

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1139
Committee Substitute Favorable 5/11/89

Short Title: Local Zoning of ABC Permittees.

(Public)

Sponsors:

Referred to:

April 10, 1989

A BILL TO BE ENTITLED

AN ACT TO SET CERTAIN LIMITATIONS ON THE ISSUANCE OF ALCOHOLIC BEVERAGE CONTROL PERMITS WHERE LOCAL ZONING ORDINANCES HAVE BEEN ADOPTED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-901(b) reads as rewritten:

"(b) Notice to Local Government. – Before issuing an ABC permit, for an establishment, the Commission shall give notice of the permit application to the governing body of the city in which the establishment is located. If the establishment is not inside a city, the Commission shall give notice to the governing body of the county. The Commission shall allow the local governing body ~~10~~30 days from the time the notice was mailed or delivered to file written objection to the issuance of the permit. To be considered by the Commission, the objection shall state the facts upon which it is based."

Sec. 2. G.S. 18B-901(c) reads as rewritten:

"(c) Factors in Issuing Permit. – Before issuing a permit, the Commission shall be satisfied that the applicant is a suitable person to hold an ABC permit and that the location is a suitable place to hold the permit for which he has applied. To be a suitable place, the establishment shall comply with all applicable building and fire codes. Other factors the Commission ~~may~~shall consider in determining whether the applicant and the business location are suitable are:

- (1) The reputation, character, and criminal record of the applicant;

- 1 (2) The number of places already holding ABC permits within the
2 neighborhood;
- 3 (3) Parking facilities and traffic conditions in the neighborhood;
- 4 (4) Kinds of businesses already in the neighborhood;
- 5 (5) Whether the establishment is located within 50 feet of a church or
6 public school or church school;
- 7 (6) Zoning laws;
- 8 (7) The recommendations of the local governing body; and
- 9 (8) Any other evidence that would tend to show whether the applicant
10 would comply with the ABC laws and whether operation of his
11 business at that location would be detrimental to the neighborhood."
- 12 Sec. 3. This act is effective upon ratification and shall apply only to new
13 applications for ABC permits filed on or after the ratification date.