

## CHAPTER 112: AMUSEMENTS

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#### *POOL ROOMS*

##### **§112.01 LICENSE REQUIRED**

No person shall maintain or operate any pool or billiard table, bowling alley or other table or alley for any game or play for which a charge is made, either directly or indirectly, unless he shall first have secured a license from the City Council to do so. Such license shall expire on June 30 each year, and shall not be transferable. ('67 Code, Ch. H, Art. III, §1) (Ord. passed 7-10-67) Penalty, see §10.99

##### **§112.02 APPLICATION FOR LICENSE**

Applications for such license shall be made upon forms provided by the City Clerk, and shall contain all information necessary for the City Council to act intelligently upon such applications. ('67 Code, Ch. H, Art. III, §2) (Ord. passed 7-10-67)

**§112.03 WHEN LICENSE REFUSED**

The City Council shall not issue such license to any person:

- (A) Who has been convicted of unlawfully selling intoxicating liquors or narcotic drugs;
- (B) Who is not a citizen and resident of North Carolina;
- (C) Who is of immoral character;
- (D) Who is a habitual user of intoxicating liquor or narcotic drugs.  
(’67 Code, Ch. H, Art. III, §3) (Ord. passed 7-10-67)

**§112.04 FORM AND CONTENT OF LICENSE**

Every license issued pursuant to this subchapter shall specify the premises for which it is issued, the number of tables or alleys to be operated thereunder, the name of the owner or operator and the dates upon which the license begins and shall expire. Such license shall be posted in a prominent place on the premises at all times.  
(’67 Code, Ch. H, Art. III, §4) (Ord. passed 7-10-67) Penalty, see §10.99

**§112.05 CERTAIN PROHIBITIONS TO BE OBSERVED BY LICENSEE AND EMPLOYEES**

Licensees and their employees under this subchapter shall not:

- (A) Suffer or permit any gambling on the licensed premises at any time; nor the sale or use of any racing, football or other parley cards;
- (B) Suffer or permit the licensed premises to become disorderly or permit any profane, obscene or indecent language thereon;
- (C) Suffer or permit any intoxicating liquors or narcotic drugs to be sold or kept or consumed on the licensed premises;
- (D) Suffer or permit any person under the age of 16 years to enter or remain upon the licensed premises, unless such person be accompanied by his parent or guardian;
- (E) Employ in carrying on the business any person who has been convicted of unlawfully selling intoxicating liquors or narcotic drugs, who is of immoral character, or who is a habitual user of intoxicating liquor or narcotic drugs.

**§112.06 RULES FOR OPERATION OF POOL ROOMS AND OTHER AMUSEMENTS**

The following rules shall be observed by all operators of pool rooms, bowling alleys or other tables or alleys for any game or play for which a charge is made, located within the city:

- (A) All pool rooms, bowling alleys, or place of public amusement shall close at 12:00 midnight and no person other than the owner, operator or employees shall be permitted on the premises from that hour until 7:00am the following morning.
- (B) No play on any table shall be allowed during the times when pool rooms or other places of public amusement are required by this subchapter to remain closed.
- (C) Pool rooms and other places of public amusements shall remain closed on Sundays.
- (D) All pool rooms shall be operated only on the ground floor of a building, and plate glass windows shall be in those parts of the building facing any street, so that a clear view inside may be had from the street.
- (E) No screens, painted or stained windows or doors, curtains, blinds, partitions or other obstructions shall be placed between the entrance to the room where pool is played and the rear wall of such room. A clear and unobstructed view of the interior from the street to the rear of the room shall be maintained at all times.
- (F) No partitions forming rooms, stalls or other enclosures where the public congregates shall be permitted; provided, this shall not be construed so as to prohibit the maintenance of closets used exclusively for storage purposes, or of toilets.
- (G) There shall not be permitted or maintained any open or street secret connections through doors, windows, trap doors, hidden doors, panels, stairways or other devices with any place where gambling is conducted or where persons meet or congregate for immoral purposes.  
(‘67 Code, Ch. H, Art. III, §6) (Ord. passed 7-10-67) Penalty, see §10.99

**§112.07 LICENSEE RESPONSIBLE**

The acts and conduct of the agents and employees of the licensee in the conduct of the business shall be deemed to be the acts and conduct of the licensee. (‘67 Code, Ch. H, Art. III, §7) (Ord. passed 7-10-67)

**§112.08 REVOCATION OF LICENSEE**

A second conviction of a licensee, or his agent or employee, for any violation of any provision of this subchapter shall by operation of law constitute an automatic revocation of the license of such licensee. In addition, the City Council may at any time, for cause, and after a hearing, of which the licensee shall be given such reasonable notice as the Council may direct, revoke any license issued pursuant to this subchapter. ('67 Code, Ch. H, Art. III, §8) (Ord. passed, 7-10-67)

**VIDEO MACHINES AND GAME CENTERS**

**§112.20 DEFINITIONS**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DEPARTMENT:** The Police Department of the city.

**GAME CENTER:** Any place of business that operates four or more mechanical, electronic or computer amusement games or similar pay devices for which a charge is made either directly or indirectly (included by way of illustration but not by way of limitation, video games), provided that such games or pay devices shall not include vending machines or photo laminating machines and similar machines for similar purposes.

**INTERESTED PARTY:** Any person, partnership or corporation which is an applicant for a license or who is a partnership which is an applicant for a license, and any person, partnership or corporation which is an officer, director or principal stockholder of a corporation which is an applicant for a license.

**VIDEO MACHINE:** Any mechanical, electronic or computer amusement game or similar pay device for which a charge is made either directly or indirectly (included by way of illustration and not by way of limitation, video games), provided that vending machines and photo laminating devices and similar machines for similar purposes shall not be included.  
(Ord. passed 4-11-83)

**§112.21 REGULATORY LICENSE REQUIRED**

(A) No interested party shall operate any video machine or a game center as defined in §112.20, unless such party shall have first applied for and received the regulatory license provided by this section and shall have paid all applicable city, county and state privilege license taxes as prescribed by ordinance or statute; the license shall be

an annual license and the period of the license shall be the same as the fiscal year of the city. Application for renewal of any license shall be made by the applicant at least 60 days prior to date of expiration. On renewal, the City Council may waive any requirement of this subchapter which is deemed unnecessary for renewal.

- (B) Every application for the regulatory license prescribed herein shall be upon a form approved by the Mayor and shall be files with the City Clerk. Every such application shall be made under oath and shall contain the following information:
  - (1) The name, age and residence of any interested party;
  - (2) The address of the premises where the business shall be located;
  - (3) The proposed hours of operation of the business;
  - (4) A complete statement of all criminal convictions of any interested party;
  - (5) A description of any other business to be operated on the same premises or on an adjoining premises owned or controlled by the applicant;
  - (6) A statement of any prior revocations of a license to operate a game center or of a similar business;
  - (7) A statement showing the maximum number of video machines for which license is requested;
  - (8) A diagram of the building floor plan sufficient to show the proposed location of the video machines and that other requirements of this subchapter can be complied with.
  
- (C) A one-time application fee of \$100 for an initial application shall be paid to and collected by the City Clerk upon the submission of the application to cover the cost of processing the application and the cost of administering and enforcing the provisions of this subchapter. An annual license fee of \$10 per machine located in a game center (i.e. a location with four of more machines) and a \$25 license fee for each machine located outside of a game center (i.e a maximum of three machines) shall be paid to the City Clerk upon approval of the application and as a condition of the approval.
  
- (D) It shall be unlawful to operate a video machine or game center within the city without a regulatory license as required by this section and unless the video machine or the game center is in an area where such use is permitted by the Zoning Code of the city.
  
- (E) The City Clerk shall within five business days of receipt, transmit a copy of the application to the Chief of Police Department for an investigative report; to the Building Inspector to determine compliance with all building regulations; and to the Planning Board to determine compliance with all zoning regulations. The Police Department, the Building Inspector and the Planning Board shall, within a reasonable time, but not to exceed 30 days, report the results of their examinations to the City Clerk.

- (F) An application in proper form, accompanied by all reports required by this section shall be submitted to the City Council, which shall approve such application if the Council determines that:
- (1) The application contains no misstatement of fact;
  - (2) No interested party has been convicted of selling intoxicating liquor or narcotic drugs or of violating any gambling laws of this state, or of violating any provisions of G.S. Ch. 14, Art. 37 or of violating any comparable statute of any other state;
  - (3) The applicant conforms to all requirements of applicable zoning and building codes and regulations;
  - (4) No interested party has had a previously issued license to engage in a business dealing with the operation of a game center revoked.
- (G) The Council may approve the application for less than the number of machines for which license is applied;
- (H) Upon approval of the application by the Council, the Clerk shall issue a regulatory license to the applicant;
- (I) A regulatory license issued pursuant to this section shall be revoked by action of the City Council if the Council determines that:
- (1) The licensee has violated any provision of this subchapter;
  - (2) The application contains a misstatement of any material fact subsequently discovered;
  - (3) The licensee or any interested party is convicted of selling intoxicating substances or of violation of any gambling laws occurring on the licensed premises or in the vicinity thereof, or employs any person who has been convicted of such offenses, or is not a person of good moral character, or who is a habitual user of intoxicating liquor or narcotic drugs or of controlled substances;
  - (4) The licensee violates or is in violation of any zoning or building regulation of the city as the same apply to the premises;
  - (5) The licensee suffers or permits any gambling activity or the sale or use of any racing, football or other parlay cards or gambling boards or devices on the licensed premises;
  - (6) The licensee suffers or permits the licensed premises to become disorderly, or to become a public nuisance, or permits any profane, obscene or indecent language or conduct thereon.
- (J) A license issued pursuant to this subchapter shall become void if the licensee moves or ceases to operate at the location stated in the application for the license, pursuant to division (B)(2) of this section; and the license is not transferable upon a sale of a video machine, machines or of the business  
(Ord. passed 4-11-83)Penalty, see §0.99

**§112.22 DISPLAY OF PRIVILEGE LICENSE**

It shall be the responsibility of all interested parties to ensure that the licenses required by this subchapter are obtained and prominently displayed within the game center or within the area a video game is located.  
(Ord. passed 4-11-83)Penalty, see §10.99

**§112.23 RULES FOR OPERATION OF VIDEO MACHINES AND GAME CENTERS**

- (A) The following rules shall be observed by all licensees of video machines and game centers within the city:
- (1) No operation of any video machine shall be permitted by any person at any time such person is prohibited from operating a video machine or during any time operation of a video machine is prohibited by this subchapter or at any time a game center is required by this subchapter to be closed.
  - (2) No operation of any video machine or game center shall be permitted before 1:00pm or after 6:00pm on Sundays.
  - (3) Video machines and game centers shall be operated only on the ground floor of a building, and plate glass windows shall be located in those parts of the building facing any street so that a clear view inside may be seen from the street at all times.
  - (4) No screens, painted or stained windows or doors, curtains, blinds, partitions or other obstructions shall be placed between video machines or the entrance to the game center or area in which the video machine(s) are located, or any such obstruction placed so that there will not be a clear and unobstructed view of the interior from the street to the rear of any room or area used for video machines or game centers at all times.
  - (5) There shall be a minimum of 40 square feet floor space for each video machine and a distance of at least one foot between each video machine. Except for the video machine, the floor space shall be free and clear of any equipment, furnishings or obstructions.
  - (6) Every location shall have adequate and separate restroom facilities for both sexes, and such facilities shall be available for customers and employees; provided that this requirement apply only to game centers as herein defined.
  - (7) There shall be adequate lighting for any on premises parking area in order to provide for the public safety and to permit reasonable inspection of the parking area.
  - (8) No person under the age of 16 years shall operate or be permitted to operate any video machine at any time during normal school hours (that is while any school is in session within the city), provided this shall not apply on school holidays or on any day that the public schools are in fact closed.

(B) The following additional rules shall apply to game center:

- (1) All game centers shall be closed from 11:00pm until 10:00am on the following day, Monday thru Thursday, and shall be closed at 12:00 midnight on Friday and Saturday until 10:00am on Saturday and until 1:00pm on Sunday respectively, and no person other than the owner, operator or employees shall be permitted on the premises from the hours of closing until 7:00am the following morning.
- (2) Unless accompanied by a parent or legal guardian, no person under 16 years of age shall be permitted to enter or remain upon the licensed premises after 9:00pm on school nights or 10:00pm on Friday and Saturday, and signs to this effect shall be prominently located within the game center.  
(Ord. passed 4-11-83; Am. Ord. passed 7-6-83)Penalty, see §0.99

**§112.24 REVOCATION OF LICENSE; DENIAL OF LICENSE; NOTICE AND HEARING**

- (A) Before the City Council shall refuse to issue a license, or issue a license for less than the number of video machines for which license is applied, or refuse to renew a license previously issued, or revoke a license previously issued, the Council shall provide the applicant or licensee (as the case may be) with adequate notice and opportunity to be heard in accordance with divisions (B) and (C) of this section.
- (B) When directed by the Council, the City Clerk shall give written notice to the applicant or licensee (as the case may be) that:
  - (1) The Council has made a preliminary decision to deny or revoke the license applied for or held by such person; and
  - (2) Unless such person notifies the City Clerk within ten days after receipt of notice that he would like a hearing before the Council, the Council will proceed to deny or revoke the license or to issue a license for less than the number of machines for which a license is applied.
- (C) If a hearing is requested in accordance with division (B) of this section, the Council shall set a date for the hearing at the earliest convenient time and shall take no final action on the license until after this hearing has been completed. At the hearing, the reason or reasons for the Council's preliminary decision shall be explained. The applicant or licensee shall be given an opportunity to explain why the Council's preliminary decision shall not become final.
- (D) In deciding whether to deny or revoke a license, the Council may consider, by way of illustration and not limitation, those requirements and prohibitions for licensees contained in §§112.21 and 112.23 of this chapter.  
(Ord. passed 4-11-83)