

ORDINANCE NO.

ORDINANCE AMENDING CHAPTER 26, ARTICLE V OF THE BUNCOMBE COUNTY CODE OF ORDINANCES,
SOIL EROSION AND SEDIMENTATION CONTROL

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-121, the County may adopt an ordinance to regulate conditions detrimental to the health, safety, or welfare of its citizens; and

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-102, the Board of Commissioners may fix the fees and commissions charged by county officers and employees for performing services or duties permitted or required by law; and

WHEREAS, it is the Board's desire to amend these fees through the annual budget ordinance.

NOW, THEREFORE, BE IT ORDAINED BY The Buncombe County Board of Commissioners as follows:

Section 1. The Buncombe County Code of Ordinances is hereby amended as follows:

Amend Sec. 26-226(d) as follows:

Fees. The county may establish fees as considered necessary to defray costs of administering this article. Plan review fees shall be double the normal fee amount when land disturbing activity begins before a land disturbing permit is obtained from the county.

An applicant shall be entitled to two plan reviews of any application without payments of an additional plan review fee. This shall be construed to mean review of the original application and review of the re-submittal of that application with or without revisions. Any re-submittal by the applicant thereafter shall be treated as a new application and must be accompanied by payment of the full plan review fee.

The county board of commissioners shall establish plan review fees, and may amend and update the fees when needed. The plan review fee charge is:

Up to and including one acre:	\$400.00
Greater than one acre, each additional acre:	

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Commissioners hereby declare that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This resolution is effective July 1, 2011.

Read, approved and adopted this 7th day of June, 2011.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

BY _____
David Gantt, Chairman

APPROVED AS TO FORM

Michael C. Frue, County Attorney