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## Public Dances

### 365.1 PURPOSE AND SCOPE

It is the policy of the Newark Police Department to enforce public dance regulations as necessary to promote public peace, health, safety and general welfare.

The purpose of this General Order is to provide officers with enforcement guidelines regarding "Public Dances" as defined and regulated by provisions of the Newark Municipal Code, Chapter 5.28.

### 365.2 DEFINITION AND REQUIREMENTS

- (a) "Public Dance" means a gathering of persons consisting of four or more couples, in or upon any premises where dancing is participated in either as the main purpose for the gathering or incidental to some other purpose, and to which premises the public is admitted.
- (b) Permit required:
  - 1. Business License: Issued by the City Clerk to the individual who will conduct the dance(s). A business license to operate a cocktail lounge does not authorize conduct of a public dance.
  - 2. Dance Permit - Premise: Issued by the Chief of Police for the premises in or upon which the dance will be conducted. Issued on an annual basis, said permit must be conspicuously posted on the premises.
  - 3. Dance Permit - Individual/Group: Issued by the Chief of Police for an individual or group conducting a single public dance or series of public dances at an establishment that possesses an annual dance permit. The individual/group permit may be issued on an annual basis. However, the conditions imposed for the protection of the public peace, health, safety and general welfare may be changed/modified at any time if, in the opinion of the Chief of Police, such change/modification is warranted.
- (c) Permit Processing
  - 1. Individuals seeking dance permits will coordinate the application process with the appropriate Division Commander.
  - 2. Upon completion of the application it will be reviewed for consideration of public safety needs (i.e. Mutual Aid, Conditional Use Permits, etc.).
  - 3. Approved applications will be processed by Police Administration and fees paid to the City of Newark cashier during normal business hours.
  - 4. It is the responsibility of the permit holder to renew their dance permits each year prior to the expiration date.

# Newark Police Department

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#### **365.3 ENFORCEMENT**

Public Dances, as generally dealt with, will be encountered on premises such as cocktail lounges or auditoriums. School dances authorized by school authorities are exempt from permit/license requirements. They are characterized by people dancing to "live" music, advertisement in advance, admission charges to gain entry and or guests being encouraged to dance.

- (a) "Incidental Dancing," where patrons may be dancing to juke box music incidental to social/drinking activities, should be treated as a warning situation where four or more couples are observed dancing. The warning should be issued to the person then in charge of the premises and an incident report written to document the warning for the "bar file" on licensed premises. (In the event the premises become a problem through dancing or other activities, and officers feel stronger action is warranted, the police report should list prior warnings, all suspect activity and recommended action for follow-up and final disposition.)
- (b) Residential Situations: On occasion, a private residence will come to our attention as the location of an advertised dance with live music, paid entry (and often, alcoholic beverages). In addition to Municipal Code sections above, officers may also wish to call into play various other statutes dealing with zoning, Health Department, Alcoholic Beverage Control or Welfare and Institutions (Juvenile) laws.
- (c) Such incidents are the exception, but must be dealt with in the best interests of the neighboring residents and community. Most residential situations will be of the "noisy party" variety, and can be handled satisfactorily without using the "Dance Permit Approach."
- (d) Newark Police Officers, as agents of the Chief of Police, have the authority to stop a public dance and/or close the premises for which a permit has been issued. No officer shall take either action without prior approval of a commanding or supervisory officer.
- (e) If no permit has been issued, and violations are observed, officers should take action appropriate for these or any other criminal acts occurring in their presence.

#### **365.4 DISCRETION**

This General Order is intended to provide officers with a "tool" for use in unusual situations wherein other statutes may not be applicable to the situation encountered. Officers should gain a thorough working knowledge of Chapter 5.28 NMC and use discretion in its application when appropriate in order not to dilute its effectiveness when needed.