

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 50 OF THE CONCORD
CODE OF ORDINANCES

WHEREAS, the City Council of the City of Concord, North Carolina, has adopted a Code of Ordinances; and

WHEREAS, the City Council of the City of Concord is authorized from time to time to amend the Concord Code of Ordinances of the City of Concord; and

WHEREAS, the City Council of the City of Concord recognizes the need to amend the Concord Code of Ordinances of the City of Concord and hereby adopts the following changes to the Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord, North Carolina, after due consideration and in the best interests of its citizens and property of Concord, that:

Section 1. That Chapter 50, **Article X Social Districts**, of the Concord Code of Ordinances be hereby added.

Section 2. That Article X Chapter 50, **Section 50-307 – Purpose and intent**, of the Concord Code of Ordinances be hereby added and stated as follows:

(a) Pursuant to the provisions of G.S. § 160A-205.4, et seq, one or more social districts may be created within the city and the city hereby creates and designates the following social district:

(1) Downtown Concord Social District which is designated as shown on a map dated February 8, 2024; the map is available in the office of the city clerk, and signage and/or markings shall be posted clearly delineating the boundaries of the social district.

(b) The Downtown Concord Social District shall be created, designated, and managed in accordance with the requirements contained in G.S. § 160A-205.4 and Chapter 18B.

(c) Any person who violates this article, and any person who aids, abets, encourages, assists in, or contributes to such violation, shall be guilty of a misdemeanor.

Section 3. That Article X Chapter 50, **Section 50-308 – Definitions**, of the Concord Code of Ordinances be hereby added and stated as follows:

Non-permittee means and refers to a person holding no ABC permits issued by the North Carolina Alcoholic Beverage Control Commission.

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 G.S. § 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).

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.

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.

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 G.S. § 18B-904(h).

Section 4. That Article X Chapter 50, **Section 50-309 – Application**, of the Concord Code of Ordinances be hereby added and stated as follows:

(a) The provisions and terms contained in this article shall be applicable between the hours of 11:00 a.m. and 10:00 p.m., Monday through 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 a social district shall (i) only be consumed in that social district and (ii) be disposed of before the person in possession of the alcoholic beverage exits that 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.

Section 5. That Article X Chapter 50, **Section 50-310 – Requirements for sale of alcoholic beverages**, of the Concord Code of Ordinances be hereby added and stated as follows:

A permittee located in or contiguous to a social district may sell alcoholic beverages for consumption within that social district in which it is located in or contiguous to in accordance with the following requirements:

- (1) The permittee shall only sell and serve alcoholic beverages on its licensed premises.
- (2) The permittee shall only sell alcoholic beverages for consumption in the social district in which it is located 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 social district in which it is sold.
 - 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 sixteen (16) fluid ounces.
- (3) The permittee shall not allow a person to enter or reenter its licensed premises with an alcoholic beverage not sold by the permittee.

Section 6. That Article X Chapter 50, **Section 50-311 – Requirements for possession and consumption of alcoholic beverages**, of the Concord Code of Ordinances be hereby added and stated as follows:

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

- (1) Only alcoholic beverages purchased from a permittee located in or contiguous to the social district may be possessed and consumed in that social district.
- (2) Alcoholic beverages shall only be in containers meeting the requirements set forth in this article.
- (3) Alcoholic beverages shall only be possessed and consumed during the days and hours set forth in this article.
- (4) Nothing in this subdivision shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in G.S. § 18B-1010.

(5) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the social district in which the beverage was purchased unless the person is reentering the licensed premises where the alcoholic beverage was purchased.

(6) A participating non-permittee business is required to always display the uniform sign during the times when the social district is active as to whether the business allows for patrons to enter their business with alcohol.

(7) All permittee and non-permittee businesses that are part of a social district and allow customers to bring alcoholic beverages onto their premises are required to clearly post signage on any exits that do not open to the social district indicating that alcoholic beverages may not be taken past that point.

(8) During the days and hours when the social district is in effect as set forth in this Article, a non-permittee business that allows customers to bring alcoholic beverages onto its premises is required to allow law enforcement officers access to the areas of the premises accessible by customers.

(9) A violation of this section is a class 3 misdemeanor.

Section 6. That Article X Chapter 50, **Section 50-312 – Public Assembly**, of the Concord Code of Ordinances be hereby added and stated as follows:

When a public assembly (as that term is used in article VIII of this chapter) is held pursuant to the issuance of an assembly permit (as that term is used in article VIII of this Chapter) the terms of the assembly permit supersede the provisions of this article within the boundaries of the special event. Any alcohol purchased within the boundaries of the public assembly may be taken outside of the public assembly, as long as the alcohol is to be taken from the boundary of the public assembly into the boundary of a social district. Any alcohol purchased from a permittee may be taken into a public assembly, as long as the alcohol is to be taken from the boundary of the social district into the boundary of a public assembly.

Section 7. That Article X Chapter 50, **Section 50-313 – Severability**, of the Concord Code of Ordinances be hereby added and stated as follows:

If any section, phrase, sentence, or portion of this article 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 8. This Ordinance shall be effective on the 1st day of August, 2024.

Adopted this the 9th day of February, 2024.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA

/s/ William C. Dusch, Mayor

ATTEST: /s/ Kim J. Deason, City Clerk

/s/ VaLerie Kolczynski, City Attorney

