TOWN OF BLACK MOUNTAIN
STAFF REPORT
For October 12, 2026, Public Hearing

REQUEST

Applicant:
Planning and Development staff are suggesting this text amendment.

Proposal:
Revise wording in two locations in Chapter 6 (Animals) of the Code of Ordinances in alignment with the standards of the BearWise® program.

Affected Ordinance Sections:
Section 6-6 (Public Nuisance) and Section 6-19 (Civil Penalty) of Chapter 6 (Animals) of the Code of Ordinances.

DETAILS OF PROPOSAL

The following is a summary of proposed amendments:
The Town's BearWise Advisory Group worked with Planning and Development and Sanitation staff to prepare the proposed amendments. Among the goals of the advisory group is to make real the following statement on the Town's ***Help Kee Bears Wild/Be BearWise!*** webpage:

> The Town of Black Mountain partners with NC Wildlife Resources Commission and BearWise® to provide helpful information to our residents and visitors about living responsibly alongside black bears in our community. Whether you are at home or exploring the outdoors, there are helpful tips to keep you safe and to prevent unnecessary encounters, or visits by the ever-curious black bears.

One of the members of the advisory group is a staffperson with the NC Wildlife Resources Commission, who advised that one of the two main requirements for the Town to achieve the status of being a BearWise® community is to revise *public nuisance* and *penalty* language in alignment with BearWise® standards.

The amendment to Section 6-6 (Public Nuisance) clarifies aspects of nuisances that exist in the context of threats to **public health**, to **property**, and to **wildlife**. The amendment also makes clear that maintaining a bird feeder or otherwise feeding birds is not prohibited. Rather, a violation exists only when such activity constitutes a demonstrated attractant of wildlife (such as bears). Also of note with the amendment: adding a definition of ***danger***.

The amendment to Section 6-19 (Civil Penalty) clarifies procedures for issuance of a notice. And it adds relevant violating situations to item ***(c)***, which is the item that details Level I, Level II, and Level III violations.

- To Level 1 is added: Feeding birds in a manner that constitutes an attractant and that is taking place subsequent to an order by the animal control officer or law enforcement officer to cease said activity.

- To Level III is added: Attracting of animals which threaten the public health, safety and welfare.

The City of Asheville and Buncombe County have amended their ordinances in such a manner.

From the NC Wildlife Resources Commission website:

> BearWise® is an Association of Fish & Wildlife Agencies program that provides consistent, science-based information for coexisting with black bears. It's goal to help people, nationwide, live responsibly with black bears. Black bears are found across North Carolina, making BearWise® a resource applicable statewide, from the mountains, through the piedmont region and coastal plain.

From the BearWise website:

> BearWise® was developed by state agency bear biologists who wanted to make sure that no matter where people lived, played or traveled, they got the same consistent message about coexisting with bears. Today BearWise® is managed by a team of North American bear biologists and communications professionals, and is a program of the Association of Fish and Wildlife Agencies.

ANALYSIS

CONSISTENCY WITH ADOPTED POLICY GUIDANCE:

The proposed amendments are consistent with the fact that the Town "partners with NC Wildlife Resources Commission and BearWise to provide helpful information to our residents and visitors about living responsibly alongside black bears in our community." (from the Town's ***Help Keep Bears Wild/Be BearWise!*** webpage)

In ***Elevate Black Mountain***, the Town's comprehensive plan, wildlife habitat is called out as something needing to be protected from negative impacts from development:

> Development will be designed to reduce potentially negative impacts on environmental features such as stream corridors, slopes, important viewsheds, wetlands, and wildlife habitat.
> (*Principle 8* in *Black Mountain Development Principles*)

REASONABLENESS/PUBLIC INTEREST:

It is reasonable and in the public interest for the Town to continue to work to achieve the status of being a BearWise® community, including strengthening Chapter 6 (Animals) to improve public health, property safety, and wildlife protection and health, in the context of all wildlife, including bears.

RECOMMENDATION

Staff recommends that Planning Board recommend to Council that Chapter 6 (Animals) be amended so as to make the chapter align with BearWise® program standards, specifically by updating the *public nuisance* and *civil penalty* sections.

REPORT PREPARATION

This report was prepared by Planning Department staff member Russell Cate, Planner/Zoning Administrator, and reviewed by Michelle Kennedy, Planning Director.