

**AN ORDINANCE AMENDING TITLE IX OF THE TOWN OF HUNTERSVILLE  
CODE OF ORDINANCES ENTITLED "TITLE IX: GENERAL REGULATIONS"**

*Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that the Code of Ordinances is hereby amended by adding the following Chapter to Title IX: General Regulations.*

§ POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES.

It shall be unlawful to possess or consume any alcoholic beverages, malt beverages or unfortified wine while in a park or recreation center, or on designated public property which is the site of an event sponsored or sanctioned by the Town's Parks & Recreation Department (a "facility") unless a Special Consumption Permit has been issued by the Parks & Recreation Director (hereafter, the "Director" which term shall include the Parks & Recreation Assistant Director if acting for the Director). The words "alcoholic beverage", "malt beverage", "unfortified wine" and "open container" shall have the same definition as given said terms in G.S. Chapter 18B. Possession of an open container of an alcoholic beverage shall be prima facie evidence of consumption.

- (A) A Special Consumption Permit for malt beverages and unfortified wine may be issued, each for a specified event for the date requested (or dates for events of two or more consecutive dates), subject to Town rules and regulations, as follows.
  - (1) By the Director to the sponsor of Town approved events to be held at a Town park, facility or recreation center.
  - (2) By the Director to the sponsor of any athletic contest or similar sporting event held in a park or recreation center, if such sponsor is a manufacturer or distributor of malt beverages or unfortified wine and if such permit is to allow only the participants in the athletic contest or similar sporting event to consume during or after the contest or other sporting event the malt beverages or unfortified wine manufactured or distributed by the sponsor having the permit.
  - (3) By the Director to any promoter, sponsor or beneficiary of any special event having a Town Special Event Permit that utilizes Town parks, facilities or recreation centers.
- (B) The Director shall be authorized to establish and promulgate regulations for the issuance of Special Consumption Permits authorized by this subchapter. These rules and regulations shall include, but not be limited to, the following requirements.
  - (1) The permittee shall be required in the discretion of the Director to either procure or reimburse the Town for procuring such insurance coverage with such limits and with such other terms as may be required by the Town.
  - (2) The permittee may be required in the discretion of the Director to make arrangements for and to bear the costs of additional law enforcement presence at the event where consumption occurs.
  - (3) The permittee shall be required to obey all federal, state, county and Town laws and regulations, including but not limited to noise, safety, public health, and laws relating to the consumption of alcohol, including but not limited to I.D. carding.
  - (4) The permittee shall be required to sign an agreement which fully indemnifies the Town, its officers, agents and employees from any liability arising from consumption of alcohol pursuant to the permit.

- (5) The permittee shall be required to serve non-alcoholic beverages as an alternative beverage for all attending.
  - (6) The permittee shall not allow self-service of alcohol, nor shall the permittee allow participants to bring their own alcohol to the event. The permittee may be required in the discretion of the Director to obtain the services of a professional bartender for dispensing alcohol.
  - (7) The permittee shall not allow consumption of alcohol to take place beyond the boundary area designated by the permit.
  - (8) The permittee shall post a sufficient number of signs as determined by the Director which clearly state the prohibition on underage drinking of alcohol.
- (C) No consumption permit shall be issued to an individual or organization which violated the provisions of a previously issued consumption permit. Further, no consumption permit shall be issued for events at which a majority of those reasonably expected to attend will be twenty years old or younger.
- (D) If the Director shall refuse to issue a Special Consumption Permit, he shall within five (5) working days give a written explanation to the applicant as to the reason that the permit has been denied. Reasons for denial may include, but are not limited to, any of the following:
- (1) That the event may only reasonably accommodate a limited number of providers of such alcoholic beverages;
  - (2) That the applicant would be providing such alcoholic beverage that would be a direct competitor of a named sponsor or underwriter of the event;
  - (3) That the applicant has not demonstrated that it is able to comply with all alcohol serving requirements, such as checking IDs and controlling serving or other requirements of this ordinance;
  - (4) That the applicant is unable to comply with any of the requirements of this ordinance;
  - (5) That the applicant did not file an application in sufficient time before the event to permit the Director to properly process and evaluate the application. The Director shall have the authority of establish deadlines for filing applications for Special Consumption Permits for specific events, but shall further have the right to waive such deadlines for valid reasons.
- (E) An applicant who has been denied a Special Consumption Permit shall have the right to appeal the Director's decision to the Parks & Recreation Commission by notifying the Director within five (5) business days after the denial. The Director shall then schedule a meeting of the Commission (unless a regular meeting is to be held prior to the event) to consider the applicant's appeal. At the regular meeting or at a special meeting, a quorum of the Commission shall be present to decide the appeal, and the decision shall be by majority vote of those present.

This ordinance shall become effective the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Approved as to form:

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Town Attorney