AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE TOWN OF BREVARD TO DETERMINE WHETHER AN ALCOHOLIC BEVERAGE CONTROL STORE SHALL BE ESTABLISHED IN SAID TOWN 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. The Board of Aldermen of the Town of Brevard 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 Town of Brevard, order an election to be held on the question of whether or not a Town Alcoholic Beverage Control Store may be operated in the Town of Brevard, 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 an Alcoholic Beverage Control Store to be set up and operated in the Town of Brevard, but if a majority of the votes cast in said election shall be against the operation of said Alcoholic Beverage Control Store, no such store shall be set up or operated in the Town of Brevard under the provisions of this Act.

Sec. 2. The Board of Aldermen of the Town of Brevard may submit the question hereinabove mentioned and call a special election for the purpose of submitting said question on or after June 3, 1967. In the event said special election is called the same shall be held and conducted on the date fixed by the Board of Aldermen of the Town of Brevard. 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 on separate lines for each proposition, "For a Town Alcoholic Beverage Control Store", "Against a Town Alcoholic Beverage Control Store". Those favoring setting up and operating an Alcoholic Beverage Control Store in the Town of Brevard shall mark in the voting square to the left of the words, "For a Town Alcoholic Beverage Control Store", printed on the ballot and those opposed to a Town Alcoholic Beverage Control Store shall mark in the voting square to the left of the words "Against a Town Alcoholic Beverage Control Store". Except as otherwise provided herein, 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 Board of
Aldermen of the Town of Brevard, and the cost thereof shall be paid from the general fund of the Town of Brevard.

Sec. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against a Town Alcoholic Beverage Control Store", the Town Alcoholic Beverage Control Board shall within three months from the canvassing of such votes and the declaration of the results thereof close said store and shall thereafter cease to operate the same and within said three months the Town Alcoholic Beverage 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 Brevard in force and effect prior to the authorization to operate a Town Alcoholic Beverage Control Store shall be in full force and effect the same as if such election had not been held, and until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For a Town Alcoholic Beverage Control Store". No election shall be called and held in the Town of Brevard under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the Board of Aldermen of the Town of Brevard to order the Alcoholic Beverage Control election on its own motion or within 60 days after a petition shall have been presented, filed and signed by at least fifteen percent (15%) of the registered and qualified voters of the Town of Brevard requesting the same.

Sec. 4. If the operation of a Town Alcoholic Beverage Control Store is authorized under the provisions of this Act, the Board of Aldermen of the Town of Brevard shall immediately create a Town Board of Alcoholic Beverage 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 Brevard Board of Alcoholic Beverage Control". The members and chairman of said Board shall be designated by the Mayor and the Board of Aldermen of the Town and the member designated as chairman shall serve for his first term a period of three years. As to the 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 members expire, their successors in office shall serve for terms of three years each, and until their successors are appointed and qualified. Any vacancy shall be filled by the Mayor and Board of Aldermen for the unexpired term. Compensation of the members of said Town Board of Alcoholic Beverage Control shall be fixed by the Board of Aldermen of the Town of Brevard.

Sec. 5. The said Town of Brevard Board of Alcoholic Beverage Control shall have all of the powers and duties imposed by G. S. 18-45 on County Boards of Alcoholic Beverage Control and shall be subject to the powers and authority of the State Board of Alcoholic Beverage Control the same as County Boards of Alcoholic Beverage Control as provided in G. S. 18-39. The said Town of Brevard Board of
Alcoholic Beverage Control and the operation of the Town Alcoholic Beverage Control 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 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 Beverage Control appears in said Article, it shall include the Town of Brevard Board of Alcoholic Beverage Control. The Town of Brevard Board of Alcoholic Beverage Control shall have authority to employ legal counsel and such other employees as it may deem wise, and fix their compensation.

Sec. 6. Out of the profits derived from the operation of said Alcoholic Beverage Control Store, after the payment of all costs and operating expenses, and after obtaining sufficient and proper working capital, the amount thereof to be determined by the Town of Brevard Board of Alcoholic Beverage Control. Said Board shall further expend an amount of not more than ten per cent (10%) of the resulting profits for law enforcement purposes, and in its discretion an amount not in excess of five per cent (5%) for education as to the effects of the use of alcoholic beverages and the rehabilitation of alcoholics, said amounts to be determined by quarterly audits. These amounts shall supplement and not supplant the amount usually budgeted for such purposes by the Town of Brevard. In the expenditure of said funds, the Town Board of Alcoholic Beverage Control shall employ one or more persons as law enforcement officer or officers to be appointed by and directly responsible to the said Board. The person or persons so appointed shall, after taking the oath prescribed by law for peace officers, have the same powers and authorities within Transylvania County as other peace officers. And any such person or persons so appointed, or any other peace officer while in hot pursuit of anyone found to be violating the prohibition laws of this State, shall have the right to go into any other county of the State and arrest such defendant therein so long as such hot pursuit of such person shall continue, and the common law of hot pursuit shall be applicable to said offenses and such officer or officers. Any law enforcement officer appointed by the said Board of Alcoholic Beverage Control and any other peace officer are hereby authorized, upon request of the sheriff or other lawful officer in any other county, to go into such other county and assist in suppressing a violation of the prohibition laws therein, and while so acting shall have such powers as a peace officer as are granted to him in Transylvania County and be entitled to all the protection provided for said officer while acting in his own county.

Out of the net profits derived from the operation of said Alcoholic Beverage Control Store, the Town of Brevard Board of Alcoholic Beverage Control shall, on a quarterly basis, pay over to the following-named governing bodies amounts equal to the percentages of the net profits as follows:

(a) Twenty-five per cent (25%) to the Board of Commissioners of Transylvania County, to be deposited to the county general fund and used for any lawful purpose for which other general fund appropriations may be used;
(b) Seventy-five per cent (75%) to the Board of Aldermen of the Town of Brevard, to be deposited in the general fund of the town, which may be used for any lawful purpose for which other general fund expenditures may be made.

Sec. 7. All laws and clauses of laws in conflict with the provisions of 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 5th day of May, 1967.