

Chapter 3

ALCOHOLIC BEVERAGES*

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* **Cross References:** Amusements and entertainments, ch. 4; businesses, ch. 10.
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ARTICLE I. IN GENERAL

Sec. 3-1. Sunday sales.

It shall be unlawful for any person to sell, or otherwise dispense, any malt beverages, unfortified wine or fortified wine, spirituous liquor or mixed alcoholic beverages between the hours of 12:00 noon on Sunday until 7:00 a.m. on the following Monday, except for those sales in establishments having brown-bagging or mixed beverages permits.

(Ord. of 8-12-96, § 14-1.2)

State Law References: Municipal authority to regulate Sunday sale of malt beverages and wine, G.S. 18B-1004(d); limitations on enactment of Sunday closing ordinances, G.S. 160A-191.

Secs. 3-2--3-30. Reserved.

ARTICLE II.

CONSUMPTION AND POSSESSION

Sec. 3-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Malt beverage means beer, lager, malt liquor, ale, porter and any other brewed or fermented beverage containing at least one-half of one percent, and not more than six percent alcohol by volume.

Open container means a container whose seal has been broken or a container other than the manufacturer's unopened original container.

Public street means any highway, road, street, avenue, boulevard, alley, bridge or other way within and/or under the control of the city and open to public use, including the sidewalks of any such street.

Unfortified wine means wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet or dextrose sugar, and that has an alcoholic content of not more than 17 percent alcohol by volume.

(Ord. of 8-12-96, § 14-1.1(1))

Cross References: Definitions generally, § 1-2.

State Law References: Similar provisions, G.S. 18B-101(9), 18B-101(15), 18B-300(c).

Sec. 3-32. Consumption on public streets and municipal and other property.

It shall be unlawful for any person to consume malt beverages and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to consume malt beverages and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied or controlled by the city including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, tennis courts and other athletic fields. It shall also be unlawful for any person to consume spirituous liquor, mixed alcoholic beverages, malt beverage and/or unfortified wine:

- (1) Upon the premises of an ABC store;
- (2) Upon the premises of any licensee or permittee granted a license or permit for the off-premises only sale of unfortified wine or malt beverages;
- (3) At any public place; and
- (4) Upon any premises where the owner thereof has forbidden the display or consumption of such alcoholic beverages upon such premises.

(Ord. of 8-12-96, § 14-1.1(2))

State Law References: Authority to regulate the consumption of alcoholic beverages on public streets or in areas controlled, owned or occupied by the city, G.S. 18B-300(c)(1).

Sec. 3-33. Possession of open containers on public streets and municipal and other property.

It shall be unlawful for any person to possess any open container of malt beverage and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to possess any open container of malt beverage and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, or controlled by the city including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, tennis courts and other athletic fields. It shall also be unlawful for any person to possess any open container of spirituous liquor, mixed alcoholic beverages, malt beverage and/or unfortified wine:

- (1) Upon the premises of an ABC store;
- (2) Upon the premises of any licensee or permittee granted a license or permit for the off-premises only sale of unfortified wine or malt beverages;
- (3) At any public place; and
- (4) Upon any premises where the owner thereof has forbidden the display or consumption of such alcoholic beverages upon such premises.

(Ord. of 8-12-96, § 14-1.1(3))

State Law References: Authority to regulate the possession of open containers of alcoholic beverages on property owned, occupied or controlled by the city, G.S. 18B-300(c)(2).

Sec. 3-34. Possession during special events.

It shall be unlawful for any person to possess malt beverages and/or unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events, unless the city council adopts a resolution making other provisions for the possession of malt beverages and/or unfortified wine at the special event.

(Ord. of 8-12-96, § 14-1.1(4))

State Law References: Special occasion permit, G.S. 18B-1001(8); limited special occasion permit, G.S. 18B-1001(9).

Sec. 3-35. Penalty for violation of article.

Violation of this article shall constitute a misdemeanor, punishable in accordance with G.S. 14-4.

(Ord. of 8-12-96, § 14-1.1(5))