



Downtown Salisbury Social District
Management and Maintenance Plan
City of Salisbury, 2022

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Introduction

North Carolina Session Law 2021-150 allows local governments to establish “Social Districts” within their jurisdictions. Social Districts are designated areas within a local government’s jurisdiction where businesses holding a valid permit issued by the North Carolina Alcoholic Beverage Control Commission (ABC) (*e.g.*, bars, breweries, restaurants) may sell alcoholic beverages in designated containers to be consumed within the Social District.

The City of Salisbury enacted Article VII of Chapter 22 of the Code of Ordinances for the City of Salisbury (the “Social District Ordinance”) to create the “Downtown Salisbury Social District.” The Social District Ordinance is attached to this Plan and incorporated as Appendix A. This Management and Maintenance Plan (the “Plan”) is adopted pursuant to the Social District Ordinance and outlines how the Downtown Salisbury Social District will be managed and maintained. For purposes of this Plan, “Social District” means the Downtown Salisbury Social District. This Plan will be submitted to the North Carolina ABC Commission and placed on the Downtown Salisbury, Inc. website.

Management

The Downtown Salisbury Social District will be jointly managed by the City of Salisbury Downtown Development Department, the Police Department, and the Public Works Department.

Participating Businesses

Businesses desiring to sell alcoholic beverages for consumption within Social District must possess a valid ABC permit and register with the City. There is no fee for registration. Registration allows the City to ensure that those businesses selling alcoholic beverages within the Social District are aware of and in compliance with the requirements of this Plan and the Social District Ordinance. The registration process shall include the business’s written acknowledgment to abide by the rules, regulations and requirements of this Plan and the Social District Ordinance. The registration process will also require that businesses sign a written acknowledgement to abide by all of the rules, regulations and requirements of their ABC permits.

Businesses without an ABC permit may participate in the Social District by allowing alcoholic beverages purchased and possessed in accordance with this Plan and the Social District Ordinance to be consumed in their businesses. Participating businesses that are not selling alcoholic beverages are not required to register with the City.

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

The City and Downtown Salisbury, Inc. will provide information and materials to participating and nonparticipating businesses to ensure that the businesses understand their obligations under this Plan and the Social District Ordinance and communicate their participation or nonparticipation to the public.

<https://abc.nc.gov/>

For permit and enforcement questions, contact: Jerry Dean, ALE Agent

919-779-0700

510 N Lee Street, Salisbury, NC 28144

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rowanabcto@charlotte.twcbc.com

District Boundaries

The Downtown Salisbury Social District boundaries are shown on the map and written description attached and incorporated as Appendix B. Boundaries of the Social District will be clearly marked with signs at numerous points in the District.

Days and Hours of Operation

Alcoholic beverages may be sold and consumed within the Social District during the following days and times:

Monday through Sunday between the hours of 12:00 p.m. and 12:00 a.m.

Within the Bell Tower Green Park, Monday through Sunday, as follows:

o November 1 through March 1: between the hours of 5:00 p.m. and the time the park closes as set forth in section 16-61 of the city code.

March 2 through October 31: between the hours of 6:00 p.m. and the time the park closes as set forth in section 16-61 of the city code.

Exceptions:

Public Street Festivals. Alcoholic beverages may not be sold or consumed during and within the geographic boundary of a public street festival when such event is permitted and held in accordance with the requirements of Article VI of Chapter 22 of the Code of Ordinances for the City of Salisbury.

City Events at Bell Tower Green Park. Alcoholic beverages may not be sold or consumed under the authority granted by the Social District Ordinance during an event sponsored by the City of Salisbury and within the boundary of the Bell Tower Green Park. This does not prohibit the sale and consumption of alcoholic beverages within the Bell Tower Green Park pursuant to a properly licensed and permitted event.

District Designation, Logo

The Downtown Salisbury Social District logo is shown below.



Rules

Sale of alcoholic beverages. Businesses selling alcoholic beverages for consumption within the Social District shall comply with the following rules:

The business shall only sell alcoholic beverages on its licensed premises.

The business shall only sell alcoholic beverages for consumption within the social district it is located in or contiguous to.

The business shall only sell alcoholic beverages for consumption in a social district a container that meets the requirements set forth below.

The business shall not allow a person to enter or reenter their licensed premises with an alcoholic beverage not sold by the permittee.

The business shall only sell alcoholic for consumption within the Social District during the days and hours set forth in this Plan and the Social District Ordinance.

Alcoholic beverage containers. Alcoholic beverages sold for consumption in public areas within the Social District may only be sold in and consumed from containers that meet the following requirements:

The container clearly identifies the permitted business from which the alcoholic beverage was purchased.

The container clearly states the name of the person purchasing the drink, as shown on their identification. The container also states the date and time of purchase for the drink.

The container clearly displays a logo on a sticker affixed to the cup that is unique to the Downtown Salisbury Social District as authorized by the City.

The container displays, in no less than 12 point font, the statement, "Drink Responsibly – Be 21."

The container is comprised of material that is not glass and is not transparent.

The container has a liquid capacity that does not exceed 16 fluid ounces.

Possession and consumption of alcoholic beverages. Persons consuming alcoholic beverages within the Social District shall abide by the following rules:

Only alcohol purchased from a permitted business within the Social District and that is in a Social District container may be consumed within the Social District.

Alcoholic beverages may not be carried into any non-participating businesses within the Social District.

Alcoholic beverages must be disposed of before a person in possession of the alcoholic beverage exists the social district unless the person is reentering the licenses premises where the alcoholic beverage was purchased.

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 licensed premises where the alcoholic beverage was purchased.

A person shall not consume alcohol in any public area within the Social District except during the hours set by the City.

Law Enforcement

Law enforcement within the Social District shall be provided by the City of Salisbury Police Department.

Insurance

The City of Salisbury is insured for its management and operation of the Social District.

Sanitation and Maintenance

The City's Public Works Department provides sanitation services within the Social District boundaries, including trash removal and litter pick up. This will continue with the operation of the Social District. Trash/recycling receptacles are located within the boundaries of the Social District to encourage patrons to properly dispose of their used cups and unconsumed alcohol. ABC permitted establishments and other merchants within the boundary will have trash/recycling receptacles available to patrons at the door.

Marketing and Promotion

Marketing and promotion of the Social District will be provided by the Downtown Salisbury, Inc. and the City of Salisbury in collaboration with participating businesses included in the Social District.

Appendix A:

AN ORDINANCE AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY TO DESIGNATE SOCIAL DISTRICTS

Be it ordained by the City Council of the City of Salisbury, North Carolina, as follows:

SECTION 1. That Chapter 22 of the Code of Ordinances for the City of Salisbury is hereby amended by the addition of Article VII “SOCIAL DISTRICTS” as follows:

ARTICLE VII – SOCIAL DISTRICTS

Sec. 22-160 Purpose and Intent

The purpose of this article is to establish one or more social districts within the City of Salisbury to support local business by increasing retail and other commercial activity, to enhance tourism and economic development, and to enhance the quality of life for the City’s citizens and visitors.

The Salisbury City Council finds that the creation of one or more social districts within the City of Salisbury is in the best interests of the citizens and businesses of the City of Salisbury.

This article is adopted pursuant to authority granted by G.S. § 160A-205.4 and G.S. § 18B-904.1.

Sec. 22-161 Definitions

Social district means and refers to a defined outdoor area established by this article in which a person may consume alcoholic beverages sold by a permittee. This term does not include a permittee’s licensed premises or an extended area allowed under G.S. § 18B-904(h).

Permittee means a person or entity located within or contiguous to a social district designated by this article and holding any of the following permits issued by the North Carolina Alcoholic Beverage Control Commission: (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); or (5) a distillery permit issued pursuant to G.S. § 18B-1100(5).

Sec. 22-161 Management

Any social district created by this article shall be managed in accordance with this article and with any management and maintenance plan enacted by the City pursuant to this article. The city manager is hereby authorized to create and amend one or more management and maintenance plans for social districts in the City consistent with the requirements of this article and other applicable law. Management and maintenance plans shall be readily available for public inspection at all times.

Sec. 22-162 Creation of Social Districts

The City hereby creates and designates the following social district(s):

Downtown Salisbury Social District, which is identified by a map and written description in Appendix A of this article.

Sec. 22-163 Registration required for permittee to participate in Social District

Any permittee contiguous to or within a social district that desires to sell alcohol to be consumed within the social district shall register with the City. There shall be no fee to register. The registration shall be in a form and manner required by the City but shall, at a minimum, require that the permittee acknowledge that it will abide by the requirements of its ABC permit and any applicable rules and regulations established by this ordinance, including any rules established by a maintenance and management plan adopted under section 22-161.

Sec 22-164 Rules and Regulations

(a) Hours of Operation

- a. *Downtown Salisbury Social District.* The provisions and terms of this article shall be in effect during the following days and times:
 - i. Monday through Sunday between the hours of 12:00 p.m. and 12:00 a.m.
 - ii. Within the Bell Tower Green Park, Monday through Sunday, as follows:
 1. November 1 through March 1: between the hours of 5:00 p.m. and the time the park closes as set forth in section 16-61 of the city code.
 2. March 2 through October 31: between the hours of 6:00 p.m. and the time the park closes as set forth in section 16-61 of the city code.

(b) Sale of alcoholic beverages

- a. A permittee shall only sell alcoholic beverages on its licensed premises.
- b. A permittee shall only sell alcoholic beverages for consumption within the social district it is located in or contiguous to.
- c. A permittee shall only sell alcoholic beverages for consumption a container that meets the requirements of section 22-164(c)b.
- d. A permittee shall not allow a person to enter or reenter their licensed premises with an alcoholic beverage not sold by the permittee.

(c) Possession and consumption of alcoholic beverages

- a. Only alcoholic beverages purchased from a permittee located in or contiguous to a social district may be possessed and consumed.
- b. Alcoholic beverages may only be consumed within a designated social district.
- c. Alcoholic beverages must be disposed of before a person in possession of the alcoholic beverage exits the social district, unless the person is reentering a licensed premise contiguous to the social district where the alcoholic beverage was purchased.
- d. Alcoholic beverages must be disposed of before entering the licensed premise of a permittee unless the person is reentering the licensed premise where the alcoholic beverage was purchased.

- e. Alcoholic beverages shall be in containers that meet the following requirements:
 - i. The container clearly identifies the permittee from which the alcoholic beverage was purchased.
 - ii. The container clearly states the name of the person purchasing the alcoholic beverage, as shown on the person's identification. The container also states the date and time of purchase for the alcoholic beverage.
 - iii. The container clearly displays a logo or some other mark that is unique to the social district.
 - iv. The container is comprised of material that is not transparent.
 - v. The container displays, in no less than 12-point font, the statement, "Drink Responsibly –Be 21."
 - vi. The container shall not hold more than 16 fluid ounces.
- f. Alcoholic beverages shall only be possessed and consumed during the Hours of Operation set forth in Sec. 22-164(a).

Sec. 22-165 Participating and nonparticipating businesses

Business that are in or contiguous to a social district and that are not permittees may choose to participate in the social district by allowing patrons to possess and consume alcoholic beverages purchased and possessed in accordance with the requirements of this article. Nothing in this article shall be construed as requiring any business within or contiguous to a social district to participate in the social district by allowing alcoholic beverages to be possessed or consumed in the business. Businesses may place signs on their storefronts informing patrons of their participation or nonparticipation so long as the signs are otherwise in conformity with City regulations.

Sec. 22-166 Compliance with other law

Nothing in this article shall be construed as authorizing permittees or other businesses to possess or sell alcoholic beverages in any manner contrary to or in excess of the authority granted by the North Carolina Alcoholic Beverage Commission. Nothing in this article shall be construed as authorizing the sale and delivery of alcoholic beverages in excess of the limitation set forth in G.S. § 18B-1010.

Sec. 22-167 Exceptions

- (a) Public Street Festivals. The provisions of this article shall not be in effect during and within the geographic boundary of a public street festival when such event is permitted and held in accordance with the requirements of Article VI of Chapter 22.
- (b) City Events at Bell Tower Green Park. The provisions of this article as they relate to the Bell Tower Green Park shall not be in effect during an event sponsored by the City of Salisbury and within the boundary of the Bell Tower Green Park.

Sec. 22-168 Severability

The provisions of this article are severable. If any portion of this article is determined to be invalid, such invalidity shall not affect the other provisions or application of this article.

Sec 22-169 Penalties

A violation of this article is punishable as an infraction.

SECTION 2. That all ordinances, or the parts of ordinances in conflict with this ordinance, are hereby repealed to the extent of such conflict.

SECTION 3. That this ordinance shall be effective upon adoption by the City Council from and after its passage.

Adopted this the 5th day of April 2022.

Appendix A

Downtown Salisbury Social District Boundary

The boundary of the Downtown Salisbury Social District shall be as follows:

The northern sidewalk of West Innes Street between North Jackson Street and North Church Street. The northern sidewalk of North Church Street between West Innes Street and West Council Street. The northern sidewalk of West Council Street between North Church Street and North Main Street. The southern sidewalk of North Main Street between East Council Street and East Liberty Street. The northern sidewalk of East Liberty Street between North Main Street and North Lee Street. The northern sidewalk of North Lee Street between East Liberty Street and East Kerr Street. The northern sidewalk of East Kerr Street between North Lee Street and Depot Street. The block bounded by East Kerr Street, North Lee Street, East Cemetery Street, and the railroad right of way is included in the Downtown Salisbury Social District, but the railroad right of way is not included in the Downtown Salisbury Social District. The southern sidewalk of Depot Street between East Kerr Street and East Innes Street. The southern sidewalk of East Innes Street between Depot Street and South Lee Street. The southern sidewalk of South Lee Street between East Innes Street and East Bank Street. The southern sidewalk of East Bank Street between South Lee Street and South Main Street. The southern sidewalk of South Main Street between East Bank Street and East Horah Street. The southern sidewalk of West Horah Street between South Main Street and South Church Street. The northern sidewalk of South Church Street between West Horah Street and West Fisher Street. The southern sidewalk of West Fisher Street between South Church Street and South Jackson Street. The northern sidewalk of South Jackson Street between West Fisher Street and West Innes Street.

The term “sidewalk” includes the crosswalks connecting the described sidewalk.

A drawn map of the Downtown Salisbury Social District entitled “Downtown Salisbury Social District Map” is incorporated by reference for a more particular description of the boundary.

Downtown Salisbury Social District Map

Downtown Salisbury Social District Map

