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ORDINANCE NO. 1672

AN ORDINANCE OF THE CITY OF CHULA VISTA REPEALING SECTIONS 5.26.240 THROUGH 5.26.440 OF THE CHULA VISTA MUNICIPAL CODE AND ADDING NEW SECTIONS 5.26.240 THROUGH 5.26.430 RELATING TO THE REGULATION AND CONDUCT OF YOUTH DANCES

The City Council of the City of Chula Vista does hereby ordain as follows:

SECTION I: That Sections 5.26.240 through 5.26.440 of the Chula Vista Municipal Code be and the same are hereby repealed, which sections include a portion of Ordinance 842 and all of Ordinance 911.

SECTION II: That the Chula Vista Municipal Code be and the same is hereby amended by adding thereto new Sections 5.26.240 through 5.26.430 to read as follows:

Sec. 5.26.240 Youth dances - Purpose and Intent of provisions - Definitions.

It is the intent of the City Council of the City of Chula Vista to prescribe procedures for the licensing and regulation of public youth dances. It is the purpose of the Council, by means of these regulations to control youth dances and encourage orderly and well-supervised social activities in the interest of public health, safety, and morality. For the purpose of this chapter, the following words and phrases are defined and shall be construed as hereinafter set out in this section unless it shall be apparent from the context that they have a different meaning:

- A. "Adult" shall mean any person twenty-one years of age or over.
- B. "Adult sponsoring group" shall mean a non-profit organization whose primary object is to sponsor, regulate and control youth activities and which assumes full and complete responsibility for the direction of a youth dance, the receipts or contributions from which are to be expended only for future dances or the promotion of other youth activities.
- C. "Board" shall mean the City Parks and Recreation Commission duly appointed by the Council.
- D. "Police Officer" shall include any private police officer properly licensed by the state and approved by the Chief of Police or any peace officer whether on duty or off duty, reserve deputy or special deputy employed by any public agency or political subdivision.
- E. "Private youth dance" shall mean a closed dance for members of an organization and their invited guests.

- F. "Youth" shall mean any person of junior high school or senior high school age.
- G. "Youth dance" shall mean a dance held or conducted exclusively for youth unaccompanied by their parent or guardian.
- H. "Youth service organization" shall include any bona fide organization whose primary purpose is to provide moral or spiritual development, education, or recreation for young people.

Sec. 5.26.250 Youth dances - Applicability of provisions - Exceptions.

- A. The sections herein in this chapter contained relating to the youth dances shall mean those dances conducted or supervised by an adult sponsoring group on privately owned property or upon publicly owned recreation property.
- B. EXCEPTIONS: The provisions of this chapter relating to permit requirements shall not apply to any youth dance conducted or sponsored:
  - 1. By any agency or department of any city, political subdivision, school district or other governmental agency;
  - 2. In a private home;
  - 3. By any recognized youth service organization for its members and guests only; provided, however, that the guests shall not exceed the number of members present.

Sec. 5.26.260 Youth dances - Permit and approval required.

- A. In addition to any other permit or license required by law or this code, it is unlawful for any person to conduct or sponsor any youth dance in the city except in accordance with the terms of this chapter and after obtaining a permit therefor as provided herein.
- B. It is unlawful for any adult sponsoring group to conduct a youth dance unless such adult sponsoring group has been approved by the Chief of Police and has assumed full and complete responsibility for the event, its direction and fees.

Sec. 5.26.270 Youth dances - Permit classifications.

The following classes of youth dance permits may be issued by the police department:

- A. Adult sponsoring group permits:
  - 1. A Class A permit which is issued by the Chief of Police for a period of one calendar year;

said permit may be issued only to those adult sponsoring groups which present evidence of an intention to actively carry out the objectives of their organization on a permanent or long-range basis;

2. A Class B permit which is issued for one day or one night only; said permit may be issued by the Chief of Police to sponsoring groups which have been organized for a limited objective and a short period of time.

Sec. 5.26.280 Youth dances - Application for Permit-Contents

An application for permit shall be made to the Chief of Police upon a form prescribed by the police department. The application shall be filed not less than fifteen days prior to the scheduled date of the youth dance. The application shall contain the following:

- A. The names and address of the applicant or applicants;
- B. The date upon which the dance is to be held or in the case of a Class A permit, the approximate number of dances held and the dates thereof;
- C. The approximate attendance expected at said dances;
- D. The names, addresses and telephone numbers of all chaperones or supervisors as may be required by this chapter. In the event the permit is to be issued for more than one dance, the applicant shall provide at least five days prior to the dance such names, addresses and telephone numbers of chaperones or supervisors who will be in attendance at the dances if any changes occur from those chaperones or supervisors originally submitted;
- E. Class of permit and facts upon which applicant bases his request for the class of permit applied for;
- F. A statement of disbursement of proceeds or profits indicating percentage to be given to youth activities.
- G. A statement regarding the place or premises where the youth dance is to be held and containing the following information:
  1. That the premises are reasonably adequate to hold the dance and comply with the provisions of this chapter,
  2. That the premises do not violate any ordinance of the city or law of the state relating to health, safety and fire,
  3. The maximum number of persons that can be safely accommodated on the premises.

4. That the premises are designed in such a manner and supervision will be provided so as to comply with all requirements of this chapter.

The application shall be signed under penalty of perjury and be accompanied by the applicable fee. The application may be signed by any member of the adult sponsoring group.

Sec. 5.26.290 Youth dances - Fees for permits - Refunds.

The fees for permits issued under this chapter shall be payable to the police department in advance, and for the several classes of permits herein provided the fees shall be as follows:

- A. Sponsor's Class A permit - \$15.00;
- B. For all Class B permits - \$5.00.

In the event that the application is denied or the permit is revoked, no part of the applicable fee shall be refunded.

Sec. 5.26.300 Youth dances - Grounds for suspension or revocation of permit.

Any permit may be revoked or suspended by the Chief of Police upon any of the following grounds:

- A. The misrepresentation of a material fact in the application for a permit by an applicant or by the holder of a permit;
- B. The violation of any provision of this chapter by the holder of a permit;
- C. When the continuance of a permit would be contrary to the public health, safety, welfare, peace or morals.

Sec. 5.26.310 Youth dances - Use of alcoholic beverages or narcotics prohibited.

- A. No alcoholic beverages or narcotics of any type shall be sold, consumed, or be available on the premises in or about which any youth dance is held.
- B. This section shall not apply to premises where the area to be occupied by such youth dance is physically divided and separated from the rest of the premises, and at least one chaperone, supervisor or police officer is stationed to prevent entrance to any area where alcoholic beverages are sold, consumed or available, and there can be no contact between the patrons of such area occupied by the youth dance and the patrons in the remainder of the premises during the time such dance shall be in progress.

Sec. 5.26.380 Youth dances - Adequate lighting designated.

All places where youth dances are held shall be adequately lighted at all times when open for dances and the intensity of illumination shall not be less than one foot candle in all parts of the building and premises accessible to participants.

Sec. 5.26.390 Youth dances - Rule and regulation adoption authority.

The Board is hereby authorized and empowered to adopt such rules and regulations as it may deem necessary to carry out the purpose of this chapter.

Sec. 5.26.400 Youth dances - Access for enforcement personnel authorized.

Any officer of the Police Department or any member of a fire department charged with the duty of law enforcement or any authorized city official shall have free access at all times to any youth dance issued a permit under the provisions of this chapter.

Sec. 5.26.410 Youth dances - Financial report required.

A financial report showing gross intake, costs of dance and funds remaining for youth activities or charitable purposes, shall be submitted to the Chief of Police within thirty (30) days after the event.

Sec. 5.26.420 Youth dances - Posting of provisions and permit required.

Copies of this ordinance and a copy of the adult sponsoring group permit in a form as provided by or approved by the Chief of Police shall be conspicuously posted on any premises either private or public during the time any youth dance is in progress. A copy shall be posted at each entrance or exit and at least two additional places upon the premises.

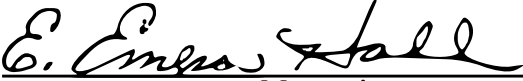
Sec. 5.26.430 Violation - Penalty.

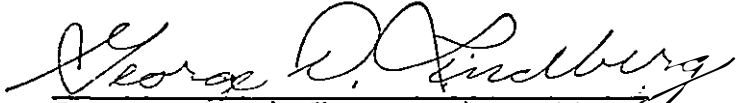
A violation of any provision or the failure to comply with any of the requirements of this ordinance shall constitute a misdemeanor. Any person convicted of such violation or such failure shall be punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

SECTION III: This ordinance shall take effect and be in force on the thirty-first day from and after its passage.

Presented by

Approved as to form by

  
E. Emerson Hall  
E. Emerson Hall, Director  
of Parks and Recreation

  
George D. Lindberg  
George D. Lindberg, City Attorney

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
CHULA VISTA, CALIFORNIA this 23rd day of March,  
1976, by the following vote, to-wit:

AYES: *Councilmen* Scott, Hobel, Hamilton, Hyde, Egdahl  
NAYES: *Councilmen* None  
ABSENT: *Councilmen* None

Thomas D. Hamilton Jr.  
Mayor of the City of Chula Vista

ATTEST Jennie M Fulasz  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO ) ss.  
CITY OF CHULA VISTA )

I, JENNIE M. FULASZ, CMC, City Clerk of the City of Chula Vista,  
California, DO HEREBY CERTIFY that the above and foregoing is a full,  
true and correct copy of \_\_\_\_\_ and  
that the same has not been amended or repealed.

DATED \_\_\_\_\_

\_\_\_\_\_  
City Clerk

(SEAL)