

TOWN OF CRESWELL
ORDINANCE REGULATING CONSUMPTION OF
ALCOHOLIC BEVERAGES IN PUBLIC

WHEREAS, The Town of Creswell is granted broad police power authority to enact or enforce ordinances by authority of N.C.G.S. 160A-174: and

WHEREAS, State Law in Chapter 18-B-301 (f) (1) through (5) regulates and prohibits the offering or drinking of fortified wine, spirituous liquor and mixed beverages in public: The Town Council believes that state law does not prohibit the offering or drinking of malt beverages and unfortified wine in public; and

WHEREAS, The offering and consumption of malt beverages and unfortified wine in public is a problem within the Town of Creswell and is detrimental to the health, safety and welfare of its citizens and the peace and dignity of the Town; and

WHEREAS, It is in the best interest of the citizens of the Town of Creswell that the streets, sidewalks, and public areas be free from persons offering or drinking such beverages in public, and/or on any property owned, occupied or controlled by the Town of Creswell;

NOW, THEREFORE, BE IT ORDAINED by the Creswell Town Council that from this day forward it shall be unlawful

1. for any person to consume any malt beverages or unfortified wine upon the streets, sidewalks, public areas or on any property owned, occupied or controlled by the Town of Creswell.
2. for any person to possess any open container of malt beverage or unfortified wine upon the streets, sidewalks, public areas or on any property owned, occupied or controlled by the Town of Creswell.

Definitions:

"Alcoholic beverages" means any beverages containing at least one-half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor and mixed beverages.

"Fortified wine" means any wine made by fermentation from grapes, fruits, berries, rice, or honey, to which nothing has been added other than pure brandy made from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine, and which has an alcoholic content of not more than twenty-four percent (24%) alcohol by volume.

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"Malt beverages" means beer, lager, malt liquor, ale, porter and any other brewed or fermented beverage containing at least one-half of one percent (0.5%), and not more than six percent (6%) alcohol by volume.

"Mixed beverage" means either of the following:

a. a drink composed in whole or in part of spirituous liquor and served in a quantity less than the quantity contained in a closed package.

b. A premixed cocktail served from a closed package containing one serving.

"Spirituous liquor" or "liquor" means distilled spirits or ethyl alcohol, including spirits of wine, whiskey, rum, brandy, gin and all other distilled spirits and mixtures of cordials, liqueur, and premixed cocktails, in closed containers for beverage use regardless of their dilution.

"Unfortified wine" means wine that has alcoholic content produced only by natural fermentation or by the addition of pure cane, beet, or dextrose sugar.

"Open container" means a container whose seal has been broken or a container other than the manufacturer's unopened original container.

PUNISHMENT.

A violation of this ordinance shall constitute a misdemeanor punishable by a fine of at least \$50.00 but no more than \$100.00 or imprisonment for not more than thirty (30) days.

Duly adopted this the 5th day of August, 1996 by majority vote of Creswell Town Council.


Reginald D. Phelps, Mayor

ATTEST:


Clerk

§ 18B-209. *Alcohol Beverage Consumption*. 18B-200

§ 18B-209 through 18B-299: Reserved for future legislative purposes.

Article 3

State, Possession and Consumption

§ 18B-300. Purchase, possession and consumption of malt beverages and unfortified wine.

(a) Generally. — Except as otherwise provided in this Chapter, the purchase, consumption and possession of malt beverages and unfortified wine by individuals 21 years of age and older for their own use is permitted without restriction.

(b) Consumption at Off-Premises Establishment. — It shall be unlawful to consume or for a person to allow the consumption of malt beverages or unfortified wine at any premises having only an off-premises permit for the kind of alcoholic beverage being consumed.

(c) Local Ordinances. — 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 property owned, occupied, or controlled by that city or county;
2. Regulate or prohibit the possession of malt beverages and unfortified wine on public streets in that city or county by persons who are not occupants of motor vehicles and are not in any 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.

The purpose 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 of, consumption of alcoholic beverages is unlawful except as authorized by §§ 18B-100, 18B-101, 18B-102, 18B-103, 18B-104, 18B-105, 18B-106, 18B-107, 18B-108, 18B-109, 18B-110, 18B-111, 18B-112, 18B-113, 18B-114, 18B-115, 18B-116, 18B-117, 18B-118, 18B-119, 18B-120, 18B-121, 18B-122, 18B-123, 18B-124, 18B-125, 18B-126, 18B-127, 18B-128, 18B-129, 18B-130, 18B-131, 18B-132, 18B-133, 18B-134, 18B-135, 18B-136, 18B-137, 18B-138, 18B-139, 18B-140, 18B-141, 18B-142, 18B-143, 18B-144, 18B-145, 18B-146, 18B-147, 18B-148, 18B-149, 18B-150, 18B-151, 18B-152, 18B-153, 18B-154, 18B-155, 18B-156, 18B-157, 18B-158, 18B-159, 18B-160, 18B-161, 18B-162, 18B-163, 18B-164, 18B-165, 18B-166, 18B-167, 18B-168, 18B-169, 18B-170, 18B-171, 18B-172, 18B-173, 18B-174, 18B-175, 18B-176, 18B-177, 18B-178, 18B-179, 18B-180, 18B-181, 18B-182, 18B-183, 18B-184, 18B-185, 18B-186, 18B-187, 18B-188, 18B-189, 18B-190, 18B-191, 18B-192, 18B-193, 18B-194, 18B-195, 18B-196, 18B-197, 18B-198, 18B-199, 18B-200, 18B-201, 18B-202, 18B-203, 18B-204, 18B-205, 18B-206, 18B-207, 18B-208, 18B-209, 18B-210, 18B-211, 18B-212, 18B-213, 18B-214, 18B-215, 18B-216, 18B-217, 18B-218, 18B-219, 18B-220, 18B-221, 18B-222, 18B-223, 18B-224, 18B-225, 18B-226, 18B-227, 18B-228, 18B-229, 18B-230, 18B-231, 18B-232, 18B-233, 18B-234, 18B-235, 18B-236, 18B-237, 18B-238, 18B-239, 18B-240, 18B-241, 18B-242, 18B-243, 18B-244, 18B-245, 18B-246, 18B-247, 18B-248, 18B-249, 18B-250, 18B-251, 18B-252, 18B-253, 18B-254, 18B-255, 18B-256, 18B-257, 18B-258, 18B-259, 18B-260, 18B-261, 18B-262, 18B-263, 18B-264, 18B-265, 18B-266, 18B-267, 18B-268, 18B-269, 18B-270, 18B-271, 18B-272, 18B-273, 18B-274, 18B-275, 18B-276, 18B-277, 18B-278, 18B-279, 18B-280, 18B-281, 18B-282, 18B-283, 18B-284, 18B-285, 18B-286, 18B-287, 18B-288, 18B-289, 18B-290, 18B-291, 18B-292, 18B-293, 18B-294, 18B-295, 18B-296, 18B-297, 18B-298, 18B-299.

(d) Local Modification of Laws. — See G.S. 18B-100, 18B-101, 18B-102, 18B-103, 18B-104, 18B-105, 18B-106, 18B-107, 18B-108, 18B-109, 18B-110, 18B-111, 18B-112, 18B-113, 18B-114, 18B-115, 18B-116, 18B-117, 18B-118, 18B-119, 18B-120, 18B-121, 18B-122, 18B-123, 18B-124, 18B-125, 18B-126, 18B-127, 18B-128, 18B-129, 18B-130, 18B-131, 18B-132, 18B-133, 18B-134, 18B-135, 18B-136, 18B-137, 18B-138, 18B-139, 18B-140, 18B-141, 18B-142, 18B-143, 18B-144, 18B-145, 18B-146, 18B-147, 18B-148, 18B-149, 18B-150, 18B-151, 18B-152, 18B-153, 18B-154, 18B-155, 18B-156, 18B-157, 18B-158, 18B-159, 18B-160, 18B-161, 18B-162, 18B-163, 18B-164, 18B-165, 18B-166, 18B-167, 18B-168, 18B-169, 18B-170, 18B-171, 18B-172, 18B-173, 18B-174, 18B-175, 18B-176, 18B-177, 18B-178, 18B-179, 18B-180, 18B-181, 18B-182, 18B-183, 18B-184, 18B-185, 18B-186, 18B-187, 18B-188, 18B-189, 18B-190, 18B-191, 18B-192, 18B-193, 18B-194, 18B-195, 18B-196, 18B-197, 18B-198, 18B-199, 18B-200, 18B-201, 18B-202, 18B-203, 18B-204, 18B-205, 18B-206, 18B-207, 18B-208, 18B-209, 18B-210, 18B-211, 18B-212, 18B-213, 18B-214, 18B-215, 18B-216, 18B-217, 18B-218, 18B-219, 18B-220, 18B-221, 18B-222, 18B-223, 18B-224, 18B-225, 18B-226, 18B-227, 18B-228, 18B-229, 18B-230, 18B-231, 18B-232, 18B-233, 18B-234, 18B-235, 18B-236, 18B-237, 18B-238, 18B-239, 18B-240, 18B-241, 18B-242, 18B-243, 18B-244, 18B-245, 18B-246, 18B-247, 18B-248, 18B-249, 18B-250, 18B-251, 18B-252, 18B-253, 18B-254, 18B-255, 18B-256, 18B-257, 18B-258, 18B-259, 18B-260, 18B-261, 18B-262, 18B-263, 18B-264, 18B-265, 18B-266, 18B-267, 18B-268, 18B-269, 18B-270, 18B-271, 18B-272, 18B-273, 18B-274, 18B-275, 18B-276, 18B-277, 18B-278, 18B-279, 18B-280, 18B-281, 18B-282, 18B-283, 18B-284, 18B-285, 18B-286, 18B-287, 18B-288, 18B-289, 18B-290, 18B-291, 18B-292, 18B-293, 18B-294, 18B-295, 18B-296, 18B-297, 18B-298, 18B-299.

(e) Editor's Note. — See G.S. 18B-100, 18B-101, 18B-102, 18B-103, 18B-104, 18B-105, 18B-106, 18B-107, 18B-108, 18B-109, 18B-110, 18B-111, 18B-112, 18B-113, 18B-114, 18B-115, 18B-116, 18B-117, 18B-118, 18B-119, 18B-120, 18B-121, 18B-122, 18B-123, 18B-124, 18B-125, 18B-126, 18B-127, 18B-128, 18B-129, 18B-130, 18B-131, 18B-132, 18B-133, 18B-134, 18B-135, 18B-136, 18B-137, 18B-138, 18B-139, 18B-140, 18B-141, 18B-142, 18B-143, 18B-144, 18B-145, 18B-146, 18B-147, 18B-148, 18B-149, 18B-150, 18B-151, 18B-152, 18B-153, 18B-154, 18B-155, 18B-156, 18B-157, 18B-158, 18B-159, 18B-160, 18B-161, 18B-162, 18B-163, 18B-164, 18B-165, 18B-166, 18B-167, 18B-168, 18B-169, 18B-170, 18B-171, 18B-172, 18B-173, 18B-174, 18B-175, 18B-176, 18B-177, 18B-178, 18B-179, 18B-180, 18B-181, 18B-182, 18B-183, 18B-184, 18B-185, 18B-186, 18B-187, 18B-188, 18B-189, 18B-190, 18B-191, 18B-192, 18B-193, 18B-194, 18B-195, 18B-196, 18B-197, 18B-198, 18B-199, 18B-200, 18B-201, 18B-202, 18B-203, 18B-204, 18B-205, 18B-206, 18B-207, 18B-208, 18B-209, 18B-210, 18B-211, 18B-212, 18B-213, 18B-214, 18B-215, 18B-216, 18B-217, 18B-218, 18B-219, 18B-220, 18B-221, 18B-222, 18B-223, 18B-224, 18B-225, 18B-226, 18B-227, 18B-228, 18B-229, 18B-230, 18B-231, 18B-232, 18B-233, 18B-234, 18B-235, 18B-236, 18B-237, 18B-238, 18B-239, 18B-240, 18B-241, 18B-242, 18B-243, 18B-244, 18B-245, 18B-246, 18B-247, 18B-248, 18B-249, 18B-250, 18B-251, 18B-252, 18B-253, 18B-254, 18B-255, 18B-256, 18B-257, 18B-258, 18B-259, 18B-260, 18B-261, 18B-262, 18B-263, 18B-264, 18B-265, 18B-266, 18B-267, 18B-268, 18B-269, 18B-270, 18B-271, 18B-272, 18B-273, 18B-274, 18B-275, 18B-276, 18B-277, 18B-278, 18B-279, 18B-280, 18B-281, 18B-282, 18B-283, 18B-284, 18B-285, 18B-286, 18B-287, 18B-288, 18B-289, 18B-290, 18B-291, 18B-292, 18B-293, 18B-294, 18B-295, 18B-296, 18B-297, 18B-298, 18B-299.

(f) Effect of Amendments. — Section 18B-100, 18B-101, 18B-102, 18B-103, 18B-104, 18B-105, 18B-106, 18B-107, 18B-108, 18B-109, 18B-110, 18B-111, 18B-112, 18B-113, 18B-114, 18B-115, 18B-116, 18B-117, 18B-118, 18B-119, 18B-120, 18B-121, 18B-122, 18B-123, 18B-124, 18B-125, 18B-126, 18B-127, 18B-128, 18B-129, 18B-130, 18B-131, 18B-132, 18B-133, 18B-134, 18B-135, 18B-136, 18B-137, 18B-138, 18B-139, 18B-140, 18B-141, 18B-142, 18B-143, 18B-144, 18B-145, 18B-146, 18B-147, 18B-148, 18B-149, 18B-150, 18B-151, 18B-152, 18B-153, 18B-154, 18B-155, 18B-156, 18B-157, 18B-158, 18B-159, 18B-160, 18B-161, 18B-162, 18B-163, 18B-164, 18B-165, 18B-166, 18B-167, 18B-168, 18B-169, 18B-170, 18B-171, 18B-172, 18B-173, 18B-174, 18B-175, 18B-176, 18B-177, 18B-178, 18B-179, 18B-180, 18B-181, 18B-182, 18B-183, 18B-184, 18B-185, 18B-186, 18B-187, 18B-188, 18B-189, 18B-190, 18B-191, 18B-192, 18B-193, 18B-194, 18B-195, 18B-196, 18B-197, 18B-198, 18B-199, 18B-200, 18B-201, 18B-202, 18B-203, 18B-204, 18B-205, 18B-206, 18B-207, 18B-208, 18B-209, 18B-210, 18B-211, 18B-212, 18B-213, 18B-214, 18B-215, 18B-216, 18B-217, 18B-218, 18B-219, 18B-220, 18B-221, 18B-222, 18B-223, 18B-224, 18B-225, 18B-226, 18B-227, 18B-228, 18B-229, 18B-230, 18B-231, 18B-232, 18B-233, 18B-234, 18B-235, 18B-236, 18B-237, 18B-238, 18B-239, 18B-240, 18B-241, 18B-242, 18B-243, 18B-244, 18B-245, 18B-246, 18B-247, 18B-248, 18B-249, 18B-250, 18B-251, 18B-252, 18B-253, 18B-254, 18B-255, 18B-256, 18B-257, 18B-258, 18B-259, 18B-260, 18B-261, 18B-262, 18B-263, 18B-264, 18B-265, 18B-266, 18B-267, 18B-268, 18B-269, 18B-270, 18B-271, 18B-272, 18B-273, 18B-274, 18B-275, 18B-276, 18B-277, 18B-278, 18B-279, 18B-280, 18B-281, 18B-282, 18B-283, 18B-284, 18B-285, 18B-286, 18B-287, 18B-288, 18B-289, 18B-290, 18B-291, 18B-292, 18B-293, 18B-294, 18B-295, 18B-296, 18B-297, 18B-298, 18B-299.

(g) Effect of Amendments. — Section 18B-100, 18B-101, 18B-102, 18B-103, 18B-104, 18B-105, 18B-106, 18B-107, 18B-108, 18B-109, 18B-110, 18B-111, 18B-112, 18B-113, 18B-114, 18B-115, 18B-116, 18B-117, 18B-118, 18B-119, 18B-120, 18B-121, 18B-122, 18B-123, 18B-124, 18B-125, 18B-126, 18B-127, 18B-128, 18B-129, 18B-130, 18B-131, 18B-132, 18B-133, 18B-134, 18B-135, 18B-136, 18B-137, 18B-138, 18B-139, 18B-140, 18B-141, 18B-142, 18B-143, 18B-144, 18B-145, 18B-146, 18B-147, 18B-148, 18B-149, 18B-150, 18B-151, 18B-152, 18B-153, 18B-154, 18B-155, 18B-156, 18B-157, 18B-158, 18B-159, 18B-160, 18B-161, 18B-162, 18B-163, 18B-164, 18B-165, 18B-166, 18B-167, 18B-168, 18B-169, 18B-170, 18B-171, 18B-172, 18B-173, 18B-174, 18B-175, 18B-176, 18B-177, 18B-178, 18B-179, 18B-180, 18B-181, 18B-182, 18B-183, 18B-184, 18B-185, 18B-186, 18B-187, 18B-188, 18B-189, 18B-190, 18B-191, 18B-192, 18B-193, 18B-194, 18B-195, 18B-196, 18B-197, 18B-198, 18B-199, 18B-200, 18B-201, 18B-202, 18B-203, 18B-204, 18B-205, 18B-206, 18B-207, 18B-208, 18B-209, 18B-210, 18B-211, 18B-212, 18B-213, 18B-214, 18B-215, 18B-216, 18B-217, 18B-218, 18B-219, 18B-220, 18B-221, 18B-222, 18B-223, 18B-224, 18B-225, 18B-226, 18B-227, 18B-228, 18B-229, 18B-230, 18B-231, 18B-232, 18B-233, 18B-234, 18B-235, 18B-236, 18B-237, 18B-238, 18B-239, 18B-240, 18B-241, 18B-242, 18B-243, 18B-244, 18B-245, 18B-246, 18B-247, 18B-248, 18B-249, 18B-250, 18B-251, 18B-252, 18B-253, 18B-254, 18B-255, 18B-256, 18B-257, 18B-258, 18B-259, 18B-260, 18B-261, 18B-262, 18B-263, 18B-264, 18B-265, 18B-266, 18B-267, 18B-268, 18B-269, 18B-270, 18B-271, 18B-272, 18B-273, 18B-274, 18B-275, 18B-276, 18B-277, 18B-278, 18B-279, 18B-280, 18B-281, 18B-282, 18B-283, 18B-284, 18B-285, 18B-286, 18B-287, 18B-288, 18B-289, 18B-290, 18B-291, 18B-292, 18B-293, 18B-294, 18B-295, 18B-296, 18B-297, 18B-298, 18B-299.