

NORTH CAROLINA GENERAL ASSEMBLY
1965 SESSION

CHAPTER 7
HOUSE BILL 23

AN ACT AUTHORIZING THE ESTABLISHMENT OF TOWN LIQUOR CONTROL STORES IN THE TOWN OF MOORESVILLE UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Mooresville may on its own motion and shall upon a petition to said board, signed by at least fifteen percent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not town liquor control stores may be operated in the Town of Mooresville and if a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for liquor control stores 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 town liquor control stores, no such stores 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 (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 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 Stores."

"[] AGAINST Town Liquor Control Stores."

Those favoring setting up and operating liquor control stores in the Town of Mooresville shall mark in the voting squares to the left of the words "FOR Town Liquor Control Stores" printed on the ballot, and those opposed to town liquor control stores shall mark in the voting square to the left of the words "AGAINST Town Liquor Control Stores." Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to elections for the Mayor of the Town of Mooresville. The cost of such election shall be paid from the general fund of the Town of Mooresville.

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 Stores", the town liquor control board shall within three months from the canvassing of such votes and declaration of the result thereof, close said stores and shall thereafter cease to operate the same, and within 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 Mooresville in force and effect prior to the authorization to operate town liquor control stores 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 the Act in which a majority of the votes shall be cast "FOR Town Liquor Control Stores". No election shall be called and held in the Town of Mooresville 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 Commissioners of the Town of Mooresville to order the special liquor election herein authorized 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 the biennial, county, or Town of Mooresville general election or primary election, or within thirty (30) days of any such election.

Sec. 4. If the operation of town liquor control stores is authorized under the provisions of this Act, the Mayor and Board of Commissioners of the Town of Mooresville 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 Mooresville Board of Alcoholic Control." The chairman of said board shall be designated by the mayor and governing board 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 Mooresville Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes of North Carolina 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 Mooresville Board of Alcoholic Control and the operation of any town liquor stores 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 Mooresville Board of Alcoholic Control.

Sec. 6. The net profits derived from the operation of liquor control stores in the Town of Mooresville, after deducting the necessary funds for law enforcement as provided in G. S. 18-45, shall be divided as follows:

1. Twelve and one-half percent (12 1/2%) shall be turned over to the Iredell County Board of Commissioners to be used exclusively for school purposes.

2. A minimum of twenty-five percent (25%) shall be used by the Board of Commissioners of the Town of Mooresville for the acquisition and improvement of lands and buildings for public parks, playgrounds, and recreational centers and the maintenance and operation of the same.

3. A minimum of twenty-seven and one-half percent (27 1/2%) shall be used by the Mooresville City School Board to operate the Mooresville School District schools at a higher standard than provided by county or state support, including the use of said funds for capital improvements, and to supplement the salaries of public school teachers teaching in the Mooresville School District.

4. The remaining net profits shall be turned over to the Board of Commissioners of the Town of Mooresville to be used for any of the following purposes:

a. To provide additional funds for Alcoholic Beverage Control law enforcement.

b. Any town governmental purpose.

c. To provide funds in addition to the minimum amounts hereinbefore specified for the acquisition and improvement of lands and buildings for public parks, playgrounds, and recreational centers and maintenance and operation of the same.

d. To provide funds in addition to the minimum amounts hereinbefore specified to operate the Mooresville School District schools at a higher standard than provided by county or state support, including the use of said funds for capital improvements, and to supplement the salaries of public school teachers teaching in the Mooresville School District.

e. Acquisition of sites and construction, maintenance and operation of public hospitals.

f. Acquisition, maintenance, operation, enlargement and improvement of public libraries, public art museums, and armories.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of February, 1965.