

CHAPTER 62: CONTROLLED BUSINESSES

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MUSICAL ENTERTAINMENT

§ 62.01 HOURS OF OPERATION OF DANCE HALLS, CONCERT HALLS, OR OTHER PUBLIC MUSICAL ENTERTAINMENT.

It shall be unlawful to operate any public dance hall, concert hall, or other public musical entertainment in the town between the hours of 12:00 midnight and 10:00 a.m. (Ord., passed 7-9-74) Penalty, see § 62.99

PUBLIC ENTERTAINMENT ENTERPRISES

§ 62.10 PERMISSION TO OPERATE BOWLING ALLEYS, POOL ROOMS, OR OTHER PUBLIC ENTERTAINMENT ENTERPRISES REQUIRED.

It shall be unlawful for any person, firm, or corporation to operate a bowling alley, pool room, open air theatre, shooting gallery, or other public entertainment enterprise within the corporate limits of the town without first applying to the Town Board for permission to operate such facility and securing such permission pursuant to a formal resolution of the Board. (Ord., passed 7-9-74) Penalty, see § 62.99

§ 62.11 APPLICATION; DETERMINATION OF BOARD.

- (A) The application to the Board for permission to operate the businesses mentioned in § 62.10 which contain at a minimum, information as to the following items:
- (1) The proposed location and size of the business.
 - (2) Those persons who will be responsible for the operation of the business.
 - (3) That the business will be operated in a quiet and orderly manner.
 - (4) That the business will not be operated between the hours of 12:00 midnight and 8:00 a.m. nor between the hours of 8:00 a.m. and 1:00 p.m. on Sundays.
 - (5) That the premises will be kept sanitary and orderly.
 - (6) That adequate liability insurance will be provided.
- (B) Upon review of the application the Board shall in its discretion, based upon the health and welfare of the community and the information contained in the application, make a determination upon the granting of a permit. (Ord., passed 7-9-74)

§ 62.12 PERMITS SUBJECT TO DISCRETION OF BOARD; REVOCATION.

(A) All permits for operation granted under this subchapter shall be subject to and conditioned upon a statement filed by the owners and operators of the businesses described in § 62.10, placing the conditioned operation of the business in the sole discretion of the Board of Commissioners and further stating that they understand and agree that at such time as the Board of Commissioners shall in their wisdom and discretion determine that the business is a public nuisance, or in any other way harmful to the community, they will cease operations upon 30 days' notice.

(B) If the Town Board shall see fit to revoke the permission for the operation of such business, the operators thereof shall cease operation within 30 days of written notice. (Ord., passed 7-9-74)

"VIDEO GAMING MACHINES"

§ 62.20 LICENSE REQUIRED

(A) It shall be unlawful for any person or entity to maintain or operate any video gaming machine as defined below. Unless such person or entity shall have first secured a license from the council to do so. The license shall expire on June 30 of each year and shall not be transferable.

(B) For purposes of this chapter, a video gaming machine means a slot machine as defined in G.S. 14-306(a) and other forms of electrical, mechanical, or computer games such as by way of illustration:

- (1) A video poker game or any other kind of video playing card game.
- (2) A video bingo game
- (3) A video craps game
- (4) A video keno game
- (5) A video lotto game
- (6) Eight liner.
- (7) Pot-of-gold.
- (8) A video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols not dependent on the skill or dexterity of the player.

In addition, for the purpose of this chapter, a video gaming machine is a video machine which requires deposit of any coin, token, or use of any credit card, debit card, or any other method that requires payment to activate play of any of the games listed in this subsection. The enumeration of games in the list in this subsection does not authorize the possession or operation of such game if it is otherwise prohibited by law.

- (B) For the purpose of this chapter, a video gaming machine includes those that are within the scope of the exclusion provided in G.S. 14-306(b)(2), but does not include those that are within the scope of the exclusion provided in G.S.14-306(b)(1). (Ord., passed 9-12-2000)

§ 62.21 APPLICATION FOR LICENSE

Applications for the license to maintain or operate video gaming machines shall be made upon forms provided by the clerk and shall contain all information necessary for the council to act intelligently upon such application. If the application is made in the name of a legal entity such as a corporation or partnership, the application must set forth the names of all persons who have an ownership interest in the entity and all such persons shall be considered licensees hereunder. (Ord., passed 9-12-2000)

§ 62.22 DENIAL OF LICENSE

The council shall not issue a license to any applicant:

- (1) Who has been convicted within the past five years of a felony;
- (2) Who is not a citizen and resident of the state of North Carolina;
- (3) Who is of immoral character;
- (4) Who is a habitual user of alcoholic beverages (as used herein such term is defined by G.S. 18B-101) or controlled substances (as used herein such term is defined by G.S.90-87); or
- (5) Who has been convicted of a violation of the laws pertaining to lotteries or gaming as set forth in Chapter 14, Article 37 of the General Statutes (or similar laws of this or another State). (Ord., passed 9-12-2000)

§ 62.23 FORM AND CONTENT OF LICENSE.

Every license issued pursuant to this chapter shall specify the premises for which it is issued, the number of games, or other apparatus to be operated there under and the owner thereof; the name of the owner and operator of the establishment, and the dates upon which the license begins and shall expire. The license shall be posted in a prominent place on the premises at all times. (Ord., passed 9-12-2000)

§ 62.24 CERTAIN PROHIBITIONS TO BE OBSERVED BY LICENSEE AND EMPLOYEES.

Licensees under this chapter shall not:

(A) Suffer or permit any gambling on the licensed premises at any time except as may be specifically allowed by North Carolina General Statutes;

(B) Suffer or permit the licensed premises to become disorderly or permit any profane, obscene, or indecent language thereon;

(C) Suffer or permit any alcoholic beverages or controlled substances to be sold or kept or consumed on the licensed premises except as allowed by North Carolina law; or

(D) Employ on the premises any person who has been convicted of a felony offense within the past five years, has been convicted of unlawfully selling or conspiring to sell alcoholic beverages or controlled substances or has been convicted of violating the laws of pertaining to lotteries and gaming. (Ord., passed 9-12-2000)

§ 62.25 RULES FOR OPERATION.

The following rules shall be observed by all operators of video gaming machines within the town:

(A) No video gaming machine shall be used or operated between the hours of 2:00 a.m. and 7:00 a.m. nor between the hours of 7:00 a.m. and 12:00 noon on Sundays;

(B) No video gaming machine shall be used or operated during the times when the premises upon which they are located are closed for business;

(C) All premises used for the operation of video gaming machines shall be operated only on the ground floor of a building. Unobstructed, transparent plate glass windows shall be located in that part of the building facing at least one street (or public vehicular area) so that there is a clear view of (1) the full interior of the building and (2) the play and display areas of all video gaming machines inside the premises from such street or public vehicular area;

(D) No screens, curtains, blinds, partitions, or other obstructions shall be placed between the entrance to the room where video gaming machines are operated and the rear wall of such room. A clear view of the play and display areas of all video gaming machines must be maintained from the main entrance at all times; and

(E) All premises used for operation of licensed video gaming machines shall be subject to inspection at all times without

prior notice by representatives of the Town including but not limited to law enforcement officers. (Ord., passed 9-12-2000)

§ 62.26 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. (Ord., passed 9-12-2000)

§ 62.27 REVOCATION OF LICENSE.

A second conviction of a licensee, or a licensee's agent or employee, for any violation of any provision of this chapter shall by operation of law constitute an automatic revocation of the license of such licensee. In addition, the council may, at any time, for cause and after a hearing of which such licensee shall be given such reasonable notice as the council may direct revoke any license issued pursuant to this article. (Ord., passed 9-12-2000)

§ 62.99 PENALTY.

(A) Any person, firm, or corporation violating any provision of this chapter shall upon conviction be guilty of a misdemeanor and shall be punished in accordance with G.S. § 14-4.

(B) Each and every day or portion thereof that a bowling alley, pool room, open air theater, shooting gallery, or other public entertainment enterprise is operated in violation of this chapter shall constitute a separate offense. (Ord., passed 7-9-74)