

NORTH CAROLINA GENERAL ASSEMBLY
1963 SESSION

CHAPTER 395
SENATE BILL 210

AN ACT AUTHORIZING THE ESTABLISHING OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF BUNN 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 Bunn may on its own motion, and shall upon a petition to said board signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, 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 Bunn 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 the provisions 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 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 liquor store in the Town of Bunn 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 square 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 elections for members of the General Assembly.

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 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 Bunn in force and effect prior to the authorization to operate 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". No election shall be called and held in the Town of Bunn under the provisions of this Act within three (3) years from the holding of the last election thereunder. It shall be the duty of the Board of Commissioners of the Town of Bunn 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 any biennial, county, or Town of Bunn 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 Board of Commissioners of the Town of Bunn 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 Bunn Board of Alcoholic Control". The chairman of said board shall be designated by the mayor and 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 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 (3) 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 Bunn 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. Provided, that no town liquor store authorized under this Act shall be located or operated within 450 feet of any school or church in the Town of Bunn. The said Town of Bunn 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 Town of Bunn Board of Alcoholic Control.

Sec. 6. The net profits derived from the operation of liquor control store in the Town of Bunn shall be turned over to the town general fund and subject to appropriation by the governing body of the town, which may appropriate any or all of said funds for any town governmental purpose. In the event a town liquor store is

authorized under the provisions of this Act, the governing body of the Town of Bunn shall employ at least one full-time peace officer, and such officer, after taking the oath prescribed by law for peace officers, shall have the same authority to make arrests and to execute criminal process, within the town limits, as is vested by law in sheriffs and constables.

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 8th day of May, 1963.