

TRANSYLVANIA COUNTY ORDINANCE AMENDMENT

Pursuant to County Ordinance

Chapter 4

BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES*

Art. I. In General, §§ 4-1--4-19

Art. II. Codes, §§ 4-20--4-39

Art. III. Permits and Inspections, §§ 4-40--4-59

Art. IV. Flood Damage Control, §§ 4-60--4-100

Art. V. Mountain Ridge Protection, §§ 4-101--4-109

Art. VI. Telecommunications Tower Moratorium, §§ 4-110--4-113

Add:

Art. VII. Polluting Industries Moratorium, §§ 4-114--4-119

ARTICLE VII.

POLLUTING INDUSTRIES MORATORIUM*

* **Editors Note:** An ordinance to be enacted with provisions intended for use as §§ 4-114 to 4-119. At the editor's discretion, in order to preserve the style of the Code, these provisions have been set out herein as Article VII, §§ 4-114--4-119.

Sec. 4-114. In general.

Authority and purpose: This article is enacted pursuant to the general police powers granted to Transylvania County by G.S. 153A-121. The Board of Commissioners, staff and citizens have expressed concern regarding the need to develop standards promoting health, safety, and general welfare of its citizens and the peace and dignity of the county. Polluting industries, by their very nature, produce objectionable levels of noise, odors, vibrations, fumes, light, or smoke that may or may not have hazardous effects. The standards to be developed shall allow for the placement and growth of industrial activities, while maintaining the health, safety and general welfare standards of established residential and commercial areas in Transylvania County. Therefore, the Board of Commissioners hereby establishes an eighteen (18) month Moratorium to prohibit the construction of certain polluting industries to accommodate the development of these standards.

Sec. 4-115. Jurisdiction of article:

This article shall be applicable to all unincorporated areas of Transylvania County but shall not be applicable to and shall not be enforced within the corporate limit or jurisdiction of any municipality in the county.

Sec. 4-116. Definitions:

- *Air Pollution* means emission of air contaminants as defined in NCGS § 143-215.108.
- *Noise* means any unreasonably loud, excessive or unnecessary sound that takes in consideration for volume, duration, frequency, time, and other characteristics of sound.
- *Odor* means the minimum concentration in air of a gas, vapor, or particulate matter that can be detected by the olfactory systems of a group of healthy observers.
- *Polluting Industry* means any industry which produces 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 or general welfare of the citizens of this county.
- *Smoke* means the visible vapor and gases given off by a burning or smoldering substance.

- *Vibration* means any ground-transmitted movement that is perceptible to the human sense of touch.

Sec. 4-117. Moratorium on the permitting and construction of polluting industries

The board of commissioners hereby places a moratorium on the permitting and the construction of polluting industries as heretofore-defined in Transylvania County, excluding those areas in which the county does not have the necessary authority to implement such a moratorium. This article shall be in effect for a period of up to eighteen (18) months following adoption.

Sec. 4-118. Variance.

The county commissioners will consider situations where a severe hardship may arise. Such reasons for hardship should be noted in written form and be brought before the commissioners for their review. Before the commissioners make a decision on the variance, they will hold a public hearing on the subject and then at their next regular commissioner's meeting make a decision on the variance request.

Sec. 4-119. Effective date.

This article shall become effective upon adoption.

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