

§ 130.21 ALCOHOLIC BEVERAGES; SOCIAL DISTRICTS.

(A) **Definitions.** For the purpose of this section, the following definitions, regardless of capitalization, shall apply unless the context clearly indicates or requires a different meaning. To the extent any of the definitions are contrary to the provisions of G.S. Chapter 18B or Chapter 20, the definitions as found in G.S. Chapter 18B and Chapter 20 shall control.

ABC Commission. The North Carolina Alcoholic Beverage Control Commission established under G.S. 18B-200.

ABC permit or permits. Any written or printed authorization issued by the Commission pursuant to the provisions of G.S. Chapter 18B, other than a purchase-transportation permit. Unless the context clearly requires otherwise, as in the provisions concerning applications for permits, *ABC permit* or *permit* means a presently valid permit.

Alcohol consumable. Any manufactured and packaged ice cream, ice pop, gum-based, or gelatin-based food product containing at least 0.5% alcohol by volume.

Alcoholic beverage. Any beverage containing at least 0.5% alcohol by volume, including malt beverages, unfortified wine, fortified wine, and any alcohol consumable.

Chief of Police. The Chief of Police of the Edenton Police Department or designee.

Customer. A person who purchases an alcoholic beverage from a permittee that is in a social district.

Fortified wine. Any wine or alcohol consumable containing more than 16% and no more than 24% alcohol by volume, made by fermentation from grapes, fruits, berries, rice, or honey; or by the addition of pure cane, beet, or dextrose sugar; or by the addition of pure brandy from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine and produced in accordance with the regulations of the United States.

Intersection. The area embraced within the prolongation of the lateral curblines or, if none, then the lateral edge of roadway lines of two or more highways which join one another at any angle whether or not one such highway crosses the other. Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event that such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

Malt beverage. Beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage or alcohol consumable except unfortified or fortified wine as defined by G.S. Chapter 18B, containing at least 0.5%, and not more than 15%, alcohol by volume. Any malt beverage containing more than 6% alcohol by volume shall bear a label clearly indicating the alcohol content of the malt beverage.

Manual of Fees. The fee schedule approved and adopted by the Edenton Town Council which is periodically updated and lists sales and services provided by the Town of Edenton.

Non-permittee business. A business that is located in a social district and does not hold any ABC permit.

Open container. A container whose seal has been broken or a container other than the manufacturer's unopened original container.

Permittee. An establishment holding any of the following permits issued by the ABC Commission:

- (a) An on-premises malt beverage permit issued pursuant to G.S. 18B-1001(l).
- (b) An on-premises unfortified wine permit issued pursuant to G.S. 18B-1001(3).
- (c) An on-premises fortified wine permit issued pursuant to G.S. 1 SB-1001(5).
- (d) A mixed beverages permit issued pursuant to G.S. 18B-1001(10).
- (e) A wine shop permit issued pursuant to G.S. 18B-1001(16).
- (f) A distillery permit issued pursuant to G.S. 18B-1100(5).

Person. An individual, firm, partnership, association, corporation, limited liability company, other organization or group, or other combination of persons acting as a unit.

Police Department. The Edenton Police Department.

Police officers. Sworn law enforcement officers employed by the Edenton Police Department.

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

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 or contiguous to the defined area during the days and hours set by the local government by ordinance pursuant to G.S. 18B-300.1(d). A social district may include privately owned property, including permittees and non-permittee businesses, and multi-tenant establishments, as defined in G.S. 18B-1001.5, and public streets, crosswalks, or parking areas whether or not the streets or parking areas are closed to vehicle traffic.

Town. The Town of Edenton.

Unfortified wine. Any wine or alcohol consumable containing 16% or less alcohol by volume made by fermentation from grapes, fruits, berries, rice, or honey; or by the

addition of pure cane, beet, or dextrose sugar; or by the addition of pure brandy from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine and produced in accordance with the regulations of the United States.

(B) ***Possession of open container of unfortified wine or malt beverage prohibited.*** Unless otherwise allowed by State law or this section, it shall be unlawful for any person to possess an open container of unfortified wine or malt beverage upon either of the following:

- (1) A public street in the town by a person who is not an occupant of a motor vehicle.
- (2) Any property owned, occupied, or controlled by the town, including, but not limited to a sidewalk, alley, building, parcel, lot, park, or parking lot.

(C) ***Consumption of unfortified wine or malt beverage prohibited.*** Unless otherwise allowed by State law or this section, it shall be unlawful for any person to consume unfortified wine or a malt beverage upon either of the following:

- (1) A public street in the town by a person who is not an occupant of a motor vehicle.
- (2) Any property owned, occupied, or controlled by the town, including, but not limited to a sidewalk, alley, building, parcel, lot, park, or parking lot.

(D) ***Exceptions regarding alcoholic beverages.*** Notwithstanding any other provision of this section and as otherwise allowed by State law, upon obtaining all ABC permits as required by law; obtaining all town permits as may be required; paying all fees as may be required by the Fee Schedule, entering into any lease with the city as may be required; obtaining the written approval of the Town Manager and subject to any conditions identified by the Town Manager in the written approval; and complying with the Policy and Procedures for the Conditional Service, Sale, and Consumption of Alcoholic Beverages Upon Town Facilities, the sale, service, possession, and consumption of alcoholic beverages as provided by the ABC permit is allowed upon designated portions of:

- (1) Any other property owned, occupied, or controlled by the town, including but not limited to public streets, sidewalks, alleys, or parking lots which are temporarily closed to regular traffic for special events. Factors which the City Manager shall consider when permitting the sale, service, possession, or consumption of alcoholic beverages as may be allowed by State law and the ABC Commission at an event or series of events to be conducted at property owned, occupied, or controlled by the Town or public streets, sidewalks, alleys or parking lots which are temporarily closed to regular traffic for special events include but are not limited to:
 - (a) That an applicable ABC permit for the event has been issued by the ABC Commission.
 - (b) The town's previous experience with the event organizer and/or the event.
 - (c) That the location and time for the event is appropriate.

(d) That the event organizer's plans regarding control of sale, crowd control, cleanup, and other public safety and welfare matters are adequate.

(2) Social districts in accordance with this section.

(E) ***Social districts.***

(1) *Creation.* Pursuant to the provisions of G.S. 160A-205.4, G.S. 18B-300.1, and as otherwise allowed by state law, one or more social districts may be created within the town.

(2) *Management.* Town social districts shall be created, designated, and managed in accordance with the requirements contained in G.S. 160A-205.4, G.S. Chapter 18B, and this section.

(3) *Designated social districts.* The town hereby creates and designates the following social district(s):

(a) The Edenton Downtown Social District shall be designated as follows:

1. *Detailed map of the Edenton Downtown Social District.* A detailed map of the Edenton Downtown Social District with the boundaries of the social district clearly marked is attached to Ordinance § 130.21 as Exhibit A. The most current version of said map is available at Town Hall and on the town's website, is fully incorporated by reference herein, and shall be deemed to have the same force and effect as if attached and set forth in full herein.

2. *All sidewalks and crosswalks included.* All sidewalks, marked crosswalks, and unmarked crosswalks at intersections within the boundaries of the Edenton Downtown Social District are specifically included in the Downtown Social District.

3. *All streets and parking lots excluded.* All streets and parking lots within or abutting the boundaries of the Edenton Downtown Social District are specifically excluded from the Edenton Downtown Social District.

(4) *Social district days and hours.* Alcoholic beverages may be consumed by customers in accordance with the provisions of G.S. 18B-300.1 and this section in the Edenton Downtown Social District is Thursday and Friday from 5:00 p.m. to 9:00 p.m. and Saturday and Sunday 11 a.m. to 9:00 p.m.

(5) *Social district operation.* The operation of the Edenton Downtown Social District, including guidelines regarding the suspension of regular days and hours of alcohol consumption in all or part of a social district during events requiring other permits pursuant to G.S.

18B-300. 1(j) shall be established by and contained in the Edenton Downtown Social Districts Management and Maintenance Plan.

(6) *Suspension of the social district.* In addition to any other authority authorized by law, as may be required to protect the health and safety of the general public, the Town Manager or designee may suspend operations of any or all social districts.

(7) *Possession during special events.* § 130.38 of the town's Code of Ordinances, shall not apply to special events held in the social district, as long as a special event permit and other permits required by State Law have been issued to the organizer of the event.

(F) ***Penalties.*** A violation of this article is a misdemeanor and may also be enforced through the issuance of a civil penalty.