

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 500  
HOUSE BILL 628

AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE CITY OF BURLINGTON AND THE CITY OF GRAHAM TO DETERMINE WHETHER ALCOHOLIC BEVERAGE CONTROL STORES SHALL BE ESTABLISHED IN SAID CITIES AND TO PRESCRIBE THE METHOD OF OPERATION AND THE DISPOSITION OF THE NET PROFITS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. Upon the adoption of appropriate resolutions by the governing bodies of the Cities of Burlington and Graham, the governing bodies of said Cities shall order an election to be held simultaneously in each municipality on the question of whether or not Municipal Alcoholic Beverage Control Stores may be operated in the City of Burlington and the City of Graham; and if a majority of the votes cast in such an election shall be for the operation of such stores, it shall be legal for Alcoholic Beverage Control Stores to be set up and operated in the City of Burlington and the City of Graham; but if the majority of the votes cast in the said election shall be against the operation of such Alcoholic Beverage Control Stores, no such stores shall be set up or operated in the Cities of Burlington and Graham under the provisions of this Act.

If, however, a majority of the votes cast in such an election in either the City of Burlington or the City of Graham, independently, shall be for the operation of such stores, it shall be legal for Alcoholic Beverage Control Stores to be set up and operated in the city approving the establishment of Alcoholic Beverage Control Stores. But it shall not be legal to set up or operate Alcoholic Beverage Control Stores in the city voting against the establishment of Alcoholic Beverage Control Stores.

Sec. 2. The governing bodies of the Cities of Burlington and Graham may submit the question hereinabove mentioned and call a special election for the purpose of submitting said question at any time after the adoption of the appropriate resolutions required by Section 1 of this Act. In the event said special election is called, the same shall be held and conducted on the date fixed by the governing bodies of the Cities of Burlington and Graham.

A new registration of voters for such election shall not be necessary and all qualified voters, who are properly registered prior to registration for the election and those who register in said Alcoholic Beverage Control election, shall be entitled to vote in said election.

In said election a ballot shall be used upon which shall be printed upon separate lines for each proposition: "For Municipal Alcoholic Beverage Control Stores"

and "Against Municipal Alcoholic Beverage Control Stores." Those favoring setting up and operating Alcoholic Beverage Control Stores in the City of Burlington and the City of Graham shall mark in the voting square to the left of the words "For Municipal Alcoholic Beverage Control Stores" printed on the ballot; and those opposed to the setting up and operating Alcoholic Beverage Control Stores shall mark in the voting square to the left of the words "Against Municipal Alcoholic Beverage Control Stores". Except as otherwise herein provided, if a special election is called, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to general elections for the governing bodies of the Cities of Burlington and Graham, and the cost shall be paid from the general funds of the Cities of Burlington and Graham.

Sec. 3. If the operation of Municipal Alcoholic Beverage Control Stores is authorized under the provisions of this Act for the Cities of Burlington and Graham, the governing bodies of said Cities shall immediately create a Municipal Board of Alcoholic Control, to be composed of a chairman and four members who shall be well known for their character, ability and business acumen. The governing body of the City of Burlington and the governing body of the City of Graham shall appoint one member each to serve on the said Board for a term of one year, and one member each to serve for a term of two years. The fifth member, who shall serve as chairman of the Board, shall be appointed by joint action of the governing bodies of the said Cities and shall serve for a term of three years. Thereafter, as the terms of the Board members expire, their successors shall be appointed for terms of three years each. The said Board shall be known as the "Burlington-Graham Board of Alcoholic Control". The compensation of the chairman and all members of the Board shall be fixed by joint action of the two governing bodies.

Sec. 4. The Burlington-Graham Board of Alcoholic Control shall have all of the powers and duties imposed by G. S. 18-45 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 G. S. 18-39. The said Burlington-Graham Board of Alcoholic Control and the operation of any Municipal Alcoholic 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 Alcoholic Control appears in said Article, it shall include the Burlington-Graham Board of Alcoholic Control. The Burlington-Graham Board of Alcoholic 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 the gross profits derived from the operation of said Alcoholic Beverage Control Stores, and after the payment of all costs and operating expenses, and after retaining sufficient and proper working capital, the Board shall expend the sum of not more than 10% for law enforcement purposes and for education as to the effects of the use of alcoholic beverages. There shall be established one law enforcement agency with undivided jurisdiction who shall have county-wide jurisdiction to arrest offenders

anywhere within the County of Alamance, and such officers shall have the right to go into any other county of the State and arrest any offender therein so long as hot pursuit of such person shall continue and the common law of hot pursuit shall be applicable to said offenses and such officers. Officers belonging to the law enforcement agency shall be residents of either the City of Burlington or the City of Graham. The first chief officer shall be appointed by the governing bodies and, thereafter, all officers are to be appointed by the Board, and the number of officers shall be determined by the Board.

Out of the remaining net profits, after the payment of all costs and operating expenses, retention of sufficient working capital, and the foregoing 10% for law enforcement and education purposes, the remaining proceeds shall be paid out and distributed as follows:

(a) 65% to the General Funds of each municipality on a basis of population according to the latest Federal decennial census. (Not less than 2% nor more than 10% of the sum paid to the City of Graham to be used for recreational purposes).

(b) 20% to be paid to the administrative school units within Alamance County prorated on a per-pupil basis, and the funds to be paid directly to the administrative school units to be used as a supplement rather than a budget item.

(c) 10% to be paid to the Alamance County Hospital, Inc. and the Memorial Hospital of Alamance County, Inc., in equal parts.

(d) 5% to be paid to the May Memorial Library.

Sec. 6. If the operation of Municipal Alcoholic Beverage Control Stores is authorized in the City of Graham but not in the City of Burlington, under the provisions of this Act, the governing body of the City of Graham shall immediately create a City 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 as the "City of Graham Board of Alcoholic Control". The members and chairman of said Board shall be appointed by the governing body of the City. The terms of office for the members and chairman of said Board shall be staggered for one, two, and three-year terms, with all vacancies being filled by the governing body of the City. Thereafter, as the terms of the Board members expire, their successors shall be appointed for terms of three years each. Compensation of the members of the Board is to be fixed by the governing body of the City of Graham.

Sec. 7. The said City of Graham Board of Alcoholic Control shall have all the powers and duties imposed by G. S. 18-45 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 G. S. 18-39. The said City of Graham Board of Alcoholic Control and the operation of any Municipal Alcoholic 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 Alcoholic Control appears in said Article, it shall include the City of Graham Board of Alcoholic Control. The City of Graham Board of Alcoholic Control shall have authority to employ legal counsel and such other employees as it may deem wise and fix their compensation.

Sec. 8. Out of the gross profits derived from the operation of said Alcoholic Beverage Control Stores, and after the payment of all costs and operating expenses, and after retaining sufficient and proper working capital, the Board shall expend the sum of not more than 10% for law enforcement purposes and for education as to the effects of the use of alcoholic beverages.

There shall be one or more law enforcement officers to be appointed by and directly responsible to the Board. Such law enforcement officer or officers shall have county-wide jurisdiction to arrest offenders anywhere within the County of Alamance, and such officer or officers shall have the right to go into any other county of the State and arrest any offender therein so long as hot pursuit of such person shall continue and the common law of hot pursuit shall be applicable to said offenses and such officers. Law enforcement officers shall be residents of the City of Graham. The first officer shall be appointed by the governing body of the City of Graham and, thereafter, all officers are to be appointed by the Board.

Out of the remaining net profits, after the payment of all costs and operating expenses, retention of sufficient working capital, and the foregoing 10% for law enforcement and education purposes, the remaining proceeds shall be paid out and distributed as follows:

(a) 65% to the General Fund of the City of Graham. (Not less than 2% nor more than 10% of the sum paid to the City of Graham to be used for recreational purposes).

(b) 20% to be paid to the administrative school units within Alamance County prorated on a per-pupil basis, and the funds to be paid directly to the administrative school units to be used as a supplement rather than a budget item.

(c) 10% to be paid to the Alamance County Hospital, Inc., and the Memorial Hospital of Alamance County, Inc., in equal parts.

(d) 5% to be paid to the May Memorial Library.

Sec. 9. If the operation of Municipal Alcoholic Beverage Control Stores is authorized in the City of Burlington but not in the City of Graham, under the provisions of this Act, the governing body of the City of Burlington shall immediately create a City 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 "City of Burlington Board of Alcoholic Control". The members and chairman of said Board shall be designated by the governing body of the City. The terms of office for the members and chairman of said Board shall be staggered for one, two and three-year terms, with all vacancies being filled by the governing body of the City. Thereafter, as the terms of the Board members expire, their successors shall be appointed for terms of three years each. Compensation of the members of the Board is to be fixed by the governing body of the City of Burlington.

Sec. 10. The said City of Burlington Board of Alcoholic Control shall have all the powers and duties imposed by G. S. 18-45 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 G. S. 18-39. The said City of Burlington Board of Alcoholic Control and the operation of any

Municipal Alcoholic 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 Alcoholic Control appears in said Article, it shall include the City of Burlington Board of Alcoholic Control. The City of Burlington Board of Alcoholic Control shall have authority to employ legal counsel and such other employees as it may deem wise and fix their compensation.

Sec. 11. Out of the gross profits derived from the operation of said Alcoholic Beverage Control Stores, and after the payment of all costs and operating expenses, and after retaining sufficient and proper working capital, the Board shall expend the sum of not more than 10% for law enforcement purposes and for education as to the effects of the use of alcoholic beverages. There shall be one or more law enforcement officers to be appointed by and directly responsible to the Board. Such law enforcement officer or officers shall have county-wide jurisdiction to arrest offenders anywhere within the County of Alamance, and such officer or officers shall have the right to go into any other county of the State and arrest any offender therein so long as hot pursuit of such person shall continue and the common law of hot pursuit shall be applicable to said offenses and such officers. Law enforcement officers shall be residents of the City of Burlington. The first officer shall be appointed by the governing body of the City of Burlington and, thereafter, all officers are to be appointed by the Board.

Out of the remaining net profits, after the payment of all costs and operating expenses, retention of sufficient working capital, and the foregoing 10% for law enforcement and education purposes, the remaining proceeds shall be paid out and distributed as follows:

- (a) 65% to the General Fund of the City of Burlington.
- (b) 20% to be paid to the administrative school units within Alamance County prorated on a per-pupil basis and the funds to be paid directly to the administrative school units to be used as a supplement rather than a budget item.
- (c) 10% to be paid to the Alamance County Hospital, Inc. and the Memorial Hospital of Alamance County, Inc., in equal parts.
- (d) 5% to be paid to the May Memorial Library.

Sec. 12. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 13. 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 25th day of May, 1961.