

RESOLUTION R-2009-079

Authorizing the filing of a civil action in the Court of Common Pleas against The Tobacco Merchant, 1220 Bower Parkway, Suite E-4, seeking (i) a mandatory injunction requiring compliance with City Code Chapter 8, Environmental Health and Sanitation, Article IV, Pollution Control, Division 5, Regulations and Requirements Relating to Smoking of Tobacco Products, (ii) a declaration that the infraction of said Division is a public nuisance and for an order requiring abatement of the public nuisance, and/or (iii) for any other remedy permitted by law

WHEREAS, The Tobacco Merchant, 1220 Bower Parkway, Suite E-4, Columbia, South Carolina, applied for a City of Columbia business license as a retail tobacco store; and,

WHEREAS, after opening for business as a retail tobacco store, The Tobacco Merchant installed a bar and applied for an on-premises license to serve beer and wine; and,

WHEREAS, the City of Columbia has received complaints concerning the smoking of tobacco products on the premises of The Tobacco Merchant; and,

WHEREAS, the City of Columbia has observed the smoking of tobacco products on the premises of The Tobacco Merchant; and,

WHEREAS, it is necessary for the City of Columbia to enforce City Code Chapter 8, Environmental Health and Sanitation, Article IV, Pollution Control, Division 5, Regulations and Requirements Relating to Smoking of Tobacco Products through the institution of a civil action in the Court of Common Pleas; NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council this ___ day of October 2009, that the City Attorney's Office is authorized to institute a civil action in the Court of Common Pleas against The Tobacco Merchant, 1220 Bower Parkway, Suite E-4, seeking one or more of the following: (i) a mandatory injunction requiring compliance with City Code Chapter 8, Environmental Health and Sanitation, Article IV, Pollution Control, Division 5, Regulations and Requirements Relating to Smoking of Tobacco Products, (ii) a declaration that the infraction of said Division is a public nuisance and for an order requiring abatement of the public nuisance, and/or (iii) for any other remedy permitted by law.

Requested by:

Business License Division _____

Mayor

Approved by:

Interim City Manager

Approved as to form:

City Attorney

ATTEST:

City Clerk

Introduced:
Final Reading:

LEGAL DEPARTMENT DRAFT