

State of South Carolina )

County of Oconee )

Ordinance 2014-8

City of Walhalla )

**AN ORDINANCE TO AUTHORIZE THE SERVICE AND CONSUMPTION OF BEER AND WINE IN SIDEWALK ENCROACHMENT AREAS**

**WHEREAS**, the city of Walhalla wishes to provide restaurateurs with the option to sell beer and wine for consumption on public sidewalks contiguous to an establishment otherwise licensed to serve and sell beer and wine for on premises consumption and having valid written authorization from the local political subdivision having jurisdiction over the location; and

**WHEREAS**, City Council has reviewed the existing practice, the revised Department of Revenue regulation, and the prevailing practices of other municipal governments in the state and has also heard from those who advocate the benefits of beer and wine service in encroachment areas for purposes of personal enjoyment and municipal economic development; and

**WHEREAS**, City Council has also reviewed the impact of the service of beer and wine in encroachment areas upon night time public safety and noise in the Central Business District and has concluded that the public safety of the City is promoted by ceasing all beer and wine service and consumption in encroachment areas after midnight;

**NOW THEREFORE**

**BE IT ORDAINED**

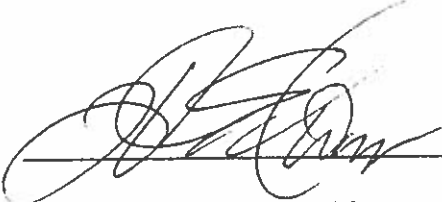
**BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WALHALLA, SOUTH CAROLINA:**

**SECTION 1.** The Ordinance of the city of Walhalla shall authorize the sale and consumption of beer and wine (poured and served in clear plastic cups) in sidewalk areas having a validly issued encroachment permit for the service of food and beverages and (b) limit the hours during which beer and wine, may be served and consumed in an encroachment area to the hours between **ten o'clock a.m. and midnight.**

**SECTION 2.** Any restaurateur who has a permit authorizing the sale and consumption of beer and wine for on premise consumption and wants to provide such service in sidewalk areas having a validly issued encroachment permit for the service of food and beverages, must furnish to the city of Walhalla, a policy of insurance in the amount of one million (\$1,000,000.00) dollars combined single limit bodily injury and property damage liability insuring the business establishment against any hazard which might occur by reason of the sale of beer and wine in sidewalk areas and must execute an agreement to hold the city of Walhalla harmless from any litigation of any manner or form by reason of the sale of beer or wine in sidewalk areas within the city of Walhalla.

**SECTION 3.** This Ordinance shall become effective for all encroachment permits issued after June 17, 2014.

Done in Council duly assembled.

  
\_\_\_\_\_  
**DANNY EDWARDS, Mayor**  
City of Walhalla

ATTEST:

  
\_\_\_\_\_  
**NANCY GOEHLE**  
City Administrator

Introduced for 1<sup>st</sup> reading on 5/20/14

Introduced for 2<sup>nd</sup> reading on 6/17/14

STATE OF SOUTH CAROLINA )  
COUNTY OF OCONEE )  
CITY OF WALHALLA )

**ORDINANCE 2008-1**

**AN ORDINANCE TO AMEND ORDINANCE 2003-11, REGULATING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES, ANY WINES, MALT LIQUORS OR BEER IN ANY STORE OR OTHER PLACE OF BUSINESS IN THE CITY OF WALHALLA.**

**SECTION I.** It shall be unlawful for the owner or person in charge of any store, beer parlor or other places of business or commercial establishments to sell, give away, or in any manner dispense, or permit the consumption of any wines, malt liquors or beer in such store, beer parlors or other places of business or commercial establishments, including premises, between the hours of MIDNIGHT and 7:00 AM with the exception of New Years Eve, the hours will be between 1:00 AM and 7:00 AM. If New Years Eve falls on either Saturday or Sunday, the city will follow the State's Blue Law.

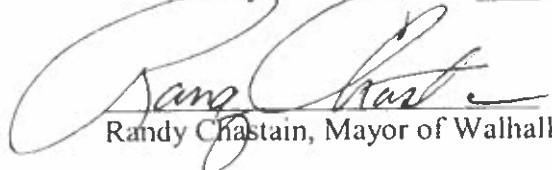
**SECTION II. PRIVATE ESTABLISHMENT/CLUB:** It shall be unlawful for the owner, operator or any employee of any private establishment/club, located inside the city limits of Walhalla, South Carolina to serve, sell, give away, or in any manner dispense, or permit the consumption of any alcoholic beverages, wines, malt liquors or beer between the hours of 2:00 AM and 7:00 AM. All occupants including owner, bartenders and waitresses must be out of the establishment by 2:00 AM, no exceptions.

To be considered for extended hours, under a private license, the establishment/club must have been in business for twenty-four (24) months with no problems. The Walhalla Fire Chief and the Walhalla Police Chief must sign off on the premises.

**SECTION III.** Any person violating the provisions of this Ordinance shall be fined or imprisoned within the discretion of the Municipal Court of the City of Walhalla.

**NOW, THEREFORE, BE IT RESOLVED** the City of Walhalla, South Carolina, adopts the amended changes.

**DONE, ORDERED AND ADOPTED** in Council duly assembled this 18<sup>th</sup> day of March, 2008.

  
Randy Chastain, Mayor of Walhalla

**ATTEST:**

  
Nancy Goehle, City Administrator

Introduced by: Mr. Lee  
First Reading: 2-19-08  
2<sup>nd</sup> Reading & Adoption: 3-18-08

STATE OF SOUTH CAROLINA )  
COUNTY OF OCONEE )  
CITY OF WALHALLA )

ORDINANCE 2003-11


**AN ORDINANCE TO AMEND SECTION I OF ORDINANCE 1976-6,  
REGULATING THE SALE AND CONSUMPTION OF ANY WINES, MALT LIQUORS  
OR BEER IN ANY STORE OR OTHER PLACE OF BUSINESS IN THE CITY OF  
WALHALLA:**

**SECTION I.** It shall be unlawful for the owner or person in charge of any store, beer parlor or other places of business or commercial establishments to sell, give away, or in any manner dispense, or permit the consumption of any wines, malt liquors or beer in such store, beer parlors or other places of business or commercial establishments, including the premises, between the hours of MIDNIGHT and 7:00 A.M., with the exception of New Years Eve, the hours will be 1:00 A.M. and 7:00 A.M. If New Years Eve falls on either Saturday or Sunday, the City will follow the State's Blue Law.

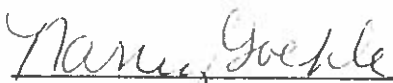
**SECTION II.** Any person violating the provisions of this Ordinance shall be fined or imprisoned within the discretion of the Municipal Court of the City of Walhalla.

**NOW, THEREFORE, BE IT RESOLVED** That the City of Walhalla, South Carolina, adopts the amended changes.

**DONE, ORDERED, AND ADOPTED** in Council duly assembled this 22<sup>nd</sup> Day of December, 2003.

  
\_\_\_\_\_  
Lamar Bailes, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Nancy Gochle, City Administrator

Introduced by: Mr Crumpton

First Reading: 12-16-03

2<sup>nd</sup> Reading & Adoption: 12-22-03

## City of Walhalla Ordinance 2014-8

### Conditions of Permit

#### Service and Consumption of Beer and Wine in Sidewalk Encroachment

The permit required by this article shall be issued only to permittee submitting form and other deemed appropriate information. The permit contains the following conditions:

- 1) Each permit shall be subject to annual renewal, unless revoked, suspended or retracted prior to expiration.
- 2) The permit issued shall be personal to the permittee only and shall not be transferable in any manner.
- 3) The permit may be suspended by the administrator when necessary to clear the public property for public safety for a community or special event authorized by a permit issued by the city.
- 4) The administrator may require the temporary removal of items within the encroachment area when street, sidewalk, common area or utility repairs necessitate such action.
- 5) The permit shall be specifically limited to the area directly in front of restaurant, and not interfere, obstruct or hamper ease of movement on sidewalk. As a condition of approval, the city may reduce and otherwise reconfigure the proposed area and the number of requested chairs, tables, and items within the encroachment area.
- 6) The encroachment area covered by the permit shall be maintained in a neat and orderly appearance at all times, and the area shall be cleared of all debris on a periodic basis during the day, and again at the close of each business day.
- 7) No advertising is permitted on any stand or item.
- 8) No tables or chairs or any other parts of the business shall be attached, chained or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk within or near the permitted

area in a manner which causes or threatens to cause injury to any person or damage to public or private properties. No additional outdoor seating authorized under this article shall be used for calculating seating requirements pertaining to location of, application for issuance of an ABC license for any establishment, or be used as the basis for computing required seating for restaurants and dining rooms, or as grounds for claiming exemption from such requirements under the provisions of any city ordinance or state law.

9) The issuance of a permit does not grant or imply vested rights to use of the area by the permittee. The city retains the right to deny the issuance of a permit or the renewal of a permit for any reason.

10) Tables, chairs, umbrellas and any other objects provided shall be maintained with a clean and attractive appearance and shall be kept ~~safe and in good repair at all times.~~

---

11) The city retains the right to suspend the privilege of using glass containers within the encroachment areas and only the use of clear plastic cups are allowed.

12) Any violation of State and local laws will result in a revocation of this privilege. Repeated offenses may result in revocation or denial of the encroachment permit.

13) The service and consumption of beer and wine on city sidewalks and public property is authorized to the extent provided for in each individual permit issued, but not otherwise.

14) The service and consumption of food, nonalcoholic beverages, and beer and wine in sidewalk encroachments pursuant to this article is limited to patrons seated at tables.

15) No encroachment permit shall authorize either the service or consumption of beer and wine between the hours of midnight and ten o'clock A.M.

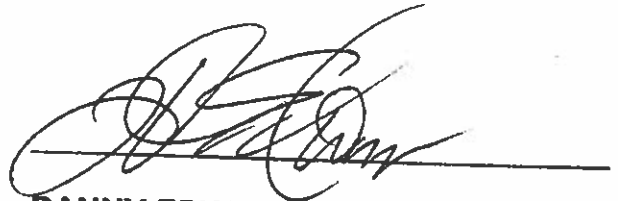
16) The city may require the posting or placement of the permit and relevant notices to facilitate the administration and enforcement of this article.

- 17) The restaurateur who has a permit authorizing the sale and consumption of beer and wine for on premises consumption must furnish to the City of Walhalla, at the time the encroachment permit is obtained, a policy of insurance in the amount of one million (\$1,000,000.00) dollars combined single limit bodily injury and property damage liability insuring the business establishment against any hazard which might occur by reason of the sale of beer and wine in sidewalk areas.
- 18) The restaurateur must execute an agreement to hold the City of Walhalla harmless from any litigation of any manner or form by reason of the sale of beer or wine in sidewalk areas.
-

**SECTION 2.** Any restaurateur who has a permit authorizing the sale and consumption of beer and wine for on premise consumption and wants to provide such service in sidewalk areas having a validly issued encroachment permit for the service of food and beverages, must furnish to the city of Walhalla, a policy of insurance in the amount of one million (\$1,000,000.00) dollars combined single limit bodily injury and property damage liability insuring the business establishment against any hazard which might occur by reason of the sale of beer and wine in sidewalk areas and must execute an agreement to hold the city of Walhalla harmless from any litigation of any manner or form by reason of the sale of beer or wine in sidewalk areas within the city of Walhalla.

**SECTION 3.** This Ordinance shall become effective for all encroachment permits issued after June 17, 2014.

Done in Council duly assembled.



**DANNY EDWARDS, Mayor**  
City of Walhalla

ATTEST:



**NANCY GOEHLE**  
City Administrator

Introduced for 1<sup>st</sup> reading on 5/20/14.

Introduced for 2<sup>nd</sup> reading on 6/17/14.



STATE OF SOUTH CAROLINA)  
 )  
 COUNTY OF OCONEE)  
 )  
 TOWN OF WALHALLA)

ORDINANCE NO. 1976-5

AN ORDINANCE TO AMEND SECTION 22-85, PROHIBITING THE POSSESSION IN OPEN CONTAINERS AND CONSUMPTION OF WINE, BEER, ALE, PORTER OR OTHER SIMILAR MALT OR FERMENTED BEVERAGES IN PUBLIC AREAS OF THE CITY OF WALHALLA

BE IT ORDERED AND ORDAINED by the Governing Body of the Town of Walhalla in Council duly assembled and by the authority of the same:

I

SECTION 22-85, of the Ordinances of the Town of Walhalla, is hereby amended, in toto, so as to read as follows:

SECTION 22-85(A): It shall be unlawful for any person to drink or to have in their possession in an open container beer, ale, porter or other similar malt or fermented beverages containing not in excess of five per cent of alcohol by weight, or wine containing not in excess of twenty-one per cent of alcohol by volume on any public street, sidewalk, alleyway or other public place within the Corporate Limits of the Town of Walhalla.

SECTION 22-85(B): Public places as defined by this Ordinance shall include, but is not limited to, any business, store, office or structure to which the public is invited to conduct business or to visit, including parking lots adjacent thereto, unless same has been lawfully licensed to sell such beverages or unless the same has received from The South Carolina Alcoholic Beverage Control Commission a license to allow on-premises consumption of alcoholic beverages, beer, or wine.

SECTION 22-85(C): It shall be a violation of this Ordinance for any person or persons to drink or consume any beer, wine, malt liquor, or other such alcoholic beverages or to have in their possession an opened container of same, while a passenger in any motor vehicle of any kind situate upon or using the public streests or any public place of the Town of Walhalla, unless such public place is lawfully licensed to sell such beverages or unless the same has received from The South Carolina Alcoholic Beverage Control Commission a license to allow on-premises consumption of alcoholic

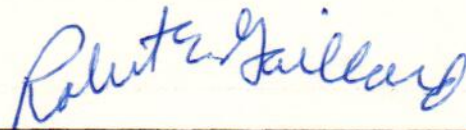
beverages, beer or wine.

SECTION 22-85(D): Any person violating this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than One Hundred Dollars (\$100.00) or imprisoned for not more than thirty days.

II

This Ordinance shall take effect immediately upon adoption and ratification by the Town of Walhalla, and all other Ordinances, or parts of Ordinances, inconsistent with this Ordinance, as amended, are hereby repealed.

DONE AND RATIFIED in Council Assembled.



ROBERT E. GAILLARD, Mayor

ATTEST:



Clerk & Treasurer

Introduced By: Paul Brown

First Reading: March 8, 1976

Final Reading and Adoption March 22, 1976