JOHN J. TECKLENBURG
MAYOR

City of Charleston
South Carolina
Clerk of Council Department

VANESSA TURNER MAYBANK
CLERK OF COUNCIL

PUBLIC SAFETY COMMITTEE

City Hall
80 Broad Street, First Floor Conference Room
Tuesday, June 14, 2016
5:00 p.m.

Mayor John J. Tecklenburg
Councilmember Kathleen Wilson, Chair
Councilmember James Lewis, Vice Chair
Councilmember Peter Shahid
Councilmember Dean Riegel

AGENDA

1. Moment of Silence
2. Approval of March 3, 2016 Minutes *(Deferred)*
3. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 17, Article 8, Section 135 to extend the 90 Day Pilot Program allowing for certain establishments that allow for the on-premise consumption of alcohol, beer, or wine to remain open until 3 a.m.
4. Updates:
   A. Chief Karen Brack, Fire Department
   B. Chief Greg Mullen, Police Department
   C. Mark Wilbert, Emergency Management Director
5. Adjournment

Ratification
Number_____

AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 17, ARTICLE 8, SECTION 135 TO EXTEND THE 90 DAY PILOT PROGRAM ALLOWING FOR CERTAIN ESTABLISHMENTS THAT ALLOW FOR THE ON-PREMISE CONSUMPTION OF ALCOHOL, BEER, OR WINE TO REMAIN OPEN UNTIL 3 A.M.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS IN CITY COUNCIL ASSEMBLED:

Section 1. Chapter 17, Section 135 of the Code of the City of Charleston is hereby amended by adding thereto the following underlined provisions, which shall read as follows:

"Sec. 17-135. **SOFT CLOSING PILOT PROGRAM.**

1. Findings.

Whereas, on October 14, 2014, City Council enacted Ordinance No. 2014 -36, imposing a moratorium on the opening of new establishments that sell alcohol, beer or wine for on-premise consumption after midnight in certain areas of the Peninsula.

Whereas, one purpose of the moratorium was to allow the issue of an over concentration of such establishments to be studied.

Whereas, City Council appointed a committee of citizens to study the issue and provide a report to Council as to its recommendations.

Whereas, the committee consisted of representatives from the food and beverage industry, neighborhoods and the daytime business sector.

Whereas, the committee met on a monthly basis, and at the City Council meeting held on July 21, 2015, presented its report to City Council.

Whereas, one recommendation of the report was to test, for a period of 90 days, the concept of a "soft closing", whereby establishments selling alcohol, beer or wine for on-premise consumption in the study area would be given the opportunity to remain open until 3:00 a.m., to measure if allowing patrons to remain on the premises of the affected establishment an extra hour would curb noise and traffic issues related to having patrons of all such establishments vacate the affected establishments by 2 a.m., and weigh the effects of a soft closing as it relates to noise and traffic and the effect on public safety operations.

Whereas, the trial period ordinance was enacted on September 8, 2015 and the trial period ran from September 8, 2015 to December 7, 2015.

Whereas, after studying the 90 day trial period, it is now the committee's recommendation that a new six month trial period for the program be approved with the addition of certain rules and the revision of other rules related to the program.

Whereas, it is the intent of the City that the soft closing program offer a fair and reasonable opportunity for all interested establishments citywide to prepare and participate in the trial program for the maximum benefit of all.

2. Soft Closing Pilot Program and Rules.

a. Notwithstanding the provisions of Sec. 3-2 of the Code of the City of Charleston, for a period of 6 months from the ratification of this Ordinance, commercial establishments located within the City of Charleston which allow for on-premises consumption of alcohol, beer, ale, porter and/or wine may operate until 3 a.m., provided however, that at all times between 2 a.m. and 3 a.m. when the establishment is operating, the following requirements are met:

i. the house lights within the establishment shall be turned up to fifty percent of their highest level or fifty percent of the house lights within the establishment must be turned to their highest levels;

ii. the volume of any amplification devices, stereo systems, or like devices shall be turned down to a level that cannot be heard 25 feet from the perimeter of the property at any time for any length of time;

iii. all alcohol, beer, ale, porter and/or wine shall be removed from all tables and patron bars within the establishment;

iv. there shall be no sale or gift of any alcohol, beer, ale, porter and/or wine to any patron of the establishment;

v. there shall be no consumption or possession of alcohol, beer, ale, porter and/or wine by any patron of the establishment; and,

vi. Patrons shall be permitted to enter or re-enter the establishment, if the establishment has an operational kitchen with a nighttime menu that includes more than the sale of prepackaged foods, single snack packages, and individually wrapped food for consumption. The nighttime menu shall contain menu items that are prepared, cooked, and plated similarly to the establishment's normal daytime menu.

b. Commercial establishments for which this Ordinance applies may, between 2 a.m. and 3.m., provide or sell food and non-alcoholic beverages to its patrons.

c. Any commercial establishment desiring to participate in this trial program shall notify the Soft Closing Program Liaison of their desire to participate in the Soft Closing Trial Program at least seven business days in advance of the day it intends to begin operating after 2 a.m.

d. All commercial establishments to which this Ordinance applies are prohibited from operating between the hours of 3 a.m. and 6 a.m., Mondays through Saturdays.

Section 2. This Ordinance shall begin on August 1, 2016 and end on January 31, 2017 unless extended by the majority vote of City Council.

Section 3. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of _____ in the Year of Our Lord, 2016, and in the ____th Year of the Independence of the United States of America

_____
John Tecklenburg, Mayor

ATTEST: _____
Vanessa Turner Maybank, Clerk of Council