

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 792  
HOUSE BILL 704

AN ACT AUTHORIZING THE QUALIFIED VOTERS OF THE TOWN OF  
JAMESTOWN TO VOTE UPON THE ESTABLISHMENT OF LIQUOR  
CONTROL STORES IN THE TOWN OF JAMESTOWN.

The General Assembly of North Carolina do enact:

Section 1. The Town Council of the Town of Jamestown shall, upon a petition to said council signed by at least fifteen per cent (15%) of the registered and qualified voters of the Town of Jamestown, order an election to be held on the question of whether or not municipal liquor control stores may be operated in the Town of Jamestown, and if a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for a liquor control store or stores to be established and operated in the Town of Jamestown, but if a majority of the votes cast in said election shall be against the operation of liquor control store or stores, no such store or stores shall be established or operated in the Town of Jamestown under the provisions of this Act.

Sec. 2. The Town Council of the Town of Jamestown may submit the question hereinabove mentioned and call a special election for the purpose of submitting said question on or after the 3rd day of June 1961. In the event said special election is called the same shall be held and conducted on the date fixed by the Town Council of the Town of Jamestown. 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 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 Stores", "Against Town Liquor Control Stores". Those favoring establishing and operating liquor stores in the Town of Jamestown shall mark in the voting square to the left of the words, "For Town Liquor Control Stores", printed on the ballot and those opposed to town liquor control stores shall mark in the voting square to the left of the words, "Against Town Liquor Control Stores". 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 Town Council of the Town of Jamestown, and the cost thereof shall be paid from the General Fund of the Town of Jamestown.

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 Stores", the town liquor control board shall within three 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 months the town liquor 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 town clerk. Thereafter all Public, Public-Local and Private Laws applicable to the sale of intoxicating beverages within the Town of Jamestown in force and effect prior to the authorization to operate town liquor 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 this Act in which a majority of the votes shall be cast "For Town Liquor Control Stores". No election shall be called and held in the Town of Jamestown under the provisions of this Act within two years from the holding of the last election thereunder. It shall be the duty of the Town Council of the Town of Jamestown to order the liquor election therein authorized within sixty (60) days after a petition signed by fifteen per cent (15%) of the registered and qualified voters of the Town of Jamestown requesting the same has been presented and filed with the town clerk.

Sec. 4. If the operation of town liquor control stores is authorized under the provisions of this Act, the Town Council of the Town of Jamestown 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 good character, ability and business ability. Said board shall be known and designated as "The Town of Jamestown Board of Alcoholic Control". The chairman of said board shall be designated by the Town Council of the Town of Jamestown and shall serve for his first term a period of three years. The other two members of the Board of Alcoholic Control shall be designated by the Town Council of the Town of Jamestown, and 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; all terms shall begin with the date of appointment, and after the said term shall have expired, successors in office shall serve for a period of three years. Their successors shall be named by the Town Council of the Town of Jamestown. Any vacancy shall be filled by the Town Council for the unexpired term. Compensation of the members of said Town of Jamestown Board of Alcoholic Control shall be fixed by the Town Council of the Town of Jamestown.

Sec. 5. The said Town of Jamestown Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes of North Carolina 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 of North Carolina, except that no liquor control store shall be located in any area zoned as "residential" at the time of the passage of this Act. The said Town of Jamestown Board of Alcoholic Control, and the operation of any town liquor store or stores authorized under the provisions of this Act, shall be subject to and in pursuance of the provisions of Article 3 of Chapter 18 of the General Statutes of North Carolina except to the extent to which the same may be in conflict with the provisions of this Act. In said Article 3, Chapter 18 of the General Statutes, wherever the word "County" board of alcoholic control appears, it shall be deemed to include the Town of Jamestown Board of Alcoholic Control. The Town of

Jamestown Board of Alcoholic Control shall have authority to employ legal counsel and such other employees as it may deem wise and to fix their compensation. Any law enforcement officer appointed by said Town of Jamestown Board of Alcoholic Control shall have all of the powers provided for law enforcing officers as set forth in Section 18-45(o) of the General Statutes of North Carolina.

Sec. 6. Out of profit remaining after the payment of all cost, capital expenditures and operating expenses, the Town of Jamestown Board of Alcoholic Control shall expend a sum not less than five per cent (5%) nor more than ten per cent (10%) of such profit for law enforcement purposes and for education as to the effects of the use of alcoholic beverages. Said board shall also retain out of such profit a sufficient and proper working capital, the amount thereof to be determined by said board. Such profit as shall thereafter remain shall, at the end of each quarterly period following the establishment of liquor control store or stores, be paid out and distributed as follows:

(a) Thirty per cent (30%) shall be allocated and distributed, upon the basis herein provided, to the General Funds of Guilford County and to the general funds of the municipal corporations, other than the Town of Jamestown, located in said county, until they shall establish liquor control stores or unless they shall have established liquor control stores. The amounts distributable to said county and to each of said municipal corporations shall be determined upon the basis of population therein as shown by the latest Federal decennial census; provided, however, the population of said county shall be the entire population of said county exclusive of the population of all of the municipal corporations located therein. Upon the establishing of liquor or alcoholic beverage control store or stores by any municipality located in Guilford County, and in the event any municipal corporation therein has established and in operation alcoholic beverage control stores at the time of the establishment of alcoholic control stores in the Town of Jamestown, other than the Town of Jamestown, the distributive share of such profits which would be payable to such city or town during the period such stores are operated by any such city or town shall be paid by said Town of Jamestown Board of Alcoholic Control to the Town of Jamestown in the same manner and for the same purposes set forth in Subsection (b) of this Section.

(b) Seventy per cent (70%) shall be allocated and distributed to the Tax Collector of the Town of Jamestown and may be used by the Town of Jamestown in the operation of the water and sewer system of the town for debt service, for the general fund, or for any other public purpose.

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

Sec. 8. This Act shall be in full force and effect after ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1961.