

NORTH CAROLINA GENERAL ASSEMBLY  
1965 SESSION

CHAPTER 745  
SENATE BILL 356

AN ACT AUTHORIZING THE ESTABLISHMENT OF A TOWN ALCOHOLIC BEVERAGE CONTROL STORE IN THE TOWN OF BLOWING ROCK, WATAUGA COUNTY, UPON A VOTE OF THE PEOPLE, AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORE.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Blowing Rock shall, upon a petition to said board signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not a Town Alcoholic Beverage Control Store may be operated in the Town of Blowing Rock; 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 an Alcoholic Beverage 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 Alcoholic Beverage Control Store, no such store shall be set up or operated in said town under provisions of this Act.

Sec. 2. In calling for such special Alcoholic Beverage Control election, the said governing body shall give at least thirty days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such Alcoholic Beverage Control election as is required by law for them to remain open for a regular municipal election in Blowing Rock. A new registration of voters for such special Alcoholic Beverage Control election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special Alcoholic Beverage Control 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 Alcoholic Beverage Control Store", "Against Town Alcoholic Beverage Control Store". Those favoring setting up and operating an Alcoholic Beverage Control Store in the town shall mark in the voting square to the left of the words "For Town Alcoholic Control Store", printed on the ballots; and those opposed to a Town Alcoholic Beverage Control Store shall mark in the voting space to the left of the words "Against Town Alcoholic Beverage 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 Blowing Rock.

Sec. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Alcoholic Beverage Control Store", the Town Alcoholic Beverage 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-Local, Public and Private Laws applicable to the sale of intoxicating beverages within said Town of Blowing Rock in force and effect prior to the authorization to operate a Town Alcoholic Beverage Control 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 Alcoholic Beverage Control Store". No election shall be called and held in the Town of Blowing Rock under the provisions of this Act within two years from the holding of the last election thereunder. It shall be the duty of the governing body of the town to order the special Alcoholic Beverage Control election herein authorized in this Section within sixty days after a sufficient petition has been filed requesting the same. No election under this Act shall be held on the day of any biennial county, or Town of Blowing Rock general election or primary election, or within thirty days of any such election.

Sec. 4. If the operation of a Town Alcoholic Beverage Control Store is authorized under the provisions of this Act, the governing body of the town shall immediately create 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 Blowing Rock 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 same 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 body of the town.

Sec. 5. The Town of Blowing Rock Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on county boards 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 Section 18-39 of the General Statutes. The said Town of Blowing Rock Board of Alcoholic Control and the operation of any Town Alcoholic Beverage Control Store authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same 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 Town of Blowing Rock Board of Alcoholic Control.

Sec. 6. The net profits derived from stores operated under this Act, as determined by quarterly audits, shall be allocated by the Board of Alcoholic Control and used as herein provided:

(a) Five per cent (5%) of the net profits shall be paid by the Board of Alcoholic Control to the general fund of the Town of Blowing Rock, to be used for law enforcement purposes.

(b) Twenty-five per cent (25%) of the net profits shall be paid to the Board of Education of Watauga County.

(c) Ten per cent (10%) of the net profits shall be paid to the Board of Education of Caldwell County.

(d) The remaining sixty per cent (60%) of the net profits shall be paid to the general fund of the Town of Blowing Rock, to be used for any proper governmental purpose.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. 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 1st day of June, 1965.