

STORMWATER MANAGEMENT ORDINANCE

THE PREPARATION OF THIS REPORT WAS FINANCED IN PART THROUGH A GRANT PROVIDED BY THE NORTH CAROLINA COASTAL MANAGEMENT PROGRAM, THROUGH FUNDS PROVIDED BY THE COASTAL ZONE MANAGEMENT ACT OF 1972, AS AMENDED, WHICH IS ADMINISTERED BY THE OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

November 14, 2000

This ordinance has been prepared by the Ocean Isle Beach Planning & Inspections Department and URS Greiner Woodward Clyde.

STORMWATER MANAGEMENT ORDINANCE

Section 1. Title

This document may be cited as the Town of Ocean Isle Beach's Stormwater Management Ordinance for implementation within Town limits.

Section 2. Goals and Purposes

The central environmental goal of the Town of Ocean Isle Beach is to preserve water quality and the natural ecological functions of the surface water located within the Town limits. In order to meet this important goal, the Town of Ocean Isle Beach Stormwater Ordinance will be adopted for the following purposes:

- a) To regulate new and existing structures, new and existing developments, and construction activities consistent with State of North Carolina requirements and the Town of Ocean Isle Beach's requirements.
- b) To establish the authority of the Town of Ocean Isle Beach to administer and enforce stormwater quantity and quality regulations to include: limiting impervious surface, improvements on development and redevelopment and landscaping requirements.
- c) To create public education programs so the citizens of the Town will have knowledge of how to reduce and prevent pollution of all nature from their land, homes, and businesses.

Section 3. Definitions and Abbreviations Used Within This Ordinance

For the purposes of this ordinance, the following listed terms and phrases shall have these definitions:

Alphabetical Listing

- a) Agricultural Land Management Practices shall mean those methods and procedures used in cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.
- b) Area of Environmental Concern shall mean an area identified by the State of North Carolina Coastal Resources Commission as environmentally fragile and economically important where uncontrolled or incompatible development could result in irreversible damage.
- c) Built-Upon Area shall mean that portion of an individual development project that is covered by impervious or partially impervious cover including buildings, pavement, recreation facilities, roads and parking areas, etc. Wood slatted decks and the water area of a swimming pool are not considered to be built-upon area.
- d) BMP shall mean Best Management Practices as adopted by the Town of Ocean Isle Beach.
- e) CAMA shall mean Coastal Area Management Act, which was adopted by North Carolina in 1974. The Act established a comprehensive regional resource management program for the state's 20-county coastal area. The management program that has evolved since 1974 in North Carolina has land use planning, regulatory, land acquisition, and policy development components.
- f) CAMA Major Development Permit shall mean the permit required by the Coastal Resources Commission for developments that infringe on Areas of Environmental Concern.
- g) Coastal Wetland shall mean any salt marsh or other marsh subject to regular or occasional flooding by tides, including wind tides (whether or not the tide waters reach the marshland areas through natural or artificial watercourses), provided this shall not include hurricane or tropical storm tides. Coastal wetlands contain some, but not necessarily all, of ten indigenous wetland plant species. Included in this definition of coastal wetlands is "such contiguous land as the Secretary of the North Carolina Department of Environment and Natural Resources (NCDENR) reasonably deems necessary to affect any such order in carrying out the purposes [of the regulations]." (G.S. 113-230(a)).

- h) Customer shall mean the person or firm to which a bill for stormwater management services is sent.
- i) Development shall mean any land disturbing activity that increases the amount of built-upon area or that otherwise decreases the infiltration of precipitation into the soil.
- j) Erosion shall mean the wearing away of land surface by the action of wind, water, gravity or any combination thereof.
- k) Erosion and Sediment Control Plan shall mean a written plan including drawings or other graphic representations for the control of soil erosion and sedimentation resulting from a land disturbing activity.
- l) Estuarine Shoreline shall mean a non-ocean shoreline connected to the estuarine waters that are especially vulnerable to erosion, flooding, and other adverse effects of wind and water. Estuarine shorelines extend from the mean high water level (in areas of tidal influence) or normal water level (in areas without tidal influence) along the estuaries, sounds, bays, and brackish waters for a distance of 75 feet landward unless otherwise set by the Coastal Resources Commission.
- m) Estuarine Waters shall mean all the water of the Atlantic Ocean within the boundary of North Carolina and all the waters of the bays, sounds, rivers, and tributaries thereto seaward of the dividing line between coastal fishing waters, as set forth in the most recent official published agreement adopted by the Wildlife Resources Commission and NCDENR.
- n) Existing Development shall mean any land that has been utilized for a land-disturbing activity as of the effective date of this ordinance.
- o) Health Department shall mean the Brunswick County Health Department or the North Carolina State Board of Health depending on jurisdiction.
- p) Illegal Discharge shall mean any direct or indirect non-stormwater discharge to the storm drain system except as defined in Section 10.1.
- q) Illicit Connections shall mean either of the following:
 - (1) Any drain or conveyance, whether surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or

- (2) Any drain or conveyance connected from a commercial, residential or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the Town
- r) Impervious Surfaces shall mean those areas within the land of the Town which prevent or significantly impede the infiltration of water into the soil. Common impervious surfaces include, but are not limited to, roof tops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, brick or concrete pavers and other surfaces that prevent or significantly impede the natural infiltration of water into the soil.
- s) Improved Lands for the purposes of this Ordinance shall mean any lands that have had land disturbing activities that altered or changed the natural cover or topography of said land.
- t) Infiltration System shall mean a stormwater treatment system designed to allow runoff to pass or move (infiltrate) into the soil.
- u) Land Disturbing Activity shall mean any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.
- v) New Development shall mean any land that is utilized for a land-disturbing activity after the effective date of this Ordinance.
- w) NCAC shall mean the North Carolina Administrative Code.
- x) North Carolina Coastal Resources Commission shall mean the state policy-making organization with responsibility for the coastal region.
- y) NPDES shall mean the National Pollutant Discharge Elimination System permitting process of the Environmental Protection Agency (EPA).
- z) Ocean Hazard Area shall mean an area where there exists a substantial possibility of excessive erosion and shoreline fluctuation. The seaward limit of this boundary is the mean low water line.
- aa) Town shall mean that area within the Ocean Isle Beach Town limits.
- bb) Redevelopment shall mean any rebuilding activity that exceeds 50% of the tax value of the structure (as determined by the Building Inspection Department), and that has no net increase in built-upon area or that provides equal or greater stormwater controls than the previous development. All building or rebuilding activity occurring or that has occurred within 12 months preceding the date of application submittal shall be added together to determine if the percentage value exceeds 50% of the tax value.

- cc) SA Waters shall mean tidal saltwater of the highest quality that are suitable for commercial shell fishing, swimming, and all other tidal saltwater uses. The chloride concentration of SA waters must be at least 500 parts per million.
- dd) Sedimentation shall mean the deposition of solid material, both mineral and organic, that has been transported from its site of origin by air or water.
- ee) Sedimentation/Erosion Control Plan shall mean a plan required by the Division of Land Resources in which developers must describe the sedimentation and erosion control devices they will use for land disturbing activities that are one acre or greater.
- ff) Sewerage or Septage shall mean the liquid and solid human body waste and liquid waste generated by water-using fixtures and appliances including those associated with food handling.
- gg) Stormwater shall mean the flow of water that results from precipitation and that occurs immediately following rainfall or a snowmelt.
- hh) Stormwater Collection System shall mean any conduit, pipe channel, curb or gutter utilized for the primary purpose of transporting (not treating) runoff.
- ii) SWMP is the most currently adopted Stormwater Management Plan for the Town of Ocean Isle Beach.
- jj) State Certification shall mean one or more of the following documents: a CAMA permit application and accompanying CAMA permit from the Division of Coastal Management, a Stormwater certification or permit, as required, from the Division of Water Quality, and/or a Sedimentation and Erosion Control Plan that has been approved by the Division of Land Quality.
- kk) Surface Waters shall mean rivers, streams, creeks, channels, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells, the Atlantic Ocean, and other bodies of surface or subsurface water, natural or artificial, lying within or forming part of the boundaries of the Town. This term excludes privately owned ponds that have no entry or exit of water to or from waters of public domain.
- ll) Unimproved Land for the purposes of this Ordinance shall mean any land that has not had land disturbing activities as described herein.
- mm) 10-Year, 24-Hour Storm shall mean the storm of the largest intensity expected to occur on the average once every 10 years and of a 24-hour duration.
- nn) Vegetative Filter shall mean an area of natural or planted vegetation through which stormwater flows in a diffuse manner so that runoff does not become channeled and that provides for control of stormwater runoff through infiltration or filtering of pollutants. The defined length of the filter shall be provided for the direction of stormwater flow.

- oo) Wet Detention Pond shall mean a structure that provides for storage and treatment of runoff and includes a permanent pool of water under normal circumstances.

Section 4. Jurisdiction

The regulations contained herein shall govern all real property and each and every stormwater quantity and quality management device within the approved Town Limits of Ocean Isle Beach. Whenever conflicts exist among federal, state, or local laws and this ordinance, the more restrictive provision shall apply.

Section 5. Findings

- a) The Town of Ocean Isle Beach finds evidence that the development and implementation of a reliable SWMP to best serve the citizens of the Town will require that all sources of pollution that are carried with stormwater runoff be identified, quantified and analyzed to implement an effective SWMP pollution control and abatement plan to protect the surface and groundwater's within the Town; and
- b) The Town of Ocean Isle Beach needs to affirm its responsibility and enhance its capability to maintain existing water quantity and quality management facilities of all natures in the Town and establish future water quantity and quality management facilities and measures that will ensure that as growth occurs and the population density increases, the Town's sensitive environment and ecosystems are protected for future generations.

Section 6. Scope of the Ordinance

This Ordinance shall apply to all real property within the jurisdiction of the Town of Ocean Isle Beach.

- a) All property owners and managers should give specific attention to the recommendations set forth in the General Water Quality Protection Recommendations (Section 7) of this Ordinance.
- b) All property owners, regardless of their previous practices, shall be subject to the regulations listed under Section 8, Landscaping/Buffer Requirements.

- c) All new developments, regardless of its size, shall be subject to the regulations listed under Section 9, Mandatory Standards for Driveway Connections.
- d) All property owners, regardless of their previous practices, shall be subject to the regulations listed under Section 10, Discharge Prohibition.
- e) All property owners, regardless of their previous practices, shall be subject to the regulations listed under Section 11, Mandatory Standards for Existing Development.
- f) All new developments, regardless of its size, shall be subject to the regulations listed under Section 12, Mandatory Standards for New Developments.
- g) All redevelopment activities shall be subject to the regulations listed under Section 13, Mandatory Standards for Redevelopment.
- h) All construction activities, whether for new development or improvements on existing development, shall be subject to the regulations set forth under Section 14, Mandatory Standards for Construction Activities.

Section 7. General Water Quality Protection Recommendations

- a) All visitors, residents, business owners, developers, and others who utilize the resources within the Town of Ocean Isle Beach shall take all reasonable measures to protect surface waters from damage resulting from their activities.

Section 8. Landscaping/Buffer Requirements

Buffer zones shall be established in accordance with the Coastal Resources Commission Shoreline Buffer Rules, unless otherwise exempted. The Town of Ocean Isle Beach has established additional guidelines for the management of these buffers. Failure to comply with these requirements will be subject to fines in accordance with Section 18 of this Ordinance for each incident and day of violation.

- a) The area within a buffer zone must be either retained/maintained in a natural, undisturbed condition with native flora, or properly managed and maintained with vegetative cover (i.e. yard grasses such as centipede, bermuda, etc.)

Section 9. Mandatory Standards for Driveway Connections

- a) Driveway connections for all new development shall construct the driveway access per the guidelines set forth in this section.
- b) All driveway connections and all areas between the street side property line and the asphalt or roadway shall have a grade that slopes away from the highway surface at a rate not less than $\frac{1}{4}$ inch per foot nor greater than 1 inch per foot. This slope shall continue for a minimum of 6 feet. (See Figure 9.1)
- c) Some streets have ditches that are a crucial part of the stormwater design. These areas will require a culvert pipe to be placed under the driveway access. (Check with the Planning and Inspections Department for the requirements in the area you are working.)
- d) (1) Residential driveway access shall be a maximum of 36 feet wide (Note: This may be split up to allow for two 18 foot driveway access points where the lot size will permit). In any case, driveways or culvert piping shall not be located any closer than 7 feet from the side property line.

(2) Commercial driveway access shall be approved on an individual basis.
- e) Residential driveway access shall not extend or otherwise cover the street right-of-way with a hard surface not permeable to water (i.e. concrete, asphalt and etc.).
- f) Exceptions to Section 9 may be granted where conditions are such that these requirements are not best suited to accomplish the spirit and intent of the requirements.
- g) Failure to comply with these requirements will be subject to fines in accordance with Section 18 of this Ordinance for each incident and day of violation.
- h) Maximum allowable impervious surfaces for driveways and areas within the front yard setback shall be regulated by a performance standard set forth in Section 42-7 (c).

Section 10. Discharge Prohibitions

Section 10.1 Prohibition of Illegal Discharges

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

The following direct discharges resulting from the improper disposal of such materials into surface waters are unlawful. Violators will be subject to fines in accordance with Section 18 of this Ordinance for each incident and day of violation as well as any and all costs of removal, cleanup and remediation.

- a) Sewage or biosolids.
- b) Polluted household wastewater, including but not limited to laundry wash water and dishwater.
- c) Leaking sanitary sewers and connections, which have remained uncorrected for three days or more after seven days notice.
- d) Leaking water lines with flows sufficient to cause soil erosion that have remained uncorrected for three days or more after seven days notice.
- e) Commercial, industrial, or public vehicle, vessel, or equipment wash discharge.
- f) Solid, chemical, or sanitary waste.
- g) Dead terrestrial animals or animal fecal waste.
- h) Petroleum products or derivatives thereof.
- i) Wrecked or discarded vehicles or equipment.
- j) Trash, refuse, or garbage.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as follows:

- a) Discharges from the following activities will not be considered a source of pollutants to the storm drain system and to waters of the U.S. when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Clean Water Act or this ordinance: potable water line flushing; uncontaminated pumped groundwater and other discharges from potable water sources; landscape irrigation and lawn watering; diverted stream flows; rising groundwater; groundwater infiltration to the storm drain system; uncontaminated foundation and footing drains; uncontaminated water from crawl space pumps; air conditioning condensation; uncontaminated non-industrial roof drains; springs; individual residential and occasional non-commercial car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash waters; and flows from fire fighting.

- b) The prohibition shall not apply to any non-stormwater discharge permitted under a NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of North Carolina under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the Town of Ocean Isle Beach for any discharge to the storm drain system.

Section 10.2 Prohibition of Illicit Connections

- a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

Section 10.3 Waste Disposal Prohibitions

- a) No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or water of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempt from this prohibition.
- b) Yard wastes, including dredge spoil, leaves, and yard trimmings may not be deposited into surface waters. Acceptable management practices for yard wastes include composting and landfilling. Persons who deposit yard wastes into surface waters are subject to fines in accordance with Section 18 of this Ordinance for each incident of violation as well as any and all costs of removal, cleanup and remediation.

Section 11. Mandatory Standards for Existing Development

- a) No landscaping using impervious materials such as solid waste and vinyl will be permitted. Property owners must remove any such materials installed after the effective date of this Ordinance. Failure to comply within 30 days of notification is

subject to a fine of \$50 for each incident and day of violation as well as any and all costs of removal.

- (1) Exemptions: Use of plastic covering for agricultural land management practices shall be permitted.
- b) All label directions must be followed so that fertilizers and pesticides are mixed and applied correctly and at the proper time. The label is a legal document. Persons who incorrectly mix or apply chemicals are subject to fines in accordance with Section 17 of this Ordinance for each incident of violation as well as any and all costs of removal, cleanup and remediation.
- c) Chemicals on both commercial and residential property must be stored in properly built and maintained storage facilities, which are located above the base flood elevation as determined by FEMA Flood Maps and/or the 100-year flood elevation. Persons who do not store chemicals safely will be given thirty calendar days to correct such conditions. Failure to comply following this thirty-day period will be subject to fines in accordance with Section 18 of this Ordinance for each incident and day of violation as well as any and all costs of removal, cleanup and remediation.
- d) No person shall intentionally or unintentionally create a nuisance or harmful stormwater problem on a neighboring property and/or public street or highway. Persons who do create such a problem, as determined by the Town, along with the Town's designated professional engineer, will be given ninety calendar days to correct such conditions. Failure to comply following this ninety-day period will be subject to fines in accordance with Section 18 of this Ordinance for each incident and day of violation.
- e) All existing properties are strongly encouraged to implement the requirements set forth in Section 12 within 60 months from the adoption of the ordinance. The town will provide a typical set of engineered drawings for underground infiltration.

Section 12. Mandatory Standards for New Developments

Section 12.1 Coverage and Application Process

- a) Site plan approval is required for all development activities within the Town. Approvals and permits may also be required by the State of North Carolina. Copies of all State certifications and permits must be submitted to the Town prior to the start of construction activities. The requirements of this section are consistent with the 15A NCAC 2H.1000 Stormwater Management Rules for application and issuance of permits for stormwater management systems.

- b) Other Projects: Development may also be permitted on a case-by-case basis if the project:
- (1) controls runoff through an off-site stormwater system meeting the provisions of this Section;
 - (2) is redevelopment which meets the requirements of this Section to the maximum extent practicable.
- c) The applicant shall submit all necessary information to describe the site, development and stormwater management practices proposed. The following documents and information shall be submitted:
- (1) two sets of detailed plans and specifications for the project;
 - (2) plans and specifications must be dated and sealed as outlined in Section 12.3 and show the revision number and date;
 - (3) general location map showing orientation of the project with relation to at least two references (numbered roads, named streams/rivers, etc.) and showing the receiving water (a USGS map preferable);
 - (4) topographic map(s) of the project area showing original and proposed contours and drainage patterns;
 - (5) delineation of relevant boundaries including drainage areas, seasonal high water table, wetlands, property/project boundaries and drainage easements;
 - (6) existing and proposed built-upon area including drainage areas, buildings, etc.;
 - (7) technical information showing all final numbers, calculations, assumptions, drawing and procedures associated with the stormwater management measures including but not limited to: built-upon area, runoff coefficients, runoff volume, runoff depth, flow routing, inlet and outlet configuration (where applicable), other applicable information as specified;
 - (8) operation and maintenance plan and maintenance agreement signed by responsible party;
 - (9) recorded deed restriction and protected covenants. As an alternative proposed deed restriction and protected covenants, a signed agreement to provide final recorded articles shall be accepted when final documents are not available at the time of submittal.
- d) As-built drawings of the site shall be submitted to the Town within 30 days of completion of project construction.

Section 12.2 Stormwater Requirements

a) All development activities within the jurisdiction of the Town of Ocean Isle Beach shall manage stormwater as follows:

(1) runoff from all new development, regardless of size, shall approximate the rate of flow and timing of runoff that would have occurred following the same rainfall under predevelopment conditions for the 24-hour ten (10) year frequency rainfall events.

(2) control systems must be infiltration systems designed in accordance with Section 12.3 to control the runoff from all surfaces generated by the first inch and one-half (1 ½) inches of rainfall along with the requirements from paragraph (1) above. Alternatives as described in Section 12.3 may also be approved if they do not discharge to surface waters in response to the design storm;

(A) Development shall be approved if the following conditions are met:

(i) no direct outlet channels or pipes to SA waters unless permitted in accordance with 15A NCAC 2H .0126;

(ii) control systems must be infiltration systems designed in accordance with Section 12.3 to control the runoff from all surfaces generated by the ten (10) year frequency rainfall event. Alternatives as described in Section 12.3 may also be approved if they do not discharge to surface waters in response to the design storm;

(iii) runoff in excess of the design volume must flow overland through a vegetative filter, designed in accordance with Section 12.3.

Section 12.3 Design of Stormwater Management Systems

a) Structural Stormwater Control Options. Stormwater Control Measures which may be approved include:

(1) Stormwater infiltration systems including infiltration basins/ponds, swales, dry wells and vegetative filters;

(2) Wet detention ponds; and

(3) Devices meeting alternative design criteria.

b) Innovative measures for controlling stormwater which are not met will be established through actual experience and may be approved on a demonstration basis under the following conditions:

(1) There is a reasonable expectation that the control measures will be successful;

- (2) The projects are not adjacent to or near High Quality Waters (HQW);
 - (3) Monitoring requirements are included to verify the performance of the control measures; and,
 - (4) Alternatives are available if the control measures fail and when the Town has determined that the system has failed.
- c) Vegetation in the filter may be natural vegetation, grasses, or artificially planted wetland vegetation appropriate for site characteristics.
 - d) General engineering design criteria, specific stormwater management system design criteria and alternative design criteria shall be as described in 15A NCAC 2H.1008 *Design of Stormwater Management Measures*.
 - e) Stormwater systems must be designed by an individual who meets the North Carolina professional engineer requirements for the type of system proposed. Upon completion of construction, the designer for the type of stormwater system installed must certify that the system was inspected during construction, was constructed in substantial conformity with plans and specifications approved by the Town and complies with the requirements of this Section prior to issuance of the certificate of occupancy.

Section 12.4 Operation and Maintenance

- a) Prior to site plan approval by the Town, an operation and maintenance plan or manual shall be provided by the developer for stormwater systems, indicating the operation and maintenance actions that shall be taken, specific quantitative criteria used for determining when those actions shall be taken, and who is responsible for restoring a stormwater system to design specifications if a failure occurs and must include an acknowledgment by the responsible party. Development must be maintained consistent with the requirements in the operation and maintenance plan and the original plans and any modifications to these plans must be approved by the Town.
- b) A maintenance agreement between the responsible party and the Town shall be signed by the responsible party in which the responsible party agrees to the continued performance of the maintenance obligations. This agreement shall be assigned to the successors in the title upon transference of the property.

Section 12.5 Staff Review

- a) The Town shall conduct a review of the plans, specifications and other project data to determine if all required information has been submitted and shall acknowledge receipt of a complete set of information. The Town shall notify the applicant if the information is incomplete and advise the applicant on how to make the application package complete.
- b) The Town shall take final action on all applications no later than 30 days following receipt of a complete application with all the required information. For large projects over 1 acre or any project requiring State approval and permits, final action shall be no later than 60 days after receiving a complete application including all necessary State certifications and construction plans.
- c) If site plan approval is denied, the letter shall state the reason(s) for denial and any reasonable measures which the applicant may take or make to receive site plan approval.

Section 13. Mandatory Standards for Redevelopments

- a) For all redevelopment activities, the property owner must:
 - (1) construct an on-site stormwater system which is designed to reduce the quantity of stormwater leaving the site by 100% from the original built-upon lot.
 - (A) In order to achieve these requirements, the property owner may employ any control measure specified in Section 12.3.
 - (B) Site plan approval is required for all redevelopment activities (as per Section 12.1).
 - (C) Stormwater system designs must be completed in accordance with Section 12.3.
 - (D) An operation and maintenance agreement as required per Section 12.4.

Section 14. Mandatory Standards for Construction Activities

Persons who fail to comply with these regulations after they have received notice from the Town of Ocean Isle Beach will be subject to fines for each violation and other actions or penalties as may be authorized by the Town of Ocean Isle Beach.

- a) The Town of Ocean Isle Beach will require developers and individuals to furnish copies of all necessary State certifications and construction plans involved with the land disturbance activity.
- b) Any person conducting a land-disturbing activity within the Town for the purpose of creating permanent impervious surface exceeding 500 square feet must notify the Town of Ocean Isle Beach if a soil erosion and sedimentation control device is necessary.
- c) For construction activities that are one acre or larger, the Town will require a Sedimentation and Erosion Control Plan per the Town's Erosion and Sedimentation Control Ordinance.
- d) The Town of Ocean Isle Beach's designated official has the authority to monitor construction activities to ensure that developers comply with the Sedimentation and Erosion Control Plan.
- e) A vegetated buffer strip, measuring the width currently required by the Coastal Resources Commission or 15A NCAC 2H.1000 Stormwater Management Rules, must be retained or established adjacent to any surface water bordering a land-disturbing activity where feasible. If the land-disturbing activity is water-dependent (e.g., bulkheads, piers, marinas, and bridges) and thus is not feasible, then the activity may be permitted with the appropriate approvals from either the State of North Carolina or the local permitting officer.
- f) Construction activities that are under one acre and infringe upon a State of North Carolina defined Area of Environmental Concern will require a CAMA minor permit from the local CAMA permit official.
- g) All debris and trash must be contained on-site during construction. All garbage receptacles must have high sides or covers to prevent the airborne transport of debris such as plastic and paper. In addition, hazardous materials used during the construction process must be stored and disposed of properly to ensure that they do not enter surface waters.
- h) The person or firm responsible for the site development is responsible for removing or the cost of removing debris, trash and any other hazardous material from surface waters, Estuarine waters, SA waters and/or waters of the Atlantic Ocean.
- i) During construction, the person or firm responsible for the site development is responsible for maintenance of erosion and sedimentation control devices.

Section 15. Exemptions

No public or private property shall be exempt from the general enforcement requirements as set forth within this Ordinance relating to stormwater quantity and quality management

unless granted through the appeal process set forth herein. No exemption shall be granted based on the age, tax or economic status, race, religion of the customer, or other conditions unrelated to the enforcement of the general requirements of this Ordinance.

Section 16. Inspection and Notifications

- a) The Town of Ocean Isle Beach's representatives shall have the power and authority to conduct inspections as may be reasonably necessary to carry out its duties hereunder and to enforce the terms of this Ordinance. When necessary to carry out the Town of Ocean Isle Beach's duties hereunder or to enforce the terms of this Ordinance, the designated representatives of the Town of Ocean Isle Beach may enter at reasonable times upon public or private property for the purpose of inspection.
- b) All persons, firms, or corporations owning real estate within the Town shall allow the designated representative of the Town of Ocean Isle Beach to inspect such real estate to determine compliance with the terms and provisions of this Ordinance.
- c) No person shall refuse access to the designated representative of the Town of Ocean Isle Beach nor shall any person interfere with any such representative while in the process of carrying out his or her duties for the Town of Ocean Isle Beach at reasonable times. Any person, firm, or corporation that obtains a building permit, zoning permit, approval of a land use plan, subdivision approval or other development approval or permit, or that discharges into the Town of Ocean Isle Beach's stormwater system or surface waters, hereby consents to and gives permission to the designated representatives of the Town of Ocean Isle Beach to inspect its premises for compliance with the terms of this Ordinance.
- d) If it is determined that a person has failed to comply with this Ordinance, a notice of violation shall be served upon that person by registered or certified mail or other reasonable means to give actual notice. The notice shall set forth the measures necessary to achieve compliance with the plan and specify a reasonable time period within which such measures must be completed. The notice will warn that failure to correct the violation within the time period will result in the assessment of a civil penalty or other enforcement action. If the person in violation of this Ordinance fails to comply within the time specified, enforcement action will be initiated.

Section 17. Appeals

- a) Any person who is found in violation of the requirements set forth under this Ordinance, or has a site plan denied, may appeal by submitting a written explanation

of the appeal to the Mayor or Town Administrator within thirty (30) days of the date of the notification of the violation.

- b) The Mayor or Town Administrator shall render a Recommended Decision on the appeal in writing within sixty (60) days after the receipt of the written appeal to the Board of Commissioners of the Town of Ocean Isle Beach.
- c) The Town of Ocean Isle Beach's Board of Commissioners shall accept, reject or modify the Recommended Decision.
- d) Appeals from the Town of Ocean Isle Beach's action will be made through the General Court of Justice of Brunswick County, North Carolina.

Section 18. Penalties

Violation of this Ordinance shall subject the offender to a civil penalty of not less than two hundred dollars (\$200) or more than one thousand dollars (\$1,000) per violation to be recovered by the Town of Ocean Isle Beach in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after he has been cited for violation of this Ordinance. Each day of continuing violation thereof shall constitute and be a separate and distinct offense.

This Ordinance shall be enforced by any appropriate equitable remedy issuing from a court of competent jurisdiction. In such cases, the General Court of Justice shall have jurisdiction and authority to issue such orders as may be appropriate to enforce the Ordinance of the Town of Ocean Isle Beach, and it shall not be a defense to application made by the Town of Ocean Isle Beach therefore that there is an adequate remedy at law.

Section 19. Injunctive Relief

This Ordinance may also be enforced by appropriate equitable remedy issuing from a court of competent jurisdiction. The General Court of Justice shall have jurisdiction to issue such orders as may be appropriate to enforce the terms of this Ordinance. The institution of an action for injunctive relief under this section shall not relieve any party from any civil or criminal penalty prescribed for violations of this Ordinance.

Section 20. Severability

It is the declared intent of the Town of Ocean Isle Beach that the sections, subsections, paragraphs, sentences, clauses, phrases and provisions of this Ordinance are severable; and should any sections be declared unconstitutional, illegal or in conflict with any State of North Carolina or federal law or otherwise be invalid or unenforceable by a court of competent jurisdiction, the validity or enforceability of any remaining portions of this Ordinance shall not be affected thereby, and it is the intent of the Town of Ocean Isle Beach that all unaffected provisions shall continue in full force and affect.

Section 21. Effective Date

This Ordinance shall be in effect on

November 14, 2000.