

CHAPTER 111: BILLIARD HALLS

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*GENERAL PROVISIONS***§ 111.01 DEFINITIONS.**

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

BILLIARD HALL. Any building, room, place or establishment of any nature or kind whatsoever, and by whatever name called, where billiard tables are operated for profit, whether the same are operated in connection with any other lawful business or not, except religious, charitable or educational organizations authorized under the laws of the state.

BILLIARD HALL OPERATOR. Every person, firm, association of persons, corporation and every other organization, except religious, charitable or educational organizations authorized under the laws of the state, owning, leasing, managing or in any manner controlling the operation of a billiard hall.

BILLIARD TABLE. Any table surrounded by a ledge or cushion, with or without pockets, upon which balls are impelled by a stick or cue, and where the player thereon does not or is not required to make a coin deposit causing an electrical connection of any nature or kind before the game may be actually commenced.

(`97 Code, § 7-46)

*LICENSES***§ 111.15 LICENSE REQUIRED.**

It shall be unlawful for any person to operate a billiard hall within the city without a license issued pursuant to this subchapter.

(`97 Code, § 7-66) Penalty, see § 10.99

§ 111.16 APPLICATION.

(A) Any person desiring a license to operate a billiard hall shall file with the City Secretary a written, sworn application for the license, in duplicate, which application shall state:

(1) The location, by street and number, of the place or building where the billiard hall is to be operated and the name and address of the applicant;

(2) If the applicant is an individual, that he or she is a citizen of the state; that he or she has not been convicted of a felony, or if he or she has, the nature of the offense; and the length of his or her residence in this city;

(3) If the applicant is a corporation, that it is organized and chartered under the corporation laws of this state applicable to the corporation, or, if a foreign corporation, that it has complied with the laws of this state applicable to the corporation, and the same information with reference to the operator or person in charge of the operation of the billiard hall to be licensed as is prescribed in subsection (2). In addition thereto, a statement as to the names of the incorporators or stockholders and the amount of interest owned by each shall be included;

(4) If the applicant is a firm, association or partnership, all the information prescribed in subsection (2) as to each individual composing the firm, association or partnership;

(5) Previous occupation or employment of the applicant for a period of five years next preceding the filing of his or her application;

(6) Such other and additional information as the City Council may, from time to time, deem proper and necessary.

(B) The information given in the application for a license under this subchapter is for the purpose of determining whether or not the applicant is a fit and proper person to operate a billiard hall, and it shall be unlawful to misrepresent the kind and character of the billiard hall to be operated, or any other fact or statement made in the application, and any misrepresentation for the purpose of avoiding the provisions of this chapter shall, in addition to the other penalties prescribed by law, be caused for the revocation of the license in the manner provided for in this subchapter.

(`97 Code, § 7-67) Penalty, see § 10.99

§ 111.17 COMPLIANCE WITH ZONING ORDINANCE PREREQUISITE TO ISSUANCE.

No license to operate a billiard hall shall be granted unless the premises sought to be used for such purposes are in an area where such use is permitted under the zoning ordinance of the city.

(`97 Code, § 7-68)

§ 111.18 APPROVAL OR DISAPPROVAL OF APPLICATION BY POLICE CHIEF, FIRE CHIEF AND THE LIKE.

No license shall be granted under this subchapter unless it shall appear, upon investigation by the Chief of Police, the health officer, the Chief of the Fire Department and the Building Inspector that the

premises desired to be used for the purpose of a billiard hall comply with the laws of this state and the ordinances of the city, and the officers shall, in their respective capacities, note their approval or disapproval upon the application.

(`97 Code, § 7-69)

§ 111.19 FEE.

The license fee for a billiard hall license shall be on file in the City Secretary's office. The fee shall be paid annually and shall be for a billiard hall operating any number of tables. No refund of any such license fee shall be made by the city for any cause whatsoever.

(`97 Code, § 7-70)

§ 111.20 CONTENTS; SIGNING AND SEALING.

A license issued under this subchapter shall state on its face to whom it is issued, the date it will expire, the address and location of the billiard hall and that the licensee is authorized to operate and conduct a billiard hall. The license shall be signed and sealed by the Assessor and Collector of Taxes.

(`97 Code, § 7-71)

§ 111.21 DENIAL; APPEAL.

If the Chief of Police refuses to grant a license to any applicant under this subchapter, the action of the Chief of Police shall be final unless the applicant shall, within ten days after the refusal to grant the license, file a written appeal with the City Secretary, addressed to the City Council, requesting a hearing by the Council upon the question as to whether or not his or her application shall be granted. If the appeal is filed, the Chief of Police shall provide the Council with a record of all proceedings theretofore had with reference to the application, including the written application, together with the action of the Chief of Police and the reasons for the action. The Council shall, within 30 days, grant a hearing thereon to determine the correctness of the action of the Chief of Police, at which hearing the Council may make such investigation as it may see fit, whether all the pertinent facts appear in the application or not, and it shall be discretionary with the Council as to whether or not a license shall be granted and such action as the Council may take thereon shall be final and conclusive.

(`97 Code, § 7-72)

§ 111.22 POSTING.

A license issued under this subchapter shall be posted by the licensee in a conspicuous place at or near the entrance to the billiard hall and in such a place and position that it may be read easily at any time of day or night.

(`97 Code, § 7-73)

§ 111.23 DOES NOT GRANT VESTED RIGHTS.

No license granted under the terms of this subchapter shall be deemed the granting of a vested right, but the license shall remain subject to the terms and provisions of this chapter and subject to such future regulations as shall be promulgated by ordinance of the City Council.

(`97 Code, § 7-74)

§ 111.24 ASSIGNMENT OR TRANSFER, REORGANIZATION OR CHANGE IN MANAGEMENT OF CORPORATE LICENSEE.

(A) A license issued pursuant to this subchapter shall be deemed personal to the licensee and shall not be assignable; provided, however, that such a license may be transferred from one location or place of business to another location, after the Chief of Police has been given five days' notice of the proposed transfer for investigation and the Chief of Police has given consent thereto.

(B) If any corporation having a license under this subchapter is reorganized or has a change in management, the license shall not continue in force until the Chief of Police has been given five days' notice of the reorganization or change of management, and until he or she has made an investigation of the reorganization and change in management and given his or her consent for the continuation of the license after determining that the personnel of the new management is fit and proper to operate a billiard hall under the terms of this chapter.

(`97 Code, § 7-75)

§ 111.25 EXPIRATION AND RENEWAL.

All licenses issued under the provisions of this subchapter shall expire one year from the date of issuance and may be renewed by payment of the fee prescribed by § 111.19.

(`97 Code, § 7-76)

§ 111.26 REVOCATION.

If a billiard hall licensed under this subchapter is not being conducted in accordance with this chapter or other ordinances of the city or the laws of the state, the Chief of Police may at any time give notice, in writing, to the operator, licensee, manager or other person in control of the operation and maintenance of the billiard hall that the license issued for the operation and maintenance of the billiard hall has been revoked, which notice of revocation shall become a final revocation after the expiration of ten days from the date of the service of same upon the operator, licensee, manager or other person in charge of the billiard hall, unless on or before the expiration of the ten days, the licensee, operator, manager or other person in charge of the billiard hall shall file with the City Secretary a written appeal addressed to the City Council, in which it is requested that the Council grant him or her a hearing upon the question of whether or not the license issued by the city shall be revoked. The appeal, if made and filed as prescribed herein, shall operate as a stay or postponement of the revocation of the license until such time as the Council shall grant a hearing and make final adjudication upon the question of whether or not the license should be revoked. The hearing shall be held within 30 days after the date of the filing of the appeal. The action and judgment of the Council, after hearing all the evidence and facts, shall be final and conclusive as to all parties.

(`97 Code, § 7-77)

REGULATIONS**§ 111.40 OPERATING HOURS.**

Billiard halls licensed under this chapter may be operated between the hours of 7:00 a.m. and 12:00 midnight, Monday through Friday; 7:00 a.m. Saturday to 1:00 a.m. Sunday; and 1:00 p.m. to 12:00 midnight on Sundays. It shall be unlawful for any person to operate a billiard hall at any other time.

(`97 Code, § 7-47) Penalty, see § 10.99

§ 111.41 ATTENDANCE BY MINORS.

No person under the age of 17 years shall be permitted to attend any billiard hall unless the person is accompanied by a parent or guardian. It shall be unlawful for any person to represent himself or herself to be either a parent or guardian of any minor under the age of 17 years for the purpose of gaining the minor's admittance into a billiard hall.

(`97 Code, § 7-48) Penalty, see § 10.99

§ 111.42 GAMBLING, POSSESSION OR CONSUMPTION OF LIQUOR PROHIBITED.

No person, while in a billiard hall, shall gamble or make a bet or drink or have in his or her possession any intoxicating liquor.

(`97 Code, § 7-49)

§ 111.43 OPERATOR SHALL NOT PERMIT VIOLATION OF CHAPTER.

No billiard hall operator shall permit the violation of any of the terms of this chapter, and any violation of the provisions of same in the operation of a billiard hall shall be grounds for revocation of the license for the billiard hall.

(`97 Code, § 7-50)

