

**ORDINANCE NO. 08-04-16**

**RESTRICTING THE HOURS OF OPERATION OF ESTABLISHMENTS THAT ALLOWS FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGES COMMERCIAL ON-PREMISES**

**WHEREAS**, Berkeley County Council (the Council) is empowered to enact regulations that provide for the general health and welfare of its citizens; and

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

**WHEREAS**, the Council is empowered to enact regulations which are in addition to state law regulating a particular subject; and

**WHEREAS**, County Council has determined that it is in the best interests of the County for general health and welfare of the community 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**, Berkeley County Council, in meeting duly assembled, does hereby adopt the above recitals as findings, and hereby ordains the following:

**Section 1.0 RESTRICTING THE HOURS OF OPERATION OF COMMERCIAL ESTABLISHMENTS WHICH ALLOW FOR THE ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES**

Between the hours of 2:00 A.M. and 6:00 A.M., on the premises of any private or nonprofit club, bar, any store, beer parlor, or other place or entity of business or commercial establishment authorized by law to sell beer, ale, porter, wine, and/or alcoholic liquor for the on-premises consumption thereof, it shall be unlawful for:

- (1) An owner, employee, or person in charge thereof to sell for consumption on-premises, offer for sale, give away, barter, exchange, or in any manner dispense or permit the consumption of any beer, ale, porter, wine (as defined in South Carolina Code Section 61-4-10, as amended from time to time), and/or alcoholic liquor on premises; or
- (2) Any person to drink or possess in an open container, any beer, ale, porter, wine, and/or alcoholic liquor on premises of the entity where purchased; or

- (3) Any person to operate, or to allow to be open any such private or non-profit club, bar, store, beer parlor or other such place or entity of business or commercial establishment authorized by law to sell beer, ale, porter, wine, and/or liquor for on premises consumption.

**Section 2.0 PENALTIES FOR VIOLATION**

Any person found to have violated this section shall be guilty of a misdemeanor and subject to a fine of up to five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days, or both, upon conviction.

**Section 3.0 EFFECTIVE DATE**

This ordinance shall become effective upon adoption by Council.

**ADOPTED** this 28<sup>th</sup> day of April 2008.

BERKELEY COUNTY, SOUTH CAROLINA

S/Daniel W. Davis, Supervisor and Chairman  
Berkeley County Council

Attest:

S/Barbara B. Austin, CCC  
Clerk of Council

Approved as to form  
S/Nicole Scott Ewing, Esq.  
County Attorney

First Reading: February 25, 2008  
Second Reading: March 24, 2008  
Public Hearing: April 28, 2008  
Third Reading: April 28, 2008