

# TEXT AMENDMENT STAFF REPORT



Hearing Date: NA

Case File #: TA-17-07

**General Description: Amend the Town of Sunset Beach UDO to include the Building Inspector under a newly established Part VII of Article 3**

Town Council Initiated     Planning Board Initiated     Staff Initiated     Citizen Initiated

**Applicant(s): Town of Sunset Beach, Planning & Inspections Department**

## APPLICATION OVERVIEW:

Staff is initiating a text amendment to include duties and responsibilities of the Building Inspector to the UDO under Article 3. This was to be part of the minimum housing amendment, but since that has been postponed for further development, Staff is proposing this simple amendment.

## PROPOSAL

Staff is proposing to include the building inspector into the UDO under **Article 3 Administrative/Legislative Authority**. This amendment will cover the duties, responsibilities and authority of the building inspectors. This proposal will be for **Part VII: The Building Inspector** and comprise **Section 3.22 Duties and Powers of the Building Inspector** and **Section 3.23 Right of Entry of Building Inspector**. Article 3 contains the language for the authority of all parties involved in the UDO including the UDO Administrator, Town Council, Planning Board, and Board of Adjustment.

## STAFF COMMENTARY

In the past it was discovered that certain elements of the Town's previous ordinances were left out of the UDO during the update and rewrite in 2012. Some of these ordinances have been reintegrated into the UDO recently such as Fill and Grade and Alteration of Sand Dunes. Still, there are other elements that need to be included.

The powers and duties of the building inspector is just another component left out from the previous adoption of the UDO. While there is State statutory authority and regulation, this is just a reaffirmation of what we want out of our inspectors.

**PROPOSED TEXT AMENDMENT**

**Article 3 Administrative/Legislative Authority**

**Part VII: Building Inspector**

**Section 3.22 DUTIES AND POWERS OF THE BUILDING INSPECTOR.**

The Building Inspector is hereby designated as the officer to enforce the provisions of this chapter and to exercise the duties and powers herein prescribed. The Building Inspector is authorized to exercise the powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter. The Building Inspector shall have the following powers and duties:

- (A) All the powers, responsibilities, and authority as described in North Carolina GS 160A-412;
- (B) To investigate the dwelling conditions, and to inspect dwellings and dwelling units located in the town, in order to determine which dwellings and dwelling units are unfit for human habitation and for the purpose of carrying out the objectives of this chapter with respect to the repair, closing or demolition of the dwellings and dwelling units;
- (C) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated;
- (D) To keep a record of the results of inspections made under this chapter and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed;
- (E) To administer oaths and affirmations, examine witnesses and receive evidence;
- (F) To enter upon premises for the purpose of making examinations and inspections; provided, the entries shall be made in accordance with Section 3.23 and state law, and shall be made in the manner as to cause the least possible inconvenience to the persons in possession;
- (G) To appoint and fix the duties of the officers, agents and employees as he or she deems necessary to assist in carrying out the purposes of this chapter, and to delegate any of his or her functions and powers to the officers, agents and employees; and
- (H) To perform other duties as may be herein prescribed or by the Town Council.

**Section 3.23 RIGHT OF ENTRY OF BUILDING INSPECTOR.**

- (A) For the purpose of making inspections, the Inspector is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming houses, rooming units and the premises associated therewith. The owner or occupant of every dwelling, dwelling unit, rooming house or rooming unit, or the person in charge thereof, shall give the Inspector free access to that dwelling and its premises at all reasonable times for the purposes of inspection, examination and survey.

- (B) Every occupant of a dwelling, dwelling unit, rooming house or rooming unit shall give the owner thereof, or his or her agent or employee, access to any part of that dwelling or dwelling unit and its premises at all reasonable times for the purpose of making the repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful order issued pursuant to the provisions of this chapter.

**PLANNING BOARD SUMMARY**

**Action:**

- (A) XX The Planning Board hereby recommends approval of the proposed amendment to the Unified Development Ordinance and finds that it is (i) consistent with the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan), Policy 14 (A) stating that **“Sunset Beach desires as much as practicable that all development be designed and placed so as to be compatible with its existing coastal town and residential character,”** to which the building inspector will monitor as per State Law and finds that it is in the public interest because of the following reasons to maintain and protect the natural environment and promote orderly development of the limited landmass and to protect the health, safety and welfare of the citizens of Sunset Beach.
- (B) \_\_\_\_\_ The Planning Board hereby recommends denial of the proposed amendment to the Unified Development Ordinance and finds that (i) it is not addressed in the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan) and/or (ii) it is not in the public interests for the following reasons: \_\_\_\_\_.

(For 4 Against 0 Abstained \_\_\_\_\_)

**Commentary:**

**On October 5, 2017, the Planning Board voted unanimously to recommend approval of the text amendment, citing consistency with Policy 14(A) of the 2010 CAMA Land Use Plan.**

**TOWN COUNCIL SUMMARY**

**Action:**

- (A) \_\_\_\_\_ The Town Council hereby accepts the recommendation of the Planning Board regarding the proposed amendment to the Unified Development Ordinance and has set a public hearing for the following date \_\_\_\_\_.
  
- (B) \_\_\_\_\_ The Town Council hereby declines to accept the recommendation of the Planning Board regarding the proposed amendment to the Unified Development Ordinance and is sending the proposal back to the Planning Board for further review for the following reasons: \_\_\_\_\_.

(For \_\_\_\_\_ Against \_\_\_\_\_ Abstained \_\_\_\_\_)

**Commentary:**

On October 17, 2017, the Town Council voted unanimously to accept the Planning Board recommendation and to schedule a Public Hearing for November 21, 2017 at 7:00 pm.