

STATE OF SOUTH CAROLINA)
COUNTY OF OCONEE) ORDINANCE 2022-2
CITY OF WALHALLA)

AN ORDINANCE TO AMEND ORDINANCE 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 AND OTHER MATTERS RELATED THERETO

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

I

SECTION 22-85, of the Ordinances of the City 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 on any public street, sidewalk, alleyway, park, playground or other public place within the Corporate Limits of the City 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. Exceptions to this are current sidewalk encroachment permits as defined by Ordinance 2014-8 and/or permitted events as defined by Ordinance 2021-23.

- A) Except as otherwise provided in subsections b, below, it shall be unlawful for any person, in a public place, within the corporate limits of the City, to publicly engage in the possession of an open container of or consume an alcoholic beverage, intoxicating liquors, beer, ale, porter, wine, any other similar malt or fermented beverage. This restriction does not apply to any public place licensed for the sale and consumption of alcoholic beverages by the State of South Carolina.
- B) The City Administrator may, at his/her discretion, grant a permit for the consumption of alcoholic beverages in public places, during special events and celebrations sponsored in whole, or in part, by the City. Such permit would be in written form and specify the times and areas, when and where alcoholic beverages may be possessed and consumed. In addition, the City Administrator is authorized to provide such other restrictions, regulations or requirements deemed appropriate to protect the interest of the public when granting a permit. Any establishment that has a permit authorizing the sale and consumption of alcoholic beverages for on premise consumption and wants to provide such service in sidewalk areas having a validly issued encroachment permit, must furnish to the City, a policy of insurance in the amount of two million dollars combined single limits bodily injury and property damage liability insuring the business establishment against any hazard which might occur by reason of the sale of alcoholic beverages in permitted encroachment area and must execute an agreement to hold the City harmless from any litigation of any manner or form. Businesses that obtain from the City encroachment permits are allowed to provide for the service and

consumption of alcoholic beverages on City streets and public property in such areas as the permit authorizes the encroachment. The service and consumption of food, non-alcoholic beverages, and alcoholic beverages in sidewalk encroachments is limited to patrons seated at tables or otherwise in the permitted, encroachment area. The permit may specify the permitted hours for service or consumption of alcoholic beverages but may not authorize such service between the hours of 12:00:01 AM and 09:59:59 AM.

- C) The provisions of this Section shall not be construed as an exception or waiver of any other City ordinance or South Carolina Law regarding any alcohol beverage(s) and should not be construed as affecting dram shop liability or other liability that any such establishment may be subjected to under law.
- D) For purposes of construing and interpreting this Ordinance, the following definitions shall apply:
1. *Alcoholic Beverage.* Any spirituous malt, vinous, fermented, brewed (whether lager or rice beer), or other liquors or a compound or mixture of them, including, but not limited to, a powdered or crystalline alcohol, by whatever name called or known, which contains alcohol and is used as a beverage for human consumption.
 2. *Person.* Any individual, firm, partnership, joint venture, syndicate or other group or combination acting as a unit, association, corporation, or other legal entity and shall include the plural, as well as singular.
 3. *Public Area.* Any public street, sidewalk, alley, publicly owned parking lot, or other public area within the City.

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 streets or any public place of the City 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 alcohol 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 (30) days.

II

This Ordinance shall take effect immediately upon adoption and ratification by the City 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.



Danny Edwards, Mayor

ATTEST:

Timothy B. Bunt
City Administrator

Introduced By: MR. PACE

First Reading: 4/19/22

Second Reading,
Public Hearing
And Adoption: 5/17/22