

TOWN OF WAYNESVILLE ORDINANCE CREATING A PERMANENT SOCIAL DISTRICT

WHEREAS, the Town of Waynesville has the legal authority under G.S. §§ 160A-205.4 and 18B-300.1 to adopt an ordinance designating one or more social districts within its municipal limits; and

WHEREAS, the Town Council finds that establishing a Social District will promote economic vitality in the downtown area while allowing for the regulated possession and consumption of alcoholic beverages; and

WHEREAS, the Town Council desires to establish a permanent social district subject to all applicable state and local laws;

NOW, THEREFORE, the Town Council of the Town of Waynesville, North Carolina, hereby ordains as follows:

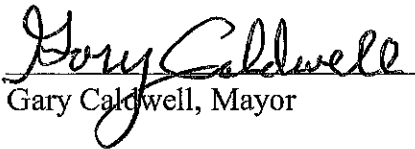
1. **Establishment.** A Social District is hereby established within the municipal limits of the Town of Waynesville (the "Downtown Social District").
2. **Definitions.** The following definitions shall apply:
 - a. *ABC Commission* – The North Carolina Alcoholic Beverage Control Commission established under G.S. § 18B-200.
 - b. *ABC permit(s)* – Any written or printed authorization issued by the ABC Commission pursuant to the provisions of Chapter 18B of the N.C General Statutes, other than a purchase-transportation permit. Unless the context clearly requires otherwise, as in the provisions concerning applications for permits, "ABC permit" or "permit" means a presently valid permit.
 - c. *Alcoholic beverage* – Any beverage containing at least one half of one percent (0.5%) alcohol by volume, including beer or malt beverages, unfortified wine, fortified wine, spirituous liquor, mixed beverages, and any alcohol consumable.
 - d. *Alcohol consumable (or consumable alcohol)* – Any manufactured and packaged ice cream, ice-pop, gum-based or gelatin-based food product containing at least 0.5% alcohol by volume.
 - e. *Customer* – A person who purchases an alcoholic beverage from a permittee that is in a social district.
 - f. *Malt beverage (or beer)* – Beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage or alcohol consumable, except for fortified and unfortified wine as defined by Chapter 18B of the N.C. General Statutes, containing at least 0.5% and not more than 15% alcohol by volume.
 - g. *Mixed beverage* – Either a drink composed in whole or in part of spirituous liquor and served in a quantity less than the quantity contained in a closed package or a premixed cocktail served from a closed package containing only one serving.
 - h. *Non-permittee business* – A business that is located in a social district and does not hold any ABC permit.
 - i. *Open container* – A container whose seal has been broken or a container other than the manufacturer's unopened original container.
 - j. *Permittee* – An establishment holding any of the following permits issued by the ABC Commission:
 - 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 wine shop permit issued pursuant to G.S. § 18B-1001(16);
 - vi. A special one-time permit issued pursuant to G.S. § 18B-1002.
- k. *Person* – An individual, firm, partnership, association, corporation, limited liability company, other organization or group or other combination of persons acting as a unit.
 - l. *Police Department* – The Town of Waynesville Police Department.
 - m. *Premises* – A fixed permanent establishment, including all areas inside or outside of the licensed premises, where the permittee has control through a lease, deed, or other legal instrument.
 - n. *Social district* – 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 during the days and hours set by the Town by ordinance pursuant to G.S. § 18B-300.1(d). A social district may include privately owned property, including permittees and non-permittee businesses, multi-tenant establishments, as defined in G.S. § 18B-1001.5, and public streets, sidewalks, crosswalks, and parking areas, whether or not the streets, sidewalks, or parking areas are closed to vehicle traffic.
 - o. *Spirituuous liquor (or liquor)* – Distilled spirits or ethyl alcohol, and any alcohol consumable containing distilled spirits or ethyl alcohol, including spirits of wine, whiskey, rum, brandy, gin, and all other distilled spirits or mixtures of cordials, liqueur, and premixed cocktails, in closed-containers regardless of their dilution.
 - p. *Town* – The Town of Waynesville
 - q. *Wine, fortified* – Any wine or alcohol consumable containing more than 16% and no more than 24% alcohol by volume, made by fermentation from grapes, fruits, berries, rice or honey; or by the addition of pure cane, beet or dextrose sugar; or by the addition of pure brandy from the same type of grape, fruit, berry, rice or honey that is contained in the base wine and produced in accordance with the regulations of the United States.
 - r. *Wine, unfortified* – Any wine or alcohol consumable containing 16% or less alcohol by volume that is made by fermentation from grapes, fruits, berries, rice or honey; or by the addition of pure cane, beet or dextrose sugar; or by the addition of pure brandy from the same type of grape, fruit, berry, rice or honey that is contained in the base wine and produced in accordance with the regulations of the United States.
3. **Boundaries and Map.** The boundaries of the Social District shall be as shown on the official Social District map adopted concurrently with this ordinance and maintained by the Town Clerk.
 4. **Days and Hours of Operation.** Alcoholic beverages may be possessed and consumed within the Social District during the following hours: Thursday through Saturday from 10:00 a.m. until 9:00 p.m., unless otherwise restricted by state law.
 5. **Management and Maintenance Plan.** The Management and Maintenance Plan adopted by the Town Council for the Social District is hereby approved and incorporated by reference. The Plan shall remain on file with the Town Clerk and posted on the Town's website.
 6. **Sale of Alcoholic Beverages.** Permittees located within the Social District may sell alcoholic beverages pursuant to their valid ABC permits. Nothing herein relieves any permittee of their obligations under Chapter 18B of the North Carolina General Statutes or associated administrative rules.
 7. **Possession and Consumption.** Notwithstanding any ordinance prohibiting open containers, alcoholic beverages purchased from a permittee within the Social District may be possessed and consumed within the Social District only in approved containers that comply with G.S. § 18B-300.1 and the Management and Maintenance Plan.

8. **Prohibited Conduct.** Alcoholic beverages not purchased from a permittee located within the Social District are prohibited. All alcoholic beverages must be disposed of prior to exiting the Social District or entering a vehicle.
9. **Enforcement.** A violation of this ordinance shall constitute a misdemeanor or infraction as provided by G.S. §§ 14-4 and 160A-175 and may also be enforced through civil penalties as authorized by the Town Code.
10. **Severability.** Should any provision of this ordinance be held illegal or invalid, such holding shall not affect the remaining provisions.

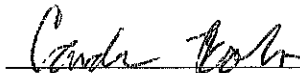
Effective Date. This ordinance shall become effective upon adoption.

ADOPTED THIS the 23rd day of JUNE, 2026.



Gary Caldwell, Mayor

ATTEST:



Candace Poolton, Town Clerk

EXHIBIT A

Waynesville Social District Management and Maintenance Plan

RULES OVERVIEW

Alcoholic beverages may be possessed and consumed within the Social District during the following dates and times: Thursday through Saturday from 10:00 a.m. until 9:00 p.m. No outside alcohol is permitted within the district. All alcoholic beverages must be purchased from permitted establishments located within the Social District, served in specially labeled cups, and consumed within the district. Only one Social District beverage per person can be served at a time. An establishment may allow patrons to enter their premises with an alcoholic beverage purchased at a different permitted establishment within the Social District. Any alcoholic beverage must be consumed or discarded before exiting the Social District or entering a vehicle.

MANAGEMENT AND RESPONSIBILITIES

The Social District will be managed and maintained by the Town of Waynesville with support from the Participating Merchants and the Waynesville Social District Committee made up of the participating ABC Permittees (hereafter referred to as the Committee). Specific responsibilities are outlined herein.

DISTRICT BOUNDARIES

Boundaries of the Social District will be clearly marked with signs mounted on existing poles at all entrance/exit points.

Downtown Waynesville Social District

 Social District Boundary



CORSAIR CT
P1 DR

MAXIMA LN

WELCH ST

1345 ST

S MAIN ST

WELLS EVENTS WAY

WALL ST

N MAIN ST

MONTGOMERY ST

N HAYWOOD ST

LUMBER LN

BRANNER AVE

MILLER ST

CHURCH ST

DEPOT ST

SUNETA PARK DR

BOUNDARY S

RICHLAND ST

Downtown Waynesville Social District

 Social District Boundary

FARGO LN

WATER

COMMERCE ST

SMATHERS ST

DELLWOOD CITY RD

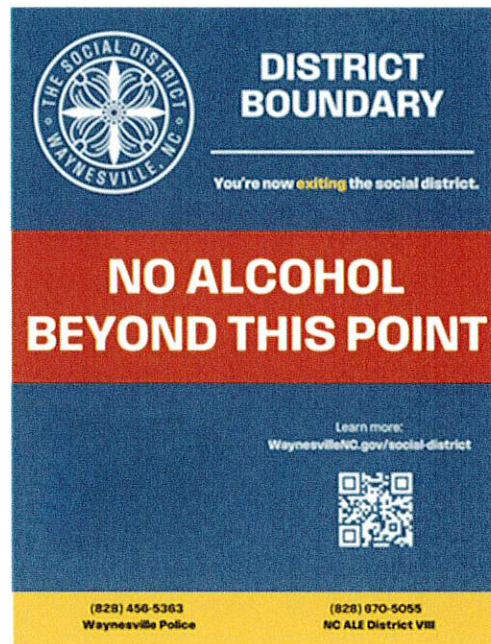
1101 LN

CHESTNUT PARK DR

MILL ST

NORRIS ST

Boundary Sign:



DAYS AND HOURS OF OPERATION

The Waynesville Social District will operate Thursday through Saturday from 10:00 a.m. until 9:00 p.m., unless otherwise restricted by state law. At all other times, open containers of alcohol cannot leave the premises of the ABC-permitted business where it was purchased.

Proposed Signage Map:



GENERAL RULES

- Only alcoholic beverages purchased from a participating business with an ABC permit may be consumed in the Social District. **No outside alcohol allowed.**
- Alcoholic beverages may not be brought into a business that does not display the Social District Window Sign (see below).
- Any alcoholic beverage purchased for consumption in the Social District must also be in a specifically labeled cup (see below).
- **All open container alcoholic beverages must be disposed of prior to exiting the Social District boundaries or entering a vehicle (including a bicycle).**

- Businesses can choose to be included in the Social District or they can opt out. No business is required to participate or to allow customers to bring alcohol onto its premises.
- The sale and delivery of alcohol in a social district is subject to no more than two malt beverage or wine drinks at one time to a single person and one mixed beverage or spirituous liquor drink at one time to one person.
- Retail beverages ("closed containers") can be purchased inside the Social District boundary, but they cannot be consumed inside the Social District boundary. They must stay closed and leave closed.

PARTICIPATING BUSINESSES WITH AN ABC PERMIT

In order to participate, ABC-permitted establishments must be located within or have an entrance adjacent and contiguous to the Social District boundary and complete a Social District Registration Form provided by the Committee (located on the last page of this Plan). Participants also agree to provide representation in the Waynesville Social District Committee which will be responsible for regular inspection and repair/replacement of District signage. A small fee will be collected occasionally to cover the purchase and replacement costs of signage as needed.

Registration allows the Town of Waynesville to ensure that those businesses selling alcoholic beverages within the Social District are aware of and in compliance with the requirements of this Plan. As part of the registration process, the business owner must provide written acknowledgment to abide by the rules, regulations, and requirements of this Plan.

CUPS

Alcoholic drinks that are sold for consumption in the Social District must be in containers that meet all of the following requirements:

1. The container clearly identifies the ABC permittee from which the alcoholic beverage was purchased.
2. The container clearly displays the Social District Logo.
3. The container displays, in no less than 12-point font, the statement, "Drink Responsibly- Be 21."
4. The container is not made of glass.
5. The container cannot hold more than 16 fluid ounces.

The Downtown Waynesville Commission will provide Social District logo stickers for the participating permittees to purchase. Individual permittees will provide their own cups and apply the Waynesville Social District logo stickers. The Cups will fulfill requirements 2-5. The participating establishments will

provide and affix their own stickers meeting requirement 1. Pre-printed cups bearing the Social District logo and other logos may be utilized by any permittee as long as the cups meet the requirements above.

The Cups will look approximately like this:

Social District Cups



PARTICIPATING BUSINESSES WITHOUT AN ABC PERMIT

Businesses without an ABC permit may participate in the Social District by allowing alcoholic beverages purchased and possessed in accordance with this Plan to be consumed inside their businesses.

Participating businesses that are not selling alcoholic beverages are not required to register with the Town. The Committee will provide information to participating businesses to ensure that the businesses understand their obligations under this Plan and the Social District Ordinance.

Participating businesses are required to post a Window Sign (see below) in a conspicuous place indicating their participation to the public. The Committee will provide the Window Signs to participants.

During the days and hours when the social district is active, participating businesses must allow law enforcement officers access to all areas of the premises accessible by customers.

NON-PARTICIPATING BUSINESSES

Nothing in this Plan or shall be construed as requiring any business, regardless of whether or not it holds a valid ABC permit, to participate in the Social District.

Non-participating businesses are encouraged to still post an appropriate Window Sign indicating their nonparticipation to the public. The Committee will provide the Window Signs to participants that do not have the signs utilized in previous temporary social districts.

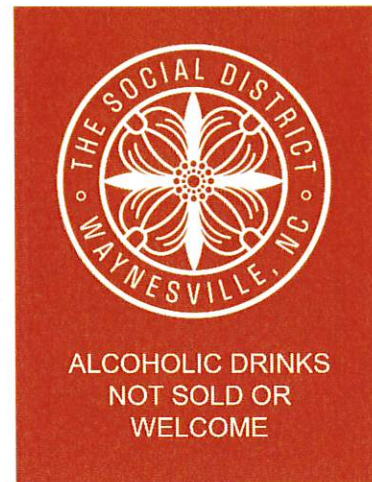
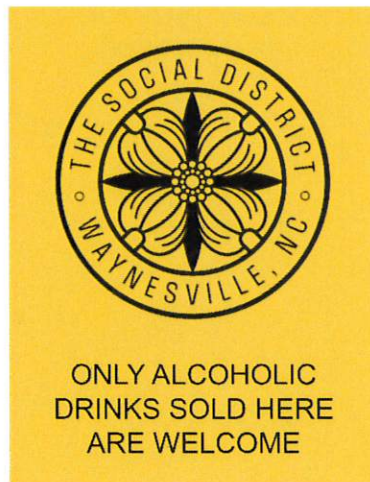
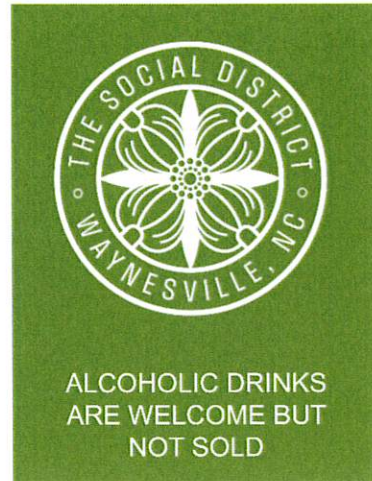
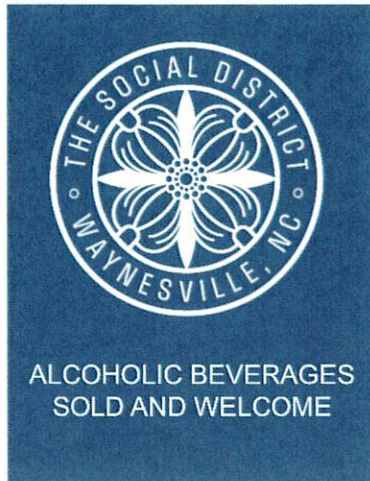
DISTRICT LOGO

The Waynesville Social District will use the logo below.



WINDOW SIGNS

The uniform signage below must be displayed in businesses participating in the Social District to inform visitors that they are allowed to bring alcoholic beverages inside. The Committee will provide the Window Signs to participants that do not have the signs previously provided by the TDA.



If a participating business has an exit that opens outside the Social District boundary, the business must post "No Alcohol Beyond This Point" or similar sign at the exit.

ENFORCEMENT

Town of Waynesville Police will enforce the requirements of the Social District. The Town of Waynesville reserves the right to prohibit a permit holder from participating in the district due to violations of this Plan.

ABC permit holders accept liability for patrons they serve the same as they do now and will enforce the same rules and regulations as they currently do.

To report potential violations, please call the Waynesville Police Department at 828-456-5363 or the NC Alcohol Law Enforcement Division 828-670-5055.

Waynesville Social District

Registration Application for ABC Permit Holder Participation

Date: _____

Business Name: _____

Contact Name: _____

Phone Number: _____

Email Address: _____

By signing this acknowledgement, I agree to the terms outlined in the Management and Maintenance Plan. I have read and understand the guidelines and procedures for the Waynesville Social District. The Town of Waynesville reserves the right to prohibit or pause participation in the Social District at any time.

Signature: _____ Date: _____

Name: _____