

Chapter 4

AMUSEMENTS AND ENTERTAINMENTS*

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ARTICLE I. IN GENERAL

Secs. 4-1--4-35. Reserved.

ARTICLE II. POOL AND BILLIARDS*

DIVISION 1. GENERALLY

Sec. 4-36. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Pool hall shall mean any place or location where three or more billiard or pool tables, regardless of size, are kept and maintained, and where any person can play the game of billiards or pool by the payment of a fee or charge, by the purchase of goods or merchandise, by the purchase, possession or presentation of a ticket or token or by a charge being made for the caring of clothing or other property or any other service; or where any person may gain admission and the privilege of playing billiards or pool by the payment of dues or subscriptions of membership in any society, fraternity, club or any other organization, and which place or location is maintained, occupied and used for the primary and main purpose of operating a pool hall and offering any person the privilege of playing pool or billiards. This definition shall not prevent the incidental sale or offer of sale of goods, merchandise, food, refreshments or services at such place or location in connection with such pool hall operation.

(Code 1973, § 4-1)

Cross References: Definitions generally, § 1-2.

Sec. 4-37. Ownership, maintenance or operation of tables generally.

It shall be unlawful for any person to own, maintain or operate any pool or billiard table, except in connection with the conduct of a pool hall which has been and is then duly licensed pursuant to the provisions of this article, or unless ownership, maintenance or operation thereof is

* **Cross References:** Businesses, ch. 10.

exempted from the provisions of this article, by section 4-38.

(Code 1973, § 4-2)

Sec. 4-38. Persons exempted from provisions of article.

The provisions of this article shall not apply to fraternal, benevolent or charitable organizations having a national charter, American Legion Posts or other local posts or organizations of other veterans' organizations chartered by Congress or organized, operated and chartered on a statewide or nationwide basis, Young Men's Christian Associations, Young Women's Christian Associations, churches or religious bodies, governmental recreation centers, the occupant of a private residential house, schools, colleges or hospitals, who own, maintain or operate one or more pool or billiard tables on their respective premises which premises are wholly and exclusively used for their respective purposes and who charge no game fees for playing pool or billiards.

(Code 1973, § 4-3)

Sec. 4-39. Maintenance; entry of city officials; obstruction of view into establishment.

(a) All pool halls shall be kept at all times in a clean, neat, safe, healthful and sanitary condition and, together with all stairways, outer entrances and rooms incidental to its use, shall be well lighted.

(b) The place or premises at which any pool hall is located and conducted shall at all times be subject to entry by any official of the city for the purpose of inspecting the condition thereof or the conduct thereon.

(c) It shall be unlawful to obstruct or allow to be obstructed any glass door or window of any pool hall which opens upon any public street or alleyway for the purpose of permanently cutting off the view through such glass door or window of the interior of any such poolroom from such public street or alleyway.

(Code 1973, § 4-4)

Sec. 4-40. Appointment and duties of inspector.

The city manager shall have the authority to appoint an employee of the city as pool hall inspector, whose duties shall be to make frequent inspections of pool halls, to see that the provisions of this article are complied with, to report to the city clerk violations, instances of unclean premises or improper conduct and to make recommendations to city council for revocation of licenses.

(Code 1973, § 4-5)

Sec. 4-41. Employment of certain persons.

It shall be unlawful for any licensee in carrying on any pool hall business or operation to knowingly employ or continue the employment of any person who has been

convicted of a felony or other crime involving moral turpitude or who has within two years prior thereto been adjudged guilty of violating any alcoholic beverage law or of twice violating within such two years any provisions of this article or within such two years has completed sentence for violation of any alcoholic beverage law or a second violation of this article.
(Code 1973, § 4-6)

Sec. 4-42. Acts prohibited on premises.

It shall be unlawful for a licensee or for an employee of the licensee to:

- (1) Permit any dice to be thrown, to permit any cards to be played, to permit any raffle or other game of chance or to permit any form of gambling in or on the licensed premises or location.
- (2) Sell or permit the sale of any intoxicating beverages whatsoever, including, but not limited to, wine, beer and whiskey, whether otherwise permitted by law or not, on the licensed premises.
- (3) Permit any intoxicating beverages of any kind whatsoever, including, but not limited to, wine, beer or whiskey to be consumed on the licensed premises.
- (4) Permit or to allow any conduct or condition which constitutes a nuisance or a menace to good order or public health or morals to exist or continue on the licensed premises.
- (5) Operate or permit the operation of slot machines, punchboards or other automatic gaming machines on the licensed premises, whether such machines be otherwise legal or not.

(Code 1973, § 4-7)

Secs. 4-43--4-65. Reserved.

DIVISION 2.

LICENSE

Sec. 4-66. Required.

No pool hall shall be operated or conducted until it shall have been first duly licensed and the license required

for the operation and the conduct thereof shall be in force and not revoked, pursuant to the provisions of this division.
(Code 1973, § 4-8)

Sec. 4-67. Persons not eligible for issuance.

The city shall not issue a license required by this division:

- (1) For a location which is not safe, clean and well lighted and which does not comply with the building and fire codes and other provisions of this Code and other ordinances of the city or of the laws of the state.
- (2) To any individual, to a partnership of which any member or to a corporation of which any one of its officers or directors has ever been convicted of a felony or other crime involving moral turpitude or who has, within two years prior to the filing of the application for license, been adjudged guilty of violating any alcoholic beverage laws or of twice within such two years violating provisions of this article or within such two years has completed a sentence for violation of such alcoholic beverage laws or of a second violation of this article.
- (3) To any individual, to a partnership of which any member or to a corporation of which any one of its officers or directors within two years of filing such application falsifies such application or has falsified any application for any such license within two years prior thereto.

(Code 1973, § 4-9)

Sec. 4-68. Applications.

It shall be the duty of every person desiring to operate, own, promote, conduct or maintain a pool hall to apply to the city for a permit and license. Such application shall be written and in accordance with the form provided by the city clerk, which form shall be filed with the city clerk fully completed.

(Code 1973, § 4-10)

Sec. 4-69. Investigations of applicant.

Upon the filing of a duly completed application in

Concordance with section 4-68, the city clerk shall refer the application to the chief of police, the chief of the fire department and the building inspector, who shall investigate each applicant or place sought to be licensed to determine whether such applicant and place meets and complies with the provisions of this Code, other ordinances of the city and state law. Such officials shall complete such investigations within ten days after such application is filed.

(Code 1973, § 4-11)

Sec. 4-70. Reports on investigation of applicant; refusal to issue; appeal of refusal to issue.

(a) Upon completion of the investigation provided for in section 4-69, the city officials making such investigation shall indicate on such application their respective recommendation; and if not recommended shall relay their findings to the city clerk. No license shall be granted if the applicant or place sought to be licensed does not comply or meet the provisions of this Code, other ordinances of the city and state law. If any of such officials indicates his disapproval, by his nonrecommendation on such application, such license shall not be granted. If any of such officials indicates his nonrecommendation on such application, the city clerk shall notify the applicant, who, within 30 days thereafter by written notice filed with the city clerk, may appeal the refusal to issue such license to the city council. If such appeal is perfected within the time limited, the city council shall hold a hearing thereon at their next regular meeting following receipt of such notice or at such time within 21 days from receipt of such notice that they notify the applicant or his attorney that such hearing will be held. The city council may continue any hearing date. After such hearing, the city council may, in any case, by majority vote of its members refuse or order the issuance of such license.

(b) If an application for a license is refused, the amount deposited with such application to cover the required license fee shall be returned to the applicant.
(Code 1973, § 4-12)

Sec. 4-71. Issuance generally; form.

(a) If upon the completion of the investigation provided for in section 4-69, all the city officials making such investigation indicate on the application required to be filed that they each recommend issuance of such license, or if the city council orders issuance of such license pursuant to a hearing under the provisions of section 4-70, the city clerk shall be authorized to issue such license. No license shall be issued until the required license fee is paid in cash or by certified or cashier's check.

(b) The license shall specify the licensee, the specific location where the pool hall is authorized, the number of tables authorized to be operated thereunder, the date on which the license shall begin and expire and such license shall be effective only for such stated period.

(Code 1973, § 4-13)

Sec. 4-72. Display.

Any license issued under this division shall be enclosed in a suitable frame having a clear glass face and a substantial wood or metal back, so that the whole of such license may be seen therein, and shall be posted and at all times displayed in a conspicuous place in the location for which the licensed pool hall is conducted. It shall be unlawful for any person to post such license or to permit it to be posted upon any premises other than those for which the license was issued or to knowingly deface or destroy any such license.

(Code 1973, § 4-14)

Sec. 4-73. Transfer.

Any license issued under this division shall not be transferred to any other person or place of business.

(Code 1973, § 4-15)

Sec. 4-74. Issuance of duplicate.

When a license issued under this division is lost or destroyed, a duplicate thereof shall be issued by the city clerk upon the payment of the currently required fee.

(Code 1973, § 4-16)

Sec. 4-75. Revocation.

(a) A second conviction within a two-year period for a violation of any of the provisions of this division shall, when judgment becomes final, automatically act as a revocation of the license.

(b) The city council may at any time hold a hearing to consider the revocation of any license issued under this division, and after such hearing revoke such license for any cause which it deems proper, which revocation shall be final; provided, that prior to such hearing the city shall give the licensee six days' written notice thereof, and the licensee shall have the right to appear and be heard at such hearing.

(Code 1973, § 4-17)

