

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 366
HOUSE BILL 645

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 Section 2 of Chapter 144 of the Session Laws of 1995 is repealed.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 by persons who are not occupants of motor vehicles and on property ~~owned or occupied~~ owned, occupied, or controlled by that city or county;
- (2) Regulate or prohibit the possession of open containers of malt beverages and unfortified wine ~~by pedestrians on~~ public streets in that city or county by persons who are not occupants of motor vehicles and on property ~~owned or occupied~~ owned, occupied, or controlled by that city or county; and
- (3) Regulate or prohibit 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.

For the purposes of this subsection, an open container means a container whose seal has been broken or a container other than the manufacturer's unopened original container. As provided by G.S. 18B-102(a), possession or consumption of alcoholic beverages is unlawful except as authorized by the ABC law."

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

In the General Assembly read three times and ratified this the 30th day of June, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives