

#39

WHEREAS, the 58th Legislature of the State of Texas, in regular session, enacted House Bill 39 which repealed Article 653 of the Penal Code of Texas, 1925, which prohibited the operation of pool halls in the State, and said Legislature also enacted legislation contained in House Bill 39 which permits cities and towns within their corporate limits to ban, prohibit, regulate, supervise, control or license the operation of billiard tables; and,

WHEREAS, the City of Abilene has no ordinances regulating billiard or pool halls and it is the opinion of the City Council that the operation thereof should be permitted under appropriate regulations to protect the public; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

Section 1: That The Code of The City of Abilene, Texas, 1957, as amended, be, and the same is hereby further amended by adding thereto a new chapter which shall hereafter read as follows:

"CHAPTER 61

"BILLIARD OR POOL HALLS.

"Sec. 61-1. PERMITS.

"That no person, firm, association of persons or corporation shall engage in the business of operating for public amusement a billiard or pool hall as hereinafter defined within the corporate limits of the City of Abilene without having first obtained a written permit from the City of Abilene. All applicants who desire to engage in the business of operating a billiard or pool hall for public amusement within the city limits shall make application for such written permit to the Chief of Police of the City of Abilene. Said application shall be made on a form provided by the Chief of Police and the applicant shall answer all questions thereon correctly and completely. All applicants for a permit to operate a billiard or pool hall and the employees thereof

"That no person, firm, association of persons or corporation shall operate a billiard or pool hall in any zoning district in which said use is prohibited.

"Sec. 61-8. CIVIL ENFORCEMENT.

"That in addition to the enforcement of this chapter by the filing of a complaint in Corporation Court, or the refusal, suspension or revocation of a permit, the City of Abilene may enforce the provisions of this chapter by filing a civil action in the appropriate court for injunction or mandamus. "

Section 2: That if any provision of this ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provision or application which can be given effect without the invalid provision or application, and to this end the provisions of the ordinance are declared to be severable.

Section 3: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Two Hundred Dollars (\$200. 00). Each such violation which shall continue or be permitted to continue shall be deemed a separate offense.

Section 4: That the City Secretary be, and she is hereby, authorized and directed to cause to have published in the official newspaper of the City of Abilene a notice of public hearing to be held in the Council Chamber of the City Hall in Abilene, Taylor County, Texas, at 8:30 a. m., on Thursday, October 24, 1963, to consider this ordinance.

PASSED ON FIRST READING this 10th day of October, A. D. 1963.

PASSED ON SECOND AND FINAL READING this 24th day of October, A. D. 1963.

ATTEST:

*S. John W. Davidson*  
CITY SECRETARY

*S. W. Del Bernal*  
MAYOR

APPROVED:

JOHN W. DAVIDSON, City Attorney

*S. John W. Davidson*