

THE MUNICIPAL ASSEMBLY OF THE CITY OF NEW YORK.

ALDERMANIC BRANCH.

Aldermanic Chamber, City Hall, Tuesday, December 7, 1926, 1.15 o'Clock P. M.
The Board met in the Aldermanic Chamber, City Hall.

Present:

Joseph V. McKee, Chairman

Aldermen

Charles A. McManus, Vice-Chairman	Rudolph Hannoeh Walter R. Hart	Jeremiah R. O'Leary Thomas O'Reilly
James B. Allen	John B. Henrich	Ruth Pratt
John J. Barrett, Jr.	George Hilkemeier	Joseph Reich
Samuel J. Burden	Reinhard E. Kaltenmeier	Stephen A. Rudd
John J. Campbell	John J. Keller	Bernhard Schwab
John Cashmore	Edward T. Kelly	Henri W. Shields
Edward Cassidy	James F. Kiernan	Joseph R. Smith
John J. Connolly	John J. Lenihan	William Solomon
Dennis Corcoran	William J. McAuliffe	Murray W. Stand
Thomas J. Cox	Patrick J. McCann	Edward J. Sullivan
Frank A. Cunningham	John J. McCusker	Joseph W. Sullivan
Edward W. Curley	Francis D. McGarey	Timothy J. Sullivan
John R. Dalton	Charles J. McGillick	William P. Sullivan
Peter Donovan	Peter J. McGuinness	Martin F. Tanahey
Frank J. Dotzler	Thomas F. McNamara	Arthur Twombly
Patrick S. Dowd	Dennis J. Mahon	Edward J. Walsh
Howard Fenn	Hugh H. Masterson	William L. Weber
George W. Friel	James J. Molen	Alford J. Williams
Moritz Graubard	James J. Morris	Louis J. Wronker
Walter F. Hagan	James M. Murtha	Louis J. Zettler

The minutes of the proceedings of November 30, 1926, were approved.

The session was opened with an invocation by the Reverend Prior Bernard, Rector of St. Anselm's Church and Chaplain of the Bronx County Prison.

Rec. No. 10.

Report of the Committee on Local Laws in Favor of Adopting a Local Law to Regulate Dance Halls and Cabarets and Providing for Licensing the Same.

The Committee on Local Laws, to which was referred on October 26, 1926 (Minutes, page 137), the annexed Local Law to regulate dance halls and cabarets, and providing for licensing the same, respectfully

REPORTS:

Your Committee gave two public hearings on this bill and its adoption was urged by the Police and License Commissioners, by clergymen of various religious denominations and citizens interested in social and recreational work. It was opposed by licensees and owners of cabarets, personally and by their attorneys, and by representatives of musical organizations.

These night clubs or cabarets are simply dance halls, where food is served at exorbitant prices to the tune of jazz and tabloid entertainments. A very frank opposition was voiced by one of the licensees, on the ground that when strangers came to New York City they wanted to "run wild." Well, there has been altogether too much running "wild" in some of these night clubs and, in the judgment of your Committee, the "wild" stranger and the foolish native should have the check-rein applied a little bit. It is well known that the "wild" strangers are not all interested in our great museums of art and history, in our magnificent churches and public libraries, our splendid parks and public monuments. They are interested in speak-easies and dance halls and return to their native heaths to slander New York.

Your Committee believes that these "wild" people should not be tumbling out of these resorts at six or seven o'clock in the morning to the scandal and annoyance of decent residents on their way to daily employment.

Favorable action is recommended.

A LOCAL LAW to regulate dance halls and cabarets, and providing for licensing the same.

Be it enacted by the Municipal Assembly of the City of New York as follows:

Section 1. Definition. When used in this local law:

1. The words "public dance hall" shall mean any room, place or space in the city of New York in which dancing is carried on and to which the public may gain admission, either with or without the payment of a fee.

2. The words "public dance or ball" shall mean any dance or ball of any nature or description to which the public may gain admission.

3. The word "cabaret" shall mean any room, place or space in the city in which any musical entertainment, singing, dancing or other similar amusement is permitted in connection with the restaurant business or the business of directly or indirectly selling the public food or drink.

§ 2. Public Dance Halls and Cabarets; License. No person, firm or corporation shall conduct, maintain or operate, or engage in the business of conducting, maintaining or operating, in the city of New York, a public dance hall or a cabaret unless the premises wherein the same is conducted, maintained or operated are licensed in the manner prescribed by this local law.

§ 3. Membership Corporations; Clubs; Associations and Societies. A membership corporation, club, association or society which permits musical entertainment, singing, dancing or other form of amusement in premises wherein food or drink is directly or indirectly sold to its members, or their guests, or to the public, shall be deemed to be conducting a cabaret within the meaning of this local law.

§ 4. Licenses; Application. The license prescribed by this local law shall be issued by the commissioner of licenses. Application for such license shall be made on a form containing such information, as may be determined by the commissioner of licenses. The fee for each such license shall be fifty dollars for each year or fraction thereof. All licenses issued between the first day of April and the thirtieth day of September, inclusive, of any year shall expire on the thirty-first day of March of the succeeding year; and all licenses issued between the first day of October and the thirty-first day of March, inclusive, shall expire on the thirtieth day of September following. There shall be kept posted at the main entrance of every place licensed pursuant to this local law a certificate of such license. No such license shall be issued unless the place for which it is issued complies with all laws and ordinances and with the rules and regulations of the building department, the license department and the health department, and, in the opinion of the commissioner of licenses, is a safe and proper place to be used as a public dance hall or a cabaret.

§ 5. Places Not to be Open to Public Within Certain Hours. Premises licensed pursuant to this local law shall not be kept open for business, nor shall the public be permitted to enter or to remain therein, between the hours of three o'clock a. m. and eight o'clock a. m.; and if the occupant be a membership corporation, club, association or society, its members or their guests shall not be permitted to enter or to remain therein between such hours. The commissioner of licenses, in his discretion, may permit any premises licensed pursuant to this local law to be open to the public between such hours on special occasions. If it appear to the commissioner of licenses that the place for which a license is sought will be frequented by minors, or if there be in the opinion of the commissioner any other good and sufficient reason therefor, the commissioner may grant a license upon the condition that the licensed premises shall not be open for business between the hours of one a. m. and eight a. m.

§ 6. Revocation of License. A license may be revoked by the commissioner of licenses for any violation of law or upon the ground that disorderly, obscene or immoral conduct is permitted on the licensed premises. The commissioner of licenses shall cause to be served upon such parties as he may deem to be interested therein such reasonable notice as he may determine to be proper of his intention to revoke such license. There shall be included in or attached to such a statement of the facts constituting the violation charged. Such parties shall be entitled to a hearing before the commissioner. If the license of any place be twice revoked within a period of one year, no new license shall be granted to such place for a period of at least one year from the date of the second revocation.

§ 7. Inspection Before and After Issuing License. No license shall be issued until the commissioner of licenses shall have caused an inspection to be made of the premises to be licensed and until the commissioner is satisfied that such place complies with all laws and ordinances and the rules and regulations of the building department, the license department and the health department in so far as the same are applicable thereto. The commissioner of licenses shall also cause to be made such inspections as may be necessary to ascertain whether the places licensed are maintained in compliance with law. For the purpose of facilitating the inspections prescribed by this section, the commissioner of licenses is authorized to call upon the head of any other department of the city and such department and its employees shall make such inspections as may be required. The inspectors of the department of licenses, and the inspectors of any other department whose duty it is to make such inspections, shall file with the commissioner of licenses a written report of inspections made by them and the same shall be filed in the office of the commissioner of licenses and shall constitute public records. The inspectors of the department of licenses, and the inspectors of any other city depart-

ment whose duty it is to make inspections under this local law, shall be permitted to have access to all public halls and cabarets at all reasonable times.

§ 8. Inspectors of Dance Halls and Cabarets; Appointment. The commissioner of licenses of the city of New York may appoint such inspectors and other officials as shall be necessary to carry out the provisions of this local law and as may be authorized by the board of estimate and apportionment.

§ 9. License for a Public Dance. No public dance hall shall be leased or hired out, and used, for the purpose of holding a public dance or ball unless the person, association or corporation intending to hold such public dance or ball shall apply for and receive from the commissioner of licenses a permit to hold same. Such permit shall be issued only upon condition that the dance or ball shall be held in accordance with the rules and regulations adopted by the commissioner. Such commissioner is authorized to adopt reasonable rules and regulations for the holding of such public dances and balls and for the purpose of preventing thereat any disorderly or immoral behavior or conduct calculated to disturb the public peace or safety. Application for such permit shall be made to the commissioner upon such forms as he may prescribe. A fee of five dollars shall be paid for each such permit. Such permit may at any time be revoked by the commissioner in case it appears probable that the public dance or ball for which permit has been issued will not be conducted in accordance with such rules and regulations. A permit issued pursuant to this section, in the discretion of the commissioner, may provide that such public dance or ball may be continued between the hours of three o'clock a. m. and eight o'clock a. m.; and in such case the license issued for the premises in which such public dance or ball is to be conducted shall not be deemed violated by reason of the fact that such premises are open to the public between such hours.

§ 10. Existing Licenses. Licenses granted under sections one thousand four hundred and eighty-eight to one thousand four hundred and ninety-four inclusive of the Greater New York Charter, if still in force when this local law takes effect shall continue in force and effect until the date of their expiration; but the provisions of section five of this local law shall apply to such premises.

§ 11. Violations. Any person, firm or corporation conducting, maintaining or operating a public dance hall or a cabaret in violation of this local law shall be guilty of a misdemeanor. Any person, firm or corporation using or occupying premises licensed pursuant to this local law in violation of section five shall be guilty of a misdemeanor. The officers, directors and trustees of a corporation, club, association or society aiding, consenting to or permitting the violation by such corporation, club, association or society of any provision of this local law shall be guilty of a misdemeanor.

§ 12. Application of Local Law. This local law shall not apply to:

1. A hotel having upwards of fifty bedrooms.
2. Premises owned and used by a membership corporation, club, society or association.
3. Premises owned, occupied or used by a religious, charitable, eleemosynary or educational corporation or institution.
4. Premises licensed pursuant to chapter three of the code of ordinances.

Sec. Two. Section one thousand four hundred and eighty-eight to section one thousand four hundred and ninety-four inclusive of the Greater New York Charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, insofar as such sections are in conflict with this local law, are hereby superseded.

Sec. Three. This local law shall take effect January first, 1927.

WILLIAM SOLOMON, FRANCIS D. MCGAREY, FRANK A. CUNNINGHAM, EDWARD J. WALSH, EDWARD W. CURLEY, R. E. KALTENMEIER, JAMES J. MOLEN, RUTH PRATT, Committee on Local Laws.

The Vice-Chairman moved acceptance of the foregoing report and passage of the local law.

Following discussion, Mr. Rudd moved the previous question.

The Chairman put the question, "Shall the main question be now put?"

Which was adopted.

Whereupon the report was agreed with and the local law, as recommended, passed by vote indicated under:

Affirmative—Aldermen Allen, Barrett, Burden, Campbell, Cashmore, Cassidy, Corcoran, Cox, Cunningham, Curley, Dalton, Donovan, Dotzler, Dowd, Fenn, Friel, Graubard, Hagan, Hannoeh, Hart, Henrich, Hilkemeier, Kaltenmeier, Keller, Kelly, Kiernan, Lenihan, McAuliffe, McCann, McCusker, McGarey, McGillick, McGuinness,

McNamara, Mahon, Masterson, Morris, Murtha, O'Leary, O'Reilly, Pratt, Reich, Rudd, Schwab, Shields, Smith, Solomon, Sullivan (E. J.), Sullivan (J. W.), Sullivan (T. J.), Sullivan (W. P.), Twombly, Walsh, Weber, Williams, Wronker, Zettler; the Vice-Chairman—58.

Negative—Alderman Stand and Tanahey—2.