

**TOWN OF MOUNT PLEASANT  
CODE OF ORDINANCES**

**PART 2: GOVERNMENT AND ADMINISTRATION**

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## **CHAPTER 1: GOVERNING BODY**

### **Section 2-1.1 Commissioners**

- A. As set forth in the Town Charter, and as provided for in North Carolina General Statutes Chapter 160-A, Article 5, the governing body shall consist of five (5) commissioners.
- B. All voting shall be in accordance with N.C.G.S. 160A-75.

(Amended 3-11-2019)

### **Section 2-1.2 Mayor**

- A. In accordance with N.C.G.S. 160A-67, the Mayor shall be recognized as the official head of the Town for the purpose of service of the civil process, and for ceremonial purposes.
- B. In accordance with N.C.G.S. 160A-69, the Mayor shall preside over all Board of Commissioners meetings, but shall have the right to vote only when there are an equal number of votes by the Board in the affirmative and in the negative.

(Amended 3-11-2019, 10-9-2024)

### **Section 2-1.3 Mayor Pro Tem**

In accordance with N.C.G.S. 160A-70, the Town Board of Commissioners shall designate a Board member as Mayor Pro Tem, to serve at the pleasure of the Board. The Mayor Pro Tem shall perform the duties of the Mayor in the absence or disability of the Mayor.

### **Section 2-1.4 Resignation of members.**

Resignation of members of the Board of Commissioners shall be in writing, and no final action shall be taken thereon by the Board until the next regular meeting.

### **Section 2-1.5 Compensation and Attendance**

In accordance with N.C.G.S. 160A-64, the compensation of Board members shall be as provided in the annual budget ordinance. Commissioners shall be compensated in the amount established by the budget ordinance, prorated for each of the twelve (12) regular meetings and budget workshop not attended by the member in the amount of one-thirteenth (1/13) of the annual amount of compensation, except that each board member may be excused for one (1) meeting per fiscal year without proration.

(Amended 10-9-2024)

### **Section 2-1.6 Regular meetings; time and place**

Town Board of Commissioners meetings will be the second Monday of the month at 6pm starting January, 2016.

(Amended 12-7-15)

### **Section 2-1.7 Adjourned meetings**

Any meeting of the Board may be continued or adjourned from day to day, or for more than one (1) day but no adjournment shall be for a longer period than until the next regular meeting thereafter.

**Section 2-1.8 Order of business**

- A. The business of the Board shall generally be taken up for consideration and disposition in the following order:
  - 1. Opening prayer;
  - 2. Approve agenda;
  - 3. Approval of minutes of previous meeting;
  - 4. Unfinished/Old business;
  - 5. New business;
  - 6. Miscellaneous; and
  - 7. Adjournment.
  
- B. The Mayor may request that the Board of Commissioners amend the order of the agenda to accommodate special circumstances.

(Amended 10-9-2024)

**Section 2-1.9 Code of Ethics**

- A. Pursuant to N.C.G.S. Chapter 160A, Part 3A, at the minimum, the following code of ethics shall apply to the Governing Body inclusive of the Mayor and Commissioners:
  - 1. Obey all applicable laws regarding official actions taken as a board member;
  - 2. Uphold the integrity and independence of the board members office;
  - 3. Avoid impropriety in the exercise of the board member’s official duties;
  - 4. Faithfully perform the duties of the office;
  - 5. Conduct the affairs of the governing board in an open and public manner, including complying with all applicable laws governing open meetings and public records; and
  - 6. Be excused from voting on matters involving the consideration of the member’s own financial interest or official conduct or on matters on which the member is prohibited from voting under N.C.G.S. 14-234 or 160D-109.
  
- B. The Board of Commissioners may choose to adopt separate Code of Ethics Policy that at a minimum addresses the matters set forth in subsection A above.

(Amended 10-9-2024)

## **CHAPTER 2: ORDINANCES**

### **Section 2-2.1 Procedures; form**

Every ordinance amending or repealing any ordinance and every new ordinance shall be proposed in writing to the Town Clerk and shall be approved as to form by the Town Attorney. The enacting style of all ordinances shall be: "BE IT ORDAINED BY THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF MOUNT PLEASANT."

### **Section 2-2.2 Ordinances confined to one subject**

All ordinances shall be confined to one subject except appropriation ordinances, which shall be confined to the subject of appropriations only.

### **Section 2-2.3 Official copy**

In accordance with N.C.G.S. 160A-77 and 78, a true copy of an ordinance, which has been duly enacted by the Board, signed by the Mayor, and attested to by the Clerk, shall be known as an official copy of any ordinance of the Town. All ordinances or a true copy thereof shall be inserted in this Code in the property chapter.

### **Section 2-2.4 Amending ordinances**

- A. It shall be unlawful for members of the Board to annual, abridge, modify or in any way change any ordinance of the Board except at a regular or special meeting of the Board. Any consent obtained relative to the amendment of an ordinance except in such manner shall in all cases be inoperative and void.
  
- B. An ordinance proposed to add to or replace provisions of a current ordinance of the Town shall set out (1) each paragraph to be amended as it stands, (2) the words proposed to be stricken out and those to be inserted, and (3) the paragraph as it would stand if so amended. The title of the new ordinances shall contain the entire title of the ordinances amended thereby.

### **Section 2-2.5 Repeal or ordainment of ordinance sections**

Whenever a chapter, article or section of this Code is repealed, the Clerk shall make a notation of such repeal in the official copy of this Code. Whenever a new chapter, article or section of this Code is ordained, the Clerk shall make a notation of such new ordinance in the official copy of this Code. All ordinances shall be printed in the format of this Code and inserted in the appropriate places herein, in accordance with N.C.G.S. 160A-77 and 78.

(Amended 3-11-2019 and 10-9-2024)

## **CHAPTER 3: ADMINISTRATION**

### **Section 2-3.1 Town Manager**

In accordance with N.C.G.S. 160A-148 and the Town Charter, the manager shall be the chief administrator of the Town. The manager shall be responsible to the Board of Commissioners for administering all municipal affairs placed in the manager's charge by the Board, and shall have the following powers and duties:

- A. Appoint and suspend or remove all Town employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the Town attorney, in accordance with such general personnel rules, regulations, policies, or ordinances as the Board of Commissioners may adopt.
- B. Direct and supervise the administration of all departments, offices, and agencies of the Town, subject to the general direction and control of the Board of Commissioners, except as otherwise provided by law.
- C. Attend all meetings of the Board of Commissioners and recommend any measures deemed expedient.
- D. See that all laws of the State, the Town charter, and the ordinances, resolutions, and regulations of the Board of Commissioners are faithfully executed within the Town.
- E. Prepare and submit the annual budget and capital program to the Board of Commissioners.
- F. Annually submit to the Board of Commissioners and make available to the public a complete report on the finances and administrative activities of the Town as of the end of the fiscal year.
- G. Make any other reports that the Board of Commissioners may require concerning the operations of Town departments, offices, and agencies subject to his direction and control.
- H. Perform any other duties that may be required or authorized by the Board of Commissioners.

(Amended 3-11-2019 and 10-9-2024)

### **Section 2-3.2 Town Attorney**

In accordance with N.C.G.S. 160A-173, the Town Attorney shall be appointed by the Town Board of Commissioners and shall:

- A. Prosecute or defend any and all suits or actions at law or equity to which the Town may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the Town on behalf of the Town, or in the capacity of such person as an officer of the Town;
- B. See to the full enforcement of all judgments or decrees rendered or entered in favor of the Town, and of all similar interlocutory orders;
- C. See to the completion of all special assessment proceedings and condemnation proceedings;

- D. Draft or review any contract, lease or other document or instrument to which the Town may be a party;
- E. Upon requests of the Board, draft ordinances covering any subject within the power of the Town; and
- F. Perform such other duties as may be required by statute or ordinance.

(Amended 10-9-2024)

**Section 2-3.3 Town Clerk**

In accordance with N.C.G.S. 160A-171 and the Town Charter, the Town Manager may appoint a qualified Town employee to perform the duties of Town Clerk to give notice of meetings of the Board of Commissioners, keep a journal of the proceedings of the Board, be the custodian of all Town records, and perform any other duties that may be required by law or by the Board of Commissioners.

(Amended 3-11-2019 and 10-9-2024)

**Section 2-3.4 Town Finance Officer**

In accordance with the Town Charter and N.C.G.S. 159-24, the Town Manager may appoint a qualified Town employee to perform the duties of Finance Officer. The Finance Officer shall keep a strict account of all revenue and expenditures in accordance with the budget adopted by the Town Board of Commissioners and shall coordinate the annual independent audit to be conducted in accordance with Local Government Commission (LGC) requirements and N.C.G.S. 159-34.

(Amended 10-9-2024)

**Section 2-3.5 Tax Collection**

Pursuant to authority granted by N.C.G.S. Chapter 105, Article 26 and N.C.G.S. 160A-209, in lieu of appointing a tax collector, all duties and responsibilities, rights and authority, granted to municipal tax collectors by the General Statutes of North Carolina are hereby assigned to and shall be performed by the Cabarrus County Tax Collections Office in coordination with the Town Finance Officer.

(Amended 10-9-2024)

**Section 2-3.6 Expenses**

Any Town official or employee incurring expenses while on official Town business shall be compensated to cover such expenses in accordance with the Town Personnel Policy.

(Amended 10-9-2024)

**Section 2-3.7 Disbursement of funds**

- A. In accordance with the Local Government Budget and Fiscal Control Act, no bill or claim against the Town may be paid unless it has been approved by the officer or employee responsible for the function or agency to which the expense is charged. No check or draft of the Town shall be valid unless it bears on its face the certification of the Town Finance Officer as follows:

“Provision for the payment of this check has been made by an appropriation duly made, pursuant to the Local Government Budget and Fiscal Control Act.”

- B. No contract, agreement, or purchase order shall be valid unless it bears the Town Finance Officer’s certificate as follows:

“Provision for the payment of moneys to fall due under this agreement has been made by appropriation duly authorized, as required by the Local Government Budget and Fiscal Control Act.”

(Amended 10-9-2024)

### **Section 2-3.8 Departments**

It shall be the responsibility of the Town Manager to organize departments and contractors to execute the duties and perform the services of the Town of Mount Pleasant, as authorized by N.C.G.S. Chapter 160A and the adopted Town budget, to generally include the following:

- General administration;
- Fire protection and emergency services;
- Streets and stormwater for Town-maintained rights-of-way;
- Grounds maintenance of Town-owned or leased property;
- Planning, zoning, and development regulation;
- Economic development;
- Parks, recreation, and events;
- Solid waste collection; and
- Public enterprise to include water treatment and distribution and sewer/wastewater collection and provision for sewer wastewater treatment

(Amended 10-9-2024)

### **Section 2-3.9 Personnel Administration**

The Town Board of Commissioners shall adopt and maintain a personnel policy to manage employees and Town officials in the execution of their duties. It shall be the duty of the Town Manager and/or Personnel Officer to oversee the administration of the Personnel Policy.

(Amended 12-7-2009, 10-9-2024)

### **Section 2-3.10 Employees; use of Town equipment**

- A. All employees are forbidden to use alcoholic beverages and drugs (illegal) while on the job.
- B. No employee will be allowed to operate or ride on a Town conveyance when using alcoholic beverages or illegal drugs.
- C. No alcoholic beverages are to be conveyed on Town equipment or held by employees on Town property, except as required for transport for Town-sponsored special events.
- D. No one except Town employees or elected officials will be allowed to operate or ride on the Town’s conveyances, unless designated by the Board of Commissioners.

(Ord. Passed 7-6-1970, Amended 11-1-2010, 10-9-2024)

## **CHAPTER 4: BOARDS AND COMMISSIONS**

### **Section 2-4.1 Planning & Zoning Board**

#### **A. Establishment**

Pursuant to NCGS 160D-301, there is hereby established a planning agency known as the Planning & Zoning Board of the Town of Mount Pleasant.

#### **B. Powers And Duties**

The Planning Board shall have the following powers and duties in accordance with NCGS 160D-301 and Special Legislation Chapter 247, House Bill 575 of the 1993 Session of the NC General Assembly:

1. To prepare, review, maintain, monitor, and periodically update and recommend to the governing board a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.
2. To facilitate and coordinate citizen engagement and participation in the planning process.
3. To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
4. To advise the governing board concerning the implementation of plans, including, but not limited to, review and comment on all ordinance amendments as required by NCGS 160D-604.
5. To exercise any functions in the administration and enforcement of various means for carrying out plans that the governing board may direct; including the review and approval and or disapproval of all applications for Major Subdivision Preliminary Plats in accordance with the regulations established in Article 6; and
6. To hear, review, and make a final decision (by a vote of at least three-fourths of the Planning & Zoning Board) on applications for amendments to the Official Zoning Map, as prescribed in Section 3.4.
7. To perform any other related duties that the governing board may direct.

#### **C. Membership**

1. The Town Board of Commissioners shall appoint and provide compensation for five (5) persons to the Planning & Zoning Board as provided in this Ordinance. The membership shall include proportional representation for extraterritorial areas, as provided in NCGS 160D-307. The Town Board shall appoint and provide compensation for one (1) alternate member to serve on the board in the absence of any regular member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.



2. The Town Board may remove any member of the Planning & Zoning Board for just cause, as may be permitted by law. The Town Board shall provide the member with a public hearing if requested.
3. Members shall be compensated as determined by the Board of Commissioners.
4. All members shall serve a term of three (3) years. Members may be reappointed as necessary by the Board of Commissioners.
5. At an annual organizational meeting, the members of the Planning & Zoning Board shall elect one (1) of their members as chair and one (1) as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. In the absence of both, the Planning & Zoning Board shall elect a temporary chair to conduct the meeting.
6. The chair, or in the chair's absence the vice-chair, shall be in charge of all proceedings before the Planning & Zoning Board, and take such action necessary to preserve the order and integrity of all proceedings before the Planning & Zoning Board.
7. If any member of the Planning & Zoning Board shall fail to attend three (3) regular meetings of the Planning & Zoning Board within any consecutive three-month period, the chair or the vice-chair shall immediately file a notification of such nonattendance with the Town Board for placement on the Planning Board agenda. The Town Board may, by appropriate action, terminate the appointment of such person and fill the vacancy as soon as possible.
8. The Administrator shall appoint a recording secretary to serve the Planning & Zoning Board. The secretary shall keep minutes to summarize all proceedings, attested to by a majority of the members of the Planning & Zoning Board voting. In addition, the secretary shall maintain all records of Planning & Zoning Board meetings, hearings and proceedings, as well as the correspondence of the Planning & Zoning Board.
9. No meeting of the Planning & Zoning Board may be called to order, nor may any business be transacted by the Planning Board, without a quorum consisting of a majority of the appointed membership of the Planning & Zoning Board. The chair shall be considered for purposes of establishing a quorum and shall act as a voting member. All planning agency actions shall require the concurring vote of a majority of the members of the Planning & Zoning Board.

D. Meetings

The Planning & Zoning Board shall establish a regular meeting schedule by rule. Special meetings may be requested by the Town Board, the chair of the Planning & Zoning Board, a majority of the members of the Planning & Zoning Board, or the Administrator.

E. Rules of Procedure

In accordance with NCGS 160D-308, the Planning & Zoning Board shall adopt rules of procedure that are consistent with the provisions of this Chapter. A copy of any adopted rules of procedure shall be maintained by the Town Clerk and posted on the Town website. The Board shall keep minutes of its proceedings.

F. Oath Of Office

In accordance with NCGS 160D-309, all members appointed to boards under this Article shall, before entering their duties, qualify by taking an oath of office as required by NCGS 160A-61.

G. Conflict Of Interest

In accordance with NCGS 160D-109(b), members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

H. Staff

The Development Ordinance Administrator, as appointed by the Town Manager, or designee shall be the professional staff of the Planning & Zoning Board. The Administrator shall appoint a recording secretary to serve the Planning & Zoning Board. The secretary shall keep minutes to summarize all proceedings, all attested to by a majority of the members of the Board of Adjustment voting. Minutes of the proceedings of the Planning & Zoning Board showing the vote of each member and records of its examinations and other official actions shall be filed in the office of the Board as a public record. The Planning Department is hereby designated as the office of the Board for purposes of this subsection. In addition, the secretary shall maintain all records of Planning & Zoning Board meetings, hearings and proceedings, as well as the correspondence of the Planning & Zoning Board.

## **Section 2-4.2 Board of Adjustment**

A. Establishment

Pursuant to NCGS 160D-302, there is hereby established the Board of Adjustment of the Town of Mount Pleasant, and at its discretion, the Town Board of Commissioners may appoint the same members of the Planning & Zoning Board to serve as the Board of Adjustment.

B. Powers And Duties

Pursuant to NCGS 160D-302, the Board of Adjustment shall have the following powers, duties and authority:

1. To hear and decide Appeals from the decisions of the Administrator in which it is alleged there is an error in an order, requirement, decision, or determination made by the Administrator in the enforcement of this Ordinance;
2. To hear and decide on applications for variances from the terms of the zoning ordinance pursuant to Section 3.3 of this Ordinance. The Board shall have the authority to place conditions, including time limits, on Variances.
3. To approve, approve with conditions, or deny applications for Special Use Permits.
4. To interpret the Official Zoning Map and shall pass upon disputed questions of lot lines or district boundary lines and similar questions that may arise in the administration of this Ordinance.

5. The Board of Adjustment shall exercise such other powers as may be granted by this Ordinance and NCGS 160D-302.

C. Quasi-Judicial Procedures

1. The consideration of any Appeal, Variance, Special Use Permit or interpretation, as provided above, shall be in accordance with the quasi-judicial procedures as set forth in Section 3.3 of this Ordinance.
2. Any quasi-judicial matter pertaining to property in the extra-territorial jurisdiction of the Town shall only be considered by the Board with the extra-territorial jurisdiction member present.
3. The Board of Adjustment shall adopt all rules and procedures necessary or convenient for the conduct of its business, consistent with the North Carolina General Statutes.

D. Membership

1. The Town Board shall appoint five (5) persons to the Board of Adjustment as provided in NCGS 160D-302. The membership shall include proportional representation for extraterritorial areas, as provided in NCGS 160D-307. The Town Board shall appoint and provide compensation for one (1) alternate member to serve on the board in the absence of any regular member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.
2. Members may be compensated as determined by the Board of Commissioners.
3. All members shall serve a term of three (3) years. Members may be reappointed as necessary by the Town Board of Commissioners.
4. The Town Board of Commissioners may remove any member of the Board of Adjustment for just cause, as may be permitted by law. The Town Board shall provide the member with a public hearing, if requested.
5. If any member of the Board of Adjustment shall fail to attend three consecutive (3) regular meetings of the Board of Adjustment within any three-month period, it will be sufficient grounds for termination of the member's appointment. The chair or the vice-chair, as the case may be, shall immediately file a notification of such nonattendance with the Town Board for placement on the Board of Adjustment agenda. The Town Board may, by appropriate action, terminate the appointment of such person and fill the vacancy as soon as possible.

E. Meetings

The Board of Adjustment shall meet on an as-needed basis when an application is received for a quasi-judicial case as identified in the Mount Pleasant Development Ordinance. The Board of Adjustment shall also convene on an annual basis for election of officers and training.

F. Rules Of Procedure

In accordance with NCGS 160D-308, the Board of Adjustment shall adopt rules of procedure that are consistent with the provisions of this Chapter. A copy of any adopted rules of procedure shall be maintained by the Town Clerk and posted on the Town website. The Board shall keep minutes of its proceedings.

G. Oath Of Office

In accordance with NCGS 160D-309, all members appointed to boards under this Article shall, before entering their duties, qualify by taking an oath of office as required by NCGS 160A-61.

H. Conflict Of Interest

In accordance with NCGS 160D-109(d), a member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

I. Staff

The Development Ordinance Administrator, as appointed by the Town Manager, or designee shall be the professional staff of the Board of Adjustment. The Administrator shall appoint a recording secretary to serve the Board of Adjustment. The secretary shall keep minutes to summarize all proceedings, all attested to by a majority of the members of the Board of Adjustment voting. Minutes of the proceedings of the Board of Adjustment showing the vote of each member and records of its examinations and other official actions shall be filed in the office of the Board as a public record. The Planning Department is hereby designated as the office of the Board for purposes of this subsection. In addition, the secretary shall maintain all records of Board of Adjustment meetings, hearings and proceedings, as well as the correspondence of the Board of Adjustment.

**Section 2-4.3 Alcoholic Beverage Control (ABC) Board**

A. Establishment of ABC Board

Subject to the North Carolina General Assembly 1967 Session, Chapter 196, House Bill 429, Section 4 and 5, following the election in the Town of Mount Pleasant to permit Alcoholic Beverage Control Stores on September 19, 1967, the Town Board of Commissioners created a Town Alcoholic Beverage Control Board.

B. Composition of Board

Due to an increase in population in eastern Cabarrus County and an increase in volume due to new restaurants in Mount Pleasant, the Town Board of Mount Pleasant voted on January 14, 2019 to increase the number of ABC Board members from three (3) members to five (5) members, subject to N.C.G.S. 18B-700.

C. Powers and Duties

The Alcoholic Beverage Control Board shall have all the powers and duties imposed by Chapter 18B of the General Statutes on boards of alcoholic control, and shall be subject to the powers and authority of the state board of Alcoholic Beverage Control. The alcoholic beverage control board and

the operation of any Town alcoholic beverage control store shall be subject to the provisions of Chapter 18B of the General Statutes.

D. Operations and Rules of Procedure

The ABC Board is governed by the most recent edition of the North Carolina Department of Public Safety, Alcoholic Beverage Control Commission Operations Manual for Alcoholic Beverage Control Boards.

E. Distribution of Profits

As set forth in the North Carolina General Assembly, 1967 Session, Chapter 196, House Bill 429 and as amended in, out of the net profit remaining after payment of all costs and operating expenses, and after retaining sufficient and proper working capital, the Town Board of the Town of Mount Pleasant shall distribute said net profit as follows:

1. The first five percent (5%) to law enforcement as set forth in North Carolina General Assembly 1969 Session, Chapter 220, Senate Bill 228; and
2. From the remaining amount, twenty-five percent (25%) to Cabarrus County for education; and
3. Seventy-five percent (75%) to the Town of Mount Pleasant, which shall be distributed within the Town budget in a manner determined each fiscal year.

(Adopted 4-14-1967; 4-15-1969; Amended 11-1-2010; Amended 1-14-2019; Amended 10-9-2024)