

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 564

Short Title: Highlands Charter Revised.

(Local)

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Sponsors: Senator Carpenter.

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Referred to: Local Government and Regional Affairs.

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April 11, 1991

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF  
HIGHLANDS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Highlands is revised and consolidated  
to read:

**"THE CHARTER OF THE TOWN OF HIGHLANDS.**

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

"Section 1.1. **Incorporation.** The Town of Highlands, North Carolina, and the  
inhabitants thereof shall continue to be a municipal body politic and corporate, under  
the name of the 'Town of Highlands', also referred to as the 'Town'.

"Sec. 1.2. **Powers.** The Town has and may exercise all of the powers, duties, rights,  
privileges, and immunities conferred upon the Town of Highlands 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. **Corporate Limits.** The corporate limits are those existing at the time of  
ratification of this Charter, as set forth on the official map of the Town and as they may  
be altered from time to time in accordance with law. An official map of the Town,  
showing the current boundaries, is maintained permanently in the office of the Town  
Clerk and is available for public inspection. Immediately upon alteration of the  
corporate limits made pursuant to law, the appropriate changes to the official map shall  
be made and copies shall be filed in the office of the Secretary of State, the Macon or  
Jackson County Register of Deeds, and the appropriate board of elections.

**"ARTICLE II. GOVERNING BODY.**

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2 "Sec. 2.1. **Mayor and Board of Commissioners.** The Mayor and the Board of  
3 Commissioners, hereinafter referred to as the 'Board', comprises the governing body of  
4 the Town.

5 "Sec. 2.2. **Board of Commissioners; Composition; Terms of Office.** The Board  
6 is composed of five Commissioners elected by all the qualified voters of the Town for  
7 terms of two years or until their successors are elected and qualified.

8 "Sec. 2.3. **Mayor; Term of Office; Duties.** The Mayor is elected by all the  
9 qualified voters of the Town for a term of two years or until his or her successor is  
10 elected and qualified. The Mayor is the official head of the Town government and  
11 presides at meetings of the Board; may vote only when there is an equal division on any  
12 question or matter before the Board; and shall exercise the powers and duties conferred  
13 by law or as directed by the Board.

14 "Sec. 2.4. **Mayor Pro Tempore.** The Board shall elect one of its members as  
15 Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's absence or  
16 disability, in accordance with general law. The Mayor Pro Tempore shall serve in such  
17 capacity until the organizational meeting following the next regular municipal election,  
18 despite the contrary provisions of G.S. 160A-70.

19 "Sec. 2.5. **Meetings.** In accordance with general law, the Board shall establish a  
20 suitable time and place for its regular meetings. Special and emergency meetings may  
21 be held as provided by general law.

22 "Sec. 2.6. **Voting Requirements; Quorum.** Official actions of the Board and all  
23 votes shall be taken in accordance with the applicable provisions of general law,  
24 particularly G.S. 160A-75. The quorum provisions of G.S. 160A-174 apply.

25 "Sec. 2.7. **Compensation; Qualifications for Office; Vacancies.** The  
26 compensation and qualifications of the Mayor and Board are as provided by general  
27 law. Vacancies that occur in any elective office of the Town shall be filled by  
28 appointment as provided in G.S. 160A-63.

**"ARTICLE III. ELECTIONS.**

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30 "Sec. 3.1. **Regular Municipal Elections.** Regular municipal elections shall be held  
31 in each odd-numbered year in accordance with the uniform municipal election laws of  
32 North Carolina. Elections are conducted on a nonpartisan basis and the results  
33 determined using the nonpartisan plurality method as provided in G.S. 163-292.

34 "Sec. 3.2. **Election of Board of Commissioners.** The Commissioners serving on  
35 the date of ratification of this Charter shall serve until the expiration of their terms or  
36 until their successors are elected and qualified.

37 "Sec. 3.3. **Election of Mayor.** A Mayor shall be elected in each regular municipal  
38 election.

39 "Sec. 3.4. **Special Elections and Referendums.** Special elections and referendums  
40 may be held only as provided by general law or applicable local acts of the General  
41 Assembly.

**"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.**

1 "Sec. 4.1. **Form of Government.** The Town operates under the Mayor-Council  
2 form of government, in accordance with Part 3 of Article 7 of Chapter 160A of the  
3 General Statutes.

4 "Sec. 4.2. **Town Clerk.** The Board shall appoint a Town Clerk to keep a journal of  
5 the proceedings of the Board; to maintain official records and documents; to give notice  
6 of meetings; and to perform such other duties required by law or as the Board may  
7 direct.

8 "Sec. 4.3. **Tax Collector.** The Board shall appoint a Tax Collector pursuant to G.S.  
9 105-349 to collect all taxes owed to the Town, subject to general law, this Charter and  
10 Town ordinances.

11 "Sec. 4.4. **Town Attorney.** The Board shall appoint a Town Attorney licensed to  
12 practice law in North Carolina. It shall be the duty of the Town Attorney to represent  
13 the Town, advise Town officials, and perform other duties required by law or as the  
14 Board may direct.

15 "Sec. 4.5. **Other Administrative Officers and Employees.** The Board may  
16 authorize other positions and may organize the Town government as deemed  
17 appropriate, subject to the requirements of general law.

#### 18 "ARTICLE V. ADDITIONAL PROVISIONS.

19 "Sec. 5.1. **Alcoholic Beverages.** Alcoholic Beverage Control Stores shall operate  
20 within the Town of Highlands as provided in Chapter 611, Session Laws of 1977;  
21 Chapter 116, Session Laws of 1979; and Chapter 889, Session Laws of 1988.

22 "Sec. 5.2. **Scholarship Program.** The Town's scholarship program for graduates of  
23 Highlands High School shall continue to be administered as provided in Chapter 332,  
24 Session Laws of 1975.

25 "Sec. 5.3. **Tree Regulation.** The Town may adopt ordinances to regulate the  
26 removal of trees from public and commercially zoned private property within the Town  
27 in order to preserve, protect, and enhance one of the most valuable natural resources of  
28 the community and to protect the health, safety, and welfare of its citizens.

29 "Sec. 5.4. **Appropriations for Advertising.** The Town may appropriate from  
30 nontax funds a sum not exceeding two thousand dollars (\$2,000) annually for the  
31 purpose of advertising the Town and promoting the tourist industry and other industries.  
32 The Town may pay portions of the appropriation to the Highlands Chamber of  
33 Commerce, The Hudson Library of Highlands, North Carolina, Incorporated, the  
34 Highlands-Cashiers Hospital, Inc., and the Highlands Cemetery Company, Inc. Any  
35 ordinance or resolution appropriating municipal funds to the organizations named herein  
36 shall state the purpose or purposes for which the funds are to be spent, and they may be  
37 expended for no other purpose. The Town shall require each organization receiving  
38 municipal funds pursuant to this section to account periodically for the expenditure of  
39 the funds."

40 Sec. 2. The purpose of this act is to revise the Charter of the Town of  
41 Highlands and to consolidate certain acts concerning the property, affairs, and  
42 government of the Town. It is intended to continue without interruption those  
43 provisions of prior acts which are expressly consolidated into this act, so that all rights  
44 and liabilities which have accrued are preserved and may be enforced.

1           Sec. 3. This act does not repeal or affect any acts concerning the property,  
2 affairs, or government of public schools, or acts validating official actions, proceedings,  
3 contracts, or obligations of any kind.

4           Sec. 4. The following acts, having served the purposes for which they were  
5 enacted or having been consolidated into this act, are expressly repealed:

6           Chapter 56, Private Laws of 1883

7           Chapter 208, Private Laws of 1891

8           Chapter 156, Private Laws of 1901

9           Chapter 65, Private Laws of 1909

10          Chapter 134, Private Laws of 1913 (Extra Session)

11          Chapter 28, Private Laws of 1921

12          Chapter 37, Private Laws of 1931

13          Chapter 368, Public-Local Laws of 1939

14          Chapter 589, Session Laws of 1945

15          Chapter 45, Session Laws of 1947

16          Chapter 505, Session Laws of 1951

17          Chapter 696, Session Laws of 1957

18          Chapter 316, Session Laws of 1969

19          Chapter 756, Session Laws of 1979

20          Chapter 828, Session Laws of 1986 (Regular Session).

21          Sec. 5. The Mayor and Commissioners serving on the date of ratification of  
22 this act shall serve until the expiration of their terms. Thereafter those offices shall be  
23 filled as provided in Articles II and III of the Charter contained in Section 1 of this act.

24          Sec. 6. This act does not affect any rights or interests which arose under any  
25 provisions repealed by this act.

26          Sec. 7. All existing ordinances, resolutions, and other provisions of the Town  
27 of Highlands not inconsistent with the provisions of this act shall continue in effect until  
28 repealed or amended.

29          Sec. 8. No action or proceeding pending on the effective date of this act by or  
30 against the Town or any of its departments or agencies is abated or otherwise affected  
31 by this act.

32          Sec. 9. If any provision or application of this act is held invalid, such  
33 invalidity shall not affect other provisions or applications of this act which can be given  
34 effect without the invalid provision or application, and to this end the provisions of this  
35 act are declared to be severable.

36          Sec. 10. Whenever a reference is made in this act to a particular provision of  
37 the General Statutes, and such provision is later amended, superseded or recodified, the  
38 reference shall be deemed amended to refer to the amended General Statute, or to the  
39 General Statute which most clearly corresponds to the statutory provision which is  
40 superseded or recodified.

41          Sec. 11. This act is effective upon ratification.