

Ratification
Number

2014-38

AN ORDINANCE

TO AMEND SEC. 17-125 AND SEC. 17-126 OF THE CODE OF THE CITY OF CHARLESTON PERTAINING TO LATE NIGHT ENTERTAINMENT ESTABLISHMENTS.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Sec. 17-125 of the Code of the City of Charleston is hereby amended by deleting from the first paragraph of the definition of *Late Night Entertainment Establishment* subsection (b) and re-lettering the subsections following, by adding to the first sentence of the second paragraph of the definition of *Late Night Entertainment Establishment* language to delineate where reports of sales for business opening after July 1, 2013 must be filed and to correct a scrivener's error, so that hereafter said definition shall read as follows: (**added language in bold**):

Late Night Entertainment Establishment means a business in existence as of July 1, 2013 that: (a) is not located in a structure that provides accommodations as that term is used in Sec. 54-120 of the Zoning Ordinance, as the same may from time to time be amended; (b) is open after midnight; (c) is licensed to allow on-premises consumption of beer, wine or alcohol; and (d) is required to have a Class 7 (a) business license.

A business that comes into existence on or after July 1, 2013 which meets the requirements of subsections (a), (b) and (c) shall not be subject to the provisions of Section 17-126 (B) during its first business license year; provided that every 120 days, beginning on the date the Establishment opens for business, the Establishment shall submit a report to the City **Business License Division** that separately reports the percentage of gross revenues derived from the sale of food and other items from the percentage of gross revenues derived from the sale of beer, wine and/or alcoholic beverages. If for any reporting period, the percentage of gross sales from the sale of beer, wine and/or alcohol is 35% or more of the gross sales of the Establishment, the Establishment shall be subject to Sec. 17-126.B. This reporting requirement ends when the Establishment renews its business license.

Nothing in this definition shall be deemed to be inconsistent with the provisions of the City's Business License Ordinance, including but not limited to the Schedule of License Fees.

Section 2. Sec. 17-125 of the Code of the City of Charleston is amended by adding thereto, in alphabetical order the following definition:

Voluntary occupant load means the maximum number of people allowed in a Late Night Entertainment Establishment after midnight, if requested by the owner of the Establishment and so designated on the application for a permit for a Late Night Entertainment Establishment. The voluntary occupant load must be less than the maximum occupant load and governs the amount of security required in the Establishment after midnight.

Section 3. Section 17-126 (B) (1) of the Code of the City of Charleston is amended to read as follows (**amendatory language in bold**):

B. Security

1. Late Night Entertainment Establishment personnel shall be responsible for operating the establishment in a safe and orderly manner. After midnight and until closing, the number and type of security personnel on duty at all times shall be determined by the business's maximum occupant load ("MOL") or voluntary occupant load ("VOL"), if requested and **designated on the establishment's application** regardless of whether the number of people constituting the maximum occupant load or voluntary occupant load, if applicable, is then present:

- a. **49 MOL/VOL or less: one door person and one security person. The security person may also serve as the Establishment's manager who may also have front-of-the-house duties.**
- b. 100 MOL/VOL or less: one door person and one security person, one of which may be a manager, **so long as said manager has no other duties.**
- c. 101 MOL/VOL – 200 MOL/VOL: one door person and two security persons, one of which may be a manager, **so long as said manager has no other duties.**
- d. 201 MOL/VOL – 300 MOL/VOL: one door person and three security persons, one of which may be a manager, **so long as said manager has no other duties.**
- e. 301 MOL/VOL – 400 MOL/VOL: one door person and four security persons, one of which may be a manager, **so long as said manager has no other duties.**
- f. 401 MOL/VOL – 500 MOL/VOL: one door person and five security persons, including a security supervisor who may be one of the five security persons. One of

the security persons which may be a manager, **so long as said manager has no other duties.**

g. 501 MOL/VOL – 600 MOL/VOL: one door person and six security persons, including a security supervisor who may be one of the six security persons. One of the security persons which may be a manager, **so long as said manager has no other duties.**

h. 601 MOL/VOL – 700 MOL/VOL: one door person and seven security persons, including a security supervisor who may be one of the seven security persons. One of the security persons which may be a manager, **so long as said manager has no other duties.**

i. 701 MOL/VOL – 800 MOL/VOL: one door person and eight security persons, including a security supervisor who may be one of the eight security persons. One of the security persons which may be a manager, **so long as said manager has no other duties.**

j. 801 MOL/VOL and above: one door person and one security person for every one hundred persons as allowed by the business's maximum occupant load **or voluntary occupant load, if applicable,** and one security supervisor for every four security persons. Security supervisors may also be security persons required under this subsection. One of the security persons may be a manager, **so long as said manager has no other duties.**

Section 4. Sec. 17-126 (B)(8) of the Code of the City of Charleston is amended to read as follows (**amendatory language in bold**):

The provisions of this subsection shall only be applicable **between the hours of 12:00 a.m. and 2:00 a.m. on Friday, Saturday and Sunday,** the holidays of Memorial Day and Labor Day, **and between the hours of 12:00 a.m. and 2:00 a.m. on the day following New Year's Eve, Fourth of July, and Halloween,** and when special concerts or promotions take place at the Late Night Entertainment Establishment.

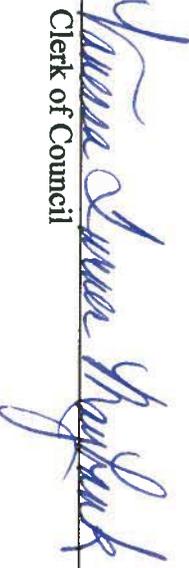
An Establishment operating under a voluntary occupant load may allow occupancy after midnight up to the maximum occupant load of the Establishment on the holidays of Memorial Day and Labor Day, and between the hours of 12:00 a.m. and 2:00 a.m. on the day following New Year's Eve, the Fourth of July and Halloween, and on the Friday, Saturday and Sunday of Southeast Wildlife Exposition and the Cooper River Bridge Run, provided the security personnel required by the Establishment's maximum

occupant load per subsection (B) (1) are maintained on the premises, regardless of whether the number of people allowed by the maximum occupant load is then present.

Section 5. This Ordinance shall become effective upon ratification.

Ratified in City Council this 25th day of March
In the Year of Our Lord 2014, in the 238th Year of the
Independence of the United States of America.

Mayor


Clerk of Council

ATTEST: