

AN ORDINANCE TO AMEND CHAPTER 35 ARTICLE II SECTION 35-31 "DRINKING IN PUBLIC" OF THE CODE OF ORDINANCES FOR THE CITY OF LIBERTY

FINDINGS: The Mayor and City Council have been approached by certain organizations requesting modification to the Ordinance forbidding drinking in public. Council is aware that certain festivals or events include responsible drinking of alcohol if it is supervised and approved in a reasonable manner, and that it is conducted in a limited area for a limited amount of time.

NOW, THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Liberty, South Carolina, that Section 35-31 of The Code of Ordinances of the City of Liberty, South Carolina, is hereby amended to read as follows:

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Indicates New Matter

Sec. 35-31. - Drinking in public.

(A) Open Containers. It shall be unlawful for any person to drink from or to possess an open container whose contents contain alcohol, any spirituous, malt, vinous, fermented, brewed, or other type of liquor, beer, or wine which contains alcohol, and is used as a beverage, upon any street, highway, park, private or public conveyance, or other public property within the municipality- except to the extent authorized by permits under this section for special events and block parties, and for other public facilities and buildings when a permit is issued under division (B)(5).

(B) Open or closed container. It shall be unlawful for any person to be in possession of any container of beer, wine, alcoholic liquor, or any similar intoxicating beverage, or any combination thereof inclusive of mixed drinks, whether opened or unopened, when on the premises of any municipal-owned building, parking lot, lands, open fields, parks or plaza, except that:

(1) No violation of this section shall occur when intoxicating beverages are provided under a state license or permit during a scheduled event at a city-owned venue or property;

(2) No violation of this section shall occur when intoxicating beverages are provided in compliance with a state-issued permit at any hotel, motel, restaurant or other eating establishment leasing space in a city-owned building;

(3) No violation of this section shall occur when a person carries a container of intoxicating beverage directly from one place of lawful possession to another, or to or from a motor vehicle where intoxicating beverage is otherwise lawfully stored, provided the container is enclosed in a bag or carrying case, and provided the person does not stop or linger or attempt to consume the intoxicating beverage while in transit;

(4) No violation of this section shall occur if the container of an intoxicating beverage is in the possession of a law enforcement personnel, prosecutor, defense attorney, trier of fact, trier of law or court personnel when the container is being processed in the chain of evidence in a criminal investigation or criminal proceeding;

(5) No violation of this section shall occur if the possession, service or consumption of intoxicating beverages occurs at a function for which the City Administrator or his/her designee authorizes the use of a building, parking lot, plaza or park for receptions or similar events and the number of invitees is appropriately limited for the size of the facility which is not open to the public at large, provided that safeguards are in place against public intoxication, service of alcohol to minors, service to persons under the influence of intoxicants, or service to members of the general public who are not participants in the event, and provided the City Administrator or his/her designee sets time limits for the service of such intoxicating beverages. In administering this provision or any other provision under this code authorizing the possession of intoxicating beverages, the City Administrator or his/her designee shall have broad discretion to regulate the conditions of service,

including the authority to restrict the types of beverages to be served; and

(6) No violation of this section shall occur if the possession, service or consumption of beer and wine is within a designated city-owned public space for city-sponsored event(s). The designated space must be clearly marked. The city officials shall provide safeguards against public intoxication, service of alcohol to minors, service to persons under the influence of intoxicants, or service to members of the general public who are not participants in the event and provided the City Administrator or his/her designee sets time limits for the service of such intoxicating beverages. In administering the provision or any other provision under this code authorizing the possession of intoxicating beverages, the City Administrator or his/her designee shall have broad discretion to regulate the conditions of service, including the authority to restrict the types of beverages to be served.

(C) No glass bottles, containers or cans may be sold or distributed on the public right-of-way, and no patron may carry a glass bottle, container or can on the public right-of-way during events. It shall be unlawful to sell beverages in glass containers for off-premises consumption at events.

(D) As addressed in Section 11-45 of the city's business license ordinance, should any proprietor, owner or manager of any business firm, excluding those regularly licensed by the state to sell intoxicating liquors, be convicted in Municipal Court, for selling or otherwise handling intoxicating liquors, the business license of such convicted person to do business in the city shall immediately be revoked or suspended by the City Council, and no new license shall be granted to such convicted person during the year on which the revoked license was based.

This ordinance shall be in full force and effect from and after the date of its adoption.

APPROVED, this 14 day of May 2018.

1st reading: 4/9/18
2nd reading: 5/14/18



Brian Petersen, Mayor

I attest the following signature is valid and the above ordinance was adopted by City Council:



Shirley D Hughes, City Clerk

Approved as to form and the assignment of the ordinance number.

Derek J. Enderlin, City Attorney