NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 195
HOUSE BILL 428

AN ACT AUTHORIZING THE ESTABLISHMENT OF CITY ALCOHOLIC BEVERAGE CONTROL STORES IN THE CITY OF CONCORD UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Aldermen of the City of Concord 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 City Alcoholic Beverage Control Stores may be operated in the City of Concord and if a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for City Alcoholic Beverage Control Stores 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 City Alcoholic Beverage Control Stores, no such stores shall be set up or operated in said city under the provisions of this Act.

Sec. 2. In calling for such special election, the said board shall give at least 20 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 election as is required by law for them to remain open for a regular election. A new registration of voters for such special 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 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 Alcoholic Beverage Control Stores", "Against City Alcoholic Beverage Control Stores". Those favoring setting up and operating City Alcoholic Beverage Control Stores in the City of Concord shall mark in the voting square to the left of the words "For City Alcoholic Beverage Control Stores" printed on the ballot, and those opposed to City Alcoholic Beverage Control Stores shall mark in the voting square to the left of the words "Against City Alcoholic Beverage Control Stores". Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to regular elections in the City of Concord.

Sec. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against City Alcoholic Beverage Control Stores", the City

Alcoholic Beverage Control Stores Board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said stores, and shall thereafter cease to operate the same, and within said three months the City Alcoholic Beverage Control Stores 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 the said City of Concord in force and effect prior to the authorization to operate City Alcoholic Beverage Control Stores 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 Alcoholic Beverage Control Stores". No election shall be called and held in the City of Concord 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 City of Concord to order the special election herein authorized within 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 City of Concord general election or primary election, or within 30 days of any such election.

Sec. 4. If the operation of City Alcoholic Beverage Control Stores is authorized under the provisions of this Act, the Mayor and Board of Aldermen of the City of Concord shall immediately create a City Alcoholic Beverage Control Board 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 Concord Alcoholic Beverage Control Board". The chairman of said board 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 in the board shall be named or filled by the mayor and the governing body of the city.

Sec. 5. The said City of Concord Alcoholic Beverage Control Board shall have all 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 Beverage Control the same as County Boards of Alcoholic Control as provided in Section 18-39 of the General Statutes. Provided, that no City Alcoholic Beverage Control Stores authorized under this Act shall be located or operated within 450 feet of any school or church in the City of Concord. The said City of Concord Alcoholic Beverage Control Board and the operation of any City 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, 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 Concord Alcoholic Beverage Control Board.

Sec. 6. In the event an election shall be held for Cabarrus County wherein a majority of the votes cast shall be for the operation of Alcoholic Beverage Control Stores prior to an election under this Act, then this Act shall be null and void.

Sec. 7. Out of the net profit remaining after the payment of all costs and operating expenses, and after retaining a sufficient and proper working capital, the Board of Aldermen of the City of Concord shall distribute said net profit as follows: the first five per cent (5%) for law enforcement and the balance as follows: twenty-five per cent (25%) to Cabarrus County, and seventy-five per cent (75%) to the City of Concord.

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 14th day of April, 1967.