

NORTH CAROLINA GENERAL ASSEMBLY  
1977 SESSION

CHAPTER 237  
SENATE BILL 283

AN ACT TO INCORPORATE FOXFIRE VILLAGE IN MOORE COUNTY.

The General Assembly of North Carolina enacts:

**Section 1.** The following provisions of law shall constitute the Charter of Foxfire Village:

"THE CHARTER OF FOXFIRE VILLAGE,  
MOORE COUNTY, NORTH CAROLINA.

"ARTICLE I.

"INCORPORATION AND CORPORATE POWERS.

"Section 1.1. The inhabitants of Foxfire Village are a body corporate and politic under the name of 'Foxfire Village'. Under that name, they have all the powers, duties, rights and privileges and immunities conferred and imposed upon municipal corporations by the general law of North Carolina.

"ARTICLE II.

"CORPORATE BOUNDARIES.

"Sec. 2.1. The corporate boundaries of Foxfire Village, until changed in accordance with law, shall be as set out on a map entitled 'Boundary Map of Foxfire Village, North Carolina'. The said map is maintained in the Office of the Village Clerk, as required by G.S. 160A-22.

"ARTICLE III.

"GOVERNING BODY.

"Sec. 3.1. Temporary Officers. Until the regular municipal election to be held in November 1977, Robert M. Cooper, George Anderson, Ralph Olmstead, Katie McWilliams, and Joseph N. Donovan are hereby appointed to act as the council of Foxfire Village, and they shall possess and may exercise the powers granted to the Village Council until their successors are elected and qualify. They shall appoint one member as mayor.

"Sec. 3.2. Structure of Governing Body, Number of Members. The governing body of Foxfire Village is the Village Council, which has five members.

"Sec. 3.3. Manner of Election of Council. The qualified voters of the entire Village shall elect the members of the Council. The municipal election shall be held and conducted by the County Board of Elections.

"Sec. 3.4. Term of Office of the Members of the Council. (a) Except for the temporary officers provided for in Section 3.1 of this Charter, and except as provided in

Subsection (b), of this Section of the Charter, the members of the Village Council shall be elected for four-year terms.

(b) At the regular municipal election in 1977, the three persons receiving the highest number of votes for seats on the Council shall be elected to four-year terms; the two persons receiving the next highest number of votes for seats on the Council shall be elected to two-year terms. Beginning at the regular municipal election to be held in 1979, and every four years thereafter, two persons shall be elected to seats on the Council and shall serve four-year terms. Beginning at the regular municipal election to be held in 1981, and every four years thereafter, three persons shall be elected to seats on the Council and shall serve four-year terms.

"Sec. 3.5. Election of the Mayor, Term of Office. At the organizational meetings of the Council following each regular municipal election, the Council shall elect one of its members to serve as its Mayor. The Mayor shall serve as such at the pleasure of the Council.

"Sec. 3.6. Vacancies. Any vacancy in the office of Mayor shall be filled by appointment of the Council and the person appointed shall serve at the pleasure of the Council.

If a vacancy for any reason occurs on the Council, the remaining members shall, within 30 days, appoint a qualified voter to fill the vacancy as provided herein. If the vacancy occurs in the first two years of a four-year term, and more than 30 days prior to the regular municipal election, the person appointed shall serve until the organizational meeting of the Council following the election. At the regular municipal election, a person shall be elected to serve the unexpired term, said term to begin on the date of the organizational meeting. A vacancy occurring otherwise shall be filled for the unexpired term.

#### "ARTICLE IV.

#### "ELECTIONS.

"Sec. 4.1. Conduct of Village Elections. The Village elections shall be non-partisan and the results determined by a plurality of the votes cast, as provided by G.S. 163-292. The regular municipal election shall be held as provided in G.S. 163-279(a)(1) and the applicable provisions of Articles 23 and 24 of Chapter 163 of the General Statutes.

"Sec. 4.2. Recall of Officials by the People. (a) Who may be removed. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent.

(b) Petition filed and verified. The procedure to effect the removal of an incumbent of an elective office shall be as follows: a petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five percent (25%) of the total number of ballots cast at the last municipal election for the Village Council, demanding an election of a successor of the person sought to be removed, whose name shall be included in the petition, shall be filed with the Village Clerk; which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving street and lot or other number identification. One of the signers of each such paper shall make

oath before an officer competent to administer oaths that the statements therein made are true, as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

(c) Clerk to examine and certify sufficiency. Within ten days from the date of filing such a petition, the Village Clerk shall examine and from the voters' register ascertain whether the petition is signed by the requisite number of qualified electors, and he shall attach to the petition his certificate, showing the results of such examination. If by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of the certificate. The Clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the Clerk shall submit the same to the Moore County Board of Elections without delay.

(d) Board to order primary. If the petition shall be found to be sufficient, the Moore County Board of Elections shall order and fix a date for holding a primary, as provided in Chapter 163 of the General Statutes of North Carolina for primaries in municipal election, such primary to be held not less than ten days nor more than twenty days from the date of the Clerk's certificate to the Board of Elections that a sufficient petition is filed. If in the primary election any candidate receives a majority of all the votes cast, he should be declared to be elected to fill out the remainder of the term of the officer who is sought to be recalled. If there be more than two candidates in such primary and no one receives a majority of all the votes cast therein, then there shall be an election held within twenty days from the date of the primary, at which election the two candidates receiving the highest vote in the primary shall be voted for. Candidates' names shall be placed on the ticket in the primary and election held, and the results canvassed, under the same rules, conditions and regulations as are prescribed for municipal election under Chapter 163 of the General Statutes of North Carolina. The Board of Elections shall make or cause to be made publication notice for ten days and all arrangements for holding such election, and the same shall be conducted, returned, and the results thereof declared in all respects as other municipal elections.

(e) Candidate elected succeeds to office. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the Clerk shall place his name on the official ballot without nomination. At such election, if some other person than the incumbent is elected, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor.

(f) Vacancy filled. In case the party elected should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant, and in that event, the unexpired term shall be filled by election by the Village Council, but the Councilman removed shall not be eligible to election by the Council, and the person so elected by the Council shall be subject to recall as other elected officials. If the incumbent receives a majority of votes in the primary election, he shall continue his office.

(g) Application of method of removal. Such method of removal shall be cumulative and additional to any other method provided by law. In the event any officer is recalled and any person is elected as his successor, the right of recall of such successor so elected shall be as in the case of an officer originally elected.

"ARTICLE V.

"ADMINISTRATION.

"Sec. 5.1. Form of Government. Foxfire Village shall operate under the Council-Mayor form of government as provided in G.S. 160A, Article 7, Part 3.

"ARTICLE VI.

"REGULATION OF INTOXICATING BEVERAGES.

"Sec. 6.1. Authorization for Malt Beverage and Unfortified Wine Election. Notwithstanding the minimum population requirement of G.S. 18A-52(a), an election is hereby authorized to be held in Foxfire Village for the purpose of determining whether malt beverages or unfortified wine or both shall be sold in Foxfire Village. In all other respects such an election shall be held in accordance with the provisions of G.S. 18A-52 and G.S. 18A-53.

"ARTICLE VII.

"AUTHORITY TO ESTABLISH A BUDGET AND LEVY TAXES.

"Sec. 7.1. The Council of Foxfire Village is authorized to consider and adopt a budget ordinance, including a property tax levy, as soon after the effective date of incorporation as is possible. The residents of Foxfire Village and the property located within the Village shall be liable for all municipal taxes imposed by the Village Council for the fiscal year 1977-1978, and each fiscal year thereafter."

**Sec. 2.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of April, 1977.