

ORDINANCE #20-001
AN ORDINANCE TO AMEND ORDINANCE #01-157
ZONING AND SUBDIVISION ORDINANCE OF THE CITY OF MULLINS,
SOUTH CAROLINA

I. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Activity means a parade or public meeting or assembly or picketing.

Funeral procession means a single direct movement from a mortuary, church, residence, or other facility to the place of burial of a human body, under direction of an authorized funeral director.

Noise variance means a grant from city council and/or the administrator to a petitioner to exceed the legal noise limit.

Parade means a march or procession of any kind.

Picketing means the stationing of persons, at the outside of a place or building for the purpose of publicizing alleged grievances or persuading the public not to do business with the affected establishment.

Public meeting or assembly means a planned or organized gathering of a group of persons, or any ceremony, show, exhibition or pageant which may reasonably be expected to result in the gathering of a group of persons, upon any public street, park or other public grounds.

Special event means an inside or outside event, and may be advertised and promoted inside or outside the city.

Street means a public right-of-way, or way, place of whatever nature, publicly maintained and open for use to the public for purposes of vehicular or pedestrian travel. Streets include highways, alleyways, sidewalks, and other public areas that accommodate vehicular or pedestrian traffic.

Vendor means any person who sells or offers to sell any goods, food, or beverage within a special event venue.

II. Exceptions.

This article shall not apply to any of the following:

- (1)
- Funeral processions.
- (2)
- A governmental agency acting within the scope of its functions.

(3)
Students going to and from school classes or participating in educational activities, providing such activities are authorized by the school district and are under the immediate direction and supervision of the school authorities authorized by the school district to approve and supervise such activity.

(4)
School and city-sponsored athletic events.

III. Public conduct during a meeting, assembly or parade.

(1)

It is unlawful for any person to unreasonably obstruct, impede or interfere with any parade or public meeting or assembly or with any person, vehicle or animal participating in such parade, meeting or assembly for which a permit has been granted in accordance with the provisions of this article.

(2)
The city administrator shall have the authority, when he deems necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting part of the route of a parade. The city administrator shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

(3)
Upon the request of the event sponsor and with the approval of city council, coolers and/or dogs may be prohibited at any special event during the hours of operation of such event. Guide (or seeing eye) dogs assisting persons who are visually impaired and animals under the control of on-duty law enforcement personnel are exempted from this prohibition. In such cases where a prohibition of coolers and/or dogs has been approved by city council the event sponsor will be responsible for providing public notice of same prior to the event and for posting appropriate signage at the special event.

IV. Picketing.

- When picketing, no person shall:

(1)
Use on the streets or public places any verbal abuse, including curses, insults or threats, or acts of violence, directed against any person or place;

(2)
Engage in riotous and loud conduct which invades the privacy of homes or businesses;

(3)
Damage or destroy or injure the person or property of others;

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(4)
Block, in any manner, the streets and means of ingress and egress to any place of business, residence or establishment;

(5)
Interfere with, in any manner, or obstruct any official or person in the performance of his duties;

(6)
Interfere, in any manner, with the attendance, during school hours, of children in the public or private schools by inciting or urging them to participate in demonstration or for any other unlawful purpose or reason, or permitting them to be or remain in churches or any other places used in such demonstrations;

(7)
Picket other than in accordance with the following principles:

a.
In small numbers.

b.
In a manner so as not to interfere with pedestrians or vehicular traffic.

c.
In a manner so as not to block entrances or exits to or from picketed businesses, residences or establishments.

d.
No more than four pickets posted at any one time at any one business, residence or establishment.

e.
No more than two businesses, residences or establishments picketed in the same block at the same time.

f.
No picket to trespass upon the property of the business, residence or establishment being picketed.

g.
Pickets to patrol on the sidewalk at a distance of not less than eight feet from every other picket.

h.
No person, whether in sympathy with the pickets or not, shall assemble, loiter, congregate or engage in any kind of picketing of the business, residence or establishment being picketed except those picketing in their official capacity.

V. Permit required.

It is unlawful for any person to hold, manage, conduct, aid, participate in, form, start or carry on any parade or public meeting or assembly or picketing or event as defined in this article, in or upon any public street, park or other public grounds in the city unless and until a permit to conduct such meeting, assembly, parade or picketing has been obtained in compliance with the provisions of this article.

VI. Special event permit application and charges.

(1)

Application for special event permits under this article may be obtained by contacting city hall during normal business hours and must be filed with the City of Conway Parks, Recreation and Tourism Department not less than 30 days in advance of the proposed activity. Late applications may be accepted if filed sufficiently in advance of the date of the proposed activity to enable the city administrator to determine that such activity will meet the requirements set forth in VIII.

(2)

Charges may apply to each application as determined by the city department(s) affected by the special event and the amount of services, property, permits, etc. that are necessary to assure the event will be held with the health and safety of the public in mind. The schedule of charges shall be in such an amount as is established from time to time by ordinance.

(3)

The City of Conway, at its discretion, may choose to waive all or any portion of charges for special events held by bona fide non-profit organizations that are recognized under Section 501(c)(3) of the Internal Revenue Code.

VII. Findings required.

The city administrator or his designated representative shall issue a permit as provided for in this article when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

(1)

The conduct of such activity will not substantially interrupt the safe and orderly movement of other traffic.

(2)

The concentration of persons, animals and vehicles will not unduly interfere with proper fire and police protection of, or ambulance service to, areas where the activity will take place or areas contiguous to such area.

(3)

The conduct of such activity will not unduly interfere with the movement of firefighting equipment enroute to a fire, or the movement of other emergency equipment.

(4)

The conduct of such activity is not reasonably likely to cause injury to persons or property.

(5)

Such activity is not to be held for the sole purpose of advertising the goods, wares, or merchandise of a particular business establishment or vendor.

VIII. Guidelines.

The city administrator or his designated representative, when considering the granting or denial of a permit as provided for in this division shall make his decision applying the following guidelines:

- (1)
Any restrictions contained in a permit shall be limited to reasonable time, place and manner.
- (2)
If the applicant requests a permit specifying the time, place or manner that, in the opinion of the city administrator or his representative would interfere with the safe, normal usage of the city streets by the public, alternate time, place and manner shall be discussed with the permit applicant.
- (3)
A permit may be refused only if, after discussions with the permit applicant, it appears that the activity would present a clear and present danger of serious interference with the normal use of the streets even after exploring alternative time, place and manner restrictions.
- (4)
The possibility of mere public inconvenience, annoyance or unrest shall not be deemed sufficient grounds for denial of a permit.
- (5)
Special event requests that include any of the following conditions shall be presented to city council for consideration:
 - a.
Any special event, except city-sponsored events, that exceeds three days in duration.
 - b.
Public consumption of alcohol.
 - c.
Closure of all or any part of a city park to the public.
 - d.
Temporary closure of major street(s).
 - e.
The attachment of items to public property.
 - f.
Any special event request that will require a waiver of the city's noise ordinance.
 - g.
Any special event request that, in the opinion of the city administrator, should be decided by city council.

(6)

Exceptions for recurring events: The city administrator or his designated representative may make a decision on recurring special event requests, including those with conditions listed in VIII, items a—f, provided the request for the initial event was approved by council and there are no significant changes.

IX. Conditions.

The city administrator shall have authority to impose such conditions as are necessary to insure that all of the findings shall exist during the continuation of the activity.

X. Prior application.

The city administrator reserves the right to limit the proximity or number of concurrent or overlapping special events when the determination is made that city resources are inadequate to meet the demands of the multiple special events, or that the events will result in a concentration of people, vehicles or activity adverse to the public health, safety and welfare. In case of such refusal, he shall forthwith send the applicant a written notice that he may apply for an alternate time and place.

XI. Notice of issuance or denial.

The city administrator shall act upon the fully completed special permit application within ten days of the filing thereof exclusive, however, of Saturdays, Sundays and legal holidays. If he disapproves of the application, he shall mail to the applicant within that ten-day period notice of the denial and the reason for it.

XII. Appeal procedure.

The applicant shall have the right to appeal the denial of a permit to the city council. A notice of appeal shall be filed with the city administrator within ten days after receipt of notice of the denial. The city council shall act upon the appeal at its next meeting following receipt of the notice of appeal.

XIII. Permit contents.

Conditions to the issuance of any permit shall be set forth in the permit.

XV. Duty of permittee.

(a)

A permittee under this article shall comply with all terms and conditions of the permit and with all applicable laws and ordinances.

(b)

A copy of the special event permit shall be carried by the person heading or leading the activity or displayed on location and shall be exhibited upon demand of any city official.

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VI. Permit revocation.

The city administrator may revoke any permit issued under this article upon the failure of the permittee to comply with the terms and conditions of the permit or if the activity, because of the manner in which it is being conducted or for any other reason, is jeopardizing those elements of public safety or welfare.

XVII. Penalties.

Many person who violates any provision of this article shall severally for each such violation be guilty of a misdemeanor.

CHAPTER 2

I. Alcoholic Beverages

Editorial Note : Opinion of the Attorney General, No. 2282, p. 95 (1966-67) indicates that the state has occupied the field of offenses and enforcement of regulations involving alcoholic beverages with limited exception. Municipalities may validly regulate use, possession, and sale of nonalcoholic beverages in accordance with the Attorney General's Opinion No. 3277, p. 79 (1971-72), see S.C. Code, 1976, Secs. 61-13-360, 61-13-760 and 61-9-10 to 61-9-120.

II. Sales of beer, wine etc., prohibited during certain hours.

It shall be unlawful for any person to sell or offer for sale in the city any beer, wine or other drink of similar alcoholic content between the hours of 12:00 midnight Saturday, and sunrise Monday, irrespective of whether the drink or beverage has been declared by statute to be nonalcoholic or nonintoxicating.

III. Alcoholic beverages on public property; public consumption; exemptions for special events.

It shall be unlawful for any person to consume or possess in an open container any alcoholic beverage on any public street, sidewalk, alleyway, park, recreation area, parking lot (whether publicly or privately owned, but generally open to members of the public) within the city, whether such person is in a conveyance or not, except as follows:

(a)

Open containers of alcoholic beverages will be allowed, within a designated area, at special events which have been approved by city council and at which the public sale and consumption of alcoholic beverages have been approved by city council as a part of the special event permit application.

(b)

The designated area of a special event where open containers of alcoholic beverages will be allowed will be defined by the city. The designated area may include all or any portion of the entire special event area and may extend beyond streets closed for the special event.

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(1)

The sale of alcohol within the designated area of a special event is limited to beer and wine.

(2)

Special event vendors offering the sale of beer and wine must be in accordance with such licenses and other requirements as may be imposed by the South Carolina Department of Revenue-Alcoholic Beverage Licensing Division. Appropriate insurance, including liquor liability insurance, showing the city as an additional insured will be required.

(3)

Any restaurant with a South Carolina ABC alcohol permit located within the designated area of a special event may sell beer and wine from their property and allow consumers to enter public property/event area with an open container.

(4)

No alcohol may be served in glass containers, cans or bottles; only opaque plastic, paper, or Styrofoam containers will be allowed.

Nothing herein shall be intended to conflict or abridge the prohibition of alcohol on public property in the city other than that described in this section.

IV. Public drinking or possession in automobile or other vehicle prohibited.

The prohibition of this chapter extends to drinking or possession, as aforesaid, in any automobile or other vehicle while in or upon any public place.

V. Not applicable to possession of legally purchased beer or wine.

This chapter does not apply to the possession of legally purchased beer or wine in unopened containers in the possession of any person legally entitled to that possession.

VI. Hours of operation.

Commercial establishments duly authorized by state law to serve any form of alcohol for consumption on the premises of said establishment shall be prohibited from operating between the hours of 2 a.m. and 7 a.m.

VII. Penalties.

Any violation shall be deemed a misdemeanor, punishable by a fine of up to \$1,100.00, imprisonment up to 30 days, or any combination of the two (2).

1st Reading – May 12, 2020

Final Reading - _____

Mayor Bo McMillan

Council Members

ATTEST:

Felicia J. Sawyer, City Clerk

ATTORNEY:

Robert Corley

ORDINANCE NO. 01-157

AN ORDINANCE TO AMEND THE ORDINANCE 155.020 ZONING AND SUBDIVISION ORDINANCE OF THE CITY OF MULLINS, SOUTH CAROLINA

I. Definitions.

(1) Parade is any march, ceremony, show, exhibition, pageant, procession of any kind, rally, or demonstration, or any similar display in or upon any street sidewalk, public place, park or other outdoor places owned or under control of the City.⁷⁷

(2) Unit is a person, animal, vehicle, or conveyance participating in a parade.

II. Permit required.

It shall be unlawful for any person to engage in, participate in, aid, form start, or stage any parade or procession on any of the streets or in any other public places without a permit from the chief of police to do so; provided, however that funeral processions and governmental agencies acting with the scope of their official functions, are excepted from this Article.

III. Application.

A person seeking a parade permit shall file an application with the chief of police on forms provided by the chief of police.

1. **Filing period.** An application for a parade permit shall be filed with the chief of police not less than seven (7) days before the date on which it is proposed to conduct the parade and not less than thirty (30) days before the date on which it is proposed to conduct the parade if the number of actual or anticipated participants exceeds two hundred (200).

2. **Contents.** The application for a parade permit shall set forth the following information:

- (a) The name, address, and telephone number of the person seeking to conduct such parade and the signature of the person or his authorized agent;
- (b) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organizations; written authorization must be submitted by an applicant seeking a permit for another person;
- (c) The name, address, and telephone number of the person who will be the parade chairman or have responsibility for its conduct;
- (d) The date the parade is to be conducted;
- (e) The route to be traveled, to include the starting point and the point of termination;

(f) The approximate number of persons who, and animals, and vehicles which, will constitute such parade, the type of animals, and description of the vehicles; the composition and interval of space between units;

(g) The hours when such parade will start and terminate;

(h) The location by either street and block location or other reasonable physical description of any and all assemble areas for such parade, together with the time at which units of the parade will begin to assemble;

(i) The purpose of the parade, although there will be no refusal of a permit based on purpose alone, unless such purpose comes into conflict with the conditions and requirements hereinafter set forth under standards on issuance; and

(j) Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit should be issued.

3. Late applications. Where good cause is shown therefore, the chief of police shall have the authority to consider any application hereunder which is filed in less than the required periods applicable for the size of parade proposed.

IV. Standards for issuance.

The chief of police shall issue a permit as provided for hereunder when, from a consideration of the application and from other such information, reasonable and reliable in nature and in content as may otherwise be obtained, he/she finds that:

1. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic and will proceed along the prescribed route of march only once;
2. The concentration of persons, animals, and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection, or ambulance service, or cause diversion of a number of police, fire, rescue, or health personnel which would hamper normal health or safety services to the public;
3. The conduct of the parade is not reasonably likely to cause congestion, excessive, injury to persons or property or to provoke disorderly conduct, riot, disturbance, or breach of the peace;
4. The parade is not to be held for the sole purpose of advertising any product, goods, or event, and is not designed to be held purely for private profit. Provided, however, the prohibition against advertising any product, goods, or event, shall not apply to signs identifying organizations or sponsors furnishing or sponsoring floats or transportation for the parade.

PROVIDED, however, if the chief of police finds that the parade permit requested is both subsequent and similar in purpose and/or person to parades previously requested and held during the same calendar year and are so unreasonably repetitious as to constitute an inconvenience to the public in its use of the parade routes and their contiguous places of business and of public use, access, and enjoyment, he/she may deny the application.

V. Notice of rejection.

The chief of police shall act upon the application for a parade permit within three (3) days after the filing thereof. If the chief of police disapproves the application, he/she shall mail to the applicant, by return receipt certified mail within three (3) days after the date upon which the application was filed, a notice of his action, setting forth the reason(s) for his/her denial of the permit.

VI. Alternative permit.

The chief of police in denying an application for a parade permit shall be empowered to authorize the conduct of the parade with variances in any of the following items: date, time, route, size, spacing, or duration if a compelling interest is involved. An applicant desiring to accept an alternate permit, shall within three (3) days after notice of the action of the chief of police, file a written notice of acceptance with the chief of police. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this Article.

VII. Appeal procedure.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the city council. The appeal shall be taken within five (5) days after receipt of the notice of denial. The city council shall act not later than its next regular meeting after receipt of the notice of appeal. The standards for issuance in this Article shall apply on appeal and the rules of procedure shall be set by city council. Parties shall have the right to be represented by counsel, present testimony and evidence, and cross-examine witnesses. Proceedings shall be recorded and transcribed at the expense of the requesting party. The decision of city council shall be in writing with reasons stated.

VIII. Notice to officials.

Immediately upon the issuance of a parade permit, the chief of police shall send a copy thereof to the following:

1. The mayor and council;
2. The city manager/administrator;
3. The city clerk;
4. The fire chief;
5. The ambulance service;
6. All law enforcement agencies likely to be involved; and
7. The city attorney.

IX. Contents of permit.

Each parade permit shall state the following information and conditions where applicable:

1. Name, address, and capacity of responsible person;
2. Date, starting and ending times;

3. Starting point, route, and ending point;
4. Number of units and space intervals between units;
5. Minimum and maximum speeds, and stopping conditions;
6. Limits on the portions of traversed streets to be occupied by the parade;
7. Limitations on types of units permitted;
8. Parking requirements for parade participants;
9. Staging area requirements;
10. Law enforcement escort requirements;
11. The following conduct requirements:
 - a. Except for military forces of the United States and law enforcement officers, no participants shall be armed with any weapon or carry any object which could be used as a weapon;
 - b. No participants shall use abusive or obscene language or gestures toward spectators, engage in disorderly or riotous conduct, make loud noises, injure persons or property, obstruct access to public or private property, disturb or breach the peace, litter or distribute commercial material;
12. Notice that the parade permit may be summarily revoked for violation of this ordinance or permit conditions, or in event of emergency affecting public health or safety, in addition to appropriate legal action;
13. Notice that the responsible permit holder and participants engage in the permitted parade at their own risk as to persons and property; and
14. The requirement that the responsible person acknowledge receipt and acceptance of the permit and conditions by return with three (3) days to the chief of police a dated and signed copy of the permit provided.

X. Possession of permit.

The parade chairman or other person heading or leading such activity shall carry the parade permit upon his/her person during the conduct of the parade.

XI. Public conduct during parades.

(a) Interference. No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or parade assembly or with any person, vehicle, or animal participating or used in a parade.

(b) Driving through parades. No driver of any vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(c) Parking on a parade route. The chief of police shall have the authority when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The

chief of police may post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

XII. Revocation of permit.

The chief of police shall have the authority to summarily revoke a parade permit issued hereunder upon violation of the standards of issuance as set forth in this Article, or in the event of emergency affecting public safety or health.

XIII. Violations.

It shall be unlawful for any person to fail or refuse to comply with the provisions of this Article, or the terms and conditions of any permit issued hereunder.

ADOPTED IN COUNCIL DULY ASSEMBLED THE 9th DAY OF AUGUST, TWO THOUSAND ONE.

Introduced: 04-26-01

Final Reading & Adoption:
08-09-01

ATTEST:

Derrin R. Lloyd
City Clerk

APPROVED AS TO FORM:

[Signature]
City Attorney

[Signature]
Mayor

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

Members of City Council

ORDINANCE #20-001
AN ORDINANCE TO AMEND ORDINANCE #01-157
ZONING AND SUBDIVISION ORDINANCE OF THE CITY OF MULLINS,
SOUTH CAROLINA

I. Definitions.

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Activity means a parade or public meeting or assembly or picketing.

Funeral procession means a single direct movement from a mortuary, church, residence, or other facility to the place of burial of a human body, under direction of an authorized funeral director.

Noise variance means a grant from city council and/or the administrator to a petitioner to exceed the legal noise limit.

Parade means a march or procession of any kind.

Picketing means the stationing of persons, at the outside of a place or building for the purpose of publicizing alleged grievances or persuading the public not to do business with the affected establishment.

Public meeting or assembly means a planned or organized gathering of a group of persons, or any ceremony, show, exhibition or pageant which may reasonably be expected to result in the gathering of a group of persons, upon any public street, park or other public grounds.

Special event means an inside or outside event, and may be advertised and promoted inside or outside the city.

Street means a public right-of-way, or way, place of whatever nature, publicly maintained and open for use to the public for purposes of vehicular or pedestrian travel. Streets include highways, alleyways, sidewalks, and other public areas that accommodate vehicular or pedestrian traffic.

Vendor means any person who sells or offers to sell any goods, food, or beverage within a special event venue.

II. Exceptions.

This article shall not apply to any of the following:

(1)

Funeral processions.

(2)

A governmental agency acting within the scope of its functions.

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(3)
Students going to and from school classes or participating in educational activities, providing such activities are authorized by the school district and are under the immediate direction and supervision of the school authorities authorized by the school district to approve and supervise such activity.

(4)
School and city-sponsored athletic events.

III. Public conduct during a meeting, assembly or parade.

(1)
It is unlawful for any person to unreasonably obstruct, impede or interfere with any parade or public meeting or assembly or with any person, vehicle or animal participating in such parade, meeting or assembly for which a permit has been granted in accordance with the provisions of this article.

(2)
The city administrator shall have the authority, when he deems necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting part of the route of a parade. The city administrator shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

(3)
Upon the request of the event sponsor and with the approval of city council, coolers and/or dogs may be prohibited at any special event during the hours of operation of such event. Guide (or seeing eye) dogs assisting persons who are visually impaired and animals under the control of on-duty law enforcement personnel are exempted from this prohibition. In such cases where a prohibition of coolers and/or dogs has been approved by city council the event sponsor will be responsible for providing public notice of same prior to the event and for posting appropriate signage at the special event.

IV. Picketing.

- When picketing, no person shall:

(1)
Use on the streets or public places any verbal abuse, including curses, insults or threats, or acts of violence, directed against any person or place;

(2)
Engage in riotous and loud conduct which invades the privacy of homes or businesses;

(3)
Damage or destroy or injure the person or property of others;

(4)
Block, in any manner, the streets and means of ingress and egress to any place of business, residence or establishment;

(5)
Interfere with, in any manner, or obstruct any official or person in the performance of his duties;

(6)
Interfere, in any manner, with the attendance, during school hours, of children in the public or private schools by inciting or urging them to participate in demonstration or for any other unlawful purpose or reason, or permitting them to be or remain in churches or any other places used in such demonstrations;

(7)
Picket other than in accordance with the following principles:

a.
In small numbers.

b.
In a manner so as not to interfere with pedestrians or vehicular traffic.

c.
In a manner so as not to block entrances or exits to or from picketed businesses, residences or establishments.

d.
No more than four pickets posted at any one time at any one business, residence or establishment.

e.
No more than two businesses, residences or establishments picketed in the same block at the same time.

f.
No picket to trespass upon the property of the business, residence or establishment being picketed.

g.
Pickets to patrol on the sidewalk at a distance of not less than eight feet from every other picket.

h.
No person, whether in sympathy with the pickets or not, shall assemble, loiter, congregate or engage in any kind of picketing of the business, residence or establishment being picketed except those picketing in their official capacity.

V. Permit required.

It is unlawful for any person to hold, manage, conduct, aid, participate in, form, start or carry on any parade or public meeting or assembly or picketing or event as defined in this article, in or upon any public street, park or other public grounds in the city unless and until a permit to conduct such meeting, assembly, parade or picketing has been obtained in compliance with the provisions of this article.

VI. Special event permit application and charges.

(1)
Application for special event permits under this article may be obtained by contacting city hall during normal business hours and must be filed with the City of Mullins not less than 30 days in advance of the proposed activity. Late applications may be accepted if filed sufficiently in advance of the date of the proposed activity to enable the city administrator to determine that such activity will meet the requirements set forth in VIII.

(2)
Charges may apply to each application as determined by the city department(s) affected by the special event and the amount of services, property, permits, etc. that are necessary to assure the event will be held with the health and safety of the public in mind. The schedule of charges shall be in such an amount as is established from time to time by ordinance.

(3)
The City of Mullins, at its discretion, may choose to waive all or any portion of charges for special events held by bona fide non-profit organizations that are recognized under Section 501(c)(3) of the Internal Revenue Code.

VII. Findings required.

The city administrator or his designated representative shall issue a permit as provided for in this article when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

(1)
The conduct of such activity will not substantially interrupt the safe and orderly movement of other traffic.

(2)
The concentration of persons, animals and vehicles will not unduly interfere with proper fire and police protection of, or ambulance service to, areas where the activity will take place or areas contiguous to such area.

(3)
The conduct of such activity will not unduly interfere with the movement of firefighting equipment enroute to a fire, or the movement of other emergency equipment.

(4)
The conduct of such activity is not reasonably likely to cause injury to persons or property.

(5)
Such activity is not to be held for the sole purpose of advertising the goods, wares, or merchandise of a particular business establishment or vendor.

VIII. Guidelines.

The city administrator or his designated representative, when considering the granting or denial of a permit as provided for in this division shall make his decision applying the following guidelines:

- (1)
Any restrictions contained in a permit shall be limited to reasonable time, place and manner.
- (2)
If the applicant requests a permit specifying the time, place or manner that, in the opinion of the city administrator or his representative would interfere with the safe, normal usage of the city streets by the public, alternate time, place and manner shall be discussed with the permit applicant.
- (3)
A permit may be refused only if, after discussions with the permit applicant, it appears that the activity would present a clear and present danger of serious interference with the normal use of the streets even after exploring alternative time, place and manner restrictions.
- (4)
The possibility of mere public inconvenience, annoyance or unrest shall not be deemed sufficient grounds for denial of a permit.
- (5)
Special event requests that include any of the following conditions shall be presented to city council for consideration:
 - a.
Any special event, except city-sponsored events, that exceeds three days in duration.
 - b.
Public consumption of alcohol.
 - c.
Closure of all or any part of a city park to the public.
 - d.
Temporary closure of major street(s).
 - e.
The attachment of items to public property.
 - f.
Any special event request that will require a waiver of the city's noise ordinance.
 - g.
Any special event request that, in the opinion of the city administrator, should be decided by city council.

(6)

Exceptions for recurring events: The city administrator or his designated representative may make a decision on recurring special event requests, including those with conditions listed in VIII, items a—f, provided the request for the initial event was approved by council and there are no significant changes.

IX. Conditions.

The city administrator shall have authority to impose such conditions as are necessary to insure that all of the findings shall exist during the continuation of the activity.

X. Prior application.

The city administrator reserves the right to limit the proximity or number of concurrent or overlapping special events when the determination is made that city resources are inadequate to meet the demands of the multiple special events, or that the events will result in a concentration of people, vehicles or activity adverse to the public health, safety and welfare. In case of such refusal, he shall forthwith send the applicant a written notice that he may apply for an alternate time and place.

XI. Notice of issuance or denial.

The city administrator shall act upon the fully completed special permit application within ten days of the filing thereof exclusive, however, of Saturdays, Sundays and legal holidays. If he disapproves of the application, he shall mail to the applicant within that ten-day period notice of the denial and the reason for it.

XII. Appeal procedure.

The applicant shall have the right to appeal the denial of a permit to the city council. A notice of appeal shall be filed with the city administrator within ten days after receipt of notice of the denial. The city council shall act upon the appeal at its next meeting following receipt of the notice of appeal.

XIII. Permit contents.

Conditions to the issuance of any permit shall be set forth in the permit.

XV. Duty of permittee.

(a)

A permittee under this article shall comply with all terms and conditions of the permit and with all applicable laws and ordinances.

(b)

A copy of the special event permit shall be carried by the person heading or leading the activity or displayed on location and shall be exhibited upon demand of any city official.

VI. Permit revocation.

The city administrator may revoke any permit issued under this article upon the failure of the permittee to comply with the terms and conditions of the permit or if the activity, because of the manner in which it is being conducted or for any other reason, is jeopardizing those elements of public safety or welfare.

XVII. Penalties.

Many person who violates any provision of this article shall severally for each such violation be guilty of a misdemeanor.

CHAPTER 2

I. Alcoholic Beverages

Editorial Note : Opinion of the Attorney General, No. 2282, p. 95 (1966-67) indicates that the state has occupied the field of offenses and enforcement of regulations involving alcoholic beverages with limited exception. Municipalities may validly regulate use, possession, and sale of nonalcoholic beverages in accordance with the Attorney General's Opinion No. 3277, p. 79 (1971-72), see S.C. Code, 1976, Secs. 61-13-360, 61-13-760 and 61-9-10 to 61-9-120.

II. Sales of beer, wine etc., prohibited during certain hours.

It shall be unlawful for any person to sell or offer for sale in the city any beer, wine or other drink of similar alcoholic content between the hours of 12:00 midnight Saturday, and sunrise Monday, irrespective of whether the drink or beverage has been declared by statute to be nonalcoholic or nonintoxicating.

III. Alcoholic beverages on public property; public consumption; exemptions for special events.

It shall be unlawful for any person to consume or possess in an open container any alcoholic beverage on any public street, sidewalk, alleyway, park, recreation area, parking lot (whether publicly or privately owned, but generally open to members of the public) within the city, whether such person is in a conveyance or not, except as follows:

(a)

Open containers of alcoholic beverages will be allowed, within a designated area, at special events which have been approved by city council and at which the public sale and consumption of alcoholic beverages have been approved by city council as a part of the special event permit application.

(b)

The designated area of a special event where open containers of alcoholic beverages will be allowed will be defined by the city. The designated area may include all or any portion of the entire special event area and may extend beyond streets closed for the special event.

(1)

The sale of alcohol within the designated area of a special event is limited to beer and wine.

(2)

Special event vendors offering the sale of beer and wine must be in accordance with such licenses and other requirements as may be imposed by the South Carolina Department of Revenue-Alcoholic Beverage Licensing Division. Appropriate insurance, including liquor liability insurance, showing the city as an additional insured will be required.

(3)

Any restaurant with a South Carolina ABC alcohol permit located within the designated area of a special event may sell beer and wine from their property and allow consumers to enter public property/event area with an open container.

(4)

No alcohol may be served in glass containers, cans or bottles; only opaque plastic, paper, or Styrofoam containers will be allowed.

Nothing herein shall be intended to conflict or abridge the prohibition of alcohol on public property in the city other than that described in this section.

IV. Public drinking or possession in automobile or other vehicle prohibited.

The prohibition of this chapter extends to drinking or possession, as aforesaid, in any automobile or other vehicle while in or upon any public place.

V. Not applicable to possession of legally purchased beer or wine.

This chapter does not apply to the possession of legally purchased beer or wine in unopened containers in the possession of any person legally entitled to that possession.

VI. Hours of operation.

Commercial establishments duly authorized by state law to serve any form of alcohol for consumption on the premises of said establishment shall be prohibited from operating between the hours of 2 a.m. and 7 a.m.

VII. Penalties.

Any violation shall be deemed a misdemeanor, punishable by a fine of up to \$200.00, imprisonment up to 30 days, or any combination of the two (2).

1st Reading – May 12, 2020

Final Reading - _____

Mayor Bo McMillan

Council Members

ATTEST:

Felicia J. Sawyer, City Clerk

ATTORNEY:

Robert Corley