

NORTH CAROLINA GENERAL ASSEMBLY  
1969 SESSION

CHAPTER 145  
SENATE BILL 170

AN ACT TO AUTHORIZE A REFERENDUM IN THE TOWNS OF BISCOE AND  
MOUNT GILEAD ON ALCOHOLIC BEVERAGE CONTROL STORES.

The General Assembly of North Carolina do enact:

**Section 1.** The Board of Commissioners of the Town of Biscoe and the Board of Commissioners of the Town of Mount Gilead shall each call and conduct, within its respective town, on May 6, 1969, the day of the regular election of Town officers, a special election upon the question whether alcoholic beverage control stores shall be established in the Town. No new registration of voters shall be necessary for such special election, and all qualified voters of each Town who are registered prior to the regular registration period for the regular 1969 municipal election in each Town, and all who register during such period, shall be entitled to vote in such special election. Notice of such special election shall be posted at the Town Hall in each Town and at two other public places in each Town at least fifteen days preceding the day of election. Except as otherwise provided herein, the special election in each Town shall be conducted in accordance with the laws, rules, and regulations governing regular Town elections in each Town, respectively.

**Sec. 2.** At such special election, in each Town, ballots shall be provided which contain the words "For Town Alcoholic Beverage Control Stores" and "Against Town Alcoholic Beverage Control Stores", with appropriate squares so that each voter may designate by his cross (X) mark his preference.

**Sec. 3.** If a majority of the votes cast at such special election in the Town of Biscoe shall be cast "For Town Alcoholic Beverage Control Stores", then it shall thereafter be lawful for such stores to be established and operated within the Town of Biscoe. If a majority of the votes cast at such special election in the Town of Mount Gilead shall be cast "For Town Alcoholic Beverage Control Stores", then it shall thereafter be lawful for such stores to be established and operated within the Town of Mount Gilead. In the event a majority of the votes cast at either or both of the special elections shall be cast "For Town Alcoholic Beverage Control Stores", then the Boards of Commissioners of the Towns of Biscoe, Candor, Mount Gilead, Star, and Troy shall create the Montgomery Municipal Board of Alcoholic Beverage Control, to be composed of five (5) members, one each appointed by the Board of Commissioners of each of the Towns for terms of three (3) years. The members so appointed shall choose from among their number a Chairman to serve at their pleasure. Any vacancy on such Board shall be filled for the unexpired term by the Town Board of Commissioners which appointed the member causing such vacancy. Compensation of the members of

the Board shall be fixed by concurrent action of the Boards of Commissioners of the Town. Such Board shall open and operate one or more alcoholic beverage control stores in each Town in which such stores shall be authorized by the special elections herein provided.

**Sec. 4.** The Montgomery Municipal Alcoholic Beverage Control Board shall have all the powers granted to, and duties imposed upon, county alcoholic control boards by G.S. 18-45 and shall be subject to the powers and authority of the State Board of Alcoholic Control as granted by G.S. 18-39; provided, however, that G.S. 18-45(15) and G.S. 18-39(10) shall not be applicable to the Montgomery Municipal Alcoholic Beverage Control Board nor to any alcoholic beverage control stores operated by such Board.

**Sec. 5.** The net annual revenue from the operation of alcoholic beverage control stores remaining after payment of all costs and operating expenses and after retaining sufficient working capital, in an amount determined by it, shall be paid by the Montgomery Municipal Alcoholic Beverage Control Board as follows:

(a) five per cent (5%) each to the Towns of Biscoe and Mount Gilead to be used for law enforcement purposes; provided, however, in the event alcoholic beverage control stores shall be authorized in only one of said Towns by the special elections herein provided, then the Board shall pay ten per cent to such Town to be used for law enforcement purposes;

(b) fifty per cent (50%) to be divided among and paid to the Towns of Biscoe, Candor, Mount Gilead, Star, and Troy on the basis of their relative populations according to the most recent Federal census, and to be used by them for any authorized Town purpose or function;

(c) forty per cent (40%) to Montgomery County to be used for any authorized County purpose or function.

The Montgomery Municipal Alcoholic Beverage Control Board shall, upon request of the Boards of Commissioners of the Towns appointing its members, pay out the funds authorized by this Section quarterly after sufficient working capital has initially been set aside.

**Sec. 6.** In expending the funds for law enforcement pursuant to Section 5 of this Act, the Board of Commissioners of the Towns of Biscoe and Mount Gilead, or either of them, may assign to one of its police officers the additional duty of enforcing the alcoholic beverage control laws, and in performing such duty, such officer or officers shall have county-wide jurisdiction. At any time when the amount allocated by this Act for law enforcement shall be deemed to be sufficient to do so, the Board of Commissioners of each Town receiving funds for law enforcement hereunder may appropriate such funds to employ either, singly or jointly, one or more alcoholic beverage control officers.

**Sec. 7.** If a majority of the votes cast in such special election in either the Town of Biscoe or the Town of Mount Gilead shall be cast "Against Town Alcoholic Beverage Control Stores", then no Town alcoholic beverage control stores shall be established in such Town under authority of this Act, unless authorized by a subsequent special election which may be called and conducted at any time by the Board of

Commissioners of such Town on its own motion, and which may be held on the day of any other regular or special Town election, and which shall be conducted in accordance with the laws applicable to regular municipal elections in such Town.

**Sec. 8.** All laws and clauses of laws in conflict with this Act are hereby repealed.

**Sec. 9.** This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1969.