

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 609
SENATE BILL 455

AN ACT AUTHORIZING THE ESTABLISHMENT OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF WAYNESVILLE, HAYWOOD COUNTY, UPON A VOTE OF THE PEOPLE, AND PROVIDING FOR THE ALLOCATION OF NET PROCEEDS FROM THE OPERATION OF SUCH STORE.

The General Assembly of North Carolina do enact:

Section 1. The Board of Aldermen of the Town of Waynesville may on its own motion, and shall upon a petition to said board signed by 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 liquor control store may be operated in the Town of Waynesville, 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.

Sec. 2. In calling for such special liquor election, the said board 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 the same period of time before such special liquor election as is required by law for them to remain open for a regular municipal election. A new registration of voters for such special liquor 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 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 Waynesville 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 Waynesville.

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 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 Waynesville, 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 Waynesville under the provisions of this Act within two years from the holding of the last election thereunder. It shall be the duty of the Board of Aldermen of the Town of Waynesville to order the special liquor 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 Waynesville 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 Board of Aldermen of the Town of Waynesville 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 Waynesville 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 Waynesville 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, G. S. 18-45(15) shall not apply to the town board of alcoholic control. The said Town of Waynesville 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 Waynesville Board of Alcoholic Control.

Sec. 6. After deducting, from the gross revenues, the amount required to pay all salaries and operating expenses, and after retaining a sufficient and proper working capital, the amount to be determined by the board, the Town of Waynesville Board of

Alcoholic Control shall allocate and disburse, as determined by quarterly audit, the net profits as hereinafter provided:

A. Ten per cent (10%) to the Town of Waynesville for law enforcement. Any alcoholic beverage control law enforcement officers appointed by the Town of Waynesville shall have county-wide jurisdiction, and the same powers and authority within the county as other peace officers.

B. Five per cent (5%) to the Town of Waynesville for education as to the effects of the use of alcoholic beverages and for rehabilitation of alcoholics, in the discretion of the town board of aldermen.

C. The remaining net profits shall be distributed as follows:

(1) Sixty-four per cent (64%) to the Town of Waynesville to be used for the following purposes:

Fifteen per cent (15%) for industrial and community development.

Five per cent (5%) for the Haywood County Public Library.

Five per cent (5%) for the Waynesville Recreation Commission.

Seventy-five per cent (75%) to the General Fund of the Town of Waynesville to be used for any public or governmental purpose for which the town may expend tax or nontax revenues.

(2) Thirty-six per cent (36%) to the General Fund of Haywood County to be expended as follows:

Fifty per cent (50%) to the Haywood County Board of Education for the school fund.

Fifty per cent (50%) to be used by the county for any public or governmental purposes for which the county may expend tax or 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 26th day of May, 1967.