

**An Ordinance Amending Chapter 15 of the Code of Ordinances for the Town of
Mooreville, North Carolina**

WHEREAS, Session Law 2021-150 was ratified on September 8, 2021 authorizing a city or town to adopt an ordinance designating a social district in accordance with G.S. 160A-205.4 and G.S. 18B-904.1; and

WHEREAS, Session Law 2021-150 allowed governing bodies of local government units to establish social districts and common areas where permittees may sell alcoholic beverages in designated cups to be taken into the common area for consumption; and

WHEREAS, the Town Board of Commissioners determined that the designation of a social district was in the best interest of the residents and businesses of the Town of Mooreville and the Town Board of Commissioners established a social district in accordance with G.S. 160A-205.4 and Chapter 18B; and

WHEREAS, on July 7, 2022, the General Assembly of North Carolina ratified Session Law 2022-49 that recodified and clarified the statutes governing social districts; and

WHEREAS, the Town Board of Commissioners desires to amend Section 15-134 of Article IV, Chapter 15 to clarify the ordinance to be consistent with the statutory changes that were adopted in Session Law 2022-49.

WHEREAS, the Town Board of Commissioners determines that it would be in the best interest of the residents of the Town of Mooreville to review this ordinance six months after the effective date hereof, and annually thereafter in the discretion of the Town Board to determine if any changes or modifications should be made to this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Mooreville:

SECTION 1. The Mooreville Code of Ordinances is hereby amended by repealing Section 15-134 of Article IV, Chapter 15 in its entirety, and replacing it as follows:

Sec. 15-134. – Possession or consumption of open containers of alcoholic beverages in social districts.

- (a) The Town of Mooreville hereby creates and designates the Mooreville Downtown Social District as shown on the attached map, which is incorporated herein by reference and is available for public inspection in the office of the Town Clerk. The Mooreville Downtown Social District includes both the indoor and outdoor areas of businesses within the defined area of the district.
- (b) The Mooreville Downtown Social District shall be created, designated, and managed in accordance with the requirements contained in G.S 160A-205.4 and Chapter 18B.
- (c) The following definitions apply to this section:

- (i) "Customer" means a person who purchases an alcoholic beverage from a permittee that is in a social district.
- (ii) "Non-permittee business" means a business that is located in a social district and does not hold any ABC permit.
- (iii) "Permittee" means an establishment 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 G.S. 18B- 1001(1).
 - (2) An on-premises unfortified wine permit issued pursuant to G.S. 18B-1001(3).
 - (3) An on-premises fortified wine permit issued pursuant to G.S. 18B- 1001(5).
 - (4) A mixed beverages permit issued pursuant to G.S. 18B-1001(10).
 - (5) A wine shop permit issued pursuant to G.S. 18B-1001(16).
 - (6) A distillery permit issued pursuant to G.S. 18B-1100(5).
- (iv) "Premises" means 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.
- (v) "Social district" means a defined area in which an individual may consume alcoholic beverages sold by a permittee.
- (d) The Mooresville Downtown Social District created by this section shall be managed in accordance with this section and with a management and maintenance plan adopted by the Town Board. The management and maintenance plan shall be readily available for public inspection in the office of the Town Clerk and shall be available on the Town's website.
- (e) The Mooresville Downtown Social District shall be in effect seven (7) days a week from the hours of 12:00 PM (noon) to 10:00 PM. At all other times, all state laws and local ordinances shall be in full force and effect with respect to possession and consumption of alcoholic beverages.
- (f) Any permittee in the Mooresville Downtown Social District that holds a valid ABC permit desiring to engage as a participant in the social district must apply for and obtain a Social District License from the Planning and Community Development Department of the Town. The permittee shall be responsible for operating its business in accordance with all Town ordinances and State laws, rules, regulations, and in accordance with the Town of Mooresville management and maintenance plan governing social district activities.
- (g) Requirements for Sale of Open Containers by Permittees.

- (i) A permittee located in the Mooresville Downtown Social District may sell open containers of alcoholic beverages and allow customers to exit its licensed premises for consumption within the Mooresville Downtown Social District 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 an open container of an alcoholic beverage for consumption in the social district and off the premises of the permittee in a container that meets all of the following requirements:
 - a) The container clearly identifies the permittee from which the alcoholic beverage was purchased.
 - b) The container clearly displays a logo or some other mark that is unique to the social district in which it will be consumed.
 - c) The container is not comprised of glass.
 - d) The container displays, in no less than 12-point font, the statement, "Drink Responsibly – Be 21."
 - e) The container shall not hold more than 16 fluid ounces.
- (h) Limitations on Open Containers of Alcoholic Beverages.
 - (i) The possession and consumption of an open container of an alcoholic beverage in the Mooresville Downtown Social District is subject to all of the following requirements:
 - (1) A customer may only possess and consume open containers of alcoholic beverages that were purchased from a permittee located in the social district.
 - (2) Customer-purchased open containers of alcoholic beverages in the social district shall only be in containers meeting the requirements set forth above in this Section, except for open containers sold by a permittee for consumption on the permittee's premises.
 - (3) A customer may only possess and consume open containers of alcoholic beverages in the social district between the hours of 12:00 PM (noon) and 10:00 PM.
 - (4) A customer shall not possess at one time open containers of alcoholic beverages in the social district in excess of the number of alcoholic beverages that may be sold and delivered by a retail permittee as set forth in G.S. 18B-1010.
 - (5) A customer shall dispose of any open container of an alcoholic beverage purchased from a permittee in the customer's possession prior to exiting the

social district unless the customer is reentering the licensed premises where the customer purchased the alcoholic beverage.

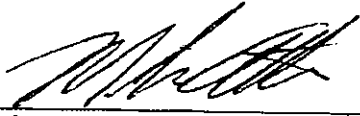
- (6) A permittee or non-permittee business may allow a customer to possess and consume on the business's premises alcoholic beverages purchased from a permittee in the social district.
 - (i) Non-permittee businesses that are in the social district may choose to participate in the social district by allowing patrons to possess and consume alcoholic beverages purchased and possessed in accordance with the requirements of this section. Nothing in this section shall be construed as requiring any business in a social district to participate in the social district by allowing alcoholic beverages to be possessed or consumed in the business. A permittee may be included in the social district even if it chooses to exclude open containers of alcoholic beverages purchased from other permittees in the social district. Businesses may place signs on their storefronts informing patrons of their participation or nonparticipation so long as the signs are otherwise in conformity with Town regulations.
 - (j) Requirements for participating Non-Permittee Businesses
 - (i) The Town of Mooresville will approve a uniform sign, sticker, or placard that participating non-permittee businesses shall display when the social district is active.
 - (ii) A non-permittee business that allows customers to bring an open container of an alcoholic beverage onto its premises shall clearly display the approved sign, sticker, or placard at all times when the social district is active. A customer may not bring an open container of an alcoholic beverage into a non-permittee business that does not display the approved sign, sticker, or placard.
 - (iii) A non-permittee business that allows customers to bring an open container of an alcoholic beverage onto its 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.
 - (iv) During the days and times when the social district is active, a non-permittee business that allows customers to bring an open container of an alcoholic beverage onto its premises shall allow law enforcement officers access to the areas of the premises accessible by customers.
 - (k) When a Special Event is held pursuant to the issuance of a Special Event Permit pursuant to Section 15-131 of this article, the following conditions shall apply:
 - (i) Subject to all rules and regulations of the NC ABC Commission and Chapter 18B, if any part of the Special Event is held on premises within the social district, patrons of the Special Event and patrons of the social district may both possess and consume alcoholic beverages within any area where the social district and the area of the Special Event overlap; provided however, that in any area where there is no overlap between the social district and the Special Event, the terms of the Special Event permit shall apply within the Special Event space such that no alcohol that is not obtained as part of the Special Event may enter that space nor

may alcohol obtained from a Special Event vendor be taken out of the Special Event area. Likewise, alcohol obtained from a social district permittee within the Special Event area may not be taken out of the social district and into the Special Event area that does not share overlapping area with the Social District. Appropriate signage and conspicuous markings shall be displayed during Special Events.

- (ii) Any vendor serving alcoholic beverages off-site at a Special Event who is also a permittee in the social district may not serve alcohol or any other substance in a social district container that is not purchased at their permitted on-site location pursuant to the social district ordinance and state law.
- (iii) If a Special Event is held in close proximity to the social district but does not share any overlapping area with the social district, then the terms of the Special Event Permit shall apply within the boundaries of the Special Event. Any alcohol purchased within the boundaries of the Special Event may not be taken outside of the Special Event, even if the alcohol is to be taken from the boundary of the Special Event into the boundary of the social district. Likewise, no alcohol purchased within the social district may be brought into the Special Event area.
- (l) The provisions of this section are severable. If any portion of this section is determined to be invalid, such invalidity shall not affect the other provisions or application of this section.
- (m) Violation of the provisions of this Section
 - (i) A violation of this Section is a Class 3 misdemeanor, punishable upon conviction by a fine of at least \$50 but no more than \$500.

SECTION 2. That this ordinance shall be effective upon the date of its adoption by the Town Board of Commissioners.

Approved this the 16th day of September, 2022.


Miles Atkins, Mayor

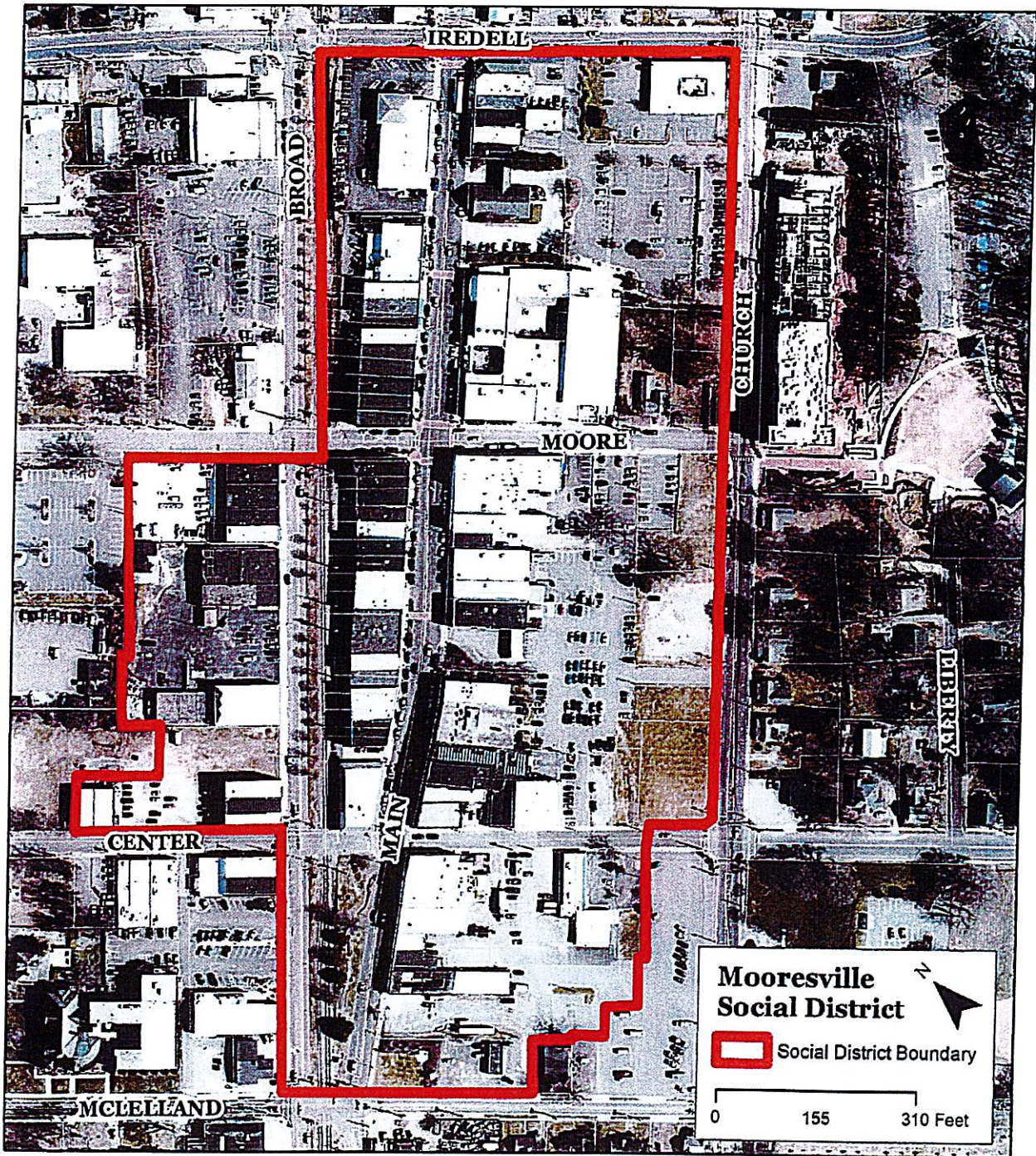
Attest: 
Genevieve Glaser, Town Clerk

Approved as to form: 
Sharon T. Crawford, Town Attorney




Mooresville Downtown Social District

DIM DISTRICT
where social happens **DOWNTOWN**
PLEASE ENJOY RESPONSIBLY





TOWN OF MOORESVILLE BOARD POLICY

Title: Mooresville Downtown Social District Management and Maintenance Plan	Staff Affected: All References: None
Approved By:  _____ Mayor	Approved: August 1, 2022 Effective: August 1, 2022 Rescinds: N/A Policy Index #: BP-ADM-019
Date Adopted By Town Board of Commissioners: August 1, 2022	

1.0 SUPPLEMENTS

None.

2.0 DEFINITIONS

None.

3.0 POLICY

See attached Management and Maintenance Plan.

4.0 ATTACHMENTS

Mooresville Downtown Social District Management and Maintenance Plan

TOWN OF MOORESVILLE

MOORESVILLE DOWNTOWN SOCIAL DISTRICT

MAINTENANCE AND OPERATIONS PLAN

Maintenance and Operations Plan

Introduction

On September 8, 2021, Session Law 2021-150 was ratified, allowing local governments to establish “Social Districts” within their jurisdictions. These Social Districts allow for common areas where licensed establishments (e.g., bars, breweries, restaurants) may sell alcoholic beverages in designated containers to be taken into the common area for consumption. The Town of Mooresville (the “Town”) has established such a Social District, designated “Mooresville Downtown Social District.”

In the plan that follows, the management and maintenance of the Mooresville Downtown Social District is outlined. The plan will be submitted to the North Carolina ABC Commission and placed on the Town of Mooresville website.

Management

The Mooresville Downtown Social District will be jointly managed by the Town of Mooresville Parks and Recreation Department, the Police Department, the Planning and Community Development Department, and the Public Works Department. The Mooresville Downtown Commission will be responsible for providing regular training to those participating businesses within and contiguous to the Social District on the rules, regulations, and requirements contained herein. A business is contiguous to the Social District if the property on which it is located touches the actual boundaries of the Social District, as shown on the attached map.

Potential Participating License Holders

Participating ABC permit holders within or contiguous to the Social District shall apply for a Social District License with the Town providing a consent to abide by the rules, regulations and requirements promulgated by the Town, the ABC Commission and ABC statutory requirements. As part of the application, the applicant shall provide a proof of the container meeting the requirements contained herein, in addition to other requirements.

District Boundaries

The Mooresville Downtown Social District map depicting the boundary of the Social District is provided within this plan.

Operations

The Mooresville Downtown Social District will operate 7 days week from 12:00 pm (noon) to 10:00 PM.

Social District Designation and Logo

The Mooresville Downtown Social District will utilize a modification of the Mooresville Downtown logo – an example is depicted below. Boundaries of the Social District will be clearly marked with signs affixed to prominent entrance/exit points.



Rules and Regulations for ABC Permit Holders

ABC permitted establishments must ensure they meet all legal requirements for carding and limiting consumption of alcoholic beverages.

Alcoholic beverages that are sold for consumption in the Social District may only be sold in a container that meets all the following requirements:

- (i) The container prominently displays the Social District permittee's trade name or logo and a mark that is unique to the Social District permittee under the District permittee's on-premises license.
- (ii) The container prominently displays a logo or some other mark that is unique to the Mooresville Downtown Social District as authorized by the Town.
- (iii) The container displays, in no less than 12 point font, the statement, "Drink Responsibly – Be 21."
- (iv) The container is not comprised of glass material.
- (v) The container has a liquid capacity that does not exceed 16 ounces.
- (vi) Containers will be provided by the permittee after approval of the Town.

The permittee shall not allow a person to enter or reenter its licensed premises with an alcoholic beverage not sold by the permittee.

General Rules and Regulations

- (i) All alcoholic beverages sold for consumption in the Social District must be purchased from establishments located in or contiguous to the Social District (in specially labeled cups) and must be consumed within the Social District.
- (ii) Upon leaving an establishment where an alcoholic beverage is purchased, the beverage must be consumed or discarded before entering a different business that serves alcohol.
- (iii) All alcohol in open containers must be disposed of before exiting the Social District or entering a vehicle.
- (iv) Businesses located in or contiguous to the Social District that do not serve alcohol may permit people to enter with an alcoholic beverage in an approved container. Businesses not wishing to participate in the Social District should install signage indicating "Alcoholic Beverages Prohibited."

Financing

The costs of establishing and managing the Mooresville Downtown Social District will be funded by the Town of Mooresville.

Security and Enforcement

Security and enforcement in the Social District will be provided by the Town of Mooresville Police Department.

Insurance

The Town of Mooresville is insured for its management and operation of the Social District.

Sanitation and Maintenance

The Town's Parks and Recreation Department and/or Public Works Department will provide sanitation services within the district including trash removal and litter pick up. Trash/recycling receptacles will be located at the boundaries of the Social District to encourage patrons to properly dispose of their used cups and unconsumed alcohol, as well as throughout the Social District as presently available throughout the downtown.

Marketing and Promotion

Marketing and promotion of the Social District will be provided by the Mooresville Downtown Commission and the Town of Mooresville in collaboration with ABC permitted establishments in or contiguous to the Social District.

