

No. _____

AN ORDINANCE

AN ORDINANCE TO RESTRICT THE HOURS OF OPERATION OF ESTABLISHMENTS THAT ALLOW THE ON-PREMISES CONSUMPTION OF BEER, ALE, PORTER, WINE, AND/OR ALCOHOLIC LIQUORS; TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF; AND RELATED MATTERS THERETO.

WHEREAS, Greenville County Council is authorized to enact regulations that provide for the general health and welfare of its citizens; and

WHEREAS, Greenville County Council is concerned about the sale and consumption of alcoholic beverages in the late night and early morning hours, and the attendant health and public safety problems which may arise; and

WHEREAS, Greenville County Council is authorized to enact regulations which are in addition to State law regulating a particular subject; and

WHEREAS, Greenville County Council has determined that it is in the best interests for the general health, ~~and~~ welfare and public safety of the citizens of the County of Greenville that the on-premises sale and consumption of alcoholic beverages be restricted between the hours of 2:00 A.M. and 6:00 A.M.

NOW, THEREFORE, BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Prohibition. ~~(A) All establishments which allow for the on-premises consumption of beer, ale, porter, wine, and/or alcoholic liquors shall be prohibited from operating between the hours of 2:00 A.M. and 6:00 A.M. It shall be unlawful for any individual who is an owner, operator, employee, or agent to sell, transfer, serve beer, ale, porter, wine, and/or alcoholic liquors or to permit others on the premises to be in possession of beer, ale, porter, wine, and/or alcoholic liquors at such establishment between the hours of 2:00 A.M. and 6:00 A.M.~~

(A) All establishments selling beer, ale, porter, wine, and/or alcoholic liquors for on premises consumption must cease serving beer, ale, porter, wine, and/or alcoholic liquors no later than 2:00 A.M. every day, and shall not commence serving those beverages prior to 6:00 A.M. It shall be unlawful for any individual who is an owner, operator, employee, or agent to sell, transfer, serve or permit others on the premises to be in possession of beer, ale, porter, wine, and/or alcoholic liquors at such establishment between the hours of 2:00 A.M. and 6:00 A.M.

(B) No person shall be in possession of beer, ale, porter, wine, and/or alcoholic liquors between the hours of 2:00 A.M. and 6:00 A.M. at an establishment which sells beer, ale, porter, wine, and/or alcoholic liquors for on premises consumption.

(C) The establishments subject to the restriction in the hours of service and possession set forth in subsection (A) of this Section shall include private or nonprofit clubs, room service operations in hotels, as well as bars, restaurants and night clubs open to the public at large.

Section 2. Penalties. (A) Any person, firm, corporation or agent who shall violate the provisions of this Ordinance shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court. Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Ordinance is committed or continued.

(B) The County Attorney shall be authorized to pursue any additional or alternative civil remedies as appropriate to ensure timely and ongoing compliance of Section 1 (A) of this Ordinance. In addition, any business establishment found to be in violation of this Ordinance shall be subject to having its business registration suspended or revoked in accordance with procedures otherwise applicable to such proceedings.

Section 3. Severability. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section 4. Effective Date. This Ordinance shall take effect ~~upon the date of its adoption~~ on March 1, 2018.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2018.

Herman G. Kirven, Jr., Chairman
Greenville County Council

Joseph M. Kernell
County Administrator

ATTEST:

Regina McCaskill
Clerk to Council

First Reading:
Second Reading:
Public Hearing:
Third Reading: