



Gaston County

Gaston County
Board of Commissioners
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Building and Development Services Board Action

File #: 21-472

Commissioner Philbeck - Building & Development Services - To Adopt an Interlocal Agreement with the Town of High Shoals for the Enforcement of Gaston County's Unified Development Ordinance, Comprehensive Land Use Plan, and North Carolina State Building Codes for the Town of High Shoals

STAFF CONTACT

Joseph B. Sciba - Director - 704-866-3970

BACKGROUND

Article 20 of Chapter 160A of the General Statutes of the State of North Carolina authorize, among other things, units of local government to enter into a contract in order to execute an undertaking providing for the contractual exercise by one unit of any power, function, and right of another. Thus, in accordance with the attached Interlocal Agreement, the Town of High Shoals seeks assistance from Gaston County to administer and enforce Gaston County's Unified Development Ordinance, Comprehensive Land Use Plan, and North Carolina State Building Codes for the Town of High Shoals.

The Commission is requested to consider the attached Interlocal Agreement and upon approval, the County Manager or her designee shall sign the agreement.

ATTACHMENTS

Interlocal Agreement

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	AFraley	BHovis	KJohnson	TKelgher	TPhilbeck	RWorley	Vote
2021-325	12/14/2021	KJ	RW	A	A	A	A	A	AB	A	U

DISTRIBUTION:

Laserfiche Users

A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS



Building and Development Services Department
BUILDING INSPECTIONS

Mailing Address: P.O. Box 1578, Gastonia, NC 28053

Street Address: 128 West Main Avenue, Gastonia, NC 28052

Phone: (704) 866-3155

Fax: (704) 866-3966

**Interlocal Agreement for the Enforcement of Gaston County's Unified
Development Ordinance, Comprehensive Land Use Plan,
& North Carolina State Building Codes for the Town of High Shoals**

This Agreement made and entered into this _____ day of _____, 2021, by and between the Town of High Shoals, a municipal corporation having a charter granted by the State of North Carolina ("Municipality"), and Gaston County, a corporate and political body and a subdivision of the State of North Carolina (the "County").

WITNESSETH:

WHEREAS, Article 20 of Chapter 160A of the General Statutes of the State of North Carolina authorizes, among other things, units of local government to enter into a contract in order to execute an undertaking providing for the contractual exercise by one unit of any power, function, and right of another; and,

WHEREAS, the Municipality plans to adopt the current version of the County's Unified Development Ordinance and Comprehensive Land Use Plan;

WHEREAS, the County is willing to act on behalf of the Municipality with regard to zoning and planning;

WHEREAS, pursuant to Article 20 of Chapter 160A of the North Carolina General Statutes, upon official request by the governing body of any municipality within the County, the Gaston County Board of Commissioners may by agreement exercise enforcement powers within said municipality and upon such direction may do so until such time as the municipal governing body officially withdraws its request; and

WHEREAS, the Gaston County Board of Commissioners upon approval of a resolution and with written notice may withdraw the offering of the service to the Municipality.

NOW, THEREFORE, in consideration of the promises and the mutual covenants and agreements of the Parties, the Parties hereto agree as follows:

1. Purpose. The Purpose of this Agreement is to provide for the transfer of jurisdiction from the Municipality to the County for zoning and land use responsibility as described in the County's Unified Development Ordinance ("UDO") and Comprehensive Land Use Plan, with one exception. High Shoals City Council shall serve as the only governing board with authority to amend the official zoning map of the Town of High Shoals. This Agreement also establishes that the County will provide inspections and



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activities associated with enforcement of the North Carolina State Building Code. Specific terms are included in Exhibit "A," which is attached hereto and incorporated herein by reference.

2. Term. The term of this Agreement is from Oct. 12th through Oct. 12, and shall automatically renew each year unless terminated as provided herein.

3. Responsibilities.

a. Municipality. The Municipality agrees to:

1. Approve a resolution releasing zoning and planning regulations and enforcement to the County. The resolution shall allow the rezoning of property inside the geographical jurisdictional described in Paragraph 4 to be rezoned to match Gaston County Land Use standards.
2. Approve a resolution adopting the current version of Gaston County's Unified Development Ordinance, including all changes made to the UDO from this date forward.
3. Act as the governing board on all amendments to the official zoning map; the High Shoals City Council will vote on all such matters.
4. Allow the County to retain any fees collected pursuant to enforcement of the UDO and state building codes, and any permit fees it collects. Fees are described in more detail in Exhibit "A," which is attached hereto and incorporated by reference.
5. Not hold the County responsible for enforcement of any of the Municipality's other ordinances, unless specifically contracted.

b. County. The County agrees to:

1. Issue building permits in accordance with N.C. GEN. STAT. § 160D-403 and the latest edition of the North Carolina Administrative Code.
2. Provide plan review as necessary for issuance of permits under the State Building Code and County ordinances.
3. Conduct site inspections in accordance with the rules set forth in the latest edition of the North Carolina Administrative Code and County ordinances.
4. Seek judicial or equitable enforcement of said codes or ordinances when necessary in the County's discretion.
5. Perform all zoning and land use responsibilities, as described in the County's UDO.
6. Utilize the County's Planning Board, Board of Adjustment, and Historic Preservation Commission, in accordance with the County's UDO for the geographical jurisdictional described in Paragraph 4.
7. Send County planning staff to present all applications for amendments to the



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official zoning map of the Municipality during designated meetings of the High Shoals City Council.

4. Geographic Jurisdiction. The County shall have the authority to enforce the code and ordinances in the geographical jurisdiction described in Exhibit "A," which is attached hereto and incorporated by reference.
5. Personnel. The County shall employ and provide personnel sufficient to perform zoning, planning, and inspection duties for the Municipality.
6. Indemnity. To the extent allowed under North Carolina law, the Municipality, during the term of this Agreement, shall indemnify and save harmless the County from and against any and all claims, demands, and/or causes of action arising out of enforcement by the County under this Agreement, with the exception of gross negligence, willful, or wanton conduct by the County.
7. Cost. The cost of services provided by the County shall be those set forth in Exhibit "A," which is attached hereto and incorporated by reference. All fees shall be collected by the County; failure to receive fees associated with this Agreement will result in termination of this Agreement.
8. Termination. The Municipality or the County may terminate this Agreement upon a thirty (30) day written notice to the Manager or Mayor of the governing unit.
9. Amendment. This Agreement may only be amended in writing upon the signature of both Parties. Oral agreements shall have no legal effect.
10. Entire Agreement. This Agreement is the only agreement between the Parties for building, zoning, and planning, including associated inspections, and it contains all terms agreed upon by the Parties. This Agreement has no effect upon enforcement of codes or ordinances not specifically referenced herein.
11. Severability. If any part of this Agreement is held invalid, such decision shall not render the entire Agreement invalid.



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[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURE PAGE FOLLOWS.]

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized representatives of the day and year first written.

Town of High Shoals

By: _____

Mayor

Date: _____

10-12-21

ATTEST:

APPROVED AS TO FORM:



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Larry Williams
Town Clerk

[Signature]
Town Attorney

Gaston County

By: _____
County Manager/Asst. County Manager

Date: _____

ATTEST:

APPROVED AS TO FORM:

Clerk/Deputy Clerk to the Board

County Attorney/Deputy Co. Attorney

STATE OF NORTH CAROLINA
COUNTY OF GASTON

I, Stephen F. Austin, a Notary Public of the aforesaid County and State, do hereby certify that Larry Williams personally appeared before me this day and acknowledged that he/she is the Clerk/Deputy Clerk of the **Town of High Shoals**, and that by authority duly given and as the act of the municipal corporation, the foregoing instrument was signed its name by its Mayor, sealed with its corporate seal and attested by him/her as its City Clerk/Deputy Clerk.

WITNESS my hand and Notarial Seal, this the 13th day of October, 2021.



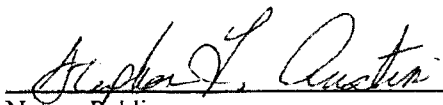
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Notary Public

My Commission Expires: *May 8, 2023*

STATE OF NORTH CAROLINA
COUNTY OF GASTON

I, _____, a Notary Public of the aforesaid County and State, do hereby certify that _____ personally appeared before me this day and acknowledged that she is the Clerk/Deputy Clerk of the **Gaston County Board of Commissioners**, and that by authority duly given and as the act of the Gaston County Board of Commissioners, the foregoing instrument was signed in its name by _____, County Manager/Assistant County Manager, sealed with its corporate seal and attested by _____ as its Clerk/Deputy Clerk.

WITNESS my hand and Notarial Seal this the ____ day of _____, 2021.

Notary Public

My Commission Expires:



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Exhibit A

High Shoals

- Jurisdiction – All incorporated areas of the Town of High Shoals.
- Codes to be Applied by County Building Inspections – Latest edition of the North Carolina State Building, Residential, Existing Building Code, Plumbing, Mechanical, Electrical, Fuel, Gas, and Manufactured Housing.
- County Ordinances to be Applied – Gaston County Unified Development Ordinance and the County's Comprehensive Land Use Plan.
- High Shoals Ordinances to be Applied – None.
- Fees and Fines – Gaston County Building Inspections, Zoning, and Planning will collect and maintain all fees and fines associated with the activities referenced in the Agreement, based off of the current, adopted fee schedule for Gaston County. These fees/fines include, but are not limited to, permit fees, plan review fees, inspections fees, application fees, fines, violation fees, or any other fees or fines associated with Building, Zoning, or Planning activities.