

AN ORDINANCE TO AMEND THE CODE OF GENERAL ORDINANCES OF THE TOWN OF ORIENTAL, NC

WHEREAS, the Board of Commissioners periodically update the Code of General Ordinances for the Town of Oriental, NC; and

WHEREAS, these updates are in order to incorporate the economic evolvement of the Town of Oriental while maintaining the vision and integrity of the Town;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ORIENTAL, NC that the following item be amended and included in the Code of General Ordinances of the Town of Oriental:

CHAPTER H—DISORDERLY CONDUCT AND PUBLIC NUISANCES

ARTICLE I—DISORDERLY CONDUCT

Section 5 – Drinking in Public be and the same is hereby amended by deleting it in its entirety and replacing it with the following:

~~Section 5—Drinking in Public~~

~~No person shall consume, serve, or drink wine, beer, whisky, or alcoholic beverages of any kind on the public streets, alleys, or in public buildings.~~

Section 5—Drinking in Public

It shall be unlawful for any person to consume, sell, serve, or drink alcoholic beverages of any kind, or to publicly display alcoholic beverages if the container has been opened or the seal broken, on any property owned, leased, or controlled by the town, and any public street, alley, sidewalk, or parking lot within the town limits, whether the area is open to vehicular traffic or has been closed to vehicular traffic in connection with a parade or other special event, unless a valid permit is obtained, pursuant to subsection (a), below:

- (a) The Town Manager (or designee thereof, hereafter, “the administrator”) is hereby authorized to issue a special permit that would allow the sale or consumption of alcoholic beverages during special events.
- (b) This permit shall only be valid for a designated area.
- (c) The sale and consumption of wine and beer shall be limited from 12:00 p.m. to 9:00 p.m., during the permitted timeframe of the festival.
- (d) The special event permit holder shall be solely responsible for assuring compliance with all applicable laws of the Town of Oriental and the State of North Carolina pertaining to the sale and consumption of alcoholic beverages. Permit holders who demonstrate failure to assure compliance with such laws shall be subject to immediate permit revocation, and may be subject to such civil and criminal penalties as are set forth in the Ordinances of the Town of Oriental and

the North Carolina General Statutes. The administrator shall have the discretion to withhold approval of permits for the sale and consumption of alcohol beverages associated with future special events, when the permit holder has failed to demonstrate compliance with such laws in the operation of previous events.

(e) Permit holders shall submit an operational plan demonstrating the procedures and practices that will be employed to assure such compliance with all applicable regulations as set forth in the Ordinances of the Town of Oriental and the North Carolina General Statutes. Such plan shall specifically address the prevention of the sale of alcohol to minors, and the methods that will be employed to contain the consumption of alcohol within the designated area.

(f) In the issuance of a special event permit, the Administrator shall have the authority to impose reasonable conditions to protect the health, safety, and welfare of the public.

(g) The Chief of Police, Police Department, or Administrator shall have authority to immediately cause alcohol sale and consumption activities to cease and desist upon a determination that the permit holder has failed to maintain compliance with the terms and conditions of the permit or the requirements of the Town of Oriental's Ordinances, or that continuation of alcohol sale and consumption at the event would pose an immediate threat to the public health, safety and welfare.

NOW, THEREFORE BE IT FURTHER ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ORIENTAL, NC that this Ordinance be effective from and after the date of its adoption.

ADOPTED THIS 5TH DAY OF FEBRUARY, 2013.

William R. Sage, Mayor

Robert J. Maxbauer, Town Manager

Ordinance # _____