

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 972
SENATE BILL 1191

AN ACT AUTHORIZING THE ESTABLISHMENT OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF LIBERTY, RANDOLPH COUNTY, AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORE.

The General Assembly of North Carolina enacts:

Section 1. The governing body of the Town of Liberty may on its own motion, and shall if requested by a petition signed by at least fifteen percent (15%) of the registered voters of Liberty, order an election to be held on the question of whether or not a town liquor control store may be operated in the Town of Liberty; and if a majority of the votes cast in such election shall be for the operation of such a store, it shall be legal for a liquor control store to be set up and operated in said town; but if a majority of the votes cast in said election shall be against the operation of a town liquor control store, no such store shall be set up or operated in said town under provisions of this act. In the event the governing body of the Town of Liberty on its own motion orders a special election herein provided for, said election shall be held on such date as determined by said governing body. Provided, that the special election shall not be held on or within 60 days of any biennial election for county officers.

Sec. 2. In calling for such special liquor election, the said governing body shall give at least 30 days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for eight days before such special liquor election. A new registration of voters for such special liquor election shall not be necessary and all qualified voters who are properly registered prior to registration for the special election and those who register in said special 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 Store", "Against Town Liquor Control Store". Those favoring setting up and operating a liquor store in the Town of Liberty shall mark in the voting square to the left of the words "For Town Liquor Control Store", printed on the ballot; and those opposed to a town liquor control store shall mark in the voting space to the left of the words "Against Town Liquor Control Store". Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to municipal elections in the Town of Liberty.

Sec. 3. If, after the first election, but no sooner than three years, upon a petition signed by at least fifteen percent (15%) of the registered and qualified voters of the town, the governing body shall call an election and at such election a majority of the

votes shall be "Against Town Liquor Control Store", the town liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same, and within said three months the town 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 treasurer. Thereafter, all public, public-local and private laws applicable to the sale of intoxicating beverages within said Town of Liberty in force and effect prior to the authorization to operate a town liquor store shall be in full force and effect the same as if such election had not been held 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 Store". No election shall be called and held in the Town of Liberty under the provisions of this section within three years from the holding of the last election thereunder. It shall be the duty of the governing body of the Town of Liberty to order the special liquor election herein authorized in this section within 60 days after a sufficient petition has been filed requesting the same. But no election under this act shall be held on the day of any biennial county or Town of Liberty general election or primary election, or within 30 days of any such election.

Sec. 4. If the operation of a town liquor control store is authorized under the provisions of this act, the mayor and governing body of the Town of Liberty shall immediately appoint a town Board of Alcoholic Control to be composed of a chairman and two other members who shall be well known for their character, ability and business acumen. Said board shall be known and designated as "The Town of Liberty Board of Alcoholic Control". The chairman of said board shall be designated by the governing body of the town and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the first terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board, shall be named or filled by the governing board of the town. The Board of Alcoholic Control shall report monthly to the town board the status and financial condition of the Alcoholic Control Board and the books of the said Board of Alcoholic Control shall be available for inspection and examination by the members of the town board at any time.

Sec. 5. The said Town of Liberty Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18A-17 of the General Statutes on County Board of Alcoholic Control, except as otherwise provided herein, 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 Chapter 18A of the General Statutes. The said Town of Liberty Board of Alcoholic Control and the operation of any town liquor store authorized under the provisions of this act shall be subject to and in accordance with the provisions of Chapter 18A of the General Statutes, except to the extent which the same may be in conflict with the provisions of this act. Whenever the word

"County" Board of Alcoholic Control appears in said Article, it shall include the Town of Liberty Board of Alcoholic Control.

Sec. 6. The net profits, as determined by quarterly audit, shall be distributed and used as follows:

1. The first two hundred thousand dollars (\$200,000) of net profit or so much of it as is necessary to build a medical clinic in the Town of Liberty and thereafter five percent (5%) of the net profit or so much of it as is necessary to maintain this clinic. Provided, that before such distributions are made, the town Alcoholic Control Board shall comply with the provisions of G.S. 18A-17(14) requiring the expenditure of not less than seven percent (7%) of its total profits for education on the excessive use of alcoholic beverages and for the rehabilitation of alcoholics. Provided further, that this subsection shall be subject to the provisions of subsection 2 of this section.

2. In addition to the expenditure of seven percent (7%) of total profits, as required by G.S. 18A-17(14), for education on the excessive use of alcoholic beverages and for the rehabilitation of alcoholics, the town Alcoholic Control Board may, in its discretion, spend an additional three (3%) of total profits for such purposes. Whenever a person becomes an inebriate from the use of alcoholic beverages and has been committed by the Clerk of Court of Randolph County, as provided in G.S. 35-2, and such person is indigent so that expenses of his care and cure shall constitute a valid charge against the county, as provided in G.S. 35-2, the town Alcoholic Control Board shall pay to the county such charges; provided, that the town Alcoholic Control Board shall not be required to pay any such charges except where it has agreed with the Clerk of Superior Court to pay such charges prior to the person's commitment. The town Alcoholic Control Board is authorized to participate in and to make contributions to public and private organizations which have rehabilitation programs for alcoholics, when the organization and its programs have been approved by the board. Nothing herein shall be construed as limiting the Alcoholic Control Board's discretion in establishing its educational and rehabilitation program and expenditures therefor within the ten percent (10%) net profits herein allocated.

3. Eighty-five percent (85%) of the net profits shall be allocated to the general fund of the Town of Liberty. The governing body of the town is hereby authorized to appropriate such funds for any proper governmental purpose, including that set out in subsection 1 of Section 6, in amounts in excess of the five percent (5%) set out in that section, and the costs of any additional law enforcement officers and facilities necessitated by the sale of liquor within the Town of Liberty.

Sec. 7. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1974.