

AMENDMENT TO POOL HALLS AND BILLIARD PARLORS ORDINANCE,
CHAPTER 113 OF THE CODE OF MURPHY, NORTH CAROLINA

WHEREAS, the General Statutes of the State of North Carolina authorize municipal corporations to regulate, restrict, or prohibit the operation of pool halls and billiard halls; and

WHEREAS, it is the opinion of the Board of Commission of the Town of Murphy, North Carolina, that the operation of pool tables and billiard tables should be permitted under limited conditions; and

WHEREAS, it is further the opinion of the Board of Commission of the Town of Murphy, North Carolina, that the Pool Halls and Billiard Halls Ordinance, Chapter 113 of the Code of Murphy, North Carolina, should be amended to provide same.

NOW, THEREFORE, IT IS ORDAINED BY THE BOARD OF COMMISSION OF THE TOWN OF MURPHY, NORTH CAROLINA:

SECTION 1. AMENDMENTS. Chapter 113 of the Code of Murphy, North Carolina, be and hereby is amended be striking and deleting Section 113.01 in its entirety and inserting in lieu thereof the following:
§ 113.01 VIOLATIONS.

(A) Except permitted as provided in Section (B) hereof, it shall be unlawful and a violation of the provisions of this ordinance for any person, firm, or corporation to maintain or operate any pool table or billiard table for any game or play for which a charge is made, either directly or indirectly, within the corporate limits of the Town of Murphy, State of North Carolina.

(B) A business which had been open and in continuous operation at the same location within the corporate limits of the Town of Murphy, State of North Carolina, for one year may maintain or operate one pool table or one billiard table for any legal game or play for which a charge is made, either directly or indirectly subject to the following restrictions:

1. Use of or play on the pool table or billiard table shall be restricted to persons who have attained the age of 18 years. Use of or play on the pool table or billiard table by any person who has not attained the age of 18 years is prohibited.
2. Use of or play on the pool table or billiard table between the hours of 11:00 p.m. and 7:00 a.m. is prohibited.

SECTION 2. ENFORCEMENT. It shall be the duty of the Police Department of the Town of Murphy to enforce the provisions of this Ordinance.

SECTION 3. EXERCISE OF POLICE POWER. This entire Ordinance shall be deemed and construed to be an exercise of the police power of the Town of Murphy, State of North Carolina, for the preservation and protection of public safety and all of its provisions shall be

liberally construed with a view to the effectuation of such purpose.

SECTION 4. SEVERABILITY. If any section, phrase, sentence or portion of this ordinance is held void, invalid, unconstitutional or unenforceable for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective immediately upon final adoption and passage.

PRELIMINARILY ADOPTED AND PASSED by 60% majority vote (three in favor and one opposed) of the actual membership (five seats) of the Board of Commissioners of the Town of Murphy, North Carolina, at a regular meeting on the 10th day of August, 2023, the date on which it was first introduced.