



DRAFT

**DOWNTOWN APEX SOCIAL DISTRICT
MANAGEMENT PLAN**

NOTE: Items highlighted indicate need for further vetting and/or determination.

**DOWNTOWN APEX SOCIAL DISTRICT
MANAGEMENT PLAN**

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Maintenance and Management Plan

Introduction

On July 7, 2022, North Carolina General Assembly Session Law 2022-49 was ratified, codifying local governments' authority to establish "Social Districts" within their jurisdictions. These Social Districts allow for shared spaces where on-premises licensed establishments (e.g., bars, breweries, restaurants) may sell alcoholic beverages in designated containers to be taken into the common area for consumption. The Town of Apex (the "Town") has established such a Social District, designated "(name TBD)".

This plan outlines the maintenance and management of the Downtown Apex Social District, which will be submitted to the North Carolina ABC Commission and placed on the Town of Apex website.

District Boundaries

The boundaries of the Downtown Apex Social District are shown on the map on page 8. The district includes the, public walkways, thoroughfares, and other areas on the following streets and included within the map:

- **Salem Street** (Salem Heritage Plaza to Williams Street)
- **Chatham Street** (Elm Street to 202 W. Chatham Street)
- **Elm Street** (E Chatham Street to Olive Street)
- **Saunders Street** (N Salem Street to 215 Saunders Street)

Times of Operation

The Downtown Apex Social District would allow the consumption of alcoholic beverages within district boundaries during the following hours, unless otherwise modified by the Town of Apex Town Council, Town Manager, or Chief of Police:

- Monday to Sunday: 11:00 a.m. to 10:00 p.m.

Management

The Town of Apex has designated the Downtown Apex Social District to allow citizens to enjoy alcoholic beverages within the district. Signage will be posted in accordance with NCGS 18B-300.1(d).

The Downtown Apex Social District will be managed by the following Town department: (TBD)

Enforcement and Oversight

- The Town of Apex Police Department will be responsible for enforcing the rules of the Social District or as agreed between an event holder and Town of Apex.
- The Town reserves the right to prohibit an ABC permittee from participating in the district if they violate the Social District management plan, Town Ordinances, or State or Federal law.

ABC-Permit Holders and Non-ABC-Permit Holders

ABC-permit holders and non-ABC-permit holders within the Social District boundaries may "opt in" or "opt out" of participation.

- **Opt-Out:** Businesses that choose not to participate in the Social District do not need to take any action.
- **Opt-In:** Businesses wishing to participate must complete a form and agree to comply with the rules, regulations, and requirements set forth by the Town, the ABC Commission, and applicable statutory requirements.

ABC-Permitted Businesses (Opt-In):

ABC-permitted businesses that opt in must adhere to the following:

- May sell and serve alcoholic beverages only on their licensed premises.
- Must comply with all legal requirements for carding and limiting consumption of alcoholic beverages.
 - The establishment may only serve two beer or wine drinks or one liquor drink to one patron at a time.
- May only sell alcoholic beverages for consumption in open containers that meet the following criteria:
 - The container must clearly identify the permittee from which the beverage was purchased.
 - The container must display a logo or other mark indicating it is part of the Social District.
 - The container must be made of non-glass material.
 - The container must display the statement "Drink Responsibly – Be 21" in at least 12-point font.
 - The container cannot hold more than 16 fluid ounces.

Non-ABC-Permitted Businesses (Opt-In):

- May only allow alcoholic beverages purchased from an ABC-permittees within the Social District to be possessed and consumed on their premises.
- Alcoholic beverages must:
 - Be in designated Social District containers.
- Must post signage at exits indicating that alcohol may not be taken beyond certain points.
- During the operating hours of the Social District, businesses that permit alcohol on their premises must grant law enforcement access to areas accessible by customers.

Beverage Containers and Rules of Use

The following regulations apply to containers within the Social District:

- 1) The container must clearly identify the permittee from which the beverage was purchased.
- 2) The container must display a logo or other mark indicating it is part of the Social District.
- 3) The container must display the statement "Drink Responsibly – Be 21" in at least 12-point font.
- 4) The container is not comprised of glass material.
- 5) The container shall not hold more than 16 fluid ounces.
- 6) The permittee shall not allow a person to enter or reenter its licensed premises with an alcoholic beverage not sold by the permittee.
- 7) A person shall dispose of any alcoholic beverage in their possession prior to exiting the social district.
- 8) (Add item regarding initial purchase of containers by the Town and subsequent purchase of the containers by the opt-in businesses.)

District Designation and Logo

- The Downtown Apex Social District will utilize the logo provided by the Town of Apex.
- The boundaries of the Social District will be clearly marked with signs affixed to all entrance/exit points.
- All Social District containers must be non-glass and no more than 16 fluid ounces. Required policy information can be printed directly on the container or on a label that is securely affixed to the container.
- The Social District logo may be printed in color or black and white, with text in at least 12-point font.
- A digital file of the Downtown Apex Social District Logo will be provided to ABC-permitted business that opted-in.
- Participants are prohibited from altering the logo design or distributing it to third parties without prior Town of Apex approval for any purpose other than printing on beverage containers/labels. Social District containers may not be used when the district is not in operation.

(Create & Insert New Social District Logo & container label)

Signage and Communication:

- The Town will create a logo for the Social District and install boundary markers to clearly define the area.
- Signage will be posted in accordance with NCGS 18BB within the district and at the district boundaries.
- The Town will also design, print, and distribute signage and window clings to businesses within the district, which must display their status in the Social District: (add more information regarding signage and verbiage).

Special Events in the Social District

- The Town's Parks, Recreation, and Cultural Resources Department will provide information on the Downtown Apex Social District to those applying to host a special event within or adjacent to the district.
- The ABC Commission may issue permits for one-time special events within or partially within the Social District. If such an event is scheduled during operating hours, the event permittee must notify the ABC Commission and law enforcement to ensure compliance with Social District regulations.
- The Town reserves the right to cease operation of the Social District for special events or at the discretion of the Town Manager or Chief of Police.

Sanitation and Maintenance

The Town's Public Works and Parks, Recreation & Cultural Resources will provide sanitation services within the district including trash removal and litter pick up. Trash/recycling receptacles will be located at the boundaries of the Social District to encourage proper disposal of used cups and unconsumed alcohol. Additional receptacles will be located throughout the district as available.

Financing

The costs of establishing and managing the Downtown Apex Social District will be funded by the Town of Apex.

Insurance

The Town of Apex is insured for its management and operation of the Social District.

General Marketing and Information

- Marketing for the Social District will be provided by the Town of Apex, in collaboration with ABC-permitted establishments, during the operational hours of the district.
- All Downtown Apex Social District provisions, including a map and up-to-date list of participating businesses, will be posted on the Town's website.

Resolution Creating the Downtown Apex Social District

RESOLUTION No. _____

RESOLUTION

WHEREAS, North Carolina General Assembly Session Law 2022-49 for ABC Social Districts was ratified on July 7, 2022; and

WHEREAS, the law allows for governing bodies of local government to establish Social Districts where Permittees may sell alcoholic beverages in designated cups to be possessed and/or consumed within the Social District; and

WHEREAS, the Downtown Apex Social District shall be created and managed by the Town of Apex; and

WHEREAS, the Apex Town Council finds that the designation of Social Districts pursuant to the law is in the best interest of the citizens and businesses of the Town of Apex; and

WHEREAS, the Apex Town Council designates the Social District shown in the Ordinance as Downtown Apex Social District.

NOW, THEREFORE, BE IT RESOLVED, the Town of Apex does hereby adopt and approve the ordinance attached hereto creating the Downtown Apex Social District.

Adopted on May __, 2025.

Attest:

TOWN OF APEX

Allen Coleman
Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney

Ordinance Creating the Downtown Apex Social District

ORDINANCE NO. 2025-__

AN ORDINANCE TO AMEND SECTION 14-14 OF THE CODE OF ORDINANCES OF THE TOWN OF APEX

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Apex as follows:

Section 1. Section 14-14 of the Code of Ordinances of the Town of Apex is hereby amended to read as follows, with additions shown as bold, underlined text, and deletions shown as struck-through text:

Sec. 14-14. - Consumption and possession of open containers of malt beverages and unfortified wine prohibited on public streets and municipal property.

- (a) Definitions. In addition to the common meanings of words, the following definitions shall be applicable herein:

ABC permit means any permit required by the North Carolina Alcoholic Beverage Control Commission or any successor agency.

Alcoholic beverage(s) has the same meaning as the term “Alcoholic beverage” defined in G.S. 18B-101.

Malt beverage has the same meaning as the term “Malt beverage” defined in G.S. 18B-101.

Open container of alcoholic beverage(s) has the same meaning as the term “open container” (found/used?) in G.S. 18B-300.

Public street means any highway, road, street, avenue, boulevard, alley, bridge, or other way within and/or under the control of the town and open to public use, including the sidewalks of any such street.

Social district has the same meaning as the term “social district” defined in G.S. 18B-300.1.

Unfortified wine has the same meaning as the term “Unfortified wine” defined in G.S. 18B-101.

- (b) *Consumption on the public streets and municipal property prohibited.* It shall be unlawful for any person who is not an occupant of a motor vehicle to consume malt beverages and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to consume malt beverages and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, or controlled by the town including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, public greenways, playgrounds, recreational areas, tennis courts, and other athletic fields; provided that this sentence shall not apply to property owned or leased by the town which is leased or subleased to another party under terms that transfer the day-to-day control and operation of the property to the other party or to the Halle Cultural Arts Center of Apex when leased to another party under the terms and conditions of the cultural arts center rental agreement. **Notwithstanding the above, the provisions of this section shall not be applicable to any public streets or municipal property located within a social district during its hours of operation provided that all rules, regulations, and laws governing the consumption of alcoholic beverages within the social district are adhered to, including but not limited to those set forth in G.S. 18B-300.1.**

- (c) *Possession of open containers on the public streets and on municipal property prohibited.* It shall be unlawful for any person who is not an occupant of a motor vehicle to possess any open container of malt beverage and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to possess any open container of malt beverage and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, or controlled by the town including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, public greenways, playgrounds, recreational areas, tennis courts, and other athletic fields; provided that this sentence shall not apply to property owned or leased by the town which is leased or subleased to another party under terms that transfer the day-to-day control and operation of the property to the other party or to the Halle Cultural Arts Center of Apex when leased to another party under the terms and conditions of the cultural arts center rental agreement. **Notwithstanding the above, the provisions of this section shall not be applicable to any public streets or municipal property located within a social district during its hours of operation provided that all rules, regulations, and laws governing the consumption of alcohol within the social district are adhered to, including but not limited to those set forth in G.S. 18B-300.1.**
- (d) *Exemption for special events.* The consumption of **alcoholic beverages** and the possession of an open container of the same, during a special event for which alcohol service has been approved by the town and within such area(s) designated for alcohol possession and consumption, shall be exempt from subsections 14-14(b) and (c) if the service of such **alcoholic beverages** is pursuant to a valid ABC permit and in conformity with the ABC laws.
- (e) **Social districts. Pursuant to the provisions of North Carolina General Statutes 160A -205.4 et seq a city may adopt an ordinance designating a social district for use in accordance with G.S. 18B-300.1.**
- a. **Management. City Social Districts shall establish management and maintenance plans for the social district in accordance with the requirements contained in G.S. 160A-205.4 and 18B-300.1.**
- b. **The Town hereby creates and designates the following Social District(s):**
- i. **Downtown Apex Social District which is designated as the area within the Town as follows:**
1. **(Attached as Exhibit) Downtown Apex Social District. A social district shall be established within the following boundaries and in accordance with the attached exhibit: beginning at the intersection of the northern W. Chatham Street right-of-way line and the southwestern corner of 106 W. Chatham Street, being the Point of Beginning, continuing east to the western right-of-way line for N. Salem Street, then north along the western right-of-way line for N. Salem Street to the point where N. Salem Street intersects with the northeastern corner of 301 N. Salem Street, then east across N. Salem Street to the eastern right-of-way line of N. Salem Street, then south along N. Salem Street to the northern right-of-way line of E. Chatham Street, then east along E. Chatham Street to the western property line for CSX railroad, then south across E. Chatham Street to the intersection of the southern E. Chatham Street right-of-way line and the northeastern corner of 103 S. Salem Street, then west along the southern East and West Chatham Street right-of-way line to a point due south of the Point of Beginning in the W.**

Chatham Street right-of-way line, then due north across W. Chatham Street to the Point of Beginning.

The days and hours of operation for the Downtown Apex Social District shall be seven days a week from 11 a.m. to 10 p.m., unless modified by resolution of the town council, or as required for public safety by the Town Manager or Apex Chief of Police.

c. Licenses. Any business establishment with the Downtown Apex Social District which holds a valid ABC permit desiring to engage as a Social District participant, must complete an online form with the Town indicating they are opting-in to the Social District. The establishment shall be responsible to operate its business in accordance with all City and State ordinances, laws, rules, regulations and operations plan governing Social District activities.

(f) *Penalty.* Violation of this section shall constitute a misdemeanor punishable in accordance with G.S. 14-4 and is subject to a fine not to exceed \$100.00.

Section 2. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the sections of this ordinance may be renumbered to accomplish such intention.

Section 3. Severability, Conflict of Laws. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective upon adoption.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the ____ day of _____, 2025.

Attest: TOWN OF APEX, NORTH CAROLINA

Allen Coleman, CMC, NCCCC
Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe,
Town Attorney

Map of Downtown Apex Social District



- **Salem Street** (Salem Heritage Plaza to Williams Street)
- **Chatham Street** (Elm Street to 202 W. Chatham Street)
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