

ORDINANCE NUMBER 7 ORD 3-24

CITY COUNCIL OF THE CITY OF ASHEBORO, NORTH CAROLINA

ZOO CITY SOCIAL DISTRICT MODIFICATIONS

WHEREAS, effective May 15, 2022, the Zoo City Social District was created by the Asheboro City Council; and

WHEREAS, Governor Cooper signed into law, on July 7, 2022, Session Law 2022-49 (House Bill 211) that contained clarifications to the original social district legislation; and

WHEREAS, effective February 1, 2023, the city council adjusted the boundary lines of the Zoo City Social District and clarified the city ordinance provisions applicable to the social district; and

WHEREAS, the city council has received a request from certain stakeholders in Asheboro’s central business district to expand the geographic scope of the Zoo City Social District; and

WHEREAS, after deliberation, the city council has decided to act on this request to expand the boundaries of the Zoo City Social District.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Asheboro as stated in the next three sections of this Ordinance.

Section 1. Section 118.05 of the Code of Asheboro is hereby rewritten to provide as follows:

§ 118.05 Zoo City Social District

(A) The Zoo City Social District is hereby created and is designated as shown on a map dated ~~February 1, 2023~~ **March 14, 2024**, and titled “Boundaries of the Zoo City Social District.” The referenced map is available in the office of the city clerk. Signage and markings shall be posted in public rights-of-way in order to clearly delineate the boundaries of the social district established herein.

(B) Within this section, the following words and terms shall be defined as stated in this subsection.

(1) *Social district* means and refers to 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 of the social district during the days and hours set by this section of the Code of Asheboro. 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.

- (2) *Permittee* means and refers to a person holding any of the following ABC permits issued by the North Carolina Alcoholic Beverage Control Commission:
 - (a) An on-premises malt beverage permit issued pursuant to G.S. § 18B-1001(1);
 - (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. § 18B-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); and
 - (f) A distillery permit issued pursuant to G.S. § 18B-1100(5).
- (3) *Non-permittee business* means and refers to a business that is located in a social district and does not hold any ABC permit.
- (4) *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.
- (5) *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.
- (C) Pursuant to G.S. § 160A-205.4, the city council has designated the Zoo City Social District for use in accordance with G.S. § 18B-300.1.
- (D) Any person who violates this section, and any person who aids, abets, encourages, assists in, or contributes to a violation of this section shall be guilty

of a Class 3 misdemeanor punishable as provided in G.S. § 14-4, with a maximum fine of no more than \$500.00.

- (E) The days and hours during which alcoholic beverages may be consumed in the Zoo City Social District are Thursday, Friday, and Saturday between the hours of 11:00 a.m. and 11:00 p.m. on each of the listed days. At all other times, the provisions and terms contained in this section are not in effect, and all provisions of state and local laws concerning the possession and consumption of alcoholic beverages shall be in full force and effect.
- (F) Any alcoholic beverage purchased for consumption in the Zoo City Social District shall only be consumed in the Zoo City Social District, and, unless the person is reentering the licensed premises where the alcoholic beverage was purchased, the beverage shall be disposed of before the person in possession of the alcoholic beverage exits the Zoo City Social District.
- (G) A permittee located in or contiguous to the Zoo City Social District may sell open containers of alcoholic beverages and allow customers to exit the permittee's licensed premises to the 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 Zoo City Social District;
 - (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;" and
 - (e) The container shall not hold more than sixteen (16) fluid ounces.
 - (3) The permittee shall not allow a person to enter or reenter its licensed premises with an alcoholic beverage not sold by the permittee.

- (H) The possession and consumption of an open container of an alcoholic beverage in the Zoo City Social District is subject to all of the following requirements.
- (1) Only open containers of alcoholic beverages purchased from a permittee located in or contiguous to the Zoo City Social District may be possessed and consumed.
 - (2) Alcoholic beverages shall only be in containers meeting the requirements set forth in subsection (G)(2), except for open containers sold by a permittee for consumption on the permittee's premises.
 - (3) Alcoholic beverages shall only be possessed and consumed during the days and hours set forth in subsection (E).
 - (4) Nothing in this section shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in G.S. § 18B-1010.
 - (5) It shall be unlawful for a person to enter the premises of a non-permittee business in the social district with an open container of an alcoholic beverage unless the non-permittee business is displaying uniform signage indicating that the non-permittee business is included in the social district and allows alcoholic beverages on its premises when the social district is active. All non-permittee businesses that are part of a social district and that allow customers to bring alcoholic beverages onto their 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.
 - (6) No non-permittee business is required to either participate in the social district or to allow customers to bring alcoholic beverages onto the premises.
 - (7) A person shall dispose of any open container of an alcoholic beverage in the person's possession prior to exiting the Zoo City Social District unless the person is reentering the licensed premises where the alcoholic beverage was purchased.
- (I) The city manager, or the manager's designee, shall cause the posting of signage in conspicuous locations to indicate the area included in the Zoo City Social District, the days and hours during which authorized open containers of alcoholic beverages may be possessed and consumed in the social district, the telephone numbers for the city police department and the ALE Division with jurisdiction over the area comprising the social district, and a clear statement

that an alcoholic beverage purchased from a permittee for consumption in the social district shall (i) only be consumed in the social district and (ii) be disposed of before the person in possession of the alcoholic beverage exits the social district.

- (J) The city manager, or the manager's designee, shall establish a management and maintenance plan for the Zoo City Social District. The social district shall be maintained in a manner that protects the health and safety of the general public. The management and maintenance plan shall be posted on the city's website along with a rendering of the boundaries of the Zoo City Social District and the days and hours during which open containers of alcoholic beverages may be possessed. Without limitation, the management and maintenance plan for the Zoo City Social District shall include the development of uniform signage, along with devising an operational plan for distributing the approved signage, indicating that a non-permittee business is included in the social district and allows alcoholic beverages on its premises when the social district is active. In developing and implementing the management and maintenance plan, the city manager, or the city manager's designee, is authorized to utilize the services of Downtown Asheboro Inc, a North Carolina non-profit corporation, to evaluate potential modifications of the management and maintenance plan. Notwithstanding any other provision in this section, the final approval authority for the Zoo City Social District Management and Maintenance Plan shall be exercised by the city council.
- (K) Notwithstanding any other provision in this section, when a special event is held within the boundaries of the Zoo City Social District and the special event has been specifically authorized by the city council, the terms found within the council's legislative enactment authorizing the special event shall supersede the provisions of this section. In addition to events in the Bicentennial Park and Sunset Theatre facilities governed by the City of Asheboro Cultural and Recreation Services Policy Manual, the city council authorization for a special event may take the form of a public street, sidewalk, alley, and/or parking lot closure.
- (L) If any subsection, clause, phrase, sentence, or portion of this section of the Code of Asheboro is held void, invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, the portion of this Ordinance held to be invalid shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions of the Ordinance.

Section 2. The city manager, or the manager's designee, is hereby directed to submit, along with any state-mandated forms and the days and hours during which the social district will be in operation, a detailed map of the Zoo City Social District,

as modified by this Ordinance, to the North Carolina Alcoholic Beverage Control Commission.

Section 3. All previously adopted ordinances and clauses of ordinances in conflict with this Ordinance are hereby repealed.

Section 4. This Ordinance shall be in full force and effect upon and after the 14th day of March, 2024.

This Ordinance, which was first introduced in accordance with Section 160A-75 of the North Carolina General Statutes on February 8, 2024, received final approval from the Asheboro City Council in open session during a regular meeting on March 7, 2024.

/s/ David H. Smith
David H. Smith, Mayor

ATTEST:

/s/ Holly H. Doerr
Holly H. Doerr, CMC, NCCMC, City Clerk