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- news
- local news
- national news
- world news
- news briefs
- lifestyle briefs
- viewpoint
- local life
- arts
- about us
- classifieds
- advertising
- email updates

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LOCAL NEWS

'Footloose' law debated

By [MATT KALKHOFF](#) and [STEVE WEINSTEIN](#)

For 80 years, New York City's notorious 1924 cabaret law has made dancing illegal in any bar that does not go through the laborious and expensive process of applying for a license.

On Nov. 19, Gretchen Dykstra, the city's commissioner of consumer affairs, announced that "New York City has the most exciting nightlife in the world. However, the cabaret law regulating establishments with dancing does not effectively address what have become perennial problems for communities and law enforcement."

Dystra's solution to the "Footloose" law — named for the film about a town where dancing was not allowed — is a new comprehensive nightlife license that will regulate noise levels.

Club owners are expressing cautious optimism at the end of the onerous law, but are taking a wait-and-see approach about its replacement. Most agree, however, that the approach differs markedly from the more confrontational one of the previous mayoral administration.

A meeting of Community Board 4's Quality of Life Committee on Monday, Dec. 8, brought a flurry of comments, mostly pro. CB4, which covers Chelsea, is particularly important for gay bars and clubs, as so many fall within its jurisdiction. In fact, over 75 percent of the city's licensed cabaret premises fall within its boundaries.

The board noted that the proposed new license would not impact on security outside a club, as club personnel have no authority outside the four walls of a club. (Unlike other cities, off-duty police here are not allowed to moonlight as bouncers where alcohol is served.)

John Blair, a member of the board and perhaps the most important gay club promoter active in New York right now, explained to Dykstra, who attended the meeting, why one of the proposals — to have one guard for every 50 patrons — was impractical. "At a gay night at a club, I might only have one guard for every 75 patrons, whereas a hip-hop night would probably need more, like one for every 25," he said.

Dykstra agreed to revisit that provision before a scheduled City Council hearing on Friday, Dec. 12.

Dykstra said the Department of Consumer Affairs had looked long and hard at how to revise the Footloose law and "use regulatory power in a more thoughtful and effective manner." Being the "dance police" was not an effective way to address problems associated with nightlife, she added.

The DCA will not revisit zoning laws governing where and how clubs are situated — a thorny point



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with the 9,000 owners of liquor licenses in New York City. Morgan McLean of the Roxy complained about outdated zoning.

But she did say that the new rules would allow clubs to be as loud as they wanted, provided they met a soundproofing inspection and certification.

The closing of Twilo, the popular club on West 27th Street, was the only revoked license of a mega-club in the DCA's history, she said. The club was closed for repeated drug violations and the staff's response. (DCA itself doesn't have the power to padlock clubs, but can force a club's owners to defend themselves in court.)

Under the revised regulations, there may be more: A club could be padlocked for two violations — including homicide, rape, gun possession, serving liquor to minors, overcapacity or blocked exits — within a two-year period.

The proposed nightlife license will be \$1,300 for two years — less than a cabaret license, which allows dancing.

David Tetons, the owner of Lotus and another CB4 member, urged Dykstra's department to be more lenient with minor violations. He also expressed concern that tightened regulations would lead to more "rogue" businesses, like Happy Land in the Bronx, where 87 people died in a fire.

DCA had looked into licensing promoters themselves, but decided it was impractical, Dykstra said.

Dykstra mentioned a "New Year's Eve Provision" that would allow a venue to hold up to three special events a year without obtaining a nightlife license. The fee would be \$125 per event.

Some of the club owners are wary that new license might result in over regulation. They also worry that compliance will become expensive, particularly in old buildings connected to residences. For now, many are taking a cautious wait-and-see stance about Dykstra's recommendations, although they all seem to agree that change is necessary.

In Chelsea, where Crobar, Avalon and Spirit are among the newly opened clubs making the neighborhood the undisputed center of the city's nightlife, these rules are of vital importance. For his part, Blair said he felt a lot more at ease after hearing Dykstra explain the city's position.



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