

ORDINANCE 4428

AN ORDINANCE AMENDING THE CITY OF HARTSVILLE CODE BY AMENDING CHAPTER 31, ARTICLE I, SECTIONS 31-4, 31-8; APPENDIX A – ZONING, ARTICLE III, AND ARTICLE IX, SECTION 5. B-1.

WHEREAS, the City of Hartsville, South Carolina (the “City”) is a municipal operation of the State of South Carolina, located in Darlington County, South Carolina, and as such possesses all general powers granted to municipal corporations;

WHEREAS, City Council would like to amend sections of the current city code in Chapter 31 – Environment; Appendix A-Zoning, Article III – Definitions; and Article IX – District Regulations;

WHEREAS, these sections have been reviewed and are being considered as shown below.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the City of Hartsville that the Hartsville City Code is hereby amended as follows:

Section 31-4 (c) of the Code, as amended, shall read as follows:

Sec. 31-4. – Prohibition of smoking in enclosed public spaces.

(c) Bars

Section 31-8 (c) and (d) of the Code, as amended, shall read as follows:

Sec. 31-8. – Where smoking is not regulated.

(c) Cigar Bars, provided that smoke from the establishment does not infiltrate into areas where smoking is prohibited under the provisions of this article. The pervasive and continuing presence of the odor of stale tobacco smoke in areas where smoking is prohibited shall be accepted as evidence that tobacco smoke infiltration has occurred. Cigar Bar proprietors shall be responsible for achieving compliance by using whatever design, construction, or technological means actually preclude tobacco smoke infiltration into areas where smoking is prohibited. Smoking on patios, decks, and porches attached to a cigar bar is permitted provided the smoke does not infiltrate into areas where it is otherwise prohibited. No business license or certificate of occupancy may be issued for a cigar bar without the applicant first providing a detailed plan for compliance with this provision. Nevertheless, the issuance of a certificate of occupancy or a business license to a cigar bar shall not be construed as the city's determination that the cigar bar is in compliance with the requirement of this provision.

(d) Outdoor areas of places of employment except those covered by the provisions of section 31-6 and section 31-7 of this article.

Appendix A - Zoning of the Code, as amended, shall read to include an additional definition as follows:

Appendix A – Zoning Article III. Definitions of Terms Used in This Ordinance

Cigar bar shall mean an establishment that offers a meaningful selection of fine cigars and fine tobacco for pipes, including hookahs, for smoking on the premises as well as retail purposes and which is licensed for the on-premises sale of beer, wine, or alcoholic beverages, or some combination of those, as well as some food service. 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. No bar can be considered a cigar bar unless at least 30 percent of its gross revenue can be demonstrated to come from the sale of cigars, pipe tobacco, and related products.

Section 5. B-1 (b) (14) of the Code, as amended, shall read as follows:

Sec. 5. B-1 (central business district) zone, (b) Permitted uses. (14) Cigar bars.

ORDAINED IN MEETING DULY ADVERTISED AND ASSEMBLED on the ____ day of _____, 2022 and to become effective as aforementioned.

(SEAL)

By: _____
Casey Hancock, Mayor

ATTEST:

By: _____
Sherron L. Skipper, City Clerk
City of Hartsville, South Carolina

First Reading: January 11, 2021
Public Hearing:
Final Reading: