

ORDINANCE NUMBER 57

CITY OF TOWER, MINNESOTA

An ordinance regulating and licensing public dances within the City of Tower, defining public dance places and public dances; and repealing Ordinance Number 24 and Ordinance Number 24A.

The City of Tower ordains:

Section 1. STATE LAW TO GOVERN. All dances held in the City of Tower shall be conducted in accordance with the provisions of Minnesota Statutes, Sections 624.42 through 624.54, which regulate the conduct of dances.

- A. Public Dance. A public Dance, as used herein, shall mean any dance wherein the general public may participate, whether or not a charge for admission for dancing is made.
- B. Public Dancing Place. A public dancing place, as used herein, shall mean any room or space (indoors and/or outdoors) open to the general public for the purpose of participating in public dancing.

Section 2. PERMITS. No person or group shall conduct a public dance in this City unless a permit has been obtained prior to the holding of the dance. The fees for such permits shall be set at the annual reorganizational meeting of the City Council.

The Council may grant a license without charge whenever satisfied that the giving of the dance is not a money making enterprise.

Section 3. APPLICATION. Any person or persons desiring a permit to hold a public dance in the City shall submit an application for such a permit on the forms provided by the City Clerk. The application shall set forth the name and address of the person(s), committee, or organizations which is to conduct the dance; time and place where such dance is to be held; and the area of the dance floor where the dance is to be held. The application shall show affirmatively that each of the applicants is a person of good moral character and reputation in the community in which he lives, and that none of the applicants has within five year prior to the making of such application been convicted of a felony or gross misdemeanor, or of violating any of the provisions of Minnesota Statutes 624.42 through 624.54, or any ordinance or law regulating dances any place in the United States. The application shall be accompanied by the affidavits of two residents of the City of Tower. The affidavits of the residents shall state that they have read the application signed by the applicant and that all the statements therein are true to their own personal knowledge.

Section 4. ACTION ON PERMIT. The application and affidavits shall be filed with the City Clerk who will present the application to the City Council at its next meeting. The City Council may refer the applicant to the Chief Peace Officer for an investigation and a report prior to acting upon the application. Upon receiving the application or if referred for investigation, the report from the Chief Peace Officer, the City Council shall act on the application and either grant or reject the issuance of a permit. If granted, the City Council shall direct the proper officers to issue a permit to the applicants upon the payment of the permit fee and the expense of investigation if such investigation was made.

Section 5. PERMIT TO BE POSTED. When a permit is issued, the holder of such permit shall post the permit in a public place on the premises in which the dance is being held and the persons named in the permit shall be responsible under the law for the manner in which such dance(s) are to be held and conducted.

Section 6. OFFICER OF THE LAW. It shall be incumbent upon the permit holder to have in attendance at such a public dance a police officer all of the time of said public dance, except on private property, said police officer being designated by the Chief of Police. The fee of said officer shall be paid by the permit holder in advance.

Section 7. HOURS. Public dances are prohibited between the hours of 1:00AM to Noon of any day.

Section 8. REVOCATION. The City Council may revoke any public dance permit for any violation of this ordinance, or for violation of any other ordinance of this city, or the laws of the State of Minnesota. Revocation of the permit may be made by the City Council after notice of a hearing to the permit holder and a hearing by the City Council, at which time the permit holder shall have an opportunity to be heard.

Section 9. PENALTIES.

- A. Any permit holder violating any of the provisions of this section may have their public dance permit revoked in accordance with the terms of this section.
- B. Any person who violated any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with Minnesota State Statutes regarding misdemeanors.

Section 10. If any part, section, clause, or paragraph of this ordinance shall be declared invalid or unconstitutional, the validity of any of the other parts of this ordinance not invalid shall not be affected.

Section 11. All ordinances and parts of ordinances inconsistent with this ordinance are hereby repealed.

Introduced and given first reading by Alderman Olson on April 24, 1990.

Given second reading by Alderman Trembath on May 15, 1990.

Moved by Trembath supported by Adkisson that the Ordinance be adopted.

Adopted the 15th day of May, 1990 by the following vote:

Ayes: Aldermen Olson, Majerle, Trembath, and Adkisson and Mayor Burgess.

Nays: None.

Absent: None.

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Gary Burgess, Mayor

Timothy L Kotzian, Clerk/Treasurer