

NORTH CAROLINA GENERAL ASSEMBLY  
1965 SESSION

CHAPTER 199  
HOUSE BILL 284

AN ACT AUTHORIZING THE ESTABLISHMENT OF A CITY LIQUOR CONTROL STORE IN THE CITY OF ROCKINGHAM, RICHMOND 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 City Council of the City of Rockingham may on its own motion, and shall upon a petition to said council 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 city liquor control store may be operated in the City of Rockingham 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 city, but if a majority of the votes cast in said election shall be against the operation of a city liquor control store, no such store shall be set up or operated in Rockingham under provisions of this Act.

Sec. 2. In calling for such special liquor election, the city council shall give at least thirty 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 municipal election in Rockingham. 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 City Liquor Control Store", "Against City Liquor Control Store". Those favoring setting up and operating a liquor store in Rockingham shall mark in the voting square to the left of the words "For City Liquor Control Store", printed on the ballot; and those opposed to a city liquor control store shall mark in the voting space to the left of the words "Against City 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 City of Rockingham.

Sec. 3. If a subsequent election shall be held, as provided in Section 1, and at such election a majority of the votes shall be cast "Against City Liquor Control Store", the city 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 city liquor 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 general fund of the city. Thereafter, all Public, Public-Local and Private Laws applicable to the sale of intoxicating beverages within said City of Rockingham, in force and effect prior to the authorization to operate a city 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 City Liquor Control Store". No election shall be called and held in the City of Rockingham under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the city council to order the special liquor election herein authorized within sixty 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 City of Rockingham general election or primary election, or within thirty days of any such election.

Sec. 4. If the operation of a city liquor control store is authorized under the provisions of this Act, the Mayor and City Council of the City of Rockingham shall immediately create a city 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 City of Rockingham Board of Alcoholic Control". The chairman of said boards shall be designated by the mayor and governing body of the city, 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 on the board shall be named or filled by the mayor and the governing body of the city.

Sec. 5. The said City of Rockingham 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 City of Rockingham Board of Alcoholic Control and the operation of any city liquor 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, 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 City of Rockingham Board of Alcoholic Control.

Sec. 6. The net profits derived from stores operated under this Act, as determined by quarterly audits, shall be allocated by the city board of alcoholic control and used as herein provided:

(a) The city board of alcoholic control shall expend not less than five per cent (5%) nor more than ten per cent (10%) of the net profits for law enforcement as authorized in G. S. 18-45(15).

(b) Five per cent (5%) of the net profits shall be expended by the city board of alcoholic control, in its discretion, for education as to the effects of the use of alcoholic beverages, and for the rehabilitation of alcoholics.

(c) The remaining net profits shall be paid quarterly to the General Fund of the City of Rockingham to be used for any proper governmental purposes.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1965.