

SPORTS AND AMUSEMENTS

CHAPTER 401

SENATE BILL NO. 2081
(Freed)

MUSIC FESTIVALS

AN ACT to amend and reenact sections 53-02-01, 53-02-02, 53-02-03, 53-02-05, 53-02-08, and 53-02-09 of the North Dakota Century Code, to provide a definition of music festivals, to require a permit for a music festival, to provide who shall issue a permit, to provide who may make application for a permit, to require a law enforcement officer to be present at such festivals, to provide for refusal and revocation of a permit for cause, and to except places of public lodging from certain requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 53-02-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-02-01. DEFINITIONS.) In this chapter, unless the context or subject matter otherwise requires:

1. A "music festival" shall mean a musical performance by one or more groups held out of doors, whether or not an admission fee is charged, except that it shall not include a musical performance sponsored by any educational, charitable, fraternal or religious nonprofit organizations;
2. A "public dancing place" shall mean a room, place, or space open to public patronage where dancing in which the public may participate is carried on and to which an admission may or may not be charged;
3. A "public dance" shall mean any dance where the public may participate, whether an admission fee is charged or not;
4. A "person" shall mean a natural person, firm, association, or corporation.

SECTION 2. AMENDMENT.) Section 53-02-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-02-02. PERMIT FOR PUBLIC DANCE OR MUSIC FESTIVAL REQUIRED - EXCEPTION.) No person shall give, hold, or conduct a public dance or music festival unless the owner of the place where the dance or music festival is given, or the person giving the same or in charge thereof, first shall have procured a permit to give, hold, and conduct such dance or music festival as provided in section 53-02-05. This provision shall not apply to a dance held or conducted in a place of public lodging having more than fifty guest rooms, if held or conducted under the immediate control of the owner or operator of such place of public lodging.

SECTION 3. AMENDMENT.) Section 53-02-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-02-03. WHO SHALL ISSUE PERMITS - PERMIT NOT TRANSFERABLE.) In each city and organized township in this state, a permit must be procured from the governing body of the municipality or organized township. In an unorganized township, a permit must be obtained from the board of county commissioners of the county in which such public dance or music festival is to be held or in which the public dancing place or music festival site is located. Such permit may be issued at any one time for one or more public dances or music festivals, or for a public dancing place or music festival site for a period of not more than one year. If a permit is issued to any person to conduct a public dancing place or music festival site, public dances or music festivals may be conducted in such place only by the person to whom the permit is issued. Such permit shall not be transferable.

SECTION 4. AMENDMENT.) Section 53-02-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-02-05. APPLICATION FOR PERMIT.) Any person desiring to conduct a public dance or music festival or a public dancing place or music festival site shall make application for a permit to do so to the governing body of the municipality or organized township in which it is to be conducted, if it is to be conducted within the limits of any city or organized township. In all other cases, the application shall be made to the board of county commissioners of the county in which such dance or music festival is to be conducted. The application shall set forth:

1. The name of the applicant;
2. The time or period for which the permit is desired; and
3. The place where such public dance or music festival is to be conducted or held.

SECTION 5. AMENDMENT.) Section 53-02-08 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-02-08. OFFICER OF LAW TO BE IN ATTENDANCE AT PUBLIC DANCE OR MUSIC FESTIVAL.) It shall be the duty of the sheriff in any county in which any public dance or music festival is held outside of an incorporated city, and of the chief peace officer of the city where the dance or music festival is held within the limits of a city, to police such dance or music festival so that law and order are there maintained. The person conducting any such dance or music festival, before the dance or music festival shall be held, shall pay to such sheriff or peace officer the expense of any deputy sheriff or special officer required for the proper policing of such dance or music festival, and no such dance or music festival shall be permitted to proceed unless such officer is present and his fees are paid. The holding of such dance or music festival without giving notice thereof to the sheriff of the county or the peace officer of the city, and without making provision for the policing thereof, is a misdemeanor. No person, directly or indirectly interested or concerned in the giving, holding, or conducting of such public dance or music festival, or connected with the person conducting the same, shall be eligible to appointment under this section as a special officer.

SECTION 6. AMENDMENT.) Section 53-02-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-02-09. REFUSAL AND REVOCATION OF PERMIT FOR CAUSE.) The governing body or board issuing a permit hereunder may revoke the same at any time for violation of any of the provisions of this chapter, and shall revoke the same upon conviction of the person to whom the same has been issued for a violation of any of the laws of this state. The governing body or board to which application for a permit is made, or by which a permit has been issued, shall refuse to issue such permit, and shall revoke a permit already issued, where it appears that:

1. The dancing place or music festival site is or is likely to become a public nuisance or detrimental to public morals;
2. The provisions of this chapter are being violated;
3. An alcoholic beverage or controlled substance is being sold or given away; or
4. Any of the laws of the state are being violated.

The governing body or board to which application is made, or by which a permit has been issued, also shall refuse such application, and shall revoke such permit, when it appears that such public dancing place or music festival site is or will be conducted in a neighborhood or community contrary to the wishes of a majority of the people living therein.

Approved March 28, 1973

CHAPTER 402

HOUSE BILL NO. 1272
(Hilleboe)

ADMISSION OF MINORS TO DANCES

AN ACT to repeal sections 53-02-10 and 53-05-08 of the North Dakota Century Code, relating to the admission of minors to public dances and certain other public places.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. REPEAL.) Sections 53-02-10 and 53-05-08 of the 1971 Supplement to the North Dakota Century Code are hereby repealed.

Approved March 27, 1973