



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES  
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA**

BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Code of Ordinances shall be amended as follows:

**PART I.** That Sec. 26-11 *Possession and/or consumption of alcoholic beverages on Town property* be added to Chapter 26 *Offenses and Miscellaneous Provisions* as follows:

(a) **Definitions:** For purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Alcoholic Beverages:** Any beverage containing at least one half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor and mixed beverages.

**Town Property:** The Nags Head Town Park located at 410 W. Health Center Drive

- (b) It shall be unlawful to possess and/or consume any alcoholic beverage on Town Property.
- (c) It shall not be unlawful for unopened alcoholic beverages to be stored in vehicles in coolers or other storage devices.

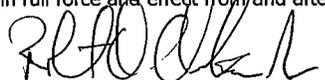
State law references: Local ordinances providing for different rules on sale, purchase, possession or consumption of alcoholic beverages prohibited unless expressly authorized, G.S. 18B-100; local ordinances regulating consumption of malt beverages and fortified wine on property owned or occupied by municipality, G.S. 18B-300(c).

**PART II.** That Sec. 1-6. *General penalty; enforcement of ordinances; continuing violations.* paragraph (d) be amended as follows:

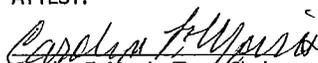
(d) Violations of the following provisions of this Code shall subject the offender to either a civil penalty or a criminal penalty, or both, in accordance with the penalty provisions of subsections (b) and (c) of this section, or in accordance with the specific penalty provisions contained within the respective chapter and article, where applicable:

- (1) Chapter 6;
- (2) Chapter 8, sections 8-1, 8-2, 8-4, 8-62, 8-82, and 8-83;
- (3) Chapter 40, Article II;
- (4) Chapter 16, Article III;
- (5) Chapter 20, section 20-85;
- (6) Chapter 26, sections 26-1, and 26-2.1, and 26-11;
- (7) Chapter 28;
- (8) Chapter 42, sections 42-41 and 42-92;
- (9) Chapter 44, section 44-76;
- (10) Chapter 46.

**PART III.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the 5<sup>th</sup> day of **October 2011**.

  
Robert O. Oakes Jr., Mayor  
Town of Nags Head

ATTEST:

  
Carolyn F. Morris, Town Clerk

Motion to Adopt by Commissioner  
Motion Seconded by Commissioner  
Recorded in Minute Book \_\_\_\_\_, Page  
Vote: \_\_\_ AYES \_\_\_ NOES

