

9-440. PUBLIC DANCES AND CABARETS.

9-441. DEFINITIONS. As used in this part:

A. "Public dance" shall mean any dance to which the public generally may gain admission with or without the payment of a fee, but shall not include any dance conducted on or in any public park, street or public grounds by permission of the governing body.

B. "Public dance hall" shall mean any room, place or space in which a public dance is held or in which classes in dancing are held and instruction in dancing is given for hire.

C. "Cabaret" shall mean duly licensed restaurants which permit their patrons to dance and restaurants or premises which entertain their patrons with live performers who sing or dance or which permit their patrons to dance, shall be deemed to be a "cabaret" and such places shall be subject to cabaret licensing provisions and regulations as hereinafter provided.

D. "Club" shall mean dances conducted and sponsored by private non-profit clubs organized pursuant to Chapter 6 of Title 16, Utah Code Annotated, 1953, for members and their guests only, shall be subject to the club licensing provisions as hereinafter provided, but such dances shall not be deemed to be public dances.

E. "Non-public dances" shall mean dances conducted and sponsored by public or private schools and churches for the students or members thereof, even though an admission fee is charged, and dances conducted in private homes on a private basis, shall not be deemed to be public dances and shall be exempt from the licensing provisions of this part.

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9-442. LICENSE FEES.

A. Public dance hall license fees. The license fee required for a public dance hall license shall be:

1. On a daily basis regardless of size or capacity \$     per day.
2. On an annual basis \$     for public dance halls which have facilities to accomodate up to and including people; provided, however, that dance schools or studios with facilities limited in size to permit instruction of no more than students at the same time may receive an annual license upon the payment of a fees of \$     ; provided, further, that this reduced fee shall be applicable only if the school or studio is solely used for dance instructional purposes at all times and never for other public dancing.

B. Cabaret license fee. The license fee required for a cabaret license shall be \$     per day or \$     per year.

C. Club license fee. The license fee required for a club dance license shall be \$     per day or \$     per year.

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9-443. UNLAWFUL TO CONDUCT UNLICENSED DANCE.

A. It shall be unlawful to conduct or operate any dance until the place in which the dance may be held shall first have been duly licensed except as otherwise herein provided.

B. If at any time a license under the provisions of this part is denied or revoked, it shall thereafter be unlawful for any person to operate, open, maintain, manage or conduct a dance at the same premises until a new license shall be granted by the governing body.

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9-444. LICENSING CONDITIONS. No license shall be issued pursuant to this part unless that place for which it is issued complies with and conforms to all laws, ordinances, health and fire regulations applicable thereto, is properly ventilated, has available separate and sufficient toilet conveniences for each sex, and is a safe and proper place for the purposes for which it is to be used.

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9-445. DISPLAYING LICENSE. Every person to whom a license is issued under this part shall post the same in a conspicuous place on the premises covered by such license.

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9-446. LICENSE ISSUANCE - POLICE TO INVESTIGATE. The police chief shall examine and investigate all applicants for licenses and the premises to be licensed under this part. Following such examination the recommendations of the police chief shall be made in writing to the governing body. The police chief shall be permitted to have access to all premises licensed or applying for licenses under this part, and shall make periodic inspections of the premises and report its findings to the governing body.

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9-447. DANCE REGULATIONS.

A. Person under prohibited at public dance.

1. Except as provided in subparagraph 2 hereof it shall be unlawful to permit any person who has not reached the age of years to attend or remain at any public dance or cabaret unless such person be accompanied by his parent.

2. It shall be lawful to permit persons who have attained the age of years to attend a public dance without being accompanied by their parents only where such public dance is held under all of the following conditions:

a. The dance is sponsored or held primarily for groups of persons between \_\_\_\_\_ years of age.

b. No cigarettes, beer or liquor is sold, consumed or used upon the dance hall premises.

c. The dance closes not later than \_\_\_\_\_ o'clock p.m.

d. The dance is under police supervision to be furnished at the expense of the management of the dance.

e. The dance is conducted in an atmosphere and environment and under controls conducive to the proper behavior and conduct of all persons in attendance.

f. A permit to conduct the dance has first been obtained from the governing body.

g. When, in the opinion of the governing body, the circumstances justify it, the governing body may permit dances at a definite location to continue for an extended period of time without requiring a permit for each separate dance, subject to the right to revoke such permit at anytime in the discretion of the governing body.

B. Prohibition extended to \_\_\_\_\_ if beer is sold. Exception. If any licensed cabaret premises are also licensed for the sale of beer, no person under the age of \_\_\_\_\_ years may enter or be permitted to remain on the premises, except as provided in section 9-448 A.

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C. Misrepresentation of age or family status prohibited. It shall be unlawful for any person to misrepresent his or her age for the purpose of gaining admission to a public dance or cabaret or falsely to represent himself or herself to be a parent or legal guardian of any person in order that such person may attend or remain at any public dance or cabaret.

D. Proscribed hours. It shall be unlawful for any person to conduct or maintain a dance within a dance hall licensed pursuant to this part 9-440 or, for any person in charge or control of such dance hall, to allow or permit any such dance or dancing between the hours of \_\_\_\_\_ o'clock \_\_.m., and \_\_\_\_\_ o'clock \_\_.m., during daylight standard time, and \_\_\_\_\_ o'clock \_\_.m., and \_\_\_\_\_ o'clock \_\_.m., during daylight savings time; provided, however, dancing is permitted until \_\_\_\_\_ o'clock a.m. on new years day.

E. Pass-out and return checks prohibited. No pass-out or return checks shall be issued for use by persons who leave licensed dance premises, anterooms thereof, and such portions of the grounds immediately adjacent to such premises as are well lighted and under the immediate control of the dance hall management, and all persons leaving the licensed dance premises, anterooms thereof and well lighted grounds immediately adjacent thereto shall be required to pay the regular admission fee in case of return to such dance.

F. Light required. Premises licensed pursuant to this part shall be luminated throughout the licensed premises and during business hours at a minimum of one candle power light measured at a level five feet above the floor.

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G. Walkathons prohibited. It shall be unlawful for any person to conduct or maintain any walkathon, marathon or any other exhibition or human endurance to which the public is admitted as spectators, and it shall be unlawful for any person to attend any walkathon, marathon or any other exhibition of human endurance.

H. Smoking and drinking while dancing prohibited. It shall be unlawful to smoke or drink any liquid while dancing on any licensed dance premises or to permit the same.

I. Allowance of disorderly conduct prohibited. It shall be unlawful for any person to whom a license under this part has been issued to allow or permit on the licensed premises any indecent act to be committed or any disorder or conduct of a gross, violent or vulgar character, or to permit prostitutes, pimps or procurers to enter and remain on the premises.

J. Minimum space required. No dancing shall be permitted in any premises licensed as a cabaret nor shall any license there is at least \_\_\_\_\_ square feet of suitable dancing area in addition to the walkways and aisles required by this part.

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#### 9-448. CABARET REGULATIONS.

A. Prohibition to person under \_\_\_\_\_ if beer is sold. Exception. If any licensed cabaret premises are also licensed for the sale of beer, no person under the age of \_\_\_\_\_ years may enter or be permitted to remain on the premises, except that such person may enter and remain on premises licensed for the sale of beer with other than a class "C" or "seasonal" license, if such person is accompanied by his parent and leaves the premises before \_\_\_\_\_ p.m. or at least one hour prior to the time dancing is permitted, whichever time is earlier, and except that a person between the ages of \_\_\_\_\_ and \_\_\_\_\_ may

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enter and remain upon the licensed cabaret premises licensed to sell beer other than under a class "C" or "seasonal" license at the premises, solely as an entertainer and during the time only that such person performs his entertainment; provided such person is under proper supervision while on the premises and has first procured the approval of the governing body. It shall be unlawful for such person to circulate among the patrons or guests of such place of business.

B. Seating area and dance floor separation. The dance area in a licensed cabaret must be separated from the seating area by a minimum aisle or areaway of three feet.

C. Rest room requirements. Access to rest rooms must be by an aisle or areaway of at least three feet in width and in no event shall a cabaret license be issued if it is necessary to cross directly over the dance area to have access to rest rooms.

D. Bar and dance floor separation. If the dance area is adjacent to or in front of a bar where beer or food is served or consumed there must be a minimum aisle or areaway of five feet between the bar and the dance area.

E. Itinerant and impromptu entertainment prohibited. Impromptu audience performers or itinerant walk-in guitar players or entertainers are prohibited.

F. Live entertainment in licensed cabarets only. It shall be unlawful to furnish live entertainment for patrons of restaurants or premises licensed pursuant to part 9-430, unless the premises are licensed as a cabaret pursuant to this part.

G. Hot food must be available. A variety of hot foods must be available to guests and clientele of a cabaret during all hours it is open for business.

PART 9-450. SOLICITORS, CANVASSERS, PEDDLERS  
2/76 AND ITINERANT MERCHANTS.

2/76 9-451. LICENSE REQUIRED. It shall be  
unlawful for:

A. A transient merchant, itinerant merchant or intinerant vendor to engage in such business without first obtaining a license therefor in compliance with the provisions of this part.

B. Any person to engage in the business of peddler without first obtaining a permit and license therefor as provided in this part.

C. Any solicitor or canvasser to engage in such business without first obtaining a permit and license therefor in compliance with the provisions of this part.

2/76 9-452. DEFINITIONS.

A. "Transient merchant," "itinerant merchant" or "itinerant vendor" is defined as any person, firm or corporation, whether as owner, agent, co-signee or employee, whether or not a resident of the municipality, who engages in a temporary business of selling and delivering goods, wares and merchandise within the municipality, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, public room in any hotel, motel, lodging house, apartment, shop or any street, alley, or other place within the municipality, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this part merely be reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.