

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 245
SENATE BILL 197

AN ACT TO AUTHORIZE A REFERENDUM IN THE CITY OF KINGS
MOUNTAIN ON OFF-PREMISES SALES OF BEER AND WINE AND
ALCOHOLIC BEVERAGE CONTROL STORES.

WHEREAS, a petition has been received by the Board of Commissioners of the City of Kings Mountain requesting a special election on the off-premises sale of beer and wine and the establishment of alcoholic beverage control stores, and the City Clerk has certified that such petition bears the signatures of qualified voters equal in number to thirty-two per cent (32%) of the votes cast in the most recent city election: Now therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the City of Kings Mountain shall, on June 13, 1967, conduct a special election in the city upon the question of whether off-premises sales of beer and wine shall be permitted and whether alcoholic beverage control stores shall be established in the city. No new registration of voters shall be necessary for such special election, and all qualified voters of the city who are registered prior to the registration period herein provided and all who register during such period shall be entitled to vote in such special election. The registration books shall be open for two weeks, beginning on May 22, 1967, and continuing through June 3, 1967, for the registration of new voters. Challenge day shall be June 10, 1967. Notice of such special election shall be published at least once in each of the four calendar weeks immediately preceding the day of election in a newspaper having general circulation within the city. Except as otherwise provided herein, the special election shall be conducted in accordance with the laws, rules, and regulations governing regular city elections.

Sec. 2. At such special election, ballots shall be provided which contain the words "For City Alcoholic Beverage Control Stores and Off-Premises Sale of Beer and Wine" and "Against City Alcoholic Beverage Control Stores and Off-Premises Sale of Beer and Wine", with appropriate squares so that each voter may designate by his cross (X) mark his preference.

Sec. 3. If a majority of the votes cast at such special election shall be cast "For City Alcoholic Beverage Control Stores and Off-Premises Sale of Beer and Wine", then (a) the off-premises sale of beer and wine shall thereafter be lawful within the City

of Kings Mountain and the Board of Commissioners shall issue appropriate licenses for such sales to all qualified applicants; and (b) it shall thereafter be lawful for alcoholic beverage control stores to be established and operated within the city and the Board of Commissioners shall immediately create the City of Kings Mountain Alcoholic Beverage Control Board, to be composed of a chairman and two other members. The chairman and members shall be appointed by the Board of Commissioners. The member designated as chairman shall serve for a term of three years; one member shall serve for a term of two years, and one member for a term of one year. After the initial terms, successors shall be appointed for terms of three years. Any vacancy on such board shall be filled by the Board of Commissioners for the unexpired term. Compensation of the members of the board shall be fixed by the Board of Commissioners.

Sec. 4. The City of Kings Mountain Alcoholic Beverage Control Board shall have all the powers granted to, and duties imposed upon, county alcoholic control boards by G. S. 18-45 and shall be subject to the powers and authority of the State Board of Alcoholic Control as granted by G. S. 18-39; provided, however, that G. S. 18-45(15) and G. S. 18-39(10) shall not be applicable to the City of Kings Mountain Alcoholic Beverage Control Board.

Sec. 5. Out of the net annual revenue from the operation of alcoholic beverage control stores remaining after payment of all costs and operating expenses and after retaining sufficient working capital in an amount determined by it, the City of Kings Mountain Alcoholic Beverage Control Board shall appropriate for law enforcement purposes an amount not less than five per cent (5%) nor more than ten per cent (10%) of such net annual revenue, and may, in its discretion, expend for education as to the effects of the use of alcoholic beverages and for the rehabilitation of alcoholics an amount not to exceed five per cent (5%) of such net annual revenue; in the appropriation of funds for law enforcement purpose, the board may, with the approval of the Board of Commissioners of the City of Kings Mountain, employ one or more city alcoholic beverage control officers. Twenty-five per cent (25%) of the remaining net annual revenue shall be paid to the Board of Education of the Kings Mountain City Administrative Unit, five per cent (5%) of which shall be used solely for the purpose of supplementing the salaries of public school teachers in the Kings Mountain City Administrative Unit, and twenty per cent (20%) of which shall be used solely for the purpose of supplementing the other normal public school expenditures within the Kings Mountain City Administrative Unit. The remainder of the net annual revenue shall be paid to the City of Kings Mountain to be used for any authorized city function or purpose. The Alcoholic Beverage Control Board may, with the approval of the Board of Commissioners of the City, appropriate or pay out the funds authorized by this Section on a quarterly basis after sufficient working capital has initially been set aside.

Sec. 6. In the event a majority of the votes cast in the special election authorized by Section 1 or in any subsequent special election authorized by this Section shall be cast "Against City Alcoholic Beverage Control Stores and Off-Premises Sale of Beer and Wine", then the Board of Commissioners of the City of Kings Mountain shall, upon receipt of a petition signed by registered voters equal in number to twenty-five per

cent (25%) of the registered voters who voted for mayor in the most recent regular city election, call a special election upon the establishment of alcoholic beverage control stores and the off-premises sales of beer and wine, to be conducted in accordance with the laws, rules, and regulations governing regular city elections; provided, that no special election shall be conducted under authority of this Section within three years following the special election authorized by Section 1 or within one year of any other special election authorized by this Section. In any special election authorized by this Section, the ballots shall comply with Section 2. The provisions of Sections 4, 5, and 6 of this Act shall govern the operation of any alcoholic beverage control stores established by a subsequent special election authorized by this Section.

Sec. 7. Nothing in this Act shall be construed so as to deny the application of Article 11 of Chapter 18 of the General Statutes to the City of Kings Mountain.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1967.