

**AN ORDINANCE TO ENACT CHAPTER 70, ARTICLE VI OF THE
THOMASVILLE CODE OF ORDINANCES: SOCIAL DISTRICT**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THOMASVILLE:

Chapter 70, Article VI of the Thomasville Code of Ordinances is hereby enacted to read as follows:

SECTION 1: ARTICLE VI - SOCIAL DISTRICT

Sec. 70-160. – 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 Thomasville Social District which is designated as shown on a map dated May 16, 2022; the map is available in the Office of the City Clerk, and signage and/or markings shall be posted clearly delineating the boundaries of the Social District.
- (b) The Thomasville 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 with a fine of \$25.00.

Sec. 70-161. – 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 North Carolina General Statute 18B-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. 70-162. – Application.

- (a) The provisions and terms contained in this Article shall be applicable between the hours of 11:00 a.m. and 10 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 Thomasville Social District shall (i) only be consumed in the Thomasville Social District and (ii) be disposed of before the person in possession of the alcoholic beverage exits the establishment's outdoor area unless the person is reentering the licensed premises where the alcoholic beverage was purchased. A violation of this Section is a Class 3 misdemeanor.

Sec. 70-163. – Requirements for Sale of Alcoholic Beverages.

A permittee located in or contiguous to the Thomasville Social District may sell alcoholic beverages for consumption within the Thomasville Social District it is located in or contiguous to in accordance with the following requirements as required by NCGS 18B-904.1(d)

- (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 Thomasville 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 Thomasville Social District.
 - (3) The container is not comprised 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. 70-164. – Requirements for Possession and Consumption of Alcoholic Beverages. - The possession and consumption of an alcoholic beverage in the Thomasville Social District is subject to all of the following requirements:

- (a) Only alcoholic beverages purchased from a permittee located in or contiguous to the Thomasville Social District may be possessed and consumed.
- (b) Alcoholic beverages shall only be in containers meeting the requirements set forth in Section 70-163 of this Article.
- (c) Alcoholic beverages shall only be possessed and consumed during the days and hours set forth in Section 70-162 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 North Carolina General Statute 18B-1010.
- (e) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the establishment unless the person is reentering the licensed premises where the alcoholic beverage was purchased.
- (f) A violation of this Section is a Class 3 misdemeanor and shall be subject to a fine of \$25.00.

Sec. 70-165. – Exceptions.

When a Special Event is held pursuant to the issuance of a Special Event Permit the terms of the Special Event Permit supersede the provisions of this Article 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. A violation of this Section is a Class 3 misdemeanor.

Sec. 70-166. – 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 90 days from the date of adoption.

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

Upon the motion of Council Member Hunt, and a second by Council Member Williams, the foregoing ordinance was passed upon its first reading by a vote of 6 – 1.

Date of Adoption: May 16, 2022.

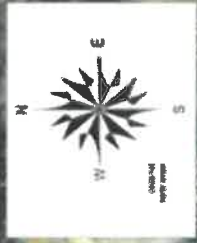
CITY OF THOMASVILLE

By: Raleigh York, Jr.
Raleigh York, Jr., Mayor

Attest: Wendy S. Martin
Wendy S. Martin, City Clerk



**THOMASVILLE DOWNTOWN SOCIAL DISTRICT
MAY 16, 2022**



City of Thomasville