

AMMENDMENTS TO THE CANTON CODE OF ORDINANCES REGARDING BILLIARD HALL REGULATION

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Canton that:

Section 1. Part 6, Chapter 1 (Business and Trades), Article C (Billiard Halls) section 6-1041 through 6-1056 be amended to read as follows:

Section 6-1041 Definition.

For the purposes of this article, the term "billiard hall" shall embrace any room where two (2) or more billiard or pool tables are kept, or any place where any person or persons can play the game of billiards or pool by the payment of a fee, charge, or by the purchase, possession, or presentation of a ticket or token, but specifically not including youth recreation centers where the game of billiards is incidental to other games and forms of amusement.

State Law Reference: Authority of Town to regulate , G.S. 160A-181.

Section 6-1042 Operating regulation.

It shall be unlawful for the operator, owner, manager, licensee or any employee of a billiard hall to:

- (1) Suffer or permit or engage in betting or wagering on the game of billiards or the game of pool.
- (2) Suffer, permit, or engage in the act of throwing dice, card playing, raffle, other games of chance, or any form of gambling on the premises of the billiard hall.
- (3) Operate, suffer, or permit the operation of any slot machine, punch board, pigeon board, ball ticket or other mechanical gambling device on the premises of the billiard hall.
- ~~(4) Suffer or permit any person under 18 years of age to enter or remain in such billiard hall.~~
- ~~(5) Suffer or permit the premises to become disorderly.~~
- ~~(6) (4) Suffer or permit the premises to become unclean or unsanitary, or block any passageway, or fail to have the premises well lighted and windows transparent from exterior, or prevent the inspection of the premises by a duly qualified Town official.~~
- ~~(7) Knowingly employ, in conducting the business of the billiard hall, any person who has been convicted of a felony.~~
- ~~(8) Sell or offer for sale any goods, wares or merchandise of any kind or description in any billiard hall other than incidental snacks and concessions.~~
- (5) Keep open or otherwise operate such billiard hall between the hours of 11:00 p.m. and 8:00 a.m. Hours may be extended for tournament use only and requires advanced notification and approval by a Town official.
- ~~(9) Keep open or otherwise operate such billiard hall between the hours of 11:00 p.m. and 8:00 a.m. or at any time on Sunday.~~

~~(10)~~ (6) Permit the use or sale of marijuana or drugs on the premises of the billiard hall.

(Amended by Ord. of 00/00/19)

Section 6-1043 Exemptions from article.

This article shall not apply to fraternal organizations having a national charter, American Legion Posts, or posts or, other local organizations of other veterans' organizations chartered by Congress or organized and operating on a State-wide or nation-wide basis, Young Men's Christian Associations and Young Women's Christian Associations, or nonstock, nonprofit charitable recreational corporations, foundations or centers to which the City or County contributes any portion of the operating expense.

(Code 1963, Sec. 4-3)

Section 6-1044 License required.

No billiard hall shall be operated or conducted within the Town unless the same is first duly licensed and the license is in force and not suspended pursuant to the terms of this article.

(Code 1963, Sec. 4-11)

Section 6-1045 Application generally; payment of Boom tax.

It shall be the duty of every person desiring to operate, promote or maintain a billiard hall to apply to the Board for a license therefor, filing a written application on a notarized form provided by the Town. Attached to the form shall be a statement of the character and reliability of the applicant signed by five residents and freeholders of the Town. Also attached to the application shall be a cash payment or certified check for the entire amount of the license tax required of the applicant by the schedule referred to in section 2-4015 of this Code for the year in which such application is made. In all cases the license tax for the entire year shall be paid, regardless of the date for the opening or beginning of business. In the event that the application for the license is refused, the clerk shall immediately refund the amount of license tax so tendered.

(Code 1963, Sec. 4-12)

Section 6-1046 Bond required of applicant.

(a) At the time of filing application for a license to operate a billiard hall in compliance with the provisions of this article, each applicant shall file with the clerk a cash bond in the sum of \$500 made payable to the Town. Upon violation of this chapter, the bond is immediately forfeited to the benefit of the Town.

(b) Each bond filed under this section shall be conditioned as follows:

(1) That there is no false statement in the license application.

(2) That if the license is issued, the applicant will not, during the term of the license, permit such hall or any room, booth, garden or any place appertaining thereto or connected therewith, to become disorderly.

(3) That the applicant will not, either by any act or conduct of his own or by any act or conduct of his agents or employees, violate any provisions of this article or any of the laws of the State or federal government or of the Town.

(c) In the event the application for a license is refused, the bond filed under this section shall be immediately returned to the person filing it.

(Code 1963, Sec. 4-13) (Amended by Ord of 4/14/81)

Section 6-1047 Investigation prerequisite to issuance.

(a) The Board shall, before granting any license under this article cause an investigation to be made under the direction of the manager regarding the compliance of the proposed billiard hall and the operator with all laws applicable to the operation of billiard halls, whether State or local.

(b) Upon the completion of the investigation required above, the manager shall report the results thereof to the Board.

(Code 1963, Sec. 4-14)

Section 6-1048 Issuance generally.

Upon a majority vote of the Board, and subject to the provisions of this article, a billiard hall license shall be issued, subject to the following provisions:

(1) That more than 14 days have elapsed from the date the Board first received the application.

(2) That the license fee has been paid for the entire fiscal year and no reduction given for any reason whatsoever.

(3) That all the laws applicable have been complied with by the applicant.

(Code 1963, Sec. 4-15)

Section 6-1049 Not to issue to certain persons.

The Board shall not issue a license for a billiard hall to any of the following persons:

~~(1) Any person or partnership or corporation which has a member, who has ever been convicted of a felony.~~

~~(2)~~ (1) Any person, or partnership or corporation which has a member, who has been convicted of a second offense against the provisions of this article.

~~(3) Any person, or partnership, or corporation which has a member, who is of immoral character or who is a habitual user of intoxicating liquors or narcotic drugs.~~

~~(4) Any person to whom the Board feels, for good and reasonable cause, that it should not issue such license.~~

(Code 1963, Sec. 4-17)

Section 6-1050 Contents; term.

Every license issued under this article shall specify the name of the licensee, the specific place where the business is to be carried on, the number of tables authorized to be operated thereunder, and the day upon which the license shall begin and expire, and the license shall be effective only from the date of issuance to the time of expiration so specified in the license.

(Code 1963, Sec. 4-17)

Section 6-1051 Display of license.

Each license issued under this article shall be enclosed by the licensee 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 up and at all times displayed in a conspicuous place in the room or place where the license business is conducted so that all persons visiting such room or place may readily see the same. It shall be unlawful for any person to post such license or permit the same to be posted upon any premises other than those for which the license was issued.

(Code 1963, Sec. 4-18)

Section 6-1052 Not transferable.

A license issued under this article shall not be transferable, either from person to person or from place to place.

(Code 1963, Sec. 4-19)

Section 6-1053 Revocation.

The Board may at any time, for cause and after a reasonable hearing, revoke a license issued under this article and such revocation shall be final. After revocation of a license, the license shall not be reinstated for a period of one year. A second conviction for a violation of any of the provisions of this article shall, when such judgment becomes final, automatically act as a revocation of the license and forfeiture of the bond of the licensee.

(Code 1963, Sec. 4-20)

Section 6-1054 Defacing or destroying license.

It shall be unlawful for any person to deface or destroy any license issued and displayed as required by this article.

(Code 1963, Sec. 421)

Section 6-1055 Duplicate licenses.

In the event a license issued under this article is lost or destroyed, the Board may cause a duplicate to be issued for a fee of five dollars.

(Code 1963, Sec. 4-22)

Section 6-1056 through 6-1060 reserved.

Section 2. The Town Manager is directed to incorporate and codify the above language into the sections of the Code indicated and has the discretion to renumber the new provisions, if needed, in such a way as to avoid duplication in various sections.

Section 3. All provisions of any Town ordinance in conflict with the provisions of this Chapter are hereby repealed.

Section 4. This ordinance shall become effective on the date of adoption.

Adopted this ___ day of _____, 2019.

Zeb Smathers, Mayor

ATTEST:

Lisa Stinnett, Town Clerk

Approved as to Form:

William C. Morgan, Jr. Town Attorney