



TOWN COUNCIL AGENDA

SPECIAL MEETING

July 21, 2017 @ 5:00 p.m.

CALL TO ORDER

The purpose of the special meeting is to consider Resolution R17-14 to allow sale of alcoholic beverages before noon on Sundays at licensed premises, and to consider amending Chapter 3 (Alcoholic Beverages) to add a new section 3-4 (Regulating hours of Certain Alcohol Sales within the Town Limits).

Notice of Special Meeting was posted on the Town Hall bulletin board and town website on July 19, 2017 at 1:30 p.m. and required notification given in accordance with N.C.G.S. 1430-318.12.

CONSIDERATION OF PROPOSED RESOLUTION AND NEW ORDINANCE (Second Reading)

1. Resolution R17-14 to allow sale of alcoholic beverages before noon on Sundays at licensed premises. Draft resolution includes wording on proposed amendment to Code of Ordinances, Chapter 3 (Alcoholic Beverages), to add a new section, as follows:
 - **Section 3-4. Regulating hours of certain alcohol sales within the town limits**
The sale of malt beverages, unfortified wine, fortified wine and mixed beverages shall be allowed within the Town limits at any premises having a valid and current premises' permit issued under NCGS 18B-1001 on Sundays beginning at 10:00 a.m.

ADJOURNMENT

Nancy Avery

From: Sarah Collins <scollins@NCLM.ORG>
Sent: Thursday, July 6, 2017 9:55 AM
To: City and County Managers
Subject: RE: [ccmanagers] FW: [clerks] Adopted Brunch Bill Related Ordinance

Representatives from N.C. League of Municipalities, N.C. Association of County Commissioners, N.C. Retail Merchants Association, and N.C. Restaurant and Lodging Association will be meeting soon to discuss this topic in more detail, but in the meantime Frank Gray (Legal Counsel to the NCRLA) has drafted template ordinances.

Here is a link to the **municipal version** of the template that NCLM has edited based on what we have seen from a few jurisdictions (<http://bit.ly/2sPWuL3>).

I hope this is helpful!

Best,
Sarah

Sarah W. Collins
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NC League of Municipalities
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Resolution + Ordinance
change in packet came
from the League

Nancy Avery
Town Clerk
7/11/17

-----Original Message-----

From: Renee Ipock [<mailto:ReneeI@vanceboronc.com>]
Sent: Wednesday, July 05, 2017 2:37 PM
To: City and County Managers <ccmanagers@listserv.unc.edu>
Subject: [ccmanagers] FW: [clerks] Adopted Brunch Bill Related Ordinance

-----Original Message-----

From: Catherine Dorando [<mailto:CDorando@townofcarrboro.org>]
Sent: Wednesday, July 5, 2017 9:58 AM
To: City and County Clerks
Subject: [clerks] Adopted Brunch Bill Related Ordinance

You currently are subscribed to clerks. To unsubscribe send email to listserv@unc.edu with the Subject Line: unsubscribe clerks.

Other inquiries on list issues can be sent to listmgr@sog.unc.edu.



KURE BEACH TOWN COUNCIL
TOWN OF KURE BEACH, NC

RESOLUTION R17-14

**A RESOLUTION TO ALLOW SALE OF ALCOHOLIC BEVERAGES
BEFORE NOON ON SUNDAYS AT LICENSED PREMISES**

WHEREAS, on June 29, 2017, the North Carolina General Assembly enacted Senate Bill 155, titled “An Act to Make Various Changes to the Alcoholic Beverage Control Commission Laws”; and

WHEREAS, Section 4 of Ratified Senate Bill 155 authorizes city and county governments to adopt an ordinance to allow alcohol sales beginning at 10 a.m. on Sundays; and

WHEREAS, Ratified Senate Bill 155 was signed into law by Governor Roy Cooper on the 30th day of June, 2017 and became effective on that date (Session Law 2017, Chapter 87); and

WHEREAS, by enacting Senate Bill 155, North Carolina joins 47 other states in allowing alcohol service before noon on Sunday; and

WHEREAS, Sunday morning alcohol service will allow the hospitality community and retail merchants in our community to meet the needs of their customers; and

WHEREAS, Sunday morning alcohol service will benefit our small business community, bring people into business districts earlier in the day, and generate increased tax revenues; and

WHEREAS, our community has a diverse and growing population with different religious beliefs, each of which has various times and multiple days for worship;

NOW, THEREFORE BE IT RESOLVED by the Kure Beach Town Council that:

Section 1. Pursuant to the authority granted by S.L. 2017-87, any establishment located in the corporate limits of the Town of Kure Beach and holding an ABC permit issued pursuant to G.S. 18B - 1001 is permitted to sell beverages allowed by its permit beginning at 10 a.m. on Sundays.

Section 2. All laws and clauses of law in conflict herewith are repealed to the extent of any such conflict.

Section 3. Chapter 3 (Alcoholic Beverages) of the Kure Beach Code of Ordinances is hereby amended to add a new section 3-4 (Regulating hours of Certain Alcohol Sales within the Town Limits) to read: “The sale of malt beverages, unfortified wine, fortified wine and mixed beverages shall be allowed within the Town limits at any premises having a valid and current premises’ permit issued under NCGS 18B-1001 on Sundays beginning at 10:00 a.m.” This ordinance amendment is effective on the 21st day of July 2017.

Adopted by the Kure Beach Town Council this 21st day of July, 2017.

Emilie Swearingen, Mayor

Attest: Nancy Avery, Town Clerk

That the Code of the Town of Kure Beach, North Carolina, is hereby amended by adding a new section to Chapter 3, Alcoholic Beverages, to read as follows:

Section 3-4 Regulating hours of certain alcohol sales within the town limits

The sale of malt beverages, unfortified wine, fortified wine and mixed beverages shall be allowed within the Town limits at any premises having a valid and current premises' permit issued under NCGS 18B-1001 on Sundays beginning at 10:00 a.m.

This ordinance amendment is effective on the 21st day of July, 2017.

Emilie Swearingen, Mayor

Nancy Avery, Town Clerk

AMENDED CODE WILL READ

Chapter 3 - ALCOHOLIC BEVERAGES

Sec. 3-1. - Drinking malt beverages and unfortified wine on public streets.

(a)

It shall be unlawful for any person to consume or drink any malt beverages, liquor or unfortified wine on the public streets in Kure Beach by persons who are not occupants of motor vehicles and on property owned, occupied or controlled by the Town of Kure Beach; excepting, therefore, the Kure Beach Community Center which will operate under the general policy provisions for the rental of the Kure Beach Community Center adopted by the Kure Beach Town Council, and a copy of the policy will be on hand for review in the front office of town hall.

(b)

It shall be unlawful for any person to possess an open container of malt beverage and unfortified wine on the public streets in Kure Beach by persons who are not occupants of motor vehicles and on property owned, occupied or controlled by Kure Beach.

(c)

It shall be unlawful for any person to possess malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events unless specifically authorized by the town council of the Town of Kure Beach and the North Carolina State Board of Alcohol Control Regulations when applicable.

For the purposes of this subsection, an open container means a container whose seal has been broken or a container other than the manufacturer's unopened original container. As provided by G.S. § 18B-102(a), possession or consumption of alcoholic beverages is unlawful except as authorized by the ABC Law. Any person who shall violate this section shall be punished as provided in G.S. § 18B-300.

- (d) Penalty. Any person who shall violate these sections in chapter 3 of this Code shall be subject to a civil citation in the amount of fifty dollars (\$50.00) for the first offense as authorized under section 1-15 of the Code and for a second offense shall be punished as provided in G.S. § 18B-302.1.

Sec. 3-2. - Requirements for taverns and bars.

- (a) Definition. Bar or tavern licensed by the Alcoholic Beverage Control Board of North Carolina shall mean any place primarily engaged in the sale of malt beverages as provided in G.S. § 18B-1000(7).
- (b) All bars and taverns shall provide bathroom facilities as required by the North Carolina State Building Code, Volume I.
- (c) All bars and taverns during the hours of operation shall keep the windows and doors closed. Air cooling and ventilation shall be from mechanical means only and shall comply with the standards contained in Table 1500, Ventilation Design Criteria of the North Carolina State Building Code, Volume III, for restaurants.
- (d) All bars and taverns shall have a person managing the business on the premises during the hours of operation at all times. The name of such person shall be conspicuously displayed at the entrance of the business premises.
- (e) All bars and taverns shall provide off street parking spaces as required by the Code.
- (f) No open air bars and taverns or bars and taverns on rooftops shall be allowed, or public access permitted to any open air decks or rooftops from any bar and/or tavern.
- (g) Civil penalty. Any operator of any bar or tavern who violates any of the provisions of this section shall be subject to a civil penalty of fifty dollars (\$50.00) per each day of continuing noncompliance.
- (h) Injunctive relief. Whenever the town council has reasonable cause to believe that any person is violating or threatening to violate any section of the Code of the town, the town may either before or after the institution of any other action or proceeding authorized by this Code, institute a civil action in the name of the town for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the appropriate

division of the General Court of Justice in New Hanover County. The institution of an action for injunctive relief under this subsection shall not relieve any party to such proceeding from any civil or criminal penalty proscribed for violations to this Code.

Sec. 3-3. - Dancing in places where beer is sold.

(a)

It shall be unlawful for any person licensed to sell beer who operates or maintains a public place where beer is sold or dispensed to allow dancing of any kind in such room or bar where such beer is sold or dispensed or to allow dancing in any room or dance hall connected with, adjacent to or adjoining such room or bar where beer is sold or otherwise dispensed.

(b)

This section shall not apply to any person who conducts and operates an established dining room, restaurant or cafe which has been approved and rated by the board of health, if the operator of such established dining room, restaurant or cafe is chiefly engaged in the business of selling and serving prepared food to the public.

Section 3-4 Regulating hours of certain alcohol sales within the town limits.

The sale of malt beverages, unfortified wine, fortified wine and mixed beverages shall be allowed within the Town limits at any premises having a valid and current premises' permit issued under NCGS 18B-1001 on Sundays beginning at 10:00 a.m.