

RESOLUTION OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA

WHEREAS the City Council is authorized by North Carolina General Statutes 18-72, 18-77, 18-78 and 18-78.1, after due hearing, to refuse to issue a license (or one being already issued, to suspend or revoke the same) to sell "on premises", as defined in North Carolina General Statute 18-72, beer and those other beverages enumerated in North Carolina General Statute 18-64; and whereas said statute explicitly authorizes said Council so to refuse, suspend or revoke such license if any licensee or applicant for a license violates any of the provisions of Article 4 of Chapter 18 of the General Statutes of North Carolina or any rules and regulations under authority of said Article or fails to superintend in person or through a manager, the business for which the license was issued, or allows the premises with respect to which the license was issued to be used for any unlawful, disorderly or immoral purposes, or knowingly employs in the sale or distribution of beverages any person who has ever been convicted of a felony involving moral turpitude or adjudged guilty of violating the prohibition laws within two years, or leaves the licensed premises in charge of any person who has had a license or permit for the sale of beverages revoked within the past two years, or otherwise fails to carry out in good faith the purposes of the above cited Article, or who knowingly sells such beverages to any person under 18 years of age, or knowingly sells such beverages to any person while such person is in an intoxicated condition, or sells such beverages upon the licensed premises or permits such beverages to be consumed thereon, on any day or at any time when such sale or consumption is prohibited by law, or who permits on the licensed premises any disorderly conduct, breach of peace or any lewd, immoral, or improper entertainment, conduct or practices, or who sells, offers for sale, possesses, or knowingly permits the consumption on the licensed premises of any kind of alcoholic liquors, the sale or possession of which is not authorized by law;

AND WHEREAS, without limiting the latitude of action under the foregoing, certain of the above listed grounds for such refusal, suspension, or revocation of such license, as, for example, "...to superintend in person or through a manager, the business for which the license was issued...", or allowing "...the premises with respect to which the license was issued to be used for any unlawful, disorderly, or immoral purposes...", or permitting on such premises any "...disorderly conduct... or any lewd, immoral, or improper entertainment, conduct, or practices..." are statements of such grounds which could be desirably clarified by setting out more explicitly and in detail certain standards by which the City Council could and would, if the evidence so showed, find that one or more of such grounds existed;

NOW, THEREFORE, The City Council hereby adopts the following as such standards, here giving notice that said Council will, in said authorized hearing, if such is called, measure the evidence by these standards:

- 1) No one shall employ any person who is less than 21 years of age to serve, sell or dispense malt beverages for "on premises" consumption.
- 2) Every "on premises" establishment shall have interior and exterior lighting adequate to make clearly visible the appearance and conduct of all persons on the premises.
- 3) No one shall employ any person to work in or about an "on premises" establishment until such person shall have registered with and presented evidence of good character, and a health certificate to the Chief of Police of the City.
- 4) In those "on premises" establishments that are also "drive-ins" no one shall serve malt beverages to customers if such customers are not seated inside the premises building or in such customer's conveyances and no customer shall be permitted to consume or hold such beverages while standing or walking about.
- 5) As to those "on premises" establishments that are not "drive ins", no customer shall be served or be allowed to hold or consume malt beverages unless such customer is standing at a regular standup counter or seated at a regular table or booth.
- 6) No customer or employee shall be allowed to stand or loiter about any part of the inside or outside of any "on premises" establishment.
- 7) No physical contact shall be permitted between any customer or any employee, nor shall any employee sit with, stand with or have any dealing or association with any customer beyond that necessary to serve said customer in and upon any "on premises" establishment.
- 8) No immoral entertainment, activity or practice, or profane or obscene language, or any lewd, lascivious or indecent writing, picture or representation shall be permitted on or about any "on premises" establishment.

9) No more than one bottle or can or glass of malt beverage per customer shall be served or made available to any customer at a time, and no customer who appears, or who should reasonably appear, to be intoxicated or in danger of being intoxicated shall be served any such beverage, and no customer shall be served significantly more of such beverage, or at a significantly faster rate, close to the time of day or night for legally ending such sales than at any earlier time.

10) No customer in or upon any "on premises" establishment shall be allowed to serve himself any of the malt beverages sold upon said premises, or to bring upon said premises or consume any malt or distilled beverages belonging to such customer.

11) No one shall deny to any police officer of the City full opportunity, during business hours, to inspect and examine all parts of the premises of any "on premises" establishment and to question employees and customers and to see the cards of employees to determine compliance with 3) above.

And the City Manager and the Chief of Police of the City of Fayetteville are directed to employ the personnel and the facilities of the Police Department of the City of Fayetteville, both concurrently and cooperatively with agents and employees of the State Board of Alcoholic Control and independently, utmostly, to see that the foregoing standards are observed and enforced.

This resolution is duly adopted this 13th day of June, 1960.

George A. Henderson
Mayor

Louise V. Zlat
City Clerk

There being no further business on motion of Councilman Massei, seconded by Councilman Rose the meeting was adjourned, to reconvene on June 20, 1960, at 7:30 P.M.

Louise V. Zlat
City Clerk