

ORDINANCE NO.

**AN ORDINANCE TEMPORARILY MODIFYING TOWN CODE SECTION 14-14
AS TO THE PARKING LOT AT 112 SAUNDERS STREET
CLOSED FOR A SPECIAL EVENT**

BE IT ORDAINED by the Town Council of the Town of Apex as follows:

Section 1. Under the authority of N.C.G.S Section 18B-300(c), subsection (e) of Section 14-14 of the Apex Town Code of Ordinances is temporarily modified on July 22-23, 2022 to read as follows with additions as bold underlined text:

- (b) *Consumption on the public streets and municipal property prohibited.* It shall be unlawful for any person who is not an occupant of a motor vehicle to consume malt beverages and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to consume malt beverages and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, or controlled by the town including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, public greenways, playgrounds, recreational areas, tennis courts, and other athletic fields; provided that this sentence shall not apply to property owned or leased by the town which is leased or subleased to another party under terms that transfer the day-to-day control and operation of the property to the other party or to the Halle Cultural Arts Center of Apex when leased to another party under the terms and conditions of the cultural arts center rental agreement. **However, during the temporary closure of the parking lot at 112 Saunders Street for a community special event in downtown Apex, the possession and consumption of malt beverages and unfortified wine in said parking lot during the special event is not prohibited by the Town of Apex provided that the malt beverages and unfortified wine were purchased within the special event area. Nothing in this ordinance authorizes anyone to violate any law or regulation related to alcohol, any law related to ABC permits, or any of the terms or conditions of any ABC permit.**
- (c) *Possession of open containers on the public streets and on municipal property prohibited.* It shall be unlawful for any person who is not an occupant of a motor vehicle to possess any open container of malt beverage and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to possess any open container of malt beverage and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, or controlled by the town including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, public greenways, playgrounds, recreational areas, tennis courts, and other athletic fields; provided that this sentence shall not apply to property owned or leased by the town which is leased or subleased to another party under terms that transfer the day-to-day control and operation of the property to the other party or to the Halle Cultural Arts Center of Apex when leased to another party under the terms and conditions of the cultural arts center rental agreement. **However, during the temporary closure of the parking lot at 112 Saunders Street for a community special event in downtown Apex, the possession and consumption of malt beverages and unfortified wine**

in said parking lot which is closed to traffic during the special event is not prohibited by the Town of Apex provided that the malt beverages and unfortified wine were purchased within the special event area. Nothing in this ordinance authorizes anyone to violate any law or regulation related to alcohol, any law related to ABC permits, or any of the terms or conditions of any ABC permit.

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- (e) *Possession during special events prohibited.* It shall be unlawful for any person to possess malt beverages and/or unfortified wine on public streets, alleys, or parking lots, which are temporarily closed to regular traffic for special events. The prohibition stated in this subsection 14-11(e) applies to, among other areas, downtown sidewalk food service tables. **However, during the temporary closure of the parking lot at 112 Saunders Street for a community special event, the possession and consumption of malt beverages and unfortified wine in said parking lot which is closed to traffic during the special event is not prohibited by the Town of Apex provided that the malt beverages and unfortified wine were purchased within the special event area. Nothing in this ordinance authorizes anyone to violate any law or regulation related to alcohol, any law related to ABC permits, or any of the terms or conditions of any ABC permit.**

Section 2. The ordinance shall be effective upon enactment.

This the 24th day of May, 2022.

Introduced by Councilmember _____

Seconded by Councilmember _____

Attest:

Town Clerk

TOWN OF APEX

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney