

Sec. 46-149. Possession of open containers of certain alcoholic beverages; disposal of containers, and consumption of certain alcoholic beverages.

(a) *Definitions.* The following definitions shall apply to this section.

Beer means any malt beverage as defined by section 38-20.

Open container means any container that has a broken seal or a container other than the manufacturer's unopened original container.

Pub bike means a non-motorized device with four wheels, steering for a forward seated driver, 8-12 passenger saddle seats, and pedals by which the device may be propelled upon a street at a maximum speed of 15 mph when operated upon a level surface. A pub bike shall be equipped with, and maintain in good working order: at least one head lamp which, under normal atmospheric conditions and on a level road, produces a driving light sufficient to render clearly discernible a person 200 feet ahead; rear lamps which exhibit a red light plainly visible under normal atmospheric conditions from a distance of 500 feet to the rear of the pub bike; driver operated brakes adequate to control the movement of and to stop and hold the pub bike, including two separate means of applying the brakes; at least one stop lamp which exhibits a red or amber light visible from a distance of not less than 100 feet to the rear in normal sunlight, actuated upon application of the foot brake; and turn signal lamps by which the driver of the pub bike may indicate to the operator of a vehicle, approaching from either the front or rear and within a distance of 200 feet, his intention to turn from a direct line.

Public street means any highway, road, street, avenue, boulevard, or other way under the control of the city and open to public use, including sidewalks of any such street.

Wine means unfortified wine as defined by G.S. ch. 18B.

(b) *Possession of open containers.* No person, other than who is not an occupant of a motor vehicle or a passenger on a pub bike, shall possess an open container of beer or wine on any public street except as permitted in subsection (e) of this section.

(c) *Disposal of containers.* No person shall drop, throw, cast, or deposit any used wine or beer container upon any public street or upon any public or private property without the consent of the owner.

(d) *Consumption of alcoholic beverages on public streets.* No person, other than who is not an occupant of a motor vehicle or a passenger on a pub bike, shall consume beer or wine on any public street except as permitted in subsection (e) of this section.

(e) *Possession and consumption of beer and wine is permitted.* Possession and consumption of beer and wine is permitted within the boundaries and during the event hours of any public, community-sponsored function or celebration being conducted within a public street or other publicly owned area pursuant to a written permit issued by the city manager. This permit may also allow the sale, service, and distribution of beer and wine on designated public streets and

areas reserved for the event, subject to all applicable ABC regulations. Prior to the issuance of such a permit, the city manager must establish the boundaries of the event and temporarily close the streets within the boundaries. The city manager may impose on the entity seeking the permit reasonable requirements to ensure that the sale, distribution, service, possession or consumption of beer and wine does not extend beyond the boundaries of the function or celebration.
(Code 1982, § 12-16.1; Ord. No. 11557, 8-17-1998)