

CODE

Town of

HIGHLANDS, NORTH CAROLINA

Codified through

Ordinance of September 1, 2010.

(Supp. No. 14)

THE CHARTER OF THE TOWN OF HIGHLANDS*

* **Editors Note:** An act ratified on July 3, 1991, revised and consolidated the Charter of the Town of Highlands to read as herein set out. The former Charter consisted of §§ 1--13 and derived from 1909 Sess. Laws, Ch. 82, §§ 1--5; 1939 Sess. Laws, Ch. 368, §§ 1--4; 1957 Sess. Laws, Ch. 696, §§ 1--3; 1969 Sess. Laws, Ch. 316 and 1979 Sess. Laws, Ch. 756., § 1. A lack of a history note designates that the section derived from Chapter 519, Senate Bill 564, ratified on July 3, 1991. Future amendments will be represented by the appropriate history note following the amended section.

ARTICLE I.

INCORPORATION, CORPORATE POWERS, AND BOUNDARIES

Sec. 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 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

Sec. 2.1. Mayor and board of commissioners.

The mayor and the board of commissioners, hereinafter referred to as the "Board," comprises the governing body of the town.

Section 2.2. Board of commissioners; composition; terms of office.

The board shall be composed of five (5) commissioners elected by all the qualified voters of the town for terms of four (4) years, or until their successors are elected and qualified.
(Ord. of 3-2-94, § 2)

Section 2.3. Mayor; term of office; duties.

The mayor shall be elected by all the qualified voters of the town for a term of four (4) years, or until his or her successor is elected and qualified. The mayor shall be the official head of the town government and preside at meetings of the board, shall have the right to vote only when there is an equal division on any question or matter before the board, and shall exercise the powers and duties conferred by law or as directed by the board.
(Ord. of 3-2-94, § 2)

Sec. 2.4. Mayor pro tempore.

The Board shall elect one of its members as Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's absence or disability, in accordance with general law. The Mayor Pro Tempore shall be elected by the board: (i) in the odd-numbered year at the organizational meeting following the regular municipal election, to serve until the first regular meeting in December of the next year, and (ii) in the even-numbered year at the first regular meeting in December of that year, to serve until the organizational meeting following the regular municipal election. In case of a vacancy, the board shall elect a Mayor Pro Tempore to serve the remainder of the unexpired term of that office.
(Ord. of 1-20-10)

Sec. 2.5. Meetings.

In accordance with general law, the board shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided by general law.

Sec. 2.6. Voting requirements; quorum.

Official actions of the board and all votes shall be taken in accordance with the applicable provisions of general law, particularly G.S. 160A-75. The quorum provisions of G.S. 160A-174 apply.

Sec. 2.7. Compensation; qualifications for office; vacancies.

The compensation and qualifications of the mayor and board are as provided by general law. Vacancies that occur in any elective office of the town shall be filled by appointment as provided in G.S. 160A-63.

ARTICLE III.

ELECTIONS

Sec. 3.1. Regular municipal elections.

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

Section 3.2. Election of board of commissioners.

The commissioners serving on the date of ratification of this act shall serve until the expiration of their terms, or until their successors are elected and qualified. Five (5) commissioners shall be elected at the regular municipal election in 1995. The three (3) persons receiving the highest numbers of votes shall be elected to four-year terms, and the two (2) persons receiving the next highest number of votes shall be elected to two-year terms. In 1997, and quadrennially thereafter, two (2) commissioners shall be elected to four-year terms. In 1999, and quadrennially thereafter, three (3) commissioners shall be elected to four-year terms.
(Ord. of 3-2-94, § 2)

Section 3.3. Election of mayor.

The mayor serving on the date of ratification of this act shall serve until the expiration of his or her term. In 1995, a Mayor shall be elected at the regular municipal election to a two-year term. In 1997, and quadrennially thereafter, a mayor shall be elected to a four-year term.
(Ord. of 3-2-94, § 2)

Sec. 3.4. Special elections and referendums.

Special elections and referendums may be held only as provided by general law or applicable local acts of the general assembly.

ARTICLE IV.

ORGANIZATION AND ADMINISTRATION

Sec. 4.1. Form of government.

The town operates under the council-manager form of government, in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.
(Amend. of 8-20-08)

Sec. 4.2. Town clerk.

The board shall appoint a town clerk to keep a journal of the proceedings of the board; to maintain official records and documents; to give notice of meetings; and to perform such other duties required by law or as the board may direct.

Sec. 4.3. Tax collector.

The board shall appoint a tax collector pursuant to G.S. 105-349 to collect all taxes owed to the town, subject to general law, this Charter and town ordinances.

Sec. 4.4. Town attorney.

The board shall appoint a town attorney licensed to practice law in North Carolina. It shall be the duty of the town attorney to represent the town, advise town officials, and perform other duties required by law or as the board may direct.

Sec. 4.5. Other administrative officers and employees.

The board may authorize other positions and may organize the town government as deemed appropriate, subject to the requirements of general law.

ARTICLE V.

ADDITIONAL PROVISIONS

Sec. 5.1. Alcoholic beverages.

Alcoholic Beverage Control Stores shall operate within the Town of Highlands as provided in Chapter 611, Session Laws of 1977; Chapter 116, Session Laws of 1979; and Chapter 889, Session Laws of 1988.

Sec. 5.2. Scholarship program.

The town's scholarship program for graduates of Highlands High School shall continue to be administered as provided in Chapter 332, Session Laws of 1975.

Sec. 5.3. Tree regulation.

The town may adopt ordinances to regulate the removal of trees from public and commercially zoned private property within the town in order to preserve, protect, and enhance one of the most valuable natural resources of the community and to protect the health, safety, and welfare of its citizens.

Sec. 5.4. Appropriations for advertising.

Sec. 1. The town may appropriate from nontax funds a sum not exceeding two thousand dollars (\$2,000.00) annually for the purpose of advertising the town and promoting the tourist industry and other industries. The town may pay portions of the appropriation to the Highlands Chamber of Commerce, The Hudson Library of Highlands, North Carolina, Incorporated, the Highlands-Cashiers Hospital, Inc., and the Highlands Cemetery Company, Inc. Any ordinance or resolution appropriating municipal funds to the organizations named herein shall state the purpose or purposes for which the funds are to be spent, and they may be expended for no other purpose. The town shall require each organization receiving municipal funds pursuant to this section to account periodically for the expenditure of the funds.

Sec. 2. The purpose of this act is to revise the Charter of the Town of Highlands and to consolidate certain acts concerning the property, affairs, and government of the town. It is intended to continue without interruption those provisions of prior acts which are expressly consolidated into this act, so that all rights and

liabilities which have accrued are preserved and may be enforced.

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

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

Chapter 56, Private Laws of 1883

Chapter 208, Private Laws of 1891

Chapter 156, Private Laws of 1901

Chapter 65, Private Laws of 1909

Chapter 134, Private Laws of 1913 (Extra Session)

Chapter 28, Private Laws of 1921

Chapter 37, Private Laws of 1931

Chapter 368, Public-Local Laws of 1939

Chapter 589, Session Laws of 1945

Chapter 45, Session Laws of 1947

Chapter 505, Session Laws of 1951

Chapter 696, Session Laws of 1957

Chapter 316, Session Laws of 1969

Chapter 756, Session Laws of 1979

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

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

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

Sec. 7. All existing ordinances, resolutions, and other provisions of the Town of Highlands not

inconsistent with the provisions of this act shall continue in effect until repealed or amended.

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

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

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

Sec. 11. This act is effective upon ratification.

PART II

RELATED LAWS AND RESOLUTIONS*

* **Editors Note:** Printed herein are the resolutions adopted by the board of commissioners and related state laws printed at the request of the town. The parenthetical history notes following the sections indicate the source of the provision. A uniform system of punctuation and capitalization has been used. Obvious misspellings have been corrected without notation and material in brackets [] has been added for clarity.

Subpt. 1. Alcoholic Beverage Control Stores, §§ 1--7

Subpt. 2. An Act Authorizing Enactment of a Tree Ordinance

Subpt. 3. Resolution Adopting Kelsey Map

SUBPART 1.

ALCOHOLIC BEVERAGE CONTROL STORES*

* **Editors Note:** Chapter 18A of the general statutes was repealed by session laws 1981, c. 412, s. 1 effective January 1, 1982. Alcoholic beverages are now regulated by chapter 18B of the general statutes.

Sec. 1 Authority to call election.

The governing body of the Town of Highlands may call a special election to be held on the question of whether alcoholic beverage control stores may be operated in said town. The governing body may call the special election to be held on such date as the municipal board of elections may determine, but not less than 30 days nor more than 60 days subsequent to the ratification of this act. The Highlands Municipal Board of Elections shall hold and conduct all elections under this act, and the cost of the special elections shall be paid from the general fund of the town.

Sec. 2 Registration of electors.

A new registration for voters for such election shall not be necessary and all qualified voters who are properly registered prior to registration for the election and those who register for said election shall be entitled to vote in said election. Except as otherwise herein provided, if a special election is called, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to general elections for the Town of Highlands.

Sec. 3 Effect of election; ballots.

There shall be submitted to the qualified voters of the Town of Highlands at said election the question of whether municipal alcoholic beverage control stores may be operated in said town, and if a majority of the votes cast in such an election shall be for the operation of such stores, it shall be legal for alcoholic beverage control

stores to be set up and operated in the town, but if a majority of the votes cast in such election shall be against alcoholic beverage control stores, no such stores shall be set up or operated in the Town of Highlands under the provisions of this act. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition:

"For Alcoholic Beverage Control Stores."

"Against Alcoholic Beverage Control Stores."

Those favoring setting up and operating alcoholic beverage control stores in the town shall mark in the voting square to the left of the words, "For Alcoholic Beverage Control Stores," printed on the ballot and those opposed to alcoholic beverage control stores shall mark in the voting square to the left of the words "Against Alcoholic Beverage Control Stores," printed on the ballot.

Sec. 4 [Creation and composition of board.]

If the operation of Town Alcoholic Beverage Control Stores is authorized under the provisions of this act, the governing body of the town shall immediately create a Town Board of Alcoholic Beverage Control, to be composed of a chairman and two (2) other members who shall be well known for their good character, ability and business acumen. Said board shall be known and designated as the "Town of Highlands Board of Alcoholic Beverage Control." The chairman of said board shall be designated by the governing body of the town and shall serve for his first term a period of three (3) years. The other two (2) members of the Board of Alcoholic Beverage Control shall be designated by the governing body of the town, and one (1) member shall serve for his first term a period of two (2) years, and the other member shall serve for his first term a period of one (1) year; all terms shall begin with the date of appointment, and after the same term shall have expired, successors in office shall serve for a period of three (3) years. Their successors shall be named by the governing body of the town. Any vacancy shall be filled by the governing body of the town for the unexpired term.

Sec. 5 [Powers and duties.]

The Town Board of Alcoholic Beverage Control shall have all the powers and duties prescribed for county boards of alcoholic control by G.S. 18A-17, except to the extent that the same may be in conflict with the provisions of this act, and shall be subject to the same powers and authority of the State Board of Alcoholic Control as are county boards of alcoholic control by the provisions of G.S. 18A-15. The Town of Highlands Board of Alcoholic Control, in the operation of any city alcoholic beverage control stores authorized under the provisions of this act, shall be subject to the provisions of chapter 18A of the general statutes, except to the extent that the same may be in conflict with the provisions of this act. Whenever the term "county board of alcoholic control" appears in chapter 18A, it shall be deemed to include the Town of Highlands Board of Alcoholic Control. G.S. 18A-17(14) does not apply to the Town of Highlands Board of Alcoholic Control. (1977 Sess. Laws, C. 611, Sec. 5; 1979 Sess. Laws, C. 116, Sec. 1)

Sec. 6 [Disbursement of revenue.]

The Town Board of Alcoholic Beverage Control shall, out of the gross revenue derived from the operation of alcoholic beverage control stores, pay all salaries, costs and operating expenses and retain a sufficient and proper working capital, the amount thereof to be determined by the Town Board of Alcoholic

Beverage Control. The remaining revenue, as determined by annual audit, shall be distributed as follows: a. not less than five (5) percent nor more than fifteen (15) percent for law enforcement in the town, and not less than seven (7) percent for education on the excessive use of alcoholic beverages and for the rehabilitation of alcoholics; b. ten (10) percent for the development and operation of the town's recreational facilities; c. fifteen (15) percent for the general fund of the Highlands-Cashiers Hospital, Inc.; d. two (2) percent to the Town of Highlands Scholarship Fund; and e. any remaining revenue to the general fund of the Town of Highlands to be used for any and all purposes for which tax and non-tax revenues may be expended by the town. The Town Board of Alcoholic Beverage Control may enter into a contract or agreement with a local law enforcement agency to provide for enforcement of the alcoholic beverage control laws with the territorial jurisdiction of that local law enforcement agency. (1977 Sess. Laws, C. 611, Sec. 6; 1979 Sess. Laws, C. 116, Secs. 2, 3)

Sec. 7 [Subsequent elections.]

Subsequent elections may be held as authorized in this section. At such election if a majority of the votes shall be cast "Against Alcoholic Beverage Control Stores," the Alcoholic Beverage Control Board shall be closed immediately and no beverages shall be sold at retail or otherwise to citizens of the Town of Highlands and within three (3) months from the canvassing of such votes and the declaration of the results thereof, the Alcoholic Beverage Control Board shall dispose of all alcoholic beverages on hand, all fixtures and all other property in the hands and under the control of said board and convert the same into cash and the same be deposited in the general fund of the Town of Highlands. Thereafter, all public, local and private laws applicable to the sale of intoxicating beverages within the Town of Highlands, in force and effect prior to the authorization to operate alcoholic beverage control stores, shall be in full force and effect the same as if such election had not been held, and until and unless another election is held under the provisions of the act in which a majority of the votes shall be cast "For Alcoholic Beverage Control Stores." No election shall be called and held in the town under the provisions of this act within three (3) years from the holding of the last election thereunder. The governing body of the Town of Highlands may order a subsequent alcoholic beverage control election on its own motion, and shall within sixty (60) days after a petition shall have been presented to the town's governing body, filed and signed by at least twenty (20) percent of the number of the registered and qualified voters of the Town of Highlands that voted in the election for the governing body of said town in the last election, order an election on the question of whether alcoholic beverage control stores shall be operated in the town.

SUBPART 2.

AN ACT AUTHORIZING ENACTMENT OF A TREE ORDINANCE

An Ordinance authorized by an act of the General Assembly of N.C., Chapter 828, House Bill 1469, as follows:

An act to authorize the Town of Highlands to adopt and enact ordinances regulating the removal, replacement, and preservation of trees within the Town of Highlands.

The General Assembly of North Carolina enacts:

Section 1. The Town of Highlands may adopt ordinances, only after holding public hearings, to regulate the removal of trees from public and commercially zoned private property within the Town of Highlands in order to preserve, protect, and enhance one of the most valuable resources of the

community and to protect the health, safety, and welfare of its citizens.

Section 2. This act applies only to the Town of Highlands.

Section 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1986.

SUBPART 3.

RESOLUTION ADOPTING KELSEY MAP

A resolution to provide for acceptance of offer of dedication of streets, alleys, and rights-of-way as shown on the Map of Highlands, North Carolina, from the original by S. T. Kelsey, Founder, as recorded in Plat Book 1, Page 104, Cabinet 1, Slide 19, Page 8 of the Register's Office of Macon County, North Carolina.

Whereas the Board of Commissioners of the Town of Highlands, North Carolina, has determined that certain dedicated areas shown on the Map of Highlands, North Carolina, from the original by S. T. Kelsey, Founder (Kelsey Map), have been previously put to public use and improved and maintained by the Town of Highlands; and

Whereas, certain dedicated areas on the Kelsey Map have not been improved or maintained by the Town of Highlands, as not previously needed for the public use or welfare, but that acceptance of such areas by the Town of Highlands at this time for use as soon as growth and improvements in the Town require same, is in the best interest and welfare of the Town of Highlands, and for its inhabitants;

Therefore, be it ordered and resolved by the Board of Commissioners of the Town of Highlands, North Carolina, that all streets, alleys, rights-of-way and other public areas as identified, marked, or shown by symbol on the Kelsey Map, as recorded in Plat Book 1, Page 104, Cabinet 1, Slide 19, Page 8, of the Register's Office of Macon County, North Carolina, be accepted for such public use, and that this Resolution shall be an acceptance of an offer to dedicate such streets, alleys, rights-of-way and other public areas.

This resolution shall take effect and be in force from and after the date of enactment.

Enacted: September 5, 1984.