

**Ordinance No. 868**

**AMEND TITLE 4, CHAPTER 4-4 PUBLIC DANCES OF  
THE ARTESIA MUNICIPAL CODE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARTESIA, NEW  
MEXICO:**

Title 4, Sections 4-4-1 through 4-4-7, inclusive, Public Dances are hereby repealed.

**BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARTESIA,  
NEW MEXICO:**

Title 4, Chapter 4 of the Artesia City Code is hereby Amended by the addition of the following provisions:

**CHAPTER 4 PUBLIC DANCES**

**4-4-1: DEFINITIONS:**

When used in this chapter, the following words and terms shall have the following meanings:

**PERSON:** Means and includes a natural person or persons, singular or plural, as the case might be, associations, partnerships, and profit and nonprofit corporations.

**POLICE OFFICER AND POLICE OFFICERS; CHIEF:** Means and refers to those persons holding a commission from the city council as members of the police department of the city, including both regular and reserve police officers; and "chief" means the chief of police of the police department of the city and the acting chief in his absence.

**PRIVATE SECURITY OFFICERS:** Means employees of a security agency provided to serve as security personnel for others.

**PUBLIC DANCE:** A dance that may be attended by the public generally upon payment of an admission charge, but the term "public dance" does not include dances sponsored by the Artesia public schools.

**SECURITY AGENCY; PRIVATE SECURITY OFFICERS:** Any private business holding a license from the state to provide security personnel and security services to others.

**4-4-2: APPLICATION FOR PERMIT:**

A. Any person desiring to hold a public dance in the city shall file an application therefor with the chief at least five (5) days prior to the proposed commencement time of such public dance. Such application shall be in writing and shall contain the following information:

1. The name of the official sponsor of the dance.
2. The location where the public dance will be held.
3. The date and hours of the proposed public dance, which shall not be different from the hours specified in this chapter unless authorized by the city council.

4. A statement as to whether police officers or private security officers are to be provided for the dance and, if private security officers are to be provided, a statement signed by the security agency providing the officers that satisfactory arrangements have been made and that at least four (4) private security officers will be provided on the date and for the hours that the dance is to be held, giving the name of the agency and state license number thereof.
  5. The total number of individuals expected to attend.
  - 6; If the dance is to be held within a structure, the total square footage of the area to be utilized for the dance, the number of exits provided, and whether the structure has a fire sprinkler system.
- B. The application shall be submitted in duplicate and signed by a person having authority to make the application for the sponsor, showing such person's title or authority.

#### **4-4-3: HOURS:**

All public dances held in the city shall be held from eight o'clock (8.00) P.M. until twelve o'clock (12:00) midnight unless the city council authorizes other hours in specific instances.

#### **4-4-4: SECURITY OFFICERS:**

- A. Officers Required: No public dance shall be held in the city unless there are four (4) security officers, either police officers or private security officers, on duty on the premises where such public dance is held at all times while such dance is being held. Police officers acting as security officers at a dance shall be considered to be on duty and subject at all times to the direction of their departmental supervisor in the police department of the city. Private security officers shall be subject to the direction of the security agency for which they work but shall be required to maintain peace, quiet and good order at the public dance to which they are assigned. Private security officers shall be required to have or obtain a business license to provide services within the city limits of Artesia. The city council reserves, and shall have the right, on an individual basis, and upon being advised of circumstances justifying any change, to permit the holding of a public dance with either more or fewer than four (4) security officers.
- B. Compensation: Police officers shall be compensated by the city at their regular rate of pay, but the sponsor of the public dance shall be required to promptly reimburse the City for such compensation paid. At the time the application is filed, satisfactory arrangements must be made by the sponsor to reimburse the City for the time required by the police officers, if police officers are to be used as security officers for the dance, or the application shall contain the statement required in subsection 4-4-2A4 of this chapter signed by the security agency, if private security officers are to be provided.

#### **4-4-4.1 TOTAL BUILDING OCCUPANCY:**

- A. In the event the public dance is held within a structure, that structure shall be inspected by the fire department prior to the issuance of the permit. During this inspection, the fire department shall calculate and specify a maximum occupancy load as defined by the fire code in place at the time the application is received. This maximum occupancy load shall not be exceeded by the applicant and shall be strictly enforced by the applicant.
- B. The fire department may conduct a fire inspection and occupancy load check at any time during the public dance.

**4-4-4.2 OPEN FLAME AND FIREWORKS:**

- A. Candles, torches, or any other open flame shall not be permitted within the structure during a public dance.
- B. Absolutely no indoor fireworks or pyrotechnics shall be set off within the structure for any reason.
- C. Failure to obey this section shall immediately void and terminate the public dance permit and all dance activities shall immediately cease and the dance location shall be forthwith vacated. In addition, the applicant shall be issued a citation for failure to obey.

**4-4-5: ISSUANCE OF PERMIT:**

If the Police chief and the Fire Marshal finds the application to be in order, the Police chief and the Fire Marshal shall endorse one copy of the application as approved and return the same to the representative of the sponsor of the dance, and such copy shall constitute the permit authorizing the holding of the requested public dance by the sponsor to whom issued, at the premises, on the date, and during the hours specified.

Failure to obey any provision of this chapter shall void the dance permit, the dance shall end, and the dance location shall be forthwith vacated by all persons. Additionally, any person hosting and/or sponsoring any public dance without first obtaining a permit from the City as provided in this Chapter, shall be in violation of this chapter.

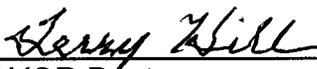
**4-4-6: EFFECT ON OTHER LAWS:**

Public dance permits issued under this chapter shall not abrogate or otherwise affect any other law or ordinance pertaining to the conduct of public gatherings.

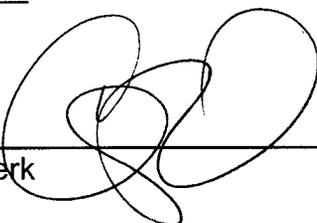
**4-4-7: PENALTIES:**

Any person convicted of violating any of the provisions of this chapter shall be subject to the penalties as provided in title 1, chapter 4 of the Artesia Municipal code.

**PASSED, ADOPTED AND APPROVED THIS 28<sup>th</sup> DAY OF June, 2011.**

  
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MAYOR Pro tem

ATTEST:

  
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City Clerk