

Chapter 4 - ALCOHOLIC BEVERAGES^[1]

Footnotes:

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State Law reference— Alcoholic beverages generally, S.C. Code 1976, Title 61; suspension and superceding of certain local ordinances regulating alcoholic beverages, S.C. Code 1976, § 61-13-760; enforcement of state laws relative to alcoholic beverages by city, S.C. Code 1976, §§ 61-13-760—61-13-780.

ARTICLE I. - IN GENERAL

Sec. 4-1. - Definitions.

- (a) For purposes of this chapter, the words "alcoholic liquors" mean any spirituous malt, vinous, fermented, brewed (whether lager or rice beer) or other liquor or any compound or mixture thereof, by whatever name called or known, which contains alcohol and is used as a beverage, but shall not extend to:
- (1) Wine when manufactured or made for home consumption, and which is not sold by the maker thereof or by any other person; or
 - (2) Any beverage declared by statute to be nonalcoholic or nonintoxicating.
- (b) All beers, ales, porter and other similar malt or fermented beverages containing not in excess of five percent of alcohol by weight and all wines containing not in excess of 21 percent of alcohol by volume are declared to be nonalcoholic and nonintoxicating beverages.
- (c) *Exception:* During and in connection with special, city permitted events, the words "public place" shall not mean or include the Fountain Inn City Hall, Activity Center (Fairview Street), Pavilion, Farmer's Market, The Center (also known as the Visitor Center, Chamber of Commerce, Museum), the public streets and sidewalks in that area to be known as the Hospitality District (Depot Street beginning at the property boundary for The Center to Jones Street, Trade Street from its intersection with Weston Street to The Center, and McKnight Street from its intersection with Fairview Street to Trade Street), that portion of Main Street, including adjacent sidewalks, that lies between its intersections with Fairview Street and Jones Street, or the Fountain Inn Natural Gas Building.

(Code 1971, § 4-1; Ord. No. 2009-007, § 1, 9-10-09; Ord. No. 2015-002, § 1, 4-9-15; Ord. No. 2018-07, § 1, 9-13-18; Ord. No. 2020-006, § 1, 9-10-20)

Cross reference— Definitions and rules of construction generally, § 1-2.

State Law reference— Similar provisions, S.C. Code 1976, §§ 61-3-20, 61-9-10.

Sec. 4-2. - Penalty for violation of chapter.

Whoever violates any provision of this chapter shall be punished as provided by section 1-10.

Sec. 4-3. - Public drunkenness.

It shall be unlawful for any person to be upon the streets or in any public place within the city in a drunken condition.

(Code 1971, § 15-22)

Sec. 4-4. - Drinking in public places.

It shall be unlawful for any person to drink any kind of alcoholic liquor or nonintoxicating beverage on the streets, alleyways or highways, or in any other public place in the city.

(Code 1971, § 4-4)

Secs. 4-5—4-25. - Reserved.

ARTICLE II. - BEER, ALE, PORTER AND WINE

Sec. 4-26. - Hours of sale; sale on Sunday.

It shall be unlawful:

- (1) For any person to sell any beer or wine within the city limits between the hours of 12:00 a.m. (midnight) and 6:00 a.m. on weekdays;
- (2) For any person to sell any beer or wine within the city limits between the hours of 12:00 a.m. (midnight) Saturday and 6:00 a.m. on Monday unless the same is permitted under a temporary permit issued by the state department of revenue to a bona fide nonprofit organization or a business establishment otherwise authorized to be so licensed.
- (3) Any person or business that violates this section shall have all beer and wine found upon the premises declared contraband, and it shall be seized as contraband liquor; provided that the person owning or claiming to own such beer or wine may retain possession of it by delivering a cash bond in an amount equal to the cost price charged for a like quantity by licensed wholesaler. The officer who receives the bond shall deliver a written receipt to the person posting the bond. The cash bond shall be deposited in the treasury of the city.

(Code 1971, § 4-30; Ord. No. 2014-001, § 1, 3-13-14)

State Law reference— Similar provisions, S.C. Code 1976, §§ 61-9-90, 61-9-100.

Sec. 4-27. - Minors prohibited during certain hours at establishments making sales.

It shall be unlawful for any owner or operator, or agent thereof, to allow any person under the age of 16 years to loiter at or frequent any establishment selling beer, ale, porter or other similar malt or fermented beverages after the hour of 10:00 p.m.

(Code 1971, § 4-36)

Sec. 4-28. - Possession of open containers.

It shall be unlawful for any person to have in his possession any open container containing beer, ale, porter, wine or any other similar malt or fermented beverage, whether in or out of a vehicle:

- (1) On public streets, alleys or ways; and
- (2) On private property when specifically prohibited.

(Ord. of 11-11-76(1))