

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 603
HOUSE BILL 864

AN ACT AUTHORIZING THE QUALIFIED VOTERS OF THE TOWN OF
LINCOLNTON TO DETERMINE WHETHER BEER AND WINE MAY BE
LEGALLY SOLD AND ALCOHOLIC BEVERAGE CONTROL STORES
OPERATED IN SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. The Board of Aldermen of the Town of Lincolnton may on its own motion, and 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 "off premises" sales of beer and wine shall be legal in the Town of Lincolnton, and whether liquor control stores may be operated in the Town of Lincolnton and if a majority of the votes cast in such election shall be for the sale of "off premises" beer and wine and for the operation of town liquor control stores, then it shall be legal for liquor control stores to be set up and operated in said town, and for "off premises" beer and wine to be sold, but if a majority of the votes cast in said election shall be against the sale of "off premises" beer and wine and the operation of town liquor control stores, then no such stores shall be set up or operated and no beer or wine shall be sold in said town under the provisions of this Act.

Sec. 2. In calling for such special election, the said board shall give at least 20 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 special election as is required by law for them to remain open for a regular election. A new registration of voters for such special 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 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 one proposition, "For Town Liquor Control Stores and For Sale of 'Off Premises' Beer and Wine", "Against Town Liquor Control Stores and Against the Sale of 'Off Premises' Beer, and Wine". Those favoring the sale of "off premises" beer and wine and the operation of liquor stores in the Town of Lincolnton shall mark in the voting square to the left of the words "For Town Liquor Control Stores and For sale of 'Off Premises' Beer and Wine" printed on the ballot, and those opposed to the proposition shall mark in the voting square to the left of the words "Against Town Liquor Control Stores and Against the Sale of 'Off Premises' Beer and Wine." Except as otherwise herein

provided, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to elections in the Town of Lincoln.

Sec. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Liquor Control Stores and Against the Sale of 'Off Premises' Beer and Wine", 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, and the sale of beer and wine in the Town of Lincoln shall be illegal. Thereafter, all public, public-local, and private laws applicable to the sale of intoxicating beverages within said Town of Lincoln in force and effect prior to the authorization to operate town liquor stores 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 Stores and For Sale of 'Off Premises' Beer and Wine". No election shall be called and held in the Town of Lincoln under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the Board of Aldermen of the Town of Lincoln to order the special election herein authorized 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 Lincoln general election or primary election, or within 30 days of any such election.

Sec. 4. If the operation of town liquor control stores is authorized under the provisions of this Act, the Mayor and Board of Aldermen of the Town of Lincoln 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 Lincoln Board of Alcoholic Control". The chairman of said board shall be designated by the mayor and 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 said 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 mayor and the governing body of the town.

Sec. 5. The said Town of Lincoln 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 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. Provided, that no town liquor store authorized under this Act shall be located or operated within 450 feet of any school or church in the Town of Lincoln. The said Town of Lincoln 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 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 Town of Lincoln Board of Alcoholic Control.

Sec. 6. The Board of Alcoholic Control shall, out of the gross revenues derived from the operation of Alcoholic Beverage Control Stores, pay all salaries, costs, operating expenses, and retain a sufficient and proper working capital. The remaining net revenues, as determined by quarterly audit, shall be distributed quarterly by the Board of Alcoholic Control as follows: Fifteen per cent (15%) to the general fund of Lincoln County; eighty-five per cent (85%) to the general fund of the Town of Lincoln to be expended for any governmental purpose for which the town may expend tax and nontax revenues.

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 25th day of May, 1967.