

DAVIDSON SOCIAL DISTRICT
OPERATIONS AND MAINTENANCE PLAN

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Operations and Maintenance Plan

Introduction

Pursuant to NCGS §§ 160A – 205.4 local governments may establish “Social Districts” within their jurisdictions. These Social Districts allow state licensed establishments (“Permittees”) within the Social Districts (e.g., bars, breweries, restaurants) to sell alcoholic beverages in designated containers to be taken into the Social District common areas for consumption. It also allows Non-permittee businesses within a Social District to participate in the Social District. The Town of Davidson (the “Town”) has established two such Social Districts, designated as the “Davidson/Main Street Social District” and “Davidson/Circles Social District” (the “Social Districts”), pursuant to Davidson Town Ordinance 2023-xxx.

In the plan that follows, the operations and maintenance of the Davidson Social Districts are outlined. The plan will be submitted to the North Carolina ABC Commission and placed on the Town of Davidson website.

Definitions

- (a) “Social District(s)” means and refers to a defined area in which a person 21 years or older 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. A Social District may include privately owned property, including Permittees and Non-permittee businesses, and multi-tenant establishments, as defined in G.S. 18B-1001.5, and public streets, crosswalks, or parking areas whether or not the streets or parking areas are closed to vehicle traffic.
- (b) “Permittee” means and refers to a person holding any of the following 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).
 - (6) A wine shop permit issued pursuant to G.S. 18B-1001(16).
- (c) “Non-permittee business” means and refers to 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) “Customer” means and refers to a person who purchases an alcoholic beverage from an ABC Permittee that is in a Social District.
- (f) "Premises" means and refers to a fixed permanent establishment, including all areas inside

or outside the establishment, where the business has control through a lease, deed, or other legal process.

- (g) “Waiver” means and refers to businesses in the Social District both permittee and Non-permittee who do not want to participate in the Social District.

Permits

ABC permit holders in the Social District(s) shall apply for a Social District Permit from the Town providing, among other things, consent to abide by rules, regulations and requirements promulgated by the Town, the ABC Commission and ABC statutory requirements as may be amended, updated or adopted from time to time. The Town shall create and provide to participating Permittee businesses a uniform sign that indicates the Permittee business is participating in the Social District. The participating Permittee shall display the uniform sign in the front window at all times during the time when the Social District is active.

Non-permittee Businesses

- (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 in the front window 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. The non-participating Non-permittee businesses shall apply for a Waiver from the Town and display a Town-provided uniform sign of non-participation.
- (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 uniform 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.

Waiver

Businesses in the Social District, both Permittees and Non-permittees, who do not want to participate (allow Customers to bring alcohol on its Premises or will not serve alcohol for Social District purposes) shall sign a waiver and file it with the Town. The “Not Permitted Here” sign will be provided by the Town to be displayed by the Business.

Management

The Town has a limited role in managing the Social Districts. The Davidson Social District permit process and signage will be managed and retained by the Davidson Economic Development Department. The Davidson Police Department will provide security and enforcement of the Social Districts. The Town of Davidson Public Works Department will provide sanitation services within the Social Districts, including trash removal and recycling pick-up. Recycling receptacles will be located at the boundaries of the Social Districts to encourage Customers to dispose of their used cups properly.

Social District Boundaries

Refer to Exhibit B for a map of the Social Districts boundaries.

Operations

The Social Districts will operate 7 days week, 11:00 AM-10:00 PM Monday to Sunday.

District Designation and Logo

The Social District participating businesses must utilize a logo created by the Town – an illustration is depicted below. Boundaries of the Social District will be clearly marked by the Town with signs affixed to all entrance/exit points.



Beverage Containers and Rules of Use

A Permittee located in the Social District may sell open containers of alcoholic beverages for consumption within the Social District and allow Customers to exit its Premises to the Social District in accordance with the following requirements:

- (a) Only alcoholic beverages purchased from a Permittee located in the Social District may be possessed and consumed in the Social District.
- (b) Nothing in this plan shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in N.C.G. S. 18B-1010.

- (c) A Customer shall not possess at one time open containers of alcoholic beverages in the Social District in excess of the number of alcoholic beverages that may be sold and delivered by a retail Permittee as set forth in N.C.G.S. 18B-1010.
- (d) A Permittee may, but is not required to, allow Customers to possess and consume on the Permittee's Premises alcoholic beverages purchased from another Permittee in the Social District.
- (e) The Permittee shall only sell open containers of alcoholic beverages for consumption in the Social District and off the Permittee's Premises 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 the Town-approved Social District logo that is unique to the Davidson Social District.
 - (3) The container is comprised of a recyclable material other than 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.
 - (6) Containers will be provided by the Permittee.

Financing

The Social Districts will be funded by the Town for signage, logo development, education and enforcement. All other costs including containers will be funded by Permittees.

Security and Enforcement

Enforcement in the Social Districts will be provided by the Davidson Police Department. To the greatest extent possible, Permittees will ensure compliance with the requirements of this Plan in regard to safety and Customer compliance by reporting violations to the Town of Davidson Police Department.

Insurance

As part of the required Social District permit, participating establishments shall secure business liability insurance naming the Town as an additional insured in limits and coverages determined appropriate by the Town from time to time and shall be submitted to Town with application.

Sanitation and Maintenance

The Town will provide sanitation services within the Social Districts including trash removal and recycling pick-up but not on Permittee and Non-permittee Premises. Trash/recycling receptacles will be located at the boundaries of the Social District to encourage Customers to properly dispose of their used cups, as well as throughout the Social District but not on Permittee and Non-permittee Premises.

Amendment

This plan may be amended at any time by the Town at its discretion.

The plan and ordinance and all matters whether sounding in contract or tort relating to the validity, construction or interpretation and enforcement of the plan shall be governed by the laws of the State of North Carolina with proper venue in a court of competent jurisdiction in Mecklenburg County.

Exhibit A

[Ordinance](#)

Exhibit B

Davidson Social District/Main Street



Davidson Social District/Circles

