

Late Night Establishment Ordinance Update Draft Overview

The City of Charleston is in the process of updating the ordinance governing Late Night Establishments (LNE's). The original ordinance went into effect on 7/1/2013 and can be found [here](#). Any business intending to operate as an LNE must apply for a permit, in addition to the Certificate of Occupancy/Business License.

Please note that the proposed changes below will not go to City Council for a vote before business owners and other citizens have had the opportunity to provide feedback for further refinement of the recommendations. The City will be hosting two Open Houses for the public and business owners, which you can register for [here](#).

The updates are required to receive three readings at City Council, with the first reading tentatively scheduled for October 26th. You may provide input at that meeting by going to innovate.charleston-sc.gov.

What's New

Below are the proposed amendments to the LNE ordinance. As currently written, there would now be two categories of LNEs with specific requirements. **Please note that all requirements apply to Category A (the category defined in the original ordinance), with fewer requirements applying to Category B (new category).**

New for Both Category A&B

Security and Safety

- Crowd management techniques must be employed to ensure that patrons are adequately disbursed throughout the LNE in compliance with the maximum occupant load after 9 PM (previously set at midnight in the original ordinance).
- The maximum occupant load must not be exceeded. Failure to comply or heed instruction or warning from a city official (including the Fire Marshal or a police officer) may result in immediate closure. Continued failure may result in multiple day closures, suspension and/or revocation of LNE privileges, business license, or Certificate of Occupancy.

Waste Management

- Weekly pressure washing will be required to ensure sidewalks are in a clean and usable condition.

Category A. If you operate a commercial establishment within the City limits allowing on-premises consumption of alcohol as its primary use and it remains open after 11 PM. **New** regulations for this category include the below. **(Category B regulations below also apply to Category A.)**

Security and Safety

- A minimum of 2 individuals must work as security personnel at each entrance from 9 PM until closing to check ID's, provide security, and ensure the safety of patrons and employees. This requirement may change at the discretion of the Fire Marshal and/or the Police Department.
- At least one security personnel per 50 patrons is required inside the LNE. This requirement may change at the discretion of the Fire Marshal and/or the Police Department.
- Exterior lighting and video surveillance equipment must be installed on property owned or legally controlled by the LNE operator if made a condition of the permit.
- An on-site emergency action plan for the LNE must be created and maintained, and staff and security personnel must be trained as to its details.
- Approved scanning devices must be used to verify identification of patrons prior to allowing entry at its entry point. Personnel must be trained in the effective use of such equipment.
- All LNEs must cease all sales at 1:30 AM and close doors by 2 AM.

Category B. If you **operate within the Central Business District** (map below), **remain open after 11 PM and allow on-premises consumption of food**, you will now have to comply with the Late Night Establishment ordinance. Category B includes restaurants that do not serve or allow on-premises consumption of alcohol. This does not apply if you do not allow both on-premises consumption of alcohol and on-premises consumption of food. This also does not apply if you operate primarily as an accommodations use.

The regulations below previously applied to Category A in the original ordinance and will continue to do so, as well as now applying to Category B.

Security and Safety

- Lines or queues of patrons must be adjacent to the outside of the building so they are not blocking the sidewalk, street, or public ways or entrances to other establishments.
- All on and off-site areas used for parking by the LNE or its patrons must be monitored to prevent such areas from becoming outdoor gathering places.
- It is the responsibility of the LNE to assist persons in entering or leaving the LNE in an orderly manner. In the event any person is disorderly or otherwise engaged in illegal conduct that the security personnel cannot contain, the LNE owner or his/her designee shall contact law enforcement.
- All LNEs must cease all sales for **on-premises consumption** at 1:30 AM and close doors by 2 AM.

Waste Management

- Exterior grounds of the LNE, sidewalks abutting the LNE, and all parking areas of the LNE must be maintained in a clean condition, free of trash, rubbish, or other debris. Weekly pressure washing to ensure sidewalks are in a clean and useable condition will be required.
- Any LNE that may utilize city sanitation services shall adhere to all ordinances, regulations and policies of the city pertaining to containing, collecting and disposing of sanitary waste. Sanitary waste containers shall be stored at such locations as directed by those polices, unless required to be moved/unless such location does not meet the approval by the City Public Services staff.



Does this apply to me?

Q: Does this apply if my establishment serves and allows on-premises consumption of alcohol, and I am within the CBD?

A: Yes. You would be in Category A, which is also subject to both the regulations for A&B.

Q: Does this apply if my establishment serves and allows on-premises consumption of alcohol, and I am outside of the CBD?

A: Yes. You would be in Category A, which is also subject to both the regulations for A&B.

Q: Does this apply if my establishment is within the CBD and serves food, but does not serve or allow on-premises consumption of alcohol?

A: Yes. You would be in Category B, and only subject to the regulations for that category.

Q: Does this apply if my establishment is within the CBD but does not serve or allow on-premises consumption of food or alcohol?

A: No, you would be exempt from the LNE ordinance if this amendment passes.