

ORDINANCE 2024-04

AN ORDINANCE ESTABLISHING THE TOWN OF NASHVILLE SOCIAL DISTRICT

WHEREAS, 160A-205.4 and Chapter 18B define social districts and authorizes local units of government to establish and maintain social districts with a duly adopted ordinance; and

WHEREAS, nothing herein supersedes or replaces any other state or federal law or relieves any participant from acts prohibited in NCGS 18B-300-309; and

WHEREAS, the Town Council of the Town of Nashville finds that the establishment of a social district pursuant to the authority set forth above and as amended will be specifically beneficial to the economic well-being of the area so designated and more generally beneficial to the Town of Nashville at large; and

WHEREAS, the Town Council of the Town of Nashville desires to establish and maintain a social district pursuant to the authority set forth above for the Town of Nashville Social District,

NOW, THEREFORE, Be It Ordained by the Town Council of the Town of Nashville, North Carolina as follows:

SECTION 1. New Section. That a new article, Article VI, titled “Social District”, is hereby created and added to Chapter 8 “Businesses and Business Regulations” of the Nashville Code of Ordinances which shall read as follows:

ARTICLE VI. SOCIAL DISTRICT

Sec. 8-200. – Purpose and Intent.

(a) Pursuant to the provisions of North Carolina General Statute 160A-205.4 and 18B-300.1, one or more social districts may be created within the Town, and the Town creates and designates the The Town of Nashville Social District as shown on the map dated October 2, 2023. The map is available in the Office of the Town Clerk and attached hereto as Exhibit A. Signage and/or markings shall be posted clearly delineating the boundaries of the Nashville Junction Social District.

(b) The Town of Nashville 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 Permittee, Non-Permittee or person who violates this Article, and any person who aids, abets, encourages, assists in, or contributes to such violation, shall be subject to one or a combination of the following methods:

1. Permit revocation, suspension, or permanent ban. Any Permittee, Non-permittee or Person who violates any provision of this article may be subject to its Social District Permit being revoked or suspended, or permanently banned from participating in The Town of Nashville Social Districts.

2. Any person who violates this ordinance, and any person who aids, abets, encourages, assists in, or contributes to such violation, shall be guilty of a misdemeanor punishable in accordance with N.C.G.S. 14-4.”

Sec. 8-201. Definitions.

(a) “Social District” means and refers to a defined area in which a person may consume alcoholic beverages sold by an ABC permittee. This term does not include the Permittee's licensed premises or an extended area allowed under North Carolina General Statute 18B-904(h).

(b) “Permittee” means and refers to a person holding any of the following ABC permits issued by the North Carolina Alcoholic Beverage Control Commission established under NCGS 8B-200:

- (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 distillery permit issued pursuant to G.S. 18B-1100(5).
- (6) A special one-time permit issued to a nonprofit organization pursuant to G.S. 18B-1002(a)(2)
- (7) A special one-time permit issued to a unit of local government, a nonprofit organization, or a political organization pursuant to G.S. 18B-1002(a)(5)

(c) "Non-Permittee" means and refers to a business that is located in a Social District and does not hold an ABC permit.

(d) "Person" means and refers to an individual, firm, partnership, association, corporation, limited liability company, other organization or group, or other combination of individuals acting as a unit.

(e) "Customer" means and refers to a Person who purchases an alcoholic beverage from an ABC Permittee that is in a Social District.

(f) "Premises" means and refers to 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.

(g) "Waiver" means and refers to businesses in the Social District both Permittee and Non-Permittee who do not want to participate in the Social District.

Sec. 8-202. Application.

(a) The provisions and terms contained in this Article shall be applicable between the hours of 11:00 AM and 10:00 PM, Monday through Saturday and between the hours of 12:00 PM and 8:00 PM 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 Town of Nashville Social District shall (i) only be consumed in the The Town of Nashville Social District and (ii) be disposed of before the person in possession of the alcoholic beverage exits the The Town of Nashville Social District.

Sec. 8-203. Requirements for Sale of Alcoholic Beverages.

A Permittee located in the The Town of Nashville Social District may sell alcoholic beverages for consumption within The Town of Nashville Social District and allow Customers to exit its Premises to the 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 Town of Nashville Social District in a container that meets all of the following requirements:
 - (1) The container clearly identifies the permittee from which the alcoholic beverage was purchased.
 - (2) The container clearly displays a logo or some other mark that is unique to The Town of Nashville Social District.
 - (3) The container is not made of glass.
 - (4) The container displays, in no less than 12-point font, the statement, "Drink Responsibly - Be 21."
 - (5) The container shall not hold more than 16 fluid ounces.

Sec 8-204. Non-Permittee Business Located within the Social District

(a) The Town shall create and provide to participating Non-Permittee business, a uniform sign that indicates the Non-permittee business is participating in the Social District.

1. The participating Non-Permittee business shall display the uniform sign in the front window at all times during the times when the Social District is active. A Customer may not bring an alcoholic beverage into a Non-Permittee business that does not display the uniform sign.

2. No Non-Permittee business shall be required to participate or be included in a Social District or to allow Customers to bring alcohol onto its Premises.

(b) 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 Premise., accessible by Customers.

Sec. 8-205. Waiver of Participation

Businesses in the Social District, both Permittees and Non-Permittees, who do not want to participate (allow Customers to bring alcohol on its Premises or will not serve alcohol for Social District purposes) shall sign a waiver and file it with the Town. The "Not Permitted Here" sign will be provided by the Town to be displayed by the Business.

Sec 8-206. Requirements for Possession and Consumption of Alcoholic Beverages.

The possession and consumption of an alcoholic beverage in the Nashville Junction Social District is subject to all of the following requirements in addition to such other requirements as the Town Council, City Manager, or his designee, may impose that are

consistent with the requirements of G.S. Ch. 18B, Art. 9 (18B-900 et seq.):

- (a) Only alcoholic beverages purchased from a Permittee located in Nashville Junction Social District may be possessed and consumed.
- (b) Alcoholic beverages shall only be in containers meeting the requirements set forth in Sec. 8-203 "Requirements for Sale" of this Article.
- (c) Alcoholic beverages shall only be possessed and consumed during the days and hours set forth in Sec. 8-202 "Application" of this Article.
- (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 NCGS 18B-1010.
- (e) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the Nashville Junction Social District.

Sec. 8-207. Severability.


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.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in effect from and after its final passage, and approval as required by law.

PASSED, APPROVED, and ADOPTED this 4th day of June 2024.

Attest:


Louise Bennett, Town Clerk


Brenda Brown, Mayor



Nashville Junction Social District Boundaries October 2, 2023

