

ORDINANCE NO. (2022) 401

AN ORDINANCE TO AMEND THE CITY OF RALEIGH CODE OF ORDINANCES TO CLARIFY ENFORCEMENT OF CERTAIN REQUIREMENTS IN SOCIAL DISTRICTS

WHEREAS, at the July 5, 2022, of the City Council, an ordinance was adopted to create the Fayetteville Street Social District; and

WHEREAS, in preparation for the opening of the social district, a needed technical correction to the ordinance has been identified to clarify the application of pre-existing enforcement requirements of the City Code of Ordinances within the social district during its hours of operation.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. Section 12-4001 of the City Code shall be amended to read as follows, adding the text underlined in bold:

Sec. 12-4001. CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES ON CITY PROPERTY OR PUBLIC VEHICULAR AREAS.

Except as provided by this chapter, it *shall* be unlawful for any pedestrian to consume malt beverages or unfortified wine on any *City street* and it *shall* be unlawful for any *person* to possess an open container of malt beverages or unfortified wine on any *property* owned, occupied, or controlled by the *City*. It *shall* also be unlawful to possess malt beverages and unfortified wine on any *street*, alley or parking lot which is temporarily closed to regular traffic for a special event unless the permit approved by the *City Manager* or designee in accordance with the policies set forth in *City Council's* Special Event Policy closing the *street*, alley, or parking lot makes other provisions for the possession of malt beverages or unfortified wine. An open container is one whose seal has been broken or a container other than the manufacturer's unopened original container.

Notwithstanding the above, the provisions of this section shall not be applicable to any streets or sidewalks located within a social district during the hours of operation of the social district **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 N.C.G.S. 18B-300.1.** The provisions of the section shall remain applicable for any property owned, occupied, or controlled by the City that is located within a social district unless that property has been designated by the City as eligible for the consumption of alcohol under the rules of the social district and applicable State law.

Violation of this section is a misdemeanor and *may* also be enforced through issuance of a civil penalty pursuant to §14-1005, through injunctive or other equitable relief, or a combination of remedies.

Section 2. This ordinance shall be effective upon adoption.

Adopted: August 16, 2022

Effective: August 16, 2022

Distribution: City Manager – Adams-David, Raleigh
City Attorney – Tatum, Poole, Hargrove-Bailey
Emergency Management and Special Events - Schoenfeld
Police - Patterson