

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 105  
HOUSE BILL 180

AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE CITY OF  
SANFORD TO DETERMINE WHETHER OR NOT WINE AND BEER MAY BE  
LEGALLY SOLD AND ALCOHOLIC BEVERAGE CONTROL STORES  
OPERATED IN SAID CITY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Aldermen of the City of Sanford shall, upon a petition to the Board signed by at least fifteen per cent (15%) of the number of registered and qualified voters that voted in the election for the Board of Aldermen in the City of Sanford in the last election, order an election to be held on the questions of whether or not wine and beer may be sold in the City of Sanford for off premises consumption and whether or not Alcoholic Beverage Control Stores may be operated in said city. The Board of Aldermen may call a special election on said questions at an election to be held on such date as the Board may determine. Said election may be called and held on a date to be fixed by the Board notwithstanding the nearness of date within which any other type of election may be held. Said election shall be conducted by the said Board and the costs thereof shall be paid from the general fund of said city.

Sec. 2. A new registration for 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 for said election shall be entitled to vote in said election. Except as otherwise herein provided, if a special election is called the special election authorized shall be conducted under the same statutes, rules and regulations applicable to general elections for the City of Sanford.

Sec. 3. In the event said special election is called by the Board of Aldermen of the City of Sanford, a ballot shall be used upon which shall be printed on separate line for each proposition "For the legal sale of beer", "Against the legal sale of beer"; "For the legal sale of wine", and "Against the legal sale of wine". Those favoring the legal sale of beer shall mark in the voting square to the left of the words "For the legal sale of beer" printed on the ballot and those opposed to the legal sale of beer shall mark in the voting square to the left of the words "Against the legal sale of beer" printed on the ballot; and those favoring the legal sale of wine shall mark in the voting square to the left of the words "For the legal sale of wine" printed on the ballot, and those opposed to the legal sale of wine shall mark in the voting square to the left of the words "Against the legal sale of wine" printed on the ballot.

Sec. 4. If a majority of the votes cast in such election shall be for the legal sale of beer and/or wine, then the Board of Aldermen of the City of Sanford shall issue license to sell beer and/or wine as defined in General Statutes 18-64 as provided in Chapter 18 of the General Statutes notwithstanding any Public, Special, Local or Private Act to the contrary whether passed before or after the ratification of this Act; provided, however, in no event shall a license be issued to any person, firm or corporation to sell beer and/or wine for "on premises" consumption anywhere in the City of Sanford. Notwithstanding any other provisions of this Act, it shall be unlawful to sell any beer or wine in the City of Sanford when such beer or wine has been refrigerated to a temperature less than the general temperature of the establishment wherein the sale is made, and any sale of refrigerated beer or wine shall be unlawful. Notwithstanding any other provisions of this Act, it shall be unlawful to sell beer in individual containers containing less than one gallon, except when six containers are sold at the same time to the same person: Provided, that more than six containers may be sold to the same person at the same time when the number of containers is some multiple of six.

A violation of either of the foregoing shall constitute a general misdemeanor punishable in the discretion of the court and a conviction or plea of nolo contendere to said charge shall operate to permanently revoke the license of the violator.

Sec. 5. In the event a special election is called under the provisions of Section 1 of this Act, there shall be submitted to the qualified electors of the City of Sanford at said election the question of whether municipal Alcoholic Beverage Control Stores may be operated in said city, and if a majority of the votes cast in such an election shall be for the operation of such stores, it shall be legal for Alcoholic Beverage Control Stores to be set up and operated in the City of Sanford, but if a majority of the votes cast in such election shall be against Alcoholic Beverage Control Stores, no such stores shall be set up or operated in the City of Sanford under the provisions of this Act. In said election a ballot shall be used upon which shall be printed on separate line for each proposition "For Alcoholic Beverage Control Stores", "Against Alcoholic Beverage Control Stores". Those favoring setting up and operating Alcoholic Beverage Control Stores in the City of Sanford shall mark in the voting square to the left of the words, "For Alcoholic Beverage Control Stores", printed on the ballot and those opposed to Alcoholic Beverage Control Stores shall mark in the voting square to the left of the words "Against Alcoholic Beverage Control Stores", printed on the ballot.

Sec. 6. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Alcoholic Beverage Control Stores", the Alcoholic Beverage Control Board shall within three (3) months from the canvassing of such votes and the declaration of the results thereof, close said stores and shall thereafter cease to operate the same and within said three (3) months the Alcoholic Beverage Control Board 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 city auditor to be deposited in the general fund of the City of Sanford. Thereafter, all Public-Local and Private laws applicable to the sale of intoxicating beverages within the City of Sanford in force and effect prior to the authorization to operate Alcoholic Beverage Control Stores shall be in full force and

effect the same as if such election had not been held, and until and unless another election is held under the provisions of the Act in which a majority of the votes shall be cast "For Alcoholic Beverage Control Stores". No election shall be called and held in the City of Sanford under the provisions of this Act within three (3) years from the holding of the last election thereunder. It shall be the duty of the Board of Aldermen of the City of Sanford to order the Alcoholic Beverage Control election on its own motion or within sixty (60) days after a petition shall have been presented, filed and signed by at least fifteen per cent (15%) of the number of the registered and qualified voters of the City of Sanford that voted in the election for the Board of Aldermen of said city in the last election requesting the same.

Sec. 7. If the operation of the Alcoholic Beverage Control Stores is authorized under the provisions of this Act, the Board of Aldermen of the City of Sanford shall immediately create a Board of Alcoholic Beverage Control to be composed of a Chairman and two other members; one of whom shall be chosen by the membership of the Lee County Welfare Board, one of whom shall be chosen by the membership of the Lee County Board of Education and one of whom shall be chosen by the membership of the Board of Trustees of the Lee County Hospital. The Board of Aldermen of the City of Sanford shall designate the Chairman of the City Board of Alcoholic Beverage Control.

Sec. 8. The City Board of Alcoholic Beverage Control shall have all the powers and duties prescribed for County Boards of Alcoholic Control by G. S. 18-45 and shall be subject to the powers and authority of the State Board of Alcoholic Control to the same extent as are County Boards of Alcoholic Control set forth in G. S. 18-39. The City of Sanford Board of Alcoholic Control and the operation of Municipal Alcoholic Beverage Control Stores authorized under the provisions of this Act shall be subject to the provisions of Article 3 of Chapter 18 of the General Statutes except to the extent that such provisions may be in conflict with this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article it shall apply to and include the City of Sanford Board of Alcoholic Control. The City of Sanford Board of Alcoholic Control shall have authority to employ legal counsel and such other employees as it may deem necessary and fix their compensation. The per diem and subsistence allowance for the City of Sanford Board of Alcoholic Control shall be fixed by the Board of Aldermen of the City of Sanford.

Sec. 9. Out of the gross profits derived from the operation of said Alcoholic Beverage Control Stores and after the payment of all costs and operating expenses, and after obtaining sufficient and proper working capital, the amount thereof to be determined by the City of Sanford Board of Alcoholic Beverage Control, said Board shall expend an amount for law enforcement purposes of not less than five per cent (5%) nor more than ten per cent (10%) thereof to be determined by quarterly audits, which amount shall supplement and not supplant the amount usually budgeted for such purposes by the City of Sanford. In the expenditure of said funds, the City Board of Alcoholic Control shall employ one or more persons as law enforcement officer or officers to be appointed by and directly responsible to the said Board. The person or persons so appointed shall, after taking the oath prescribed by law for peace officers,

have the same powers and authorities within Lee County as other peace officers. Any such person or persons so appointed, or any other peace officer while in hot pursuit of anyone found to be violating the prohibition laws of this State, shall have the right to go into any other county of the State and arrest such defendant therein so long as such hot pursuit of such person shall continue, and the common law of hot pursuit shall be applicable to said offenses and such officer or officers. Any law enforcement officer appointed by the said Board of Alcoholic Control and any other peace officer is hereby authorized, upon request of the sheriff or other lawful officer in any other county, to go into such other county and assist in suppressing a violation of the prohibition laws therein, and while so acting shall have such powers as a peace officer as are granted to him in Lee County and be entitled to all the protection provided for said officer while acting in his own County.

Out of the net profits derived from the operation of said Alcoholic Beverage Control Stores, the City of Sanford Board of Alcoholic Beverage Control shall on a quarterly basis pay over equal amounts to the general fund of the City of Sanford and to the general fund of Lee County.

Any amounts which may be due the City of Sanford by way of distribution from taxes collected by the State of North Carolina by reason of the sales of wine or beer sold under the terms of this Act, instead of being paid entirely to the City of Sanford, shall be distributed as follows: One-half to the general fund of the City of Sanford and one-half to the general fund of Lee County.

Sec. 10. The City Board of Alcoholic Control may establish and operate such stores within the municipality as it may deem necessary and desirable.

Sec. 11. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 12. 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 24th day of March, 1961.