

NORTH CAROLINA GENERAL ASSEMBLY
1963 SESSION

CHAPTER 798
SENATE BILL 512

AN ACT AUTHORIZING THE ESTABLISHMENT OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF LILLINGTON, HARNETT 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 Lillington may on its own motion, or shall if requested by a petition signed by at least fifteen per cent (15%) of the registered voters of Lillington, 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 Lillington; 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. In the event the governing body of the Town of Lillington on its own motion orders a special election herein provided for, said election shall be held on such date as determined by said governing body. Provided, that the special election shall not be held on or within sixty (60) days of any biennial election for county officers.

Sec. 2. In calling for such special liquor 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 eight (8) days before such special liquor 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 Lillington 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 Lillington.

Sec. 3. If, after the first election, upon a petition signed by at least fifteen per cent (15%) of the registered and qualified voters of the Town, the governing body shall

call an election 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 (3) 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 (3) 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 Lillington in force and effect prior to the authorization to operate a Town Liquor store shall be in full force and effect 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 Lillington under the provisions of this Section within three (3) years from the holding of the last election thereunder. It shall be the duty of the governing body of the Town of Lillington to order the special liquor election herein authorized in this Section within sixty (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 Lillington general election or primary election, or within thirty (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 governing body of the Town of Lillington 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 Lillington 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 (3) years, and one member shall serve for his first term a period of two (2) years, and the other member shall serve for a period of one (1) 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 (3) years. Their successors, or any vacancy occurring in the Board, shall be named or filled by the governing body of the Town. Members of the Town Board may serve as members of the Board of Alcoholic Control. The Board of Alcoholic Control shall report monthly to the Town Board the status and financial condition of the Alcoholic Control Board and the books of the said Board of Alcoholic Control shall be available for inspection and examination by the members of the Town Board at any time.

Sec. 5. The said Town of Lillington 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 Lillington 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 Lillington Board of Alcoholic Control.

Sec. 6. The net profits, as determined by quarterly audit, shall be distributed and used as follows:

1. Twenty-five per cent (25%) of the net profits shall be paid to the Harnett County Public Library.

2. Ten per cent (10%) of the net profits, which shall be a part of the profits referred to in the following subsection, shall be used by the Town Alcoholic Control Board, in its discretion, for educational programs as to the effect of the use of alcoholic beverages and for the rehabilitation of alcoholics. Whenever a person becomes an inebriate from the use of alcoholic beverages and has been committed by the Clerk of Court of Harnett County, as provided in G. S. 35-2, and such person is indigent so that the expenses of his care and cure shall constitute a valid charge against the County, as provided in G. S. 35-2, the Town Alcoholic Control Board shall pay to the County such charges; provided, that the Town Alcoholic Control Board shall not be required to pay any such charges except where it has agreed with the Clerk of Superior Court to pay such charges prior to the person's commitment. The Town Alcoholic Control Board is authorized to participate in and to make contributions to public and private organizations which have rehabilitation programs for alcoholics, when the organization and its programs have been approved by the Board. Nothing herein shall be construed as limiting the Alcoholic Control Board's discretion in establishing its educational and rehabilitation programs and expenditures therefor within the ten per cent (10%) of net profits herein allocated.

3. Seventy-five per cent (75%) of the net profits shall be allocated to the general fund of the Town of Lillington. The governing body of the Town is hereby authorized to appropriate such funds for any proper governmental purposes. Out of the funds allocated to it, the governing body of the Town is specifically authorized to expend up to twenty-five per cent (25%) of such funds for recreational programs in the Town. The governing body is further authorized to expend up to five per cent (5%) of the funds allocated to it for law enforcement to Harnett County for the use of the Sheriff of Harnett County for the employment of deputies.

Sec. 7. The provisions of G. S. 18-45(o) shall not apply to the Town Board of Alcoholic Control.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. 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 11th of June, 1963.