

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 645

Committee Substitute Favorable 5/9/95

Senate Judiciary II/Election Laws Committee Substitute Adopted 6/13/95

Short Title: ABC-Local Gov't Regulation.

(Public)

Sponsors:

Referred to:

March 30, 1995

A BILL TO BE ENTITLED

AN ACT TO MAKE STATEWIDE A LOCAL ACT PROVIDING THAT LOCAL GOVERNMENTS MAY REGULATE THE POSSESSION OF OPEN CONTAINERS OF MALT BEVERAGES AND UNFORTIFIED WINE ON PUBLIC PROPERTY AND THE POSSESSION OF MALT BEVERAGES AND UNFORTIFIED WINE ON PUBLIC STREETS, ALLEYS, OR PARKING LOTS WHICH ARE TEMPORARILY CLOSED TO REGULAR TRAFFIC FOR SPECIAL EVENTS, AND FURTHER DEFINING PUBLIC PROPERTY AND OPEN CONTAINER.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 144 of the Session Laws of 1995 is repealed.

Sec. 2. G.S. 18B-300(c), as rewritten by Section 1 of Chapter 144 of the 1995 Session Laws, and made statewide in its applicability by Section 1 of this act, reads as rewritten:

"(c) Local Ordinance. – A city or county may by ordinance:

- (1) Regulate or prohibit the consumption of malt beverages and unfortified wine on the public streets in that city or county and on property ~~owned or occupied~~ owned, occupied, or controlled by that city or county;

- 1           (2) Regulate or prohibit the possession of open containers of malt beverages  
2           and unfortified wine by pedestrians on public streets in that city or  
3           county and on property ~~owned or occupied~~ owned, occupied, or  
4           controlled by that city or county; and
- 5           (3) Regulate or prohibit the possession of malt beverages and unfortified  
6           wine on public streets, alleys, or parking lots which are temporarily  
7           closed to regular traffic for special events.

8           For the purposes of this subsection, an open container means a container whose seal  
9           has been broken or a container other than the manufacturer's unopened original  
10           container."

11           Sec. 3. This act becomes effective July 1, 1995.