

AN ORDINANCE AMENDING
THE CITY CODE
OF THE CITY OF EDEN

WHEREAS, the North Carolina General Assembly enacted legislation in 2021 and clarifying legislation in 2022 allowing municipalities to designate social districts within their jurisdiction to allow alcoholic beverages sold by licensed premises to be consumed within the district, outside of the establishment where the beverage was purchased; and

WHEREAS, the City of Eden, the downtown Leaksville Merchants Association and the Eden Downtown Development Inc., have worked together to propose a social district in the Leaksville commercial district; and

WHEREAS, the aforementioned community partners believe that a social district is a valuable tool to increase economic activity and the vibrancy of the Leaksville commercial district; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, that Chapter 13 of the Eden City Code is amended to add subsection C to § 13 -9 as follows:

§ 13-9 CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY.

It shall be unlawful for any person to consume alcoholic beverages on property owned or occupied by the City except as provided below:

C. Pursuant to a Social District created and regulated under the authority of NC GS § 160A-205.4, NC GS 18B- 300.1 and this Article of the City of Eden Code.

1. Purpose and Intent

(A) Pursuant to the provisions of NCGS §160A-205.4, et seq., one or more social districts may be created within the City and the City hereby creates and designates the following social district: The Leaksville Social District which is designated as shown on a map dated February 20, 2024; the map is available in the Office of the City Clerk, and signage and/or markings shall be posted clearly delineating the boundaries of the Social District. Notwithstanding the map dated February 20, 2024, all City of Eden publicly owned and operated parking areas will be excluded from the Leaksville Social District. These parking areas will be clearly designated on the map of the Social District and signage shall be posted.

(B) The Leaksville Social District shall be created, designated, and managed in accordance with the requirements contained in G.S. §160A-205.4 and Chapter 18B.

(C) Any person who violates this subchapter, and any person who aids, abets, encourages, assists in, or contributes to such violation, shall be guilty of a misdemeanor in accordance with existing and applicable laws set forth by the State of North Carolina and ordinances in the City of Eden.

2. Definitions. For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“CUSTOMER.” A person who purchases an alcoholic beverage from a permittee that is in or contiguous to a social district.

“NON-PERMITTEE BUSINESS.” A business that is located in or contiguous to a social district and does not hold any ABC permit.

“PERMITTEE.” A person holding any of the following ABC permits issued by the North Carolina Alcoholic Beverage Control Commission established under GS § 18B-200:

- i. An on-premises malt-beverage permit issued pursuant to GS § 18B-1001(1).
- ii. An on-premises unfortified wine permit issued pursuant to GS § 18B-1001(3).
- iii. An on-premises fortified wine permit issued pursuant to GS § 18B-1001(5).
- iv. A mixed beverages permit issued pursuant to GS § 18B-1001(10).
- v. A distillery permit issued pursuant to GS § 18B-1100(5).

“PERSON.” An individual, firm, partnership, association, corporation, Limited Liability Company, other organization or group, or other combination of individuals acting as a unit.

“PREMISES.” A fixed permanent establishment, including all areas inside or outside the permitted establishment, where the permittee has control through a lease, deed, or other legal process.

“SOCIAL DISTRICT.” A defined outdoor area in which a person may consume alcoholic beverages sold by a permittee. This term does not include the permittee’s licensed premises or an extended area allowed under N.C. G.S. 18B-904(h). A social district may include public streets, or crosswalks, whether or not the streets are closed to vehicle traffic.

3. Application.

(A) The provisions and terms contained in this subchapter shall be applicable between the hours of 12:00 pm and 8:00 pm Thursday-Saturday. At all other times, the provisions and terms contained in this subchapter 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 Leaksville Social District shall (i) only be consumed in The Leaksville Social District and (ii) be disposed of before the person in possession of the alcoholic beverage exits The Leaksville Social District unless the person is reentering the licensed premises where the alcoholic beverage was purchased. Notwithstanding the foregoing, a permittee or non-permittee business may allow a customer to possess and consume on the business's premises alcoholic beverages purchased from a any permittee in the social district. A violation of this section is a Class 3 misdemeanor.

4. Requirements for sale of alcoholic beverages.

A permittee located in or contiguous to The Leaksville Social District may sell alcoholic beverages for consumption within The Leaksville Social District in accordance with the following requirements:

(A) The permittee shall only sell and serve alcoholic beverages on its licensed premises.

(B) The permittee shall only sell alcoholic beverages for consumption in The Leaksville Social District in a container that meets the following requirements:

i. The container clearly identifies the permittee from which the alcoholic beverage was purchased.

ii. The container clearly displays a logo or some other mark that is unique to The Leaksville 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."

iv. The container shall not hold more than 16 fluid ounces.

(C) The permittee business may allow a person to possess and consume on its licensed premises alcoholic beverages sold by another permittee within or contiguous to the Social District if it designates and displays appropriate signage at its entrance points.

5. Requirements for possession and consumption of alcoholic beverages.

The possession and consumption of an alcoholic beverage in The Leaksville Social District is subject to all of the following requirements:

(A) Only alcoholic beverages purchased from a permittee located in or contiguous to The Leaksville Social District may be possessed and consumed.

(B) Alcoholic beverages shall only be in containers meeting the requirements set forth in PREVIOUS SECTION of this subchapter.

(C) Alcoholic beverages shall only be possessed and consumed during the days and hours set forth in APPLICATION SECTION of this subchapter.

(D) 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 GS §18B-1010.

(E) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting The Leaksville Social District unless the person is reentering the licensed premises where the alcoholic beverage was purchased. Notwithstanding the foregoing, a permittee or non-permittee business may allow a customer to possess and consume on the business's premises alcoholic beverages purchased from any permittee in the social district

(F) A violation of this section is a Class 3 misdemeanor.

6. Responsibilities of Non-Permittee Businesses.

A non-permittee business that is part of a social district and that allows customers to bring alcoholic beverages onto its premises shall not be responsible for enforcement of this Chapter. All non-permittee businesses that are part of a social district and that allow customers to bring alcoholic beverages onto their premises shall clearly post signage on any exits that do not open to the social district indicating that alcoholic beverages may not be taken past that point. During the days and hours when the social district is active, a non-permittee business that allows customers to bring alcoholic beverages onto its premises shall allow law enforcement officers access to the areas of the premises accessible by customers.

7. Exceptions. When a Parade or Special Event pursuant Article VII, Chapter 9 of the City of Eden Code is held anywhere within the boundaries of the Leaksville Social District and such event has been specifically authorized by the City of Eden, the regulations found within the Eden City Code § 13-9 (A) shall supersede the provisions of this section. During the city authorized Special Event or Parade, the provisions and terms contained in this Section § 13-9 (C) are not in effect, the Special Event Permit and the state and local laws concerning the possession and consumption of alcohol shall be in full force and effect.

8. Severability. If any section, phrase, sentence, or portion of this subchapter 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 remains portions thereof.

APPROVED, ADOPTED AND EFECTIVE, this 20 day of February 2024.

CITY OF EDEN

By: Neville Hall
Neville Hall Mayor

ATTEST:

Deanna Hunt

Deanna Hunt, City Clerk

