



AN ORDINANCE REGULATING THE CONSUMPTION AND POSSESSION OF MALT BEVERAGES AND UNFORTIFIED WINE

WHEREAS, municipalities are granted the authority to regulate or prohibit the consumption and possession of malt beverages and unfortified wine pursuant to provisions of N. C. G. S. 18B-300(c); and,

WHEREAS, it is in the public interest to prohibit the consumption and possession of such beverages in particular locations under certain circumstances;

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Pine Level, North Carolina, that:

Section 1, Definitions. In addition to the common meanings of words, the following definitions shall be applicable herein:

(a) "**Malt beverage**" shall mean beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage containing at least one-half of one percent (0.5%), and not more than six percent (6%) alcohol by volume. [G. S. 18B-101(9)]

(b) "**Open container**" shall mean a container whose seal has been broken or a container other than the manufacturer's unopened original container. [G. S. 18B-300(c)]

(c) "**Public street**" shall mean any highway, road, street, avenue, boulevard, alley bridge, or other way within and/or under the control of the town and open to public use, including the sidewalks of any such street.

(d) "**Unfortified wine**" shall mean 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 seventeen (17%) alcohol by volume. [G. S. 18B-101(15)]

Section 2. Consumption on the Public Streets and on Municipal Property Prohibited. It shall be unlawful for any person who is not an occupant of a motor vehicle 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

town 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.

Section 3. Possession of Open Containers on the Public Streets and on Municipal Property Prohibited. It shall be unlawful for any person who is not an occupant of a motor vehicle 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 town 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.

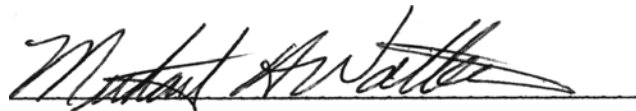
Section 4. Possession During Special Events Prohibited. It shall be unlawful for any person to possess malt beverages and/or unfortified wine on public streets, alleys, or parking lots, which are temporarily closed to regular traffic for special events.

Section 5. Penalty. Violation of this ordinance shall constitute a misdemeanor punishable in accordance with N. C. G. S. 14-4.

Section 6. Severability; Conflict of Laws. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance, which can be given separate effect, and to that end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

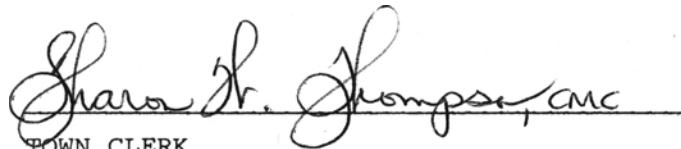
Section 7. Effective Date. This ordinance shall be effective upon adoption.

ADOPTED, THIS THE 9TH DAY OF JANUARY, 1996.



MAYOR

ATTEST:



TOWN CLERK

(SEAL)