

*Town Clerk's copy*

**AN ORDINANCE AMENDING SECTIONS 3-2, 3-3 AND 17-88 OF THE CODE OF ORDINANCES OF THE TOWN OF CHAPEL HILL TO ALLOW FOR THE SALE OF ALCOHOLIC BEVERAGES WHERE SIDEWALK DINING IS OTHERWISE PERMITTED**

BE IT ORDAINED by the Council of the Town of Chapel Hill as follows:

Section 1. Section 3-2 of the Town Code is hereby revised by adding a new paragraph, to read as follows:

This provisions of this Section shall not apply to the service of malt beverages and unfortified wines to, or the possession and consumption of malt beverages and unfortified wines by, persons seated and receiving food service at locations where the sale of food and beverages is permitted under Section 17-88 of the Town Code, provided that the applicable provisions of Article VI of Chapter 17 the Town Code are followed and further provided that the business serving the malt beverages and unfortified wines shall have all required state and town permits required for the location on the public right-of-way where the sale and consumption of such beverages are taking place.

Section 2. Section 3-3 of the Town Code is hereby revised by adding a new paragraph, to read as follows:

This provisions of this Section shall not apply to the service of malt beverages and unfortified wines to, or the possession and consumption of malt beverages and unfortified wines by, persons seated and receiving food service at locations where the sale of food and beverages is permitted under Section 17-88 of the Town Code, provided that the applicable provisions of Article VI of Chapter 17 the Town Code are followed and further provided that the business serving the malt beverages and unfortified wines shall have all required state and town permits required for the location on the public right-of-way where the sale and consumption of such beverages are taking place.

Section 3. Section 17-88 of the Town Code is hereby revised by deleting, in subparagraph (d), in the second line, the word "non-alcoholic".

Section 4. Section 17-88 of the Town Code is hereby revised by adding a new subparagraph (i) to read as follows:

“(i) It is unlawful to consume on a business’s sidewalk dining area alcoholic beverages not purchased at that business or to remove alcoholic beverages in open containers from that business’s sidewalk dining area. Any business serving alcoholic beverages shall post a sign, visible from the sidewalk dining area, including this information.”

Section 5. This ordinance shall become effective July 1, 2004.

This the 30<sup>th</sup> day of June, 2004.