

Notes Regarding the Possession and Sale of Alcoholic Beverages on Durham County Property

The current Facility Use Policy only applies to those buildings which are being specifically made available for public use (per para 4.0), and the use envisioned by it is the temporary use of meeting rooms contained in those buildings. The currently designated buildings are the Admin I Bldg., Cooperative Extension, CJRC, County Courthouse, HHS Building, and the Library Facilities. (Attachment 1)

Alcoholic Beverage (beer and wine only) are allowed in these buildings when authorized by the County Manager for special events (an undefined term). The organizers are also required to obtain host liability insurance (per para 5.1.3). By an amendment to the policy approved last year, the sale of beer, wine, and spiritous liquors was approved for leased spaces in the Admin II Bldg, with the appropriate ABC permits and liability insurance.

In para 9.3 users are required to provide a Certificate of Insurance for liability insurance in an amount specified by the Risk Manager. In the Facility Use Application form the minimum limit for liability insurance is set at \$1,000,000 per occurrence.

In addition to the County's Facility Use policy, Chapter 18B of the North Carolina General Statutes, heavily regulate the possession and sale of alcoholic beverages. The statutes start with a general prohibition on the manufacture, sale, transportation, etc, "of any alcoholic beverages except as authorized by the ABC law", GS 18B-102. General Statute 18B-300 provides that individuals over the age of 21 generally may possession and consume malt beverages and unfortified wine, but then goes on to provide that cities and counties may, *by ordinance*, regulate or prohibit the possession of open containers on public streets, and on "property owned, occupied, or controlled by that city or county." There are some limited exceptions for the service of fortified wine and spiritous liquors in General Statute 18B-301, but any sale of alcoholic beverages requires a permit be obtain from ABC, GS 18B-304. Per GS 18B-1001, there are a multitude of different types of permits which may be obtained from the ABC.

While it would be unwieldy to try and account for all of these eventualities in either a policy or ordinance, they are noted to highlight that fact, as well as some of the limits on the authority of the County in this area.

Copies of ordinances enacted by the Cities of Durham and Winston-Salem permitting such activities are also attached for your review and information.

Specific questions for consideration by the Commissioners are as follows:

1. Do they wish to enact an ordinance regulating possession of alcoholic beverages on County property?
2. Do they wish to permit the sale of alcoholic beverages at only certain facilities, and if so, which ones?
3. Do they wish to limit the sale of alcoholic beverages to only beer and wine, or permit the sales of any lawful alcoholic beverage?