



**COLUMBIA PUBLIC SAFETY COMMITTEE MEETING AGENDA  
TUESDAY, SEPTEMBER 27, 2022**

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The Columbia Public Safety Committee will conduct a meeting on Tuesday, September 27, 2022 at 1:00 p.m. in the Mayor's Conference Room at City Hall, 1737 Main Street, Columbia, SC 29201. Members of the public may view the meeting online at [www.columbiasc.gov](http://www.columbiasc.gov). For additional information, please contact the City Clerk's Office at (803)545-3045 or [cityclerk@columbiasc.gov](mailto:cityclerk@columbiasc.gov).

The Honorable Howard E. Duvall, Jr., Chair  
The Honorable Tina N. Herbert ■ The Honorable Joe E. Taylor, Jr.

*Prior to entering the meeting please turn all electronic communication devices to the silent, vibrate or off position. All presenters are asked to speak directly into the microphone for recording purposes.*

**CALL TO ORDER**

**ADOPTION OF THE AGENDA**

**COMMITTEE DISCUSSION**

1. Proposed Distance Requirements for Smoke or Vape Shops
2. Proposed Resolution to Consider Ordinance 2022-081 and Invoking the Pending Ordinance Doctrine with Respect to this Ordinance
3. Proposed CBD Disclosure Ordinance
4. Proposed Ordinance Establishing the Manner and Times of Lawful use of Fireworks and Proving Certain Civil Penalties for Violations thereof
5. Code Enforcement Violations - Mr. David Hatcher, Housing Official / Columbia Police Department

**ADJOURNMENT**

**ORDINANCE NO.: 2022-081**

*Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, (Unified Development Ordinance), Article 4, Use Regulations, Section 17-4.2, Principal Uses, to add Provisions Governing Smoke or Vape Shops, and Article 9, Definitions and Measurements, to add Definitions concerning Smoke or Vape Shops*

WHEREAS, the regulation of smoke and vape shops is necessary and in the interests of the public health, safety and general welfare because there has been an increase of the establishment and operation of smoke and vape shops in the City of Columbia. The proliferation of smoke and vape shops in the City would result in undesirable impacts to the community. Among these impacts are increased potential for minors to be exposed to and therefore use or aspire to use tobacco products, nicotine products and vape products; adverse health consequences of using tobacco products and vape products; and heightened risk of negative aesthetic impacts, blight, and loss of property values of residential neighborhoods and businesses in close proximity to such uses. This ordinance contains amendments consistent with good zoning and planning practices to address such negative impacts of smoke and vape shops while providing a reasonable number of locations and zones for such shops/stores to locate within the City of Columbia.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council this \_\_\_\_\_ day of \_\_\_\_\_, 2022, that the City of Columbia's *Unified Development Ordinance*, Article 4, Use Regulations, Section 17-4.2, Principal Uses, and Article 9, Definitions and Rules of Measurement, Section 17-9.4, is amended to add the following:

**Section 17-9.4, Definitions****ALTERNATIVE NICOTINE PRODUCT**

A product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. An "Alternative Nicotine Product" does not include Tobacco Products, or any product approved by the United States Food and Drug Administration as a non-tobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, which is being marketed and sold solely for that approved purpose.

**CANNABIS**

Any derivatives, compounds, extracts, cannabinoids, isomers, acids, salts, or salts of isomers of the species *Cannabis Sativa L.*, excluding marijuana as defined by S.C. Code Ann. § 44-53-110(27)(a), with a tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis, or the THC concentration for hemp as defined in 7 U.S.C. § 5940, whichever is greater. "Cannabis" includes, but is not limited to, full-spectrum Cannabidiol (CBD), Delta-8 THC, Delta-9 THC, Delta-10 THC and HHC.

**INCIDENTAL OR ANCILLARY USE**

A display or sale by a grocery store, supermarket, convenience store, gas station, or similar retail business that uses no more than two percent (2%) of its gross floor area, or 200 square feet, whichever is less, for the display, sale, distribution, delivery, offering, furnishing, or marketing of one or more of the following: Tobacco Products, Alternative Nicotine Products, cigarettes containing Cannabis, Smoking Paraphernalia, and/or Vape Products. For any grocery store, market, retail kiosk or similar business consisting of 250 square feet or less, "Incidental or Ancillary Use" is defined as no more than five (5) square feet being used for the display, sale, distribution, delivery, offering, furnishing, or marketing of Tobacco Products, cigarettes containing Cannabis, Smoking Paraphernalia, and/or Vape Products.

### SMOKE OR VAPE SHOP

Any retail store located within the City of Columbia, with more than an Incidental or Ancillary Use, that displays, sells, distributes, delivers, offers, furnishes or markets one or more of the following: 1) Alternative Nicotine Products; 2) Vape Products; 3) Tobacco Products; 4) cigarettes, cigars, dried or shredded plant material, flowers, smoking blends, and similar products that are smoked or inhaled and contain Cannabis or Synthetic Cannabinoids; or 5) Smoking Paraphernalia.

### SYNTHETIC CANNABINOIDS

A class of artificially-made chemicals that are cannabinoid receptor agonists intended to replicate, mimic, or cause a similar reaction to the psychoactive effects of marijuana. These compounds may be found in products marketed as incense, herbal blends or mixtures, synthetic marijuana, or potpourri, and labeled as Spice, K2, Green Giant, Smacked, Wicked X, AK-47, Geeked Up, Ninja, Caution, Red Giant, Keisha Kole, XXX Ultra, Skunk, Atomic and other names, however named.

### TOBACCO PRODUCT

Any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including but not limited to cigarettes; cigars; cheroots; stogies; perique; granulated, plug-cut, crimp-cut, ready rubbed and other smoking tobacco; snuff; snuff flowers; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco, prepared in such a manner as to be suitable for chewing or smoking in a pipe, or other tobacco related devices. Tobacco Products do not include any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

### SMOKING PARAPHERNALIA

Any paraphernalia, equipment, device, or instrument that is designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of Tobacco Products, Cannabis Products, Synthetic Cannabinoids, or controlled substances as defined in S.C. Code Ann. § 44-53-110. Items classified as Smoking Paraphernalia include but are not limited to: pipes, ice pipes or chillers, air-driven pipes, water pipes, bong, water bong, hookahs, punctured metal bowls, and roach clips.

### VAPE PRODUCT

Any non-combustible product, which may or may not use or contain a Cannabis Product, Alternative Nicotine Product, or Synthetic Marijuana, that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from a liquid solution or any other form. "Vape Product" includes devices called e-cigarettes, electronic cigars, electronic pipes, vaporizers, vaporizer cartridges, vapes, e-hookahs, vape pens, pod mods, box mods, puff bars, tanks or mods, sub-ohm tanks, vaporizers, dab pen, or similar product or device. "Vape Product" also includes e-juice, vape juice, and e-liquid containing an Alternative Nicotine Product, Cannabis, or Synthetic Cannabinoids. "Vape Product" does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the United States Food, Drug, and Cosmetic Act.

**Section 17-4.2(B)(4), Principal Use Table**

Retail Sales Uses

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Smoke or Vape Shop, allowed conditionally in Zoning Districts NAC, CAC, RAC, DAC, GC, MC, and LI.

**Section 17-4.2(c)(3)(e), Standards for Specific Principal Uses, Commercial Uses, Retail Sales Uses**

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3. Smoke or Vape Shops

(i) All Smoke or Vape Shops wishing to operate within the Zoning Districts NAC, CAC, RAC, DAC, GC, MC, and LI must meet the following conditions:

- a. Smoke or Vape Shops shall not be located within 1,000 feet from a public or private K-12 school, child day care facility, youth center, recreational facility, park, church or religious institution, or community center.
- b. Smoke or Vape Shops shall not be located within 1,000 feet from another Smoke or Vape Shop.

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

This ordinance shall take effect upon the date of final reading.

Requested by:

Councilman Howard Duvall

\_\_\_\_\_  
Mayor

Approved by:

\_\_\_\_\_  
City Manager

Approved as to form:

ATTEST:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Clerk

Introduced:

Final Reading:

Last Revised 8/18/22

Attachment: O\_2022\_081\_Smoke\_or\_Vape\_Shops\_Distance\_Requirement (7946 : Proposed Distance Requirements for Smoke or Vape Shops)

LEGAL DEPARTMENT

**RESOLUTION NO.: R-2022-074**

*Resolving to Consider Ordinance No.: 2022- 081 Amending the 1998 Code of Ordinances, Chapter 17 (Unified Development Ordinance), Article 4, Use Regulations, Section 17-4.2, Principle Uses, to add Provisions Governing Smoke or Vape Shops, and Article 9, Definitions and Measurements, to add Definitions concerning Smoke or Vape Shops; and, Setting and Advertising to the Public the Date of a Public Hearing on this Ordinance; and, referring this Ordinance to the Planning Commission for its Consideration; and Invoking the Pending Ordinance Doctrine with Respect to this Ordinance*

WHEREAS, the City of Columbia (hereinafter, "the City") has experienced a growing number of Smoke or Vape Shops within the corporate limits of the City; and

WHEREAS, the proliferation of Smoke and Vape Shops in the City would result in undesirable impacts to the community, including increased potential for minors to be exposed to and therefore use or aspire to use tobacco products, nicotine products and vape products; adverse health consequences of using tobacco products and vape products; and heightened risk of negative aesthetic impacts, blight, and loss of property values of residential neighborhoods and businesses in close proximity to such uses; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Columbia this day of \_\_\_\_\_, 2022 that:

1. Council shall consider the attached Ordinance Amending the 1998 Code of Ordinances, Chapter 17 (Unified Development Ordinance), Article 4, Use Regulations, Section 17-4.2, Principle Uses, to add Provisions Governing Smoke or Vape Shops, and Article 9, Definitions and Measurements, to add Definitions concerning Smoke or Vape Shops ("Smoke or Vape Shop Ordinance"); and
2. The Smoke or Vape Shop Ordinance is hereby referred to the City of Columbia Planning Commission for review and preparation of recommendations to City Council during its meeting on October 13, 2022; and
3. Council hereby sets a zoning public hearing on the Smoke or Vape Shop Ordinance for November 15, 2022 in Council Chambers during its regularly scheduled Council meeting; and
4. Pursuant to South Carolina law, Council hereby invokes the pending ordinance doctrine with respect to the Smoke or Vape Shop Ordinance.

IT IS SO RESOLVED.

Requested by:

Councilman Howard Duvall

\_\_\_\_\_  
Mayor

Approved by:

\_\_\_\_\_  
City Manager

Approved as to form:

  
\_\_\_\_\_  
City Attorney

Attest:

\_\_\_\_\_  
City Clerk

Introduced:  
Final Reading:

Last revised: 8/18/2022  
22013876

LEGAL DEPARTMENT

Attachment: R\_2022\_074\_Pending\_Ordinance\_Doctrine\_Vape\_Shops (7948 : Proposed Resolution to Consider Ordinance 2022-081 and

**ORDINANCE NO.: 2022-\_\_\_\_\_**

*Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 11, Licenses, Permits and Miscellaneous Business Regulations, to add Article XIII, Purveyors of Cannabis Products*

BE IT ORDAINED by the Mayor and Council this \_\_\_\_\_ day of \_\_\_\_\_, 2022, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, *Chapter 11, Licenses, Permits and Miscellaneous Business Regulations*, is amended to add Article XIII as follows:

**Article XIII: Purveyors of Cannabis Products****(a) Definitions.**

*"Cannabidiol,"* or CBD, is defined as a chemical compound from the species *Cannabis Sativa L.* of the plant family *Cannabaceae*.

*"Cannabis"* is defined as any derivative, compound, extract, cannabinoid, isomer, acid, salt, or salts of isomers of the species *Cannabis Sativa L.*, excluding marijuana as defined by S.C. Code Ann. § 44-53-110(27)(a), with a tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis, or the THC concentration for hemp as defined in 7 U.S.C. § 5940, whichever is greater. *"Cannabis"* includes, but is not limited to, full-spectrum Cannabidiol (CBD), Delta-8 THC, Delta-9 THC, Delta-10 THC and HHC.

*"Product"* is defined as any item for sale that contains Cannabis and is intended for human ingestion, including capsules, candies, soft chews, gummies, vapor cartridges, cigarettes, flowers, extracts, teas, honey, chocolates, and patches.

*"Purveyor"* is defined as a retail store physically located within the corporate limits of the City of Columbia that makes available for sale Cannabis Products to persons entering or shopping at the store. The term Purveyor includes Cannabis shops, vape shops, health and wellness establishments, grocery stores, and any other retail business that sells any type of Cannabis Product.

**(b) Disclosure Requirement**

Purveyors of Cannabis Products shall post clear and conspicuous signage on or near displays of Cannabis Products stating that consumption or use of Cannabis Products may cause a person to fail a workplace drug screening test. These signs must be equal to 50% of the size of the Purveyor's signage of the shop and its product signage.

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

This ordinance shall take effect upon the date of final reading.

Requested by:

Councilman Joe Taylor

\_\_\_\_\_  
Mayor

Approved by:

\_\_\_\_\_  
City Manager

ATTEST:

Approved as to form:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Clerk

Introduced:

Final Reading:

LEWIS & CLARK COUNTY  
Attachment: Draft\_Ordinance\_CBD\_Disclosure\_8\_11\_22 (7945 : Proposed CBD Disclosure Ordinance)

**ORDINANCE NO. 2022-083**

*Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter \_\_\_\_\_, Article \_\_\_\_\_, to add Sec. \_\_\_\_-\_\_\_\_ "Discharge of Fireworks" Establishing the Manner and Times of Lawful use of Fireworks and Proving Certain Civil Penalties for Violations thereof*

**WHEREAS**, pursuant to S.C. Code Ann. § 5-7-30, each municipality of the State, in addition to the powers conferred to its specific form of government, may enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general laws of this State, necessary for the security, general welfare, and preservation of peace and order within the municipality; and

**WHEREAS**, City Council has found that the use of fireworks, although an enjoyable activity by many residents, can cause annoyance to citizens due to loud and persistent noise and may negatively impact citizens' quality of life, particularly when discharged at times that disturb the sleep of those in the vicinity of the discharge; and

**WHEREAS**, the City Council has found and determined that, for the promotion of the health and welfare and the preservation of peace and order within the City, it is necessary to enact this Ordinance which balances the interests of citizens who wish to sensibly use fireworks with the needs of citizens who are concerned with firework discharge during sleeping hours; and

**BE IT ORDAINED** by the Mayor and Council this \_\_\_\_\_ day of \_\_\_\_\_, 2022, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter \_\_\_\_\_, Article \_\_\_\_\_, is amended to add Section \_\_\_\_\_, "Discharge of Fireworks" to read as follows:

**SECTION 1.** The Code of Ordinances, City of Columbia, South Carolina, is hereby amended by adding Sec. \_\_\_\_-\_\_\_\_, to read as follows:

Sec. \_\_\_\_-\_\_\_\_. Discharge of Fireworks.

- a) Except as otherwise provided in this section, it is unlawful for a person to use, discharge, shoot, or ignite fireworks or similar explosives within the City between the hours of 11:00PM and 7:00AM. This section may not be construed to prohibit the discharge or lighting of sparklers or similar pyrotechnic products which generate no appreciable noise at any time. For the purposes of this section, "fireworks" is a term as defined by S.C. Code Ann. § 40-56-20.

LEGAL REVIEW | DRAFT | 7/27/22

- b) Notwithstanding the provisions of subsection (a), the permitted hours for the use of fireworks must be extended on the Fourth of July and New Year's Eve. Therefore, it is only unlawful for a person to use, discharge, shoot, or ignite fireworks or similar explosives within the City between the hours of 12:30AM and 9:00AM on July 5th and January 1st.
- c) It is unlawful to:
1. Negligently, recklessly, or intentionally direct the discharge of fireworks towards a structure, animal, or person;
  2. Intentionally detonate fireworks upon the land of another without express prior consent;
  3. Offer for sale or sell permissible fireworks to children under the age of fourteen (14) years unless accompanied by a parent;
  4. To ignite or detonate fireworks within six hundred (600) feet of a church, hospital, public school;
  5. To ignite or detonate permissible fireworks within a motor vehicle or discharge a permissible fireworks from a motor vehicle; and
  6. To place or throw an ignited firework into or at a motor vehicle.
- d) A violation of this section is punishable by a civil penalty of up to one hundred dollars (\$100). Each violation of this section may be punished as a separate offense.
- e) After three separate violations in a single location over a period of six months, the location can be declared to be a public nuisance and subject to the nuisance provisions of Chapter 8, Article II of the Columbia City Code.
- f) Nothing in this section may be construed to prohibit within the City the use of flares or similar devices necessary for the safe operation of railroads, buses, trucks, or other vehicles within the City or that is necessary during emergencies.
- g) Nothing in this section shall be read to supersede or otherwise be exempt from the requirements of Columbia City Code Chapter 9 – Fire Prevention and Protection.
- h) Any firework display permitted by the City and state Fire Marshall is exempt from subsection a) and b) of this section.

**SECTION 2.** Should any part or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the constitutionality or validity of the remaining portions of this Ordinance, the city council hereby declaring that it would have passed this Ordinance irrespective of the fact that any one or more parts or provisions may be declared to be unconstitutional, invalid, or otherwise ineffective.

**SECTION 3.** This ordinance shall become effective upon second reading.

Requested by:

Councilman Howard Duvall

Approved by:

\_\_\_\_\_  
City Manager

Approved as to form:

  
\_\_\_\_\_  
Deputy City Attorney

Introduced:

Final Reading:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

LEGAL DEPARTMENT

Attachment: 2022-083 - Draft Firework Ord (7937 : Proposed Ordinance Establishing the Manner and Times of Lawful use of Fireworks)