

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 728
SENATE BILL 367

AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE TOWN OF HERTFORD TO DETERMINE WHETHER OR NOT ALCOHOLIC BEVERAGE CONTROL STORES SHALL BE ESTABLISHED IN SAID TOWN AND TO PRESCRIBE THE DISPOSITION OF THE NET PROFITS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Hertford may at any time on or before the 1st day of October, 1961, call an election for the purpose of submitting the question as to whether or not Town Alcoholic Beverage Control Stores may be operated in said town. At said election, if a majority of the votes cast in said election shall be against the operation of such stores, no such stores shall be set up and operated in the town under the provisions of this Act. If a majority of the votes cast shall be for the operation of such stores, it shall be legal for Alcoholic Beverage Control Stores to be set up and operated in said town.

Sec. 2. A new registration of voters for such election shall not be necessary and all qualified voters who are properly registered prior to registration for the election and those who register in said alcoholic beverage control election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Alcoholic Beverage Control Stores," "Against Town Alcoholic Beverage Control Stores". Those favoring setting up and operating Alcoholic Beverage Control Stores in the Town of Hertford shall mark in the voting square to the left of the words "For Town Alcoholic Beverage Control Stores" printed on the ballot; and those opposed to Town Alcoholic Beverage Control Stores shall mark in the voting square to the left of the words, "Against Town Alcoholic Beverage Control Stores". Except as otherwise herein provided, if a special election is called, the election authorized shall be conducted under the same statutes, rules and regulations applicable to general elections for the Town Board of Commissioners of the Town of Hertford, and the cost thereof shall be paid from the General Fund of the Town of Hertford.

Sec. 3. If the operation of Town Alcoholic Beverage Control Stores is authorized under the provisions of this Act, the Board of Commissioners of the Town of Hertford shall immediately create a Town Board of Alcoholic Control to be composed of a chairman and two other members who shall be well known for their character, ability, and business acumen. Said board shall be known and designated as "The Town of Hertford Board of Alcoholic Control." The members and chairman of said board

shall be designated by the mayor and governing body of the town and the member designated as chairman shall serve for his first term a period of three years. As to the other members, one member shall serve for his first term a period of two years, and the other member shall serve for his first term a period of one year; and all terms shall begin with the date of their appointment. Thereafter, as the terms of the chairman and members expire, their successors in office shall serve for terms of three years each, and until their successors are appointed and qualified. Any vacancy shall be filled by the Town Board of Commissioners for the unexpired term. Compensation of the members of said Town Board of Alcoholic Control shall be fixed by the Board of Commissioners of the Town of Hertford.

Sec. 4. The said Town of Hertford Board of Alcoholic Control shall have all the powers and duties imposed by Section 18-45 of the General Statutes on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in Section 18-39 of the General Statutes. The said Town of Hertford Board of Alcoholic Control and the operation of any Town Alcoholic Beverage Control Stores authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes of North Carolina except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" board of alcoholic control appears in said Article, it shall include the Town of Hertford Board of Alcoholic Control. The Town of Hertford Board of Alcoholic Control shall have authority to employ legal counsel and such other employees as it may deem wise and fix their compensation.

Sec. 5. Out of the net revenue remaining after the payment of all costs and operating expenses, and after retaining a sufficient and proper working capital, the Board of Commissioners of the Town of Hertford shall distribute said net revenue as follows: fifty per cent (50%) to the General Fund of the Town of Hertford and fifty per cent (50%) to the Perquimans County Board of Education to be used for educational purposes only.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of June, 1961.