

**AN ORDINANCE TO AMEND CHAPTER 4 OF THE TOWN OF SYLVA CODE OF ORDINANCES:
ALCOHOLIC BEVERAGES**

Article 1, Chapter 4 is written as follows:

ARTICLE I. - IN GENERAL

Sec. 4-1. - Adoption of state laws.

Sec. 4-2. - Consumption and possession in public places.

Sec. 4-3. - Consumption or possession of alcohol in public places upon board approved resolution.

Sec. 4-4. - Sale of malt beverages, unfortified wine, fortified wine and mixed beverages on Sunday mornings.

Sec. 4-5 –Social District.

Pursuant to the provisions of North Carolina General Statute 160A-205.4, one or more social districts may be created within the municipal limits of the Town of Sylva. The Town of Sylva Downtown Social District shall be created, designated and managed in accordance with the requirements contained in North Carolina General Statute 160A-205.4 and Chapter 4 of the Town of Sylva Code of Ordinances

The Town of Sylva Board of Commissioners designates the following social district: Downtown Sylva Social District which is designated as shown on a map dated February 10, 2022; the map is available in the Office of the Town Clerk, and signage and/or markings shall be posted clearly delineating the boundaries of the Social District.

1. Definitions.

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 premise, or an extended area allowed under North Carolina General Statute 18B-904(h).

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 North Carolina General Statute 18B-200:

An on-premises malt beverage permit issued pursuant to G.S. 18B-1001(1).

An on-premises unfortified wine permit issued pursuant to G.S. 18B-1001(3).

An on-premises fortified wine permit issued pursuant to G.S. 18B-1001(5).

A mixed beverages permit issued pursuant to G.S. 18B-1001(10).

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.

2. Application

- a. The provisions and terms contained in Section 4-5 shall be applicable between the hours of 8:00 a.m. and 9:00 p.m. on Friday and Saturday and 1:00 p.m. to 9:00 p.m. on Sundays. 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 the Downtown Sylva Social District shall:
 - i. Only be consumed in the Downtown Sylva Social District.
 - ii. Be disposed of before the person in possession of the alcoholic beverage exits the Downtown Sylva Social District.

3. Requirements for Sale of Alcoholic Beverages.

A permittee located in or contiguous to the Downtown Sylva Social District may sell alcoholic beverages for consumption within the Downtown Sylva Social District if it is located in or contiguous to in accordance with the following requirements:

- a. The permittee shall only sell and serve alcoholic beverages on its licensed premises.
- b. The permittee shall only sell alcoholic beverages for consumption in the Downtown Sylva Social District in a container that meets all of the following requirements:
 - 1. The container clearly identifies the ABC permittee from which the alcoholic beverage was purchased.
 - 2. The container clearly displays a logo or some other mark that is unique to the Downtown Sylva Social District.
 - 3. The container is not comprised of 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 sixteen (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 ABC permittee.
- c. 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 North Carolina General Statute 18B-1010.

4. Requirements for Possession and Consumption of Alcoholic Beverages.

The possession and consumption of an alcoholic beverage in the Downtown Sylva Social District is subject to all of the following requirements:

- a. Only alcoholic beverages purchased from a permittee located in or contiguous to the Downtown Sylva Social District may be possessed and consumed.
- b. Alcoholic beverages shall only be in containers meeting the requirements set forth in Section 4-5.3b of this chapter.
- c. Alcoholic beverages shall only be in containers meeting the requirements set forth in Section 4-5.3b of this chapter.
- d. Alcoholic beverages shall only be possessed and consumed during the days and hours set forth in Section 4-5.2a of this chapter.
- e. 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 North Carolina General Statute 18B-1010.
- f. A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the Downtown Sylva Social District.

Severability.

If any section, phrase, sentence or portion of this ordinance 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.

Any violation of this ordinance shall be a Class 3 misdemeanor.

Secs. 4-6—4-22. - Reserved.

The ordinance is now after discussion and affirmative vote amended to state the following:

ARTICLE I. - IN GENERAL

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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.

6. Application

- g. The provisions and terms contained in Section 4-5 shall be applicable between the hours of 8:00 a.m. and 9:00 p.m. Monday through Saturday and 10:00 a.m. to 9:00 p.m. on Sundays. 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.
- h. Any alcoholic beverage purchased for consumption in the Downtown Sylva Social District shall:
 - i. Only be consumed in the Downtown Sylva Social District.
 - ii. Be disposed of before the person in possession of the alcoholic beverage exits the Downtown Sylva Social District.

7. Requirements for Sale of Alcoholic Beverages.

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 3. The container is not comprised of 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 sixteen (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 ABC permittee.
- i. 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 North Carolina General Statute 18B-1010.

8. Requirements for Possession and Consumption of Alcoholic Beverages.

The possession and consumption of an alcoholic beverage in the Downtown Sylva Social District is subject to all of the following requirements:

- a. Only alcoholic beverages purchased from a permittee located in or contiguous to the Downtown Sylva Social District may be possessed and consumed.
- b. Alcoholic beverages shall only be in containers meeting the requirements set forth in Section 4-5.3b of this chapter.
- c. Alcoholic beverages shall only be in containers meeting the requirements set forth in Section 4-5.3b of this chapter.
- j. Alcoholic beverages shall only be possessed and consumed during the days and hours set forth in Section 4-5.2a of this chapter.
- k. 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 North Carolina General Statute 18B-1010.
- l. A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the Downtown Sylva Social District.

Severability.

If any section, phrase, sentence or portion of this ordinance 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.

Any violation of this ordinance shall be a Class 3 misdemeanor.

Secs. 4-6—4-22. - Reserved.

This ordinance shall be in full force and effect upon its adoption on September 8, 2022.

Lynda Sossamon, Mayor

Attest:

Approved as to form:

Amanda W. Murajda, Town Clerk

Town Attorney