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ORDINANCE NO. 00-02

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT GAINES TO PROVIDE FOR THE REGULATION OF POOLROOMS, GAMEROOMS, AND BILLIARD HALLS; REPEALING ALL ORDINANCES IN CONFLICT; AND FOR OTHER PURPOSES.

WHEREAS, it is the intention of the City Council of the City of Fort Gaines to provide a safe and wholesome environment within the City; and

WHEREAS, it is within the authority of the City to regulate poolrooms, gamerooms, and billiard halls to protect the public health and safety of the citizens of the community; and

WHEREAS, after careful consideration the City Council has determined that the improper operation of poolrooms, gamerooms, and billiard halls will have a detrimental effect and endanger the public health and safety of the community; and

WHEREAS, it has been determined that the improper regulation of poolrooms, gamerooms, and billiard halls could promote crime and other conduct not conducive to maintaining the health, safety, and welfare of the City;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fort Gaines, and it is hereby ordained by the authority thereof:

Section 1. The Code of Ordinances of the City of Fort Gaines is amended by adopting and adding to Chapter 22 a new Article III entitled "Poolrooms, Gamerooms, Billiard Halls," attached hereto as "Exhibit A."

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SO ORDAINED, this 13th day of June, 2000.

CITY OF FORT GAINES

By: [Signature]
Mayor, David Wetherby

(SEAL)

Attest: [Signature]
Clerk, Marion Lindsey

First reading: 05-09-2000
Second reading: 06-13-2000

Art. III. Poolrooms, Gamerooms, Billiard Halls

Sec. 22-31. Applicability.

(a) The rules and regulations set forth in Sections 22-31 through 22-48 hereof shall govern the operation of all poolrooms, gamerooms, and billiard halls in the City of Fort Gaines, Georgia.

(b) The terms “poolroom” and “billiard hall” shall have the same definitions herein as the terms “billiards” and “billiard room” as defined in O.C.G.A. § 48-8-1, as said statute now exists or shall be amended from time to time.

(c) The term “gameroom” as used herein shall mean those establishments, any portion of whose revenue is from coin-operated pool or billiard tables, or coin-operated game machines of any kind, such as, for example only, pinball, baseball, or video games.

Sec. 22-32. Application; filing form; contents.

All persons 18 years of age or older desiring to obtain a license required for the operation of a poolroom, gameroom, 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.

Sec. 22-33. Investigation of applicant.

(a) All applicants shall be investigated by the Fort Gaines 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.

Sec. 22-34. 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 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.

Sec. 22-35. 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 Clay County Health Department or departments of the City.

Sec. 22-36. Serving food.

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

Sec. 22-37. Hours of operation.

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

Sec. 22-38. Violations and grounds for revocation of license.

Commission of any of the following acts by a licensee, agent, or employee of a poolroom, gameroom, 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 poolroom, gameroom, 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.

Sec. 22-39. Transferability of license.

A license for the operation of a poolroom, gameroom, or billiard hall shall not be transferable except by application to the license review board in the same form and manner as an original application.

Sec. 22-40. Gambling devices prohibited.

No dice, cards, dominoes, or other games of chance shall be permitted, nor any form of gambling allowed, in any poolroom, gameroom, or billiard hall or in any other business place operated in connection therewith; and such games as Kelly pool, keno, pigeon pool, star pool, scrub, and similar gambling devices are prohibited. 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 poolroom, gameroom, 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.

Sec. 22-41. Further restrictions.

It shall be unlawful for any poolroom, gameroom, 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.

Sec. 22-42. Enforcement.

It shall be the duty of the police or other constituted authorities to inspect all public poolrooms, gamerooms, and billiard halls in the City for the purpose of ascertaining whether or not the provisions of this chapter 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.

Sec. 22-43. Exemption.

This chapter 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.

Sec. 22-44. Additional ground to revoke or suspend a license to operate a poolroom, gameroom, or billiard hall.

In addition to revocation or suspension of a license for the reasons herein before specified, the license to operate a poolroom, gameroom, 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 automatic 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.

Sec. 22-45. Appeals.

(a) No license required by this article 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 article. 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 Sec. 22-13 of this chapter.

Sec. 22-46. Notices.

For the purpose of this article, 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.

Sec. 22-47. Penalties.

Any person who violates any provision of this article 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.

Sec. 22-48. Severability.

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