

ORDINANCE NO.: 2010-132

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Offenses and Miscellaneous Provisions, Article IV, Offenses Against the Public Peace and Order, Sec. 14-99 Possession or consumption of alcoholic beverages on public property

BE IT ORDAINED by the Mayor and Council this 14th day of December, 2010, that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 14, Offenses and Miscellaneous Provisions, Article IV, Offenses Against the Public Peace and Order, Sec. 14-99 Possession or consumption of alcoholic beverages on public property is amended to read as follows:

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Sec. 14-99. Possession or consumption of alcoholic beverages on public property.

(a) *Prohibited.* Except as expressly provided in this section, it shall be unlawful for any person to consume, or to possess in an open container, any alcoholic beverage in or on any public street, road, alley, sidewalk, tree zone, parking garage or park within the city.

(b) *Exceptions.* This section shall not apply to the following areas unless possession or consumption of any of the defined alcoholic beverages on public property is prohibited by state law or regulation:

(1) Any portion of a public sidewalk covered by an encroachment ordinance permitting use of the sidewalk by a restaurant or other public accommodation licensed to sell beer, wine or other alcoholic beverages for on-premises consumption being used by patrons of the restaurant or other public accommodation in the manner authorized by the encroachment ordinance; and

(2) Any public park, street, sidewalk or tree zone, or any portion thereof, designated in a resolution of the city council as the site of a public festival or other special event at which alcoholic beverages may be consumed; and

(3) Any public street, sidewalk or tree zone, or any portion thereof, situate behind barricades which have been placed for a neighborhood block event, if the neighborhood block event has been approved by the issuance of a Special Permit by the Columbia Police Department.

(c) *Definitions.* As used in this section, the following terms shall have the meanings specified in this subsection:

(1) *Alcoholic beverage* means any beverage which contains alcohol, regardless of the percentage of alcohol contained therein, including, but not limited to beer, ale, porter and other similar malt or fermented beverages, wine, alcoholic liquors or other liquors or a compound or mixture of them by whatever name called or known.

(2) *Open container* means a cup, glass, mug or other similar container, and also any bottle, can, flask or other similar container to which a top or cork is not securely affixed.

(3) *Parking garage* means any parking garage owned and operated by the city.

(4) *Street* and *road* mean only the paved portions of a public right-of-way that are suitable for vehicular traffic or parking.

(5) *Tree zone* means a strip of land between a public street or road and an adjacent sidewalk parallel thereto.

(d) *Penalty.* A person convicted of violating this section shall be fined not more than \$500.00 and/or imprisoned for not more than 30 days.

(e) *Effective date.* This section shall become effective when adopted by the city council, but no person shall be charged with a violation of this section prior to May 1, 2011.

Requested by:

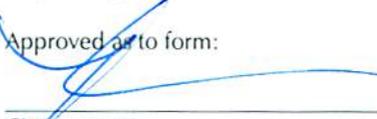

MAYOR

Approved by:



City Manager

Approved as to form:



City Attorney

Introduced: 9/29/2010

Final Reading: 12/14/2010

ATTEST:


City Clerk