

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1088
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Senate Commerce Committee Substitute Adopted 9/24/02
Senate Commerce Committee Substitute #2 Adopted 9/25/02

Short Title: ABC Amendments.

(Public)

Sponsors:

Referred to:

April 11, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE ALCOHOLIC BEVERAGE CONTROL LAWS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-101(13a) reads as rewritten:

"(13a) "Special ABC area" means an area that meets the following requirements:

Either:

a. The area has fewer than 500 permanent residents, and the area:

1. Is located in a county that borders another state, that has at least one city that has approved the operation of an ABC store, and in which the sale of unfortified wine and malt beverages is permitted countywide or in one city; and

2. Contains more than 500 contiguous acres made up of privately-owned land and land owned by an association or a club that is exempt from income tax on its membership income under Article 4 of Chapter 105 of the General Statutes, has more than 200 members, was created for municipal and recreational purposes, and, for three or more years, has levied assessments or dues and provided municipal services; or

b. The area has more than 500 permanent residents, and the area:

1. Is located in a county:

- I. Where ABC stores have heretofore been established but in which the sale of mixed beverages has not been approved;

- 1 II. That borders on a county that has approved the
 2 sale of alcoholic beverages countywide and
 3 contains an international airport; and
 4 III. Borders on a county where ABC stores have
 5 heretofore been established by petition pursuant
 6 to law; and
 7 2. Contains more than 500 contiguous acres made up of
 8 privately-owned land and land owned by an association
 9 or a club that is exempt from income tax on its
 10 membership income under Article 4 of Chapter 105 of
 11 the General Statutes, has more than 200 members, was
 12 created for municipal and recreational purposes, and, for
 13 three or more years, has levied assessments or dues and
 14 provided municipal services; or
 15 e. ~~The area is an area of a county where the following~~
 16 ~~requirements are met:~~
 17 1. ~~The county borders on the Atlantic Ocean and has a~~
 18 ~~seaport supporting oceangoing vessels;~~
 19 2. ~~ABC stores have been established in the county and the~~
 20 ~~sale of mixed beverages is allowed in six or more~~
 21 ~~municipalities;~~
 22 3. ~~The population of the county, according to the 2000~~
 23 ~~census, exceeds 52,000;~~
 24 4. ~~The tourism economy of the county is made up of more~~
 25 ~~than 3,000 tourism related jobs; and~~
 26 5. ~~Tourism expenditures within the county exceed two~~
 27 ~~hundred million dollars (\$200,000,000)~~
 28 ~~annually services."~~

29 **SECTION 2.** G.S. 18B-101(14a) reads as rewritten:

30 "(14a) "Tourism ABC establishment" means a restaurant or hotel that meets
 31 ~~both one~~ of the following requirements:

- 32 a. Is located on property, a property line of which is located within
 33 1.5 miles of the end of an entrance or exit ramp of a junction on
 34 a national scenic parkway designed to attract local, State,
 35 national, and international tourists between the State line and
 36 ~~Milepost 460.~~
 37 ~~b.~~ ~~Is located~~ Milepost 460, in a county in which the on-premises or
 38 off-premises sale of malt beverages or unfortified wine is
 39 authorized in at least one city.
 40 b. Is located in an area of a district established for fire protection
 41 purposes where mixed beverages have been approved by two or
 42 more municipalities in that district, all located in a county that
 43 borders on the Atlantic Ocean."

44 **SECTION 3.** G.S. 18B-603(f) reads as rewritten:

1 (f) Permits Not Dependent on Elections. – The Commission may issue the
2 following kinds of permits without approval at an election:

- 3 (1) Special occasion permits;
- 4 (2) Limited special occasion permits;
- 5 (3) Brown-bagging permits for private clubs and congressionally chartered
6 veterans organizations;
- 7 (4) Culinary permits, except as restricted by subdivision (d)(5);
- 8 (5) Special one-time permits issued under G.S. 18B-1002;
- 9 (6) All permits listed in G.S. 18B-1100;
- 10 (7) On-premises malt beverage permits and on-premises unfortified wine
11 permits for a tourism ABC ~~establishment~~; establishment as defined in
12 G.S. 18B-101(14a)a.:
- 13 (7a) The permits authorized by G.S. 18B-1001(1), (3), (5), and (10) for a
14 tourism ABC establishment as defined in G.S. 18B-101(14a)b.
- 15 (8) The permits authorized by G.S. 18B-1001(1), (3), (5), and (10) for
16 tourism resorts;
- 17 (9) The permits authorized by G.S. 18B-1001(1), (3), (5), and (10) for
18 historic ABC establishments."

19 **SECTION 4.** G.S. 18B-1000(8) reads as rewritten:

20 **"§ 18B-1000. Definitions concerning establishments.**

21 The following requirements and definitions shall apply to this Chapter:

22 ...

- 23 (8) Sports club. – Any of the following:
 - 24 a. An establishment substantially engaged in the business of
25 providing an 18-hole golf course, two or more tennis courts, or
26 both. The sports club can either be open to the general public or
27 to members and their guests. To qualify as a sports club, an
28 establishment's gross receipts for club and other recreational
29 activities shall be greater than its gross receipts for alcoholic
30 beverages. This provision does not prohibit a sports club from
31 operating a restaurant. Receipts for food shall be included in
32 with the club activity fee.
 - 33 b. An establishment located on property that is within 100 yards of
34 the closest boundary of the property on which a sports club as
35 defined in sub-subdivision a. of this subdivision is located, if
36 the establishment is a food business that is in direct competition
37 with the neighboring sports club for the sale of food, beverages,
38 or tobacco products. To qualify as a sports club under this sub-
39 subdivision, an establishment shall have been operating as a
40 food business at its current location prior to the issuance of any
41 permits to the neighboring sports club pursuant to this Chapter.
42 Notwithstanding G.S. 18B-603(h) and G.S. 18B-1006(k), an
43 establishment that qualifies as a sports club under this sub-

1 subdivision is eligible only for those permits that are issuable to
2 food businesses under G.S. 18B-1001."

3 **SECTION 5.** G.S. 18B-1000(1a) reads as rewritten:

4 "(1a) Convention center. – An establishment that meets either of the
5 following requirements:

6 a. A publicly owned or operated establishment that is engaged in
7 the business of sponsoring or hosting conventions and similar
8 large gatherings.

9 b. A privately owned facility located in a city that has a population
10 of at least 200,000 but not more than 250,000 by the 2000
11 federal census. To qualify as a convention center under this sub-
12 subdivision, the facility shall meet each of the following
13 requirements:

14 1. The facility shall be located within an area that has been
15 designated as an Urban Redevelopment Area under
16 Article 22 of Chapter 160A of the General Statutes and
17 shall be certified by the appropriate local official as
18 being consistent with the city's redevelopment plan for
19 the area in which the facility is located.

20 2. The facility shall contain at least 7,500 square feet of
21 floor space that is available for public use and shall be
22 used exclusively for banquets, receptions, meetings, and
23 similar gatherings.

24 3. The facility's annual gross receipts from the sale of
25 alcoholic beverages shall be less than fifty percent (50%)
26 of the gross receipts paid to all providers at permitted
27 functions for food, nonalcoholic beverages, alcoholic
28 beverages, service, and facility usage fees (excluding
29 receipts or charges for entertainment and ancillary
30 services not directly related to providing food and
31 beverage service). The person to whom a permit has
32 been issued for a privately owned facility shall be
33 required to maintain copies of all contracts and invoices
34 for items supplied by providers for a period of three
35 years from the date of the event.

36 Convention centers shall include auditoriums, armories, civic centers,
37 ~~convention centers,~~ and coliseums. A permit issued for a convention
38 center shall be valid only for those parts of the building used for
39 ~~conventions and banquets~~ conventions, banquets, receptions, and other
40 similar events and only during ~~regularly-scheduled conventions and~~
41 ~~banquets events.~~"

42 **SECTION 6.** This act becomes effective December 1, 2002.

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