

1976 S.C. Op. Atty. Gen. 88 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4271, 1976 WL 22891

Office of the Attorney General

State of South Carolina

Opinion No. 4271

February 26, 1976

***1 In Re: Pool Tables, Power of Municipalities to Regulate**

Honorable James T. Funderburk

Mayor

City of Chester

Chester, South Carolina 29706

Dear Mayor Funderburk:

You have inquired as to the validity of a municipal ordinance that would require operators of pool tables in establishments that are not 'billiard rooms' or 'pocket billiard rooms' within the meaning of Section 5-501, 1962 Code of Laws of South Carolina, to cease operation of such tables at 11:00 P.M.

Reference is to pool tables—mostly small, coin-operated tables—in establishments such as filling stations and general grocery or mercantile stores.

The South Carolina Supreme Court in [Clegg v. City of Spartanburg](#), 132 S.C. 182, 128 S. E. 36, 37, said:

'That a state, in the exercise of its police power, may prohibit the keeping of public pool rooms and billiard halls without infringing - - - constitutional guarantees is well settled.

'That a municipality, acting within the scope of power delegated by the state (general power to legislate in the public interest), may as freely exercise this power to prohibit without infringing constitutional guarantees, follows as a necessary consequence.'

In [Fowler v. City of Anderson](#), 313 S. C. 473, 128 S. E. 410, the South Carolina Supreme Court upheld the validity of an ordinance of the City of Anderson prohibiting the operation of pool halls altogether, notwithstanding that the operator had obtained a license from the State to operate such an establishment. It cannot be argued seriously that what a city can prohibit altogether it cannot restrict to a lesser degree.

In view of the foregoing, it is the opinion of this Office that a municipality may enact a valid ordinance requiring that pool tables in business establishments cease operation after 11:00 P.M.

Yours very truly,

Joseph C. Coleman

Deputy Attorney General

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