NORTH CAROLINA GENERAL ASSEMBLY
1963 SESSION

CHAPTER 930
SENATE BILL 637

AN ACT AUTHORIZING THE ESTABLISHMENT OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF BURNSVILLE, YANCEY 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 Board of Commissioners of the Town of Burnsville may on its own motion 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 Burnsville, 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 twenty 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 Burnsville 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 Burnsville.

Sec. 3. If an Alcoholic Beverage Control Store is set up and operated in the Town of Burnsville pursuant to the provisions of this Act, the Board of Aldermen of the Town may upon its own motion or upon petition to said Board signed by at least fifteen per cent (15%) of the registered and qualified voters of the Town of Burnsville call subsequent elections on the question of whether or not an Alcoholic Beverage 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 (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. Within this same period of time, the town liquor 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 Burnsville 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".

Sec. 4. No election shall be called and held in the Town of Burnsville under the provisions of this Act within three (3) years from the holding of the last election thereunder. Any election ordered by the Board of Commissioners pursuant to a petition filed with said Board as herein provided shall be ordered within sixty (60) days of the date said petition is filed with the Board. No election under this Act shall be held on the day of any biennial county or Town of Burnsville general election or primary election, or within thirty (30) days of any such election.

Sec. 5. If this operation of a town liquor control store is authorized under the provisions of this Act, the governing body of the Town of Burnsville 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 Burnsville Board of Alcoholic Control". The members of said Board shall be named by the Mayor and Board of Commissioners of the Town. One such member shall be designated by the appointing authority as Chairman and shall serve for a term of three (3) years. One of the remaining members shall serve an initial term of two (2) years and the other member shall serve an initial term of one (1) 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 (3) years. The successors to the initial members of the Board shall be appointed by the Mayor and Board of Commissioners and any vacancy occurring in the membership of the Board shall be filled by the Mayor and Board of Commissioners for the unexpired term of the office in which the vacancy occurs.

Sec. 6. The said Town of Burnsville 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. The said Town of Burnsville 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, 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 Burnsville Board of Alcoholic Control. Provided, that the provisions of G. S. 18-45(o), as the same appears in the 1961 Cumulative Supplement to Volume 1C of the General Statutes, 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 Burnsville shall be allocated, quarterly, as follows:

(a) Fifty per cent (50%) shall be allocated to the General Fund of the Town of Burnsville;

(b) Twenty-five per cent (25%) shall be allocated to the General Fund of Yancey County;

(c) Three per cent (3%) shall be allocated for the support of the County Library;

(d) Six per cent (6%) shall be allocated for the support of the Town Fire Department. Of this sum, not less than one-third shall be used to equip, operate and maintain a Rescue Squad;

(e) Four per cent (4%) shall be allocated to the Sheriff's Department;

(f) Three per cent (3%) shall be allocated to the Town Police Department;

(g) Three per cent (3%) shall be allocated for equipment and maintenance of the Town-County communications network; and

(h) Six per cent (6%) shall be allocated to the County Superintendent of Schools for recreational purposes.

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 sixty (60) days from the ratification of this Act.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. 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 14th day of June, 1963.