

ORDINANCE NO. 2018-\_\_\_\_\_

**AN ORDINANCE OF THE VILLAGE OF BALD HEAD ISLAND, NORTH CAROLINA, TO REPEAL SECTION 10-32 OF THE CODE OF ORDINANCES**

**WHEREAS**, the Village enacted Ordinance No. 2014-0401, codified as Section 10-32 of the Village Code of Ordinances, on or about April 25, 2014, for the purpose of limiting the spread of the Redbay Ambrosia Beetle and Laurel Wilt Disease to the island population of *Persea borbonia*, commonly known as the Redbay Tree, by, among other things, limiting the use of firewood from off-Island sources and prohibiting the use of mulch from off-Island sources;

**WHEREAS**, despite the restrictions in Section 10-32 and other efforts by the Village and its residents, the island Redbay Tree population has decreased to the point that it is no longer necessary to limit the use of firewood from off-Island sources and prohibit the use of mulch from off-island sources in order to protect and preserve the species; and

**WHEREAS**, it has become evident that the existing restrictions, which have been ineffective in preserving the Redbay Tree, unnecessarily limit where property owners and businesses can obtain mulch and firewood for use on the Island without producing the intended benefit to the Island ecosystem.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF BALD HEAD ISLAND THAT,**

**Section 1.** Chapter 10, Article II, Division 1, Section 10-32, known as the Redbay Ambrosia Beetle (*Xyleborus glabratus*) Ordinance, is hereby repealed in its entirety.

**Section 2.** Chapter 20, Article I, shall be amended adding a new Section 20-2, as follows:

**Sec. 20-2. On-Island Mulch Production.**

*Production of Mulch on-Island.* The Timber Creek Mulch Site was founded to provide on-Island production of mulching material made from indigenous vegetation.

*Disposal of Yard Debris/Pick-up of Mulch.* To facilitate the adequate availability of Island-produced mulch, all reasonable efforts should be made to encourage the use of the Timber Creek Mulch Site. Thus, there will be no cost associated with drop-off of yard debris at or pick up of mulch from the Timber Creek Mulch Site. Notwithstanding the foregoing, there may be a charge for

load-out of large quantities of mulch from the Mulch Site, as set by the schedule of fees maintained by the Village at Village Hall.

*Violation of Ordinance.* Any person dumping yard debris in an unauthorized area is subject to a fine of \$500.00 for each offense and the civil penalty will be payable to the Village Clerk within seventy-two (72) hours of the offense. Each incident will be considered a separate violation.

**PASSED AND ADOPTED** by the Village Council, this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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J. ANDREW SAYRE, Mayor

ATTEST:

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DARALYN SPIVEY, Village Clerk

1<sup>st</sup> Reading:

2<sup>nd</sup> Reading:

Board Action: