

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 629
SENATE BILL 858

AN ACT TO ALLOW ABC PERMITS TO BE ISSUED IN CERTAIN AREAS OF
THE STATE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-101(16) reads as rewritten:

"(16) ~~'Unincorporated area'~~ 'Special ABC area' means an area in a county, either unincorporated or incorporated, with less than 100 permanent residents that:

- (1) Borders on another state;
- (2) Where ABC stores and the sale of unfortified wines and malt beverages are permitted in all are permitted in one or more cities in the county;
- (3) Where the on-premises sale of unfortified wines and malt beverages by qualified persons and establishments, including persons and establishments qualified under G.S. 18B-603(c) or G.S. 18B-603(d), is permitted countywide or in two or more cities in the county; and such unincorporated area
 - (a) Contains more than a 1000 acres and is made up of privately-owned land and land owned by an association or club having more than 200 members and created for municipal and recreational purposes;
 - (b) Which as of the date of the enactment of G.S. 18B-600 for three or more years has levied assessments or dues and provided municipal services-services; and
 - (c) Is incorporated as a municipality or has within such area a private association or club that has been determined or is treated by the Internal Revenue Service to be exempt from tax on member source or exempt function income."

Sec. 2. G.S. 18B-603(f2) reads as rewritten:

"(f2) Permits for Unincorporated-Special ABC Areas – The Commission may issue the permits provided for in G.S. 18B-1001(1), G.S. 18B-1001(3), G.S. 18B-1001(5), and G.S. 18B-1001(10) to qualified persons and establishments-establishments, not open to the public, located within an unincorporated-a Special ABC area as defined in G.S. 18B-101 without approval at an election. G.S. 18B-101, provided that: (i) if such area is a municipal corporation, the area shall conduct an election authorized by subdivision (a)(4) of G.S. 18B-600, which election may be held regardless of the

number of registered voters located within the municipal corporation; or (ii) if such area is unincorporated but has within such area a private association or club, the board of such private association or club shall call and conduct a special meeting at which meeting a majority of private association members, club members, lot and home owners, votes and approves the sale of mixed beverages, and the board certifies the results of such meeting to the Alcoholic Beverage Control Commission. The mixed beverages ~~purchased~~ purchase-transportation permit authorized by G.S. 18B-404(b) shall be issued by a local board operating a store located in the same county as the ~~unincorporated~~ Special ABC area."

Sec. 3. This act shall not affect or impair the rights of permit holders located within unincorporated areas who have heretofore qualified for permits allowing the sale of mixed beverages.

Sec. 4. This act shall not include Columbus, Caswell, Person, Granville, Vance, Warren, Halifax, Robeson, Cleveland, Rutherford, Macon, Polk, Davidson, and Davie Counties.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 12th day of July, 1989.