

**AN ORDINANCE TO EXTEND
THE LAKE NORMAN SOCIAL DISTRICT**

WHEREAS, the North Carolina General Statute 160A-205.4 allows governing bodies of local government units to establish Social Districts and common areas where Permittees may sell alcoholic beverages in designated cups to be taken into the common area for consumption; and

WHEREAS, the Town of Cornelius established the Lake Norman Social District, by ordinance 2022-00782; and

WHEREAS, The Town of Cornelius extended the Lake Norman Social District by Ordinance No. 2022-787 and Ordinance No. 2022-804 (Ordinance No. 2022-00782, Ordinance No. 2022-787, and Ordinance No. 2022-804 will be referred to hereinafter collectively as the “Social District Ordinances”); and

WHEREAS, in July of 2022 the state amended North Carolina General Statutes 18B-300.1 related to the Authorization and Regulation of Social Districts; and

WHEREAS, the Town Board wishes to 1) amend the Town’s Social District Ordinances to ensure compliance with updated General Statutes and 2) extend the Lake Norman Social District as shown on the map attached hereto as Exhibit A; and

WHEREAS, the Town Board finds that updating the Town’s Social District Ordinances to ensure compliance with Chapter 18B of the General Statutes and expanding the Lake Norman Social District is in the best interests of the citizens and businesses of the Town of Cornelius.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Cornelius as follows:

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.

Creation of the Lake Norman Social District

In accordance with G.S. 160A-205.4 et seq., the Town hereby creates and designates the Lake Norman Social District as shown on Exhibit A.

- (a) The Lake Norman Social District shall be created, designated, and managed in accordance with the requirements contained in North Carolina General Statute 160A-205.4, Chapter 18B, and this Ordinance.
- (b) 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.

Definitions

- (a) “Customer” means a person who purchases an alcoholic beverage from an ABC Permittee in the designated social district.

- (b) "Social District" means and refers to a defined outdoor area in which a customer 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).
- (c) "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.:
 - (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).
- (b) "Non-permittee business" means 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) "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.

Application

- (a) The provisions and terms contained in this Ordinance shall be applicable to the Lake Norman Social District illustrated in Exhibit A between the hours of 12:00 PM and 10:00 PM, daily.
- (b) Any alcoholic beverage purchased for consumption in a 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 unless the person is reentering the licensed premises where the alcoholic beverage was purchased. A violation of this Section is a Class 3 misdemeanor.

Requirements for Participation in a Social District

Any permittee or non-permittee business located in or contiguous to a Social District desiring to engage as a Social District participant, must apply for and obtain a Social District Permit from the Town. The establishment shall be responsible to operate its business in accordance with all Town and State ordinances, laws, rules, regulations and operations plan governing Social District activities.

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

In accordance with G.S. 18B-300.1(f)(6), a permittee or non-permittee business may allow a customer to possess and consume on the business' premises alcoholic beverages purchased from a permittee in the Social District.

Non-permittee Business Located within the Social District

- (a) The Town shall create and provide to participating non-permittee businesses a uniform sign that indicates the non-permittee business is participating in the Social District.
 - a. The participating non-permittee business shall display the uniform sign 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.
 - b. 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) 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 town-approved signage on any exits that do not open to the Social District indicating that alcoholic beverages may not be taken past that point.
- (c) 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 premises accessible by customers.

Requirements for Possession and Consumption of Alcoholic Beverages

The possession and consumption of an alcoholic beverage in a Social District is subject to all of the following requirements:

- (a) Only alcoholic beverages purchased from a permittee located in or contiguous to the Social District may be possessed and consumed.
- (b) Alcoholic beverages shall only be in containers meeting the requirements set forth above.
- (c) Alcoholic beverages may only be possessed and consumed in the Social District during the days and hours set by the Town of Cornelius.
- (d) Nothing in this Ordinance 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 Social District unless the person is reentering the permittee or non-permittee premises where the alcoholic beverages are allowed.

Penalty

A violation of this Ordinance is a Class 3 misdemeanor.

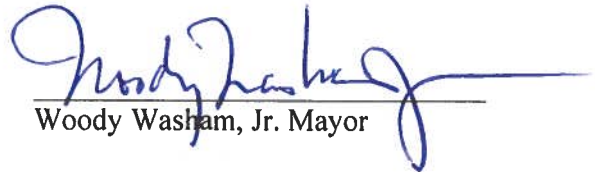
Severability

If any action, 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.

This ordinance shall become effective on June 5, 2023. Upon such date, this ordinance shall supersede, repeal, and replace the Social District Ordinances as amended and adopted on December 19, 2022;

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

Adopted this 5th day of June, 2023.




Woody Washam, Jr. Mayor

ATTEST:



Lori A. Harrell, Town Clerk

APPROVED AS TO FORM:



Van War
Town Attorney

Exhibit A
Lake Norman Social District Boundary

