

# Tab 6

**AN ORDINANCE TO AMEND CHAPTER H - DISORDERLY CONDUCT AND PUBLIC NUISANCES OF THE CODE OF ORDINANCES OF THE TOWN OF ORIENTAL**

THAT WHEREAS, N.C. General Statute § 160A-205.3 authorizes towns to adopt an ordinance allowing for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00 A.M. on Sunday pursuant to the licensed premises' permit issued under G.S. 18B-1001; and

WHEREAS, the Mayor and Commissioners of the Town of Oriental deem it advisable and in the public interest to effect certain revisions to Chapter H - "Disorderly Conduct and Public Nuisances" of the General Ordinances of the Town of Oriental to allow the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages within the town's corporate limits on Sundays beginning at 10:00 a.m. pursuant to the licensed premises' permit issued under G.S. 18B-1001.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF ORIENTAL:

SECTION 1. That the title of Chapter H - "Disorderly Conduct and Public Nuisances" of the Code of Ordinances of the Town of Oriental be and the same is hereby amended as follows:

**"Chapter H – Disorderly Conduct, Public Nuisances, and Alcohol Regulation"**

SECTION 2. That Section 5 – "Drinking in Public" of Article I of Chapter H of the Code of Ordinances of the Town of Oriental be and the same is hereby deleted in its entirety.

SECTION 3. That Chapter H of the Code of Ordinances of the Town of Oriental be and the same is hereby amended by renumbering Article V – Penalties as Article VI, and adding new Article V as follows:

**"ARTICLE V – ALCOHOL REGULATION<sup>1</sup>**

**Section 1 – Possession and Consumption of Malt Beverages and Unfortified Wine in Public Places**

(a) *Consumption and possession of malt beverages and unfortified wine on the public streets and on municipal property prohibited.* It shall be unlawful for:

(1) Any person who is not an occupant of a motor vehicle to consume a malt beverage or unfortified wine, as defined by N.C.G.S. 18B-101, on any public street, road,

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<sup>1</sup> State Law Reference - G.S. 18B-300(c); G.S. 160A-205.3

highway, sidewalk, right-of-way, alley, park, facility, or other property owned or occupied by the town;

(2) Any person who is not an occupant of a motor vehicle on any public street, road, highway, sidewalk, right-of-way, alley, park, facility, or other property owned or occupied by the town to possess in an open container any malt beverage or unfortified wine. For purposes of this subsection (2), open container means a container whose seal has been broken, or a container other than the manufacturer's unopened original container; or

(3) Any person to possess a malt beverage or unfortified wine on any public street, road, highway, sidewalk, alley, parking lot, or right-of-way which is temporarily closed to regular traffic for special events.

(b) *Town property subject to a lease or encroachment agreement.* To the extent that the town owns real property subject to a lease or encroachment agreement, the lessee or grantee of such town property shall not be subject to the prohibitions established in this Section 1.

**Section 2 – Sale of Wine, Unfortified Wine, Fortified Wine, and Mixed Beverages on Sunday Mornings.**

The sale of malt beverages, unfortified wine, fortified wine, and mixed beverages shall be allowed within the corporate limits of the town on Sundays beginning at 10:00 a.m. pursuant to the licensed premises' permit issued under G.S. 18B-1001.”

SECTION 4. That all provisions of any town ordinance in conflict with this ordinance are hereby repealed.

SECTION 5. That this ordinance shall be effective from and after the date of its adoption.

ADOPTED THIS 1<sup>st</sup> DAY OF AUGUST, 2017.

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MAYOR

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TOWN CLERK