

14B NCAC 15B .0107 SPECIAL REQUIREMENTS FOR PRIVATE CLUBS

(a) Use of the private club's facility shall not be open to the general public but shall be limited to members of the private club and their guests.

(b) Typical Characteristics. Although a private facility need not possess all of the following characteristics to qualify as a private club, each is typical of a club and the Commission shall consider the extent to which a facility possesses these characteristics in deciding whether to issue, suspend, or revoke a Brownbagging, Fortified Wine or Mixed Beverages Permit:

- (1) Membership is subject to stated requirements that tend to show a common bond among members;
- (2) Some limit related to the size of the facility is placed on total membership;
- (3) All members are allowed to participate in its organizational affairs, including the selection of officers or directors at reasonably frequent intervals;
- (4) The club operates pursuant to a charter, articles of association, constitution, or similar basic document and has adopted by-laws, copies of which are provided to each member;
- (5) The club has stated objectives of a social, recreational, patriotic or fraternal nature and its activities advance those objectives;
- (6) Membership entitles a person to multiple privileges other than the consumption of alcoholic beverages;
- (7) Most members hold full rather than limited memberships;
- (8) Facilities and activities other than those customarily related to the consumption of alcoholic beverages are available to members;
- (9) Some limits are placed on the number of times a guest may use the facility; and
- (10) Guests constitute a relatively small portion of the users of the facility.

(c) Mandatory Requirements. To qualify as a private club, a facility shall meet the following requirements concerning membership:

- (1) collect an annual membership fee separate from any admission or cover charge, no dues from which shall be more than 30 days past due;
- (2) maintain a written policy on the granting of full and limited memberships;
- (3) require each prospective member to complete a written application that contains questions directly related to the applicant's interest in the social, patriotic, fraternal or recreational purpose of the club, the applicant's qualifications for membership, and the applicant's background;
- (4) retain each completed application, if approved, in the organization's permanent records as long as the individual's membership continues;
- (5) issue written or printed evidence of membership to each member, which evidence of membership or other reasonably reliable document of identification shall be in the possession of each member present on the licensed premises;
- (6) maintain on the premises a current alphabetical roster of all members and their complete addresses; and
- (7) maintain and provide to each member a written policy concerning the use of facilities by guests.

(d) Permit Application Procedures. For a private club to obtain a Brownbagging, or Fortified Wine or Mixed Beverages Permit, the applicant shall submit to the Commission the appropriate application fee and the following documents:

- (1) a completed application on a form provided by the Commission, which includes the full names and addresses of all officers and directors (including those chosen by the membership), and the manager;
- (2) the written policy on granting of full and limited memberships;
- (3) a copy of the membership application form;
- (4) a copy of the membership card or certificate to be issued to members;
- (5) the written policy on use of facilities by guests; and
- (6) the charter, articles of incorporation, constitution, or other basic documents, and the by-laws, if any.

History Note: Authority G.S. 18B-100; 18B-207; 18B-900; 18B-901; 18B-902; 18B-1000(5); 18B-1008; Eff. January 1, 1982; Amended Eff. January 1, 2011; July 1, 1992; February 1, 1986; May 1, 1984; Transferred and Recodified from 04 NCAC 02S .0107 Eff. August 1, 2015;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016.