

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH60464-LBx-446 (5/14)

Short Title: Whispering Pines Charter. (Local)

Sponsors: Representative Boylan.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE
OF WHISPERING PINES.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Village of Whispering Pines is revised and consolidated to read as follows:

"THE CHARTER OF THE VILLAGE OF WHISPERING PINES

"ARTICLE I. INCORPORATION, CORPORATE POWERS, AND VILLAGE
BOUNDARIES.

"Section 1.1 **Incorporation.** The Village of Whispering Pines, North Carolina, in Moore County, and the inhabitants thereof shall continue to be a municipal body politic and corporate under the name and style of the Village of Whispering Pines, hereinafter at times referred to as the Village.

"Sec. 1.2 **Corporate Powers.** The Village shall have and may exercise all of the powers, duties, rights, privileges, and immunities conferred upon the Village of Whispering Pines specifically by this Charter or upon municipal corporations by general law. The term general law is employed herein as defined in G.S. 160A-1.

"Sec. 1.3 **Village Boundaries.** The Village boundaries shall be those existing at the time of ratification of this charter, as the same are set forth on the official map of the Village, and as the same may be altered from time to time in accordance with law. An official map of the Village, showing the current boundaries shall be maintained permanently in the Office of the Village Clerk and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map of the Village shall be made, and copies shall be filed in the offices of the Secretary of State, the Moore County Register of Deeds, and the Moore County Board of Elections.

1 "ARTICLE II. MAYOR AND VILLAGE COUNCIL.

2 "Section 2.1. **Governing Body.** The Village Council elected and constituted as
3 herein set forth, shall be the governing body of the Village. On behalf of the Village,
4 and in conformity with applicable laws, the Village Council may provide for the
5 exercise of all municipal powers, and shall be charged with the general government of
6 the Village.

7 "Sec. 2.2. **Village Council; Composition; Terms of Office.** The Village Council
8 shall be composed of five members, each of whom shall be elected for terms of four
9 years in the manner provided by Article III of this Charter, provided they shall serve
10 until their successors are elected and qualified.

11 "Sec. 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by the
12 Council from among its members in accordance with general law for a term of two
13 years. The Mayor shall be the official head of the Village, preside at meetings of the
14 Village Council, and exercise such powers and perform such duties as presently are or
15 hereafter may be conferred upon the Mayor by the General Statutes of North Carolina,
16 by this Charter, and by the ordinances of the Village. The Mayor shall have the same
17 voting power as the other Council members in regards to voting on measures coming
18 before the Council; however, the Mayor shall not have veto power.

19 "Sec. 2.4. **Mayor Pro Tempore.** In accordance with general law, the Village
20 Council shall elect one of its members as Mayor Pro Tempore to perform the duties of the
21 Mayor in the Mayor's absence or disability. The Mayor Pro Tempore shall have no
22 fixed term of office, but shall serve in such capacity at the pleasure of the remaining
23 members of the Village Council.

24 "Sec. 2.5. **Meetings of the Council.** In accordance with general law, the Council
25 shall meet regularly at least once a month at such times and places as the Council
26 may prescribe. Special and emergency meetings may be held as provided by general
27 law.

28 "Sec. 2.6. **Ordinances and Resolutions.** The adoption, amendment, repeal,
29 pleading, and proving of Council Ordinances and Resolutions shall be in accordance
30 with general law. All Ordinances and Resolutions shall be effective upon adoption
31 unless otherwise provided.

32 "Sec. 2.7. **Voting Requirements; Quorum.** Official actions of the Council and all
33 votes shall be taken in accordance with applicable voting and quorum provisions of
34 general law, particularly G.S. 160A-74 and G.S. 160A-75, except that any ordinance
35 or any action having the effect of an ordinance may be finally adopted on the date on
36 which it is introduced if the Council has first held a public hearing on the measure.

37 "Sec. 2.8. **Compensation; Qualifications for Office; Vacancies.** The compensation
38 and qualifications of the Mayor and Council Members shall be in accordance with general
39 law. Vacancies that occur in any elective office of the Village shall be filled by
40 appointment by majority vote of the remaining members of the Village Council as
41 provided in G.S. 160A-63.

42 "Sec. 2.9. **Prohibitions.** Except where authorized by law, no Council member shall
43 hold any Village employment during the term for which the member was elected to
44 Council.

1 "ARTICLE III. ELECTIONS.

2 "Section 3.1. **Regular Municipal Elections.** Regular municipal elections shall be
3 held in each odd-numbered year in accordance with the uniform municipal election
4 laws of North Carolina. The Village Council shall be elected by the voters of the
5 entire Village on an at-large basis. The municipal elections in the Village of
6 Whispering Pines shall be nonpartisan and decided by a simple plurality.

7 "Sec. 3.2. **Election of the Village Council.** The terms of the five members elected to
8 the Village Council shall be staggered. At the regular municipal election to be held in
9 2009, and every four years thereafter, three council members shall be elected to serve
10 four-year terms to fill the seats of those officers whose terms are then expiring. In the
11 regular municipal election of 2011, and every four-years thereafter, two council
12 members shall be elected to serve four-year terms to fill the seats of those officers
13 whose terms are then expiring.

14 "Sec. 3.3. **Special Elections and Referendums.** Special elections and referendums
15 may be held only as provided by general law or applicable local acts of the General
16 Assembly.

17 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

18 "Section 4.1. **Form of Government.** The Village shall operate under the Council-
19 Manager form of government, in accordance with Part 2 of Article 7 of Chapter 160A of
20 the General Statutes.

21 "Sec. 4.2. **Village Manager; Appointment; Qualifications; Compensation.** The
22 Village Council shall appoint a Village Manager who shall serve at the pleasure of the
23 Council. The Village Manager shall be the administrative head of the Village
24 government responsible for the proper administration of all departments of the Village.
25 The Village Manager shall be chosen on the basis of executive and administrative
26 qualifications, with special reference to actual experience in or knowledge of accepted
27 practice with respect to the duties of a Town or City Manager. The Village Manager
28 shall receive such salary as the Council shall establish.

29 "Sec. 4.3. **Village Attorney.** The Council shall appoint a Village Attorney, licensed
30 to practice in the State of North Carolina, to serve at its pleasure. It shall be the duty of
31 the Village Attorney to represent the Village, be its legal advisor, advise Village
32 officials, and perform other duties required by law or as the Council may direct.

33 "ARTICLE V. MISCELLANEOUS REGULATIONS.

34 "Section 5.1. **Trespassing on Village Property.** The Village may, by ordinance,
35 make it a misdemeanor for any person to refuse to vacate any land, building, lake, or
36 other facility owned, leased, otherwise occupied, or used by, or under the possession
37 of, the Village, when directed to do so by any police officer, Village administrative
38 official, or employee in charge of such land.

39 "Sec. 5.2. **Golf Cart Regulation.** Notwithstanding the provisions of G.S. 20-50
40 and G.S. 20-54, the Village of Whispering Pines may, by ordinance, regulate the
41 operation of golf carts on any public street or road within the Village. By
42 ordinance, the Village may require the registration of golf carts, specify the persons
43 authorized to operate golf carts, and specify the required equipment, load limits, and
44 hours and methods of operation of the golf carts.

1 "Sec. 5.3. **Board of Adjustment.**

2 (a) The Village Council may create a Board of Adjustment in accordance with
3 the provisions of Article 19 of Chapter 160A of the General Statutes. Such Board shall
4 be subject to all provisions of general law except that the Village Council may authorize
5 the Board of Adjustment by ordinance to decide any matter before it either (i) upon a
6 vote of the majority of the members present at a meeting and not excused from voting
7 so long as a quorum is present, or (ii) upon vote of four-fifths majority of the members
8 present at a meeting and not excused from voting so long as a quorum is present.

9 (b) The Council may provide by ordinance that any person aggrieved by any
10 decision of the Board of Adjustment may appeal such decision to the Village Council in
11 accordance with procedures and within times prescribed by ordinance. The ordinance
12 may provide that such appeal shall be in lieu of seeking review of the Board of
13 Adjustment's decision in superior court. Such appeal shall be heard by the Council de
14 novo, i.e., the Council shall consider the matter as if it had not been considered by the
15 Board of Adjustment. The Council shall decide the appeal by a majority of those present
16 and not excused from voting. The decision of the Council on such matter shall be
17 subject to review by the superior court in the nature of certiorari."

18 **SECTION 2.** The purpose of this act is to revise the Charter of the Village of
19 Whispering Pines and to consolidate herein certain acts concerning the property, affairs,
20 and government of the Town.

21 **SECTION 3.(a)** The following acts or portions of acts, having served the
22 purposes for which they were enacted, or having been consolidated into this act, are
23 hereby repealed:

- 24 (1) Chapter 72 of the 1969 Session Laws (current charter).
- 25 (2) Chapter 372 of the 1969 Session Laws (technical correction).
- 26 (3) Section 1 of S.L. 2002-82 (golf carts, consolidated in Section 5.2 of
27 Charter).

28 **SECTION 3.(b)** This act does not affect any of the following acts:

- 29 (1) Chapter 222 of the 1973 Session Laws, as amended (annexation).
- 30 (2) Chapter 1127 of the 1979 Session Laws (relating to ABC funds).

31 **SECTION 4.** No provision of this act is intended, nor shall be construed, to
32 affect in any way any rights or interests (whether public or private):

- 33 (1) Now vested or accrued, in whole or in part, the validity of which might
34 be sustained or preserved by reference to any provisions of law
35 repealed by this act.
- 36 (2) Derived from, or which might be sustained or preserved in reliance
37 upon, action heretofore taken pursuant to or within the scope of any
38 provisions of law repealed by this act.

39 **SECTION 5.** No law heretofore repealed expressly or by implication, and no
40 law granting authority which has been exhausted, shall be revived by:

- 41 (1) The repeal herein of any act repealing such law, or
- 42 (2) Any provision of this act that disclaims an intention to repeal or affect
43 enumerated or designated laws.

1 **SECTION 6.** All existing ordinances and resolutions of the Village of
2 Whispering Pines and all existing rules or regulations of departments or agencies of the
3 Village of Whispering Pines not inconsistent with the provisions of this act shall
4 continue in full force and effect until repealed, modified, or amended.

5 **SECTION 7.** No action or proceeding of any nature (whether civil or
6 criminal, judicial or administrative, or otherwise) pending at the effective date of this
7 act by or against the Village of Whispering Pines or any of its departments or agencies
8 shall be abated or otherwise affected by the adoption of this act.

9 **SECTION 8.** If any part of this act or the application thereof to any person or
10 circumstance is held to be invalid, such invalidity shall not affect other provisions or
11 applications of this act which can be given effect without the invalid provision or
12 application, and to this end, the provisions of this act are declared to be severable.

13 **SECTION 9.** Whenever a reference is made in this act to a particular
14 provision of the General Statutes and such provision is later amended, repealed, or
15 superseded, the reference shall be deemed amended to refer to the amended General
16 Statute or to the General Statute that most nearly corresponds to the statutory provision
17 amended, repealed, or superseded.

18 **SECTION 10.** This act is effective when it becomes law.