

# **Ordinance**

## **8-1004**

AN ORDINANCE REGULATING THE PUBLIC CONSUMPTION OF ALCOHOL WITHIN THE TOWN LIMITS.

Ordinance No. 8-1004

Section 1.: Possession or Consumption of Alcoholic Beverages in Public.

(1) *Definitions.* As used in this Ordinance, the following terms shall have the meanings hereinafter specified:

- (a) "alcoholic beverage" means any beverage containing more than 1% ethyl alcohol by volume;
- (b) "open container" means an includes a cup, glass, mug, or similar container and also any bottle, can, flask, or other similar container to which a top or cork is not securely fixed;
- (c) "parking garage" means any parking garage or facility owned and operated by the Town of Eastover;
- (d) "privately owned parking facility open to the public" means any and all parking lots, garages, or other parking spaces not owned by the public, but which are open to the public for use, regardless of whether entry into the facility is restricted;
- (e) "street" or "road" mean only the paved portion of a public right of way that are suitable for vehicular traffic or parking; and.
- (f) "tree zone" means a strip of land between a public street or road and an adjacent sidewalk parallel thereto;

(2) *Violation.* Except as expressly provided in this Ordinance, 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, or public building, or privately owned parking facility open to the public within the Town of Eastover.

(3) *Exceptions.* This Ordinance shall not apply to the following areas:

(a) 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, or any portion of a privately owned parking facility open to the public which is used by a restaurant or other public accommodation licensed to sell beer, wine or other alcoholic beverages for on-premises consumption;

(b) any public park, street, sidewalk, or tree zone, or any portion thereof, designated in a resolution of the Town Council as the site of a public festival or other special event as which alcoholic beverages may be consumed;

(c) any public building, public park, public sports area, or other public entertainment venue when possession and consumption is specifically authorized by permit or license of the South Carolina Department of Revenue or for town-authorized private functions in areas designed for such functions when permits or licenses of the South Carolina Department of Revenue are not required.

(4) *Signs and Notices.*

(a) Signs shall be posted and notices shall be placed on bulletin boards in the public parks where consumption or possession in open containers of alcoholic beverages is prohibited by this Ordinance stating that consumption and possession of alcoholic beverages is prohibited in the park.

(b) All premises licensed for the sale of alcoholic beverages shall post a notice at each exit stating: "No alcoholic beverages may be carried in an open container out of this building." Except that those premises to which subsection (3)(a) applies may instead post a sign at each exit stating: "No alcoholic beverages may be carried in an open container off these premises."

(5) *Penalty.* A person convicted of violating this Ordinance shall be fined not more than \$50.00 or imprisoned for not more than two days.

(6) *Effective Date.* This Ordinance shall be in full force and effect immediately following its passage, approval and publication, as provided by law.

Adopted: \_\_\_\_\_

This Ordinance shall be in full force and effect immediately following its passage, approval and publication, as provided by law.

**APPROVED** by Eastover Town Council this 7th day of December, 1998.

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Town Clerk

First Reading: 8-3-98

Second Reading: 10-05-98

Third Reading: 12-07-98