRECTED IMMEDIATELY OR WITHIN
363 SUCH LONGER TIME SPECIFIED IN THE NOTICE, THE OFFICER SHALL ISSUE TO
364 THE MANAGER OR OTHER INDIVIDUAL RESPONSIBLE FOR THE OPERATION OF

365 THE DANCE HALL A WRITTEN NOTICE THAT THE MAYOR AND COUNCIL WILL
366 HOLD A HEARING TO DETERMINE WHETHER THE DANCE HALL PERMIT WILL BE
367 SUSPENDED OR REVOKED. WHERE TOWN CODE ENFORCEMENT OFFICERS
368 OR OFFICERS OF THE TOWN POLICE DEPARTMENT REASONABLY BELIEVE
369 THAT CONTINUED OPERATION OF THE DANCE HALL UNTIL THE MAYOR AND
370 COUNCIL CAN HOLD A HEARING ON SUSPENSION OR REVOCATION OF THE
371 DANCE HALL PERMIT UNDER THIS SECTION WILL RESULT IN A IMMEDIATE AND
372 SUBSTANTIAL THREAT TO THE PUBLIC HEALTH, SAFETY OR WELFARE, THE
373 OFFICER MAY TAKE THE SAME ACTION AS IS AUTHORIZED UNDER § 25-7(B)
374 FOR A DANCE HALL THAT IS OPERATING WITHOUT A PERMIT. SUCH ACTION
375 SHALL REMAIN IN EFFECT UNTIL THE MAYOR AND COUNCIL DETERMINES
376 WHETHER TO ALLOW THE RESUMPTION OF THE DANCE HALL OR SUSPEND OR
377 REVOKE THE DANCE HALL PERMIT.

378
379 (C) IF PRINCE GEORGE'S COUNTY SUSPENDS OR REVOKES A COUNTY
380 DANCE HALL LICENSE FOR OPERATION OF A DANCE HALL IN THE TOWN, THE
381 MAYOR AND COUNCIL SHALL HOLD A HEARING TO DETERMINE WHETHER THE
382 TOWN DANCE HALL PERMIT ALSO SHALL BE SUSPENDED OR REVOKED.

383
384 (D) IF THE MAYOR AND COUNCIL HOLDS A HEARING TO DETERMINE
385 WHETHER A DANCE HALL PERMIT SHOULD BE SUSPENDED OR REVOKED, THE
386 TOWN ADMINISTRATOR SHALL SEND NOTICE OF THE DATE, TIME, PLACE AND
387 PURPOSE OF THE HEARING, INCLUDING THE VIOLATIONS OR GROUNDS FOR
388 WHICH SUSPENSION OR REVOCATION OF THE PERMIT WILL BE CONSIDERED.
389 THE NOTICE SHALL BE SENT TO THE PERMIT HOLDER, TO THE BUSINESS
390 ENTITY FOR WHOSE USE AND BENEFIT THE PERMIT WAS ISSUED, AND TO THE
391 OWNER OF THE PREMISES AT WHICH THE DANCE HALL IS LOCATED. THE
392 NOTICE SHALL BE SENT BY CERTIFIED AND FIRST CLASS MAIL TO THE
393 ADDRESSES OF SUCH PERSONS AS LISTED ON THE PERMIT APPLICATION.
394 WHERE ACTION AS IS AUTHORIZED UNDER § 25-7(B) IS TAKEN UNDER § 25-5(B),
395 THE MAYOR AND COUNCIL SHALL CONDUCT THE HEARING WITHIN 15 DAYS
396 AFTER THE DATE OF THE WRITTEN NOTICE OF HEARING ISSUED TO THE
397 MANAGER OR OTHER INDIVIDUAL RESPONSIBLE FOR THE OPERATION OF THE
398 DANCE HALL UNDER § 25-5(B).

399
400 (1) AT A HEARING THE MAYOR AND COUNCIL SHALL CONSIDER
401 TESTIMONY AND EVIDENCE FROM THE TOWN, FROM THE HOLDER OF THE
402 PERMIT, AND FROM OTHER INTERESTED PERSONS.

403
404 (2) FOLLOWING THE HEARING, IF THE MAYOR AND COUNCIL
405 FINDS THAT THE VIOLATIONS AS ALLEGED HAVE BEEN SUSTAINED, OR THAT
406 THE COUNTY PERMIT HAS BEEN REVOKED OR SUSPENDED, THE MAYOR AND
407 COUNCIL MAY SUSPEND OR REVOKE THE PERMIT, OR TAKE SUCH OTHER

408 ACTION WITH RESPECT TO THE PERMIT, INCLUDING IMPOSING NEW OR
409 ADDITIONAL CONDITIONS, AS THE MAYOR AND COUNCIL REASONABLY SHALL
410 DETERMINE APPROPRIATE TO PROTECT THE PUBLIC HEALTH, SAFETY AND
411 WELFARE AND TO ENSURE FUTURE COMPLIANCE WITH THIS CHAPTER AND THE
412 PERMIT.

413
414 (3) THE MAYOR AND COUNCIL SHALL ISSUE A WRITTEN
415 DECISION OF THEIR FINDINGS AND ACTIONS WITH SUCH SUFFICIENCY AS
416 WOULD BE REQUIRED FOR JUDICIAL REVIEW. THE TOWN ADMINISTRATOR
417 SHALL MAIL COPIES OF THE DECISION PROMPTLY TO THE SAME PERSONS AND
418 IN THE SAME MANNER AS THE NOTICE OF THE HEARING WAS SENT. THE TOWN
419 ADMINISTRATOR ALSO SHALL MAIL COPIES OF THE DECISION TO ALL OTHER
420 PARTIES OF RECORD.

421
422 (E) IF THE MAYOR AND COUNCIL REVOKES A PERMIT, THE HOLDER OF
423 THE PERMIT, THE OPERATOR OF THE DANCE HALL AND THE OWNER OF THE
424 PROPERTY WHERE THE DANCE HALL WAS LOCATED MAY NOT APPLY FOR OR
425 RECEIVE ANOTHER PERMIT FOR ONE (1) YEAR FOLLOWING THE DATE OF THE
426 REVOCATION.

427
428 **§ 25-6 APPEALS.**

429
430 ANY PERSON AGGRIEVED BY ANY DECISION OF THE MAYOR AND
431 COUNCIL UNDER THIS CHAPTER MAY SEEK JUDICIAL REVIEW IN THE CIRCUIT
432 COURT FOR PRINCE GEORGE'S COUNTY BY FILING A PETITION FOR JUDICIAL
433 REVIEW WITHIN THIRTY (30) DAYS AFTER THE DATE OF THE DECISION OF THE
434 MAYOR AND COUNCIL. THE DECISION OF THE CIRCUIT COURT MAY BE
435 FURTHER APPEALED TO THE MARYLAND COURT OF SPECIAL APPEALS AS
436 PROVIDED BY LAW.

437
438 **§ ((25-4)) 25-7 Penalties AND ENFORCEMENT.**

439
440 (a) Violations of this chapter AND VIOLATIONS OF A PERMIT AND ANY
441 TERMS, CONDITIONS AND RESTRICTIONS ATTACHED TO THE ISSUANCE OF A
442 PERMIT UNDER THIS CHAPTER are municipal infractions. Each day that a violation
443 ((of any provision of this chapter)) continues shall constitute a separate offense. EACH
444 VIOLATION IS SUBJECT TO A FINE OF ONE THOUSAND DOLLARS (\$1,000).
445 TOWN CODE ENFORCEMENT OFFICERS AND OFFICERS OF THE TOWN POLICE
446 DEPARTMENT ARE AUTHORIZED TO ISSUE MUNICIPAL INFRACTION CITATIONS
447 FOR VIOLATIONS OF THIS CHAPTER AND VIOLATIONS.

448
449 (b) ((Operations of an unlicensed dance hall. Any organization found to be
450 operating an unlicensed dance hall should be subject to a penalty of One-Thousand

451 Dollars (\$1,000.00.)) IN ADDITION TO THE ISSUANCE OF MUNICIPAL
 452 INFRACTION CITATIONS, ((The)) AFTER NOTICE TO THE MANAGER OR OTHER
 453 INDIVIDUAL ON THE PREMISES IN CHARGE OF THE OPERATION OF THE DANCE
 454 HALL, Town code enforcement officers, with assistance of OFFICERS OF the TOWN
 455 police department, ((is authorized and empowered to)) MAY take such measures as
 456 reasonably necessary to effect the closing or otherwise prevent the unlawful
 457 continuance or operation of ((the)) A dance hall THAT A CODE ENFORCEMENT
 458 OFFICER OR POLICE OFFICER OBSERVES IS BEING OPERATED WITHOUT THE
 459 PERMIT REQUIRED BY THIS CHAPTER. Such measures include(,:):

460
 461 (1) ((To lock or secure)) LOCKING OR SECURING the premises or
 462 otherwise ((deny)) DENYING entry ((thereto)) INTO THE PREMISES(,:); OR

463
 464 (2) ((To order)) ORDERING the premises to be vacated and ((post
 465 therein)) POSTING IN and on the exterior ((thereof)) OF THE PREMISES notices that
 466 the dance hall is closed by order of the Town and that no person is to enter the
 467 premises without permission of the Town.

468
 469 SUCH MEASURES TAKEN SHALL REMAIN IN FORCE UNTIL SUCH TIME AS THE
 470 OWNER OR OPERATOR OF THE PREMISES PROVIDES ASSURANCES
 471 REASONABLY SATISFACTORY TO THE TOWN ADMINISTRATOR THAT THE
 472 OPERATION OF THE DANCE HALL WILL NOT BE RESUMED WITHOUT A PERMIT.

473
 474 (c) ((Noncompliance with the conditions of an issued dance hall permit. If a
 475 licensed dance hall is found to be operating not in compliance with all conditions of its
 476 permit, it shall be subject to a penalty of One-Thousand Dollars (\$1,000.00.)) IN
 477 ADDITION TO THE OTHE REMEDIES PROVIDED IN THIS SECTION, THE TOWN
 478 MAY INSTITUTE A JUDICIAL PROCEEDING TO ENFORCE OR RESTRAIN
 479 VIOLATIONS OF THE PROVISIONS OF THIS CHAPTER OR OF A PERMIT ISSUED
 480 UNDER THIS CHAPTER.

481
 482 **SECTION 2: AND BE IT FURTHER ENACTED** that the provisions of this
 483 Ordinance, except those provisions governing the initial issuance of a dance hall permit,
 484 shall apply to all existing dance hall permits issued by the Town on or before the
 485 effective date of this Ordinance.

486
 487 **SECTION 3: AND BE IT FURTHER ENACTED** that if any provision of this
 488 Ordinance, or the application thereof to any person or circumstance, is held invalid for any
 489 reason, such invalidity shall not affect the other provisions or any other application of this
 490 Ordinance which can be given effect without the invalid provisions or application, and to
 491 this end, all the provisions of this Ordinance are hereby declared to be severable.

492
 493 **SECTION 4: AND BE IT FURTHER ENACTED** that this Ordinance shall become

effective twenty (20) days after its passage by the Council.

ATTEST:

**COUNCIL OF THE TOWN OF
RIVERDALE PARK**

Sara Andriani
Town Administrator

Vernon Archer
Vernon Archer, Mayor

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-Out~~ indicates matter stricken from the bill by amendment or deleted from the law.

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