

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

H

1

HOUSE BILL 2267

Short Title: Whispering Pines Charter. (Local)

---

Sponsors: Representative Boylan.

---

Referred to: Local Government I, if favorable, Finance.

---

May 21, 2008

A BILL TO BE ENTITLED

1 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE  
2 OF WHISPERING PINES.  
3

4 The General Assembly of North Carolina enacts:

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

7 "THE CHARTER OF THE VILLAGE OF WHISPERING PINES

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

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

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

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

27 "ARTICLE II. MAYOR AND VILLAGE COUNCIL.



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

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

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

16 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

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

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

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

32 "ARTICLE V. MISCELLANEOUS REGULATIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 **SECTION 6.** All existing ordinances and resolutions of the Village of  
44 Whispering Pines and all existing rules or regulations of departments or agencies of the

1 Village of Whispering Pines not inconsistent with the provisions of this act shall  
2 continue in full force and effect until repealed, modified, or amended.

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

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

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

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