

**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:

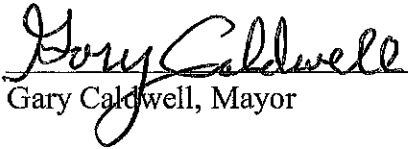
1. **Establishment.** A Social District is hereby established within the municipal limits of the Town of Waynesville (the "Downtown Social District").
2. **Definitions.** The following definitions shall apply:
  - a. *ABC Commission* – The North Carolina Alcoholic Beverage Control Commission established 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.

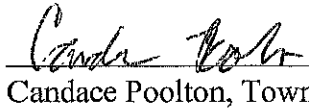
8. **Prohibited Conduct.** Alcoholic beverages not purchased from a permittee located within the Social District are prohibited. All alcoholic beverages must be disposed of prior to exiting the Social District or entering a vehicle.
9. **Enforcement.** A violation of this ordinance shall constitute a 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 23<sup>rd</sup> day of JUNE, 2026.

  
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Gary Caldwell, Mayor

ATTEST:

  
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Candace Poolton, Town Clerk