

**VILLAGE OF PINEHURST
SOCIAL DISTRICT OPERATIONS
AND MAINTENANCE PLAN**

APRIL 26, 2024



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Table of Contents

Operations and Maintenance Plan..... 3
Introduction 3
Management..... 5
District Boundaries..... 5
Operations... 5
District Designation and Logo 5
Beverage Containers and Rules of Use 6
Financing..... 6
Security and Enforcement..... 6
Insurance..... 7
Sanitation and Maintenance 8
Exhibit A-Ordinance 8
Exhibit B – Map..... 10

Operations and Maintenance Plan

Introduction

Pursuant to NCGS §§ 160A – 205.4 local governments may establish “Social Districts” within their jurisdictions. These Social Districts allow state licensed establishments (“Permittees”) within the Social Districts (e.g., bars, breweries, restaurants) to sell alcoholic beverages in designated containers to be taken into the Social District common areas for consumption. It also allows Non-permittee businesses within a Social District to participate in the Social District. The Village of Pinehurst (the “Village”) has established one such Social District, designated as the “Pinehurst, NC Social District” (the “Social District”), pursuant to Pinehurst Village Ordinance 24-08.

In the plan that follows, the operations and maintenance of the Village Social District are outlined. The plan will be submitted to the North Carolina ABC Commission and placed on the Village of Pinehurst website.

Definitions

- (a) “Social District” means and refers to a defined area in which a person 21 years or older may consume alcoholic beverages sold by a Permittee. A Social District may include both indoor and outdoor areas of businesses within or contiguous to the defined area. A Social District may include privately owned property, including Permittees and Non-permittee businesses, and multi-tenant establishments, as defined in G.S. 18B-1001.5, and public streets, crosswalks, or parking areas whether or not the streets or parking areas are closed to vehicle traffic.
- (b) “Permittee” means and refers to a person holding any of the following permits issued by the North Carolina Alcoholic Beverage Control Commission established under North Carolina General Statute 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).
 - (6) A wine shop permit issued pursuant to G.S. 18B-1001(16).
- (c) “Non-permittee business” means and refers to a business that is located in a Social District and does not hold an ABC permit.
- (d) "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.
- (e) “Customer” means and refers to a person who purchases an alcoholic beverage from an ABC Permittee that is in a Social District.
- (f) "Premises" means and refers to a fixed permanent establishment, including all areas inside

or outside the establishment, where the business has control through a lease, deed, or other legal process.

Permits

ABC permit holders in the Social District shall apply for a Social District Permit from the Village providing, among other things, consent to abide by rules, regulations and requirements promulgated by the Village, the ABC Commission and ABC statutory requirements as may be amended, updated or adopted from time to time. The Village shall create and provide to participating Permittee businesses a uniform sign that indicates the Permittee business is participating in the Social District. The participating Permittee shall display the uniform sign in the front window at all times during the time when the Social District is active.

Non-permittee Businesses

- (a) The Town shall create and provide to participating Non-permittee businesses a uniform sign that indicates the Non-permittee business is participating in the Social District.
 - a. The participating Non-permittee business shall display the uniform sign in the front window at all times during the times when the Social District is active. A Customer may not bring an alcoholic beverage into a Non-permittee business that does not display the uniform sign.
 - b. No Non-permittee business shall be required to participate or be included in a Social District or to allow Customers to bring alcohol onto its Premises.
- (b) All Non-permittee businesses that are part of a Social District and that allow Customers to bring alcoholic beverages onto their Premises shall clearly post Village-approved uniform signage on any exits that do not open to the Social District indicating that alcoholic beverages may not be taken past that point.
- (c) During the days and hours when the Social District is active, a Non-permittee business that allows Customers to bring alcoholic beverages onto its Premises shall allow law enforcement officers access to the areas of the Premises accessible by Customers.

Management

The Village has a limited role in managing the Social District. The Village of Pinehurst Social District permit process and signage will be managed and retained by the Village of Pinehurst Administration Department. The Village of Pinehurst Police Department will provide security and enforcement of the Social District. The Village of Pinehurst Public Services Department will provide sanitation services within the Social District, including trash removal and recycling pick-up. Recycling receptacles will be located at the boundaries of the Social District to encourage Customers to dispose of their used cups properly.

Social District Boundaries

Refer to Exhibit B for a map of the Social District boundaries.

Operations

The Social District will operate from June 10, 2024 to June 16, 2024, 12:00 p.m. to 11:00 p.m.

District Designation and Logo

The Social District participating businesses must utilize a logo created by the Village – an illustration is depicted below. Boundaries of the Social District will be clearly marked by the Village with signs affixed to all entrance/exit points.



Beverage Containers and Rules of Use

A 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 a Permittee located in the Social District may be possessed and consumed in the Social District.
- (b) Nothing in this plan shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in N.C.G. S. 18B-1010.
- (c) A Customer shall not possess at one time open containers of alcoholic beverages in the Social District in excess of the number of alcoholic beverages that may be sold and delivered by a retail Permittee as set forth in N.C.G.S. 18B-1010.
- (d) 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.
- (e) 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
 - (2) The container clearly displays the Village-approved Social District logo that is unique to the Pinehurst, NC Social District
 - (3) The container is comprised of a recyclable material other than 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
 - (6) Containers will be provided by the Permittee

Financing

The Social District will be funded by the Village 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 Village of Pinehurst Police Department. To the greatest extent possible, Permittees will ensure compliance with the requirements of this Plan in regard to safety and Customer compliance by reporting violations to the Village of Pinehurst Police Department.

Insurance

As part of the required Social District permit, participating establishments shall secure business liability insurance naming the Village as an additional insured in limits and coverages determined appropriate by the Village from time to time and shall be submitted to the Village with application.

Sanitation and Maintenance

The Village 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 at the boundaries of the Social District to encourage Customers to properly dispose of their used cups, as well as throughout the Social District but not on Permittee and Non-permittee Premises.

Amendment

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

The plan and ordinance and all matters whether sounding in contract or tort relating to the validity, construction or interpretation and enforcement of the plan shall be governed by the laws of the State of North Carolina with proper venue in a court of competent jurisdiction in Moore County.

Exhibit A

ORDINANCE #24-08:

AN ORDINANCE CREATING A SOCIAL DISTRICT TO REGULATE OPEN CONTAINERS OF ALCOHOLIC BEVERAGES BY AMENDING SECTION 130.05 OF THE PINEHURST MUNICIPAL CODE

THAT, WHEREAS, pursuant to N.C.G.S. § 160A-205.4 the Village may adopt an ordinance designating one or more social districts for use in accordance with N.C.G.S. § 18B-300.1; and

WHEREAS, the North Carolina General Assembly enacted the above legislation allowing municipalities to designate social districts within their jurisdiction to allow alcoholic beverages sold by licensed premises to be consumed within the district, outside of the establishment where the beverage was purchased; and

WHEREAS, the Village Council finds that the allowance of open containers during the 2024 US Open Golf Championships can be adequately managed by the Village's law enforcement and can be beneficial to the economic vitality of the Village Center;

NOW THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of Pinehurst, North Carolina, in a regular meeting assembled this 12th day of March, 2024 as follows:

SECTION 1. That Section 130.05 of the Village of Pinehurst, North Carolina Municipal Code is hereby amended, which shall read as follows:

§ 130.05 ALCOHOLIC BEVERAGES

(E) Creation of a social district to be in effect during the 2024 US Open Golf Championships.

- (1) Notwithstanding the provisions of sections 130.05 (A), (B), (C) and (D) of this Code, the possession of alcoholic beverages and open containers and their consumption shall be lawful within the Village Center Social District created pursuant to the provisions of G.S. § 160A-205.4 for the dates of June 10th, 2024 through June 16th, 2024.
- (2) The Social District shall be created, designated, and managed in accordance with the requirements contained in G.S. § 160A-205.4 and Chapter 18B.
- (3) The Social District shall be established in accordance with the map attached hereto as Exhibit A.
- (4) The hours of operation for this social district shall be from 12:00 p.m. to 11:00 p.m.
- (5) Any alcoholic beverage purchased for consumption in the Social District shall (i) only be consumed in the Social District and (ii) be disposed of before the person in possession of the alcoholic beverage exits the Social District unless the person is reentering the licensed premises where the alcoholic beverage was purchased.

- (6) Each permittee and non-permittee located within an established and designated social district that voluntarily wishes to participate shall display a uniform sign, provided by the City or its designee, indicating its inclusion in the social district. This allows alcoholic beverages on its premises when the social district is active. No business shall be required to participate or be included in the social district or to allow customers to bring alcohol onto its premises.
- (7) Any person who violates this section and any person who aids, abets, encourages, assists in, or contributes to a violation of this section shall be punishable as an infraction pursuant to N.C.G.S. §14-3.1 the procedure for disposition of infractions is as provided in Chapter 15A Article 66 of the North Carolina General Statutes.

SECTION 2. The Village Manager or their designee is hereby directed to create a management and maintenance plan for the Village Center Social District and post the plans and a rendering of the Social District boundaries on the Village’s website.

SECTION 3. The Village Manager or their designee is directed to submit a detailed map of the Village Center Social district and the days and hours during which the Social District shall be in operation to the North Carolina Alcoholic Beverage Control Commission

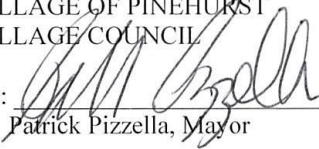
SECTION 4. That all ordinances in conflict herewith are hereby declared null and void while this ordinance remains in full force and effect.

SECTION 5. That this ordinance shall be and remain in full force and effect on June 10th and after the erection of the appropriate and necessary signs, until June 16th, 2024.

THIS ORDINANCE passed and adopted this 12th day of March, 2024.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: 
Patrick Pizzella, Mayor

Attest:


Shannon Konstantinou, Village Clerk

Approved as to Form:

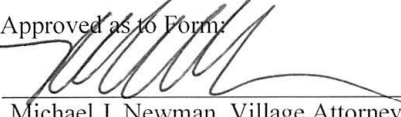

Michael J. Newman, Village Attorney

Exhibit B

Pinehurst, NC Social District

