



**TOWN OF NAGS HEAD RESOLUTION IN OPPOSITION TO HOUSE BILL 496 ENTITLED
"AN ACT PROVIDING THAT COUNTIES AND CITIES SHALL NOT ADOPT ORDINANCES REGULATING
THE REMOVAL OF TREES FROM PRIVATE PROPERTY
WITHOUT THE EXPRESS AUTHORIZATION OF THE GENERAL ASSEMBLY"**

WHEREAS, the North Carolina General Assembly is considering House Bill 496, entitled "An Act Providing that Counties and Cities Shall Not Adopt Ordinances Regulating the Removal of Trees from Private Property Without the Express Authorization of the General Assembly"; AND

WHEREAS, the legislation proposed in HB496 is of great concern to the citizens and Elected Officials of the Town of Indian Trail and other municipalities within North Carolina; AND

WHEREAS, provisions within the proposed legislation, to restrict local tree ordinances, would severely diminish or even eliminate the ability of local government to determine what is best for its community and the ability to protect the rights of existing property owners; AND

WHEREAS, the proposed legislation would require all local governments to obtain special authorization from the General Assembly prior to enacting a tree protection ordinance and void all existing ordinances protecting existing trees that were established without special authority; AND

WHEREAS, the proposed legislation is inconsistent with the State's laws regarding tree removal and preservation around outdoor advertising in addition to the State's historic preservation laws that allow local governments to protect the vegetation of historic sites; AND

WHEREAS, the proposed legislation conflicts with G.S. 160D-921 regarding the ability of local jurisdictions to delay approvals following clear-cutting; AND

WHEREAS, the proposed legislation creates a conflict with any prior development agreement planned development or special use permit approval that included tree preservation as a condition of approval; AND

WHEREAS, the proposed legislation interferes with the ability of local governments to provide supplemental credit towards landscaping requirements for retained/preserved existing vegetation; AND

WHEREAS, the proposed legislation could result in a more confusing regulatory framework as local governments would be required to receive individual express authority from the General Assembly.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Town of Nags Head North Carolina, expresses opposition to HB 496 and urges the North Carolina General Assembly and the Governor of the State of North Carolina to oppose the proposed legislation.

Adopted this the 16th day of June 2021.

Benjamin Cahoon, Mayor

ATTEST:

Carolyn F. Morris, Town Clerk