

**BENTON CHARTER TOWNSHIP
ORDINANCE #2011-03**

ARTICLE VII. PUBLIC DANCES - RENTAL HALLS

Sec. 18-200. Definitions.

“Operator” shall mean any operator, proprietor, lessee, manager or employee of any rental hall.

“Public Dance or Public Hall” shall mean any dance or hall to which the public generally may gain admission or participate in dancing with the payment of a fee directly or indirectly.

“Public Dance” shall mean any room or place where a public dance is permitted.

“Private Dance” shall mean any dance given at or held by a bona fide club, admission to which is granted to members and their invited guests only, and from which the general public is excluded.

“Rental Hall” shall mean any enclosed hall, building or portion of any building regularly available for rental, lease or loan for the purpose of public assembly, banquets, luncheons, entertainments or sports events, whether or not such public assemblies are public or private or an admission fee is charged.

Sec. 18-201. Hours of Operation.

Public Dances and Rental Halls licensed under this chapter shall not operate and shall be closed to the public between the hours of 2:00 a.m. and 7:00 a.m.

Sec. 18-202. License Requirements.

- (A) Licenses for dances required. Licensees under this chapter shall prohibit any dance or ball unless a license has been obtained by the person sponsoring or conducting such dance or ball in compliance with this Code and other ordinances of the township.
- (B) Classifications: Class A Dance Hall/Rental Hall: Shall mean any cabaret, nightclub or rental hall as those terms are commonly and ordinarily known and shall include and mean any space or building open to the public, enclosed and unenclosed, where food or alcoholic beverages are served on the premises, including restaurants and cafes and where patrons are provided with a space for dancing or are permitted to dance and shall include any dance hall so located and operated as to provide means for patrons to gain access or admission to any adjoining premises where alcoholic beverages are served.
- (C) Class B Dance Hall/Rental Hall: shall mean any bona fide nonprofit society, association of persons or group organized for civic, fraternal, social or charitable purposes which owns, rents, or operates a place for the accommodation of its members when such place or any part thereof is used for dancing by members of such society, association or club.
- (D) Class C Dance Hall/Rental Hall: shall mean all other public or private dance halls/rental halls not defined and coming within the terms and provisions of this section.
- (E) Exemptions: The provisions of this section shall not apply to private dances given or conducted by private clubs, societies, schools or corporations where the attendance is

restricted to the members of such society, club or corporation and any bona fide invited guests, from which the general public is excluded.

- (F) Zoning Restrictions: No license to operate a Class A or Class C dance hall shall be issued unless the premises sought to be used for such purposes are in an area where such use is permitted under the zoning ordinance of the township.
- (G) Security Officers Required: A person obtaining a license for a Class A, Class B or Class C dance hall shall provide uniformed police or private security as approved by the Chief of Police or his designee. Security shall consist of a minimum of two (2) approved personnel.
- (H) Inspection Required: No license shall be issued except upon certification of the Chief of Police, the Fire Chief and the township building inspector, to the effect that the public peace, health and safety will not be jeopardized thereby.

Sec. 18-203. Application Procedure.

A person applying for a license shall submit an application to the township clerk. Upon completion of the required certifications by the police, fire and building departments, the application shall be presented to the township board who shall determine whether to issue the license. Upon approval by the township board, the clerk shall issue the license upon payment of the license fee.

Sec. 18-204. Duration of License.

Each license shall be issued for a specific time period as determined by the township board, except that no license shall be valid for more than three (3) years from the date of issue.

Sec. 18-205. Prohibited Acts.

A licensee under this chapter, by himself or herself, directly or indirectly, or by any servant, agent or employee, shall not:

- (1) Show any motion picture or use any stage or movable scenery without first obtaining the approval of the fire department.
- (2) Permit indecent, immoral or profane language or indecent, immoral or disorderly conduct.
- (3) Permit the licensed premises to become a resort for thieves, prostitutes or other disorderly conduct.
- (4) Permit immoral, vulgar, lewd, obscene, improper or freak dancing.
- (5) Permit smoking in an area designated and in use for dancing.
- (6) Permit gambling or the use, possession or presence of gambling paraphernalia on the premises, unless the licensee is licensed to operate a casino by the Michigan Gaming Control Board in accordance with the Michigan Gaming Control and Revenue Act, being MCL 432.201 et seq; MSA 18.969(201) et seq.
- (7) Permit overcrowding, which means that the number of persons in excess of the maximum approved by the fire department.
- (8) Permit employees of the rental hall to dance with the patrons; or
- (9) Permit intoxicated persons to dance or to loiter on the premises.

Sec. 18-206. Suspension of License.

The Chief of Police or his designee may suspend and seize any Public Dance/Rental Hall License when the person or place so licensed is found to be in violation of the provisions of this chapter. A license so seized shall be returned to the township clerk the next business day along with a written report of the seizure. The report will then be submitted to the township board at the next regularly scheduled meeting for review and determination of further action.

Sec. 18-207. License Fee.

The township board shall determine the fee for Public Dance/Rental Hall License and may from time to time revise said fee at any regular board meeting.

Sec. 18-208. Penalties.

Any person found to be in violation of any of the provisions of this article, upon conviction, shall be punished in accordance with section 1-11.

Introduction & 1 st Reading: 5/2/2011 Website: 5/12/2011 2 nd Reading & Adoption: 5/17/2011 Effective Date: 5/17/2011

CLERK'S CERTIFICATION

I, hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of Benton Charter Township, County of Berrien, State of Michigan, at a regular meeting held on May 17, 2011, and that said meeting was conducted and public notice of said meeting was given pursuant to an in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

/s/Carolyn Phillips, Township Clerk