ORDINANCE #

AN ORDINANCE TO IMPOSE A TEMPORARY MORATORIUM ON STREET DEDICATION PETITIONS

WHEREAS, North Carolina General Statute 160D-107(a) authorizes cities to adopt a temporary moratorium on development approvals of reasonable duration;

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Black Mountain that:

Section 1
A temporary moratorium is hereby imposed commencing August 10, 2026, and expiring no later than August 9, 2027, on the acceptance of street dedication petitions within the Town of Black Mountain. This moratorium shall apply to any new street dedication petition.

Section 2
In compliance with the requirements of North Carolina General Statute 160D-107(d), the following statements are included in this ordinance:

(1) The problems or conditions necessitating the moratorium are those attendant to the severe budget constraints seen by the Town of Black Mountain.

The Town has adopted an approved budget for FY26-27, however, due to the severe shortfall in funds, funds for street maintenance were not increased and no additional staff were added.

The funds already allocated along with the funds received from Powell Bill are not enough to maintain the current amount of streets the Town maintains.

The Town finds that it is not appropriate at this time to consider any additional street dedication petitions.

(2) The development approvals subject to the moratorium are street dedication petitions. The moratorium will allow the Town of Black Mountain to address the state problems or conditions by providing time to analyze costs of taking on additional streets for maintenance and appropriate staffing needed.

(3) The moratorium will terminate no later than August 9, 2027. The duration of the moratorium is reasonably necessary to address the problems or conditions leading to imposition of the moratorium, in that it will provide sufficient time for the Town of Black Mountain to analyze additional funds needed for additional street maintenance and where those funds might be found and to analyze if additional staffing will be needed and how to fund those positions that will be incorporated in the next fiscal year budget.

(4) During the duration of the moratorium, the following actions are proposed to be taken by the Town to address the problems or conditions leading to the imposition of the moratorium: Phase 1 (up to twelve months): (a) determine amount of funding that would be needed to maintain additional streets; (b) determine how many streets may request for takeover for maintenance (this will include looking at new subdivisions); (c) determine if any new staff would be needed and if so, how many, and what salaries would be; and (d) draft budgetary recommendations for FY27-28 budget.

Section 3
The moratorium will terminate no sooner than August 9, 2027, upon the approval of funds and staffing in the FY27-28 budget, after the adoption of the budget, which will allocate funding and staffing for additional street maintenance.

Section 4
Notwithstanding anything herein to the contrary, the moratorium may be subsequently renewed or extended in accordance with the provisions of North Carolina General Statute 160D-107(e).

Section 5
All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6
Any part of the provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of this ordinance.

Section 7
This ordinance shall be in full force and effect on the date of adoption.

READ, APPROVED AND ADOPTED, by a vote of _____ to _____ on this the 10th day of August 2026.

_____
C. Michael Sobol, Mayor

ATTEST:

_____
Wesley M. Barker, Town Clerk