

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CLAYTON
CREATING THE DOWNTOWN SOCIAL DISTRICT**

WHEREAS, §160A-205.4 authorizes cities to adopt an ordinance designating a social district and §18B-300.1 sets out the maintenance and regulation of said social district; and

WHEREAS, the Town Council of the Town of Clayton 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 at large; and

WHEREAS, the Town Council of the Town of Clayton desires to create and manage the Town of Clayton Downtown Social District as allowed by NCGS §18B-300.1.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Clayton, North Carolina:

SECTION 1: Chapter 116 of the Code of Ordinances of the Town Clayton is amended to add a new section 116.02 to read as follows:

Chapter 116.02: SOCIAL DISTRICTS

Section A. 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 Town and the Town hereby creates and designates the following social district: Downtown Social District which is designated as shown on a map dated _____ ; the map is available in the Office of the Town Clerk, and attached hereto. 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 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.

Section B. 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 18B-200:
- 1) An on-premises malt beverage permit issued pursuant to G.S. 18B 1001(1).
 - 2) Anon-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 beverage 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).
 - 7) A special one-time permit issued to a nonprofit organization pursuant to G.S. 18B-1002(a)(2).
 - 8) 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) "Person" means and refers to the individual, firm, partnership, association, corporation, limited liability company, other organization or group, or 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.

Section C. Application

- a) The provisions and terms contained in this ordinance shall be applicable between the hours of 10:00 a.m. and 10:00 p.m., Monday through Saturday and between the hours of 12:00 p.m. and 10:00 p.m. on 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 beverages exits the Downtown Social District. A violation of this section is a misdemeanor punishable in accordance with N.C.G.S. 14-4.

Section D. Requirements for the Sale of Alcoholic Beverages

- a) A permittee located in or contiguous to the Downtown Social District may sell alcoholic beverages for consumption within the Downtown Social District in which it is located in or contiguous to accordance with the following requirements:
- 1) The permittee shall only sell alcoholic beverages on its licensed premises.
 - 2) The permittee shall only sell alcoholic beverages for consumption in the Downtown Social District 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 Downtown Social District.

- c) The container is not made 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.
- f) The container shall note the date and time of sale.

Section E. Requirements for the Possession and Consumption of Alcoholic Beverages.

- a) The possession and consumption of an alcoholic beverage in the Downtown Social District is subject to all of the following requirements:
 - 1) Only alcoholic beverages purchased from a permittee located in or contiguous to the Downtown Social District may be possessed or consumed.
 - 2) Alcoholic beverages shall only be in containers meeting the requirements set forth in the "Requirements for Sale" section of this ordinance.
 - 3) Alcoholic Beverages shall only be possessed and consumed during the days and hours set forth in the "Application" section of this ordinance.
 - 4) Nothing in this subdivision shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitations set forth in N.C.G.S. 18B-1010.
 - 5) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the Downtown Social District.
- b) Permittees have discretion as to whether to permit alcoholic beverages purchased from a different permittee into their establishment.

Section F. Exceptions.

When an allowed event is held pursuant to the issuance of a Special Event Permit as provided by Town of Clayton Code of Ordinance Section 130.02, the terms and conditions of the Special Event Permit shall control within the boundaries of the Special Event. A violation of this Section is a Class 3 misdemeanor punishable in accordance with days N.C.G.S. 14.4 and N.C.G.S. 160A-175.

SECTION 2: Severability

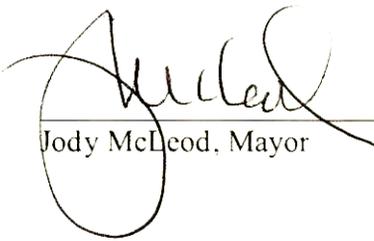
If any section, phrase, sentence, or portion of this ordinance is held void, invalid, unconstitutional, or unenforceable for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.

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

This Ordinance shall be effective as of July 11, 2024.

DULY ADOPTED the 6th day of May, 2024.

TOWN OF CLAYTON


Jody McLeod, Mayor

ATTEST:

Heidi L. Holland
Heidi L. Holland, Town Clerk

