
M E M O R A N D U M

DATE: April 9, 2002
TO: City Council Members
FROM: Russell Weeks
RE: Legislative Action Item: Proposed Amendments to Chapter 9.04 titled *Dancehalls, Restaurants, Taverns and Private Clubs* and Section 11.44.070 titled *Curfew for Minors*.
CC: Cindy Gust-Jenson, Rocky Fluhart, Margaret Hunt, Police Chief Rick Dinse, Janet Wolf, David Dobbins, Angela Romero

This memorandum addresses the recommendations and surveys by the Youth City Government pertaining to proposed amendments to Chapter 9.04 titled *Dancehalls, Restaurants, Taverns and Private Clubs* and Section 11.44.070 titled *Curfew for Minors*.

According to the transmittal to the City Council, the Youth City Government recommends a minimum age be required to enter dancehalls and clubs that do not serve alcoholic beverages. The Youth City Government recommends that the curfew age be set at 16 years of age. The Youth City Government also recommends that the term “organized dance” in Section 11.44.070 be defined as dances sponsored by churches, schools and community-based organizations.

The Youth City Government’s surveys stem from a December 11, 2001, City Council action in which the Council adopted a legislative action item requesting the Administration to amend Chapter 9.04, *Dancehalls, Restaurants, Taverns and Private Clubs* and Section 11.44.070, *Curfew for Minors*. The Council unanimously voted to adopt the action item and refer the issue to the Administration for review and drafting.

Council Members David Buhler, Tom Rogan, and Roger Thompson originally sponsored the action item. The three proposed to amend Chapter 9.04 and Section 11.44.070 to include language that:

- Establishes a minimum age of 18 years for entering and dancing at dancehalls or dance clubs that do not serve alcoholic beverages and remain open beyond the curfew hours for minors.
- Exempts minimum age requirements for any dancehall or dance club that does not serve alcoholic beverages and closes to meet curfew regulations.
- Clarifies language in Section 11.44.070 Subsection D4 to make clear that the term “organized dance” includes dances organized by churches or schools.

The three Council Members suggested that their proposal be referred to the Youth City Government for review and that the Youth City Government make recommendations for City

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Council consideration before the ordinances are amended. The Council Members suggested that policy issues the Youth City Government could consider were:

- Is it valid public policy to establish a minimum age for patronizing a business such as a dance club that does not serve alcoholic beverages but that adults also patronize?
- What is an appropriate age for legal minors to interact socially with adults in places such as dance clubs?
- Is it valid public policy to encourage a potential market that would cater only to teenagers?

BACKGROUND

The proposal originated from three issues that arose during the City Council's consideration of a proposal to extend the hours for dancehalls and dance clubs. Council Members noted that ordinances in some cities separated the social activities of minors and adults while other cities' ordinances relied on curfew laws to regulate minor's activities.

Coincidentally, some City Council Members received information that at least one Salt Lake City dance club that did not serve alcoholic beverages allowed fifth- and sixth-graders to patronize its business as well as adults, and that Salt Lake City's curfew ordinance did not appear to be enforced at that club.

Third, some police officers voiced concerns about language in City Code Section 11.44.070 Subsection D 4. According to them, the term "organized dance" is ambiguous and hinders their enforcement of curfew regulations.

Research indicated that regulation of minors in dance clubs in other cities appears to run a spectrum of methods. Denver allows dance halls and public dances to continue until 2 a.m. "provided, however, that nothing herein shall be construed to affect the curfew provisions of this Code relative to minors." Fargo, North Dakota, also relies on its curfew ordinance to regulate the activities of minors. Charlotte, North Carolina, permits people under age 16 patronize adult dance halls until 11 p.m. on weekdays and midnight on weekends. People ages 16 and 17 are permitted in adult dance halls until midnight on weekdays or 2:30 a.m. on weekends. Adult dance halls are required to post signs "conspicuously at each entrance of the business" to show how late minors can stay at the dance halls. Charlotte also has a provision in its ordinances for juvenile dance halls that makes it "unlawful for a person eighteen (18) years of age and over to enter a juvenile dance hall." Madison, Wisconsin, prohibits "any person under the age of eighteen (18) to attend or take part in any public dance unless such person is chaperoned by a parent or legal guardian or unless the dance is held under the auspices of school or church authority or a parent-teacher association or the Madison Board of Education." Madison's ordinances also contain provisions for "private teen dance clubs." The provisions define the clubs as "primarily for persons between the ages of fourteen (14) and eighteen (18). The ordinances prohibit anyone under age 14 to enter a private dance club unless accompanied by a parent or guardian. They also require operators of a private dance club to "discourage the attendance as such dances of persons eighteen years of age or older." Ordinances of Clearwater, Florida, which were patterned after ordinances in Tampa and St. Petersburg prohibit anyone under age 18 to enter an adult dance hall. The ordinances also contain provisions for juvenile dance halls. The provisions bar anyone age 18 or older from entering a juvenile dance hall.

Council staff has attached the existing City ordinance pertaining to curfew for minors.

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