

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 344
HOUSE BILL 389

AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE TOWN OF OCEAN ISLE BEACH TO DETERMINE WHETHER ALCOHOLIC BEVERAGE CONTROL STORES 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 Commissioners of the Town of Ocean Isle Beach 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 Ocean Isle Beach order an election to be held on the question of whether or not town alcoholic beverage control stores may be operated in the Town of Ocean Isle Beach and if a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for alcoholic beverage control stores to be set up and operated in the Town of Ocean Isle Beach, but if a majority of the votes cast in said election shall be against the operation of said alcoholic beverage control stores, no such stores shall be set up and operated in the Town of Ocean Isle Beach under the provisions of this Act.

Sec. 2. The Board of Commissioners of the Town, of Ocean Isle Beach may submit the questions herein above-mentioned and call a special election for the purpose of submitting said question on or before October 11, 1961. In the event said special election is called, same shall be held and conducted on the dates fixed by the Board of Commissioners of the Town of Ocean Isle Beach. A new registration of voters for such election shall not be necessary and all qualified voters who are properly registered prior to the 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 upon separate lines for each proposition "For Town Alcoholic Beverage Control Stores", "Against Town Alcoholic Beverage Control Stores". Those favoring setting up and operating alcoholic beverage control stores in the Town of Ocean Isle Beach shall mark in the voting square to the left of the words "For Town Alcoholic Beverage Control Stores" printed on the ballot and those opposed to town alcoholic beverage control stores shall mark in the voting square to the left of the words "Against Town Alcoholic Beverage Control Stores". 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 Commissioners of the Town of Ocean Isle Beach and the cost thereof shall be paid from the general fund of the Town of Ocean Isle Beach.

Sec. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Alcoholic Beverage Control Stores", the Town Alcoholic Beverage Control Board shall within three months from the canvassing of such votes and declaration of the results thereof close such stores and shall thereafter cease to operate the same and within said three months the 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 city treasurer. Thereafter, all public, public-local and private laws applicable to the sale of intoxicating beverages within said Town of Ocean Isle Beach in force and effect prior to the authorization to operate town alcoholic beverage control stores 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 Town Alcoholic Beverage Control Stores". No election shall be called and held in the Town of Ocean Isle Beach 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 Commissioners of the Town of Ocean Isle Beach to order the alcoholic beverage control election on its own motion or within sixty (60) days after a petition shall have been presented, filed and signed by at least fifteen per cent (15%) of the registered and qualified voters of the Town of Ocean Isle Beach requesting the same.

Sec. 4. If the operation of town alcoholic beverage control stores is authorized under the provisions of this Act, the Board of Commissioners of the Town of Ocean Isle Beach 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 Ocean Isle Beach Board of Alcoholic Control". The members and chairman of said board shall be designated by the mayor and governing body 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 Board of Commissioners for the unexpired term. Compensation of the members of said Town Board of Alcoholic Control shall be fixed by the Board of Commissioners of the Town of Ocean Isle Beach.

Sec. 5. The said Town of Ocean Isle Beach Board of Alcoholic Control shall have all of the powers and duties imposed by G. S. 18-45 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 G. S. 18-39. The said Town of Ocean Isle Beach Board of Alcoholic Control and the operation of any town alcoholic beverage control stores 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 Control appears in said Article, it shall include the Town of Ocean Isle Beach Board of Alcoholic Control. The Town of Ocean Isle Beach Board of Alcoholic 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 gross profits derived from the operation of said alcoholic beverage control stores and after the payment of all costs and operating expenses and after retaining sufficient and proper working capital, the amount thereof to be determined by the Town of Ocean Isle Beach Board of Alcoholic Control, said board shall further expend an amount as necessary for law enforcement purposes of not less than five per cent (5%) nor more than ten per cent (10%) thereof, to be determined by quarterly audit, which amount shall supplement and not supplant the amount usually budgeted for such proposes by the Town of Ocean Isle Beach. In the expenditure of said funds, the Town Board of Alcoholic 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 Brunswick 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 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 Brunswick 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 stores, the Town of Ocean Isle Beach Board of Alcoholic Control shall, on a quarterly basis, pay over to the following named governing bodies, departments, boards, and agencies amounts equal to the percentages of the net profits which shall be expended by said governing bodies, departments, boards, and agencies for these purposes and none other as follows:

- (a) Five per cent (5%) to be given to the J. Arthur Doshier Memorial Hospital.
- (b) Ten per cent (10%) to be given to Union High School in Shallotte Township.
- (c) Sixty-five per cent (65%) to go to the general fund of the Town of Ocean Isle Beach.
- (d) Ten per cent (10%) to go to the Board of Education of Brunswick County.
- (e) Ten per cent (10%) to be given to Shallotte High School.

Sec. 7. The Town of Ocean Isle Beach Board of Alcoholic Control may authorize the establishment and operation of additional stores within the municipality if, in its discretion, it finds the same desirable.

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 3rd day of May, 1961.