

ORDINANCE

TITLE: AN ORDINANCE TO AMEND THE CITY CODE OF ORDINANCES BY AMENDING CHAPTER 4 – ALCOHOLIC BEVERAGES, SECTION 4-4(b) BY ADDING A NEW PARAGRAPH 5 TO ALLOW POSSESSION OF ALCOHOLIC BEVERAGES AT AN OUTDOOR CAFÉ THAT HAS BEEN PERMITTED PURSUANT TO SECTION 10-254 OF THE CODE OF ORDINANCES AND VARIOUS PROVISIONS RELATING THERETO

WHEREAS, The City of Simpsonville has an existing Code of Ordinances; and

WHEREAS, The City wishes to encourage open space for the enjoyment of the public, for pedestrian traffic, outdoor entertainment, special events and the like; and

WHEREAS, The City has, or is about to adopt amendments to its Code of Ordinances to allow for Outdoor Cafes that will serve alcoholic beverages in public spaces so that an exception must be made to the prohibition against the possession of alcoholic beverages in such places; and

WHEREAS, the Mayor and City Council have reviewed the proposed amendment and have determined that it is in the best interest of the City to adopt it;

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

Section 1: That the Code of Ordinances, Chapter 4, Alcoholic Beverages, Section 4-4(b), be amended by adding a new paragraph, Section 4-4(b)(5) which shall read as follows:

Sec. 4-4(b)(5) No violation of this section shall occur if the possession, service, or consumption of intoxicating beverages occurs at an Outdoor Café that has been granted an encroachment permit pursuant to Section 10-254.

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All ordinances, orders, resolutions and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.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 _____ 2019.

SIGNATURE OF MAYOR:

Janice Curtis

ATTEST:

APPROVED AS TO FORM:

Phyllis Long
City Clerk

David W. Holmes
City Attorney

FIRST READING: _____

SECOND READING: _____