



AN ORDINANCE TO ENACT CHAPTER 116 OF THE PITTSBORO CODE OF ORDINANCES: SOCIAL DISTRICT

WHEREAS, North Carolina General Statute §18B-300.1 authorizes towns to adopt an ordinance designating social districts; and

WHEREAS, social districts are defined areas in which a person may consume alcoholic beverages sold by an ABC Commission permittee, with the goal of encouraging foot traffic to downtown businesses; and; and

WHEREAS, the hospitality industry is an important component of the overall retail business community in Pittsboro and creating a social district on certain days and times will benefit our small business community, bring people into business districts and generate increased tax revenues;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF PITTSBORO AS FOLLOWS:

A new chapter and sections shall be added to Chapter 116 (Social District) as follows:

Chapter 116: SOCIAL DISTRICT

§ 116.01 PURPOSE AND INTENT.

- (A) Pursuant to the provisions of North Carolina General Statute §160A-205.4, et.seq., one or more social districts may be created within the town and the Board of Commissioners hereby creates and designates the following social district:
 - (1) Downtown Pittsboro Social District which is designated as shown on the map on "Exhibit A" which is attached. The map is available in the Office of the Town Clerk, and signage and/or markings shall be posted clearly delineating the boundaries of the Social District.
- (B) The Downtown Pittsboro Social District shall be created, designated, and managed in accordance with the requirements contained in North Carolina General Statute §160A-205.4 and Chapter §18B.
- (C) Any person who violates this Article, and any person who aids, abets, encourages, assists in, or contributes to such violation, shall be guilty of a Class 3 misdemeanor punished by a fine of one hundred dollars (\$100.00) or imprisonment not exceeding thirty (30) days pursuant to N.C.G.S. 14.4 and N.C.G.S. 160A-175.

§ 116.02 DEFINITIONS.

- (A) **CUSTOMER.** A person who purchases an alcoholic beverage from a permittee that is in a social district.
- (B) **NON-PERMITTEE.** An establishment that is located in a social district and does not hold any ABC permits issued by the North Carolina Alcoholic Beverage Control Commission.
- (C) **PERMITTEE.** An establishment or person holding any of the following ABC permits issued by the North Carolina Alcoholic Beverage Control Commission:
 - (1) An on-premises malt beverage permit issued pursuant to N.C.G.S. §18B-1001(1).
 - (2) An on-premises unfortified wine permit issued pursuant to N.C.G.S. §18B-1001(3).
 - (3) An on-premises fortified wine permit issued pursuant to N.C.G.S. §18B-1001(5).
 - (4) A mixed beverages permit issued pursuant to N.C.G.S. §18B-1001(10).
 - (5) A wine shop permit issued pursuant to N.C.G.S. §18B-1001(16).
 - (6) A distillery permit issued pursuant to N.C.G.S. §18B-1100(5).

- (D) **PREMISES.** A fixed permanent establishment, including all areas inside or outside the permitted establishment, where the permittee has control through a deed, lease, or other legal process.
- (E) **SOCIAL DISTRICT.** A defined area in which a person may consume alcoholic beverages sold by a permittee. A social district may include both indoor and outdoor areas of businesses within the defined area during the days and hours established by this ordinance. A social district may include privately owned property, including permittees and non-permittee businesses, multi-tenant establishments, public streets, crosswalks, or parking areas whether or not the streets or parking areas are closed to vehicle traffic.

§ 116.03 APPLICATION.

- (A) The provisions and terms contained in this Article shall be applicable between the hours of 4:00 p.m. and 9:00 p.m. Monday through Friday, between the hours of 11:00 a.m. and 10:00 p.m. on Saturday, and between the hours of 1:00 p.m. and 8:00 p.m. on Sunday. At all other times, the provisions and terms contained in this Article are not in effect and all provisions of State and local laws concerning the possession and consumption of alcohol shall be in full force and effect.
- (B) Any alcoholic beverage purchased for consumption in the Social District shall:
 - (1) Only be consumed in the Social District.
 - (2) Be disposed of before the person in possession of the alcoholic beverage exits the Social District. A violation of this Section is a Class 3 misdemeanor.

§ 116.04 REQUIREMENTS FOR SALE OF ALCOHOLIC BEVERAGES.

- (A) A permittee located in a Social District may sell alcoholic beverages for consumption within the Social District in which it is located in accordance with the following requirements:
 - (1) The permittee shall only sell and serve alcoholic beverages on its licensed premises.
 - (2) The permittee shall only sell alcoholic beverages for consumption in the Social District in which it is located in a container that meets all of the following requirements:
 - i. The container clearly identifies the permittee from which the alcoholic beverage was purchased and the date and time of purchase.
 - ii. The container clearly displays a logo or some other mark that is unique to the Downtown Pittsboro Social District.
 - iii. The container is not comprised of glass.
 - iv. The container displays, in no less than 12-point font, the statement, "Drink Responsibly- Be 21."
 - v. The container shall not hold more than 16 fluid ounces.
- (B) The permittee shall not allow a person to enter or re-enter its licensed premises with an alcoholic beverage not sold by a permittee established in the social district to sell alcoholic beverages.

§ 116.05 REQUIREMENTS FOR POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES.

- (A) The possession and consumption of an alcoholic beverage in a Social District is subject to all of the following requirements:
 - (1) Only alcoholic beverages purchased from a permittee located in the Social District may be possessed and consumed in the Social District.
 - (2) Alcoholic beverages shall only be in containers meeting the requirements set forth in Section 116.04(A) of this Article.
 - (3) Alcoholic beverages shall only be possessed and consumed on the days and during the hours designated in Section 116-03(A) of this Article.
 - (4) Nothing in this subdivision shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in North Carolina General Statute §18B-1010.
 - (5) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the Social District.
 - (6) A participating non-permittee business is required to always display the uniform sign during the times when the social district is active as to whether the business allows for patrons to enter their business with alcohol.
 - (7) All permittee and non-permittee businesses that are part of a social district and allow customers to bring alcoholic beverages onto their premises are required to clearly post

- signage on any exits that do not open to the social district indicating that alcoholic beverage cannot be taken past that point.
- (8) During the days and hours when the Social District is in effect as set forth in Section 116-03(A), a non-permittee business that allows customers to bring alcoholic beverages onto its premises is required to allow law enforcement officers access to the areas of the premises accessible by customers.
 - (9) A violation of this Section is a Class 3 misdemeanor punished by a fine of one hundred dollars (\$100.00) or imprisonment not exceeding thirty (30) days pursuant to N.C.G.S. 14.4 and N.C.G.S. 160A-175.

§ 116.06 EXCEPTIONS.

- (A) When a Special Event is held pursuant to the issuance of a Special Event Permit as set out in Town of Pittsboro Code of Ordinances, the terms and conditions of the Special Event Permit supersede the provisions of this Article within the boundaries of the Special Event. Purchases of alcohol within the boundaries of the Special Event can be taken outside of the Special Event into the boundary of the Social District in compliance with N.C.G.S. 18B-300.1(j)(1) through (3). A violation of this Section is a Class 3 misdemeanor punished by a fine of one hundred dollars (\$100.00) or imprisonment not exceeding thirty (30) days pursuant to N.C.G.S. 14.4 and N.C.G.S. 160A-175.

§ 116.07 SEVERABILITY.

- (A) If any section, phrase, sentence or portion of this ordinance is held void, invalid, unconstitutional or unenforceable for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof."

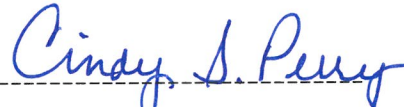
Adopted this 25th day of September 2023.

TOWN OF PITTSBORO

ATTEST



Carrie L. Bailey, Town Clerk



Cindy S. Perry, Mayor

Appendix A:

Downtown Pittsboro Social District Map

