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LANCASTER, SC

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2019-1590

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COUNTY OF LANCASTER

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~~Indicates Matter Stricken~~

Indicates New Matter

### AN ORDINANCE

### TO AMEND ORDINANCE 2012-1167 AND TO PROVIDE FOR MATTERS RELATED THERE TO.

Be it ordained by the Council of Lancaster County, South Carolina:

#### Section 1.      **Amendment to Ordinance 2012-1167.**

Section 23-52 of Ordinance 2012-1167 is amended as follows:

#### **Section 23-52. - Definitions.**

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Bar* means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

*Business* means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are offered for sale; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.

*Employee* means a person who is employed by an employer in consideration for direct or indirect monetary wages, commission, goods or services in kind or like compensation, and it shall also mean a person who volunteers his or her services for a non-profit entity.

*Employer* means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one (1) or more individual persons.

*Enclosed area* means all space between a floor and ceiling that is enclosed on all sides by walls or windows (exclusive of doorways), which extend from the floor to the ceiling, or walls substantially enclosing the area or walls four (4) feet or more in height including stationary structures and mobile public conveyances. Enclosure of an outdoor area attached to a building or structure through the use of any sort of canopy, tent or other structure which consists of coverings on all sides shall cause such an area to be deemed an enclosed area for purposes of this article.

*Health care facility* means an office or institution providing care or treatment of persons having diseases, whether physical, mental or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes (except as otherwise permitted herein), homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition includes all waiting rooms, hallways, private rooms, semi-private rooms, and wards within health care facilities.

*Place of employment* means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a place of employment for purposes of this article unless it is used as a child care, adult day care, or health care facility. A private passenger motor vehicle is not a place of employment when used in the performance of employment responsibilities, provided it is not being used as a public conveyance.

*Private club* means:

- (1) A bona fide non-profit organization, association or non-profit corporation organized and existing under the laws of the state, and operated solely and exclusively for social, benevolent, patriotic, recreational or fraternal purposes, but not for pecuniary gain or profit, no part of the net earnings of which inures to the direct benefit of any member or shareholder;
  - a. Which is licensed to sell liquor by the drink for consumption on the premises as a private club under applicable regulations and rules of the South Carolina Department of Revenue;
  - b. Which has a retail sales tax license in the same name;
  - c. Which is not open to the general public;
  - d. Which is not engaged in the preparation and service of meals to the general public;

- e. Which has a definite, fixed method of electing persons on an individual basis to membership in the organization, such method being described in the club's bylaws and which must bear some reasonable relation to the object and purpose of the organization;
  - f. Which is comprised of members twenty-one (21) years of age or older who shall be elected or excluded by the board of directors by way of ballot;
  - g. Which is maintained by its bona fide members through the payment of monthly, quarterly or annual fees or dues and/or rental fees;
  - h. Whose affairs and management shall be conducted by a board of directors, executive committee or similar governing body chosen by the members at a regular meeting held no less frequently than annually;
  - i. Whose members have been given notice of the dangers of tobacco smoke and second-hand smoke exposure in the particulars recited in subsections 23-51(2) through (5);
  - j. Which has no employees under the age of twenty-one (21) years nor employees who have not been given a notice of the dangers of tobacco smoke and second-hand smoke substantially similar to the dangers recited in subsections 23-51(2) through (5); and
  - k. Which has satisfied, complied with and implemented the terms, conditions, requirements and limitations of the Lancaster County Code and applicable provisions of the Code of Laws of South Carolina 1976, as amended, and regulations relating to the sale and consumption of alcoholic liquors by the drink by a bona fide non-profit private club.
- (2) Any organization, establishment, club or entity, including bars, restaurants, entertainment venues or other entities which are not owned, leased, occupied or operated in compliance with the requirements of the Lancaster County Code shall not be treated as a private club under this article.

*Public place* means an area to which the public is invited or to which the public is permitted to have access, including but not limited to, banks, bars, educational facilities, health care facilities and hotel and motel lobbies, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, theaters, waiting rooms, sports arena, stadiums and ball parks. A private club is a public place when being used for a function to which the general public is allowed entry. A private residence is not a public place unless it is used as a child care, adult day care or health care facility.

*Restaurant* means an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, ice cream parlors, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. Restaurant includes a bar area within the restaurant.

*Retail tobacco store* means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental. The term specifically includes cigar bars, which are establishments licensed for the on premises

sale of beer, wine, and alcoholic beverages as well as some food service, but the term does not include any establishment which is primarily a bar or restaurant and which undertakes to make retail offerings of tobacco products as a means of circumventing the purposes of this article.

*Service line* means an indoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

*Shopping mall* means an enclosed public plaza, promenade, walkway, or hall area that serves to connect retail or professional establishments.

*Smoking* means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or in any form. **Smoking also includes the use of an Electronic Smoking Device, which means an electronic or battery-operated device, the use of which resembles smoking, that can be used to deliver nicotine or other substances to the person inhaling from the device.**

*Sports arena* means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

## **Section 2. Severability.**

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

## **Section 3. Conflicting Provisions.**

To the extent this ordinance contains provisions that conflict with provisions contained in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

## **Section 4. Effective Date.**


This ordinance is effective upon Third Reading.

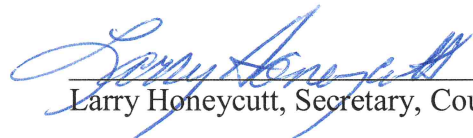
SIGNATURES FOLLOW ON NEXT PAGE.

**AND IT IS SO ORDAINED**

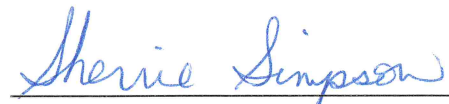
Dated this 28<sup>th</sup> day of MAY, 2019.

**LANCASTER COUNTY, SOUTH CAROLINA**

  
Steve Harper, Chair, County Council

  
Larry Honeycutt, Secretary, County Council

ATTEST:

  
Sherrie Simpson, Clerk to Council

First Reading:	April 29, 2019
Second Reading:	May 13, 2019
Public Hearing:	May 13, 2019
Third Reading:	May 28, 2019