

## ARTICLE XVI

### EXTRATERRITORIAL JURISDICTION (amended 01 March 2021)

#### **Sec. 1601. Extraterritorial jurisdiction boundaries established.**

An official map of the Town of West Jefferson entitled “Town of West Jefferson Extraterritorial Jurisdiction” and dated the 29<sup>th</sup> day of March 2010, is hereby adopted showing the Extraterritorial Jurisdiction area boundary of the Town of West Jefferson. Such map shall be maintained in the manner provided for in North Carolina General Statutes 160A-22 and shall be recorded in the Office of the Register of Deeds of Ashe County.

#### **Sec. 1602. Application and enforcement of ordinances in the extraterritorial area.**

All ordinances adopted by the Town of West Jefferson under Article 19 of Chapter 160A of the North Carolina General Statutes shall be applicable in every aspect within the Extraterritorial Jurisdiction in the same manner as each is now applicable within the corporate limits of the Town of West Jefferson, and the designated enforcement officer shall enforce all of the provisions of these ordinances within the Extraterritorial Jurisdiction in the same manner as the officer is now authorized to enforce these ordinances within the corporate limits.

#### **Sec. 1603. Planning Board/Board of Adjustment.**

(a) The Planning Board/Board of Adjustment shall consist of eleven (11) members. Five (5) members shall reside within the Town and be appointed by the Board of Aldermen. Six (6) members shall reside within the Town's extraterritorial planning jurisdiction (hereafter “ETJ”) and be appointed by the Ashe County Board of Commissioners. The Board of Aldermen shall suggest two nominees to the Ashe County Board of Commissioners for each ETJ appointment. Planning Board/Board of Adjustment members shall serve without compensation but may be reimbursed for any expenses incurred in representing the Planning Board/Board of Adjustment and/or while attending institutions designed to further their knowledge of their responsibilities. The Board of Aldermen may, at their discretion, appoint an equal number of alternates to the Planning Board/Board of Adjustment.

(b) The Board of Aldermen shall appoint members to the Planning Board/Board of Adjustment in the following manner: two (2) members from the Town for a term of three (3) years, two (2) members from the Town for a term of two (2) years, and one (1) member from the Town for a term of one (1) year. Thereafter, as the terms expire, all new appointments shall be for three (3) year terms. Ashe County shall appoint two (2) ETJ residents for a term of three (3) years, two (2) ETJ residents for a term of two (2) years, and two (2) ETJ residents for a term of one (1) year. Thereafter, as the terms expire, all new ETJ resident appointments shall be for three (3) year terms. Nothing contained herein shall prohibit any member from being reappointed.

**(c)** If a larger number of extraterritorial members are needed to comply with the proportional representation requirements of NCGS 160D-307, the Board of Aldermen shall submit to the Ashe County Board of Commissioners a resolution requesting that an additional member or members, as appropriate, be appointed. The Board of Aldermen shall suggest two nominees to the Ashe County Board of Commissioners for each ETJ appointment. Proportional representation shall be determined by calculating the proportional relationship of the extraterritorial planning jurisdiction population to the Town population and applying that proportional relationship to the total membership of the Planning Board/Board of Adjustment.

**(d)** Each additional member must be appointed to the Planning Board/Board of Adjustment to achieve proportional representation only when the population of the entire ETJ constitutes a full fraction of the Town's population divided by the total membership of the Planning Board/Board of Adjustment.

**(e)** If the Ashe County Board of Commissioners fails to make an appointment within ninety (90) days after receiving a resolution from the Board of Aldermen requesting that it be made, the Board of Aldermen may make the appointment, but the person appointed shall reside in the ETJ.

**(f)** Before appointing a new representative to the Planning Board/Board of Adjustment as a result of an extension of the ETJ, the Ashe County Board of Commissioners shall hold a public hearing on the selection. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The Commissioners shall make the appointments within forty five days following the public hearing.