

OFFICE OF THE ATTORNEY GENERAL



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Honorable James Hagood
Mayor, Town of Rogersville
P. O. Box 540
Rogersville, AL 35652

Municipalities - Private
Clubs - Billiards and
Billiard Rooms - Alcoholic
Beverage Control Law

Private club billiard rooms
exempt from the provisions of
Code of Alabama 1975,
§§ 34-6-2, et seq.

Dear Mayor Hagood:

This opinion is issued in response to the request of the
Town of Rogersville for an opinion of the Attorney General.

QUESTION 1

Your first question is:

Can a game room with pool tables
exempt itself from Title 34-6-2 through
Title 34-6-14 of the Code of Alabama 1975,
by filing as a private club under Title
34-6-15, "Exemptions from chapter?"

FACTS, ANALYSIS AND CONCLUSION

Code of Alabama 1975, § 34-6-15 states:

"§ 34-6-15. Exemptions from chapter.

"The provision of this chapter shall not be construed to include billiard tables or billiard rooms operated by industrial concerns for the exclusive use of their employees, Young Men's Christian Association, religious orders, charitable institutions, state, county or city institutions, fraternal orders or bona fide clubs using such tables for employees or members only."

Clearly, this exempts a bona fide club from the provisions of Code of Alabama 1975, §§ 34-6-2 through 34-6-15.

QUESTIONS 2, 3, AND 4

Your other questions are:

2. What authority does the Town of Rogersville have in regulating a private club, age limits, inspections, operating times, etc.?
3. What authority does the Town of Rogersville have in setting privilege license fee for a private club?
4. Does a private club status allow a private club to serve alcohol in a dry county?

FACTS, ANALYSIS AND CONCLUSION

While the municipality may not regulate a bona fide club game room with pool tables under §§ 34-6-2, et seq., it may charge a business privilege license fee for doing business as a bona fide club. Moreover, mere status as a bona fide club without the proper authorization of the Alcoholic Beverage Control Board does not permit the club to serve alcohol in a dry county or to violate any of the criminal laws of the state or the municipality.

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I hope this sufficiently answers your questions. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS
Attorney General
By:



JAMES R. SOLOMON, JR.
Chief, Opinions Division

JE/CJS/jho

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