

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 165
HOUSE BILL 444

AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE TOWN OF ROSMAN, TRANSYLVANIA COUNTY, TO DETERMINE WHETHER ALCOHOLIC BEVERAGE CONTROL STORES MAY BE OPERATED IN THE TOWN.

The General Assembly of North Carolina enacts:

Section 1. The governing body of the Town of Rosman may call an election to be held on the question of whether alcoholic beverage control stores may be operated in that town. The governing body shall call the special election to be held on a date to be determined by the county board of elections, not more than 120 days after the governing body calls for the election. The Transylvania County Board of Elections shall hold and conduct all elections under this act, and the cost of the special elections shall be paid from the general fund of the town.

Sec. 2. A new registration for voters for the election is not necessary, and all qualified voters who are properly registered prior to registration for the election and those who register for the election are entitled to vote in the 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 Rosman.

Sec. 3. There shall be submitted to the qualified voters of the Town of Rosman at the election the question of whether municipal alcoholic beverage control stores may be operated in that town, and if a majority of the votes cast in the election are for the operation of those stores, it shall be legal for alcoholic beverage control stores to be set up and operated in the town, but if a majority of the votes cast in the election are against alcoholic beverage control stores, no stores may be set up or operated in the Town of Rosman under the provisions of this act. In the election, a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Alcoholic Beverage Control Stores", "Against Alcoholic Beverage Control Stores". Those favoring setting up and operating alcoholic beverage control stores in the town shall mark in the voting square to the left of the words, "For Alcoholic Beverage Control Stores", printed on the ballot, and those opposed to alcoholic beverage control stores shall mark in the voting square to the left of the words "Against Alcoholic Beverage Control Stores", printed on the ballot.

Sec. 4. If the operation of town alcoholic beverage control stores is authorized under the provisions of this act, the governing body of the town shall immediately create a town board of alcoholic beverage control, to be composed of a chairman and

two other members who shall be well known for their good character, ability, and business acumen. The board shall be known and designated as the "Town of Rosman Board of Alcoholic Beverage Control". The chairman of the board shall be designated by the governing body of the town 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, 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 expires, successors in office shall serve for a period of three years. Their successors shall be named by the governing body of the town. Any vacancy shall be filled by the governing body of the town for the unexpired term.

Sec. 5. The Town of Rosman Board of Alcoholic Beverage Control shall have all the powers granted to and duties imposed upon county alcoholic control boards by G.S. 18A-17 and shall be subject to the powers and authority of the State Board of Alcoholic Control as stated in G.S. 18A-15, except that G.S. 18A-17(14) shall not apply to the Town of Rosman Board of Alcoholic Beverage Control. Whenever the term "county board of alcoholic control" appears in Chapter 18A, it shall be construed to include the Town of Rosman Board of Alcoholic Beverage Control.

Sec. 6. The town 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 distributed quarterly by the town board of alcoholic beverage control as follows:

i. Seventy-five percent (75%) to the Town of Rosman, to be deposited in the general fund of the town, which may be used for any lawful purpose for which other general fund expenditures may be made;

ii. Fifteen percent (15%) to the board of commissioners of Transylvania County, to be deposited to the general fund of the county, which may be used for any lawful purpose for which other general fund appropriations may be used;

iii. Ten percent (10%) to the Transylvania County Sheriff's Department, to be used for law enforcement.

Sec. 7. Subsequent elections may be held as authorized in this section. At such an election if a majority of the votes are cast "Against Alcoholic Beverage Control Stores", the town alcoholic beverage control board shall, within three months from the canvassing of the votes and the declaration of the results thereof, close the stores and shall thereafter cease to operate them. During this period, the town 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 the board, convert the same into cash, and deposit it in the general fund of the Town of Rosman. Thereafter, all public, local, and private laws applicable to the sale of intoxicating beverages within the Town of Rosman, 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 the 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 are cast "For Alcoholic Beverage Control Stores". No election shall be called and held in the town under the provisions of this act within three years from the holding of the last election thereunder. The governing body of the Town of Rosman may order a subsequent alcoholic beverage control election on its own motion, and shall, within 60 days after a petition has been presented to the town's governing body, filed and signed by at least twenty percent (20%) of the registered voters in the town who voted in the last election for the governing body of the town, order an election on the question of whether alcoholic beverage control stores shall be operated in the town.

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1981.