

NORTH CAROLINA GENERAL ASSEMBLY
1959 SESSION

CHAPTER 1033
HOUSE BILL 1195

AN ACT CREATING THE CARTERET COUNTY PLANNING COMMISSION, PROVIDING FOR ITS ORGANIZATION POWERS AND DUTIES AND CONFERRING UPON THE BOARD OF COUNTY COMMISSIONERS AND THE GOVERNING BODIES OF THE SEVERAL MUNICIPALITIES IN CARTERET COUNTY THE POWER AND AUTHORITY TO ADOPT AND ENFORCE COMPREHENSIVE REGULATIONS PROVIDING FOR THE ORDERLY GROWTH AND SOUND DEVELOPMENT OF CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Planning Commission Created; Membership; Terms of Office; Compensation. There is hereby created a Planning Commission for Carteret County which shall be known as the "Carteret County Planning Commission". The Planning Commission shall be composed of nine members who shall be appointed as follows: Four members shall be appointed by the Board of County Commissioners of Carteret County to represent the entire county. One member shall be appointed by the governing bodies of each of the five following municipalities: Morehead City, Beaufort, Atlantic Beach, Newport and Emerald Isle. Members of the Planning Commission shall be appointed for three-year terms; provided that the members first appointed in the year 1959 shall serve for terms as follows: Of the members first appointed by the Board of County Commissioners two members shall be appointed to serve for terms of three years, one member for a term of two years and one member for one year. The two members first appointed by the governing bodies of Morehead City and Beaufort shall be appointed to serve for three-year terms, the two members first appointed by the governing bodies of Newport and Atlantic Beach shall serve for a term of two years and the member first appointed by the governing body of Emerald Isle shall serve for a term of one year. Thereafter, all members shall serve for a term of three years. The terms of the members first appointed shall begin on October 1, 1959. Any member shall be eligible for reappointment. The governing body appointing any member shall have the authority to remove such member at any time after filing written notice with the Planning Commission. Any vacancy in the membership of the Commission shall be filled by the appropriate governing body for the unexpired term. Members of the Planning Commission shall serve without compensation except in the discretion of the Planning Commission, members may be reimbursed for necessary travel expenses outside the county while engaged in the work of the Commission.

Sec. 2. Organization of Planning Commission. On the date and at the time designated by the Board of County Commissioners but not later than October 15, 1959, the members of the Planning Commission appointed by the several governing bodies as provided for in Section 1 of this Act shall meet at the Carteret County Courthouse and organize the Commission as follows: The Commission shall elect from among its members a chairman, a vice chairman and a secretary-treasurer, and such other officers as it may deem necessary for such terms of office as the Commission may prescribe. The Commission shall adopt such rules and regulations not inconsistent with this Act as it may deem necessary for the proper discharge of its duties. The Commission may establish and the chairman may appoint such committees as the work of the Commission may require. The Commission shall meet regularly, at least once every two months at the places and on the dates as determined by the Commission. Special meetings may be called by the chairman, and the chairman shall be required to call a special meeting of the Commission when requested to do so in writing by three or more members of the Commission. All members shall be notified in writing by the chairman of the time and place of regular or special meetings at least five days in advance of such meeting. All meetings of the Commission shall be open to the public.

Sec. 3. Commission's Fiscal Affairs. The Commission shall by agreement of its members determine the amount of funds to be appropriated annually to the Commission for its work by the county and the amount of funds to be appropriated annually by each municipality represented on the Commission. The Commission shall distribute to the county and to each member municipality during the month of May each year a statement of the proposed appropriations for the fiscal year for each governmental unit. The county and each municipality represented on the Commission shall, not later than June 1st each year, notify the Commission in writing of its acceptance or rejection of the amount of funds requested to be appropriated to the Commission for the ensuing fiscal year. In determining the proportionate share of the annual cost to be borne by the county and the several municipalities, the Commission may use any reasonable method that they may deem best.

The Commission in carrying out its functions may accept, receive and disburse any funds or grants made available by the Federal Government and its agencies, the State Government and its agencies, the county or any municipality therein and funds from private or other sources.

The Commission shall annually prepare and adopt during the month of June a budget for the fiscal year beginning on July 1. Copies of the Commission's budget shall be distributed to the county and to each municipality. The budget may be amended from time to time during the year by a vote of a majority of all members of the Commission. The Commission shall keep accurate records of all receipts and disbursements and shall prepare an annual report of its activities including a financial statement which shall be distributed to the county and each municipality. Copies of this annual report may be made available for further distribution as the Commission may determine.

Carteret County and each municipality within Carteret County which is represented on the Planning Commission is hereby granted the authority to appropriate nontax funds and to annually levy taxes for the payment of funds to the Planning

Commission for its support as a special purpose in addition to any allowed by the Constitution.

Sec. 4. Contract for Services. The Planning Commission is hereby authorized to enter into and carry out contracts for services which shall include but shall not be limited to the following: (a) State and Federal Government. The Commission may enter into and carry out contracts with the State or Federal Government or any agencies thereof under which said government or agencies grant financial or other assistance. The Commission may accept such assistance or funds as may be granted by the State or the Federal Government with or without such a contract, and the Commission may agree to and comply with any reasonable conditions which are imposed upon such grants. (b) County and Municipal Government. The Commission may enter into and carry out contracts with any city, county or joint planning board or boards under which it agrees to pay such other planning board or boards for technical planning assistance. In addition, the Commission may enter into and carry out contracts with any city, county or joint planning board or boards under which it agrees to furnish technical planning assistance to such other planning board or boards. (c) Consultants. The Commission may enter into and carry out contracts with consultants, planners, engineers and others for such services as it may deem necessary. (d) Staff. The Commission may enter into and carry out a contract with or employ such secretarial or staff assistance as it may deem necessary. (e) Office. The Commission is authorized to enter into an agreement or contract with any government or agency thereof or with any person, firm or corporation for the use or rental of such office space or other facilities as the Commission may require.

Sec. 5. Powers and Duties of Commission. It shall be the duty of the Commission to make comprehensive studies of the present and future needs of the county with the general purpose of guiding and providing for the coordinated and orderly growth and sound physical development of the county that will best promote the health, safety, convenience, prosperity and general welfare of all the people within the county.

In guiding and providing for the orderly growth and sound physical development of the county, the Planning Commission shall prepare and adopt a comprehensive plan or plans for the future development of the county which shall be known as the "Carteret County Development Plan". The County Development Plan or parts thereof when adopted by the Planning Commission shall be recommended to the Board of County Commissioners or to the governing bodies of the several municipalities, if appropriate, for adoption or other action necessary to implement such plan or part thereof. The County Development Plan shall include the following:

(1) Zoning Plan. The zoning plan shall include a plan for the zoning and regulation of buildings and other structures and the use of land, other than for farming, in areas outside the zoning jurisdiction of municipalities. If the Planning Commission determines it is not necessary to zone the entire county or recommends the zoning by the county of an area or areas within the corporate boundaries of municipalities, the Planning Commission may prepare and recommend such plans in accordance with Section 6 of this Act. Any zoning plan prepared for the county or any part thereof shall

include both the full text of a zoning ordinance and a map or maps showing proposed district boundaries.

(2) Subdivision Regulations. Subdivision regulations shall include a recommended ordinance regulating the platting and recording of any subdivision of land as defined in Section 7(7) of this Act, lying within the county and outside the subdivision regulation jurisdiction of any municipality. Any such subdivision regulation ordinance shall be prepared in accordance with Section 7 of this Act.

(3) Major Highway Plan. The major highway plan shall include a coordinated plan for the location, construction, extension or improvement of major highways and streets within the county and the several municipalities. The major highway plan shall be based upon surveys or studies designed to indicate the future vehicular traffic needs of the county or parts thereof and shall be prepared in cooperation with the State Highway Commission and the several municipalities affected by such plan.

(4) Resource Plan. The resource plan shall include a plan for encouraging the development and expansion of the commercial, industrial and agricultural resources of the county. Such plan may include an inventory of the resources of the county and recommendations for meeting existing and emerging problems of commerce, industry or agriculture affecting the economic development of the county.

(5) Public Facilities Plan. The public facilities plan shall include a coordinated plan or plans for the development, expansion and extension of public facilities including but not limited to plans for primary and secondary schools, hospitals, port and harbor facilities, governmental service and utility facilities, public recreation facilities, flood control and pollution control facilities, water resources and air transportation facilities which are deemed important to the development of the entire county.

The County Development Plan or parts thereof may from time to time be revised, amended or enlarged in accordance with the provisions of this Act as the Planning Commission deems necessary and desirable.

The Planning Commission is hereby authorized to undertake or engage in the following activities:

(1) Building Codes. The Commission may prepare and recommend for adoption to the appropriate governing body, building, plumbing, electrical and such other similar regulatory codes not inconsistent with the codes or laws of the State of North Carolina as they may deem necessary.

(2) Assistance to Municipalities. The Commission may provide technical planning assistance including surveys, studies and recommended plans or provide other planning services to the municipalities in the county.

(3) The Commission may engage in any other general planning activity designed to carry out the intent and purpose of this Act.

It shall be the duty of the Planning Commission to cooperate and consult with the municipalities, the appropriate departments, agencies and instrumentalities of the Federal, State and county governments; public and private institutions and organizations

and with other individuals and groups in guiding and accomplishing the coordinated planning for the development of the entire county.

It shall be the duty of the Planning Commission prior to the adoption by the Commission of any zoning plan, subdivision regulations, major highway plan or public facilities plan to advertise and conduct a public hearing concerning such plan or plans. At such hearing, an explanation shall be made of the proposed plan or plans and every interested person shall be given the opportunity to be heard concerning such proposals. The method of advertising such hearing shall be determined by the Commission. The Planning Commission may advertise and hold public hearings concerning any proposal under consideration when it is deemed expedient.

Sec. 6. County Authorized to Adopt Zoning Ordinance. (1) Grant of power. For the purpose of promoting health, safety, morals, or the general welfare, the Board of Commissioners of Carteret County is hereby empowered to regulate and restrict (a) the height, number of stories, and size of buildings and other structures, (b) the percentage of lot that may be occupied, (c) the size of yards, courts, and other open spaces, (d) the density of population, and (e) the location and use of buildings, structures, and land for trade, industry, residence or other purposes, except farming. No such regulations shall affect bona fide farms, but any use of such property for non-farm purposes shall be subject to such regulations. Such regulations may provide that a board of adjustment may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules therein contained.

(2) Districts. For any and all said purposes, the Board of Commissioners may divide the county, or portions of it as determined in accordance with the provisions of subsection (4) of this Section, into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this Section; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. All such regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts.

(3) Purposes in view. Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the county. Such regulations shall further be made with reasonable consideration to expansion and development of municipalities within the county, so as to provide for the orderly growth and development of such municipalities.

(4) Territory subject to zoning; zoning areas. The county zoning ordinance may regulate all territory in the county outside the zoning jurisdiction of any municipalities within the county. In addition, the county zoning ordinance may regulate

territory within the zoning jurisdiction of any municipality whose governing body, by resolution, agrees to such regulation; provided, however, that any such municipal governing body may, upon one year's written notice, withdraw its approval of the county zoning regulations, and those regulations shall have no further effect within the municipality's jurisdiction.

Where the Board of Commissioners determines that it is not necessary to zone the entire county in order to serve the public interest, the board may, after a public hearing, designate one or more portions of the county as a zoning area or areas. Any such area or areas may be regulated in the same manner as if the entire county were zoned, and the remainder of the county need not be regulated. No zoning area may be designated which is less than 640 acres in area, or which contains less than ten separate tracts of land in separate ownership.

(5) Planning Commission; advisory committees. In order to avail itself of the powers conferred by this Section, the Planning Commission shall have made recommendations concerning the zoning of the county or parts thereof to the Board of County Commissioners as provided for elsewhere in this Act. If the Board of Commissioners creates one or more zoning areas within the county under the provisions of subsection (4) of this Section, it shall also appoint an advisory committee for each such zoning area, composed of residents of the area. Each advisory committee shall be charged with the duty of making recommendations to the Planning Commission and the Board of Commissioners concerning zoning regulations for its area.

(6) On receipt of a zoning plan from the County Planning Commission, the Board of Commissioners shall hold a public hearing thereon, after which it may adopt the zoning ordinance and map as recommended, adopt it with modifications, or reject it.

The zoning ordinance, including the map or maps, may from time to time be amended, supplemented, changed, modified, or repealed. No amendment shall become effective unless it first be submitted to the Planning Commission for its recommendations; failure of the Planning Commission to make recommendations for a period of 30 days after the amendment has been referred to it shall constitute a favorable recommendation. No amendment may be adopted until after a public hearing thereon.

(7) Public hearings. Whenever in this Section a public hearing is required, all parties in interest and other citizens shall be given an opportunity to be heard. A notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper published in the county.

(8) Board of adjustment. If it exercises the powers granted by this Section, the Board of Commissioners shall provide for the appointment of a board of adjustment consisting of five members, each to be appointed for three years; provided, that the Board of Commissioners in the appointment of the original members of such board, or in the filling of vacancies caused by the expiration of the terms of the existing members of any such board, may make appointments of certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time. The Board of Commissioners may, in its discretion, appoint not more than two alternate members to serve on such board in the absence, for any cause, of any regular members.

Such alternate member or members shall be appointed for the same term or terms as regular members, and shall be appointed in the same manner as regular members and at the regular times for appointment. Each alternate member, while attending any regular or special meeting of the board and serving in the absence of any regular member, shall have and exercise all the powers and duties of such regular member so absent.

Such board of adjustment shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of any ordinance adopted pursuant to this Section. Such appeal may be taken by any person aggrieved or by an officer, department, board, or bureau of the county. Such appeal shall be taken within such time as shall be prescribed by the board of adjustment by general rule, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. The board of adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.

The zoning ordinance may provide that the board of adjustment may permit special exceptions to the zoning regulations in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified in the ordinance. The ordinance may also authorize the board to interpret the zoning maps and pass upon disputed questions of lot lines or district boundary lines and similar questions as they arise in the administration of the ordinance. The board shall hear and decide all such matters referred to it or upon which it is required to pass under any such ordinance.

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such ordinance, the board of adjustment shall have the power, in passing upon appeals, to vary or modify any of the regulations or provisions of such ordinance relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official charged with the enforcement of an ordinance adopted pursuant to this Section, or to

decide in favor of the applicant any matter upon which it is required to pass under any such ordinance, or to grant a variance from the provisions of such ordinance. Every decision of such board shall be subject to review by the Superior Court by proceedings in the nature of certiorari.

(9) Remedies. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Section or of any ordinance or other regulation made under authority conferred hereby, the proper authorities of the county, in addition to other remedies, may institute any appropriate action or proceedings (a) to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; (b) to restrain, correct, or abate such violation; (c) to prevent the occupancy of said building, structure, or land; or (d) to prevent any illegal act, conduct, business, or use in or about such premises.

(10) Conflict with other laws. Wherever the regulations made under authority of this Section require a greater width or size of yards or courts, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this Act shall govern. Wherever the provisions of any other statute; or local ordinance or regulation require a greater width or size of yards or courts, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this Act, the provisions of such statute or local ordinance or regulation shall govern.

(11) Section applicable to buildings constructed by State and its subdivisions. All of the provisions of this Section and any ordinance adopted pursuant hereto are hereby made applicable to the erection and construction of buildings by the State of North Carolina and its political subdivisions.

Sec. 7. County Authorized to Adopt Subdivision Regulations. (1) Board of Commissioners as platting authority. The Board of County Commissioners of Carteret County is hereby authorized to enact an ordinance regulating the platting and recording of any subdivision of land, as defined by this Section, lying within the county and outside the subdivision-regulation jurisdiction of any municipality. Such ordinance may also regulate territory within the subdivision-regulation jurisdiction of any municipality whose governing body by resolution agrees to such regulation; provided, however, that any such municipal governing body may, upon one year's written notice, withdraw its approval of the county subdivision regulations, and those regulations shall have no further effect within the municipality's jurisdiction.

(2) Procedure for adopting subdivision ordinance. Before the County Commissioners may adopt a subdivision control ordinance or any amendment thereto under the provisions of this Section, the Planning Commission shall recommend and the Board of County Commissioners shall hold a public hearing on the proposed ordinance. A notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper published in the county.

(3) Subdivision regulations. The county shall not regulate the platting and recording of subdivisions in any manner other than through the adoption of an ordinance pursuant to the provisions of this Section. Such ordinance may provide for the orderly development of the county; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of rights of way or easements for street and utility purposes; and for the distribution of population and traffic which shall avoid congestion and overcrowding and which shall create conditions essential to public health, safety, and the general welfare.

Such ordinance may include requirements for the final plat to show sufficient data to determine readily and reproduce accurately on the ground and location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

(4) Procedure for filing plat. Any subdivision ordinance adopted pursuant to this Section shall contain provisions setting forth the procedures to be followed in granting or denying approval of a subdivision plat prior to its registration. Such ordinance shall give the following agencies an opportunity to make recommendations prior to the approval of any individual subdivision plat:

- (a) The district highway engineer as to proposed streets, highways, and drainage systems;
- (b) The county health director as to proposed water and sewerage systems;
- (c) The county school superintendent as to proposed school sites;
- (d) Such other agencies and officials as the County Commissioners may deem necessary or desirable.

The ordinance may provide that final approval of each individual subdivision plat is to be given by (a) the Board of County Commissioners, (b) the Board of County Commissioners on recommendation of the County Planning Commission, or (c) the County Planning Commission.

From and after the time that a subdivision ordinance is filed with the register of deeds of the county, no subdivision plat of land within the county's subdivision-regulation jurisdiction shall be filed or recorded until it shall have been submitted to and approved by the appropriate board, as specified in the subdivision ordinance, and until such approval shall have been entered on the face of the plat in writing by the chairman of said board. The register of deeds shall not file a plat of a subdivision of land located within the territorial jurisdiction of the County Commissioners as defined in subsection (1) of this Section which has not been approved in accordance with these provisions, nor shall the Clerk of the Superior Court order or direct the recording of a plat where such recording would be in conflict with this subsection. The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision-regulation jurisdiction of the Board of County Commissioners.

(5) Effect of plat approval on status of dedications. The approval of a plat pursuant to regulations adopted under this Section shall not be deemed to constitute or effect the acceptance by the county or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.

(6) Penalties for transferring lots in unapproved subdivisions. If the Board of County Commissioners adopts an ordinance regulating the subdivision of land as authorized herein any person who, being the owner or agent of the owner of any land located within the platting jurisdiction granted to the County Commissioners by subsection (1) of this Section, thereafter transfers or sells such land by reference to a plat showing a subdivision of land before such plat has been properly approved under such ordinance and recorded in the office of the appropriate register of deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The county, through its county attorney or other official designated by the Board of County Commissioners, may enjoin such illegal transfer or sale by action for injunction.

(7) Definitions. For the purpose of this Section, the following definition shall apply:

Subdivision. A "subdivision" shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions, for the purpose, whether immediate or future, of sale or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations authorized by this Section: (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision ordinance; (2) the division of land into parcels greater than five acres where no street right of way dedication is involved; (3) the public acquisition by purchase of strips of land for the widening or opening of streets; (4) the division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right of way dedication is involved and where the resultant lots are equal to or exceed the standards of the county as shown in its subdivision ordinance.

Sec. 8. County Authorized to Adopt Major Highway Plan. The Board of County Commissioners of Carteret County is hereby authorized to adopt an official county plan for the location, construction, extension or improvement of major highways within the county. The Board of Commissioners are hereby authorized to enter into an agreement with the State Highway Commission and the several municipalities in the county for the joint adoption of a coordinated system of major highways and streets within the county. The Board of Commissioners is hereby authorized to exercise any power or authority that may be now or hereafter granted to the county by general law or special Act in providing for the acquisition of rights of way or the construction or improvement of roads, highways and bridges that is deemed necessary and desirable in establishing and implementing a coordinated major highway plan for the county.

Sec. 9. County Authorized to Adopt and Enforce Building Codes. The Board of County Commissioners is hereby authorized to adopt and enforce building, plumbing, electrical and other similar type regulatory codes concerned with the construction, alteration or repair of buildings or structures for the county outside the jurisdiction of municipalities. No such regulatory code or regulation adopted shall be less restrictive in its requirements than any code or regulation of the State of North Carolina or department or agency thereof which pertains to the same type of regulations or requirements. In addition, the county shall have the authority to enforce or assist with the enforcement of any building code or regulation of the State of North Carolina or any agency or department thereof in effect and applicable to Carteret County. The Board of Commissioners shall advertise and hold a public hearing in the manner they deem best prior to adopting any building code or other regulation authorized by this Section.

Sec. 10. County Authorized to Appoint Building Inspector. The Board of County Commissioners may appoint one or more building inspectors to serve at the will of the board, whose duties shall be: To enforce the State Building Code adopted under Article 9 of Chapter 143 of the General Statutes; to enforce any county building regulations adopted under G. S. 143-138(b) or 143-138(e); to enforce any county zoning ordinance or ordinances; to enforce any regulatory codes or other regulations adopted pursuant to this Act; to collect inspection fees determined by the Board of County Commissioners, which the board is hereby authorized to impose, and deliver same to the county treasurer; to furnish a surety bond approved by the Board of County Commissioners; and to carry out such related duties as may be specified by the Board of County Commissioners.

In lieu of appointing a separate building inspector, the Board of County Commissioners may designate as county building inspector: (a) A municipal building inspector of any municipality or municipalities within the county, with the approval of the municipal governing body; (b) the county fire marshal; (c) a county electrical inspector appointed under G. S. 160-122; (d) a county plumbing inspector appointed under G. S. 153-9(47); or (e) any other person or persons whom they deem to be qualified.

The Board of County Commissioners may pay a building inspector a fixed salary or may in lieu thereof reimburse him for his services by paying over any inspection fees which he collects. The Board of County Commissioners may make necessary appropriations for the special purpose of paying the salary or salaries of county building inspectors and any expenses pertaining to building inspection.

The Board of County Commissioners may enter into and carry out contracts with any municipality or municipalities within the county, or with any other county or counties, under which the parties agree to support a joint building inspection department. The Board of County Commissioners and the municipal governing body may make any necessary appropriations for such a purpose.

On official request of the governing body of any municipality within the county, the Board of County Commissioners may direct the county building inspector to exercise his powers within said municipality, and he shall thereupon be empowered to do so until such time as the municipal governing body officially withdraws its request.

Sec. 11. County Authorized to Adopt Other County Plans. The Board of County Commissioners is hereby authorized to adopt as the official plan or plans of the county the "Carteret County Development Plan" or parts thereof or to adopt any other plan which has been prepared or approved and recommended by the Planning Commission. In order to implement any such plan adopted, the Board of County Commissioners is hereby authorized to exercise any power or authority that may now or hereafter be granted to the county by general law or special Act.

Sec. 12. Power and Authority of Municipalities. Municipalities in Carteret County are hereby authorized and empowered to exercise any and all planning, zoning, subdivision or other powers and authority that may now or hereafter be granted to municipalities by general law or special Act both within the corporate boundaries and outside the corporate boundaries within the area where municipalities have been granted extraterritorial jurisdiction. Nothing in this Act shall be interpreted so as to modify, limit or otherwise restrict any power or authority that may now or hereafter be granted to municipalities by general law or special Act. Provided, however, the governing bodies of the several municipalities in Carteret County are hereby directed to cooperate and coordinate all of these planning activities with the planning activities of the Carteret County Planning Commission and the Board of County Commissioners whenever and wherever it is possible and practical.

Sec. 13. This Act shall apply only to Carteret County.

Sec. 14. All laws and clauses of laws in direct conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 15. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1959.