

ORDINANCE NO.: 2011-001

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Article IV, Offenses Against the Public Peace and Order to add Sec. 14-106 Hours of sale restricted for commercial establishments which allow for on-premises consumption of beer, ale, porter and/or wine

BE IT ORDAINED by the Mayor and Council this 15th day of February, 2011, that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 14, Article IV, Offenses Against the Public Peace and Order to add Sec. 14-106 Hours of sale restricted for commercial establishments which allow for on-premises consumption of beer, ale, porter and/or wine, to read as follows:

Sec. 14-106. Hours of sale restricted for commercial establishments which allow for on-premises consumption of beer, ale, porter and/or wine.

(1) Beer, ale, porter and wine shall be defined for purposes of this section as stated in Section 61-4-10 of the Code of Laws of South Carolina 1976, as amended from time to time. Commercial establishments that allow for the on-premises consumption of beer, ale, porter and/or wine shall be prohibited from operating after 2:00 a.m. on Mondays through Saturdays.

(2) Under a program established by the City Manager, commercial establishments that allow for the on-premises consumption of beer, ale, porter and/or wine may seek exemption to the Subsection (1) to operate after 2:00 a.m. on Mondays through Saturdays, upon application and proof of business policies or practices that comply with the following:

a. The business shall not allow any drinking contests or games, or contests involving disrobing, or "wet t-shirt", "Girls Gone Wild"™ or similar contests will be held or advertised at the business unless the business is licensed to operate as a sexually oriented business. No agent, employee or independent contractor for the business will encourage or permit this prohibited behavior by the patrons.

b. The business shall establish a policy that conforms with Department of Revenue approved training program on age sensitive sales as listed in the DOR SC Information Letter 06-05, and that addresses that all security, floor managers, bartenders and wait staff will be trained so as to determine when a customer is underage or apparently intoxicated, and the business, its agents and employees will enforce the company policy of refusing further alcohol service to customers at that point.

c. Within thirty (30) days of employment, all security, front of house managers, floor managers, bartenders and wait staff shall be trained in Serve Safe Alcohol, TIPS or Lexington Richland Alcohol & Drug Abuse Council's PREP responsible alcohol training.

d. The business shall employ security personnel to exercise security functions at a minimum ratio of 1 per 100 occupancy. All security personnel shall be licensed by the State of South Carolina and be bonded.

e. No alcohol consumption will be permitted in the parking lots under the control of the business. No alcohol consumption will be permitted outside of any roofed, decked, café-style areas or encroachment areas authorized by Columbia City Council, nor shall any glass or metal containers of any kind shall be permitted to leave the roofed, decked, café-style areas of the business or encroachment areas authorized by Columbia City Council. The business will establish policies and security resources to assure compliance.

f. The business must have in place and maintain current at all times all licenses required by state or local law.

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g. The business must have in place and maintain current at all times liquor liability insurance and workers' compensation insurance. The business shall provide the City proof of such insurance at the time of application for an exemption or at any other time the City may request.

h. Upon City request, the business will consult with the City of Columbia Police Department and provide such security as is recommended by that Department that recognizes individual circumstances of the business.

(3) If the business is not the victim of the incident, but shall have within any three (3) month period on the premises under its control, three (3) attempted or accomplished robberies or larcenies, breaches of the peace, drug offences, assaults, public nuisances, or violations related to unlawful service of alcohol or violations of this ordinance or the requirements hereof, then the granted exemption shall be immediately revoked, and the business shall thereafter comply with Section (1). The business must be free from incident for a twelve (12) month period before it can apply for another exemption.

(4) If the business is not the victim of the incident, but shall have within any six (6) month period on the premises under its control, two (2) attempted or accomplished robberies or larcenies, breaches of the peace, drug offences, assaults, public nuisances, or violations related to unlawful service of alcohol or violations of this ordinance or the requirements hereof, then the business shall employ security personnel on a ratio of 1 per 50 occupancy and employ an off-duty law enforcement officer from 11:00 p.m. until closing for a period of sixty (60) days. Failure to provide the required security within five (5) days of notice shall result in the immediate revocation of the exemption, and the business shall comply with Section (1) for a period of twelve (12) months before applying for another exemption.

This ordinance shall be effective as of May 1, 2011.

Requested by:

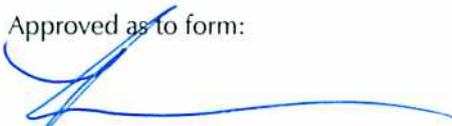
Hospitality Zone Task Force


MAYOR

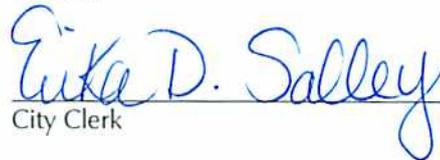
Approved by:


City Manager

Approved as to form:


City Attorney

ATTEST:


City Clerk

Introduced: 2/1/2011
Final Reading: 2/15/2011