

**OPINION
59-246**

September 28, 1959 (OPINION)

SPORTS AND AMUSEMENTS

RE: Dances and Dancing Places - Public Dance - "Platter Parties"

This is in reply to your letter of September 23, 1959, requesting the opinion of this office on the following matter:

You state that a radio station, as part of their advertising, holds "platter parties" in various parts of your county. On certain occasions they will hire a dance band and on other occasions they use records. Evidently dancing is a part of these events. You further state that admission is charged and the event is open to anyone, including but not limited to high school students, young people, etc. Your question is whether or not these "platter parties" are public dances within the meaning of chapter 53-02 of the North Dakota Revised Code of 1943 and therefore subject to the provisions of such chapter.

Apparently the contention is that since these events are called "platter parties", and not dances and that records are used in certain instances, these events are not public dances within the meaning of chapter 53-02 of the North Dakota Revised Code of 1943.

Section 53-0201 of the North Dakota Revised Code of 1943 defines a public dancing place and a public dance as follows:

"DEFINITIONS. In this chapter, unless the context or subject matter otherwise requires:

1. 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;
2. A 'public dance' shall mean any dance where the public may participate whether an admission fee is charged or not;

. . . .

"Dance" as defined by Webster's New International Dictionary, second edition, means: "To perform either alone or with others, a rhythmic and patterned succession of movements, commonly to music; to trip, glide, or leap rhythmically."

This appears to be the meaning of the term "dance" as used in the above-cited statute and as it is commonly understood.

"Dancing" is defined by Webster as: "The performance of a dance or dances."

It is to be noted that chapter 53-02 of the North Dakota Revised Code

of 1943 makes no distinction between those situations in which "live music" is employed or those situations in which records are used. It is the fact that "dancing", as that term is commonly understood, is carried on which subjects such events to the provisions of chapter 53-02.

It is the opinion of this office that if "dancing", as that term is commonly understood, is a part of the "platter party" and if such event is open to the public that such "platter party" would fall within the definitions of section 53-0201 of the North Dakota Revised Code of 1943 despite the fact that such event is termed a "platter party" and not a "public dance." We believe that if an event falls within the definition of chapter 53-02 the fact that such event is not termed a public dance does not remove the event from the provisions of such chapter.

It is further our opinion that such events would be subject to the provisions of chapter 53-02 of the North Dakota Revised Code of 1943 including section 53-0208 which requires the dance to be policed and section 53-0210 which prohibits any person under the age of eighteen years from attending such dance unless accompanied by a parent or guardian.

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