

# Town of Franklin

## FRANKLIN SOCIAL DISTRICT

### Maintenance and Operations Plan

#### Introduction

On September 8, 2021, Session Law 2021-150 was ratified, allowing local governments to establish “Social Districts” within their jurisdictions. These Social Districts allow for common areas where 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 Franklin (the “Town”) has established such a Social District, designated “Franklin Social District”.

In the plan that follows, the management and maintenance of the Franklin Social District is outlined. The plan will be submitted to the North Carolina ABC Commission and placed on the Town of Franklin website.

#### Management

The Franklin Social District will be jointly managed by the Town of Franklin and the Franklin Police Department.

#### District Boundaries



The Franklin Social District boundaries will include 95 East Main Street (Town Hall) and its parking areas and sidewalks; all streets and sidewalks on East and West Main Street to the intersection with Porter Street. The entirety of Stewart Street including the connecting alleyway between 84 East Main Street and 104 East Main Street; streets and sidewalks from Phillips Street that connect Stewart Street to Main Street, Iotla Street to the alleyway adjacent to 41 Iotla Street and the bricked area that is adjacent to the Macon County Courthouse that is a public sidewalk.

The three squares that are owned by Macon County are excluded from the district and are not included on the map; only the sidewalks adjacent to them.

## **Operations**

The Franklin Social District will operate 7 days week Noon (12:00 p.m.) to 9:00 p.m. Monday to Sunday. At all other times, unless a permit has been obtained for a special event, consumption of alcohol on sidewalks and in public areas is prohibited.

## **District Designation and Logo**

The Franklin Social District will utilize a newly created logo – an example is depicted below. Boundaries of the Social District will be clearly marked with signs affixed to all entrance/exit points and the logo will appear on all cups and materials associated with the Franklin Social District.



## **Beverage Containers and Rules of Use**

The following regulations apply to containers within the Social District:

1. The container prominently displays the Social District permittee's trade name or logo and a mark (stickers are recommended) that is unique to the Social District permittee under the District permittee's on-premises license.
2. The container prominently displays a logo that is unique to the Franklin Social District as authorized by the Town.
3. The container displays, in no less than 12-point font, the statement, "Drink Responsibly – Be 21" as is required by the NC Alcoholic Beverage Control Commission.
4. The container is not comprised of glass material and is opaque so as to show at all times whether or not there is a beverage in the container.
5. The container has a liquid capacity that does not exceed 16 ounces.
6. 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.
7. Permittees shall not allow a person to enter or re-enter its licensed premises with an alcoholic beverage not sold by their establishment.
8. Social District containers may not be carried into a retail establishment unless invited to do so with Franklin Social District signage.

## **Costs**

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

## **Security and Enforcement**

Security and enforcement in the Franklin Social District will be provided by the Town of Franklin Police Department.

## **Insurance**

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

## **Sanitation and Maintenance**

The Town of Franklin's Public Works Department will provide sanitation services within the district including trash removal and litter pick up. Trash receptacles will be located at the boundaries of the Social District to encourage patrons to properly dispose of their used cups

and unconsumed alcohol, as well as throughout the Social District as presently available throughout the downtown.

### **Marketing and Promotion**

Marketing and promotion of the Franklin Social District will be provided by the Town of Franklin in collaboration with ABC permitted establishments within the Social District.

### **Ordinance Creating the Franklin Social District**

See attached Ordinance Passed on January 4, 2024 by Town Council

**Ordinance No. 2024-001**  
**AN ORDINANCE**  
**AUTHORIZING THE CREATION OF A SOCIAL DISTRICT IN THE TOWN OF**  
**FRANKLIN, AS PERMITTED BY NORTH CAROLINA LAW**

**WHEREAS**, the Acts of the State Legislature of the State of North Carolina, to-wit Session Law 2021-150 as amended by Session Law 2022-49, authorize the Legislative Body of this Town to create by ordinance one or more social districts within the Town's corporate boundaries, to be delineated and operated in compliance with the rules and regulations set forth therein; and

**WHEREAS**, as the Legislative Body of the Town of Franklin, the Town Council has after considerable debate, advertisement, and public hearing, considered adoption of a social district pursuant to the ordinance amendment set forth in Exhibit A, within the boundaries of the area shown on Exhibit B, both attached hereto and made part hereof;

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Franklin that:

**Section 1.** Pursuant to the statutory authority granted in the session laws listed above, the Town of Franklin enacts sections 95.90-95.95 within Chapter 95 of the Town Code of Ordinances, as shown on Exhibit A.

**Section 2.** Section 130.01 of the Code of Ordinances for the Town of Franklin is hereby amended to read as follows:

“§130.01 PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES.

No person shall consume malt beverages or unfortified wine, as defined by G.S. §18B-101, or possess open containers thereof, on property owned, occupied, or controlled by the town, including but not limited to public streets, boulevards, alleys, rights-of-way, sidewalks and parks outside of the designated social district as defined and regulated in Chapter 95 of this Code. This section shall not apply to any property leased by the town to any third party for the express purpose of operating a brewpub, microbrewery, restaurant or similar enterprise, provided that on-premises consumption of such beverages is otherwise permitted by law. This section also shall not apply to the service of beverages in a properly permitted outdoor seating area pursuant to §95.10 of this Code, provided that such service and possession are otherwise permitted by law.”

**Section 3.** The social district shall be as shown on Exhibit B.

**Section 4.** The Town Manager is directed to proceed with state and local administrative steps necessary to effectuate this ordinance.

**Section 5.** Except as amended hereby, the affected sections of the UDO shall remain in full force and effect as enacted.

**Section 6.** This ordinance shall be deemed published as of the day of its adoption and approval by the Town Legislative Body and the Clerk of the Town of Franklin is hereby authorized and ordered to file a copy of said ordinance in the Office of the Town Clerk.

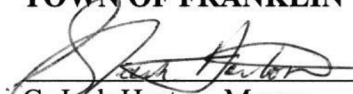
**Section 7.** This ordinance shall be in full force and effect immediately on the date of its publication and filing thereof in the Office of the Clerk, and said ordinance shall be presumptive evidence in all courts and places of the ordinances and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested recorded and approved and that any public hearings and notices thereof as required by law have been given.

**ADOPTED:** This 2<sup>nd</sup> day of January, 2024, upon motion by Council Member Guffey, seconded by Council Member Culpepper, and having been approved by a vote of 6 in favor and 0 against.

**ATTEST:**

  
Nicole Bradley, Clerk

**TOWN OF FRANKLIN**

  
C. Jack Horton, Mayor



## Exhibit A

### SOCIAL DISTRICT

#### Sec. 95.90. Purpose and intent.

- (a) Pursuant to the provisions of G.S. § 160A-205.4, et seq, one or more social districts may be created within the town and the town hereby creates and designates the following social districts:
  - (1) Downtown Franklin Social District which is designated as shown on a map dated January 2, 2024; 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.
- (b) The Downtown Franklin 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.

#### Sec. 95.91. Definitions.

*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).

**Sec. 95.92. Application.**

- (a) The provisions and terms contained in this article shall be applicable between the hours of 12:00 p.m. and 9:00 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.

**Sec. 95.93. Requirements for sale of alcoholic beverages.**

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 comprised 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 in conjunction with the social district regulations.



### **Sec. 95.94. Requirements for possession and consumption of alcoholic beverages.**

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 section 95.93 of this article.
- (3) Alcoholic beverages shall only be possessed and consumed during the days and hours set forth in section 95.92 of 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 section 95.92, 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.

### **Sec. 95.95 Exceptions.**

When a social event (as that term is used in this chapter) is held pursuant to the issuance of an event permit (as that term is used in this chapter) the terms of the event permit supersede the provisions of this article within the boundaries of the event including: a.) the prohibition of alcohol within the event boundaries, even if within the social district or b.) any alcohol purchased within the boundaries of the event may be taken outside of the event, only into the boundary of a social district. A violation of this section is a class 3 misdemeanor.

# EXHIBIT B

