NORTH CAROLINA GENERAL ASSEMBLY
1963 SESSION

CHAPTER 982
SENATE BILL 533

AN ACT AUTHORIZING THE ESTABLISHMENT OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF HAMLET, 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 governing body of the Town of Hamlet 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 Hamlet; 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 special election herein provided is called, such election shall not be held until at least thirty (30) days after June 15, 1963. At any time or times the governing body of the Town of Hamlet desires to call an election on its own motion, it shall on each occasion announce its intention to do so by resolution passed at a meeting held at least one (1) week prior to the meeting at which the election is called.

Sec. 2. In calling for such special liquor election, the said governing body 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 Hamlet. 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 Hamlet 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 Hamlet.

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 (3) 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 (3) 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 Hamlet 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 Stores." No election shall be called and held in the Town of Hamlet under the provisions of this Act within three (3) years from the holding of the last election thereunder. It shall be the duty of the governing body of the Town of Hamlet to order the special liquor election herein authorized in this Section within sixty (60) days after a sufficient petition has been filed requesting the same. Provided, however, the first election herein authorized shall not be held until at least thirty (30) days after June 15, 1963. No election under this Act shall be held on the day of any biennial county, or Town of Hamlet 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 governing body of the Town of Hamlet 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 Hamlet Board of Alcoholic Control". The chairman of said Board shall be designated by the governing body of the Town and shall serve for his first term a period of three (3) years, and one member shall serve for his first term a period of two (2) years, and the other member shall serve for a period of one (1) year; and all terms shall begin with the date of their appointment, and after the same terms shall have expired, their successors in office shall serve for a period of three (3) years. Their successors, or any vacancy occurring in the Board shall be named or filled by the governing body of the Town.

Sec. 5. The said Town of Hamlet 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, except as otherwise provided herein, 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 Hamlet 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 Hamlet Board of Alcoholic Control.

Sec. 6. The profits from the stores operated under this Act shall be allocated, as determined by quarterly audits, and used as herein provided:

(a) The Hamlet Board of Alcoholic Control shall allocate from the gross profits as follows:

Two per cent (2%) of the gross profits shall be paid to the Sheriff of Richmond County to be used only as additional compensation for the Deputy Sheriffs of Richmond County.

Four per cent (4%) of the gross profits shall be paid to the governing body of the Town of Hamlet to be used for the employment and compensation of policemen in the Town of Hamlet.

(b) The Hamlet Board of Alcoholic Control shall allocate from the net profits as follows:

Thirty per cent (30%) of the net profits shall be paid to the Hamlet City School Board. The City School Board shall apply three per cent (3%) of the funds allocated to it for the use and benefit of the Monroe Avenue School Band, and three per cent (3%) for the use and benefit of the Hamlet Avenue School Band.

Forty per cent (40%) of the net profits shall be paid to the governing body of the Town of Hamlet to be appropriated for any proper governmental purpose. Provided, that the governing body shall apply twenty per cent (20%) of the funds so allocated to the use and benefit of the Hamlet Recreational Commission.

Eleven per cent (11%) of the net profits shall be paid to the Richmond County Board of Education to be used for all proper school purposes, and two per cent (2%) of this money to be used for the Rohanen Band and two per cent (2%) for other county schools for recreation or other needed programs, such as bands, library needs, etc.

Four per cent (4%) shall be paid to the trustees of the Hamlet Library to be used for library purposes.

Fifteen per cent (15%) of the net profits shall be paid the general fund of Richmond County to be used for the Community College to be established in the county. In the event the Community College is not established within four (4) years from the date this Bill is ratified, then the funds herein allocated shall be paid into the general fund of the Town of Hamlet.

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 18th day of June, 1963.