

## ARTICLE 4.200 DANCE HALLS AND POOL HALLS

### Sec. 4.201 Definitions

This article shall be known as The Dance Hall and Pool Hall Ordinance, and the following terms, when used herein, are defined and shall mean as follows:

**Private Dance.** Shall mean and include any dance given or held at any bona fide home and any dance given or held by any non-profit club, society, association or corporation organized for civic, fraternal or charitable purpose, having permanent membership and to which members are not admitted as such for casual or limited times only and for admissions or initiation as members to which the same fee, if any, is charged all persons becoming members thereof (excepting those becoming life members), and the dues to which are required to be paid for periods of not less than six (6) months, and which club, society, association or corporation does not have any business or commercial purposes and which owns, rents or maintains a place, building or house for the accommodation of its members for other material social, civic, fraternal or charitable purposes besides that of dancing; and admission to which dance is granted to members of such club, society, association or corporation and their invited guests only and from which the general public is excluded.

**Public Dance.** Shall be taken to mean any and include every dance to which admission is or can be had or obtained by paying any fee or in connection with which any charge is made directly or indirectly for admission, and, generally, shall include any dance to which the public generally may gain admission for a fee directly or indirectly paid, or to which the public generally can gain admission without the payment of any fee, and includes every dance except "private dances" as defined in paragraph (1) of Section 4.201 hereof.

**Public Dance Hall.** Shall mean and include any and every room, place, space, building or floor where a "public dance" is held or conducted, and shall include every "cabaret" and "night club" as those terms are commonly and ordinarily understood.

**Pool Hall.** Shall mean and include any and every room, place, space, building or floor where the public generally may use tables or a table to play billiards, pool, bagatelle or pigeonhole or any similar game notwithstanding the fact that some other name may be used.

Public dance halls are divided herein into three classes according to the area of floor space as follows: any public dance hall with a floor space of 2,000 square feet or more for dancing and sitting purposes is designated as Class A; any public dance hall having 500 but less than 2,000 square feet of floor space for dancing and sitting purposes is designated as Class B; any public dance hall having less than 500 square feet of floor space for dancing and sitting purposes is designated as Class C.

**Operator.** As used herein shall be taken to mean any person, firm, association, partnership or corporation which conducts, manages, maintains or controls, either directly or indirectly any dance hall or pool hall as defined and designated herein.

(1974 Code, Chapter 4, Article 2, Section 4-22)

### Sec. 4.202 License Required

From and after the passage and publication of this article, it shall be unlawful to hold, conduct, operate or aid and assist in holding, operating or conducting any public dance as defined herein, or to maintain or operate any public dance hall or pool hall within the limits of the City of Abernathy unless and until the operator or person in charge of same shall have obtained a license for so doing under the terms of this article. License for such person or operator shall be issued by the city secretary of the City of Abernathy to any applicant when the conditions of this article have been approved by the city council of the City of Abernathy. (1974 Code, Chapter 4, Article 2, Section 4-23)

Sec. 4.203 Fees

The fees shall be charged for such licenses issued shall be as provided for in the fee schedule found in the appendix of this code. (1974 Code, Chapter 4, Article 2, Section 4-24)

Sec. 4.204 Term; No Refund, Assignment; Transfer

All licenses issued hereunder shall terminate one year from the date of such issuance. No refund of any license fee paid hereunder shall be made by the City of Abernathy for any cause whatsoever. Licenses issued hereunder shall be deemed personal to the licensee, and shall not be assignable, provided, however, that licenses issued hereunder may be transferred from one location or place of business to another location or place of business upon application approved by the city council as an original application. (1974 Code, Chapter 4, Article 2, Section 4-25)

Sec. 4.205 Application for License

Any person, firm, association, partnership or corporation desiring a license to operate a dance hall or pool hall as herein defined, shall file with the city secretary a written sworn application for such license, which application shall state:

(1) The location, by street and number of the place, space, building, and room or floor, and the size of such room or space, including total square feet thereof, which is proposed to be used for such purpose if a dance hall or a pool hall, and the number of tables to be used in the event it is a pool hall; and the name and address of the applicant, and if said premises are leased to the applicant, the name of the lessor.

(2) If the applicant is an individual, that he is a citizen of the State of Texas, and that he has not been convicted of a felony, or if so, the nature of the offense of which he has been convicted, and the length of his residence in the City of Abernathy and the previous occupation or employment of applicant for a period of five years next preceding the filing of his application, and if the application is by a firm, association or partnership, all of the information required of an individual application shall be given as to each member of the firm, association or partnership. If the application is made on behalf of a corporation, then all of the foregoing information required of an individual applicant shall be given as to the manager thereof, and such application shall further state when and where such corporation has been chartered, and shall give the name of each and every director, officer and stockholder of such corporation.

(3) Such other and additional information as the city council may from time to time deem proper and necessary as determined by resolution of such council.

(4) Any license issued under the terms of this article shall not be construed as granting or conferring any vested right to the licensee or operator but shall be subject to revocation and cancellation as provided for in this article. Any misrepresentation as to any facts required for the application for a license shall be grounds for cancellation. The city secretary shall refer all applications for investigation to the chief of police, the public health officer, the chief of the fire department and the building inspector, who shall promptly investigate same, and if the officers find that the premises desired to be used for the purpose applied for complies with the laws of the State of Texas, this and other ordinances of the City of Abernathy, regulating health, sanitation, fire regulations and building code of the City of Abernathy, then such officers in their respective capacities shall note upon such application their approval and such application shall be referred by the city secretary to the city council for approval or disapproval. On applications approved by the city council, the city secretary shall issue a proper license to such applicant upon the payment of the license fee prescribed herein.

(1974 Code, Chapter 4, Article 2, Section 4-26)

Sec. 4.206 Hours of Operation

No public dance hall shall remain open or operate between the hours of 12:00 o'clock midnight and 7:00 p.m., Central Standard Time. The same hours of closing shall apply to pool halls. (1974 Code, Chapter 4, Article 2, Section 4-27)

Sec. 4.207            Regulations

In addition to the other provisions of this article, dance halls and pool halls shall be governed by the following regulations:

(1)        Dance halls shall be policed by special officers of the number of two (2) for each hall, beginning at least thirty minutes prior to the opening hour and ending not less than thirty minutes after the closing hour. The special officers must be approved by the city manager prior to the hiring of same by the operator of the hall; or, in the alternative, the operator of the hall may request the city manager to furnish two (2) or more officers for which the City of Abernathy will charge said operator \$10.00 per officer per night of duty, said charge to be paid to the city in advance.

(2)        Free access and entrance into all dance halls shall be at all times accorded and granted to any officer of the City of Abernathy.

(3)        Each dance hall shall be supplied with separate and convenient toilet facilities for each sex, the approach to which shall be private, and maintained in a sanitary condition.

(4)        No intoxicating liquors or beverages may be drunk or dispensed at any public dance hall or pool hall.

(5)        If any dance hall is operated in violation of any ordinance of the City of Abernathy, or any law of the State of Texas, the chief of police may at any time give notice in writing to such operator or licensee, manager, person or persons in control of the operation and maintenance of such dance hall that the permit or license issued for the operation and maintenance of said dance hall has been revoked and canceled, said revocation and cancellation to be final after the expiration of ten (10) days, unless on or before the expiration of said ten days the operator in charge of said dance hall shall file with the city secretary of the City of Abernathy, a written appeal, addressed to the city council of the City of Abernathy, in which it is requested that the city council grant unto him or her a hearing upon the operation as to whether or not the permit or license issued be canceled and revoked. The city council shall then conduct a hearing within thirty days of receipt of the appeal, and such action and judgment of the city council, after hearing the evidence and facts at such hearing wherein the applicant is permitted to appear and offer evidence, shall be final and conclusive as to all parties. This paragraph shall apply also to pool halls and pool hall operators.

(1974 Code, Chapter 4, Article 2, Section 4-28)

Sec. 4.208            Penalty

Any person, association, corporation, operator or licensee who shall violate or aid or assist in violating any of the provisions of this article shall be deemed guilty of a misdemeanor and shall upon conviction thereof, be fined in accordance with the general penalty provision found in Section 1.106 of this code. Any remedy prescribed herein shall be merely cumulative and shall not preclude resort to any other remedy provided by law. (1974 Code, Chapter 4, Article 2, Section 4-29)