

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

3

SENATE BILL 858
Alcoholic Beverage Control Committee Substitute Adopted 5/4/89
House Committee Substitute Favorable 6/29/89

Short Title: ABC-Unincorporated Areas Redefined.

(Public)

Sponsors:

Referred to:

April 12, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW ABC PERMITS TO BE ISSUED IN CERTAIN AREAS OF
3 THE STATE.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 18B-101(16) reads as rewritten:

6 " (16) ~~'Unincorporated area'~~ 'Special ABC area' means an
7 area in a county, either unincorporated or incorporated, with
8 less than 100 permanent residents that:

9 (1) Borders on another state;
10 (2) Where ABC stores ~~and the sale of unfortified wines and malt~~
11 ~~beverages are permitted in all~~ are permitted in one or more
12 cities in the county;

13 (3) Where the on-premises sale of unfortified wines and malt
14 beverages by qualified persons and establishments, including
15 persons and establishments qualified under G.S. 18B-603(c) or
16 G.S. 18B-603(d), is permitted countywide or in two or more
17 cities in the county; and such ~~unincorporated area~~

18 (a) Contains more than a 1000 acres and is made up of
19 privately-owned land and land owned by an association
20 or club having more than 200 members and created for
21 municipal and recreational purposes;

- 1 (b) ~~Which as of the date of the enactment of G.S. 18B-600 for~~
2 ~~three or more years has levied assessments or dues and~~
3 ~~provided municipal services.~~ services; and
4 (c) Is incorporated as a municipality or has within such area
5 a private association or club that has been determined or
6 is treated by the Internal Revenue Service to be exempt
7 from tax on member source or exempt function income."

8 Sec. 2. G.S. 18B-603(f2) reads as rewritten:

9 "(f2) ~~Permits for Unincorporated Special ABC Areas – The Commission may issue~~
10 ~~the permits provided for in G.S. 18B-1001(1), G.S. 18B-1001(3), G.S. 18B-1001(5),~~
11 ~~and G.S. 18B-1001(10) to qualified persons and establishments.~~ establishments, not open
12 to the public, located within an unincorporated a Special ABC area as defined in G.S.
13 ~~18B-101 without approval at an election. G.S. 18B-101, provided that: (i) if such area is a~~
14 municipal corporation, the area shall conduct an election authorized by subdivision
15 (a)(4) of G.S. 18B-600, which election may be held regardless of the number of
16 registered voters located within the municipal corporation; or (ii) if such area is
17 unincorporated but has within such area a private association or club, the board of such
18 private association or club shall call and conduct a special meeting at which meeting a
19 majority of private association members, club members, lot and home owners, votes and
20 approves the sale of mixed beverages, and the board certifies the results of such meeting
21 to the Alcoholic Beverage Control Commission. The mixed beverages purchased
22 purchase-transportation permit authorized by G.S. 18B-404(b) shall be issued by a local
23 board operating a store located in the same county as the unincorporated Special ABC
24 area."

25 Sec. 3. This act shall not affect or impair the rights of permit holders located
26 within unincorporated areas who have heretofore qualified for permits allowing the sale
27 of mixed beverages.

28 Sec. 4. This act shall not include Robeson, Cleveland, Rutherford, Macon,
29 Polk, Davidson, and Davie Counties.

30 Sec. 5. This act is effective upon ratification.