

ORDINANCE NO. 1758-X 0-59

AN ORDINANCE TO AMEND ORDINANCE NUMBER 1552-X, THE 2000-2001 BUDGET ORDINANCE, PROVIDING A SUPPLEMENTAL APPROPRIATION FOR THE SOUTH WATER MAIN

BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That the sum of \$10,000,000 is hereby estimated to be available from Water Revenue Bonds.

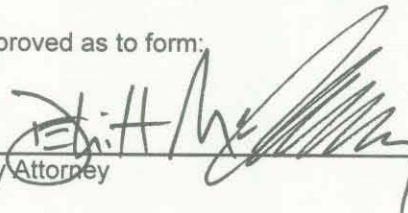
Section 2. That the sum of \$10,000,000 is hereby appropriated to the South Water Main project account(634.28) in the Water and Sewer Capital Project Fund (2071).

Section 3. That the existence of the project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.

Section 4. All ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

  
\_\_\_\_\_  
City Attorney

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of February, 2001, the reference having been made in Minute Book 115, and recorded in full in Ordinance Book 50, Page(s) 883.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of February, 2001.

  
\_\_\_\_\_  
Nancy S. Gilbert, CMC, Deputy City Clerk

ORDINANCE NUMBER: 1759-X

0-60

AN ORDINANCE TO AMEND ORDINANCE NUMBER 1552-X, THE 2000-2001 BUDGET ORDINANCE, PROVIDING AN APPROPRIATION FOR ADDITIONAL DESIGN WORK FOR THE EXPANSION OF RAMP "E"

BE IT ORDAINED, by the City Council of the City of Charlotte:

- Section 1. That the sum of \$113,931 is hereby estimated to be available from Airport Discretionary Fund, a portion of which is to be repaid from a future Federal Aviation Administration Grant and the remainder from the proceeds of future General Airport Revenue Bonds.
- Section 2. That the sum of \$113,931 is hereby appropriated to the Airports Capital Improvement Fund 2087, 52931
- Section 3. That the existence of this program may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the program and funds are to be carried forward to subsequent fiscal years until all funds are expended.
- Section 4. It is the intent of this ordinance to be effective upon its adoption.

Approved as to form:

*J. H. Marshall, Jr.*  
City Attorney

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of February, 2001, the reference having been made in Minute Book 115, and recorded in full in Ordinance Book 50, Page(s) 884.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27<sup>th</sup> day of February, 2001.

*Nancy S. Gilbert*  
Nancy S. Gilbert, CMC, Deputy City Clerk

ORDINANCE NUMBER: 1760-X

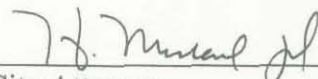
0-61

AN ORDINANCE TO AMEND ORDINANCE NUMBER 1552-X, THE 2000-2001 BUDGET ORDINANCE, PROVIDING AN APPROPRIATION FOR ADDITIONAL DESIGN WORK FOR THE EXPANSION OF CONCOURSE "E"

BE IT ORDAINED, by the City Council of the City of Charlotte:

- Section 1. That the sum of \$371,625 is hereby estimated to be available from Airport Discretionary Fund, to be repaid from the proceeds of future General Airport Revenue Bonds.
- Section 2. That the sum of \$371,625 is hereby appropriated to the Airports Capital Improvement Fund 2087 as follows:  
52929 - \$ 61,000  
52932 - \$310,625
- Section 3. That the existence of this program may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the program and funds are to be carried forward to subsequent fiscal years until all funds are expended.
- Section 4. It is the intent of this ordinance to be effective upon its adoption.

Approved as to form:

  
S. H. Murrell  
City Attorney

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of February, 2001, the reference having been made in Minute Book 115, and recorded in full in Ordinance Book 50, Page(s) 885.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27<sup>th</sup> day of February, 2001.

  
Nancy S. Gilbert, CMC, Deputy City Clerk



CITY ZONE CHANGE

Petition No. 00-67  
Mecklenburg County Parks  
and Recreation Department

ORDINANCE NO. 1761-Z

**ZONING REGULATIONS**

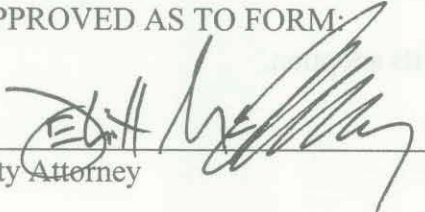
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing the property identified as approximately 12.2 acres located on the north side of Monroe Road, east of Sharon Amity Road and west of Glendora Drive, (tax parcels 163-021-56 and 20) from O-6(CD) to R-4 and O-2 on the Official Zoning Map, City of Charlotte, N.C.

SEE ATTACHED MAP

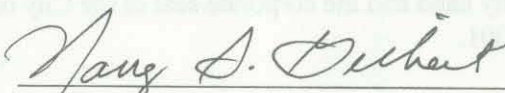
Section 2. That this ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26<sup>th</sup> day of February, 2001, the reference having been made in Minute Book 115, and recorded in full in Ordinance Book 50, Page(s) 886-887.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 2nd day of March, 2001.

  
\_\_\_\_\_  
Nancy S. Gilbert, CMC, Deputy City Clerk



Petition #: 2000-67

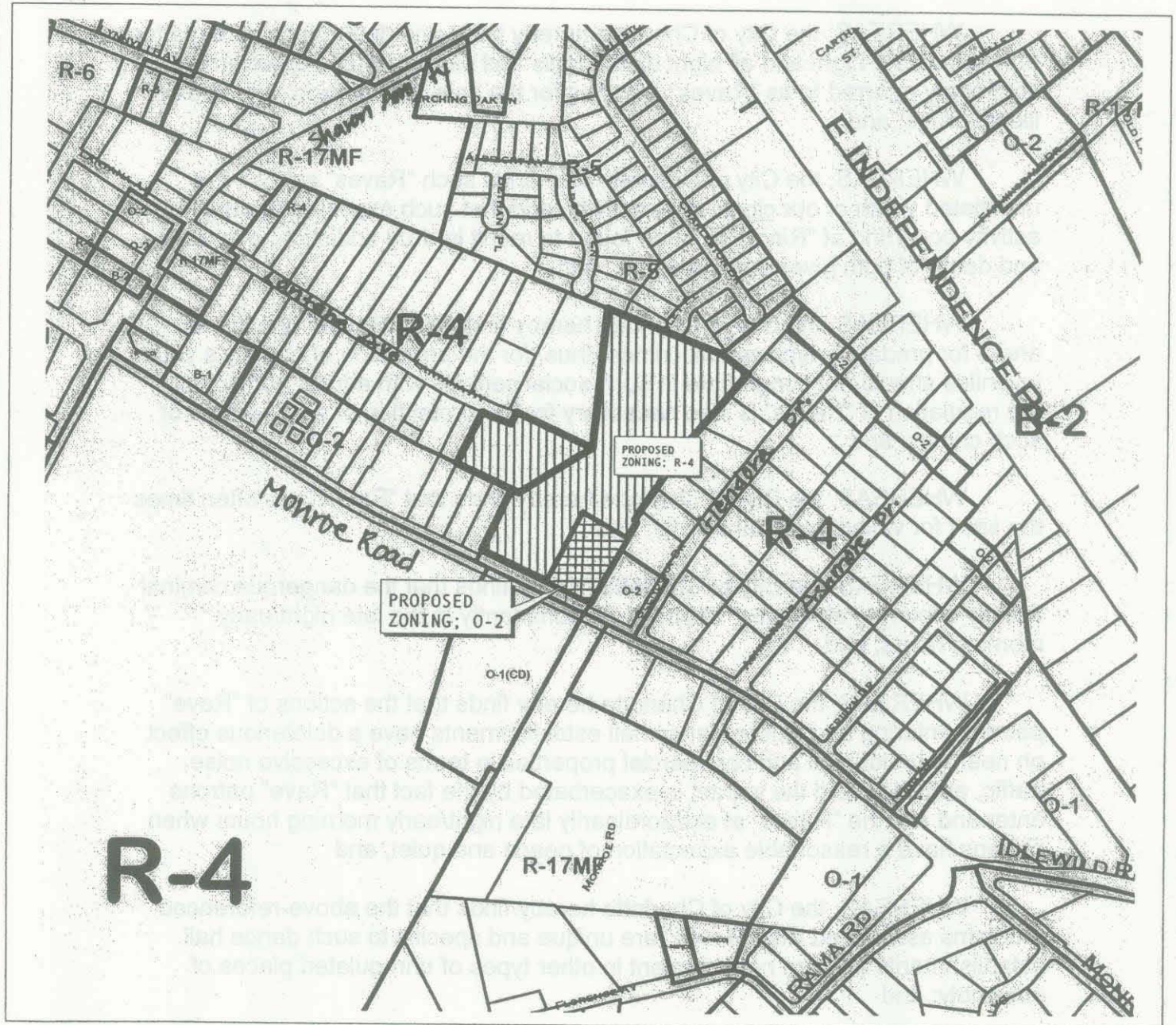
Petitioner: Mecklenburg Co.  
Park & Recreation

Hearing Date: Jan 16, 2001

Zoning Classification (Existing): 0-6 (CD)

Zoning Classification (Requested): R-4 & 0-2

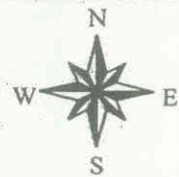
Acreeage & Location Approximately 12 acres located on the north side of Monroe Road, east of Sharon Amity Road and west of Glendora Drive.



Zoning Map #(s);

map 123

Charlotte-Mecklenburg Planning Commission





ORDINANCE NUMBER: 1762

AMENDING CHAPTER 6

**ORDINANCE AMENDING CHAPTER 6 OF THE CHARLOTTE CITY CODE  
ENTITLED "BUSINESSES AND TRADES"**

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WHEREAS, the City of Charlotte finds that its young people are a treasured resource of this community and their health, safety, and welfare is of primary concern; and

WHEREAS, the City of Charlotte hereby finds and determines as a matter of fact that late night and all night dance halls and similar forums of assembly commonly referred to as "Raves" are sites for the sale, possession, and use of illegal drugs; and

WHEREAS, the City of Charlotte also finds such "Raves" expose the uninitiated youth of our city to drug activity, and that such exposure to drug activity occurring at "Raves" is often found to result in drug addiction, overdose, and death of both juveniles and adults; and

WHEREAS, the City of Charlotte hereby finds that "Raves" provide an arena for predatory-type sexual crimes; thus, for the protection of our city's youth, juveniles should not congregate in such social settings with adults; additionally, the regulation of "Raves" is also necessary for the protection of adult victims of such crimes; and

WHEREAS, the City of Charlotte hereby finds that "Raves" are often times the sites for violent criminal activity; and

WHEREAS, the City of Charlotte hereby finds that the dangerous criminal activity occurring at "Raves" happens predominantly in the late night/early morning hours; and

WHEREAS, the City of Charlotte hereby finds that the actions of "Rave" patrons entering and exiting dance hall establishments have a deleterious effect on nearby residential and commercial properties in terms of excessive noise, traffic, and litter, and the impact is exacerbated by the fact that "Rave" patrons enter and exit the "Raves" at extraordinarily late night/early morning hours when citizens have a reasonable expectation of peace and quiet; and

WHEREAS, the City of Charlotte hereby finds that the above-referenced problems associated with "Raves" are unique and specific to such dance hall establishments and are not prevalent in other types of unregulated places of assembly; and

WHEREAS, it is the intent of the City of Charlotte to address the unique problems associated with "Raves" and other late night dance halls by regulating the hours of operation and by regulating contact between juveniles and adults at "Raves" and late night dance halls; and

WHEREAS, it is the intent of the City of Charlotte to prevent and/or reduce illegal undesirable juvenile involvement in and exposure to illegal drugs and dangerous criminal activity and, further, to protect both juveniles and adults from criminal activity that occurs at "Raves" and late night dance halls; and

WHEREAS, it is the intent of the City of Charlotte to only regulate activities that are not preempted by state law; and

WHEREAS, the City of Charlotte hereby asserts that the following purposes of the dance hall regulations set forth herein are matters of legitimate, substantial, and compelling governmental interests:

- (1) To provide juveniles and adults with a safe environment wherein they can meet, socialize, and participate in dancing and other forms of entertainment;
- (2) To protect juveniles and adults from illegal drug activity, including the sale and use of drugs, as well as drug abuse, resulting in drug overdoses, and to reduce, if not eliminate, such activity from occurring in dance halls;
- (3) To protect juveniles and adults from violent criminal activity occurring in dance halls;
- (4) To protect juveniles and adult victims from predatory-type sexual crimes occurring in dance halls;
- (5) To protect juveniles and adults from gang-related activity occurring in dance halls;
- (6) To reduce the amount of criminal activity occurring predominantly in the late night/early morning hours;
- (7) To prevent the deleterious impact of noise, traffic, and litter on adjacent residential and commercial property that occurs in the late night/early morning hours; and
- (8) To prevent the owner or operator of a dance hall from knowingly operating a dance hall that is harmful to juveniles and/or adults.

**NOW, THEREFORE BE IT ORDAINED**, by the City Council of the City of Charlotte, North Carolina that:



Section 1. Chapter 6, "Businesses and Trades," of the Charlotte City Code is amended by creating Article XI, entitled "Dance Hall Businesses," to read as follows:

#### "ARTICLE XI. DANCE HALL BUSINESSES

##### **Sec. 6-156. Purpose and authority.**

It is the purpose of this ordinance to regulate the dance hall business in order to promote the health, safety, and welfare of the citizens of the City of Charlotte and to establish reasonable and uniform regulations to prevent the harmful effects associated with late night dance establishments and "Raves."

##### **Sec. 6-157. Definitions.**

"*Adult dance hall*" means any dance hall that admits patrons eighteen (18) years of age or older.

"*Breach of the peace*" means repeated acts that disturb the public order including, but not limited to, homicide, assault, affray, communicating threats, unlawful possession of dangerous or deadly weapons, and discharging firearms.

"*Chief of police*" means the chief of the Charlotte-Mecklenburg Police Department, or his or her designee.

"*City manager*" means the city manager of the City of Charlotte, or his or her designee, who shall not be an employee of the Charlotte-Mecklenburg Police Department.

"*Conviction*" or "*convicted*" means a finding of guilt for a violation of a municipal or county ordinance or state or federal law, an adjudication withheld on such a finding of guilt, an adjudication of guilt on any plea of guilty or nolo contendere, or the forfeiture of a bond or bail when charged with a violation of a municipal or county ordinance or state or federal law.

"*Dance hall*" means any place or area of property operated as open to the public which:

- (1) Has music either live or electronically produced or transmitted; and
- (2) Has space available for dancing or dancing is permitted, whether such dancing takes place or not; and
- (3) Allows admission by payment of a direct or indirect charge, fee, donation, or any form of consideration, or by the purchase, possession, or presentation of a ticket or token.



Notwithstanding the foregoing, a "dance hall," as defined herein, does not include:

- (a) A private residence or residential facility from which the general public is excluded. A private residence does not include a structure primarily designed as a warehouse or storage structure, regardless of whether an individual is living within the structure; or
- (b) A place owned and operated by the federal, state, or local government; or
- (c) A public or private elementary school, middle school, high school, college, or university; or
- (d) A place owned or operated by a bona fide religious organization, created, organized, existing, and recognized as such pursuant to all applicable laws; or
- (e) Any establishment or place that is regulated by the Alcoholic Beverage Control Laws as set forth in Chapter 18B of the North Carolina General Statutes.

*"Dance hall regulations"* means the regulations set forth in this article.

*"Employee"* describes and pertains to any person who performs any service or entertainment upon the premises of a dance hall business whether or not the person is denominated an employee, independent contractor, agent, or otherwise, and regardless of whether or not the person is paid a salary, wage, or other compensation by the owner or operator of the business. "Employee" does not include a person exclusively on the premises for any of the following:

- (a) the repair or maintenance of the premises; or
- (b) the delivery of goods to the premises; or
- (c) the delivery of services, such as legal, accounting, insurance, or other similar services provided to businesses generally.

*"Juvenile"* means a person under eighteen (18) years of age.

*"Juvenile dance hall"* means any dance hall whose patrons or admittees are under eighteen (18) years of age.

*"Knowingly"* means with actual knowledge of a specific fact or facts or, with reasonable inquiry, a reasonable person should have known a specific fact or facts.

"Operator" means and includes any person who is both present on and in charge of any dance hall business premises.

"Owner" means the legal owner of a dance hall business and includes the following:

- (a) The owner of a sole proprietorship; or
- (b) Each member of a firm, association, or general partnership; or
- (c) Each general partner in a limited partnership; or
- (d) Each officer, director, and owner of fifty (50) percent or more of the stock of a corporation.

"Permit" or "dance hall permit" means a permit to operate a dance hall.

"Permittee" means a person in whose name a permit to operate a dance hall has been issued, as well as the individual listed as an applicant on the application for a dance hall permit.

"Person" means an individual, proprietorship, partnership, corporation, association, or other legal entity.

"Premises" means the interior of a structure and all exterior areas owned or leased by the permittee.

"Residential facility" means a detached duplex, triplex, quadraplex, attached, or multifamily dwelling, manufactured home, mobile home, group home for up to six (6) clients, boarding house, or dormitory. A residential facility specifically excludes any structure that primarily functions as a warehouse or storage structure, regardless of whether an individual is residing within the structure.

**Sec. 6-158. Permit required; application for permit.**

- (a) No adult or juvenile dance hall shall be allowed to operate without a valid dance hall permit issued by the chief of police. It shall be unlawful for any person to operate or cause to be operated a dance hall without said permit, or without the presence of an operator who has been disclosed pursuant to Section 6-158(b)(9).
- (b) An application for a permit must be made by the owner of the business on a form prescribed by the chief of police, and submitted to the Charlotte-Mecklenburg Police Department Vice and Narcotics Bureau. The completed application shall contain the following information and shall be accompanied by the following documents:



- (1) The full true name of the applicant;
- (2) The full true name under which the dance hall business will be operated and, if the business will be operated in a name other than that of the applicant, a certified copy of the assumed name certificate prepared and recorded in the Mecklenburg County Register of Deeds Office pursuant to North Carolina General Statutes 66-68 et. seq;
- (3) The type of dance hall business the applicant intends to operate;
- (4) Whether the applicant intends to serve alcoholic beverages at the dance hall business and/or apply for an ABC permit;
- (5) The address where the dance hall business is to be operated and where the books and records are maintained and available for examination by the collector of revenue, pursuant to Section 13-27 of this Code;
- (6) If the owner of the real property upon which the dance hall business is to be operated is not the applicant, the name and address for the owner of the real property upon which the business is to be operated and a copy of the lease or rental agreement;
- (7) The principal telephone number to be used by the dance hall business;
- (8) If the applicant is an individual, the applicant shall appear in person and deliver a completed and signed application form and provide the following information: (a) his or her present residence and business addresses and telephone numbers, (b) a valid driver's license or other government issued picture identification, (c) social security number, and (d) date of birth, to include month, day, and year.

If the applicant is a partnership, corporation, or limited liability company, the applicant shall designate one of its general partners, officers, or managers to act as its agent. Such person shall appear in person and deliver a completed and signed application form, and shall provide the following information: (a) his or her present residence and business addresses and telephone numbers, (b) a valid driver's license or other government issued picture identification, (c) social security number, and (d) date of birth, to include month, day, and year.

If the applicant is a partnership: (a) the name, residence address and telephone number, social security number, and date of birth, to include month, day, and year, of each partner, including limited partners, and (b) a copy of the partnership agreement. If one or more of the partners is a corporation, the provisions of this subparagraph pertaining to corporations shall apply;

If the applicant is a corporation: (a) a certified copy of the articles of incorporation, a certified copy of the certificate of authority, and a certified copy of the most recent annual report filed with the Secretary of State of North Carolina, and (b) the name, residence address and telephone number, social security number, and date of birth, to include month, day, and year, of each of its current officers and directors, and of any stockholder holding fifty (50) percent or more of the stock of the corporation, and (c) the name and address of the corporation's registered agent for service of process;

If the applicant is a limited liability company: (a) a certified copy of the articles of organization, a certified copy of the certificate of authority, and a certified copy of the most recent annual report filed with the Secretary of State of North Carolina, and (b) the name, residence address and telephone number, social security number, and date of birth, to include month, day, and year of each of its current members, and of any member holding fifty (50) percent or more interest in the company, and (c) the name and address of the corporation's registered agent for service of process;

- (9) The name, residence address and telephone number, social security number, and date of birth, to include month, day, and year, of each individual who will be an operator of the business;
  - (10) A federal tax identification number assigned to the dance hall business and a completed tax information authorization form (IRS Form 8821) authorizing only the verification of said number; and
  - (11) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch need not be to scale but must provide accurate measurements.
- (c) The application shall be sworn to be true and correct by the applicant.
- (d) The applicant shall indicate whether the application is for a juvenile dance hall or an adult dance hall.



- (e) An applicant for a permit under this section shall have a continuing duty to promptly supplement application information required by this section in the event that said information changes in any way from what is stated on the application. The applicant shall supplement the application on file with the Vice and Narcotics Bureau within thirty (30) days from the date of such change.
- (f) In the event that the Vice and Narcotics Bureau determines or learns at any time that the applicant has improperly completed the application for a dance hall permit, it shall promptly notify the applicant of such fact and allow the applicant (10) days to properly complete the application. The time period for granting or denying a license shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.
- (g) The applicant shall be required to pay a non-refundable application and investigation fee established by the City Manager.
- (h) Issuance of a dance hall permit does not excuse a permittee from compliance with any other applicable ordinance, regulation, or statute. By issuing a dance hall permit, the chief of police has not determined that the recipient is in compliance with any applicable local, state, or federal regulation or law or that the recipient is otherwise engaged in a legal activity or operating a business in a legal manner.

**Sec. 6-159. Issuance of permit.**

- (a) Within thirty (30) days after receipt of a completed application, the chief of police will approve or deny the application for a permit. Upon the expiration of the thirtieth (30<sup>th</sup>) day, unless the applicant requests and is granted a reasonable extension of time, the applicant shall be permitted to begin operating a dance hall unless and until the chief of police notifies the applicant of a denial of the application and states the reason(s) for the denial.
- (b) The chief of police shall deny the application for any of the following reasons:
  - (1) An applicant or any individual identified in the application under Section 6-158(b)(8) or (9) is under eighteen (18) years of age; or
  - (2) The application and investigation fee has not been paid; or

- (3) An applicant or any individual identified in the application under Section 6-158(b)(8) or (9) has refused to allow an inspection of the premises as authorized by Section 6-161; or
- (4) An applicant or any individual identified in the application under Section 6-158(b)(8) or (9) has overdue permit fees associated with the operation of a dance hall business; or
- (5) An applicant or any individual identified in the application under Section 6-158(b)(8) or (9) has a permit under this ordinance that is suspended or revoked; or
- (6) An applicant failed to provide the information necessary to determine the qualifications of the applicant or any individual identified in the application under Section 6-158(b)(8) or (9) for issuance of the permit, or provided materially false or misleading information on the application form; or
- (7) An applicant or any individual identified in the application under Section 6-158(b)(8) or (9) has been convicted of a crime:
  - a. Involving:
    - i. Any felony; or
    - ii. Any misdemeanor offense of or equivalent to North Carolina General Statutes §14-190.9, Indecent exposure; §14-202, Secretly peeping into room occupied by female person; §14-33, Assault; §14-34, Assault by pointing gun; §14-32.1, Assault on handicapped person, §14-288.9 Assault on emergency personnel; §14-318.2, Child abuse; §14-401.14, Ethnic intimidation; §14-277.1, Communicating threats; §14-196, Harassing phone calls; §14-277.3, Stalking; §14-269, Carrying concealed weapon; §14.269.7, Possession of handgun by minor; §14-315.1, Storage of firearm to protect minors; §14-269.3, Carrying weapon where alcoholic beverages are sold and consumed; §14-277.2, Weapons at parades; §14-204, 204.1, Prostitution, Loitering for prostitution; §14-190.5, Preparation of obscene photographs; §14-190.14, 190.15(a), Displaying/ Disseminating material harmful to minors; §14-190.15(b), Exhibiting harmful performances to minors; §14-316.1, Contributing to the delinquency of a minor; any misdemeanor offense under Articles 5, 5A, or 5B of Chapter 90 of the North Carolina General Statutes; or



- iii. Common law offenses of False imprisonment or Going armed to the terror of the people; or
- iv. Any violation of dance hall regulations of any other city, county, or state.

b. For which:

- i. Less than (2) 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 for a misdemeanor offense; or
- ii. Less than five (5) 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 for a felony offense; or
- iii. Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the conviction, whichever is the later date, if the convictions are for two (2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four month period.

An applicant who has been convicted of an offense listed in Section 6-159(b)(7)a. may qualify for a dance hall permit only when the time period required by Section 6-159(b)(7)b. has elapsed. The fact that a conviction has been appealed has no effect on the denial of the permit.

- (8) The application demonstrates or reveals information showing that the proposed business fails to meet the requirements of this article.
- (c) The permit must be posted in the dance hall in a conspicuous place at or near the entrance to the business so that it can be read easily at any time.

**Sec. 6-160. Annual permit fee.**

The permittee of a dance hall business shall be established pursuant to Section 2- 4 of the Charlotte City Code.

**Sec. 6-161. Inspection.**

An applicant or any individual identified in the application under Section 6-158(b)(8) or (9) shall permit representatives of the Charlotte-Mecklenburg

Police Department to inspect the premises for the purpose of ensuring compliance with this article prior to the issuance of a permit under this article.

**Sec. 6-162. Notices.**

Any notice required or permitted to be given by the chief of police or the city manager under this article to any applicant, permittee, owner, or operator of a dance hall business may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, to the most current address as specified in the application for the permit or any notice of change of address which has been received by the chief of police. Notices mailed as above shall be deemed given upon their deposit in the United States mail and shall be presumed to have been received on the third regular postal delivery day thereafter.

**Sec. 6-163. Computation of time.**

Unless otherwise specifically set forth in this ordinance, the time within which any act required by this ordinance is to be done shall be computed by excluding the first day and including the last day, unless the last day is Saturday, Sunday, or a Federal or State of North Carolina holiday, in which case it shall also be excluded. If the day immediately following such Saturday, Sunday, or holiday is also a Saturday, Sunday, or holiday, then such succeeding day shall also be excluded.

**Sec. 6-164. Notice of violation and suspension of a permit.**

- (a) The chief of police shall issue a notice of violation if he or she determines that a permittee, owner, operator, or employee has violated or is not in compliance with any section of this article. The notice shall specify the section(s) of this article that have been violated.
- (b) The chief of police shall suspend a dance hall permit for a period of thirty (30) days if the violation has not been corrected or abated within twenty (20) days after the notice of violation has been received by the permittee, owner, or operator.
- (c) A decision by the chief of police to suspend a license shall not become final until twenty (20) days after notice of the decision has been received by the permittee, owner, or operator.
- (d) It shall be unlawful for any person to operate or cause to be operated a dance hall business and said person knows or should know that the business has a permit which has been suspended.



**Sec. 6-165. Revocation of permit.**

- (a) The chief of police shall revoke a dance hall permit if a suspension of the permit becomes effective following a notice of violation that was issued within twelve (12) months of the effective date of a previous suspension.
- (b) The chief of police shall revoke a dance hall permit if he or she determines that:
  - (1) An applicant or permittee provided materially false or misleading information in the material submitted in the application process; or
  - (2) A permittee, owner, operator, or employee has knowingly allowed the sale, possession, or use of controlled substances in or on the premises; or
  - (3) A permittee, owner, operator, or employee of an adult dance hall has served alcoholic beverage(s) to a patron or patrons in or on the premises in violation of Chapter 18B of the North Carolina General Statutes; or
  - (4) A permittee, owner, operator, or employee of a juvenile dance hall has knowingly allowed the sale, possession, or use of any alcoholic beverage(s) in or on the premises; or
  - (5) A permittee, owner, operator, or employee of a juvenile dance hall has engaged in the consumption or use of alcoholic beverages or controlled substances in or on the premises; or
  - (6) A breach of the peace has occurred in or on the premises; or
  - (7) A permittee, owner, operator, or employee has knowingly permitted dancing or a live performance in or on the premises during a period of time when the dance hall permit was suspended.
  - (8) A permittee, owner, or operator is convicted of an offense listed in Section 6-159(7)(a) since the permit was issued. The fact that a conviction is being appealed shall have no effect on the revocation of the permit.
- (c) A decision by the chief of police to revoke a permit shall not become final until twenty (20) days after the permittee, owner, or operator has received notice of the decision.

- (d) When the chief of police revokes a permit, the revocation shall continue for one (1) year and the permittee shall not be issued a dance hall permit for one (1) year from the date the revocation became effective.
- (e) It shall be unlawful for any person to operate or cause to be operated a dance hall business and said person knows or should know that the business has a permit that has been revoked.

**Sec. 6-166. Appeal of denial, suspension, or revocation.**

- (a) After a denial of an application for a permit, a denial of an application for renewal of a permit, or a suspension or revocation of a permit, the applicant or permittee may appeal the denial, suspension, or revocation in writing to the city manager within twenty (20) days after notice of the denial, suspension, or revocation has been received. The city manager shall hold a hearing on whether to issue/renew the permit or uphold the denial, suspension, or revocation within five (5) days after the receipt of the appeal. The applicant or permittee shall have the right to present evidence at the hearing. The decision to issue/renew the permit or uphold the denial, suspension, or revocation shall be based solely on the criteria set forth in this article. The city manager shall render a decision on the appeal within five (5) business days after the date of the hearing.
- (b) Upon receipt by the city manager of a written appeal pursuant to subsection (a), above, a denial of an application for renewal of the permit or a suspension or revocation of the permit shall be stayed until a decision is rendered by the city manager. In addition, upon receipt by the city manager of a written appeal pursuant to subsection (a), above, the denial of an initial application for a permit by any dance hall existing prior to the effective date of this ordinance shall be stayed until a decision is rendered by the city manager.
- (c) The decision of the city manager is subject to review in the Superior Court of Mecklenburg County by proceedings in the nature of certiorari. Any petition for writ of certiorari for review shall be filed with the Clerk of Superior Court within thirty (30) days after notice of the decision has been received by the applicant or permittee. A denial of an application for renewal of the permit or a suspension or revocation of the permit shall be stayed until a decision is rendered by the Superior Court or the time to petition the Superior Court for a writ of certiorari has expired. In addition, the denial of an initial application for a permit by any dance hall business existing prior to the effective date of this ordinance shall be stayed until a decision is rendered by the Superior Court or the time to petition the Superior Court for a writ of certiorari has expired. The following provisions shall apply to any appeal to Superior Court from a decision of the city manager:



- (1) Unless good cause exists to contest a petition for writ of certiorari, the city shall stipulate to certiorari no later than five (5) business days after the petitioner requests such a stipulation.
- (2) The city shall transmit the record to the court no later than five (5) business days after receiving the order allowing certiorari.
- (3) Notwithstanding the provisions of any local rule of the reviewing court which allows for a longer time period, the city shall file its brief within fifteen (15) days after it is served with the petitioner's brief. If the petitioner serves his or her brief by mail, the city shall add three (3) days to this time limit, in accordance with North Carolina General Statute 1A-1, Rule 5. If the local rule is subsequently amended to provide for a shorter time period for the filing of any brief, then the shorter time period shall control.
- (d) An appeal by an applicant or permittee from the Superior Court of Mecklenburg County shall be governed by the North Carolina Rules of Appellate Procedure but, unless a court of competent jurisdiction otherwise provides, said appeal shall not stay any action taken with regard to the permit.

**Sec. 6-167. Prohibition regarding transfer of permit.**

A permittee shall not transfer a permit to another person or to another premises. The transfer of a permit shall automatically and immediately revoke the permit.

**Sec. 6-168. Expiration of permit.**

- (a) Each permit shall expire one (1) year from the date of issuance and may be renewed only by making application, as provided in Section 6-158, and paying the annual permit fee, as required by Section 6-160. Application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit shall not be affected.
- (b) When the chief of police denies renewal of the permit, the applicant shall not be issued a permit under this article for one (1) year from the date of denial. If, subsequent to the denial, the chief of police determines that the basis for the denial has been corrected, the applicant shall be granted a permit.
- (c) It shall be unlawful for any person to operate or cause to be operated a dance hall and said person knows or should know that the business has a permit that has expired.

**Sec. 6-169. Persons under eighteen (18) years of age permitted in adult dance halls.**

An adult dance hall business shall be subject to the following:

- (a) A person under sixteen (16) years of age is permitted to remain on the premises of an adult dance hall until 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, and until 12:01 a.m. on any Saturday or Sunday. A person under sixteen (16) years of age may remain on the premises of an adult dance hall after the above stated hours only if he or she is accompanied by a parent, guardian, or a person over eighteen (18) years of age authorized by the parent or guardian of such person to take the parent or guardian's place.
- (b) A person sixteen (16) or seventeen (17) years of age is permitted to remain on the premises of an adult dance hall until 12:00 midnight on any Sunday, Monday, Tuesday, Wednesday, or Thursday, and until 2:30 a. m. on any Saturday or Sunday. A person sixteen (16) or seventeen (17) years of age may remain on the premises of an adult hall after the above hours only if he or she is accompanied by a parent, guardian, or a person over eighteen (18) years of age authorized by the parent or guardian of such person to take the parent or guardian's place.
- (c) It shall be unlawful for a person to falsely represent himself or herself to be a parent, a guardian, or a person authorized by a parent or guardian of another person under eighteen (18) years of age for the purpose of gaining the other person's admission into an adult dance hall in violation of the restrictions set forth in subsections (a) and (b), above.
- (d) It shall be unlawful for a permittee, owner, operator, or employee of an adult dance hall to knowingly allow a person under eighteen (18) years of age to enter or remain upon the premises of an adult dance hall in violation of the restrictions set forth in subsections (a) and (b), above.
- (e) If a permittee, owner, operator, or employee of an adult dance hall allows a person under sixteen (16) years of age to enter the premises, then it shall be unlawful for said permittee, owner, operator, or employee to maintain or operate the premises without conspicuously posting a sign at each entrance to the business that clearly reads: "It is unlawful for a person under sixteen (16) years of age to remain on these premises after 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, and after 12:01 a.m. on any Saturday or Sunday unless he or she is accompanied by a parent, guardian, or a person over eighteen (18) years of age authorized by the parent or guardian of such person to take the parent or guardian's place."



- (f) If a permittee, owner, operator, or employee allows a person sixteen (16) or seventeen (17) years of age to enter the premises, then it shall be unlawful for said permittee, owner, operator, or employee to maintain or operate the premises without conspicuously posting a sign at each entrance to the business that clearly reads: "It is unlawful for a person sixteen (16) or seventeen (17) years of age to remain on these premises after 12:00 midnight on any Sunday, Monday, Tuesday, Wednesday, or Thursday, and after 2:00 a. m. on any Saturday or Sunday unless he or she is accompanied by a parent, guardian, or a person over eighteen (18) years of age authorized by the parent or guardian of such person to take the parent or guardian's place."

**Sec. 6-170. Persons eighteen (18) years of age and over prohibited in juvenile dance halls.**

A juvenile dance hall business, regardless of whether or not a permit has been issued for said business under this article, shall be subject to the following:

- (a) It shall be unlawful for a person eighteen (18) years of age and over to enter a juvenile dance hall.
- (b) It shall be unlawful for a person to falsely represent himself or herself to be under eighteen (18) years of age for the purpose of gaining admission to a juvenile dance hall.
- (c) It shall be unlawful for a permittee, owner, operator, or employee of a juvenile dance hall to knowingly allow a person eighteen (18) years of age or older to enter or remain upon the premises of a juvenile dance hall.
- (d) It shall be unlawful for a permittee, owner, operator, or employee of a juvenile dance hall to maintain or operate the premises without posting a conspicuous sign at the entrance to the business that clearly reads: "It is unlawful for any person eighteen (18) years of age or over to enter these premises."
- (e) It is a defense to a prosecution under subsection (a) or (c), above, that the person is:
  - (1) A permittee, owner, operator, or employee of the dance hall; or
  - (2) A parent or guardian of a person inside the dance hall; or
  - (3) A governmental employee in the performance of official duties.
  - (4) A person exclusively on the premises for the repair or maintenance of the premises, the delivery of goods to the premises, or the

delivery of services, such as legal, accounting, insurance, or other similar services provided to businesses generally.

**Sec 6-171. Hours of operation; juvenile dance halls.**

A juvenile dance hall, regardless of whether or not a permit has been issued for said business under this article, shall be subject to the following:

- (a) It shall be unlawful to operate a juvenile dance hall during any hours other than between 4:00 p.m. and 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, and Thursday, or between 4:00 p.m. on Friday and 12:01 a.m. on the following day (Saturday), or between 1:00 p.m. on Saturday and 12:01 a.m. on the following day (Sunday).
- (b) It shall be unlawful for any person to enter or remain in or upon the premises of a juvenile dance hall other than during the hours set forth in subsection (a), above, unless the person is a permittee, owner, operator, or employee of the dance hall, or a person as described in Section 6-170(e)(3) and (4).

**Sec. 6-172. Public safety.**

- (a) Security. The following security shall be provided at all dance halls:
  - (1) Exterior security officers, consisting of off-duty (extra-duty) sworn law enforcement officers, of a number as determined appropriate in an application to the law enforcement agency requesting the same, which number shall not be less than two (2); provided, however, one (1) exterior security officer may be permitted in the event two (2) immediately adjacent establishments mutually utilize the same two (2) officers, and said arrangement is approved by the law enforcement agency assigning said officers. Exterior security officers shall only be required if the number of occupants exceeds two hundred and fifty (250).
  - (2) When required, exterior security personnel shall be provided seven (7) days a week.
- (b) No person shall operate a dance hall in violation of any applicable provisions of Chapter 8 of the Charlotte City Code, entitled "Fire Prevention and Protection."

**Sec. 6-173. Zoning.**

No person shall operate a dance hall in violation of any applicable provisions of the Zoning Ordinance of the City of Charlotte.



**Sec. 6-174. Dance hall operator.**

It shall be unlawful for an operator of a dance hall to fail to remain on the premises during all hours of operation and until thirty (30) minutes after closing time, to ensure that the operation is conducted in accordance with the requirements of this article.

**Sec. 6-175. Regulations governing existing dance hall businesses.**

Any adult or juvenile dance hall existing prior to the effective date of this ordinance shall comply with the regulations contained herein ninety (90) days after the effective date of this ordinance.

**Sec. 6-176. Penalties and remedies.**

Any person who knowingly violates any of the following provisions of this article shall be guilty of a misdemeanor as provided in North Carolina General Statute 14-4 and, upon conviction, shall be subject to a maximum fine of five hundred dollars (\$500.00), or imprisonment, or both: 6-158(a), 6-164(d), 6-165(e), 6-168(c), 6-169(c)-(f), 6-170(a)-(d), 6-171(a)-(b), and 6-174. Each violation shall be considered a separate and distinct offense, and each day of continued violation shall be considered as a separate offense. The issuance of a notice of violation or a suspension or revocation of a dance hall permit shall not prohibit the imposition of a criminal penalty, and the imposition of a criminal penalty shall not prevent the issuance of a notice of violation or a suspension or revocation of the permit.

**Sec. 6-177. Civil injunction.**


In addition to the issuance of a notice of a violation, the suspension or revocation of a dance hall permit, or a prosecution for criminal violations, any person who violates this article may be subject to all civil and equitable remedies stated in North Carolina General Statute 160A-175.

**Sec. 6-178. Severability.**

In the event that any provision of this article, or any part thereof, or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or otherwise invalid or ineffective by any court of competent jurisdiction on its face or as applied, such holding shall not affect the validity or effectiveness of any of the remaining provisions of this article or any part thereof, or any application thereof to any person or circumstance, or of said provision as applied to any other person or circumstance. It is hereby declared to be the legislative intent of the city council that this article would have been adopted had such unconstitutional, invalid, or ineffective provision not been included herein."

Section 2. This ordinance shall become effective on April 23, 2001.

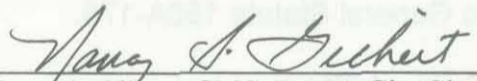
Approved As to Form:

  
\_\_\_\_\_  
Asst. City Attorney

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 26th day of February, 2001, the reference having been made in Minute Book 115, and recorded in full in Ordinance Book 50, Page(s) 888-906.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of February, 2001.

  
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Nancy S. Gilbert, CMC, Deputy City Clerk