

NORTH CAROLINA GENERAL ASSEMBLY
1965 SESSION

CHAPTER 721
SENATE BILL 294

AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE CITY OF ALBEMARLE TO DETERMINE WHETHER ALCOHOL BEVERAGE CONTROL STORES SHALL BE ESTABLISHED IN THE SAID CITY, AND TO PRESCRIBE THE NET PROCEEDS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the City of Albemarle may, upon petition filed by fifteen per cent (15%) of the voters who voted in the last municipal election of the said city for mayor, call an election for the purpose of submitting the question as to whether city alcohol beverage control stores may be operated in the said city. If the city board calls an election, said election shall be called within ninety days after such petition is filed on a date to be fixed by the Board of Commissioners of the City of Albemarle as herein prescribed, and at least thirty days' public notice shall be given prior to the date of the election, notwithstanding the nearness of date within which any other type of election may be held. At such election, if a majority of the votes cast at said election shall be against the operation of such stores, no such stores shall be set up and operated in the city under the provisions of this Act. If a majority of the votes cast shall be for the operation of such stores, it shall be legal for alcohol beverage control stores to be set up and operated in said city.

Sec. 2. A new registration of voters for such election shall not be necessary. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition "For alcohol beverage control stores", and "Against alcohol beverage control stores". Those favoring setting up and operating alcohol beverage control stores in the City of Albemarle shall mark in the voting square to the left of the words "For alcohol beverage control stores" printed on the ballot, and those opposed to municipal alcohol beverage control stores shall mark in the voting square to the left of the words "Against alcohol beverage control stores". Excepting as otherwise herein provided, if a special election is called, the election authorized shall be conducted under the same statutory laws and regulations applicable to regular municipal election for the Board of Commissioners in the City of Albemarle, and the costs thereof shall be paid from the general fund of the City of Albemarle.

Sec. 3. If the operation of municipal alcohol beverage control stores is authorized under the provisions of this Act, the Board of Commissioners of the City of Albemarle shall create immediately a municipal board of alcohol control to be composed of three members who shall be well known for their character, ability, and

business acumen. The Board of Commissioners of the City of Albemarle shall appoint a chairman and two other members.

Said board shall be known and designated as the "City of Albemarle Board of Alcohol Control". The member designated as chairman shall serve for his first term a period of three years. As to other members, one member shall serve for his first term a period of two years, and the other member shall serve for his first term a period of one year, and all terms shall begin with the date of their appointment. Thereafter, as the terms of the chairman and the members expire, their successors in the office shall serve for terms of three years each and until their successors are appointed and qualified. Any vacancy on said board will be filled by the Board of Commissioners of the City of Albemarle. Compensation of the members of the said City of Albemarle Board of Alcohol Control shall be fixed by the Board of Commissioners of the City of Albemarle.

Sec. 4. The City of Albemarle Board of Alcohol Control shall have all the powers and duties imposed by Section 18-45 of the General Statutes on county boards of alcohol control and shall be subject to the powers and authority of the State Board of Alcohol Control the same as county board of alcohol control, as provided in Section 18-39 of the General Statutes. The City of Albemarle Board of Alcohol Control and the operation of any city alcohol beverage control 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 of North Carolina except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "county" board of alcohol control appears in this Article, it shall include the City of Albemarle Board of Alcohol Control. The City of Albemarle Board of Alcohol Control shall have authority to employ legal counsel and such other employees as it may deem wise and fix their compensation.

Sec. 5. Out of net revenue, five per cent (5%) and no more than ten per cent (10%) may be expended for law enforcement purposes. Any officers employed by the City of Albemarle Board of Alcohol Control shall have jurisdiction throughout Stanly County. Out of net revenue, up to five per cent (5%) may be expended for alcoholic education as to the effects of the use of alcoholic beverages. Out of the net revenue remaining after the payment of all costs and operating expenses, and after retaining a sufficient working capital, the City of Albemarle Board of Alcohol Control shall on a quarterly basis pay over seventy per cent (70%) of said net revenue to the general fund of the City of Albemarle and thirty per cent (30%) of the net revenue to the general fund of Stanly County.

Sec. 6. No election as hereinbefore called for under this Act may be held more often than once every three years.

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

Sec. 8. 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 28th day of May, 1965.