

NORTH CAROLINA GENERAL ASSEMBLY  
1969 SESSION

CHAPTER 832  
HOUSE BILL 1171

AN ACT TO PERMIT A REFERENDUM IN MUNICIPALITIES CONCERNING  
THE SALE OF ALCOHOLIC BEVERAGES IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

**Section 1.** The provisions of this Act shall apply to any incorporated municipality in Rockingham, Cleveland and Stokes Counties which have and maintain an organized municipal police force of one or more full-time officers, who each receive an annual salary, paid monthly or weekly.

The State Board of Alcoholic Control is hereby empowered to determine upon application of the governing body of any municipality, whether such municipality comes within the provisions of this Section, and any such determination shall be solely within the discretion of the State Board of Alcoholic Control. The State Board of Alcoholic Control shall supply the application forms.

**Sec. 2.** Any eligible incorporated municipality in Rockingham County, to which this Act is applicable, is authorized to call a special election, as hereinafter provided, and submit to the qualified voters the question of setting up and operating in such municipality liquor control stores.

**Sec. 3.** The election shall be called in such municipality by its governing body upon receipt of a petition signed by at least twenty- five per cent (25%) of the registered voters of said municipality, of the number who voted in the last municipal election for mayor or governing body.

**Sec. 4.** In calling for such special liquor election, the governing body shall give at least thirty (30) days public notice of the same prior to the opening of the registration books, and the registration books shall remain open for the same period of time before such special liquor election as they are required by law to remain open before a regular election for municipal officers. A new registration of voters for such special liquor election is not required, and all qualified electors who are properly registered prior to the registration for the special election, as well as those electors who register for said special liquor election, shall be entitled to vote in said election.

**Sec. 5.** At said election the qualified voters favoring the setting up and operating of liquor stores in such municipality shall mark the ballot in the voting square to the left of the words "For municipal liquor control stores", printed on the ballot, and those opposed to setting up and operating liquor control stores in such municipality shall mark in the voting square to the left of the words "Against municipal liquor control stores", printed on the same ballot. If a majority of the votes cast in such election shall be for municipal liquor control stores, then a liquor store or stores may be set up and

operated in such municipality as herein provided, and if a majority of the votes cast at said election shall be against municipal liquor control stores, then no liquor store shall be set up or operated in said municipality under the provisions of this Act.

**Sec. 6.** No election under this Act shall be held on the day of a regular election for municipal officers, or within thirty (30) days of such an election, and the day of such election under this Act shall be fixed by the governing body of the municipality wherein the same is held.

**Sec. 7.** No election on the question of setting up, operating or discontinuing liquor control stores shall be called and held in a municipality under the provisions of this Act within three (3) years from the holding of the last such election under this Act.

**Sec. 8.** No election shall be held under the provisions of this Act less than sixty (60) days after the day that the election is called by the governing body. If, within thirty days following the publication of the call of the election, as provided in Section 4 of this Act, a county referendum is called pursuant to G.S. 18-61, the municipal election shall be thereby stayed until after said county election. If, at said county election, a majority of the votes cast shall be for county liquor control stores, the municipal election shall not be held, but, if, at said county election, a majority of the votes cast shall be against county liquor stores, the governing body of the municipality shall reset the date of the municipal liquor election. In resetting the election, the governing body shall give at least twenty (20) days' public notice of the same prior to the opening of the registration books.

**Sec. 9.** In the event that a majority of the votes cast shall be for municipal liquor stores, the governing body of said municipality shall certify the results immediately to the State Board of Alcoholic Control and shall immediately create a municipal board of alcoholic control, to be composed of a chairman and two members who shall be well known for their character, ability, and business acumen. The members of the board shall be appointed by the governing body. At the time of the original appointments, one of said members shall be appointed for three years, one for two years, and one for one year, and as their terms expire their successors shall be appointed for terms of three years each. Vacancies shall be filled by the governing body for the unexpired term. The board shall be known as the "(name of city) Board of Alcoholic Control". The governing body of the municipality shall designate one of the members of the Board to serve as chairman, and the compensation of the chairman and all members of the Board shall be fixed by the governing body.

**Sec. 10.** Any board of alcoholic control created hereunder shall have all of the powers and duties imposed by G.S. 18-45 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 G.S. 18-39. Said municipal board of alcoholic control and the operation of any store authorized under the provisions of this Act shall be subject to and pursuant to the provisions of Article 3 of Chapter 18 of the General Statutes of North Carolina, except to the extent which the said provisions 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 as herein provided. Said municipal board of alcoholic control shall be

authorized to employ legal counsel and such other employees as it may deem necessary and fix their compensation.

**Sec. 11.** Any special election called under the provisions of this Act shall be conducted under the same statutes, rules and regulations which apply to regular elections for municipal officers in such municipality, and the cost shall be paid from the general fund of said municipality.

**Sec. 12.** Out of the total receipts derived from the operation of any alcoholic beverage control store created hereunder, after payment of all costs and operating expenses and after retaining sufficient and proper working capital, the board of alcoholic control shall expend the sum of not less than five nor more than fifteen per cent for law enforcement purposes and for education as to the effects of the use of alcoholic beverages. If any alcoholic beverage control store is created hereunder in the city of Eden, five percent (5%) of the net profits after the deduction of all costs including the amount expended for law enforcement shall be paid to the trustees of the Morehead Memorial Hospital, Eden, N. C. and five percent (5%) of the net profits shall be paid to the board of trustees of the Rockingham County Public Library; if any alcoholic beverage control store is established in the town of Madison, two and one-half percent (2 1/2%) of the net profits after the deduction of all costs including the amount expended for law enforcement shall be paid to the trustees of the Annie Penn Memorial Hospital, Reidsville, N. C., two and one half percent (2 1/2%) of the net profits to the trustees of the Morehead Memorial Hospital, Eden, N. C. and five percent (5%) of the net profits shall be paid to the board of trustees of the Rockingham County Public Library; if any alcoholic beverage control store is established in the town of Mayodan, two and one-half percent (2 1/2%) of the net profits after the deduction of all costs including the amount expended for law enforcement shall be paid to the trustees of the Annie Penn Memorial Hospital, Reidsville, N. C., two and one-half percent (2 1/2%) of the net profits to the trustees of the Morehead Memorial Hospital, Eden, N. C. and two and one-half percent (2 1/2%) of the net profits shall be paid to the board of trustees of the Rockingham County Public Library; if any alcoholic beverage control store is established in the town of Stoneville, two and one-half percent (2 1/2%) of the net profits after the deduction of all costs including the amount expended for law enforcement shall be paid to the trustees of the Annie Penn Memorial Hospital, Reidsville, N. C., two and one-half percent (2 1/2%) of the net profits to the trustees of the Morehead Memorial Hospital, Eden, N. C. and five percent (5%) of the net profits shall be paid to the board of trustees of the Rockingham County Public Library. The Board shall employ one or more law enforcement officers, to be appointed by and directly responsible to said board. Such law enforcement officer or officers shall have county-wide jurisdiction and shall have the same powers and authority as provided in G.S. 18-45(15). The remaining proceeds shall be paid out and distributed as follows:

(a) Fifty per cent (50%) to the general fund of the municipality, to be expended for any public purpose of the municipality.

(b) Fifty per cent (50%) to the general fund of the county in which said municipality is located, to be expended for any public purpose of the county.

**Sec. 13.** If, after the establishment of a liquor store or stores in a municipality under the provisions of this Act, a county election is called pursuant to G.S. 18-61 and a majority of the votes cast at such election shall be for county liquor stores, then within six months following establishment of and opening of any county liquor control stores, the municipal control board shall close the municipal stores and shall thereafter cease to operate the same. During the six months period, the municipal control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of the municipal control board and convert the same into money and shall, after making a true and faithful accounting, turn all money in its hands over to the general fund of the municipality. Subsequent to the closing of the said municipal stores, as herein provided, the municipality shall be entitled to a share of the net profits of the county liquor stores, which share shall be the same percentage of total net profits of the county stores as the population of the municipality is of the total population of the county.

**Sec. 14.** All laws and clauses of laws in conflict with this Act are hereby repealed.

**Sec. 15.** 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 16th day of June, 1969.