

**TOWN OF WEAVERVILLE ORDINANCE
CREATING AN EVENT-SPECIFIC SOCIAL DISTRICT**

WHEREAS, the Town has the legal authority under G.S. §§ 160A-205.4 and 18B-300.1 to adopt an ordinance designating one or more social districts within its municipal limits;

WHEREAS, the Town of Weaverville wishes to adopt a social district for the Weaverville Business Association’s Music on Main special event that is to be held on June 15, 2024, in which the possession and consumption of alcoholic beverages are allowed within a certain geographic area during the event, subject to applicable laws, rules and regulations;

NOW, THEREFORE, the Town Council of the Town of Weaverville, North Carolina, hereby adopts this temporary ordinance as follows:

1. **Effectiveness.** This ordinance shall only be effective during the Music on Main event which is from 3:30 pm to 9:00 pm on June 15, 2024. If the Music on Main event is postponed to another date and time, then the date on which this ordinance shall be effective shall automatically be changed to coincide with the new date of the event. If the Music on Main event is cancelled, then this ordinance shall be immediately repealed and of no force and effect.
2. **Definitions.** The following definitions shall apply:
 - a. *ABC Commission* – The North Carolina Alcoholic Beverage Control Commission established under G.S. § 18B-200.
 - b. *ABC permit(s)* – Any written or printed authorization issued by the ABC Commission pursuant to the provisions of Chapter 18B of the N.C General Statutes, 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.
 - c. *Alcoholic beverage* – Any beverage containing at least one half of one percent (0.5%) alcohol by volume, including beer or malt beverages, unfortified wine, fortified wine, spirituous liquor, mixed beverages, and any alcohol consumable.
 - d. *Alcohol consumable (or consumable alcohol)* – Any manufactured and packaged ice cream, ice-pop, gum-based or gelatin-based food product containing at least 0.5% alcohol by volume.
 - e. *Customer* – A person who purchases an alcoholic beverage from a permittee that is in a social district.
 - f. *Malt beverage (or beer)* – Beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage or alcohol consumable, except for fortified

and unfortified wine as defined by Chapter 18B of the N.C. General Statutes, containing at least 0.5% and not more than 15% alcohol by volume.

- g. Mixed beverage* – Either a drink composed in whole or in part of spirituous liquor and served in a quantity less than the quantity contained in a closed package or a premixed cocktail served from a closed package containing only one serving.
- h. Non-permittee business* – A business that is located in a social district and does not hold any ABC permit.
- i. Open container* – A container whose seal has been broken or a container other than the manufacturer’s unopened original container.
- j. Permittee* – An establishment holding any of the following permits issued by the ABC Commission:

 - i. An on-premises malt beverage permit issued pursuant to G.S. § 18B-1001(1);
 - ii. An on-premises unfortified wine permit issued pursuant to G.S. § 18B-1001(3);
 - iii. An on-premises fortified wine permit issued pursuant to G.S. § 18B-1001(5);
 - iv. A mixed beverages permit issued pursuant to G.S. § 18B-1001(10);
 - v. A wine shop permit issued pursuant to G.S. § 18B-1001(16);
 - vi. A special one-time permit issued pursuant to G.S. § 18B-1002.
- k. Person* – An individual, firm, partnership, association, corporation, limited liability company, other organization or group or other combination of persons acting as a unit.
- l. Police Department* – The Town of Weaverville Police Department
- m. Premises* – A fixed permanent establishment, including all areas inside or outside of the licensed premises, where the permittee has control through a lease, deed, or other legal instrument.
- n. 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 Town by ordinance pursuant to G.S. § 18B-300.1(d). A social district may include privately owned property, including permittees and non-permittee businesses, multi-tenant establishments, as defined in G.S. § 18B-1001.5, and public streets, sidewalks, crosswalks, and parking areas, whether or not the streets, sidewalks, or parking areas are closed to vehicle traffic.
- o. Spirituous liquor (or liquor)* – Distilled spirits or ethyl alcohol, and any alcohol consumable containing distilled spirits or ethyl alcohol, including spirits of wine, whiskey, rum, brandy, gin, and all other distilled spirits or mixtures of cordials, liqueur, and premixed cocktails, in closed-containers regardless of their dilution.

- p. *Town* – The Town of Weaverville
 - q. *Wine, fortified* – 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.
 - r. *Wine, unfortified* – Any wine or alcohol consumable containing 16% or less alcohol by volume that is 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.
3. **Boundaries and Map.** The boundaries of the social district shall be as shown on the designated map which is attached hereto as Exhibit A and which shows the restaurants, businesses, streets, sidewalks, dining areas, alleyways, and other areas that are part of the social district.
 4. **Management and Maintenance Plan.** The Management and Maintenance Plan which is attached hereto as Exhibit B is found to be in compliance with the requirements of this ordinance and applicable law and is hereby approved. The Town Clerk shall post the approved Management and Maintenance Plan on the Town’s website within 24 hours of the adoption of this ordinance and the Plan must remain readily available for public inspection from the date of ordinance adoption through the end of the event.
 5. **Sale of Alcoholic Beverages.** Permittees are allowed to sell alcoholic beverages pursuant to their ABC permit in the social district. Nothing in this ordinance shall alter the duties and responsibilities of any permittees to abide by North Carolina’s laws and regulations regarding the sale of alcoholic beverages. Permittees operating within or contiguous to the social district and participating in the social district may allow its customers to leave its premises with one alcoholic beverage purchased from the permittee as long as the alcoholic beverage is contained within an appropriate container as set out in the Management and Maintenance Plan and as described in section 6(b) of this ordinance.
 6. **Possession and Consumption of Alcoholic Beverages.** Notwithstanding any state or local law or ordinance prohibiting open containers, the possession and consumption of alcoholic beverages are allowed as follows:
 - a. Alcoholic beverages purchased from a permittee located within or contiguous to the social district may be possessed and consumed within the

designated social district (including within participating businesses located within the social district).

- b. Alcoholic beverages within the social district must be in containers meeting the requirements of G.S. § 18B-300.1(e), and the approved Management and Maintenance Plan, including the following:
 - i. The container must clearly identify the permittee from which the alcoholic beverage was purchased;
 - ii. The container must clearly display a logo or other mark that is unique to the social district in which it will be consumed;
 - iii. The container must not be made of glass;
 - iv. The container must display the following statement in no less than 12-point font – “Drink Responsibly – Be 21”;
 - v. The container may not hold more than 16 fluid ounces.
- c. Alcoholic beverages may only be possessed and consumed during the designated hours of the Music on Main event which is from 3:30 pm to 9:00 pm on June 15, 2024.
- d. Any person in possession of an alcoholic beverage within the social district must dispose of the alcoholic beverage before exiting the social district or entering or mounting a vehicle (including a bicycle or similar transportation device) located within the social district. Possession of an open container outside of the social district is a violation of G.S. §§ 18B-300 and/or 18B-301, which is punishable in criminal court as a misdemeanor.
- e. Alcoholic beverages that are purchased from a permittee within the social district for off-premises consumption (i.e. uncorked bottle of wine, etc.) are not allowed to be consumed within the social district.

7. **Alcoholic Beverages Not Purchased within the Social District Prohibited.** North Carolina law does not allow the possession or consumption of alcoholic beverages within the social district that are not purchased from a permittee located within the social district. Alcoholic beverages brought from home are not allowed within the social district.

8. **All Other Laws Remain in Effect.** All other laws regarding the possession and consumption of alcoholic beverages and the actions resulting from impaired judgment remain in effect including, but not limited to the following: driving while impaired; intoxicated and disruptive conduct, disorderly conduct; possession and consumption of alcoholic beverages by a minor, aiding and abetting underage possession and consumption of alcoholic beverages, indecent exposure, public urination; trespassing; vandalism, destruction of property, littering; sale, possession and/or use of illegal substances.

9. **Enforcement.** A violation of this ordinance is a misdemeanor or infraction as provided by G.S. §§ 14-4 and 160A-175. As an alternative or additional measure of enforcement, any law enforcement officer or authorized Town employee may issue a citation for a civil penalty for violation of this ordinance in accordance with the requirements of Town Code Section 1-6. This authority shall be in addition to any other authority and shall not preclude in any way any law enforcement officer from exercising any authority or carrying out the duties of a law enforcement officer, nor preclude the Town from any other available legal enforcement procedure. Enforcement of an unpaid citation may be by issuance of a criminal summons, by the filing of a complaint to collect the unpaid debt owed to the Town or by other means authorized by North Carolina law and/or Town Code.
10. **Non-Severability.** Should any provision of this ordinance be deemed illegal or unconstitutional, then the ordinance shall immediately terminate and cease to be effective.

ADOPTED THIS the 22nd day of April, 2024, with 7 voting in favor and 0 against.



PATRICK FITZSIMMONS, Mayor

ATTESTED BY:



TAMARA MERCER, Town Clerk

APPROVED AS TO FORM:



JENNIFER O. JACKSON, Town Attorney