



**TOWN OF NAGS HEAD RESOLUTION IN OPPOSITION TO ENVIRONMENTAL BUDGET PROVISIONS INCLUDED IN SENATE BILL 105 (THE APPROPRIATIONS BILL)**

**WHEREAS**, the North Carolina General Assembly is considering the 2021 Appropriations Act Senate Bill 105, including Section 5.14(a) entitled "Property Owners' Rights/Tree Ordinances," Section 41.47(a) entitled "Revisions to Outdoor Advertising Control Act" and Section 12.16.(a) entitled "Clarify Local Authority for Stormwater Ordinances"; AND

**WHEREAS**, the harmful environmental provisions proposed in the Appropriations Bill is of great concern to the citizens and Elected Officials of the Town of Nags Head and other municipalities within North Carolina; AND

**WHEREAS**, provisions within the proposed Section 5.14(a) entitled "Property Owners' Rights/Tree Ordinances," 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 Section 5.14(a) entitled "Property Owners' Rights/Tree Ordinances," 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 Section 5.14(a) entitled "Property Owners' Rights/Tree Ordinances," 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 Section 5.14(a) entitled "Property Owners' Rights/Tree Ordinances," conflicts with G.S. 160D-921 regarding the ability of local jurisdictions to delay approvals following clear-cutting; AND

**WHEREAS**, the proposed Section 5.14(a) entitled "Property Owners' Rights/Tree Ordinances," 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 Section 5.14(a) entitled "Property Owners' Rights/Tree Ordinances," interferes with the ability of local governments to provide supplemental credit towards landscaping requirements for retained/preserved existing vegetation; AND

**WHEREAS**, the proposed Section 5.14(a) entitled "Property Owners' Rights/Tree Ordinances," is counterintuitive and counterproductive to the Town's efforts towards coastal resiliency; AND

**WHEREAS**, the proposed Section 5.14(a) entitled "Property Owners' Rights/Tree Ordinances," would severely restrict the Town's ability to maintain the natural beauty provided by indigenous trees and maritime forests characteristic of the barrier islands of North Carolina; AND

**WHEREAS**, the proposed Section 5.14(a) entitled "Property Owners' Rights/Tree Ordinances," could result in a more confusing regulatory framework as local governments would be required to receive individual express authority from the General Assembly; AND

**WHEREAS**, the billboard industry regularly seeks to limit local government controls over signage; AND

**WHEREAS**, the N.C. Sierra Club supports local government efforts to regulate billboards to protect trees and community aesthetics; AND

**WHEREAS**, this provision, Section 41.47(a) includes language that was in a 2019 billboard bill (**H 645**) that was vetoed by Governor Cooper; AND

**WHEREAS**, Section 41.47(a) would ease billboard relocations at the expense of local government control, and may threaten local ordinances that ban digital billboards; AND

**WHEREAS**, Section 12.16.(a) would bar all local stormwater ordinances and riparian buffer protections that are not required by federal or state law; AND

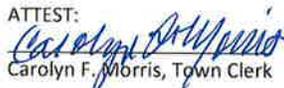
**WHEREAS**, Section 12.16.(a) would hamper local flexibility, and makes no sense at a time when many N.C. communities – *from the coast to the mountains* – are trying to protect residents from intensifying storms and flooding.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Town of Nags Head, North Carolina, expresses opposition to Senate Bill 105 Section 5.14(a) entitled "Property Owners' Rights/Tree Ordinances," Section 41.47(a) entitled "Revisions to Outdoor Advertising Control Act" and Section 12.16.(a) entitled "Clarify Local Authority for Stormwater Ordinances" and urges the North Carolina General Assembly and the Governor of the State of North Carolina to oppose the proposed legislation.

**BE IT FURTHER RESOLVED** that the Board of Commissioners requests that the Honorable Senator Michael A. Lazzara and the North Carolina Senate prioritize removal of these harmful environmental budget provisions from Senate Bill 105, and if passed, that Governor Cooper veto the bill.

Adopted this the 1<sup>st</sup> day of September 2021.

  
Benjamin Cahoon, Mayor  
Town of Nags Head

ATTEST:  
  
Carolyn F. Morris, Town Clerk

