

ORDINANCE #12-09:

AN ORDINANCE ADDING SECTION 130.05 TO THE PINEHURST MUNICIPAL CODE AS IT PERTAINS TO ALCOHOLIC BEVERAGES.

THAT, WHEREAS, the Village Council of the Village of Pinehurst adopted an ordinance dated October 20, 1980, establishing and implementing certain authorized police powers for the purpose of prescribing regulations governing conditions detrimental to the health, safety, and welfare of its citizens; and

WHEREAS, on September 13, 2011 the Village Council of the Village of Pinehurst adopted Ordinance 11-25 which adopted the general ordinances of the Village of Pinehurst as revised, amended, restated, codified, and compiled in book form and declared that these shall constitute the "Village of Pinehurst, North Carolina Municipal Code;" and

WHEREAS, the Municipal Code will be subsequently amended from time to time as conditions warrant; and

WHEREAS, North Carolina General Statute §18B-300(c) indicates a city may regulate or prohibit the consumption, possession of, and possession of open containers of malt beverages and unfortified wine by local ordinance;

WHEREAS, the Village Council of the Village of Pinehurst finds that the allowance of open containers during permitted special events can be adequately managed by the Village's law enforcement and can be beneficial to the economic vitality of the Village Center;

NOW THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of Pinehurst, North Carolina, in work session assembled this 28th day of February, 2012 as follows:

SECTION 1. That Section 130 of the Village of Pinehurst, North Carolina Municipal Code is hereby amended by adding a section to be numbered 130.05, which shall read as follows:

§ 130.05 ALCOHOLIC BEVERAGES

Notwithstanding the provisions of Section 94.15 of the Village of Pinehurst, North Carolina Municipal Code (ALCHOLIC BEVERAGES PROHIBITED ON PREMISES),

(A) Consumption of malt beverages and unfortified wine on the public streets and on property owned, occupied, or controlled by the Village.

It shall be unlawful for any person who is not an occupant of a motor vehicle to consume malt beverages or unfortified wine on any public street in the Village or on any other property owned, occupied, or controlled by the Village.

(B) Possession of open containers of malt beverages or unfortified wine on the public streets and on property owned, occupied, or controlled by the Village.

It shall be unlawful for any person who is not an occupant of a motor vehicle on any public street and on property owned, occupied, or controlled by the Village to possess an open container of malt beverage or unfortified wine.

(C) Possession of malt beverages or unfortified wine on public streets, alleys, or village parking lots which are temporarily closed to regular traffic for special events.

It shall be unlawful for any person to possess any malt beverage or unfortified wine on any public streets, alleys, or village parking lots which are temporarily closed to regular traffic for special events.

For purposes of this section, a special event shall include a street fair, concert, or other event for which a street, alley, or parking lot has been formally closed by an official action of the village or some other agency with proper authority.

(D) Possession and consumption of malt beverages or unfortified wine at special events.

Notwithstanding the provisions of sections 130.05 (A), (B) and (C) of this Code, the possession of malt beverages and unfortified wines, the possession of open containers of malt beverages and unfortified wines, and their consumption shall be lawful on any property owned, occupied, or controlled by the Village when approved as part of a Temporary Special Use Permit approved by the Village Manager and Chief of Police and provided all other appropriate permits have been obtained as required by law.

Notwithstanding the provisions of sections 130.05 (A), (B) and (C) of this Code, the possession of malt beverages and unfortified wines, the possession of open containers of malt beverages and unfortified wines and their consumption shall be lawful on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events when approved as part of a Temporary Special Use Permit approved by the Village Manager and Chief of Police and provided all other appropriate permits have been obtained as required by law.

SECTION 2. That all local ordinances in conflict herewith are hereby repealed and declared null and void from and after the date of adoption of this ordinance.

SECTION 3. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

THIS ORDINANCE passed and adopted this 28th day of February, 2012.

(Municipal Seal)



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: Nancy Roy Fiorillo
Nancy Roy Fiorillo, Mayor

Attest:

Linda S. Brown
Linda S. Brown, Village Clerk

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney