

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 202  
SENATE BILL 579

AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF MARSHALL, MADISON 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 enacts:

**Section 1.** The governing body of the Town of Marshall may on its own motion and may upon a petition to said Board signed by at least twenty-five percent (25%) of the total number of qualified voters voting in the last municipal election held in the Town of Marshall, order an election to be held on the question of whether or not a town liquor control store may be operated in the town, 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 governing body shall give at least 30 days' public notice of the same prior to the 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 control store in the town 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 Marshall.

**Sec. 3.** If a liquor control store is set up and operated in the town pursuant to the provisions of this act, the governing body of the town may upon its own motion or upon petition to said body signed by at least twenty-five percent (25%) of the total number of qualified voters voting in the last municipal election held in the Town of Marshall call another election on the question of whether or not a liquor control store shall continue to be operated in said town. If a subsequent election shall be held and at such election a majority of the votes cast shall be "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. Within this same period of time, 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 Marshall in force and effect prior to the authorization to operate a town liquor 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 Liquor Control Store".

**Sec. 4.** No election shall be called and held in the Town of Marshall under the provisions of this act within three years from the holding of the last election thereunder. Any election ordered by the governing body pursuant to a petition filed with said body as herein provided shall be ordered within 60 days of the date said petition is filed with the governing body. 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. 5.** If the operation of a town liquor control store is authorized under the provisions of this act, the governing body of the Town of Marshall shall immediately create a Town Board of Alcoholic Control to be composed of a chairman and two other members who shall be residents of the Town of Marshall, well known for their character, ability and business acumen. Said Board shall be known and designated as "The Town of Marshall Board of Alcoholic Control". The members of said Board shall be named by the Mayor and governing body of the town. One such member shall be designated by the appointing authority as Chairman and shall serve for a term of three years. One of the remaining members shall serve an initial term of two years and the other member shall serve an initial term of one year, the respective term of each to be designated by the appointing authority. 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. The successors to the initial members of the Board shall be appointed by the Mayor and governing body and any vacancy occurring in the membership of the Board shall be filled by the Mayor and governing body for the unexpired term of the office in which the vacancy occurs.

**Sec. 6.** The said Town of Marshall Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18A-17 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 the General Statutes. The said Town of Marshall 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 Chapter 18A 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 Chapter, it shall include the Town of Marshall Board of Alcoholic Control.

Provided, that the provisions of G.S. 18A-17(14) shall not be applicable to the Town Board of Alcoholic Control created under this act.

**Sec. 7.** The net profits derived from the operation of a liquor control store in the Town of Marshall shall be allocated, quarterly, as follows:

(a) Thirty-three and one-third percent (33 1/3%) of the net profits shall be allocated to the General Fund of Madison County to be used for any proper county governmental purposes.

(b) Five percent (5%) of the net profits shall be paid to the Town of Marshall to be used by said town for the sole purpose of providing additional law enforcement. The remaining net profits shall be paid into the General Fund of the Town of Marshall and may be appropriated by the governing body of the town for any proper governmental purpose.

**Sec. 8.** The provisions of this act shall not be effective if the County Board of Elections or the County Board of Commissioners shall call a county election on alcoholic beverage control stores, as now provided by law, within 60 days from the ratification of this act.

**Sec. 9.** The Board of Aldermen of the Town of Marshall may submit a written request to the Board of Elections and the Board of Elections may submit an additional issue under the pertinent provisions of G.S. 18A-52 on the question of the legal sale off premises of unfortified wine and malt beverages.

**Sec. 10.** All laws and clauses of laws in conflict with this act are hereby repealed.

**Sec. 11.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of April, 1973.