AN ACT AUTHORIZING THE ESTABLISHMENT OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF VALDESE, BURKE COUNTY, 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 governing body of the Town of Valdese 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 Valdese; 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 provisions of this Act. In the event the governing body of the Town of Valdese on its own motion orders a special election herein provided for, said election shall be held on August 24, 1963.

Sec. 2. In calling for such special liquor election, the said governing body 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 a liquor store in the Town of Valdese 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 space 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 municipal elections in the Town of Valdese.

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 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 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 Valdese in force and effect prior to the
authorization to operate a 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 Valdese under the
provisions of this Act within three years from the holding of the last election thereunder.
It shall be the duty of the governing body of the Town of Valdese 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 Valdese 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 governing body of the Town of Valdese 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 Valdese
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 years, and one member shall serve for his first term a period of two 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 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 Valdese 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. The said Town of Valdese 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 the Town of Valdese Board of Alcoholic
Control.

Sec. 6. The net profits from the operation of the liquor control store in the
Town of Valdese shall be distributed quarterly as follows:

(a) Twenty-five per cent (25%) of the net profits paid into the General
Fund of Burke County to be used only for capital outlay for the county public schools.
(b) Seventy-five per cent (75%) of the net profits paid into the General Fund of the Town of Valdese to be appropriated by the governing body of the town for any proper governmental purpose. Provided, that the governing body of the town shall appropriate not less than two per cent (2%) nor more than five per cent (5%) of its share of the net profits for law enforcement and for the rehabilitation of alcoholics.

Sec. 7. The provisions of G. S. 18-45(o) shall not apply to the Town Board of Alcoholic Control.

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

Sec. 9. 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 31st day of May, 1963.