

Alleghany County, NC
Lizabeth Reeves Roupe
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ALLEGHANY COUNTY
LIZABETH REEVES ROUPE
REGISTER OF DEEDS

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ALLEGHANY COUNTY

NORTH CAROLINA

**AN ORDINANCE ESTABLISHING A MORATORIUM ON CERTAIN
POLLUTING INDUSTRIES UNDER NORTH CAROLINA ZONING
LAWS**

WHEREAS, the Alleghany County Board of Commissioners has, pursuant to the zoning powers of NCGS 153A-340, the authority to regulate and restrict matters of public health, safety, morals, or the general welfare of its citizens within the unincorporated areas of Alleghany County; and,

WHEREAS, the proposed construction and operation of polluting industries that produce objectionable levels of noise, odors, vibrations, fumes, light, smoke, air pollution or other physical manifestations that may have an adverse effect on the health, safety and welfare of its citizens in Alleghany County has raised serious concerns; and

WHEREAS, examples of these concerns include, but are not limited to:

1. Traffic safety
2. Undesirable visual impacts to area and damage to natural resources
3. Objectionable levels of noise, odors, vibrations, fumes, light or smoke that may or may not have hazardous effects; and

WHEREAS, without appropriate planning and regulation on the part of the County, certain polluting industries may negatively impact the public health, safety and welfare of its citizens and negatively impact certain property values within the County; and

WHEREAS, Alleghany County has unspoiled natural resources which could suffer irreparable harm without appropriate planning and regulation of polluting industries by the County; and

WHEREAS, Alleghany County is interested in finding a way to minimize the negative impact such polluting industries could have on the natural resources of Alleghany County; and

WHEREAS, no alternatives other than moratoriums exist that would ensure the status quo until the above issues have been properly analyzed and acted upon; and

WHEREAS, the County may enact this moratorium for a reasonable duration of 90 days in order to preserve the status quo while appropriate County controls and regulations are considered and acted upon; and

NOW, THEREFORE, BE IT ORDAINED that the Board of Commissioners of Alleghany County hereby places this moratorium on the opening or expansion of polluting industries for a period of ninety (90) days following the moratorium's adoption. Examples of polluting industries include, but are not limited to, asphalt plants, chip mills and medical waste facilities; and

THEREFORE, BE IT FURTHER ORDAINED that the Alleghany County Building Inspection's Department or any other local permitting agency under the jurisdiction of Alleghany County Government shall be restricted from issuing permits to certain polluting industries under this moratorium in order to maintain the status quo until the moratorium's termination; and

FINALLY, THEREFORE, BE IT FURTHER ORDAINED that during the duration of this moratorium, the Board will consider all regulations, controls and restrictions allowable under NCGS 153A-340 to address the potential concerns about polluting industries; these proposed regulations, controls or restrictions will be analyzed by legal counsel; and the Alleghany County Board of Commissioners will hold a public hearing to hear public comment on any proposed regulation, control or restriction on polluting industries that is created under this moratorium.

This ordinance becomes effective upon its adoption on this the 13th day of September, 2005.

ATTEST:

ALLEGHANY BOARD OF
COMMISSIONERS:

(sig: Karen Evans)
Karen Evans
Clerk to the Board

(sig: Eldon Edwards)
Eldon Edwards, Chair

(sig: Warren Taylor)
Warren Taylor, Vice-Chair

(County Seal)

(sig: Graylen Blevins)
Graylen Blevins, Member

(sig: Sandy Carter Herndon)
Sandy Carter Herndon, Member

(sig: Ken Richardson)
Ken Richardson, Member