

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**S. B. No. 128**

**Senator Strahorn**

**Cosponsors: Senators Turner, Smith, Wagoner**

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**A B I L L**

To enact sections 503.70 to 503.78 and 503.99 of the 1  
Revised Code to permit townships to issue permits 2  
for public dances. 3

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 503.70, 503.71, 503.72, 503.73, 4  
503.74, 503.75, 503.76, 503.77, 503.78, and 503.99 of the Revised 5  
Code be enacted to read as follows: 6

**Sec. 503.70.** As used in sections 503.70 to 503.78 of the 7  
Revised Code: 8

(A) "Applicant" means an individual who is at least 9  
twenty-one years of age, has not been convicted of a felony within 10  
the ten-year period before the filing of the application for a 11  
public dance permit, has not been convicted of a misdemeanor 12  
involving moral turpitude within the five-year period before the 13  
filing of the application for a public dance permit, has not had a 14  
liquor permit revoked or not renewed under Chapter 4303. of the 15  
Revised Code within the five-year period before the filing of the 16  
application for a public dance permit, and has not had a public 17  
dance permit revoked within the one-year period before the filing 18  
of the application for a public dance permit. 19

(B) "Public dance" means any dance to which the general public may obtain admission, with the payment of a fee or cover charge, including, but not limited to, any dance conducted or permitted in connection with the operation of a restaurant, hotel, or other place where food or drinks are sold for consumption on the premises, but excluding all of the following:

(1) A dance held on property owned by the state, the township, or any other political subdivision of the state;

(2) A dance conducted by an organization that is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended;

(3) A dance held on the permit premises of a permit holder under Chapter 4303. of the Revised Code if the total dance floor area is less than one hundred square feet and the premises is open to the public only during the hours when beer or intoxicating liquor may lawfully be served.

**Sec. 503.71.** A board of township trustees, by resolution, may require an individual intending to conduct a public dance to obtain a permit from the township in accordance with sections 503.70 to 503.78 of the Revised Code. The resolution shall specify whether a permit must be obtained for each dance or on an annual basis for all dances during the year, or it may offer both options. The resolution shall require the applicant to apply to the board of township trustees for a permit.

The resolution also shall establish a public dance permit review board to conduct hearings under section 503.78 of the Revised Code. The board shall consist of a representative from the board of township trustees, a representative from the township or county zoning department, whichever is applicable, a representative from the township fire department or the department with which the township contracts to provide fire service, a

representative from the county building department, a 51  
representative from the county board of health, and two township 52  
residents. The person representing the board of township trustees 53  
shall serve as chair of the board. 54

**Sec. 503.72.** (A) Applications for a public dance permit shall 55  
be filed with the board of township trustees on a form provided by 56  
the board. An individual applying for a permit shall qualify as an 57  
applicant. In an application, the applicant shall identify the 58  
days and hours of operation of the proposed public dance or 59  
dances, the location and owner of the premises where each dance 60  
will take place, and the location and owner of any premises to be 61  
used for parking or other purposes related to each dance. 62

The board shall review each application and may, when 64  
appropriate, delegate the review to a township employee or to the 65  
chief of police of the township police department or, if there is 66  
no township police department, to the sheriff. After conducting an 67  
investigation to ensure that all qualifications have been met, the 68  
board shall issue a public dance permit to the applicant if all 69  
qualifications are met and the proper fees have been paid. The 70  
board shall review each application and award or deny a permit 71  
within thirty days after receipt of the application. 72

(B) In order to receive a public dance permit, all of the 73  
following qualifications shall be met in addition to those 74  
specified in division (A) of this section: 75

(1) The premises specified in the application shall be found 76  
to be in compliance with all applicable building, fire, zoning, 77  
and health code requirements. 78

(2) The applicant shall submit a written plan sufficient to 79  
convince the board that the applicant will provide security during 80  
and immediately after the dance sufficient to prevent or 81

peacefully to stop unlawful conduct, including, but not limited 82  
to, assaults, thefts, vandalism, disorderly conduct, public 83  
intoxication, sale or possession of unlawful substances, trespass, 84  
littering, or loitering. The plan also shall assure the board that 85  
the issuance of the permit will not substantially compromise 86  
public decency, morals, or good order, or result in the 87  
disturbance of the peace and quiet of the surrounding 88  
neighborhood. 89

(3) A bond in favor of the township shall be provided in the 90  
amount of one thousand dollars per dance or ten thousand dollars 91  
per year, whichever is less, to cover the costs that may be 92  
incurred in responding to any public disturbance or unlawful 93  
conduct occurring on the premises where a public dance takes place 94  
or on the premises used for parking or other purposes related to 95  
the dance, either during or immediately after the dance. 96

(4) Subject to division (C) of this section, the following 97  
fees shall either accompany the application or be paid upon 98  
approval of the permit: 99

(a) For a single public dance permit, a nonrefundable fifteen 100  
dollar application fee and, upon approval of the permit, a 101  
nonrefundable fifty-dollar permit fee for the permit; 102

(b) For an annual public dance permit, a nonrefundable 103  
fifteen-dollar application fee and, upon approval of the permit, a 104  
nonrefundable one-thousand-dollar permit fee. 105

(C) Annual permits granted under this section shall expire on 106  
the thirty-first day of December of the year of their issuance. 107  
For an annual dance permit issued after the thirtieth day of 108  
April, the township shall prorate the permit fee under division 109  
(B) of this section on a monthly basis. 110

(D) A public dance permit issued under this section is 111  
nontransferable. 112

Sec. 503.73. (A) No person issued a public dance permit shall 113  
recklessly allow a minor unaccompanied by a parent or legal 114  
guardian to attend or remain at a public dance between the hours 115  
of midnight and five a.m. 116

(B) No person in control of a public dance permit premises 117  
shall do any of the following: 118

(1) Recklessly allow any person other than an employee or 119  
agent of the permit holder to remain within any building or other 120  
structure of the premises or on exterior property of the premises 121  
more than thirty minutes after a public dance ends; 122

(2) Knowingly allow any person under the influence of beer or 123  
intoxicating liquor to enter or remain on the premises during or 124  
immediately after a public dance; 125

(3) Knowingly allow any disorderly or riotous conduct or 126  
illegal activity of any kind on the premises by employees or 127  
agents of the permit holder, customers, or other persons in 128  
attendance or present on the premises during or immediately after 129  
a public dance. 130

Sec. 503.74. A person issued a public dance permit shall do 131  
both of the following: 132

(A) Post the permit in a conspicuous place on the permit 133  
premises; and 134

(B) Illuminate the permit premises with fully functional 135  
lighting, including, but not limited to, its common areas, parking 136  
lots, sidewalks, and areas of ingress and egress, during all hours 137  
of operation after dusk and before dawn. 138

Sec. 503.75. (A) The chief of police of the township police 139  
department or other appropriate policing authority, as the case 140  
may be, and the relevant peace officers, fire department 141

inspectors, and building inspectors shall have access at all times 142  
to any premises for which a public dance permit has been issued. 143

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(B) A person issued a public dance permit shall submit to the 145  
board of township trustees an amended application form within 146  
thirty days after any change in the information contained in the 147  
application submitted under section 503.72 of the Revised Code, 148  
including a change in name or address. 149

Sec. 503.76. After holding a public hearing, the board of 150  
township trustees may revoke a public dance permit for good cause 151  
shown. For this purpose, "good cause" includes, but is not limited 152  
to, the following: 153

(A) A violation of any federal, state, or local law, rule, or 154  
regulation applicable to the business or premises where a public 155  
dance takes place; and 156

(B) Failure of the permit holder to prevent or peacefully 157  
stop, on more than one occasion, a public disturbance or unlawful 158  
conduct on the premises where a public dance takes place, or on 159  
the premises used for parking or other purposes in conjunction 160  
with the public dance, by one or more employees or agents of the 161  
permit holder, customers, or other persons attending the public 162  
dance or present on the premises during or immediately after the 163  
dance. 164

Sec. 503.77. Upon the order of the chief of police of the 165  
township police department or other appropriate policing 166  
authority, as the case may be, or the chief of police's or 167  
policing authority's authorized designee, a peace officer may 168  
close down a public dance, and require all persons to vacate the 169  
premises where it is taking place, when necessary to disperse a 170  
riotous crowd or prevent serious bodily harm to persons on the 171

premises. 172

Sec. 503.78. (A) Any individual who is denied a public dance 173  
permit or has a public dance permit revoked, and any individual 174  
whose bond for a public dance permit is charged with costs 175  
incurred by the township in responding to any public disturbance 176  
or unlawful conduct occurring on the premises where the public 177  
dance took place or on the premises used for parking or other 178  
purposes related to the dance, either during or immediately after 179  
the dance, may appeal that determination by filing a written 180  
request for a hearing with the board of township trustees within 181  
fifteen days after the date of the denial, revocation, or receipt 182  
of notice of the costs charged. 183

Upon receipt of such a request, the board of township 184  
trustees shall set a time and place for a hearing before the 185  
public dance permit review board, notify the public dance permit 186  
review board of this hearing, and, at least ten calendar days 187  
before the date set for the hearing, send written notice of its 188  
time and place by regular mail to the appellant. 189

(B) At the hearing, the board of township trustees and the 190  
appellant may present written and oral evidence and witnesses. 191  
Failure of the appellant or the appellant's representative to 192  
appear at the hearing shall have the same effect as if no appeal 193  
had been filed. 194

(C) An appeal does not automatically operate as a stay of a 195  
denial or revocation of a public dance permit or action against 196  
the appellant's bond. If an appellant desires a stay of the denial 197  
or revocation of a permit, or action against the appellant's bond, 198  
pending the outcome of the hearing, the appellant shall separately 199  
apply in writing to the public dance permit review board for a 200  
stay pending the hearing, setting forth the reasons for the 201

requested stay. Within five business days after receipt of a 202  
request for a stay, the public dance permit review board shall 203  
determine if it finds sufficient cause for the requested stay and 204  
issue a decision on that request. 205

(D) Within fifteen business days after the conclusion of the 206  
hearing, the public dance permit review board, in writing, shall 207  
sustain, modify, or reverse the decision from which the appeal is 208  
taken. This determination shall be considered a final decision of 209  
the board for purposes of section 2506.01 of the Revised Code. 210

**Sec. 503.99.** (A) A person required to have a public dance 211  
permit under a resolution adopted under section 503.71 of the 212  
Revised Code, who fails to obtain the permit before conducting a 213  
public dance is guilty of a misdemeanor of the fourth degree upon 214  
an initial conviction for such a failure and a misdemeanor of the 215  
first degree upon each subsequent conviction for such a failure. 216

(B) A person who violates division (A) or (B)(1), (2), or (3) 217  
of section 503.73 of the Revised Code or who fails to comply with 218  
division (A) or (B) of section 503.74 of the Revised Code is 219  
guilty of a misdemeanor of the fourth degree upon an initial 220  
conviction for any such violation or any such failure and a 221  
misdemeanor of the first degree upon each subsequent conviction 222  
for any such violation or any such failure. 223