

# **PETITION IN SUPPORT OF DE-ANNEXATION BOGUE SOUND DISTILLERY FROM THE TOWN OF BOGUE**

**To: Senator Norm Sanderson, Representative Celeste Cairns and North Carolina General Assembly**

We, the undersigned residents, business owners, and patrons, respectfully petition for the de-annexation of Bogue Sound Distillery from the Town of Bogue.

## **Background:**

Bogue Sound Distillery is a \$15 million investment that has brought jobs, tourism, and economic vitality to our area. Despite operating as a responsible business, the Distillery faces ongoing obstacles from the Town of Bogue that threaten its viability and growth.

## **Reasons for De-Annexation:**

### **1. Unstable Zoning Status**

The Town refuses to grant permanent business zoning, instead maintaining the Distillery under "special use" designation. This volatile status makes the business unsellable and puts millions of dollars in investment at constant risk of being revoked without cause.

### **2. Arbitrary and Inconsistent Restrictions on Live Entertainment**

For seven years, the Distillery operated live music without issue. The Town never required a special use permit for entertainment and even held its own town events at the Distillery. The business has always operated responsibly—offering outdoor music from 6-9 PM and indoor music from 7-10 PM (never both simultaneously), well within the county's 11 PM noise ordinance.

In 2022, the Town approved permits for the outdoor bar, stage, bathroom, and fire pits—infrastructure specifically designed for outdoor entertainment. Then, without explanation, the Town abruptly shut down all live music and demanded a special use permit. While the Town partially reversed this decision to allow indoor music, it has rejected every application for outdoor entertainment. The outdoor space the Town itself permitted now sits largely unused. Live music is essential to the Distillery's business model, driving patron visits and supporting local musicians' livelihoods.

### **3. Unsubstantiated Noise Complaints**

Town officials claim "many, many" noise complaints have been filed. However, the Carteret County Sheriff's Office, which provides policing for Bogue, confirms zero complaints have ever been filed regarding noise at the Distillery.

### **4. Regulatory Overreach Beyond Town Authority**

The Town now claims the Distillery's septic system is not up to code, despite having no authority over septic systems and no code enforcement officer. Environmental Services has reviewed the septic system and confirmed it is well within compliance for the current occupancy rating of 80 people. The Distillery has proactively applied to upgrade the system for future expansion plans, demonstrating responsible business practices and forward planning. The Town's claims are both factually wrong and outside its jurisdiction.

## **5. Hostile Regulatory Environment**

The Town's regulatory stance prevents business expansion and threatens jobs. The special use permit can be revoked at any time, giving the Town complete control over whether this business can continue operating. After seven years of peaceful coexistence, the Town's sudden shift to restrictive and inconsistent enforcement—often in areas where it has no legal authority—creates an untenable business environment.

### **What We're Asking:**

We request that the North Carolina General Assembly approve legislation to de-annex Bogue Sound Distillery from the Town of Bogue. This action will:

- **Protect a significant economic investment and the jobs it provides**
- **Preserve live music opportunities for local musicians and patrons**
- **Allow the business to fully utilize its facilities and expand to serve the community**
- **Remove the business from an adversarial regulatory environment that stifles legitimate economic activity**
- **End inappropriate regulatory overreach by a municipality acting beyond its authority**

The citizens and patrons signing below support this de-annexation as beneficial to our community and our local economy.