

**Chapter 2:
Administrator and Statutory and
Technical Bodies**

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Section 2.1 Administrator

- A. The Administrator, or this person's designee, shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:
- (1) To administer, and enforce compliance with the terms of this Ordinance.
 - (2) To review all applications for Development approval for compliance with the terms of this Ordinance; to review and inspect, Subdivision and Site Plan improvements and make recommendations relating to such Subdivision and Site Plans to the Village Council; and to review and comment on all applications for Development approval which are submitted to the Village.
 - (3) To provide the Village Council, the Planning and Zoning Board, the Board of Adjustment, and any other appointed boards and commissions with reports and recommendations regarding matters before those bodies, either as required by this Ordinance or upon the request of the body.
 - (4) To enforce compliance with any conditions attached by the Village Council or the Board of Adjustment to its approval of a Special Use, Variance, Rezone, Subdivision Plat, or Site Plan.
 - (5) To issue and / or revoke Development Permits, and Certificates of Compliance, in accordance with Chapter 3 of this Ordinance and to make and maintain records thereof;
 - (6) To conduct inspections of buildings, structures, and the use and development of land and to enforce compliance with the terms of this Ordinance and other applicable ordinances and codes of the Village, including all conditions of approval related to Development;
 - (7) To exercise such additional powers and duties as may be set forth for the Administrator elsewhere in this Ordinance and other ordinances and codes of the Village.
 - (8) To issue all legal notices required in the Ordinance and by State law pertaining to rezoning applications and, where applicable, applications for Development Permits. All such notices shall comply with the notice requirements set forth in North Carolina Statutes pertaining to notices mandated for public hearings.
- B. The Administrator shall serve as Watershed Administrator for the purposes of Section 5.8 Water Supply Watershed Protection Overlay District. It shall be the duty of the Administrator to administer and enforce the provisions of these Watershed protection ordinances as follows:

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- (1) The Administrator shall keep records of all amendments to the Water Supply Watershed protection ordinances and shall provide copies of all amendments upon adoption to the Supervisor of the Classification and Standards Group, Water Quality Section, Division of Environmental Management.
 - (2) The Administrator shall keep records of the jurisdiction's compliance with local Watershed regulations.
 - (3) The Administrator is granted the authority to make determinations, administer and enforce the provisions of this Ordinance, exercising in the fulfillment of his responsibility the full police power of the Village. The Administrator, or this Person's duly authorized representative, may enter any building, Structure, or premises, as provided by law, to perform any duty imposed upon this Person by this Ordinance.
 - (4) The Administrator shall keep a record of Variances to the local Water Supply Watershed Protection Ordinance. This record shall be submitted to the Supervisor of the Classification and Standards Group, Water Quality Section, Division of Environmental Management on or before January 1st of each year and shall provide a description of each project receiving a Variance and the reasons for granting the Variance.
- C. The Administrator shall serve as the Administrator of the Flood Damage Prevention Standards for the purposes of Section 5.9 Flood Damage Prevention Overlay District. The Administrator shall perform, but not be limited to, the following duties:
- (1) Review all Floodplain Development applications and issue Permits for all proposed Development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
 - (2) Review all proposed Development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal Permits have been received.
 - (3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a Watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
 - (4) Assure that maintenance is provided within the altered or relocated portion of said Watercourse so that the Flood-carrying capacity is maintained.
 - (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Chapter 5 are met.

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- (6) Obtain actual elevation (in relation to Mean Sea Level) of the Reference Level (including Basement) and all attendant utilities of all new and Substantially Improved Structures, in accordance with Chapter 5.
- (7) Obtain actual elevation (in relation to Mean Sea Level) to which all new and Substantially Improved Structures and utilities have been Floodproofed, in accordance with the provisions of Chapter 5.
- (8) Obtain actual elevation (in relation to Mean Sea Level) of all Public Utilities in accordance with the provisions of Chapter 5.
- (9) When flood proofing is utilized for a particular Structure, obtain certifications from a registered professional Engineer or architect in accordance with the provisions of Chapter 5.
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, Floodways, or Non-Encroachment Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (11) When Base Flood Elevation (BFE) data has not been provided in accordance with Chapter 5, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with Floodway data or Non-Encroachment Area data available from a Federal, State, or other source, including data developed pursuant to Chapter 5, in order to administer the provisions of this ordinance.
- (12) When Base Flood Elevation (BFE) data is provided but no Floodway or Non-Encroachment Area data has been provided in accordance with Chapter 5, obtain, review, and reasonably utilize any Floodway data or Non-Encroachment Area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- (13) When the Lowest Floor and the Lowest Adjacent Grade of a Structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation, advise the Property Owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the Floodplain Development Permit file.
- (14) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (15) Make on-site inspections of work in progress. As the work pursuant to a Floodplain Development Permit progresses, the Floodplain Administrator shall make as many

- inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the Permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (16) Issue stop-work orders as required. Whenever a Building or part thereof is Being Constructed, reconstructed, altered, or repaired in Violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the Person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
 - (17) Revoke Floodplain Development Permits as required. The Floodplain Administrator may revoke and require the return of the Floodplain Development Permit by notifying the Permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the Approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the Permit. Any Floodplain Development Permit mistakenly issued in Violation of an applicable State or local law may also be revoked.
 - (18) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of the inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
 - (19) Follow through with corrective procedures of Chapter 5.
 - (20) Review, provide input, and make recommendations for Variance requests.
 - (21) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other Official Flood Maps and studies adopted in accordance with Chapter 5 of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
 - (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

2.2 Consulting Engineer (hereinafter the “Village Engineer”).

The Village Engineer, and any other professionally qualified employees or other staff members under the direction and supervision of the Village Engineer, as directed by the Administrator shall have the following powers and duties, to be carried out in accordance with the terms of this

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Ordinance:

- (a) To review and comment on all applications for development approval which are submitted to the Engineer;
- (b) To review specifications for streets, soil erosion and sedimentation control devices, storm drainage facilities, water and sewer facilities, and other improvements;

2.3 Fire Rescue Department

The Fire Rescue Chief shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance.

- (a) To review and comment on applications for rezonings and proposed plans for planned development;
- (b) To advise other agencies and the elected and appointed bodies of the Village regarding the impact of any existing or proposed development on fire safety;
- (c) To exercise such additional powers and duties as may be set forth for the Department elsewhere in this Ordinance and Chapter A of the ordinance of the Village.

2.4 Police Department

The Police Chief shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

- (a) To review and comment on applications for rezonings and proposed plans for planned developments;
- (b) To advise other agencies and the elected and appointed bodies of the Village regarding the impact of any existing or proposed development on crime prevention and public safety;
- (c) To exercise such additional powers and duties as may be set forth for the Department elsewhere in this Ordinance and Chapter A Ordinance of the Village.

2.5 Planning and Zoning Board.

See Chapter A, Article IV, Section 7.1 of the Village Ordinances

2.6 Board of Adjustment

See Chapter A, Article IV, Section 7.2 of the Village Ordinances

2.7 Architectural Review Board

See Chapter A, Article IV, Section 7.4 of the Village Ordinances