

Ordinance No.: 11-0702
First Reading: 05/24/2011
Second Reading: 06/14/2011

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)
)
TOWN OF SURFSIDE BEACH) AN ORDINANCE TO AMEND
SECTION 8-95 TO REGULATE
OUTDOOR CAFÉS AND PERMIT
ENCROACHMENTS ONTO TOWN
PROPERTY FOR SUCH PURPOSE

WHEREAS, it is the policy of the Town to encourage recreational activities and economic development within the corporate limits and such use of the streets and public places for the betterment of the economy of the Town, subject to the duty and authority of the Town to manage its streets, public property and rights-of-way, but at the same time to require orderly conduct and restrained behavior by citizens and visitors alike.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the Town Council of Surfside Beach, has ORDERED AND ORDAINED that:

1. **Amendment of Ordinances:** The Town Code of Ordinances shall be amended as follows:

Sec. 8-95. Drinking in public.

(a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alcoholic liquors shall mean any spirituous, malt, vinous, fermented, brewed or other liquors or any compound or mixture thereof by whatever name called or known which contains alcohol and is used as a beverage except:

- (1) Wine when manufactured or made for home consumption and which is not sold by the maker thereof or by any other person; and
- (2) Any beverage declared by state law to be nonalcoholic or non-intoxicating.

Nonalcoholic and *non-intoxicating* shall mean all beers, ales, porter and other similar malt or fermented beverages containing not in excess of five (5) percent of alcohol by weight, and all wines containing not in excess of twenty-one (21) percent of alcohol by volume.

Public place shall mean a place not private, where the public has a right to be and which is usually accessible to them. It can be a place visited by many persons, in public view, or in which the public has a significant valid interest. It is not required that the place be devoted entirely to public use. "Public place" shall specifically include, but shall not be limited to, commercial parking lots, but shall specifically exclude sidewalk areas that have been issued an encroachment permit.

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(b) **Prohibited.** Except as provided below, it shall be unlawful for any person to drink any kind of alcoholic liquor and/or nonalcoholic and non-intoxicating beverage on the streets, alleyways, highways or other public places in the town. .

(c) **Exceptions.** A business located on the Surfside Beach Pier may, upon written approval of the Town Administrator and approval of Town Council and with required permits, if applicable, from appropriate alcohol enforcement agencies, whether state, local or otherwise, be permitted to allow sales, possession, and consumption of nonalcoholic and non-intoxicating beverages, as defined above, on the pier in a permitted designated area, provided the applicant(s) comply with any requirements imposed by the Town Council and/or current state and local laws and/or alcoholic beverage control agency.

(Code 1969, §§ 4-15, 14-24; Ord. No. 01-0457, 6-12-01)

State law references: Definitions, S.C. Code 1976, §§ 61-4-10, 61-6-20.

2. **Severability.** All orders, resolutions and parts thereof, procedural or otherwise, in conflict herewith or this Ordinance are, to the extent of such conflict, hereby repealed.

3. **Effective Date.** This Ordinance shall be effective upon its enactment by the Town Council for Surfside Beach, South Carolina.

BE IT SO ORDERED AND ORDAINED by the Mayor and Council of the Town of Surfside Beach, South Carolina, in assembly and by the authority thereof, this 14th day of June, 2011.

K. Allen Deaton, Mayor

Vicki W. Blair, Town Council

Ann Dodge, Town Council

Robert F. Childs III, Mayor/Pro Tempore

Douglas F. Samples, Town Council

Roderick E. Smith, Town Council

Mark L. Johnson, Town Council

Attest:

Sharon Pinnell, Town Clerk

Approved