

CHAPTER 4

ALCOHOLIC BEVERAGES

ARTICLE I. IN GENERAL

4 – 100 Public drunkenness.

It shall be unlawful for any person to be drunk and disorderly in any public place or any public street in the town.

4 – 101 Consumption or display of malt beverage, unfortified wine.

4 – 101.1 It shall be unlawful for any person to consume any malt beverage or unfortified wine, as defined under G.S. Ch. 18B(G.S. 18B-100 et seq.) in or on any public street, right-of-way, sidewalk, alley or other public place within the town or on any town-owned property which is located inside or outside the town limits.

4 – 101.2 It shall be unlawful for any person to display or possess any opened malt beverage or unfortified wine bottle, can or other container in or on any public street, right-of-way, sidewalk, alley or other public place within the town or on any town-owned property which is located inside or outside the town limits.

4 – 102 Hours for sale and consumption.

4 – 102.1 Hours. – Except as otherwise provided in this section, it shall be unlawful to sell malt beverages, unfortified wine, fortified wine, or mixed beverages between the hours of 1:00 A.M. and 7:00 A.M., or to consume any of those alcoholic beverages between the hours of 1:30 A.M. and 7:00 A.M., in any place which has been issued a permit under G.S. 18B-1001.

4 – 102.2 Daylight Saving Time. – From the last Sunday in April until the last Sunday in October, sales of alcoholic beverages may continue until 2:00 A.M. rather than 1:00 A.M. and consumption of alcoholic beverages may continue until 2:30 A.M. rather than 1:30 A.M., on any licensed premises.

4 – 102.3 Sunday Hours. – It shall be unlawful to sell or consume alcoholic beverages on any licensed premises from the time at which sale or consumption must cease on Sunday morning until 1:00 P.M. on that day.

ARTICLE II. ALCOHOLIC BEVERAGE
CONTROL BOARD*

4 – 201 Establishment.

There is hereby established, in accordance with a special town election held on August 14, 1971, a local alcoholic beverage control board to be known as the “Town of Pittsboro Alcoholic Beverage Control Board,” hereinafter referred to as the “ABC Board” for purposes of this chapter.

4 – 202 Membership; appointment; term of office.

The ABC board shall consist of three (3) members appointed by the mayor with the approval of the majority of the board of commissioners for three-year staggered terms, as provided in G.S. 18B-700.

4 – 203 Qualifications.

Members of the ABC board shall be appointed on the basis of the appointees’ interest in public affairs, good judgment, knowledge, ability and good moral character.

4 – 204 Salary.

The board of commissioners may set initial compensation for the ABC board members and may, from time to time, adjust such compensation.

4 – 205 Vacancy.

A vacancy on the ABC board shall be filled by the mayor with the approval of the majority of the board of commissioners for the remainder of the unexpired term. If the chairman’s seat becomes vacant, the board of commissioners may designate either the new member or an existing member of the local board to complete the chairman’s term.

4 – 206 Removal.

A member of the ABC board may be removed from office by the board of commissioners for a conviction of a violation of any provision of G.S. Ch. 18B, “Regulation of Alcoholic Beverages,” or a conviction of any felony, and may declare that person ineligible for membership on the ABC board for a period of not longer than three (3) years.

4 – 207 Bond.

Before taking office, each ABC board member shall deposit with the North Carolina Alcoholic Beverage Control Commission a bond of five thousand dollars (\$5,000.00), secured by a corporate surety, for the faithful performance of his duties. The bond shall be payable to the ABC board and shall be approved by the commission and by the board of commissioners.

4 – 208 Conflict of interest.

4 – 208.1 *Financial interests restricted.* No person shall be appointed to, or employed by, the ABC Board if that person or a member of his household related to him by blood or marriage has, or controls, directly or indirectly, a financial interest in any commercial alcoholic beverage enterprise, including any business required to have an ABC permit. The North Carolina Alcoholic Beverage Control Commission may exempt from this provision any person, when the financial interest in question is so insignificant or remote that it is unlikely to affect the person’s official actions in any way. Exemptions may be granted only to individuals, not to groups or classes of people, and each exemption shall be in writing, be available for public inspection, and contain a statement of the financial interest in question.

4 – 208.2 *Self-dealing.* The provisions of G.S. 14-234 shall apply to each ABC board member.

4 – 208.3 *Dealing for family members.* The ABC board shall not contact or otherwise deal in any business matter so that a member’s spouse or any person related to him by blood to a degree of first cousin or closer in any way benefits, directly or indirectly, from the transaction unless:

4 – 208.3.1 The member whose relative benefits from the transaction abstains from participating in any way, including voting, in the decision.

4 – 208.3.2 The minutes of the meeting at which the final decision is reached specifically note the member whose spouse or relative is benefited and the amount involved in each transaction.

4 – 208.3.3 The next annual audit of the ABC board specifically notes the member and the amount involved in each transaction occurring during the year covered by the audit.

4 – 208.3.4 The North Carolina Alcoholic Beverage Control Commission is notified of the transaction at least two (2) weeks before final board approval of the transaction.

4 – 209 Powers of the ABC board.

The ABC board, in accordance with G.S. 18B-701, shall have the authority to:

4 – 209.1 Buy, sell, transport and possess alcoholic beverages as necessary for the operation of its ABC stores.

4 – 209.2 Adopt rules for its ABC system, subject to the approval of the North Carolina Alcoholic Beverage Control Commission.

4 – 209.3 Hire and fire employees for the ABC system.

4 – 209.4 Designate one (1) employee as manager of the ABC system and determine his responsibilities.

4 – 209.5 Require bonds of employees as provided in the rules of the North Carolina Alcoholic Beverage Control Commission.

4 – 209.6 Operate ABC stores as provided in G.S. Ch. 18B, Art. 8 (G.S. 18B-800 et seq.).

4 – 209.7 Issue purchase-transportation permits as provided in G.S. Ch. 18B, Art. 4 (G.S. 18B-400 et seq.).

4 – 209.8 Employ local ABC officers or make other provision for enforcement of ABC laws as provided in G.S. Ch. 18B, Art. 5 (G.S. 18B-500 et seq.).

- 4 – 209.9 Borrow money as provided in G.S. 18B-702.
- 4 – 209.10 Buy and lease real and personal property, and receive property bequeathed or given, as necessary for the operation of the ABC system.
- 4 – 209.11 Invest surplus funds as provided in G.S. 18B-500.
- 4 – 209.12 Dispose of property in the same manner as a city council may, under G.S. Ch. 160A, Art. 12 (G.S. 160A-265 et seq.).
- 4 – 209.13 Perform and other activity authorized or required by the ABC law.

**ARTICLE IV
ESTABLISHING A GENERAL CAPITAL RESERVE FUND**

- 4 – 401** That from and after the effective date hereof, there be, and it hereby is, created a reserve fund for the purpose of accumulating monies for the acquisition, construction, establishment, enlargement, improvement, maintenance, ownership, operation and contracting for the operation of facilities, parks, vehicles, real and personal property, streets and sidewalks.
- 4 – 402** The approximate period for the accumulation of monies pursuant hereto for the purposes stated herein shall be a term of twenty years.
- 4 – 403** The approximate amount of monies to be accumulated for the purposes herein set forth shall be the sum of \$1,000,000.00.
- 4 – 404** The sources of said monies shall be sums budgeted annually from ad valorem tax revenues, payments received in lieu of dedication, proceeds from sales of real property, and interest accruing thereon.

**ARTICLE V
PERSONNEL**

- 4 – 501** Employees of Board of Commissioners.

The Pittsboro Board of Commissioners shall employ the manager and attorney for length of time determined by board. A signed contract shall be prepared.

4 – 502 Personnel responsible to Manager.

- 2 – 502.1 Town Clerk
- 2 – 502.2 Chief of Police
- 2 – 502.3 Sewer plant operator in charge
- 2 – 502.4 Water plant operator in charge
- 2 – 502.5 Public Utilities Director
- 2 – 502.6 Support personnel within each of the departments above

4 – 503 Powers granted to manager.

The powers of the manager include but are not limited to those specified in the N. C. General Statutes. The Pittsboro Board of Commissioners may assign other powers so long as N. C. General Statutes so grants the power to do.

4 – 504 Personnel Policy.

The Board of Commissioners, Town of Pittsboro shall cause to be prepared and adopt a personnel policy. The Personnel Policy shall be a part of this ordinance as if it were incorporated herein.

CHAPTER 4

ALCOHOLIC BEVERAGES

- I In General
- II Alcoholic Beverage Control Board

N. C. General Statutes References:

- GS 18B-100
- GS 18B-102
- GS 18B-300
- GS 186B-600 et. seq.
- GS 18B-1004(d)
- GS 105-113.77
- GS 105-113.79
- GS 14-443 et. seq.