

DANCE HALL PERMIT

APPLICANT CHECK LIST

The application process for acquiring a dance establishment permit requires the following documentation:

1. Completed application
2. Fees
 - New permit \$34.00 (payable to the City of Modesto)
 - Renewal \$5.00 (payable to the City of Modesto)
3. Driver's License (copy for each **NEW** applicant)
4. City of Modesto Business License (copy)
5. Business' Security Agreement for Establishment (copy)
6. 'Release and Waiver' letter, signed by each **NEW** principal, in presence of police witness
7. 'Municipal Code Acknowledgement' letter, signed by each principal.
8. A copy of the establishment's liability insurance naming the City of Modesto as an additional insured.



MODESTO POLICE DEPARTMENT DANCE HALL ESTABLISHMENT APPLICATION

FEE PAID: _____

DATE: _____	RD _____	BEAT _____	MPD CASE #: _____
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APPLICANT INFORMATION

APPLICANT NAME: _____
Last First Middle

List all names APPLICANT is known by/AKA's: _____

APPLICANT ADDRESS: _____
Number/Street City State Zip Code

APPLICANT PHONE NUMBER (DAY): _____ (EVENING): _____

APPLICANT DATE OF BIRTH: _____ DRIVERS LICENSE #: _____

BUSINESS NAME: _____

BUSINESS ADDRESS: _____
Number/Street City State Zip Code

ARRESTS/CONVICTIONS:

Date	Charge	City/State	Disposition
____/____/____	_____	____/____	_____
____/____/____	_____	____/____	_____

CORPORATION/PARTNERSHIP - LIST ALL OFFICERS NAMES, ADDRESS, PHONE ON SEPERATE SHEET. THE INFORMATION SHOULD BE ON THE CORPORATION/PARTNERSHIP LETTERHEAD. If the applicant is a partnership/corporation, the following information shall be provided for each partner/director/officer/general manager: All felonies/misdemeanors (including traffic violations and excluding parking violations) for which the applicant has been convicted within the five (5) year immediately preceeding the date of application.

License Issued to: _____ ABC License #: _____

Address: _____ Type Issued: _____

MANAGER NAME: _____
Last First Middle

List all names MANAGER is known by/AKA's: _____

MANAGER ADDRESS: _____
Number/Street City State Zip Code

MANAGER PHONE NUMBER (DAY): _____ (EVENING): _____

MANAGER DATE OF BIRTH: _____ DRIVERS LICENSE #: _____

List any ARRESTS/CONVICTIONS:

Date	Charge	City/State	Disposition
____/____/____	_____	____/____	_____
____/____/____	_____	____/____	_____

I declare under penalty of perjury that all statements in the application are true and correct. And furth, that any flase statements or ommissions may be cause for rejection of this application, or revocation of any license or permit issued. I further declare that I meet all the requirements for the permit or license I have applied for, and will abide by all rules and regulations governing said permit or license.

Applicant Signature: _____

Issuing Officer: _____ IBM#: _____

MODESTO POLICE DEPARTMENT APPROVAL	
Administrative Services Supervisor _____	Date _____

DANCE ESTABLISHMENT GENERAL INFORMATION

CLUB/HALL NAME: _____

ADDRESS: _____

PHONE (business): _____ ALTERNATE: _____

OWNER(S): _____

HOME ADDRESS: _____

HOME PHONE: _____ ALTERNATE: _____

CORPORATION: (If yes, name) _____

MAILING ADDRESS: _____

BOARD/PARTNER INFORMATION: _____

SECURITY COMPANY: _____

SECURITY MANAGER: _____

CONTACT NUMBER: (business) _____ (home) _____

EMERGENCY CONTACT:

NAME: _____ PHONE NUMBER: _____

ABC LICENSE: Y/N _____ TYPE: _____

**DANCE HALL APPLICANTS
MUNICIPAL CODE
ACKNOWLEDGEMENT**

I/WE, THE UNDERSIGNED, MAKE THE FOLLOWING DECLARATIONS:

1. I/We have been provided a copy of the Modesto Municipal Code Sections 4-I.401 through 4-1.417.
2. I/We have read and understand the aforementioned Municipal Code Sections.
3. I/We agree that, should a massage related license be issued, that I/WE will abide by the conditions and provisions of said sections.

Name: _____

Name: _____

Signature: _____

Signature: _____

Date: _____

Date: _____

Witness: _____

Witness: _____



Police Department:
(209) 572-9500 FAX (209) 572-9656

601 11th Street, P.O. Box 3313, Modesto, CA 95353
[TDD (209) 526-9211 Hearing and Speech Impaired only]

RELEASE AND WAIVER

To Whom It May Concern:

I hereby authorize any Police Officer or other authorized representative of the Modesto Police Department bearing this release (or a copy of it) to obtain any information in your files pertaining to my arrest or criminal records.

Consent is granted for the Modesto Police Department to furnish the information described above to its parties in the course of fulfilling its official responsibilities. I further understand that I waive any right or opportunity to read or review any background investigation report prepared by the Modesto Police Department, and I further understand that these reports are confidential.

I hereby release you, as the custodian of such records, from any and all liability for damages of whatever kind, which may at any time result to me, my heirs, family, associates or assigns because of compliance with this authorization and request to release information, or any attempt to comply with it. Should there be any question as to the validity of this release, you may contact me.

A photocopy of this release is to be considered as valid as an original.

NAME: _____ SOCIAL SECURITY NO: _____

SIGNED: _____

DATE: _____

WITNESS: _____
(Modesto Police Department)

Article 4 Public Dances

Editor's Note

(Ords. 482-N.S., 1011-C.S. and 2-469-C.S., §§ 4-1.401--4-1.413 repealed; new Art. 4, §§ 4-1.401--4-1.417, added by Ord. 2563-C.S., § 1, effective 1-7-88)

4-1.401 Definitions.

For the purposes of this article, the following words and phrases shall have the meanings set forth in this section:

- (a) "Public dance" shall mean any dance to which the public may gain admittance, with or without payment of a fee or tender of other consideration, which is held or takes place in a public dance hall, whether or not dancing actually occurs. "Public dance" includes but is not limited to the presentation of prerecorded or live music, whether advertised or referred to as a dance, concert, festival, "battle of the bands" or any other presentation or event involving public dancing conducted or operated by the management of a hotel, restaurant, bar or cafe, or any agent, employee, representative or concessionaire of such person or entity.
- (b) "Public dance hall" shall mean a room, ballroom, patio, garden, space, area, premises or place which is part of a permanent building, structure or installation designed, maintained or operated for dancing or with an improved surface suitable for dancing, including, but not limited to, such areas located in a hotel, restaurant, bar or care.
- (c) "Operate" shall mean the maintenance, conduct or operation, either directly or indirectly, and shall include actions taken through agents, employees, representatives and concessionaires.
- (d) "Person" shall mean any natural person, partnership, corporation, association, firm, company or entity, and shall include both male and female gender.
- (e) "Public dance hall permit" shall mean a permit to operate a public dance hall issued pursuant to this article.
- (f) "Public dance permit" shall mean a permit to hold a single public dance issued pursuant to this article. (Added by Ord. 2563-C.S., § 1, effective 1-7-88)

4-1.402 Public Dance Hall Permit Required.

It shall be unlawful for any person to maintain or operate, or to participate in the maintenance or operation of, a public dance hall in the City without having a valid permit so to do, as provided in this article. (Added by Ord. 2563-C.S., § 1, effective 1-7-88)

4-1.403 Public Dance Permit Required.

It shall be unlawful for any person to manage, organize, conduct or operate, or to participate in the management, organization, conduct, or operation of, a public dance within the City without having a valid permit so to do, as provided in this article; except that a holder of a valid public dance hall permit may, without obtaining a public dance permit, sponsor and hold a public dance on his premises so long as no admission fee is charged. (Added by Ord. 2563-C.S., § 1, effective 1-7-88)

4-1.404 After-Hours Permit Required.

(Added by Ord. 2563-C.S., § 1, repealed by Ord. 2613-C.S., § 2, effective 11-3-88)

4-1.405 Permit Fee.

The Council of the City of Modesto may, by resolution adopted from time to time, fix a public dance hall permit fee and a public dance permit fee. (Added by Ord. 2563-C.S., § 1, amended by Ord. 2613-C.S., effective 11-3-88)

4-1.406 Application for Permits.

Application for a public dance hall permit or for a public dance permit shall be filed with the Chief of Police of the City of Modesto, on the form or forms prescribed, not more than sixty (60) nor less than fifteen (15) days prior to the date for which the permit is required. An application shall not be deemed filed unless accompanied by proof of payment of any fee prescribed by the Council of the City of Modesto. (Added by Ord. 2563-C.S., § 1, effective 1-7-88)

4-1.407 Requirements for Permits.

Applicants for permits under this article shall provide at least the following information:

- (a) The name and residence address of the applicant or applicants; and if the applicant is a corporation, partnership, association, firm or other entity, the names and residence addresses of the officers, directors, partners or principals thereof;
- (b) The particular place for which the permit is desired, or at which any dance is to be or dances are to be held;
- (c) The name of the owner of the place or premises in or at which said dance is to be held;
- (d) Such persons as from time to time will be in charge of and be responsible for the order and due observance of the provisions of this article;
- (e) The number and dates of dances to be held under the permit, or the period of time for which the permit is desired, which shall not in any event exceed three (3) months;
- (f) A statement that the applicant is the sole party, or the applicants are the sole parties, either directly or indirectly interested in the dance or dance hall or premises for which a permit is sought, and that no other person or entity is or will be in any manner interested therein, directly or indirectly, during the continuance of the permit;
- (g) A covenant and promise by the applicant to comply with the provisions of this article, and to consent to the entry by police officers upon the premises at which the dance is held, and permission to cause the dance hall to be vacated if so ordered by said police officers.

(Added by Ord. 2563-C.S., § 1, effective 1-7-88)

4-1.408 Investigation of Application.

The Chief of Police of the City of Modesto shall investigate each application for a permit under this article and shall thereafter grant or deny said permit. The Chief of Police shall determine and state the conditions, if any, to be imposed on permits granted. Applications for which permits are denied shall be returned to the applicant with a statement of the reason or reasons for denial. (Added by Ord. 2563-C.S., § 1, effective 1-7-88)

4-1.409 Conditions of Permit.

The Chief of Police may impose on any permit issued hereunder any reasonable conditions relating to the matters set forth in this article, including but not limited to specification of numbers and ages of attendees, noise levels, hours of operation, sanitary standards and facilities, lighting requirements, alcoholic beverages, and security requirements. (Added by Ord. 2563-C.S., § 1, effective 1-7-88)

4-1.410 Rules and Regulations.

It shall be unlawful to manage, operate or conduct a public dance or to dance in a public dance hall or ballroom in violation of any state or local law, any condition under which the permit is issued, or any of the following rules and regulations:

(a) Display of Permit. Every permittee under this article shall place said permit in a conspicuous place at the premises named in the permit, and shall show such permit whenever requested by any peace officer upon said premises.

(b) Admission of Police Officers. Any member of the Modesto Police Department or other law enforcement agency shall be admitted free of charge to any public dance or public dance hall when entering the premises for purposes related to law enforcement or crime prevention.

(c) Hours for Dancing. No dance establishment shall be open for business between the hours of 2:00 a.m. and 6:00 a.m.

(d) Unpermitted Conduct. No conduct of a violent, obscene, disorderly or unlawful nature shall be permitted at any public dance or in any public dance hall in the City. No slot machine, wheel of chance, gambling device or paraphernalia shall be permitted upon the premises where a public dance is being held. No dances shall be permitted at which any person undertakes to furnish or to provide persons for dancing partners or instructors.

(e) No Readmission Without Charge. Any fee charged for admission to a public dance or public dance hall shall entitle persons admitted to participate in all dances so long as they remain within the dance hall. Persons who leave a public dance or public dance hall may not be readmitted without the purchase of another admission ticket.

(f) Telephone Service. A sufficient number of telephones shall be available for use by persons attending any public dance or at any public dance hall for which a permit has been issued under this article.

(g) Presence of Permittee During Dances. Permittees under this article or a responsible adult person designated by a permittee shall be present on or in the immediate vicinity of the dance floor during the entire duration of the period for which any public dance permit is issued under this article. Public dance hall permittees shall comply with permit conditions specifying the requirements for their presence during dances occurring at their public dance halls.

(h) Special Officers. In addition to the requirements of paragraph (g) above, each permittee shall appoint at least one (1) responsible adult person aged twenty-one (21) or older to act as a special security officer. Said special security officer shall be present at all times during the conduct of each dance held by the permittee and shall perform the duty of ensuring that the provisions of this article as they relate to the conduct of dances held by the permittee and the conduct of dance attendees are fully complied with. The special security officer shall be readily identifiable in a conspicuous manner and approved by the Chief of Police. The Chief of Police shall determine the minimum number of special security officers required to be present throughout the permitted dance. The approval of the Chief of Police shall be obtained prior to the appointment of each such person(s) as a special security officer. The Chief of Police shall have the power to withdraw his approval in the event that

any such special security officer is not performing his duties to the satisfaction of the Chief of Police.

(i) Additional Rules and Regulations. The Chief of Police may promulgate, and may from time to time amend rules and regulations for the conduct and operation of public dance halls and public dances; and such rules and regulations as adopted or amended are hereby incorporated herein by reference as if fully set forth herein. (Added by Ord. 2563-C.S., § 1, amended by Ord. 2613-C.S., § 1, effective 11-3-88)

4-1.411 Term of Permit.

Unless sooner revoked or suspended, a permit issued under this article shall be valid for the following periods:

(a) A public dance hall permit shall be valid for a period not exceeding three (3) months and shall expire at the end of the calendar quarter (March 31, June 30, September 30, and December 31) following its issuance. The expiration date shall be shown on the face of the permit.

(b) A dance permit shall be valid for the date and times specified thereon and shall expire at the close of the event for which it was issued. (Added by Ord. 2563-C.S., § 1, amended by Ord. 2613-C.S., § 1, effective 11-3-88)

4-1.412 Renewal of Permit.

A public dance hall permit may be renewed for an additional period not exceeding three (3) months upon the permittee's filing with the City's Director of Finance, prior to expiration of the existing permit, a renewal application accompanied by the prescribed permit fee, if any. (Added by Ord. 2563-C.S., § 1, effective 1-7-88)

4-1.413 Revocation of Permit.

A dance permit may be revoked or suspended by the Chief of Police of the City of Modesto upon five (5) days' notice to the holder thereof, for violation of any of the provisions of this article, or of any condition imposed upon any permit, or of any rule or regulation promulgated hereunder, or of any state or local law. No person whose permit has been revoked shall be granted or issued a new permit, nor shall any new permit be granted or issued to any person who was or is an agent, employee or representative of the person whose permit was revoked unless the following conditions are satisfied:

(a) Twelve (12) months or more have elapsed since the former permittee was notified of the intended revocation;

(b) The former permittee has, to the satisfaction of the Chief of Police, corrected all conditions and violations upon which the revocation was based or has provided to the Chief of Police acceptable plans for procedures reasonably likely to prevent future violations should the permit be reissued;

(c) Such other conditions as the Chief of Police may reasonably require. (Added by Ord. 2563-C.S., § 1, amended by Ord. 2613-C.S., § 1, effective 11-3-88)

4-1.414 Dissemination of Information.

The Chief of Police may print and deliver a copy of this article and the rules and regulations promulgated thereunder to each applicant, who will acknowledge by signature

that he/she has read and will abide by such rules and regulations. Copies will be made available by the Police Department to any person who so requests. (Added by Ord. 2563-C.S., § 1, effective 1-7-88)

4-1.415 Appeals.

Any person aggrieved by any action taken by any City official pursuant to this article may appeal to the Council of the City of Modesto in accordance with the provisions of Chapter 4 of Title 1 of this Code. (Added by Ord. 2563-C.S., § 1, effective 1-7-88)

4-1.416 Penalties.

Any person violating any of the provisions of this article shall be guilty of an infraction and shall be deemed guilty of a separate offense for every day or any portion thereof during which any violation of any provisions of this article is committed, continued or permitted by such person. (Added by Ord. 2563-C.S., § 1, effective 1-7-88)