

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 991
HOUSE BILL 1317

1 AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE CITY OF MARSHVILLE
2 TO DETERMINE WHETHER ALCOHOLIC BEVERAGE CONTROL STORES SHALL
3 BE ESTABLISHED IN THE SAID CITY, AND TO PRESCRIBE THE NET PROCEEDS
4 THEREOF.

5
6 The General Assembly of North Carolina do enact:
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8 **Section 1.** The Board of Aldermen of the City of Marshville may, upon Petition
9 filed by 15% of the voters who voted in the last municipal election of the said City for Mayor,
10 or, upon its own motion, call and conduct an election for the purpose of submitting the question
11 as to whether city alcoholic beverage control stores may be operated in the said city. Said
12 elections shall be held on a date to be fixed by the Board of Aldermen of the City of
13 Marshville, notwithstanding the nearness of the date within which any other type of election
14 may be held. At least 30 days public notice shall be given prior to the date of the election by
15 publishing notice of said election in a newspaper with general circulation within said City at
16 least once a week for four weeks. If such election should be held upon Petition duly filed, then
17 the date of said election shall be within 90 days of the filing of such Petition.

18 **Sec. 2.** At such special election, ballots shall be provided which contain the words
19 "For Alcoholic Beverage Control Stores", and "Against Alcoholic Beverage Control Stores",
20 with appropriate squares so that each voter may by his cross (x) mark indicate his preference.

21 **Sec. 3.** If the majority of the votes cast at such special election shall be cast "For
22 Alcoholic Beverage Control Stores", then the Board of Aldermen of the City of Marshville
23 shall immediately create a City of Marshville Alcoholic Beverage Control Board, to be
24 composed of a Chairman and two other members. The Chairman and other members shall be
25 appointed by the Board of Aldermen. The member designated as Chairman shall serve for a
26 term of three years; one member shall serve for a term of two years, and one member shall
27 serve for a term of one year. After the initial terms, successors shall be appointed for terms of
28 three years. Any vacancy on such Board shall be filled by the Board of Aldermen for the
29 unexpired term. Compensation of the members of the Board shall be fixed by the Board of
30 Aldermen.

31 **Sec. 4.** The City of Marshville Alcoholic Beverage Control Board shall have all the
32 powers granted to, and duties imposed upon, County Alcoholic Beverage Control Boards by
33 G.S. 18-45 and shall be subject to the powers and authority of the State Board of Alcoholic
34 Control as read in G.S. 18-39; provided, however, that G.S. 18-45(15), G.S. 18-39(8), and G.S.
35 18-39(10) shall not be applicable to the City of Marshville Alcoholic Beverage Control Board.

36 **Sec. 5.** The net annual revenue from the operation of the Alcoholic Beverage
37 Control Stores remaining after the payment of all the costs and operating expenses and after
38 retaining sufficient working capital in an amount determined by the City of Marshville,
39 Alcoholic Beverage Control Board shall be paid to the City of Marshville. The Board of
40 Aldermen of the City of Marshville shall appropriate for law enforcement purposes 10% of
41 such net annual revenue, and shall assign to one of its police officers the additional duty of
42 enforcing the Alcoholic Beverage Control Laws, and in performing such duty, such officer
43 shall have the County-wide jurisdiction; provided, that in lieu of assigning such additional duty

1 to one of its police officers, the Board of Aldermen may, in its discretion, appropriate such
2 amount for support of a joint Alcoholic Beverage Control law enforcement effort with any
3 other municipalities in Union County, upon such terms and conditions as it deems wise. So
4 much of the net annual revenue then remaining, after such appropriation for law enforcement
5 purposes shall be paid over by the Board of Aldermen of the City to the following named
6 governing bodies, departments, boards and agencies in amounts equal to the following
7 percentages of the remaining annual revenue:

- 8 (a) 62% to the General Fund of the City of Marshville.
- 9 (b) 25% to the General Fund of the County of Union.
- 10 (c) 12% to the Union County Board of Education.
- 11 (d) 1% to the Union County Library.

12 The City Alcoholic Beverage Control Board shall, upon request of the Board of
13 Aldermen of the City, appropriate or pay out of the funds authorized by this Section on a
14 quarterly basis after sufficient working capital has been initially set aside.

15 **Sec. 6.** If the majority of the votes cast in such special election shall be cast
16 "Against Alcoholic Beverage Control Stores", then no City Alcoholic Beverage Control Stores
17 shall be established in the City of Marshville under authority of this Act, unless authorized by a
18 subsequent election conducted under authority of Section 1 of this Act.

19 **Sec. 7.** No election authorized under Section 1 of this Act shall be held within three
20 (3) years next following the last election held under the provisions of this Act.

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

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

23 In the General Assembly read three times and ratified, this the 23rd day of June,
24 1969.