

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 701

Short Title: Towns-Regulate Open ABC Containers.

(Public)

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Sponsors: Representatives Preston and Snowden.

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Referred to: Business and Labor.

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March 30, 1995

A BILL TO BE ENTITLED

AN ACT TO PERMIT MUNICIPALITIES TO REGULATE THE POSSESSION OF  
OPEN CONTAINERS OF CERTAIN ALCOHOLIC BEVERAGES ON PUBLIC  
PROPERTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-300 is amended by adding a new subsection to read:

"(d) Local Regulation of Open Containers of Malt Beverages and Unfortified Wine.  
– A municipality may by ordinance regulate the possession of open containers of malt  
beverages and unfortified wine on any public property.

For purposes of this subsection:

(1) 'Beach strand' means that area within the limits of the municipality lying  
between the ordinary low watermark of the Atlantic Ocean and the toe  
of the primary dune located landward of the low watermark, or if closer  
to the low watermark, any manmade bulkhead running parallel to the  
low watermark of the Atlantic Ocean, and would also include the 'public  
trust areas' as defined in the North Carolina Coastal Area Management  
Act and the regulations adopted pursuant to Chapter 143 of the General  
Statutes.

(2) 'Open container' means a container defined in G.S. 18B-401(a) and G.S.  
18B-401(c).

- 1           (3) 'Public property' means any real property owned or occupied by the  
2           municipality including, but not limited to:  
3           a. Public streets, sidewalks, alleys, and rights-of-way;  
4           b. Public vehicular areas and parking lots;  
5           c. Public boat ramps and docks;  
6           d. Public boardwalks, public beach accesses, and the public beach  
7           strand; and  
8           e. Similar areas within the municipality as defined and identified in  
9           the ordinances specifically adopted pursuant to this section.

10           This subsection applies to any municipality that adopts an ordinance to regulate the  
11           possession of open containers of malt beverages and unfortified wine on public property  
12           and forwards a certified copy of that ordinance to the Commission."

13           Sec. 2. This act becomes effective July 1, 1995.