

AGENDA
OF THE SIMPSONVILLE CITY
COMMITTEE OF THE WHOLE
June 27, 2023
6:30pm
Council Chambers – City Hall

1. **CALL TO ORDER**.....Mayor Shewmaker

2. **ROLL CALL**.....City Clerk, Ashley Clark

3. **PLEDGE OF ALLEGIANCE**

4. **APPROVAL OF MINUTES – May 23, 2023**

5. **CITIZEN COMMENTS**

6. **STAFF REPORTS** – Department Heads will be available to answer any questions concerning the departmental monthly reports for Police, Fire, Recreation and Public Works
 - A. Monthly Financial ReportFinance Director, Christine Furino
 - B. City Administrator Report..... City Administrator, Dianna Gracely

7. **BUSINESS**
Items Anticipated to Come Before Council
 - A. Presentation of Proposed Ordinance, Denial of Business License Following Revocation..... Planning Director, Jason Knudsen
 - B. Presentation of Proposed Ordinance, Traffic Cutting Through Parking Areas and Access Areas.....Planning Director, Jason Knudsen

PLEASE NOTE: This Agenda is accurate as of the Friday immediately preceding the Council meeting but is subject to change until twenty-four (24) hours prior to the meeting. Please contact the City Clerk the day of the meeting for the latest agenda information.

ORDINANCE NO. 2023 - 03

AN ORDINANCE TO AMEND SECTION 10-54 OF THE SIMPSONVILLE CODE OF ORDINANCES TO ESTABLISH ADDITIONAL CRITERIA FOR THE DENIAL OF A BUSINESS LICENSE

WHEREAS, the City of Simpsonville City Council reviews its Ordinances at various times to make necessary improvements and/or changes; and,

WHEREAS, the city has the authority pursuant to the Home Rule Act codified in S.C. Code §5-7-30 to adopt ordinances which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government; and,

WHEREAS, pursuant to Section 10-54 of the Simpsonville Code of Ordinances, the City has the authority to deny a business license for the reasons set forth therein; and,

WHEREAS, pursuant to Section 10-55 of the Simpsonville Code of Ordinances, the City has the authority to revoke a business license for the reasons set forth therein; and,

WHEREAS, Section 10-55 of the Simpsonville Code of Ordinances does not provide a duration for the business license revocation, and consequently, a licensee could immediately reapply for a business license after revocation; and,

WHEREAS, the City finds that it is in the best interests of the citizens and residents of the City of Simpsonville to establish a time limit before a business is able to reapply for a business license after revocation;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SIMPSONVILLE, SOUTH CAROLINA, AS FOLLOWS:

Section 1. Simpsonville Code of Ordinances, Section 10-54 is amended to read as follows:

(Language that is underlined language is language proposed to be added and language that is not ~~struck through~~ or underlined is not to be changed.)

ARTICLE II. – LICENSES

Sec. 10-54. – Denial of license.

The license official shall deny a license to an applicant when the license official determines:

- (1) The application is incomplete, contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact; or

- (2) The activity for which a license is sought is unlawful or constitutes a public nuisance per se or per accidens; or
- (3) The applicant, licensee or prior licensee or the person in control of the business has been convicted, within the previous ten years, of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods; or
- (4) The applicant, licensee or prior licensee or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the municipality or in another jurisdiction; or
- (5) The applicant, licensee or prior licensee or the person in control of the business is delinquent in the payment to the municipality of any tax or fee; or
- (6) The license for the business or for a similar business of the licensee in the municipality or another jurisdiction has been denied, suspended or revoked in the previous license year; or
- (7) The license for the business has been revoked by the City in the previous twelve (12) months and the business is engaged or desires to engage in the same or similar type of business activity. For purposes of this section, the “business” shall mean the business whose license was revoked or to (a) any direct or indirect wholly-owned subsidiary of the business, (b) any entity that controls that business, or (c) any individual owner(s) of that business. The business license official may require the applicant to provide sufficient proof that the applicant is not disqualified under this section, including, but not limited to, proof of the applicant’s new lease agreement (if the proposed location of the business is the same) and a sworn affidavit of the applicant.

Section 2. Authorization. The City Administrator and the Business License Official, for and on behalf of the City, acting jointly or individually, are fully empowered and authorized to take such further action as may be reasonably necessary to effect the amendments authorized by this Ordinance in accordance with the conditions herein set forth.

Section 3. Severability. The provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 4. Repeal of Conflicting Ordinance. All ordinances, orders, resolutions and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

Section 5. Effective Date of the Ordinance. This ordinance shall become effective upon final approval by Council after second reading and signing by the Mayor.

CITY OF SIMPSONVILLE, SOUTH CAROLINA

Paul Shewmaker, Mayor

ATTEST:

Ashley Clark, Municipal Clerk

First Reading: _____, 2023

Second and
Final Reading: _____, 2023

Approved as to Form:

Daniel R. Hughes, City Attorney

ORDINANCE

AN ORDINANCE TO AMEND SECTION 34-44 OF THE SIMPSONVILLE CODE OF ORDINANCES TO PROHIBIT CUT-THROUGH TRAFFIC IN PARKING LOTS AND ACCESS AREAS IN THE CITY OF SIMPSONVILLE:

BASIS FOR THE ORDINANCE: this ordinance and regulations are adopted pursuant to the authority and powers granted by the Constitution and General Assembly of South Carolina as found in Title 5 of the South Carolina Code of Laws.

WHEREAS, the City of Simpsonville has adopted Chapter 34, Traffic and Vehicles, in the Code of Ordinances; and

WHEREAS, cut-through traffic in parking lots and access areas can pose significant safety risks to pedestrians and motorists, and damage the integrity of the parking lot or access area;

WHEREAS, the city has a responsibility to promote the safety and well-being of its residents and visitors;

WHEREAS, the city has determined that it is necessary to regulate and restrict cut-through traffic in parking lots and access areas in order to protect the health, safety, and welfare of its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SIMPSONVILLE, SOUTH CAROLINA, AS FOLLOWS:

Section 1. Simpsonville Code of Ordinances, Section 34-44 is amended to read as follows:

(Language that is underlined language is language proposed to be added and language that is not ~~struck through~~ or underlined is not to be changed.)

ARTICLE II. – OPERATION OF VEHICLES

Sec. 34-44. – Reserved Traffic Cutting Through Parking Areas and Access Areas.

It shall be unlawful for a person to use a parking lot for through traffic purposes or to drive in the parking lot in a manner that utilizes the parking area, access aisles, or any other portion thereof for through traffic purposes.

Section 2. Authorization. The Mayor, the City Administrator, and the City Clerk, for and on behalf of the City, acting jointly or individually, are fully empowered and authorized to take such further action as may be reasonably necessary to effect the amendments authorized by this Ordinance in accordance with the conditions herein set forth.

Section 3. Severability. The provisions of this Ordinance are hereby declared to be severable and if any section , phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 4. Repeal of Conflicting Ordinance. All ordinances, orders, resolutions and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

Section 5. Effective Date of the Ordinance. This ordinance shall become effective upon final approval by Council after second reading and signing by the Mayor.

DONE in Regular Meeting duly assembled this ___ day of _____ 2023.

SIGNATURE OF MAYOR:

Paul D. Shewmaker

ATTEST:

Ashley Clark
City Clerk

APPROVED AS TO FORM:

Daniel Hughes
City Attorney