

1975 WL 29789 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 7, 1975

*1 Mr. Lailon L. Cannon
Assistant Chief of Police
Town of Central
Central, South Carolina 29630

Dear Chief Cannon:

I apologize for the delay in answering your inquiry concerning the operation of a billiard room and bar under the same roof. Due to final exams I was unable to research the question until today.

Mr. Harold Derrick of the License Tax Division of the South Carolina Tax Commission has informed me that Ray's Recreation Center holds a public recreation license or a license for a pool room under Section 5-504, 1962 Code of Laws. Such a license requires compliance with the applicable provisions of Title 5, Chapter 6. Among these provisions is the requirement that the pool room be operated in a lawful manner, Section 5-517. 'Lawful manner' is defined at Section 5-501(6) which reads in pertinent part:

... the billiard room shall be closed at eleven o'clock each night and remain closed until six o'clock the following morning, except that on Sunday no billiard table shall be operated for profit or otherwise.

It would seem apparent that as the establishment is registered as a billiard parlor and subject to Section 5-501(6) it must be closed at the defined hours. The portion devoted to the sale of beer if contained in this billiard room and not separated by petition or other obstacle would be unavailable for use as the entire room must be closed during the defined hours.

Of course, where there is some division between the two types of business the answer may be different according to the particular circumstances.

I hope this will be of aid to you. I am,
Yours truly,

Cameron B. Littlejohn, Jr.
Law Clerk

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