

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 77
SENATE BILL 155

AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE TOWN OF
BESSEMER CITY TO DETERMINE WHETHER WINE AND BEER MAY BE
LEGALLY SOLD AND ALCOHOLIC BEVERAGE CONTROL STORES
OPERATED IN THE TOWN OF BESSEMER CITY.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Bessemer City is hereby authorized, in its discretion, to call a special election to be held on the question of whether wine and beer may be sold and whether Alcoholic Beverage Control Stores may be operated in the Town of Bessemer City. The governing body may call the special election to be held on such date as it may determine. The cost of the special election shall be paid from the general fund of the Town.

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 Town of Bessemer City.

Sec. 3. In the event a special election is called under the provisions of Section 1 of this Act, there shall be submitted to the qualified voters of the Town of Bessemer City at said election the question of whether wine and beer may be legally sold and Alcoholic Beverage Control Stores operated in the Town of Bessemer City. In said election, a ballot shall be used upon which shall be printed "FOR the legal sale of wine and beer and Alcoholic Beverage Control Stores" and "AGAINST the legal sale of wine and beer and Alcoholic Beverage Control Stores". Those favoring setting up and operating Alcoholic Beverage Control Stores and the legal sale of wine and beer in the Town of Bessemer City shall mark in the voting squares to the left of the words "FOR the legal sale of wine and beer and Alcoholic Beverage Control Stores" printed on the ballot, and those opposed to the legal sale of wine and beer and the operation of Alcoholic Beverage Control Stores shall mark in the voting squares to the left of the words "AGAINST the legal sale of wine and beer and Alcoholic Beverage Control Stores" printed on the ballot.

If a majority of votes cast in such election shall be for the legal sale of wine and beer and the operation of Alcoholic Beverage Control Stores in the Town of Bessemer City, it shall be legal for wine and beer to be sold in the Town of Bessemer City and for Alcoholic Beverage Control Stores to be set up and operated in said Town.

If a majority of the votes cast in such election shall be against the legal sale of wine and beer and Alcoholic Beverage Control Stores, no such sale of wine and beer nor such stores shall be set up or operated in the Town of Bessemer City under the provisions of this Act.

Sec. 4. If a majority of the votes cast in such election shall be for the legal sale of beer and wine, then the governing body of the Town of Bessemer City shall issue only "off premises" license to sell beer and wine as defined in G.S. 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.

Sec. 5. 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 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 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 the same be deposited in the general fund of the Town of Bessemer City. Thereafter, all public, local and private laws applicable to the sale of intoxicating beverages within the Town of Bessemer City 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."

Sec. 6. If the operation of Town Alcoholic Beverage Control Stores is authorized under the provisions of this Act, the governing body of the Town of Bessemer City shall immediately create a Town Board of Alcoholic Beverage Control, to be composed of a chairman and not less than two other members nor more than four other members who shall be well known for their good character, ability and business acumen. Said Board shall be known and designated as the "Town of Bessemer City Board of Alcoholic Beverage Control". The chairman of said Board shall be designated by the governing body of the Town of Bessemer City and shall serve for his first term a period of three years. The other two members of the Board of Alcoholic Beverage Control shall be designated by the governing body of the Town of Bessemer City, 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 same term shall have expired, successors in office shall serve for a period of three years. Their successors shall be named by the governing body of the Town of Bessemer City. Any vacancy shall be filled by the governing body of the Town of Bessemer City for the unexpired term. If the governing body of the Town of Bessemer City, in its discretion, deems it necessary to have more than a Chairman and two other members, their tenure shall be determined by the governing body of the Town of Bessemer City.

Sec. 7. The Town Board of Alcoholic Beverage Control shall have all the powers and duties prescribed for County Boards of Alcoholic Control by G.S. 18-45, except the powers contained in G.S. 18-45(15), 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 Town of Bessemer City Board of Alcoholic Beverage Control 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 Town of Bessemer City Board of Alcoholic Control. The Town of Bessemer City 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 members of the Town of Bessemer City Board of Alcoholic Beverage Control shall be fixed by the governing body of the Town of Bessemer City.

Sec. 8. The Town of Bessemer City Board of Alcoholic Beverage Control shall, out of the gross revenue derived from the operation of Alcoholic Beverage Control Stores, pay all salaries, costs and operating expenses and retain a sufficient and proper working capital, the amount thereof to be determined by the Town Board of Alcoholic Beverage Control. The remaining revenue, as determined by quarterly audit, shall be paid quarterly by the Town of Bessemer City Board of Alcoholic Beverage Control into the general fund of the Town of Bessemer City. The governing body of the Town of Bessemer City is hereby authorized to expend revenue derived from the operation of the Alcoholic Beverage Control Stores for any and all governmental purposes for which it may expend tax and nontax revenue.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. 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 17th day of March, 1969.