

Chapter 3
ALCOHOLIC BEVERAGES

ARTICLE I. IN GENERAL

Sec. 3-1. State law adopted.

All of the provisions and requirements of the general law of the state relative to alcoholic beverages, beer and wine, as contained in the latest edition of the Code of Laws of South Carolina as amended, are hereby adopted and made a part of this chapter to the same extent as if set out at length herein, insofar as such provisions can have application within the city, and to the extent that such ordinance is not suspended by state law. It shall be unlawful for any person to violate any provision of such state law within the city.

Sec. 3-2. Sale of beer, wine and alcoholic liquors for on-premises consumption in area of Downtown Mall and Historic District.

- (a) The sale of beer, wine and alcoholic beverages for the on-premises consumption shall be prohibited in the area of the Downtown Mall and the Spartanburg Historic District except for sales by business establishments which hold valid licenses from the state alcoholic beverage control commission for such beverages and such business is bona fide engaged primarily and substantially in the preparation and serving of meals or furnishing of lodging as determined by the state alcoholic beverage control commission.
- (b) This section shall not affect any business establishment which commenced operations prior to October 3, 1983. If any such business establishment shall thereafter cease the sale of beer, wine or alcoholic liquors for on-the-premises consumption, such operation shall not be resumed except in compliance with the terms of this section.
- (c) For the purposes of this section the Downtown Mall is defined as the following described area:

Beginning at the intersection of Broad Street and South Converse Street and running thence in a westerly direction to South Liberty Street; thence with South Liberty Street to its intersection with Kennedy Street; thence with Kennedy Street to its intersection with South Church Street; thence with Church Street in a northerly direction to its intersection with Commerce Street; thence with Commerce Street in an easterly direction to its intersection with North Converse Street; thence with Converse Street in a

southerly direction to its intersection with Broad Street, the point of beginning.

- (d) For the purposes of this section the Spartanburg Historic District is defined as the following described area:

Beginning at the intersection of South Church Street and Broad Street and running thence to Spring Street; thence along Broad Street connector to Daniel Morgan Avenue; thence along Daniel Morgan Avenue to its intersection with St. John Street; thence along St. John Street to its intersection with Magnolia Street; thence along Magnolia Street to its intersection with Dunbar Street; thence along Dunbar Street to North Church Street; thence along North Church Street to its intersection with Broad Street, the point of beginning.

Sec. 3-3. Drinking whiskey, beer or other intoxicating beverages in public place prohibited; exception.

It shall be unlawful for any person to drink whiskey, rum, gin, alcoholic or other intoxicating beverages in any public place or in any other portion or in any part of any business establishment located within the corporate limits of the city. This section shall not apply to any public place licensed for the sale and consumption of alcoholic beverages by the state. The city manager may grant a permit for the consumption of alcoholic beverages in public places during special events and celebrations. Any such permit will specify the times and places when alcoholic beverages may be consumed.

Secs. 3-4--3-20. Reserved.

ARTICLE II. ALCOHOL AND DRUG ABUSE COMMISSION

Sec. 3-21. Established.

There is hereby established the alcohol and drug abuse commission.

Sec. 3-22. Membership; appointments; terms of members; vacancies.

The alcohol and drug abuse commission shall be composed of ten (10) members. Five (5) members will be appointed by the county council, and five (5) members will be appointed by the city council. Each appointment shall be for five (5) years; except, that for the initial appointment, each council shall appoint one (1) member to serve one (1) year, one (1) member two (2) years, one (1) member three (3) years, one (1) member four (4) years and one (1) member five (5) years. If a vacancy occurs, the appointing unit shall fill the vacancy for the unexpired term.

Sec. 3-23. Removal of members.

Any member of the alcohol and drug abuse commission may be removed for cause by the appointing council.

Sec. 3-24. Compensation; member qualifications.

All members of the alcohol and drug abuse commission shall serve without compensation and shall be selected by each council to represent a cross section of the community. None of the representatives shall be an employee of any public or private agency involved in alcohol or drug abuse programs.

Sec. 3-25. Officers; bylaws.

The alcohol and drug abuse commission shall meet within thirty (30) days of their appointment and shall elect a chairman, vice-chairman, secretary and treasurer. The commission shall adopt bylaws for the conduct of its business not inconsistent with this division.

Sec. 3-26. Duties and responsibilities.

The alcohol and drug abuse commission shall be authorized:

- (1) Upon approval of the county council and city council, to receive and expend gifts, bequests, devises, contributions, grants and appropriations from public and private sources, and to enter into contracts;
- (2) To propose a budget to the county council and city council for approval, for the activities of the abuse commission for each fiscal year beginning July first and ending June thirtieth;
- (3) To conduct studies of alcohol and drug abuse in the community, determine causal relationships and develop a comprehensive program for overcoming the problem and treating its victims, and recommending such program to the county council, and city council, for their approval;
- (4) To hire staff according to the budget;
- (5) To offer coordination through its staff, to all public and private agencies during the planning stage, seeking input from and providing an opportunity to participate

for appropriate agencies, interested groups, firms and individuals;

- (6) To seek and offer coordination through its staff for all programs directed toward solving the alcohol and drug abuse problem;
- (7) Through personal and group efforts and through their staff, generate and maintain interest among and enlist the support of the local community;
- (8) To seek financial support from private and corporate citizens of the community, from foundations and other private sources and from state and federal programs;
- (9) Upon approval of the county council and city council, to enter into agreements or otherwise cooperate with other units of government for the purpose of developing and implementing a county program to alleviate the problem of alcohol and drug abuse or treat its victims;
- (10) Review, through its staff, and make recommendations concerning the application of any agency for alcohol or drug abuse program funds to be spent in the county, providing technical assistance and counsel to the applying agency. It shall report to the county administrator and the city manager in writing those applications which it considers not in keeping with the comprehensive program approved by the county council and city council, specifying the factual basis for such conclusions, with a copy of such report to the applying agency. The applying agency shall thereafter submit a written report to the county administrator and city manager specifying in factual terms its position;
- (11) Have the authority to request that any agency apply or join in the application for funds from any source needed to implement the approved official comprehensive plan or any part thereof;
- (12) Report to the county council and city council on the progress made each quarter of the fiscal year;
- (13) Establish an efficient set of management and fiscal controls, including appropriate audits.

Sec. 3-27. Intent of division.

It is the intention of this division that all agencies of the county and city with programs directed toward solving the

alcohol and drug abuse problem cooperate and coordinate with the alcohol and drug abuse commission to the end that the comprehensive program approved by the county council and city council shall be implemented. It is acknowledged by authorities in the field that there are conflicting views concerning the treatment and prevention of drug and alcohol abuse, and that much of the knowledge in the field is experimental, so that this division and the program sought to be established thereby will be reviewed, amended, strengthened or repealed, according to the effectiveness of the effort intended.