

NORTH CAROLINA GENERAL ASSEMBLY
1965 SESSION

CHAPTER 1004
SENATE BILL 567

AN ACT AUTHORIZING THE RIGHT TO PETITION FOR MUNICIPAL LIQUOR CONTROL STORES IN INCORPORATED MUNICIPALITIES IN DUPLIN COUNTY, ESTABLISHMENT OF SAME UPON AN AFFIRMATIVE VOTE OF THE PEOPLE, AND PROVIDING FOR THE ALLOCATION OF NET PROCEEDS FROM THE OPERATION THEREOF.

The General Assembly of North Carolina do enact:

Section 1. The governing body of each incorporated municipality in Duplin County shall upon a written petition to said governing body signed by at least twenty-five per cent (25%) of the registered and qualified voters of the municipality, who voted in the last municipal election, order an election to be held on the question of whether or not a municipal liquor control store may be operated in the municipality. If a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for liquor control stores to be set up and operated in said municipality; but if a majority of the votes cast in said election shall be against the operation of a liquor control store, no such store shall be set up or operated in said municipality under provisions of this Act.

Sec. 2. In calling for such special liquor election, the said governing body shall give at least thirty days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular municipal election. A new registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special liquor 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 Liquor Control Store", "Against Town Liquor Control Store". Those favoring setting up and operating a liquor store in the municipality shall mark on the voting square to the left of the words "For Town Liquor Control Store", printed on the ballot; and those opposed to a liquor control store shall mark in the voting square to the left of the words "Against Town Liquor Control Store". Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to municipal elections in the municipality.

Sec. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Liquor Control Store", the municipal board of alcoholic control shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same, and within said three months the board of alcoholic control shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the town treasurer. Thereafter, all Public, Public-Local and Private Laws applicable to the sale of intoxicating beverages within said municipality in force and effect prior to the authorization to operate a liquor store, shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Town Liquor Control Store". No election shall be called and held in the municipality under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the governing body of the municipality to order the special liquor election herein authorized within sixty days after sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial county, or municipal general or primary election, or within thirty days of any such election.

Sec. 4. If the operation of a liquor control store is authorized under the provisions of this Act, the governing body of the municipality shall immediately create a 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 "Board of Alcoholic Control of _____ (name of municipality) _____". The chairman of said board shall be designated by the governing body of the municipality and shall serve for his first term a period of three years, 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. The terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board, shall be named or filled by the governing body of the municipality.

Sec. 5. The municipal board of alcoholic control shall have all of 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. Provided, G. S. 18-45(15) shall not apply to the municipal board of alcoholic control. The municipal board of alcoholic control and the operation of any liquor store 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, except as 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 municipal board of alcoholic control.

Sec. 6. After deducting the amount required to pay all salaries and operating expenses, and after retaining a sufficient and proper working capital, the amount to be determined by the board, the municipal board of alcoholic control shall allocate and disburse, as determined by quarterly audit, the net profits as hereinafter provided:

Five per cent (5%) of the net profits to the General Fund of the municipality, to be used for law enforcement purposes;

Ten per cent (10%) of the net profits to be paid to the Board of County Commissioners of Duplin County and deposited in a special fund to be expended, in the discretion of the Board of County Commissioners, for drainage control projects affecting agricultural lands in Duplin County;

Fifty per cent (50%) to the General Fund of the municipality, to be appropriated for any governmental purpose;

Thirty-five per cent (35%) to the General Fund of Duplin County, to be appropriated for any governmental purpose.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after August 1, 1965.

In the General Assembly read three times and ratified, this the 14th day of June, 1965.