

JACKSONVILLE CITY FACILITIES ALCOHOL PERMIT

These policies and guidelines have been established to assist you with the application process and to ensure that your event is run in an efficient and organized manner. Note that it is unlawful for any person or licensee to distribute alcohol on City property unless this permit has been obtained.

State

The Applicant must comply with all applicable state laws pertaining to the sale and distribution of alcoholic beverages. The State law governing alcohol is Chapter 18B of the North Carolina General Statutes.

Steps in the Application Process

1. This is the City's Alcohol permit application packet. If you are starting the application process from out of town, and have any questions please call the Police Department Office at phone number 910-938-6403 or contact her at email cbell@ci.jacksonville.nc.us and she will mail a packet to you. You may also download an application packet at website www.jacksonvillenc.gov.
2. Complete the application. Use the document checklist included on the application to gather all the required documentation.
3. Obtain a Certificate of Training for the individual(s) who will conduct and serve at the event.
4. Obtain a Certificate of insurance naming the City of Jacksonville as the additional insured for the length of the event. The insurance should include a one million dollar (\$1,000,000) policy per event and a two million dollar (\$2,000,000) aggregate policy.
5. Submit a detailed diagram showing where alcohol will be served and if in a park, include plan how to segregate the alcohol for the general public (i.e. roped off). Please note that open containers of alcohol **can not** be taken out of this designated area.
6. Include the name and ages of the individuals who will be supervising and serving alcohol.
7. Be sure to include a phone number of a contact person if the City staff has any questions.
8. Submit a plan for the control of sale, crowd control, cleanup, and other public safety matters that is determined adequate by the City Manager and the Director of Public Safety.
9. Submit the completed application, all the attachments and the \$100 permit fee per application made payable to the City of Jacksonville to the City Manager's office at least

fifteen (15) days prior to the event. We suggest you keep a copy of your application for your records.

Regulations and Procedures

1. The sponsoring organization is a City of Jacksonville, 501 C-3 community organization;
2. Alcohol is not the primary fund-raising activity at the event or series of events;
3. The location and time for the event is appropriate for the community in general and the specific site proposed
4. Approved Plans for the control of sale, crowd control, cleanup, and other public safety matters are determined adequate by the City Manager and the Director of Public Safety must be onsite all times.
5. The size of an individual alcohol shall not exceed 5 1/2 ounces of beer; 3 ounces of wine or one ounce of spirituous liquor.
6. Events shall be conducted only during the operating hours in which the licensee on whose premises the events occurs is permitted to sell alcohol beverages, and in no case earlier than 11:00 am or later than 9:00 pm.
7. A permit must be maintained of all events and this permit must be made available to the City immediately upon request. It is recommended that training certificates for all servers involved in events be maintained on site.
8. The Licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample.
9. For wine tasting events, the sale in open containers is expressly prohibited. Samples may be provided free in containers not greater than ½ ounce capacity. For wine tastings events, the Licensee shall promptly remove all open and unconsumed alcohol beverage samples from the licensed premises or shall destroy the samples immediately following the completion of the tasting. Alcohol samples shall be in open containers and shall be provided to a patron free of charge. The Licensee shall not serve more than six individual samples to a patron during a tasting.
10. The Licensee shall not serve a person who is under twenty-one (21) years of age or who is visibly intoxicated.
11. A violation of any of the limitations specified herein his or her employees, agents, or otherwise, shall be the responsibility permit holder who is conducting the events and shall be subject to the same revocation, suspension and enforcement provisions as otherwise apply to the licensee.

Alcohol Beverage Selling/Serving Guidelines

The dispensing of alcohol beverages is a highly regulated venture. Event organizers must promote responsible alcohol consumption and help ensure that excessive consumption does not occur. The two key areas of concern are serving to underage individuals and serving to intoxicated individuals. The following describes two important selling/serving guidelines for alcohol beverages:

DO NOT SERVE A PERSON WHO IS UNDER THE AGE OF 21 YEARS

Anyone appearing to be under the age of 21 years should be asked for picture identification, preferably a valid driver's license, before being served.

DO NOT SERVE A PERSON WHO APPEARS TO BE INTOXICATED

Responsible consumption is encouraged and event organizers should not knowingly allow guests to enter the event if obviously intoxicated, or allow a guest to become intoxicated at the event. Serving an intoxicated person is illegal and can subject the licensee and server to civil and criminal liability.

Those responsible for selling/serving should monitor the amount of alcohol consumed by guests and should be aware of any behavior changes that may occur as a result of drinking alcohol. Some reactions to watch for include slurred speech, poor coordination, dazed/glassy look in the eyes, aggressiveness, inability to complete sentences, swaying or drowsiness, spilling drinks or food, walking into people, inability to sit up straight, stumbling into objects, bloodshot eyes, inappropriate laughter, and inappropriate volume of speech.

IT IS THE RESPONSIBILITY OF THE PERMITTEE FOR A EVENT AND ALL SERVERS TO OBEY ALL STATE AND LOCAL LAWS REGARDING THE SERVICE OF ALCOHOL. THE ABOVE-MENTIONED INFORMATION IS MEANT ONLY AS A GUIDELINE PROVIDED AS A COURTESY BY THE CITY OF JACKSONVILLE. IT DOES NOT RELIEVE THE LICENSE HOLDER AND SERVERS FROM ANY RESPONSIBILITY OF OBEYING ALL APPLICABLE ABC, STATUTES, OR REGULATIONS.

We wish you every success with your event! Should you have any questions or need additional information, feel free to contact the City Manager's Office

_____ I understand that any server working an event(s) must have already completed a server training program that meets the standards established by the North Carolina ABC Commission.

_____ I understand that a written plan must be maintained and must be accessible to City of Jacksonville personnel at all times. We recommend that training certificates for all servers involved in events be maintained on site at the event.

_____ I have received an excerpt of the ABC statues, but acknowledge that it is my responsibility to keep current on State and City rules and regulations.

I declare under penalty of perjury that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the ABC Codes and all City of Jacksonville rules, regulations and codes which affect my license. In addition according to section 10-4 sub-section (B) states:

Revocation, suspension of an issued permit: The City may immediately revoke or suspend any permit issued by the City, if it is found that:

- (1) The applicant or permit holder has violated or failed to meet any of the provisions of this article, or any conditions of the permit;
- (2) Any required ABC licenses were not obtained or have been suspended, revoked or canceled;
- (3) The permittee has violated any federal, state or City law or regulation;
- (4) The control plan for crowd, traffic, alcohol distribution, age verification or any other matter required in the permit is deemed by the Director of Public Safety to be inadequate during the event or the behavior of the crowd becomes such that the Director of Public Safety or his designee deems it a hazard to the participants and/or to the public safety.

Authorized Signature Date

Print Name & Title

We recommend that training certificates for servers who have completed the required training class be maintained with the plan for all servers associated with your event.

JACKSONVILLE PARKS AND RECREATION FACILITIES
ALCOHOL PERMIT

The consumption of malt beverages and unfortified wines is permitted at certain City of Jacksonville facilities as evidenced by a permit approved by the City Manager, Public Safety Director and Jacksonville City Code Section 10-4.

If permitted to serve malt beverages and/or unfortified wines, certain activity/space restrictions may be enforced.

Person signing as the "Responsible Party" is responsible for any and all types of liability relating to this event.

1 _____
NAME OF APPLICANT / RESPONSIBLE PARTY

2 _____
NAME OF GROUP (IF APPLICABLE)

3 _____
STREET ADDRESS

_____ CITY _____ STATE _____ ZIP CODE

_____ DAY TELEPHONE _____ EVENING TELEPHONE _____ OTHER TELEPHONE

4 _____
REQUESTED PARK FACILITY

5 _____ FROM: _____ TO:
DATE REQUESTED TIME REQUESTED

6 _____
PURPOSE OF RENTAL (IN DETAIL)

7 _____
TYPE(S) OF ALCOHOL TO BE SERVED

8 _____

9 Will bartenders be used / employed? Yes No
a. If "yes," are they certified? Yes No If "yes", attach a copy of certificate
b. If "yes", are they from an agency: Yes No

_____ AGENCY NAME

_____ AGENCY CONTACT PERSON

_____ AGENCY ADDRESS

_____ AGENCY PHONE NUMBER

- 10 Will alcohol be sold? Yes No
- Will donations be taken to defray costs? Yes No
- Will there be a fee paid to purchase a ticket to this event? Yes No

IF YES, a copy of the ABC Commission permit will be required no later than 7 calendar Days in advance of the event's beginning time. (According to ABC Regulations, to "sell" by one of the above methods, you must be a non-profit group [501 c(3)]. (Individuals may not obtain one). The cost is \$50 and the ABC Commission must have *their* application at least three weeks prior to the event. ABC Commission phone number is 919-779-0700.

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 EXPECTED NUMBER OF ATTENDANTS / GUESTS

OFF-DUTY CITY OF JACKSONVILLE POLICE MUST BE HIRED FOR AN EVENT EXPECTING 150 OR MORE GUESTS. It is the responsibility of the rental group to secure this person/these persons and to pay their costs in addition to the rental fee. The number of Officers required will be determined by the City of Jacksonville based on the rental information given above (generally 1:150 persons). Officers are not allowed to be in the room where alcohol is being served. Officers will take no part in the serving of alcohol, including determination of intoxication. Should their services be needed because of a disturbance or in the like, the officer's presence must be requested. Please make sure the information above is as accurate as possible, as providing incorrect information will cause this permit to be null and void. to hire off-duty officer(s) call 910-455-1472 and ask for off duty coordinator. The names and correct phone numbers of the officer(s) will be required no later than 7 calendar days in advance of the event's beginning time.

12 ACKNOWLEDGMENTS: Carefully read and initial each statement below:

_____ I am familiar with and hereby agree to abide by all state, county and city regulations governing the transport, sale, and distribution of alcoholic beverages while using City of Jacksonville owned premises.

_____ I hereby acknowledge that no employee, agent, or representative of the City of Jacksonville will engage in the serving of alcohol in connection with this permit.

_____ I hereby acknowledge that no guest or attendee of the function to which this permit applies will be served alcohol while intoxicated.

_____ I hereby acknowledge that adequate precaution has been taken to ensure that intoxicated guests or attendees will be identified and prohibited from operating from operating motor vehicles.

The Applicant / Responsible Party herein affirms that he/she has read and understands the statements and disclosures made in this form, that the information disclosed herein is true and correct to the best of His/her knowledge and belief, and that all acknowledgments herein, including the attached Release and Indemnification Agreement, were provided by the undersigned while under oath.

This the _____ day of _____, 20 _____.

_____(SEAL).
Signature of Applicant / Responsible Party

Printed Name

Title / Position

Sworn to and subscribed before me this the

_____ day of _____, 20 _____.

Notary Public

My Commission Expires: _____

RELEASE AND INDEMNITY AGREEMENT

WHEREAS, the undersigned has requested the use of services, equipment, or facilities belonging to or under the auspices of the CITY OF JACKSONVILLE, North Carolina, and do engage in activities for the exclusive benefit of the undersigned; and

WHEREAS, the CITY OF JACKSONVILLE does not wish to be liable for any damages arising from personal injury or property damage sustained thereby;

NOW, THEREFORE, in consideration of the mutual promises and other good and valuable consideration, the undersigned does hereby for himself, his heirs, executor, employers, successors or administrator, and personal representatives:

- A. Assume full responsibility for any personal injury or any damage to his/her personal property which may occur directly or indirectly in the course of (fully describe the activity/rental and date of occurrence)

- B. Fully and forever release and discharge the CITY OF JACKSONVILLE, its agents, officials, and employees, from any and all claims, demands, damages, rights or action, or causes of action, present or future, whether the same be known, anticipated Resulting from or arising out of the above described activity/rental.
- C. Agree to fully indemnify the CITY OF JACKSONVILLE for any costs, expenses or damages incurred as a result of any personal injury or property damage resulting from or arising out of the above described activity/rental, such costs to include reasonable attorneys' fees.
- D. Agree that it is the intent of the undersigned that this RELEASE AND INDEMNITY AGREEMENT shall be in full force and effect any time after the execution hereof.

Approval of for this alcohol permit is at multiple levels. Three (3) weeks will be required by the City to route it for signature. Not adhering to this timetable may result in the inability to serve alcohol at your event, and the facility reservation will not refunded.

I have read and understand the above information and agree that it is true and accurate. I accept the responsibility of the actions of the persons attending this rental.

Responsible Party

Date

CITY APPROVAL

All signatures are by the position listed or his/her designee.

Approve Deny

City Manager Date

Approve Deny

Public Safety Director Date

Approve Deny

Recreation and Parks Director Date

ORDINANCE (#2013-38)

AN ORDINANCE AMENDING THE CITY CODE
OF THE CITY OF JACKSONVILLE
CHAPTER 10 - INTOXICATING LIQUORS

BE IT ORDAINED by the City Council of the City of Jacksonville that Chapter 10, Intoxicating Liquors of the Jacksonville City Code is hereby amended as follows:

Add language that is bold underlined.

Sec. 10-1. Adoption of state law.

All the provisions of Chapter 18B of the General Statutes of North Carolina, relating to the licensing and sale of whiskey, beer, wine and other beverages as defined therein which may be enforced by and on behalf of the city are hereby adopted and made applicable to the city. The license taxes therein imposed shall be collected by the city tax collector and the regulations therein imposed shall be enforced by the proper officers of the city as they may be authorized by said chapter and by this section.

Sec. 10-2. Reserved.

Editor's note— Ord. No. 08-38, adopted August 19, 2008, amended the Code by repealing former section 10-2 in its entirety. Former § 10-2 pertained to Sunday consumption off premises, and derived from Ord. No. 93-19, adopted August 3, 1993.

Sec. 10-3. Reserved.

Note—See the editor's note at § 10-2.

Sec. 10-4. Consumption in public.

(A) It shall be unlawful for any person to consume or display any intoxicating liquor or alcoholic beverage in any public park, athletic field, recreation area, public building, or other property owned or under the control of the city, except as provided below:

- (1) Any property, or portion thereof, that has been leased to a third party by the city through specific council action is exempted from this restriction. Said lease agreement will require lessee to provide an alcohol management plan which is acceptable to the City Manager and Director of Public Safety. Additionally, proof of insurance covering events serving alcohol in an amount required by the City Manager in consultation with the City Attorney and Finance Director showing the City of Jacksonville as an additional insured. Application for this exemption and alcohol management criteria forms shall be made available and filed in the City Manager's office. Once the said alcohol management plan is approved, a permit will be issued by the City for alcohol event(s). Said permit shall not exceed a one year period;

_____ or

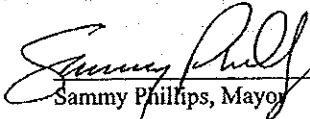
- (2) Malt beverages and unfortified wine events, may be approved by the City Manager on City property, for 501© 3

organizations as long as an alcohol management plan is submitted which is acceptable to the City Manager and Director of Public Safety. Additionally proof of insurance covering events serving alcohol in an amount required by the City Manager in consultation with the City Attorney and Finance Director showing the City of Jacksonville as an additional insured. Application for this exemption and alcohol management criteria forms shall be made available and filed in the City Manager's office. Once the said alcohol management plan is approved, a permit will be issued by the City for alcohol event(s). Said permit shall not exceed a one year period.

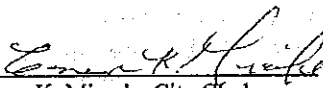
(B) Revocation, suspension of an issued permit: The City may immediately revoke or suspend any permit issued by the City, if it is found that:

- (1) The applicant or permit holder has violated or failed to meet any of the provisions of this article, or any conditions of the permit;
- (2) Any required ABC licenses were not obtained or have been suspended, revoked or canceled;
- (3) The permittee has violated any federal, state or City law or regulation;
- (4) The control plan for crowd, traffic, alcohol distribution, age verification or any other matter required in the permit is deemed by the Director of Public Safety to be inadequate during the event or the behavior of the crowd becomes such that the Director of Public Safety or his designee deems it a hazard to the participants and/or to the public safety.

Adopted by the Jacksonville City Council in regular session this 16th day of July, 2013.


Sammy Phillips, Mayor

ATTEST:


Carmen K. Miracle, City Clerk