

NORTH CAROLINA GENERAL ASSEMBLY  
1963 SESSION

CHAPTER 50  
HOUSE BILL 128

AN ACT TO AUTHORIZE VOTERS OF PENDER COUNTY TO DETERMINE  
WHETHER OR NOT BEER AND WINE MAY BE LEGALLY SOLD AND  
ALCOHOLIC BEVERAGE CONTROL STORES OPERATED IN PENDER  
COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Upon the presentation to it of a petition signed by fifteen per cent (15%) of the registered voters of Pender County that voted for Governor in the last election, requesting that an election be held for the purpose of submitting to the voters of Pender County the question of whether or not beer and wine may be legally sold and Alcoholic Beverage Control stores be operated in Pender County under the terms and provisions hereof, the County Board of Elections of Pender County shall call an election on the 25th day of May, 1963, for the purpose of submitting said question to the voters of Pender County.

The signatures on said petition shall be in the genuine handwriting of the signer and said petition shall show opposite the name of the signer the correct precinct in which petitioner last voted. Said election may be called and held on the date herein set forth notwithstanding the nearness or coincidence of said date with any other election. Said election shall be conducted by the County Board of Elections and the cost thereof shall be paid from the general fund of Pender County.

Sec. 2. A new registration for voters shall not be necessary, and all qualified voters who are properly registered prior to registration for the election and those who register for the election shall be entitled to vote in said election. The election herein authorized shall be conducted under the same statutes, rules and regulations applicable to general elections for Pender County.

Sec. 3. In the event said special election is called by the Board of Elections for Pender County, a ballot shall be used upon which shall be printed "FOR the legal sale of beer and wine and the establishment of Alcoholic Beverage Control stores in Pender County"; and on a separate line "AGAINST the legal sale of beer and wine and the establishment of Alcoholic Beverage Control stores in Pender County". Those favoring the legal sale of beer and wine and the establishment of Alcoholic Beverage Control stores shall mark in the voting square to the left of the words "FOR the legal sale of beer and wine and the establishment of Alcoholic Beverage Control stores in Pender County" printed on the ballot; and those opposed to the legal sale of beer and wine and the establishment of Alcoholic Beverage Control stores shall mark in the

voting square to the left of the words "AGAINST the legal sale of beer and wine and the establishment of Alcoholic Beverage Control stores in Pender County" printed on the ballot.

Sec. 4. If a majority of the votes cast in such election shall be for the legal sale of beer and wine and the establishment of Alcoholic Beverage Control stores in Pender County, the following steps shall be taken:

(a) The governing board of the county and the governing board of each municipality in said county shall in the applicable territory issue to applicants entitled to the same licenses to sell beer as defined in G. S. 18-64, as provided in Chapter 18 of the General Statutes for off-premises consumption only, except, however, that licenses may be issued pursuant to the provisions of Chapter 18 of the General Statutes for sale for on-premises consumption in Grade "A" restaurants, hotels, and motels, notwithstanding any public, special, local or private act to the contrary, whether passed before or after the ratification of this Act.

(b) The governing board of the county and the governing board of each municipality in said county, as the case may be, shall issue to applicants entitled to same licenses to sell wine as defined in G. S. 18-64 and 18-99, as provided in Chapter 18 of the General Statutes for off-premises consumption only except, however, licenses may be issued pursuant to the provisions of Chapter 18 of the General Statutes for sale for on-premises consumption in Grade "A" restaurants, hotels, and motels, notwithstanding any public, special or private act to the contrary whether passed before or after the ratification of this Act.

(c) There shall be created a Pender County Board of Alcoholic Control to consist of a chairman and four other members. The chairman shall be G. C. Edmonds who shall serve until the 1st day of July, 1965, and for such period thereafter as he may be named to serve by the Pender County Board of Alcoholic Control which shall consist of four members to be selected as follows: The members of said board shall be selected in a joint meeting of the Board of County Commissioners of Pender County, the Pender County Board of Health, the Pender County Board of Education, and the Pender County Board of Public Welfare and each member present shall have only one (1) vote notwithstanding the fact that there may be instances in which some members are members of another board. Two of said four board members shall be chosen to serve for a period of three years and two of said four members shall be chosen to serve for a period of two years. All terms shall begin with the date of their appointment and after the said term shall have expired their successors in office shall serve for a period of three years and shall be appointed in the same manner as herein provided in this Act. The members of said board shall be well known for their character, ability and business judgment. Upon the expiration of the term of the original chairman named herein the board shall be authorized to name its own chairman.

Sec. 5. The Pender County Board of Alcoholic Control shall have all the powers and duties prescribed for County Boards of Alcoholic Control by G. S. 18-45, 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 Pender County Board of Alcoholic Control shall be subject to the provisions of

Article 3, Chapter 18, of the General Statutes except to the extent that such provisions may be in conflict with the terms of this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall apply to and include the Pender County Board of Alcoholic Control; provided, however, that the board shall locate one or more stores in the towns of Burgaw and Atkinson; provided further that the board may locate one or more stores on Topsail Island, or any other location it may deem advisable.

Sec. 6. After deducting the amount required to be expended for enforcement as provided in G. S. 18-45(o), and after providing for the expenditure of a sum not less than two per cent (2%) nor more than five per cent (5%) for finding the causes and cures for alcoholism, and after the further payment to the general fund of Pender County of five per cent (5%) of net profits for use in mosquito control, the remaining net profits from any Alcoholic Beverage Control stores shall, on a quarterly basis, be paid over as follows: seventy-five per cent (75%) to the general fund of Pender County, and the remaining twenty-five per cent (25%) to the respective municipalities in which Alcoholic Beverage Control stores are located.

Sec. 7. All of the provisions of Chapter 18 of the General Statutes of North Carolina, and other applicable laws not in conflict with the terms of this Act shall be and remain in full force and effect.

Sec. 8. All laws and clauses of laws in conflict with the terms of this Act are hereby repealed to the extent that they conflict with the terms of this Act.

Sec. 9. 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 13th day of March, 1963.