



SOCIAL DISTRICT

DOWNTOWN KINSTON SOCIAL DISTRICT OPERATIONS AND MAINTENANCE PLAN

Presented March 19, 2024

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Introduction

In the plan that follows, the operations and maintenance of the Downtown Kinston Social District are outlined. The plan will be placed on the City of Kinston and Downtown Kinston websites.

Management

The City will initial manage the Downtown Kinston Social District. The Downtown Kinston Social District permit process and signage will be managed and retained by the City of Kinston Planning Department. The Kinston Police Department will provide security and enforcement of the Social District. The City of Kinston Public Services Department will provide sanitation services within the Social District, including trash removal and recycling pick-up.

Social District Boundaries

Downtown Kinston Social District Map, dated 4/30/2024



BOUNDARY MAP

Operations

The Downtown Kinston Social District will operate Monday – Sunday, from 10 am – 11 pm.

District Designation and Logo

The Social District participating businesses must utilize a logo created by the City. An illustration is depicted below. Boundaries of the Social District will be clearly marked by the City with signs at entrance/exit points.



Beverage Containers and Rules of Use

An ABC 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 an ABC Permittee located in the Social District may be possessed and consumed in the Social District.
- (b) 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.
- (c) 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 and the date and time of purchase.

2. The container clearly displays the designated Downtown Kinston Social District cup logo.
3. The container shall be clear and disposable, 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 16 fluid ounces.

Financing

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

Security and Enforcement

Enforcement in the Social District will be provided by the Kinston Police Department. To the greatest extent possible, Permittees will ensure compliance with the requirements of this plan.

Sanitation and Maintenance

The City will provide sanitation services within the Social District including trash removal and recycling pick-up but not on Permittee and Non-permittee Premises. Trash/recycling receptacles will be located throughout the Social District but not on Permittee and Non-permittee Premises.

Amendment

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

Ordinance

AN ORDINANCE CREATING THE DOWNTOWN KINSTON SOCIAL DISTRICT

WHEREAS, §160A-205.4 authorizes cities to adopt an ordinance designating a social district and §18B-300.1 sets out the maintenance and regulation of said social district; and

WHEREAS, the City Council of the City of Kinston finds that the establishment of a social district pursuant to the authority set forth above and as amended will be specifically beneficial to the economic well-being of the area so designated and more generally beneficial to the City at large; and

WHEREAS, the City Council desires to create and manage the City of Kinston Downtown Kinston Social District as allowed by NCGS §18B-300.1.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kinston, North Carolina:

SECTION 1: Chapter 14 of the Code of Ordinances of the City of Kinston is amended to add a new article, Article VI, to read as follows:

ARTICLE VI: SOCIAL DISTRICTS

Section 14-29. Purpose and Intent

- a) Pursuant to the provisions of North Carolina General Statute 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: Downtown Kinston Social District which is designated as shown on a map dated April 30, 2024 the map is available in the Office of the City Clerk, and attached hereto. Signage and/or markings shall be posted clearly delineating the boundaries of the Social District.
- b) The Downtown Kinston Social District shall be created, designated, and managed in accordance with the requirements contained in North Carolina General Statute 160A-205.4 and Chapter 18B.
- c) Any person who violates this ordinance, and any person who aids, abets, encourages, assists in, or contributes to such violation, shall be guilty of a misdemeanor punishable in accordance with N.C.G.S. 14-4.

Section 14-30. Definitions

- a) "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 North Carolina General Statute 18B-904(h).
- b) "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 N.C.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 beverage permit issued pursuant to G.S. 18B 1001(10).
 - 5) A wine shop permit issued pursuant to G.S. 18B-1001(16).
 - 6) A distillery permit issued pursuant to G.S. 18B-1100(5).
 - 7) A special one-time permit issued to a nonprofit organization pursuant to G.S. 18B-1002(a)(2).
 - 8) A special one-time permit issued to a unit of local government, a nonprofit organization or a political organization pursuant to G.S. 18B-1002(a)(5).
- c) "Person" means and refers to the individual, firm, partnership, association, corporation,

limited liability company, other organization or group, or combination of individuals acting as a unit.

d) "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.

Section 14-31. Application

- a) The provisions and terms contained in this ordinance shall be applicable between the hours of 10:00 a.m. and 11:00 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 the Downtown Kinston Social District shall (i) only be consumed in the Downtown Kinston Social District and (ii) be disposed of before the person in possession of the alcoholic beverages exits the Downtown Kinston Social District. A violation of this section is a misdemeanor punishable in accordance with N.C.G.S. 14-4.

Section 14-32. Requirements for the Sale of Alcoholic Beverages

- a) A permittee located in or contiguous to the Downtown Kinston Social District may sell alcoholic beverages for consumption within the Downtown Kinston Social District in which it is located or contiguous to in accordance with the following requirements:
 - 1) The permittee shall only sell alcoholic beverages on its licensed premises.
 - 2) The permittee shall only sell alcoholic beverages for consumption in the Downtown Kinston Social District 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 Downtown Kinston Social District.
 - 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 16 fluid ounces.
 - f) The container shall note the date and time of sale.

Section 14-33. Requirements for the Possession and Consumption of Alcoholic Beverages.

- a) The possession and consumption of an alcoholic beverage in the Downtown Kinston Social District is subject to all of the following requirements:
 - 1) Only alcoholic beverages purchased from a permittee located in or contiguous to the Downtown Kinston Social District may be possessed or consumed.
 - 2) Alcoholic beverages shall only be in containers meeting the requirements set forth in the "Requirements for Sale" section of this ordinance.
 - 3) Alcoholic Beverages shall only be possessed and consumed during the days and hours

set forth in the "Application" section of this ordinance.

- 4) Nothing in this subdivision shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitations set forth in N.C.G.S. ISB-1010.
- 5) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the Downtown Kinston Social District.
- b) Permittees have discretion as to whether to permit alcoholic beverages purchased from a different permittee into their establishment.

Section 14-34. Exceptions.

When an allowed event is held pursuant to the issuance of a Special Event Permit as provided by City of Kinston Code of Ordinances Section 7.8, the terms and conditions of the Special Event Permit shall control within the boundaries of the Special Event. A violation of this Section is a Class 3 misdemeanor punishable in accordance with days N.C.G.S. 14.4 and N.C.G.S. 160A-1 75.

SECTION 2: **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.

SECTION 3: All ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

THIS ORDINANCE SHALL BE EFFECTIVE as of July 3, 2024.

DULY ADOPTED the 30th day of April, 2024.



CITY OF KINSTON


Antonio Hardy, Mayor Pro Tem

ATTEST:


Debra Thompson, City Clerk