

AN ORDINANCE TO ENACT CHAPTER 4, SECTION 4-9 OF THE GREENSBORO
CODE OF ORDINANCES: EXTENSION OF LICENSED PREMISES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. Chapter 4, Section 4-9 of the Greensboro Code of Ordinances is hereby enacted to read as follows:

Section 4-9 – Extension of Licensed Premises.

(a) A person holding a permit issued under Article 10 or 11 of Chapter 18B of the North Carolina General Statutes that allows the on-premises consumption of alcoholic beverages (hereinafter a “permittee”) may apply to the City of Greensboro for authorization to expand their licensed premises to utilize an area that is not part of the permittee's licensed premises for the outdoor possession and consumption of alcoholic beverages sold by the permittee. Nothing in this Section permits the sale of alcoholic beverages outside the permittee’s licensed premises.

i. As used in this Section, the term “licensed premises” means and refers to the fixed permanent establishment, including all areas inside or outside the establishment, for which the permittee received an ABC permit from the ABC Commission for the sale, possession, and consumption of alcohol.

ii. As used in this Section the term “person” means and refers to an individual, firm, partnership, association, corporation, limited liability company, other organization or group, or other combination of individuals acting as a unit.

(b) In order to receive such authorization, the permittee must comply with all of the following:

i. If the property to which the premises will be extended (hereinafter referred to as “extended premises”) is not owned by the permittee, the owner of the property must provide written permission to the permittee, to be provided to the City of Greensboro, allowing the use of the extended premises for the purpose set forth in this Section.

ii. The permittee must provide written notification of the authorization to extended premises, including the diagram required under subsection (iv) of this section and, if applicable, a copy of the written permission required under subsection (i) of this section, to the Greensboro District Office of the Alcohol Law Enforcement Division of the North Carolina Department of Public Safety, the North Carolina ABC Commission, and the Chief of Police or his/her/their designee.

iii. The permittee shall visibly and vertically mark off the extended premises so a reasonable person could distinguish between the extended premises and any sidewalk, walkway, or public right of way.

iv. The permittee shall maintain a diagram on the licensed premises detailing the size and location of the extended premises. The diagram required under this subsection shall have the boundaries of the extended premises clearly marked, specify the types of barriers used to mark the boundaries of the extended premises, and specify the number of tables and seats placed in the extended area.

v. The extended premises shall not be used to increase the occupant load of the licensed premises. For purposes of this section, "occupant load" is as used in Section 1004 of the 2018 North Carolina Building Code.

vi. The extended premises shall comply with all applicable laws governing accessibility.

vii. Except as allowed under North Carolina General Statute 18B-904.1 and/or Chapter 26, Article XI of the Greensboro Code of Ordinances, or to reenter the licensed premises, a person shall not exit an extended premises with an alcoholic beverage purchased from the permittee.

viii. The permittee shall comply with any additional requirements imposed by the North Carolina ABC Commission through the adoption of rules.

(c) Violations of this Section will be enforced as set out in Chapter 18B of the North Carolina General Statutes, as well as any other applicable statutes or ordinances. In addition to those penalties set forth in Chapter 18B, a second violation by a permittee shall carry a civil penalty of \$250.00. In addition to those penalties set forth in Chapter 18B, a third violation by a permittee shall carry a civil penalty of \$500.00 and will result in revocation of the authorization to extend premises.

(d) Nothing herein shall limit the authority set forth in North Carolina General Statute 18B-502. The Alcohol Law Enforcement Division of the North Carolina Department of Public Safety shall have authority, along with local law enforcement, to inspect the extended premises to procure evidence of violations of the ABC law.

Section 2. This Article shall become effective March 1, 2022.

Section 3. That all ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.