

ORDINANCE NO. _____

An ordinance amending Chapter 14, “Dance Halls,” of the Dallas City Code to replace the dance hall licensing framework with a an entertainment licensing framework; providing an entertainment license requirement for certain businesses offering entertainment activities, application fee, training requirements, security management, crowd control management, first aid and medical response; inspection requirements, and sound management requirements; amending Chapters 30 and 51A to align noise regulations with new sound management regulations for certain establishments; providing penalties not to exceed \$500 or \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, responsible operators of establishments operating, offering, allowing, or hosting entertainment activities provide economic vitality to the city;

WHEREAS, city council desires to foster a thriving nighttime economy and preserve quality of life for surrounding communities;

WHEREAS, city council desires to safeguard residents, visitors, patrons, and employees at certain establishments operating, offering, allowing, or hosting entertainment activities by ensuring establishments develop, maintain, and comply with regulations that address security management, crowd control management, and first aid and medical response; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Chapter 14, “Dance Halls,” of the Dallas City Code is amended to read as follows:

“CHAPTER 14

ENTERTAINMENT LICENSE [DANCE HALLS].

ARTICLE I.

GENERAL PROVISIONS.

SEC. 14-1. PURPOSE.

The purpose of this chapter is to support cultural and economic vitality of entertainment venues in Dallas while protecting public safety, neighborhood liveability, and the health and welfare of residents, visitors, patrons, and employees. This chapter establishes a clear and flexible framework for regulating entertainment activities that may involve amplified sound, public assembly, late night hours, or other operational characteristics that can impact surrounding communities.

The license created by this chapter is not a business license, not a specific use permit, not a zoning change, and not a one-size-fits-all regulation. Instead, it provides a scalable structure that accommodates a wide range of entertainment activations while setting clear expectations for operators and ensuring equitable and consistent enforcement. This regulatory approach emphasizes proactive education before reactive enforcement and tailors requirements proportionately to the scale and impact of each operation.

Through defined license types, operational standards, and accountability measures, this chapter aims to promote responsible entertainment operations, strengthen Dallas's nighttime economy, and preserve quality of life for nearby communities. Nothing in this chapter is intended to regulate or differentiate venues based on artistic content, speech, genre, or cultural expression. This chapter replaces the preexisting dance hall license of the Dallas City Code.

SEC. 14-2. APPLICABILITY.

(a) This chapter applies to any business or establishment operating as a restaurant, alcoholic beverage establishment, commercial amusement (inside or outside), or event venue as those uses (or comparable uses) are defined in the Dallas Development Code (including Chapter 51P) whose operation includes entertainment activity.

(b) This chapter does not apply to businesses or establishments described in Subsection (a) where customers and patrons are served by only ambient entertainment activity.

(c) Nothing in this chapter authorizes a business or establishment to operate in a manner inconsistent with its certificate of occupancy, applicable zoning regulations, or any other provision of the Dallas City Code. An entertainment license regulates operational activities only and does not establish, modify, expand, or authorize any land use or occupancy beyond that otherwise permitted by law.

SEC. 14-3. DEFINITIONS.

In this chapter:

(1) AMBIENT ENTERTAINMENT ACTIVITY means entertainment activity where:

- (A) the majority of patrons remain seated;
- (B) no designated dance floor exists indoors or outdoors;
- (C) no admission fee, cover charge, or ticket is required; and
- (D) the entertainment activity:
 - (i) is not advertised as the primary attraction; and
 - (ii) concludes by midnight.

(2) BAND means two or more people who play music by singing or playing musical instruments that is disseminated to a live audience.

(3) DESIGNATED OPERATOR means the person who exercises de facto control over a location and property where entertainment activities occur. Designated operators may include the licensee, owner, operator, proprietor, promoter, manager, assistant manager, or other person exercising control over the operation of an establishment that operates, offers, allows, or hosts entertainment activities, whether or not that person is a named licensee.

(4) DIRECTOR means the director of the office of arts and culture or the director's designated representative.

(5) DISC JOCKEY (commonly abbreviated as DJ) means a person who plays amplified recorded music that is disseminated to a live audience.

(6) ENTERTAINMENT ACTIVITY means ongoing activity to which the public is invited or allowed to watch, listen, or participate for free or for a fee and includes one or more of the following:

(A) a band, solo performer, or disc jockey providing music for patrons or customers of the establishment (does not include ambient music played through a radio, stereo, juke box, or other similar device);

(B) dancing to live or recorded music by patrons or customers; or

(C) live performance presented to the public.

(7) LICENSEE means a person, persons, or business entity that has been issued an entertainment license pursuant to this chapter.

(8) OWNER means any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of a building, land, or business.

(9) PERSON means any natural person, corporation, organization, estate, trust, partnership, association, or other legal entity.

(10) PREMISE means the parcel of land upon which a licensed establishment is located and includes all structures, sidewalks, private drives, parking areas, and adjacent alleys and rights-of-way.

(11) PROPERTY means real property or personal property.

(12) RESIDENTIAL ADJACENCY means an establishment located within 330 feet of a residential use, measured from property line to property line.

ARTICLE II. **ENTERTAINMENT LICENSES.**

SEC. 14-4. **TYPES OF ENTERTAINMENT LICENSES.**

(a) Establishment categories.

(1) Fixed assembly. A fixed assembly establishment is one in which the entertainment activity is the primary customer draw with fixed entertainment start and end times for a mostly seated audience.

(2) Hybrid. A hybrid establishment is one in which the entertainment activity is a meaningful customer draw for seated and standing audiences that often includes programmed events involving moderate customer circulation.

(3) Amplified performance. An amplified performance establishment is one in which the entertainment activity is the primary customer draw for mostly standing late-night audiences involving amplified sound and continuous customer circulation.

(b) Issuance. Establishments are issued a Type A, B, or C license according to establishment category, maximum occupancy, and latest hour of entertainment activity pursuant to the following table:

Establishment Category	Hours of Entertainment	6 A.M.- 12 A.M.				12 A.M.- 2 A.M.				2 A.M.- 6 A.M.			
	Capacity	<200	<500	<1000	>999	<200	<500	<1000	>999	<200	<500	<1000	>999
Fixed Assembly		A	A	B	C	A	B	C	C	B	C	C	C
Hybrid		A	B	B	C	B	B	C	C	C	C	C	C
Amplified Performance		B	B	B	C	B	B	C	C	C	C	C	C

SEC. 14-5.

LICENSE REQUIRED.

(a) A person commits an offense if he operates, offers, allows, or hosts entertainment activities at a restaurant, alcoholic beverage establishment, commercial amusement (inside or outside), or event venue without a license except where customers and patrons are served only by ambient entertainment activity.

(b) It is a defense to prosecution under this chapter that the person operates, offers, allows, or hosts entertainment activities at:

(1) a place owned by the federal, state, or local government;
(2) a location where entertainment is provided pursuant to a special event permit;

(3) a building that is listed individually on the National Register of Historic Places;

(4) an establishment that is operating under a sexually oriented business license in accordance with Chapter 41A;

(5) an establishment where:

(A) persons contract for instruction in dance or music methods, styles, techniques, and disciplines recognized by professional dance or music organizations;

(B) the dance or music instruction is only provided by persons trained in dance methods, styles, techniques, and disciplines recognized by professional dance or music organizations;

(C) the only entertainment activities occurring on the premises are conducted by:

(i) a person employed or under contract to provide dance or music instruction at the establishment; and

(ii) a person contracting for dance or music instruction at the establishment; and

(D) the primary purpose of the dancing or music at the establishment is for the education of the persons contracting for dance or music instruction and not for the entertainment of the general public.

SEC. 14-6. APPLICATION.

(a) An application for a license must be made on a form provided by the director. As part of the application process, an applicant must provide:

(1) the hours and days that entertainment activities will be occurring at the establishment;

(2) maximum occupancy of indoor or outdoor spaces pursuant to the Chapter 16, "Dallas Fire Code," or Chapter 53, "Dallas Building Code."

(3) the name and contact information for the designated operator of the establishment;

(4) a floor plan of the establishment showing the locations of areas of entertainment activity;

(5) a copy of the certificate of occupancy issued by the building official;

(6) a copy of a specific use permit ordinance, if applicable;

(7) all information required by Article III;

(8) whether the location has residential adjacency; and

(9) any other information the director deems relevant to the issuance of a license.

(b) Only a person who is an officer of or who has an ownership interest in an establishment that wishes to operate, offer, allow, or host entertainment activities may apply for an entertainment license. Each applicant must be qualified according to the provisions of this chapter.

(c) A person who wishes to operate, offer, allow, or host entertainment activities must sign the application for a license as an applicant. If a person who wishes to operate, offer, allow, or host entertainment is other than an individual, an individual who is an officer of the business must sign the application for a license as an applicant.

(d) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments for review. If the application requires a security or crowd management plan, public safety departments shall review the application first, followed by a review by other city departments. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt of the request requiring a response. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for

the public safety review response before proceeding. If a department determines the application does not comply with city requirements or other applicable law, the permit will be denied.

SEC. 14-7. ISSUANCE OF LICENSE; POSTING.

(a) The director shall approve the issuance of a license to an applicant after receipt of a complete application unless the director finds one or more of the following to be true:

- (1) An applicant or designated operator is under 18 years of age.
- (2) An applicant or designated operator is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant.
- (3) An applicant has failed to answer, or falsely answered, a question on the application form provided or has failed to respond to a request for additional information within 10 days after a second request has been made.
- (4) An applicant or designated operator has been issued a citation for violating a provision of this chapter within 12 months immediately preceding the application.
- (5) An application was submitted within 12 months of a final revocation of a dance hall license that was issued to the same applicant or designated operator.
- (6) Any fee required by this chapter has not been paid.
- (7) An applicant or designated operator has been found by a court of competent jurisdiction to maintain a common or public nuisance described in Chapter 125 of the Texas Civil Practice and Remedies Code within the last two years.
- (8) The applicant or designated operator is the owner of a property that has been designated a Chapter 27 habitual criminal or nuisance property at any time within 12 months preceding the application.
- (9) The location is not operating under a valid certificate of occupancy or a required specific use permit.
- (10) The location has a valid sexually oriented business license in accordance with Chapter 41A.

(b) Except as otherwise provided in this subsection, when the director denies issuance or renewal of a license, the applicant may not apply for or be issued any entertainment license for one year after the date the denial became final. If, subsequent to the denial, the director finds that the basis for the denial has been corrected or abated, the applicant may apply for and be granted a license if at least 90 days have elapsed since the date the denial became final.

(c) The director, upon denying or approving the issuance of an entertainment license, shall send to the applicant, electronic notice of that action.

(d) The license must state on its face the name of the person to whom it is granted (licensee), the designated operator, the expiration date, the address of the licensed establishment, the category of license, and whether the establishment must comply with residential adjacency sound pressure level or non-residential adjacency sound pressure levels.

(e) The license must be posted in a conspicuous place at or near the entrance of the entertainment establishment so that it may be easily read at any time.

(f) If any information on the licensee's license changes, the licensee must update the information in the application with the director within 30 days of the change in information.

SEC. 14-8. FEES.

(a) A nonrefundable fee of \$ _____ will be charged to begin the review for each license application under the terms of this chapter. All fees must be paid before review of application and issuance of license.

(b) A nonrefundable fee of \$ _____ will be charged to process any change of information to an issued license pursuant to Section 14-7(f).

SEC. 14-9. RESTRICTION OF HOURS OF ENTERTAINMENT ACTIVITIES.

(a) The director may restrict the hours of entertainment activity to 12:00 a.m. (midnight) for a time period not to exceed 30 days if the licensee, an employee of a licensee, designated operator, or a responsible person has received, within the preceding 60 days, one or more citations related to lack of compliance with this chapter in conjunction with the operation of the establishment holding an entertainment license. If entertainment activities are restricted under this section, a licensed establishment may not operate, offer, allow, or host entertainment activities between 12:00 a.m. (midnight) and 8:00 a.m.

(b) To restrict entertainment activities in accordance with this section, the director must issue a letter notifying the licensee of the hours restriction in nighttime entertainment, the dates the restriction is in effect, and the violation of Subsection (a) that has occurred.

SEC. 14-10. SUSPENSION.

(a) The director may suspend an entertainment license for a time period not to exceed 90 days if the licensee, an employee of a licensee, designated operator, or a responsible person has:

(1) received, within the preceding six months, three citations related to lack of compliance with this chapter or other ordinances, rules, and regulations of the City of Dallas in conjunction with the operation of the establishment holding an entertainment license;

- (2) permitted illegal gambling by any person on the establishment premises;
 - (3) permitted the possession, consumption, or sale of an alcoholic beverage on the premises to an individual under the age of 21; or
 - (4) refused to allow an inspection required by Section 14-19.
- (c) A person may not submit a new registration application or renewal at the same or another establishment while he or she has a suspended license. A person may not be listed as a designated operator on a new license application or renewal at the same or another establishment while he or she has a license suspended on which he or she is listed as the designator operator.

SEC. 14-11. REVOCATION.

- (a) The director may revoke a license if a second suspension has occurred within a 12-month period.
- (b) The director shall revoke a license if the director determines that one or more of the following is true:
- (1) A licensee has given materially false or misleading information in the material submitted to the director during the application process.
 - (2) A licensee, designated operator, or an employee has allowed possession, use, or sale of controlled substances, as defined in Texas Health and Safety Code, Section 481.002, on the premises.
 - (3) A licensee, designated operator, or an employee has allowed prostitution on the premises.
 - (4) A licensee, designated operator, or an employee operated, offered, allowed, or hosted entertainment activities while a license was suspended.
 - (5) The licensed property is designated a habitual criminal or nuisance property in accordance with Chapter 27.
 - (6) A licensee or designated operator has been found by a court of competent jurisdiction to maintain a common or public nuisance described in Chapter 125 of the Texas Civil Practice and Remedies Code at the establishment within a 12-month period.
 - (7) A licensee, designated operator, or an employee has violated Section 14-15 of this chapter.
 - (8) The building official has revoked the certificate of occupancy for the establishment in accordance with Chapter 52.

(9) A license was issued contrary to law or ordinance, as an administrative error, or pursuant to material misrepresentation by the applicant.

(c) When the director revokes a license, the revocation continues for 12 months and the licensee may not apply or be listed as a designated operator for or be issued any entertainment license for one year from the date revocation became final. If, subsequent to revocation, the director finds that the basis for the revocation action has been corrected or abated, the applicant may apply for and be granted a license if at least 90 days have elapsed since the date the revocation became final. If the license was revoked under Subsection (b)(5), an applicant may not apply for or be granted another license until the presumptions under Section 27-48 are satisfied.

SEC. 14-12. SURRENDER OF LICENSE AFTER SUSPENSION, REVOCATION, OR DENIAL OF RENEWAL.

After receipt of notice of suspension, revocation, or denial of renewal of an entertainment license, the licensee shall, on or before the date specified in the notice, discontinue the entertainment activities and surrender the license to the director.

SEC. 14-13. EXPIRATION OF LICENSE; RENEWAL.

(a) Expiration. Except as provided in Subsection (c) a license expires two years from the date of issuance.

(c) Renewal.

(1) A license may be renewed only by submitting a renewal application provided by the director. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the license will not be affected by the pendency of the application.

(2) A license is eligible to renew with a three-year term if no citations have been issued since the most recent previous approval.

SEC. 14-14. APPEALS.

If the director denies the issuance or renewal of a license or suspends or revokes a license or restricts entertainment hours of operation, the director shall send to the applicant or licensee electronic notice of the action and the right to an appeal. Notice is deemed effective when electronic notice is sent. The aggrieved party may appeal the decision of the director to the permit and license appeal board in accordance with Section 2-96. The aggrieved party has the burden to demonstrate that the director's action was improper. The filing of an appeal stays the action of the director unless the director certifies in writing to the permit and license appeal board facts supporting the director's opinion that a stay of the director's action would cause imminent peril to life or property. The proceedings may be stayed only by a restraining order granted by the district court, after notice to the director, if due cause is shown.

SEC. 14-15. TRANSFER OF LICENSE.

A licensee or designated operator shall not transfer a license to another person, nor shall a licensee or designated operator operate, offer, allow, or host entertainment activities under the authority of a license at any place other than the address designated in the application and listed on the license.

ARTICLE III.
SAFETY REQUIREMENTS.

SEC. 14-16. EMPLOYEE SAFETY TRAINING.

(a) The licensee shall ensure that safety and hospitality training outlined in this section is provided for and completed by management of the establishment in compliance with this section.

(b) A minimum of one manager who is on duty during times of entertainment activity shall have completed the safety and hospitality training within the previous 12 months. The training program must be approved by the director and include, but is not limited to, the following subjects:

(1) Knowledge of maximum occupancy of indoor or outdoor spaces pursuant to the Chapter 16, "Dallas Fire Code," or Chapter 53, "Dallas Building Code."

(2) Crowd management strategies, including the orderly dispersal of patrons.

(3) Security management and de-escalation strategies.

(4) Appropriate first aid and medical management.

(5) Noise abatement strategies.

(6) Fire safety procedures and pyrotechnics protocols (if pyrotechnics are used).

(7) Emergency contingency strategies, including entertainment activity stoppage and evacuation.

(8) Parking management strategies, including parking lot security, service vehicle loading/unloading, and use of valet services.

(9) Interactions with intoxicated persons, if the licensed establishment sells or serves alcohol.

(10) Emergency medical response.

(b) Copies of each manager's proof of training must be maintained on file in the establishment for as long as the manager is employed by the establishment. The statements must be made available to the director or any other peace officer or code enforcement officer immediately upon request.

SEC. 14-17. SECURITY MANAGEMENT.

(a) In general. All establishments issued a license must comply with the security requirements in this subsection.

(1) Manager. A manager must be present at the establishment at all times the entertainment activities are occurring at the establishment.

(2) Security incident log. The establishment must keep a written record of all security incidents that occur during times of entertainment activities. The security incident log must provide enough detailed information to reconstruct the security incident, including the time, date, and location of the incident, the parties involved, a description of what occurred, staff response, medical response or law enforcement involvement if applicable, and resolution. The incident log must be provided to the director or a representative of the police department, the fire department, or the department of code compliance upon request.

(3) Telephone access. Telephone access must be provided at the establishment for use by employees.

(4) Exterior lighting. Exterior lighting that illuminates all sides of the main building and on-site parking areas must be provided and maintained. Exterior lighting must be turned on after dark during the times entertainment activities are occurring at the establishment and for one hour after entertainment activities have ceased.

(5) Disorderly or unlawful conduct prohibited. Each designated operator shall make reasonable efforts to prevent the admittance of any person whose conduct is described in Texas Penal Code Section 42.01 (disorderly conduct) at the premises or on any parking lot, sidewalk, or similar facility controlled by the establishment. Each responsible person and designated operator shall make reasonable efforts to remove any persons exhibiting such conduct from the establishment. Reasonable efforts include documented actions such as refusal of entry, removal of individuals, or coordination with law enforcement when necessary.

(6) Intoxicated patrons. Each designated operator shall make reasonable efforts to prevent the admittance of any obviously intoxicated person. For purposes of this section, a person is "obviously intoxicated" when he or she exhibits readily apparent outward manifestations of drug or alcohol intoxication, including but not limited to, inability to walk or stand in a normal manner, bloodshot or glassy eyes, flushed face, incoherent or slurred speech, alcoholic breath, belligerence or other loud or boisterous conduct, extreme agitation, or nervousness or mental confusion.

(b) Type B licensed establishments. In addition to the requirements in Subsection (a), Type B licensed establishments must also provide to the director a security plan on the city-provided template that describes:

- (1) Defined roles of security personnel, including security supervisor or lead.
- (2) Security escalation procedures.
- (3) Policies and procedures for identifying and intercepting illegal contraband.
- (4) Policies and procedures for checking identification of patrons.
- (5) Internal communication procedures.
- (6) Employee training on policies and procedures in Subparagraphs (1) through (5).

(c) Type C licensed establishments.

(1) In addition to the requirements in Subsections (a) and (b), Type C licensed establishments must also provide to the director a floorplan showing the general positioning of all indoor and outdoor security personnel on the premise during times of entertainment activities.

(2) The on-duty manager must have the name and contact information for any private security company, if used, and the lead on-site security director who oversees all security operations and reports to the establishment manager.

(3) Type C licensed establishments must also install and maintain high-definition surveillance cameras at entrances and exits, areas prone to congestion or conflict, and exterior areas prone to people congregating. Cameras must operate effectively in low-light conditions, be repaired within 14 days when damaged or malfunctioning, and provide at least 30 days of continuous footage storage. Signage must be posted on the premises indicating the presence of video surveillance.

(d) Additional information may be required. Establishments may be required by the director to include additional security management policies, procedures, or information the director deems relevant to the establishment based on the unique operations of the requirement.

SEC. 14-18. CROWD CONTROL MANAGEMENT.

(a) In general.

(1) Designated operators of all establishments with a license shall maintain occupancy limits and use reasonable efforts to cause the orderly dispersal of individuals from the vicinity of the establishment at closing time and shall implement measures to encourage dispersal from the premises.

(2) All establishments must provide to the director crowd management procedures that outline the process for maintaining patron occupancy control and clear points of ingress and egress, organized queue management, and effective dispersal strategy, including employee training on these procedures

(b) Type B licensed establishments. In addition to the requirements in Subsection (a), Type B licensed establishments must provide to the director a crowd management plan on a city-provided template that includes indoor and outdoor patron circulation maps and procedures for monitoring the exterior of the property during closing time.

(c) Type C licensed establishments. In addition to the requirements in Subsections (a) and (b), Type C licensed establishments must provide to the director strategies for addressing and controlling crowd surges in densely packed areas of the establishment including times of sudden, unexpected crowd surges.

SEC. 14-19. INSPECTION.

(a) Representatives of the police department, the fire department, the department of code compliance, and the building official may inspect the premises of a licensed establishment for the purpose of ensuring compliance with the law, at any time it is open for business or occupied and at other reasonable times upon request.

(b) Any crowd management procedures or crowd management plan required by this article must be kept on-site and made available to inspectors upon request.

(c) A licensee, designated operator, or person who operates an establishment under a license commits an offense if he refuses to permit a lawful inspection of the premises of a licensed establishment within a reasonable time, as determined by the inspector, by a representative of the police department, the fire department, the department of code compliance, or the building official at any time the establishment is open for business or occupied and at other reasonable times upon request.

SEC. 14-20. GENERAL COMPLIANCE REQUIRED.

Licensed establishments must comply with this chapter, with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

ARTICLE IV. **SOUND MANAGEMENT.**

SEC. 14-21. SOUND PRESSURE LEVELS.

(a) Maximum sound pressure levels.

(1) Residential adjacency. Licensed establishments located within 330 feet away from a residential use must comply with the following maximum sound pressure levels:

	<u>8:00 a.m. – 10:00 p.m.</u>	<u>10:00 p.m. – 12:00 a.m.</u>	<u>12:00 a.m. – 8:00 a.m.*</u>
<u>MON</u>	<u>78 dBA</u>	<u>60 dBA</u>	<u>60 dBA</u>
<u>TUES</u>	<u>78 dBA</u>	<u>60 dBA</u>	<u>60 dBA</u>
<u>WED</u>	<u>78 dBA</u>	<u>60 dBA</u>	<u>60 dBA</u>
<u>THURS</u>	<u>78 dBA</u>	<u>78 dBA</u>	<u>60 dBA</u>
<u>FRI</u>	<u>78 dBA</u>	<u>78 dBA</u>	<u>60 dBA</u>
<u>SAT</u>	<u>78 dBA</u>	<u>78 dBA</u>	<u>60 dBA</u>
<u>SUN</u>	<u>78 dBA</u>	<u>60 dBA</u>	<u>60 dBA</u>

* the next day

(2) No residential adjacency. Licensed establishments located 330 feet or more from a residential use must comply with the following maximum sound pressure levels:

	<u>8:00 a.m. – 10:00 p.m.</u>	<u>10:00 p.m. – 12:00 a.m.</u>	<u>12:00 a.m. – 8:00 a.m.*</u>
<u>MON</u>	<u>92 dBA</u>	<u>78 dBA</u>	<u>70 dBA</u>
<u>TUES</u>	<u>92 dBA</u>	<u>78 dBA</u>	<u>70 dBA</u>
<u>WED</u>	<u>92 dBA</u>	<u>78 dBA</u>	<u>70 dBA</u>
<u>THURS</u>	<u>92 dBA</u>	<u>92 dBA</u>	<u>70 dBA</u>
<u>FRI</u>	<u>92 dBA</u>	<u>92 dBA</u>	<u>70 dBA</u>
<u>SAT</u>	<u>92 dBA</u>	<u>92 dBA</u>	<u>70 dBA</u>
<u>SUN</u>	<u>92 dBA</u>	<u>78 dBA</u>	<u>70 dBA</u>

* the next day

(b) Holidays. Regardless of day of the week, maximum sound pressure levels on the holidays listed in Section 34-25 and on the day before the holidays listed in Section 34-25 are set at the Saturday sound pressure levels in Subsection (a).

(c) Sound pressure measurement.

(1) Locations.

(A) For sound originating from a building that does not have entertainment activities occurring on a rooftop patio, elevated terrace, or other outdoor area above ground level, sound pressure levels are measured from the bounding lot line.

(B) For sound originating from a building during times entertainment activities are occurring on a rooftop patio, elevated terrace, or other outdoor area above ground level, sound pressure levels are measured from across adjacent rights-of-way.

(2) Method. Sound pressure measurements are taken as an average over an eight-minute period of time

(d) Hours variance. The director may grant a variance to the hours in Subsections (a) if he determines that allowing amplified sound during additional hours will not result in an excessive negative impact on the quality of life of surrounding residences and businesses.

Additionally, the director may restrict the hours in Subsection (a) upon a finding that the allowed decibel levels during these hours have a negative impact on the quality of life of surrounding residences and businesses. In determining whether to grant a variance to or restrict the hours in Subsection (a), the director shall consider the following factors: proximity and sensitivity of adjacent land uses; height and orientation of the sound source; physical characteristics of the surrounding street corridor; history of complaints or violations; the operator's implementation of mitigation measures; impact on surrounding properties; recommendations from city departments; seasonal or temporary circumstances; and any relevant community input. The director may also consider acoustic measurements or modeling submitted by the operator. Any restriction on these hours by the director may be appealed to the permit and license appeals board in accordance with Section 14-14.

(e) Non-residential adjacency legacy status protection. If a residence moves to within 330 feet of an establishment that previously received a license under the non-residential adjacency sound pressure maximums in Subsection (a)(2), the establishment may continue to operate under the non-residential adjacency sound pressure maximums for as long as the establishment continues to be licensed, even after subsequent renewals.

(f) Planned development districts. If a licensed establishment is located within a planned development district that specifically designates maximum sound pressure levels above those listed in Subsection (a), the maximum sound pressure levels designated in the planned development district control.

ARTICLE V. **ENFORCEMENT.**

SEC. 14-22. **PENALTY.**

(a) Each offense is punishable by a fine not to exceed:

(1) \$2,000 for a violation of a provision of this chapter or a requirement of a license governing fire safety, zoning, or public health and sanitation; or

(2) \$500 for all other violations of this chapter.

(b) A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed or continued.

SEC. 14-23. **AUTHORITY TO ENFORCE.**

(a) The director shall implement this chapter and shall have the authority to deny, restrict, suspend, and revoke licenses in accordance with Sections 14-7, 14-9, 14-10, and 14-11, respectively. This chapter may be enforced by the director of the department of code compliance, the chief of police, the fire chief, the building official, or their designated representatives.

(b) Continued entertainment activity during suspension of or after revocation, expiration, or denial of an entertainment license may constitute grounds for the building official to deny or revoke a certificate of occupancy in accordance with Chapter 52.

[SEC. 14-1. DEFINITIONS.

In this chapter:

(1) ~~APPLICANT~~ means:

(A) ~~a person in whose name a license to operate a dance hall will be issued;~~

(B) ~~each individual who signs an application for a dance hall license as required by Section 14-2(c);~~

(C) ~~each individual who is an officer of a dance hall business for which a license application is made under Section 14-2, regardless of whether the individual's name or signature appears on the application;~~

(D) ~~each individual who has a 20 percent or greater ownership interest in a dance hall business for which a license application is made under Section 14-2, regardless of whether the individual's name or signature appears on the application; and~~

(E) ~~each individual who exercises substantial de facto control over a dance hall business for which a license application is made under Section 14-2, regardless of whether the individual's name or signature appears on the application.~~

(2) ~~DANCE HALL~~ means a place where:

(A) ~~dancing by patrons or customers is permitted; or~~

(B) ~~dance or any similar live performance is presented to the public.~~

(3) ~~CLASS A DANCE HALL~~ means any place where dancing is permitted three days or more a week.

(4) ~~CLASS B DANCE HALL~~ means any place where dancing is permitted less than three days a week.

(5) ~~CLASS C DANCE HALL~~ means any place where dancing is scheduled one day at a time.

(6) ~~CLASS E DANCE HALL~~ means any place where dancing is permitted seven days a week for persons from age 14 through age 18 only.

(7) ~~CONVICTION~~ means a conviction in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned. “Conviction” includes disposition of charges against a person by probation or deferred adjudication.

(8) ~~HOTEL OR MOTEL~~ means a hotel or motel as defined in the Dallas Development Code, as amended.

(9) ~~IN SESSION~~ means the status of a school during the fall or spring term when students are required to attend the school.

(10) ~~LATE HOURS PERMIT~~ means a permit authorizing a licensee to operate a Class A, B, or C dance hall until 4:00 a.m.

(11) ~~LICENSE~~ means a permit to operate a dance hall.

(12) ~~LICENSEE~~ means:

(A) a person in whose name a license to operate a dance hall has been issued;

(B) each individual listed as an applicant on the application for a dance hall license;

(C) each individual who is an officer of a dance hall business for which a license has been issued under this chapter, regardless of whether the individual’s name or signature appears on the license application;

(D) each individual who has a 20 percent or greater ownership interest in a dance hall business for which a license has been issued under this chapter, regardless of whether the individual’s name or signature appears on the license application; and

(E) each individual who exercises substantial de facto control over a dance hall business for which a license has been issued under this chapter, regardless of whether the individual’s name or signature appears on the license application.

(13) ~~PERSON~~ means an individual, partnership, corporation, association, or other legal entity.

(14) ~~PRIVATE CLUB~~ means an association of persons for the promotion of some common object, which operates not for a profit a place for the accommodation of its members and guests only.

(15) ~~SCHOOL~~ means a public or private elementary or secondary school.

~~(16) TRANSFER OF OWNERSHIP OR CONTROL~~ of a dance hall means and includes any of the following:

- ~~(A) the sale, lease, or sublease of the business;~~
- ~~(B) the transfer of securities that constitute a controlling interest in the business, whether by sale, exchange, or similar means; or~~
- ~~(C) the establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.~~

SEC. 14-2. LICENSE REQUIRED.

- ~~(a) A person commits an offense if he operates a dance hall without a license.~~
- ~~(b) An application for a license must be made on a form provided by the chief of police. Only a person who is an officer of or who has an ownership interest in a dance hall business may apply for a license for the dance hall. Each applicant must be qualified according to the provisions of this chapter.~~
- ~~(c) A person who wishes to operate a dance hall must sign the application for a license as an applicant. If a person who wishes to operate a dance hall is other than an individual, each individual who is an officer of the business or who has a 20 percent or greater ownership interest in the business must sign the application for a license as an applicant. Each applicant must meet the requirements of Section 14-3(a), and each applicant will be considered a licensee if a license is granted.~~
- ~~(d) It is a defense to prosecution under this chapter that the actor is conducting a dance at:~~
 - ~~(1) a private residence from which the general public is excluded;~~
 - ~~(2) a place owned by the federal, state, or local government;~~
 - ~~(3) a public or private elementary school, secondary school, college, or university;~~
 - ~~(4) a place owned by a religious organization;~~
 - ~~(5) a location where no more than three dances a month are conducted and the actor is a private club;~~
 - ~~(6) a hotel or motel that contains a dance hall that is not promoted or advertised for use by members of the general public who are not occupants of the hotel's or motel's guest rooms;~~

- (7) an establishment that:
 - (A) has a restaurant certificate of occupancy;
 - (B) has a valid food and beverage certificate issued by the Texas Alcoholic Beverage Commission;
 - (C) derives 50 percent or more of its gross revenues on a quarterly basis from the sale of food and nonalcoholic beverages; and
 - (D) does not charge an entrance or admission fee; or
- (8) an establishment where:
 - (A) persons contract for instruction in dance methods, styles, techniques, and disciplines recognized by professional dance organizations;
 - (B) the dance instruction is only provided by persons trained in dance methods, styles, techniques, and disciplines recognized by professional dance organizations;
 - (C) no dancing occurs on the premises except by:
 - (i) a person employed or under contract to provide dance instruction at the establishment; and
 - (ii) a person contracting for dance instruction at the establishment; and
 - (D) the primary purpose of the dancing at the establishment is for the education of the persons contracting for dance instruction and not for the entertainment of the general public.

SEC. 14-2.1. ~~LOCATION OF CLASS E DANCE HALLS WITHIN 1,000 FEET OF A BUSINESS SERVING OR SELLING ALCOHOLIC BEVERAGES.~~

- (a) ~~In this section, BUSINESS THAT SERVES OR SELLS ALCOHOLIC BEVERAGES means a bar, lounge, tavern, or liquor store use, as defined in Section 51A-4.210 of the Dallas City Code, as amended.~~
- (b) ~~No license may be issued for a Class E dance hall under this chapter if the dance hall will be located within 1,000 feet of a lawfully existing business that serves or sells alcoholic beverages.~~
- (c) ~~For purposes of this section, measurements must be made in a straight line, without regard to intervening structures or objects, from the nearest entry door in the part of a building~~

used as a Class E dance hall to the nearest entry door in the part of a building used as a business that serves or sells alcoholic beverages.

(d) ~~If, on June 27, 1990, a business operating as a Class E dance hall is located within 1,000 feet of a business that serves or sells alcoholic beverages, then the business that was first lawfully established and continually operating at that particular location is deemed a conforming use and the later established business is deemed a nonconforming use. A nonconforming use is exempted from the location requirement of Subsection (b) of this section for the first three license renewals after June 27, 1990, unless the use is sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. A nonconforming use may not be increased, enlarged, extended, or altered, except that the use may be changed to a conforming use.~~

SEC. 14-2.2. RESERVED.

SEC. 14-2.3. EXEMPTION FROM LOCATIONAL RESTRICTIONS FOR LATE-HOURS PERMITS.

(a) ~~If the chief of police denies the issuance of a late hours permit for a Class A, B, or C dance hall to an applicant because the location of the dance hall is in violation of Section 14-3.1 of this chapter, then the applicant may, not later than 10 calendar days after receiving notice of the denial, file with the city secretary a written request for an exemption from the locational restrictions of Section 14-3.1.~~

(b) ~~If a written request is filed under Subsection (a) of this section with the city secretary within the 10-day limit, a permit and license appeal board, created under Section 2-95 of this code, shall consider the request. The city secretary shall set a date for the hearing within 60 days from the date the written request is received.~~

(c) ~~A hearing by the board may proceed if a quorum of the board is present. The board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply.~~

(d) ~~The permit and license appeal board may, in its discretion, grant an exemption from the locational restrictions of Section 14-3.1 for a late hours permit for a Class A, B, or C dance hall, whichever applies, if it finds that:~~

(1) ~~the location of the proposed dance hall will not have a detrimental effect on nearby property or be contrary to the public safety or welfare;~~

(2) ~~the location of the proposed dance hall will not downgrade the property value or quality of life in any adjacent area or encourage the development of urban blight;~~

(3) ~~the location of the proposed dance hall operating under a late hours permit in the area will not be contrary to any program of neighborhood conservation or interfere with any efforts of urban renewal or restoration; and~~

(4) ~~all other applicable provisions of this chapter will be observed.~~

(e) ~~The board shall grant or deny the exemption by majority vote. Failure to reach a majority vote will result in denial of the exemption. Any dispute of fact must be decided on the basis of a preponderance of the evidence. The decision of the permit and license appeal board is final.~~

(f) ~~If the board grants the exemption, the exemption is valid for one year from the date of the board's action, unless a two-year exemption is granted under Subsection (g) of this section.~~

(g) Two-year exemptions.

(1) ~~The board, by a majority vote, may grant a dance hall an exemption from the locational restrictions of Section 14-3.1 for a two-year period after the date of the board's action, if, in addition to determining that the dance hall qualifies for an exemption under Subsection (d) of this section, the board finds that:~~

(A) ~~the dance hall has been granted an exemption from the locational restrictions of Section 14-3.1 for the three consecutive years preceding the current exemption request;~~

(B) ~~the applicant has not had any dance hall license suspended, revoked, or denied within the 24 months preceding the exemption request; and~~

(C) ~~no violations of this chapter have been committed by the applicant, or by any employee of a dance hall of the applicant, within the 24 months preceding the exemption request.~~

(2) ~~If the board grants a two-year exemption for a dance hall under this subsection, the applicant is still required to annually obtain a dance hall license and a late-hours permit for the dance hall and pay the required license and permit fees in accordance with this chapter. If an annual late-hours permit for the dance hall is denied under Section 14-3.1(c), then the two-year exemption becomes void, and a new exemption must be obtained from the permit and license appeal board.~~

(h) ~~Upon the expiration of an exemption, a dance hall operating under a late-hours permit is in violation of the locational restrictions of Section 14-3.1, until the applicant applies for and receives another exemption.~~

(i) ~~If the board denies the exemption, the applicant may not re-apply for an exemption until at least 12 months have elapsed since the date of the board's action.~~

(j) ~~The grant of an exemption for a late-hours permit for a Class A, B, or C dance hall does not exempt the applicant from any provision of this chapter other than the locational restrictions of Section 14-3.1.~~

SEC. 14-2.4. EXEMPTION FROM LOCATIONAL RESTRICTIONS FOR CLASS E DANCE HALLS.

~~(a) If the chief of police denies the issuance of a Class E dance hall license to an applicant because the location of the Class E dance hall is in violation of Section 14-2.1 of this chapter, then the applicant may, not later than 10 calendar days after receiving notice of the denial, file with the city secretary a written request for an exemption from the locational restrictions of Section 14-2.1.~~

~~(b) If a written request is filed under Subsection (a) of this section with the city secretary within the 10-day limit, a permit and license appeal board, selected in accordance with Section 2-95 of this code, shall consider the request. The city secretary shall set a date for the hearing within 60 days from the date the written request is received.~~

~~(c) A hearing by the board may proceed if a quorum of the board is present. The board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply.~~

~~(d) The permit and license appeal board shall grant an exemption from the locational restrictions of Section 14-2.1 for a Class E dance hall if it finds that:~~

~~(1) a physical barrier exists between the proposed dance hall and the business that serves or sells alcoholic beverages, such that the shortest distance in any direction that a person would have to physically travel from the nearest entry door in the part of the building used as the dance hall to the nearest entry door in the part of the building used as the business that serves or sells alcoholic beverages is not less than 1,000 feet;~~

~~(2) the character of the neighborhood surrounding the proposed dance hall is conducive to youth programs and activities and contains other uses that promote positive youth development;~~

~~(3) the public safety record for the premises of the proposed dance hall and the surrounding businesses, including any business that serves or sells alcoholic beverages, indicates that the area is reasonably safe for persons from age 14 through age 18;~~

~~(4) the location of the Class E dance hall in the area will not be contrary to any program of neighborhood conservation or development; and~~

~~(5) all other applicable provisions of this chapter will be observed.~~

~~(e) The board shall grant or deny the exemption by majority vote. Failure to reach a majority vote will result in denial of the exemption. Any dispute of fact must be decided on the basis of a preponderance of the evidence. The decision of the permit and license appeal board is final.~~

(f) ~~If the board grants the exemption, the exemption is valid for one year from the date of the board's action. Upon the expiration of an exemption, a Class E dance hall is in violation of the locational restrictions of Section 14-2.1 until the applicant applies for and receives another exemption.~~

(g) ~~If the board denies the exemption, the applicant may not re-apply for an exemption until at least 12 months have elapsed since the date of the board's action.~~

(h) ~~The grant of an exemption for a Class E dance hall does not exempt the applicant from any provision of this chapter other than the locational restrictions of Section 14-2.1.~~

SEC. 14-3. ISSUANCE OF LICENSE; POSTING.

(a) ~~The chief of police shall approve issuance of a license by the special collections division of the water utilities department to an applicant within 30 days after receipt of an application unless the chief of police finds one or more of the following to be true:~~

(1) ~~An applicant is under 18 years of age.~~

(2) ~~An applicant or an applicant's spouse is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or the applicant's spouse.~~

(3) ~~Reserved.~~

(4) ~~Reserved.~~

(5) ~~An applicant has failed to answer or falsely answered a question or request for information on the application form provided.~~

(6) ~~An applicant or an applicant's spouse has been convicted of a violation of a provision of this chapter within two years immediately preceding the application.~~

(7) ~~Any fee required by this chapter has not been paid.~~

(8) ~~An applicant or an applicant's spouse has been convicted of a crime:~~

(A) ~~involving:~~

(i) ~~any of the following offenses as described in Chapter 43 of the Texas Penal Code:~~

(aa) ~~prostitution;~~

(bb) ~~promotion of prostitution;~~

~~(cc) aggravated promotion of prostitution;~~
~~(dd) compelling prostitution;~~
~~(ee) obscenity;~~
~~(ff) sale, distribution, or display of harmful material to~~
~~minor;~~
~~(gg) sexual performance by a child; or~~
~~(hh) possession of child pornography;~~
(ii) ~~any of the following offenses as described in Chapter 21 of~~
~~the Texas Penal Code:~~
~~(aa) public lewdness;~~
~~(bb) indecent exposure; or~~
~~(cc) indecency with a child;~~
~~(iii) sexual assault or aggravated sexual assault as described in~~
~~Chapter 22 of the Texas Penal Code;~~
~~(iv) incest, solicitation of a child, or harboring a runaway child~~
~~as described in Chapter 25 of the Texas Penal Code; or~~
~~(v) criminal attempt, conspiracy, or solicitation to commit any~~
~~of the offenses listed in Paragraph (10)(A)(i) through (iv) of this subsection;~~
(B) ~~for which:~~
~~(i) less than two years have elapsed since the date of conviction~~
~~or the date of release from confinement imposed for the conviction, whichever is the later date, if~~
~~the conviction is of a misdemeanor offense;~~
~~(ii) less than five years have elapsed since the date of conviction~~
~~or the date of release from confinement for the conviction, whichever is the later date, if the~~
~~conviction is of a felony offense; or~~
~~(iii) less than five years have elapsed since the date of the last~~
~~conviction or the date of release from confinement for the last conviction, whichever is the later~~
~~date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor~~
~~offenses occurring within any 24-month period.~~

~~(9) An applicant has been operating the proposed business as a dance hall without a valid license issued under this chapter.~~

~~(10) Alcoholic beverages are possessed, consumed, or sold on premises used or to be used by the applicant for a Class E dance hall.~~

~~(11) An applicant for a Class E dance hall license is in violation of the locational requirements of Section 14-2.1 of this chapter.~~

~~(12) Operation of the proposed dance hall would violate the city's zoning ordinances.~~

~~(b) The fact that a conviction is being appealed has no effect on the disqualification of the applicant or the applicant's spouse under Subsection (a).~~

~~(c) Except as otherwise provided in this subsection, when the chief of police denies issuance or renewal of a license, the applicant may not apply for or be issued any class of dance hall license for one year after the date the denial became final. If, subsequent to the denial, the chief of police finds that the basis for the denial has been corrected or abated, the applicant may apply for and be granted a license if at least 90 days have elapsed since the date the denial became final. If issuance or renewal of a license is denied under Section 14-3(a)(11) only, the applicant may be granted a license immediately upon compliance with Section 14-2.1 of this chapter. If issuance or renewal of a license is denied under Subsection (a)(8)(A), the applicant may not apply for or be issued another dance hall license until the appropriate number of years required by Subsection (a)(8)(B) has elapsed. If issuance or renewal of a license is denied under Subsection (a)(6), the applicant may not apply for or be issued another dance hall license until the time period required by Subsection (a)(6) has elapsed.~~

~~(d) The chief of police, upon approving issuance of a dance hall license, shall send to the applicant, by certified mail, return receipt requested, written notice of that action and state where the applicant must pay the license fee and obtain the license. The chief of police's approval of the issuance of a license does not authorize the applicant to operate a dance hall until the applicant has paid all fees required by this chapter and obtained possession of the license.~~

~~(e) The license must state on its face the name of the person to whom it is granted, the expiration date, the address of the dance hall, and whether it is issued for a Class A, Class B, Class C, or Class E dance hall.~~

~~(f) The license, along with any late-hours permit, must be posted in a conspicuous place at or near the entrance to the dance hall so that it may be easily read at any time.~~

SEC. 14-3.1. LATE-HOURS PERMIT.

~~(a) A person who is issued a Class A, Class B, or Class C dance hall license may apply, on a form provided by the chief of police, for a late-hours permit. Upon receipt of the application~~

and payment of the late hours permit fee, the chief of police shall issue a late hours permit to the applicant, except that no late hours permit may be issued for a dance hall located within 1,000 feet of:

(1) a boundary of a residential district as defined in Chapter 41A of this code;
or

(2) the property line of a lot devoted to a residential use as defined in Chapter 41A of this code, whether such use is within the city limits or not.

(b) For purposes of Subsection (a) of this section, measurement will be made in a straight line, without regard to intervening structures or objects, from the nearest part of the building or structure used as a part of the premises where a dance hall is conducted, to the nearest boundary of a residential district or property line of a lot devoted to a residential use.

(c) Dance halls with two-year exemptions from locational restrictions.

(1) Notwithstanding Subsection (a), upon receipt of a late hours permit application and payment of the late hours permit fee for a dance hall that has been granted a two-year exemption from locational restrictions by the permit and license appeal board under Section 14-2.3 of this chapter, the chief of police shall issue a late hours permit to the applicant without requiring further action by the permit and license appeal board, except that no late hours permit may be issued if the chief finds that:

(A) the exemption has expired;

(B) the applicant has had a dance hall license suspended, revoked, or denied within the 24 months preceding the application for the late hours permit; or

(C) the applicant, or any employee of a dance hall of the applicant, has committed a violation of this chapter within the 24 months preceding the application for the late hours permit.

(2) If the chief of police denies a late hours permit under Paragraph (1) of this subsection, the dance hall's two-year exemption from the locational restrictions of this section becomes void, and the applicant must obtain another exemption from the permit and license appeal board in accordance with Section 14-2.3 before a late hours permit may be issued for the dance hall.

(d) Once issued, a late hours permit is considered a part of the license for a Class A, Class B, or Class C dance hall and is valid only when the dance hall license it accompanies is valid.

SEC. 14-4. FEES.

(a) ~~The following nonrefundable fees will be charged for each license issued under the terms of this chapter:~~

(1) ~~For a Class A dance hall, the annual license fee is \$817.~~

(2) ~~For a Class B dance hall, the annual license fee is \$801.~~

(3) ~~For a Class C dance hall, the daily license fee is \$801.~~

(4) ~~For a Class E dance hall, the annual license fee is \$801.~~

(5) ~~For a late hours permit, the annual fee is \$817 in addition to the license fee for a Class A, B, or C dance hall, whichever is applicable.~~

(b) ~~In addition to the fees required by Subsections (a) and (c), an applicant for an initial Class E dance hall license or an initial late hours permit shall, at the time of making application, pay a nonrefundable fee of \$1,908 for the city to conduct a survey to ensure that the proposed dance hall is in compliance with the locational restrictions set forth in Section 14-2.1 or 14-3.1, whichever is applicable.~~

(c) ~~In addition to the fees required by Subsections (a) and (b), an applicant for an initial dance hall license shall, at the time of making application, pay a nonrefundable fee of \$90 for the chief of police to obtain a letter of zoning verification to ensure that the proposed dance hall is permitted in the zoning district in which it will be located. The chief of police shall request and obtain the letter of zoning verification from the department of development services within 30 days after receipt of the license application. For any dance hall holding a valid license on October 25, 2000, this subsection will apply to the first renewal of that license issued after October 25, 2000.~~

~~SEC. 14-5. HOURS OF OPERATION.~~

(a) ~~A person without a late hours permit commits an offense if he operates a Class A, Class B, or Class C dance hall between the hours of 2:00 a.m. and 7:00 a.m., Monday through Saturday, or between 2:00 a.m. and 12:00 noon on Sunday.~~

(b) ~~A person with a late hours permit commits an offense if he operates a Class A, Class B, or Class C dance hall between the hours of 4:00 a.m. and 7:00 a.m., Monday through Saturday, or between 4:00 a.m. and 12:00 noon on Sunday.~~

(c) ~~A person commits an offense if he operates a Class E dance hall during any hours other than the following:~~

(1) ~~when school is in session in the school district in which the dance hall is located, between the hours of:~~

(A) ~~4:00 p.m. and 10:00 p.m., Monday through Thursday;~~

- (B) ~~4:00 p.m. and 12:00 midnight, Friday;~~
- (C) ~~1:00 p.m. and 12:00 midnight, Saturday; and~~
- (D) ~~1:00 p.m. and 10:00 p.m., Sunday; or~~

(2) ~~when school is not in session in the school district in which the dance hall is located, between the hours of 1:00 p.m. and 12:00 midnight, Monday through Sunday.~~

SEC. 14-6. INSPECTION.

(a) ~~Representatives of the police department, the fire department, the department of code compliance, and the building official may inspect the premises of a dance hall, for the purpose of ensuring compliance with the law, at any time it is open for business or occupied and at other reasonable times upon request.~~

(b) ~~A person who operates a dance hall or a person designated as the dance hall supervisor commits an offense if he refuses to permit a lawful inspection of the premises of a dance hall by a representative of the police department, the fire department, the department of code compliance, or the building official at any time the dance hall is open for business or occupied and at other reasonable times upon request.~~

SEC. 14-6.1. IDENTIFICATION RECORDS.

(a) ~~A person commits an offense if he operates a dance hall without maintaining on the premises a current registration card or file that clearly identifies:~~

- (1) ~~all employees of the dance hall; and~~
- (2) ~~all individuals who perform or otherwise provide entertainment at the dance hall more than seven calendar days within any month.~~

(b) ~~The registration card or file must contain the following information for each employee or individual required to be registered under Subsection (a):~~

- (1) ~~Full legal name.~~
- (2) ~~Date of birth.~~
- (3) ~~Race and gender.~~
- (4) ~~Hair color, eye color, height, and weight.~~
- (5) ~~Current residence address and telephone number.~~

~~(6) Driver's license number or other personal identification number.~~

~~(7) Social security number.~~

~~(8) Color photograph with a full face view.~~

~~(c) If a dance hall is located on premises that contain multiple uses, only the employees and individuals that actually perform work associated with the dance hall use are required to be registered and identified in compliance with this section.~~

~~(d) All records maintained on an employee or individual in compliance with this section must be retained at the dance hall for at least 90 days following the date of any voluntary or involuntary termination of the employee's or individual's employment or contract with the dance hall.~~

~~(e) A person who operates a dance hall or the person's agent or employee shall allow immediate access to these records by representatives of the police department.~~

~~SEC. 14-7. DANCE HALL SUPERVISOR.~~

~~(a) A person who operates a dance hall must designate a person as dance hall supervisor and register that person's name with the chief of police.~~

~~(b) A person designated dance hall supervisor must remain on the premises of the dance hall during the time dancing is permitted and until 30 minutes after the end of the dance to ensure that the dance is conducted in an orderly manner.~~

~~SEC. 14-8. PERSONS UNDER 17 PROHIBITED.~~

~~(a) No person under the age of 17 years may enter a Class A, Class B, or Class C dance hall unless accompanied by a parent or guardian.~~

~~(b) A person commits an offense if he falsely represents himself to be either a parent or guardian of a person under the age of 17 years for the purpose of gaining the person's admittance into a Class A, Class B, or Class C dance hall.~~

~~(c) A licensee or employee of a Class A, Class B, or Class C dance hall commits an offense if he knowingly allows a person under the age of 17 years to enter or remain on the premises of the dance hall unless the person is accompanied by a parent or guardian.~~

~~(d) A licensee of a Class A, Class B, or Class C dance hall commits an offense if he maintains the premises without posting a sign at each entrance to the business that reads: "It is unlawful for any person under 17 years old to enter this location without a parent or guardian."~~

~~SEC. 14-8.1. PERSONS UNDER 14 AND OVER 18 PROHIBITED.~~

~~(a) No person under the age of 14 years or over the age of 18 years may enter a Class E dance hall.~~

~~(b) A person commits an offense if he is over the age of 18 years and:~~

~~(1) enters a Class E dance hall; or~~

~~(2) for the purpose of gaining admittance into a Class E dance hall, he falsely represents himself to be:~~

~~(A) of an age from 14 years through 18 years;~~

~~(B) a licensee or an employee of the dance hall;~~

~~(C) a parent or guardian of a person inside the dance hall; or~~

~~(D) a governmental employee in the performance of official duties.~~

~~(e) A licensee or an employee of a Class E dance hall commits an offense if he knowingly allows a person to enter or remain on the premises of the dance hall who is:~~

~~(1) under the age of 14 years; or~~

~~(2) over the age of 18 years.~~

~~(d) It is a defense to prosecution under Subsections (b)(1) and (c)(2) that the person is:~~

~~(1) a licensee or employee of the dance hall;~~

~~(2) a parent or guardian of a person inside the dance hall; or~~

~~(3) a governmental employee in the performance of official duties.~~

~~(e) A licensee of a Class E dance hall commits an offense if he maintains the premises without posting a sign at each entrance to the dance hall that reads: "It is unlawful for any person under 14 years old to enter this location without a parent or guardian. It is unlawful for any person over 18 years old to enter this location."~~

~~SEC. 14-8.2. RESERVED.~~

~~SEC. 14-9. EXPIRATION OF LICENSE.~~

~~(a) A license for a Class A, Class B, or Class E dance hall expires one year from the date of issuance, except that a license for a Class E dance hall issued pursuant to an exemption to a locational restriction expires on the date the exemption expires. A license may be renewed only~~

~~by making application as provided in Section 14-2. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the license will not be affected by the pendency of the application.~~

~~(b) A late-hours permit for a Class A, Class B, or Class C dance hall expires in conjunction with the accompanying dance hall license and may be renewed only by making application as provided in Section 14-3.1.~~

~~(c) A license for a Class C dance hall expires at 2:00 a.m., or 4:00 a.m. if a late-hours permit has been issued, on the day following the date of the dance.~~

~~SEC. 14-10. SUSPENSION.~~

~~The chief of police shall suspend a dance hall license for a period of time not exceeding 30 days if the chief of police determines that a licensee or an employee of a licensee has:~~

- ~~(1) violated Sections 14-3(c), 14-5, 14-8, or 14-8.1 of this chapter;~~
 - ~~(2) refused to allow an inspection of the dance hall premises as authorized in this chapter;~~
 - ~~(3) knowingly permitted gambling by any person on the dance hall premises;~~
- ~~or~~
- ~~(4) knowingly permitted the possession, consumption, or sale of an alcoholic beverage on the premises of a Class E dance hall.~~

~~SEC. 14-11. REVOCATION.~~

~~(a) The chief of police shall revoke a license if a cause of suspension in Section 14-10 occurs and the license has been suspended within the preceding 12 months.~~

~~(b) The chief of police shall revoke a license if the chief of police determines that one or more of the following is true:~~

- ~~(1) A licensee has given false or misleading information in the material submitted to the chief of police during the application process.~~
- ~~(2) Reserved.~~
- ~~(3) A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises.~~
- ~~(4) A licensee or an employee has knowingly allowed prostitution on the premises.~~

~~(5) A licensee or an employee knowingly permitted dancing or a live performance during a period of time when the dance hall license was suspended.~~

~~(6) A licensee has been:~~

~~(A) convicted of an offense listed in Section 14-3(a)(8)(A) for which the time period required in Section 14-3(a)(8)(B) has not elapsed; or~~

~~(B) convicted of or is under indictment for any felony offense while holding a dance hall license.~~

~~(7) While an employee of the dance hall and while on the licensed premises, a person has committed an offense listed in Section 14-3(a)(8)(A), for which a conviction has been obtained, two or more times within a 12-month period.~~

~~(8) A licensee of a Class E dance hall is in violation of the locational requirements of Section 14-2.1 of this chapter.~~

~~(9) A licensee or an employee has violated Section 14-13 of this chapter.~~

~~(10) A licensee's state license or permit to sell or serve alcoholic beverages is revoked by the Texas Alcoholic Beverage Commission or a renewal license or permit is refused to the licensee on grounds set forth in Section 11.46 of the Texas Alcoholic Beverage Code.~~

~~(e) The fact that a conviction is being appealed has no effect on the revocation of the license.~~

~~(d) When the chief of police revokes a license, the revocation will continue for one year, and the licensee may not apply for or be issued any class of dance hall license for one year from the date revocation became final. If, subsequent to revocation, the chief of police finds that the basis for the revocation action has been corrected or abated, the applicant may apply for and be granted a license if at least 90 days have elapsed since the date the revocation became final. If the license was revoked under Subsection (b)(8) only, the applicant may be granted a license immediately upon compliance with Section 14-2.1 of this chapter. If the license was revoked under Subsection (b)(6), an applicant may not apply for or be granted another license until the appropriate number of years required under Section 14-3(a)(8)(B) has elapsed.~~

SEC. 14-11.1. SURRENDER OF LICENSE AFTER SUSPENSION, REVOCATION, OR DENIAL OF RENEWAL.

~~After receipt of notice of suspension, revocation, or denial of renewal of a dance hall license, the licensee shall, on or before the date specified in the notice, discontinue operating the dance hall and surrender the license to the chief of police.~~

SEC. 14-12. APPEALS.

~~If the chief of police denies the issuance or renewal of a license, suspends or revokes a license, or denies issuance of a late-hours permit, the chief of police shall send to the applicant or licensee, by certified mail, return receipt requested, written notice of the action and the right to an appeal. The aggrieved party may appeal the decision of the chief of police to a permit and license appeal board in accordance with Section 2-96 of this code. The filing of an appeal stays the action of the chief of police in suspending or revoking a license until the permit and license appeal board makes a final decision. A suspension or revocation upheld by the board takes effect on the first midnight that is at least 24 hours after the board issues its decision. If within a 10-day period the chief of police suspends, revokes, or denies issuance of a sexually oriented business license for the same location involved in the chief's actions on the dance hall license, then the chief may consolidate the requests for appeals of those actions into one appeal.~~

~~SEC. 14-13. TRANSFER OF LICENSE OR LATE HOURS PERMIT.~~

~~A licensee shall not transfer a license or late-hours permit to another, nor shall a licensee operate a dance hall under the authority of a license, or a late-hours permit, at any place other than the address designated in the application.~~

~~SEC. 14-14. PENALTY.~~

~~(a) Any person who violates any provision of this chapter, except Sections 14-2.1 and 14-3.1, upon conviction, is punishable by a fine of not less than \$200 or more than \$500. Any person who violates Section 14-201 or 14-3.1 of this chapter, upon conviction, is punishable by a fine of not less than \$200 or more than \$2,000.~~

~~(b) Except where otherwise specified, a culpable mental state is not required for the commission of an offense under this chapter.~~

~~SEC. 14-15. INJUNCTION.~~

~~A person who operates or causes to be operated a dance hall without a valid license or in violation of Section 14-2.1 of this chapter is subject to a suit for injunction as well as prosecution for criminal violations.]”~~

SECTION 2. That Subsection (e) of Section 30-4, “Loudspeakers and Amplifiers,” of Chapter 30, “Noise,” of the Dallas City Code is amended to read as follows:

“(e) It is a defense to prosecution under Subsection (a) that:

- (1) in circumstances in which this section requires an order, no order was given;
- (2) an order, if given, was manifestly unreasonable in scope;

- (3) an order, if given, was promptly obeyed;
- (4) the mechanical loudspeaker or sound amplifier was operated in a public place within an enclosed structure and was not audible beyond the property line of the premises on which it was located;
- (5) the person operating the mechanical loud speaker or sound amplifier was a law enforcement officer or member of the fire department in the performance of official duties;
- (6) the mechanical loudspeaker or sound amplifier was operated for the purpose of alerting persons to the existence of an emergency or danger; ~~or~~
- (7) the mechanical loudspeaker or sound amplifier was operated in the performance of emergency work necessary to restore public utilities, to restore property to a safe condition, or to protect persons or property from imminent danger, following a fire, accident, or natural disaster; or
- (8) the establishment operating a loudspeaker or sound amplifier is regulated by Article IV, "Sound Management," of Chapter 14, "Entertainment License," and was complying with the maximum sound pressure levels in that article."

SECTION 3. That Paragraph (5) of Subsection (a), "General Provisions," of Section 51A-6.102, "Noise Regulations," of Article VI, "Environmental Performance Standards," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

- “(5) The requirements of this section do not apply to:
 - (A) mobile sources;
 - (B) construction/demolition activities regulated by Chapter 30;
 - (C) special events for which a special events permit is issued under Chapter 42A;
 - (D) sound generating equipment or apparatus to warn the public of an emergency or for public safety;
 - (E) noise from use-related loading/ unloading operations that impact residential areas when conducted during daytime hours; ~~or~~

(F) establishments that are otherwise governed by Article IV, “Sound Management,” of Chapter 14, “Entertainment License”; or

(G) the following activities, as long as they are conducted between the hours of 7:00 a.m. and 10:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturday, Sunday, and legal holidays as a normal function of a permitted use and the equipment is maintained in proper working condition:

- (i) Lawn maintenance.
- (ii) Repair of personal use vehicles.
- (iii) Home repair of place of residence.”

SECTION 4. That the fee in Section 14-8 is waived for any establishment holding a valid Chapter 14 dance hall license.

SECTION 5. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed (1) \$500; or (2) \$2,000 for violations governing fire safety, zoning, or public health and sanitation.

SECTION 6. That Chapters 14, 30, and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 8. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 9. That this ordinance shall take effect on *[90 days after passage]*, 2026, in accordance with the provisions of the Charter of the City of Dallas with enforcement action being taken no earlier than *[180 days after passage]*, 2026, and it is accordingly so ordained.

APPROVED AS TO FORM:

BERTRAM A. VANDENBERG, Interim City Attorney

By _____
Assistant City Attorney

Passed _____