

ORDINANCE NO. ___-22

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILSON
CREATING THE CITY OF WILSON SOCIAL DISTRICT**

WHEREAS, House Bill 890 (HB 890), ratified on September 8, 2021, amended Chapter 160A of the North Carolina General Statutes to add §160A-205.4 authorizing cities to adopt an ordinance designating a social district and Chapter 18B to add §18B-904.1 as to the maintenance and regulation of said social district; and

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

WHEREAS, the City Council of the City of Wilson desires to create and manage the City of Wilson Social District as allowed by NCGS §18B-904.1.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON THAT:

SECTION 1: Chapter 4 of the City Code of the City of Wilson is amended and rewritten to read as follows:

ARTICLE I. – IN GENERAL

Sec. 4-1. - Adoption of state law.

All the provisions of G.S. Ch. 18B, relating to the licensing and sale of spirituous liquor, malt beverages, wine and other beverages as defined therein which may be enforced by and on behalf of the city are hereby adopted and made applicable to the city. The license taxes therein imposed shall be collected by the city tax collector and the regulations therein imposed shall be enforced by the proper officers of the city as they may be authorized by such statute and by this section.

Sec. 4-2. - Prohibited on city property and public vehicular areas.

It shall be unlawful for any person to consume any alcoholic beverages as defined by G.S. 18B-101 on any property owned and controlled or controlled by the city or upon any public vehicular area; provided that this section shall not apply to the premises of those establishments that have an "on premises" ABC permit as prescribed under G.S. Ch. 18B, Art. 9 (18B-900 et seq.).

Sec. 4-3. - Consumption and possession of malt beverages and unfortified wine.

(a) *Definitions.* In addition to the common meanings of words, the following definitions shall be applicable herein:

Malt beverage shall mean beer, lager, malt liquor, ale, porter and any other brewed or fermented beverage or alcohol consumable containing at least one-half of one percent (0.5%), and not more than six percent (6%) alcohol by volume.

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

Public street shall mean any highway, road, street, avenue, boulevard, alley, bridge or other way within and/or under the control of the city and open to public use, including the sidewalks of any such street.

Unfortified wine shall mean wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet or dextrose sugar, and that has an alcoholic content of not more than sixteen percent (16%) alcohol by volume.

(b) *Consumption on the public streets and on municipal property prohibited.* It shall be unlawful for any person who is not an occupant of a motor vehicle to consume malt beverages and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to consume malt beverages and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied or controlled by the city including, but not limited to, public buildings and the ground appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, tennis courts and other athletic fields.

(c) *Possession of open containers on the public streets and on municipal property prohibited.* It shall be unlawful for any person who is not an occupant of a motor vehicle to possess any open container of malt beverage and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to possess any open container of malt beverage and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied or controlled by the city including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, tennis courts and other athletic fields.

(d) *Possession and consumption during special events prohibited.* It shall be unlawful for any person to possess any open container of malt beverage and/or unfortified wine or to consume malt beverages and/or unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events unless the governing body adopts a resolution making other provisions for the possession or consumption of malt beverages and/or unfortified wine at the special event.

(e) *Exemptions.* Upon obtaining the appropriate alcoholic beverages permits as required by law, possession and consumption of malt beverages and/or unfortified wine shall be permitted within a building or premises owned or controlled by the city, or public street if (i) permitted by chapters 19, 27, or 34 of the City Code of the city, (ii) permission of the city council is first obtained, or (iii) permitted by Article II of this Chapter.

(f) *Penalty.* Violation of this section shall constitute a misdemeanor punishable in accordance with G.S. 14-4.

Sec. 4-4. - Hours of alcohol sales.

Pursuant to the authority contained in G.S. 160A-205.3, entitled "Hours of certain alcohol sales", the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages is allowed within the corporate limits of the city beginning at 10:00 a.m. on Sunday pursuant to the licensed premises' permit issued under the authority of G.S. 18B-1001.

ARTICLE II. – SOCIAL DISTRICTS

Sec. 4-5. – Purpose and Intent.

(a) Pursuant to the provisions of North Carolina General Statute 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: Downtown Social District which is designated as shown on a map dated June 1, 2022; the map is available in the Office of the City Clerk, and attached hereto as Exhibit A. Signage and/or markings shall be posted clearly delineating the boundaries of the Social District.

(b) The Downtown 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 person who violates this Article, and any person who aids, abets, encourages, assists in, or contributes to such violation, shall be guilty of a misdemeanor punishable in accordance with G.S. 14-4.

Sec. 4-6. – Definitions.

(a) "Social district" means and refers to a defined outdoor area in which a citizen may consume alcoholic beverages sold by a 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 N.C.G.S. § 8B-200.:

- 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 distillery permit issued pursuant to G.S. 18B-1100(5).

(c) "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.

(d) "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.

Sec. 4-7. – Application.

(a) The provisions and terms contained in this Article shall be applicable between the hours of 11:00 a.m. and 11:00 p.m., Monday through 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 Downtown Social District shall (i) only be consumed in the Downtown Social District and (ii) be disposed of before the person in possession of the alcoholic beverage exits the Downtown Social District. A violation of this Section is a misdemeanor.

Sec. 4-8. – Requirements for Sale of Alcoholic Beverages.

A permittee located in or contiguous to the Downtown Social District may sell alcoholic beverages for consumption within the Downtown Social District it is located in or contiguous to

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

Sec. 4-9. – Requirements for Possession and Consumption of Alcoholic Beverages.

The possession and consumption of an alcoholic beverage in the Downtown Social District is subject to all of the following requirements, in addition to such other requirements as the 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 or contiguous to the Downtown Social District may be possessed and consumed.
- (b) Alcoholic beverages shall only be in containers meeting the requirements set forth in Sec. 4-8 “Requirements for Sale” of this Article.
- (c) Alcoholic beverages shall only be possessed and consumed during the days and hours set forth in Sec. 4-7 “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 N.C.G.S. § 18B-1010.
- (e) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the Downtown Social District.

Sec. 4-10. – 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. This Article shall become effective July 1, 2022.

SECTION 3. That all ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

DULY ADOPTED this 16th day of June, 2022.

CITY OF WILSON

Carlton Stevens, Jr., Mayor

ATTEST: _____
Tonya D. West, City Clerk
(Municipal Seal)