

Town of Badin Ordinance 92-6

TOWN OF BADIN ORDINANCE 92-6 AN ORDINANCE TO LICENSE AND REGULATE PLACES OF AMUSEMENT AND ENTERTAINMENT

The Town Council of Badin does ordain as follows:

SECTION 1. DEFINITIONS – License Required

A place of amusement or entertainment for the purpose of this Article shall be any place of business that operates as a pool hall, billiard hall, dance hall, carnival, circus, coffee house, cocktail lounge, night club, beer hall, any similar establishment or any combination of the above mentioned.

Pursuant to the authority granted the Town in G.S. 160A-181 to regulate places of amusement and entertainment, it shall be unlawful for any person to maintain or operate any such business unless the person shall have secured a license from the Town Board to operate the business. The license shall expire July first of each year, and shall not be transferable.

SECTION 2. APPLICATION FOR LICENSE AND INVESTIGATION

Applications for a license to maintain or operate a place of amusement or entertainment shall be made upon forms provided by the Town Clerk and shall contain all information necessary for the Council to act intelligently upon the applications.

The Town Clerk shall refer the information furnished by the applicant to the Chief of Police who shall investigate such applicant and place sought to be licensed to determine whether said applicant and place is desirable. The Chief of Police shall furnish the Town Council with all information pertaining to convictions of any crimes and any other pertinent information pertaining to the location of the proposed business. After the applicant has appeared before the Town Council and the investigation made by the Chief of Police has been furnished to the Town Council, the Town Council may in any case by majority vote of its members refuse the issuance, or order the issuance, of such license.

SECTION 3. WHEN LICENSE REFUSED

The Council shall not issue a license to any person:

(1) Who has been convicted within the past two (2) years of a felony; or who has been convicted of unlawfully selling intoxicating liquors or narcotic drugs.

(2) Who is not a citizen and resident of North Carolina; or

(3) Who is a habitual user of intoxicating liquor or narcotic drugs; or

(4) Who has within three (3) years of application had a previously issued license for operation of place of amusement and entertainment revoked.

SECTION 4. FORM AND CONTENT OF LICENSE

Every license issued pursuant to this article shall specify the premises for which it is issued, the number of tables, alleys, or machines to be operated thereunder, the name of the owner or operator, and dates upon which the license shall begin and expire. The license shall be posted in a permanent place on the premises at all times and is not transferable to any other premises. A license issued pursuant to this Section is void if the

business moves or ceases operating at the location required to be stated in the application.

SECTION 5. CERTAIN PROHIBITIONS TO BE OBSERVED BY LICENSEE AND EMPLOYEES

Licensees under this article shall not, and neither shall their employees:

- (1) Suffer or permit any gambling on the licensed premises at any time, nor permit the sale of any card or other gambling device.
- (2) Suffer or permit the licensed premises to become disorderly, or permit any profane, obscene, or indecent language thereon.
- (3) Suffer or permit any intoxicating liquors, as defined in G.S. 18A-2(4), or narcotic drugs to be sold or kept or consumed on the licensed premises.

(4) Suffer or permit any person under the age of 16 years to enter or remain on the licensed premises, unless the person is accompanied by a parent or guardian.

(5) Employ in the establishment any person who has been convicted within the past two (2) years of a felony offense; or any person who has been convicted of unlawfully selling intoxicating liquors or narcotic drugs.

(6) Suffer or permit any keeley board, keno board, or any other gambling device to be attached or placed upon any tables.

SECTION 6. RULES FOR OPERATION

The following rules shall be observed by all operator of places of amusement and entertainment:

(1) All establishments shall close at 12:00 Midnight, Monday through Saturday, and no person other than the owner, operator, or employees shall be permitted on the premises from that hour until 7:00 am, the following morning.

(2) No play on any table, alley, or machine shall be allowed during the times when the premises are required to be closed as specified by this article.

(3) These establishments shall remain closed on Sundays.

(4) All establishments shall operate only on the ground floor of a building and an unobstructed transparent plate glass window or windows at least six (6) feet by four (4) feet in size shall be located in those parts of the building facing any street so that a clear view inside may be had from the street.

(5) No screens, curtains, blinds, partitions, or other obstructions shall be placed between the entrance of the room where amusement and entertainment is had and the rear wall of the room. A clear view from the interior premises from the entrance to the rear of the premises must be maintained at all times.

(6) No loud noises shall be allowed to emanate beyond the licensed premises.

(7) There must be an adult (18 years of age or older) managing the business on the premises at all times.

SECTION 7. LICENSEE RESPONSIBLE

The acts of conduct of the agents and employees of the licensee in the conduct of business covered hereunder shall be deemed to be the acts and conduct of the licensee.

SECTION 8. REVOCATION OF LICENSES

A second conviction of a licensee, or his agent or employee, for any violation of any provision of this article shall by operation of law constitute an automatic revocation of the license of the licensee. In addition, the Town Council may at any time, for cause, and after a hearing for which licensee shall be given reasonable notice as the Town Council may direct, revoke the license of any person who violates any of the provisions of this ordinance.

SECTION 9. PENALTY

(1) The violation of any provision of this ordinance shall subject the offender to a civil penalty in the amount of \$50.00 to be recovered by the Town. Violators shall be issued a written citation which must be paid within 72 hours.

(2) Each day's continuing violation of this ordinance shall be a separate and distinct offense.

(3) Violation of this ordinance shall not constitute a misdemeanor or infraction punishable under North Carolina General Statutes Section 14-4.

(4) Notwithstanding subsection (a) above, this ordinance may also be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

(5) Any business attempting to operate as a place of amusement and entertainment, as defined in this article, within the Town of Badin without a license issued by the Town shall be closed and padlocked immediately after a determination is made by the Chief of Police that this violation has occurred. The owner or operator of this business may appeal to the Badin Town Council for a reversal of the remedy imposed upon his business.

This ordinance shall be effective on the date of its adoption,
June 9th, 1992.