

Ordinance #377

AN ORDINANCE AMENDING CHAPTER 10 OF THE CITY CODE OF THE CITY OF MONTEZUMA BY ADOPTING AN ARTICLE VIII ENTITLED "POOL ROOMS, GAME ROOMS, BILLIARD HALLS"; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Montezuma desires to provide for the health, safety, and welfare of the citizens of the City; and

WHEREAS, the City Council has determined it to be in the best interest of the public health, safety, and welfare to establish minimum standards governing pool rooms, game rooms, and billiard halls to curtail criminal and other negative activities frequently engendered by such businesses; and

WHEREAS, the City Council has further determined it necessary to set certain responsibilities and duties of owners and operators of such establishments within the City; and

WHEREAS, in order to establish these standards and responsibilities, the City Council finds it necessary to adopt set rules and regulations for applicants of such business establishments and to provide for the enforcement of such rules and regulations;

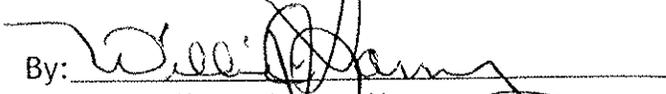
NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Montezuma, and it is hereby ordained by authority of the same, as follows:

Section 1. A new Article VIII of Chapter 10 of the Code of the City of Montezuma attached hereto as Exhibit "A" is hereby approved and adopted.

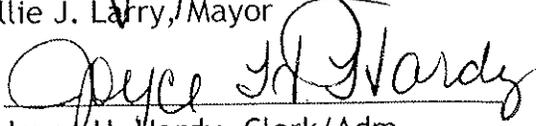
Section 2. All ordinances or parts of ordinances in conflict herewith are repealed.

SO ORDAINED, this 13th day of April, 2010.

CITY OF MONTEZUMA

By: 

Willie J. Larry, Mayor

Attest: 

Joyce H. Hardy, Clerk/Adm

(SEAL)

1st reading: March 9, 2010

2nd reading: April 12, 2010

ARTICLE VIII.

POOL ROOMS, GAME ROOMS, AND BILLIARD HALLS

Section 1. Applicability.

(a) The rules and regulations set forth in this ordinance shall govern the operation of all pool rooms, game rooms, and billiard halls in the City of Montezuma, Georgia.

(b) The terms "pool room" and "billiard hall" shall have the same definitions herein as the terms "billiards" and "billiard room" as defined in O.C.G.A. § 43-8-1, as said statute now exists or shall be amended from time to time.

(c) The term "coin operated amusement machine" as used herein shall have the same definition as the term "bona fide coin operated amusement machine" in O.C.G.A. § 48-17-1(2).

(d) The term "game room" as used herein shall mean those establishments, any portion of whose revenue is from coin-operated amusement machines as herein defined.

Section 2. Application; filing form; contents.

All persons 18 years of age or older desiring to obtain a license required for the operation of a pool room, game room, or billiard hall shall make written application at the business license office. Such application shall state the name and address of the applicant; the place where the proposed business is to be located; the nature and character of the business to be carried on; if a partnership, the names of the partners; if a corporation, the names of the officers and stockholders; and such other information as may be required by the director of the business license office or the police department; and be sworn to by the applicant or agent thereof.

Section 3. Investigation of applicant.

(a) All applicants shall be investigated by the Montezuma Police Department and a report made to the City Clerk. This requirement shall be waived if a current investigation report is on file. "Current" is defined as being within the past six months.

(b) The police reports shall be sent to the City Clerk to be placed in the applicant's file.

Section 4. Grounds for refusal of license.

(a) No license shall be issued to any person, partnership, corporation, or any individual having an interest, directly or indirectly, either as owner, partner, or principal stockholder, who shall have been convicted or shall have taken a plea of nolo contendere, within the past five years immediately prior to the filing of said application, for any felony of any state or of the United States. The term "conviction" shall include an adjudication of guilt or plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime.

(b) No license shall be issued where there is evidence that the granting of such license will have an adverse impact on the health, safety, or welfare of the public.

Section 5. Sanitary and toilet facilities.

The place of business shall have separate restrooms for males and females. Such restrooms **must be** kept clean, and the premises shall be in compliance with all applicable rules and regulations of the Macon County Health Department or departments of the City.

Section 6. Serving food.

If food is served, the applicant shall have a valid health certificate issued by the Macon County Health Department before any license can be issued.

Section 7. Hours of operation.

Licensees for the operation of a pool room, game room, or billiard hall shall be permitted to engage in such activities between the hours of 6 a.m. and midnight.

Section 8.

All coin-operated game machines of any kind, all billiard tables and pool tables, whether coin operated or not, and all rooms containing one or more of any such machines or tables, shall be open to view and accessible to the public, and shall not be placed in a private room or any portion of the business closed off to the public or to the rest of the building by doors or partitions of any kind. All coin-operated amusement machines, billiard tables, and pool tables shall be subject to electronic visual surveillance at all times. Videotapes, DVDs or any other recording shall be maintained for a period of not less than 30 days.

Section 9. Violations and grounds for revocation of license.

Commission of any of the following acts by a licensee, agent, or employee of a pool room, game room, or billiard hall shall be a violation of law and shall be grounds for revocation of a billiard license:

1. Engaging in, or permitting or allowing on the premises, sales, in violation of state or federal law, of "controlled substances," as that term is defined by state and/or federal law. The terms "permitting" and "allowing" as used herein include sales where the owner or operator in charge knew, or in the exercise of ordinary care should have known, that such sales were taking place, and failed to take effective action to stop them.
2. Permitting persons to loiter on the premises without legitimate business reasons who are known to the owner or operator or manager in charge of such business, or who in the exercise of ordinary care should be known to them, or who are reputed to be, illegal sellers or purveyors of controlled substances as heretofore defined.

3. Permitting any gambling or betting in the place of business or on the premises.
4. Permitting or committing any violation of state law or city ordinance.
5. It shall be unlawful for any person under 18 years of age to play billiards in, or for any other purpose to enter or remain in, a pool room, game room, or billiard hall during hours and times when alcoholic beverages are sold, consumed, or dispensed therein. This subsection shall not apply to persons under 18 years of age who are accompanied by a parent or guardian. Any person desiring admission thereto during hours and times when alcoholic beverages are sold, consumed, or dispensed, who is or appears to be under 18 years of age, shall produce satisfactory identification and age verification or certify his or her age in writing or produce a written permit before he or she shall be allowed entry.

Section 10. Transferability of license.

A license for the operation of a pool room, game room, or billiard hall shall not be transferable except by application in the same form and manner as an original application.

Section 11. Gambling devices prohibited.

No form of gambling shall be allowed in any pool room, game room, or billiard hall or in any other business place operated in connection therewith. No racing or other betting pool shall be exhibited or sold in such place of business. The use of baseball tickers and the posting of results of sporting events is expressly prohibited in billiard rooms or in any place operated in connection therewith. No alcoholic beverages shall be sold, served, or allowed to be used in or on the premises of any pool room, game room, or billiard hall or any place operated in connection therewith, except that this prohibition shall not apply if such premises or establishment is an establishment which is authorized to sell alcoholic beverages.

Section 12. Further restrictions.

It shall be unlawful for any pool room, game room, or billiard hall to maintain connections with any place where gambling or illegal activity is conducted or where persons congregate for the illegal consumption, sale, possession, barter, manufacture, exchange, purchase, dispensation, delivery, or other dealing in of alcoholic beverages for any immoral purpose.

Section 13. Enforcement.

It shall be the duty of the police or other constituted authorities to inspect all public pool rooms, game rooms, and billiard halls in the City for the purpose of ascertaining whether or not the provisions of this ordinance are being observed; and it shall be the duty of such officer to report all violations promptly to the City Attorney and furnish the City Attorney such information and assistance as is necessary for the prosecution of such violations. Whenever the state shall revoke any permit or license held by the licensee, the license shall thereupon be automatically revoked without any action of the City Council.

Section 14. Exemption.

This ordinance shall not apply to billiard tables or billiard rooms operated by private industrial concerns; Young Men's Christian Associations; religious orders; charitable institutions; state, county, or city institutions; fraternal orders; or bona fide clubs using such tables for members or employees only.

Section 15. Additional ground to revoke or suspend a license to operate a pool room, game room, or billiard hall.

In addition to revocation or suspension of a license for the reasons herein before specified, the license to operate a pool room, game room, or billiard hall may be further revoked for violation of any of the following standards:

1. In the event the licensee permits public drunkenness and disorderly conduct among his patrons or employees after warning by the City officer, such failure to act shall be grounds for revocation or suspension.
2. In the event the licensee receives notice from police or county officials of any violations of any ordinance other than the above, without correction thereof, such failure to act shall be grounds for revocation.
3. In the event of the violation of any state or federal laws by the licensee, his agents, or servants on the premises, said violations shall be grounds for revocation or suspension.
4. In the event of conviction of a crime involving moral turpitude by the licensee off premises, said conviction shall be grounds for revocation or suspension.

Section 16. Appeals.

(a) No license required by this ordinance shall be denied, suspended, or revoked without the opportunity for a hearing.

(b) The business license director shall provide written notice to the owner-applicant and licensee of his order to deny, suspend, or revoke the license. Such written notification shall set forth in reasonable detail the reasons for such action and shall notify the owner-applicant and licensee of the right to appeal under the provisions of this ordinance. Any owner-applicant or licensee who is aggrieved or adversely affected by a final action of the business license director may have a review thereof in accordance with the appeal procedures specified in this ordinance.

Section 17. Notices.

For the purpose of this ordinance, notice shall be deemed delivered when personally served or, when served by mail, within three days after the date of deposit in the United States mail.

Section 18. Penalties.

Any person who violates any provision of this ordinance may, upon conviction, be punished by a fine not to exceed \$1,000 for each offense and/or imprisoned in the common jail of the county for a period not to exceed 180 days.

Section 19. Severability.

Should any part, portion, or paragraph of this ordinance be declared unconstitutional or void by a court of competent jurisdiction, such declaration shall not affect the remaining portion of this ordinance not so declared to be invalid; and same shall remain of full force and effect as if separately adopted.