NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 427
HOUSE BILL 352

AN ACT AUTHORIZING THE ESTABLISHMENT OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF PILOT MOUNTAIN 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 Board of Commissioners of the Town of Pilot Mountain may on its own motion and shall upon receipt of a petition signed by fifteen percent (15%) of the registered voters of the town, 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 Pilot Mountain 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 provision of this act.

Sec. 2. In calling for such special liquor 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 liquor election as is required by law for them to remain open for a regular town 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 Pilot Mountain 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 regular elections in the town.

Sec. 3. The board may on its own motion, and shall upon a petition signed by fifteen percent (15%) of all registered voters of the town, call a subsequent election for the purpose of voting "For" or "Against" a liquor control store. 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 Pilot Mountain 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 Pilot Mountain 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 Commissioners of the Town of Pilot Mountain 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 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 Commissioners of the Town of Pilot Mountain 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 Pilot Mountain 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 Pilot Mountain Board of Alcoholic Control shall have all the powers and duties imposed by Section 18-45, except 18-45(15), 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. The said Town of Pilot Mountain 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 the Town of Pilot Mountain Board of Alcoholic Control.

Sec. 6. The net profits derived from the operation of liquor control stores in the Town of Pilot Mountain shall, after deducting necessary working capital, salaries, and expenses, be distributed quarterly by the Board of Alcoholic Control as follows:

70% to the General Fund of the Town

20% to the Town for law enforcement
10% to the Town for parks and recreation.

Sec. 7. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1971.