

## Appendix C: High Density Development

The Water Supply Rules allow high density development provided engineered controls are used to manage stormwater runoff. The engineered controls which may be approved by local governments without review and approval by Division of Environmental Management (DEM) staff are limited to wet detention ponds and other alternatives specified in the document entitled “Stormwater Best Management Practices.” Other engineered stormwater controls may be used; however, they will require a case-by-case review by DEM staff and approval by the Environmental Management Commission.

Local governments need to evaluate the advantages of increased development against the cost of administering a high density development program before adopting such a program. Neither the low density nor high density option guarantees the water quality will be preserved. Both programs offer a management system intended to minimize risks to water quality associated with stormwater runoff. This is accomplished by limiting the amount of impervious or built-upon surfaces and using what are called Best Management Practices to control runoff and the resulting pollution. EPA’s National Urban Runoff Study supports this management technique by relating development density with water quality. EPA found that the higher the development density and built-upon surface area, the greater the likelihood of diminished water quality.

Implementing a High Density Development Program means that the amount of built-upon area will increase and that engineered controls will be needed to capture the additional pollutants found in stormwater. Past studies indicate that the careful use of wet detention ponds is an acceptable means of protecting water quality. The success of this technique is dependent upon the proper operation and maintenance of the control structures. Thus to minimize risks to water quality, local government must be vigilant in administering a High Density Development Program.

The rules have a provision that enables local governments to allow for more intense development without entering into a High Density Development Program. There is a provision in the rules that allows up to ten percent (10%) of each jurisdiction’s portion of WS-II, WS-III, and WS\_IV watersheds, outside of the critical area, to develop with new projects and expansions to existing development at up to seventy percent (70%) built-upon surface area (10%/70% option). If the local government under uses the low density option, that engineered stormwater controls are not required for development under the 10%-70% option. If a local government allows the high density option within the watershed, then engineers stormwater controls are required when using the 5%/70% option. In WS-IV watersheds, the local government must choose either the high density option or the 10%-70% option.

As mentioned, an issue in deciding whether or not to allow high density development is the cost and benefit of administering this type of program. The high density option would add expense such as the following:

1. specialized training for the Watershed Administrator and Watershed Review Board;
2. general consultation, review of development proposals and other services of an engineer and attorney;
3. annual inspections of new stormwater control structures, and;
4. either the cost of establishing and operating a stormwater utility, or alternatively, the cost of being responsible for the operation and maintenance of each stormwater control structure in the event the structure's owner fails to do so.

These costs may be offset by increased tax revenue generated by the development itself and by secondary tax revenues generated through employment and other associated development.

The model High Density Ordinance provided in the appendix contains the minimum standards and procedures for implementing such a program. It is written from the perspective of a small local government unit that does not have an extensive ordinance code. Large units of government will want to take the sections provided herein and incorporate them into their own ordinances. In either case, the procedures may be revised to the extent that they implement no less than the state's minimum water supply protection requirements. Local governments should keep in mind under the high density option all new development, including single family residential development, must be controlled by limitations on built-upon surface area rather than density (dwelling units per acre).

This model focuses on the local governments that do not establish a stormwater utility, however, alternative language is provided for both situations. The model ordinance provides:

1. An application procedure to review applications and decide whether to approve or deny individual requests. (Three alternative procedures are offered for local governments to make this decision.)
2. The minimum standards for the construction of control structures.
3. Financial assurances, provided by the developer, to insure that the control structure is properly constructed and maintained.
4. An inspection and enforcement procedure for the local government to monitor and enforce the requirement as necessary; and
5. An example tri-party agreement between the local government unit, the developer, and the entity that will assume control and maintenance responsibility of the stormwater control structure.

Deciding whether or not to form a stormwater utility and the process of how to do this beyond the scope of this model ordinance. To date, not more than a half dozen local governments have considered this question and still fewer have actually formed a utility. The authority to form a stormwater utility can be found for counties in G.S. 153A-149©(31a) and G.S. 153A-274(7) and for municipalities in G.S. 160A-311 and G.S. 159-81

A final note is that local governments do not need to decide to offer the high density option before adopting a basic Watershed Protection Ordinance. The High Density Option can be added or deleted at any time. However, if in this later case a local government repeals the High Density Option, the responsibility of inspecting and insuring the continued operation and maintenance of any existing stormwater control structure(s) would continue indefinitely even though the option was no longer available to new density development.

In the following text, Option I represents the minimum criteria required under the Water Supply Watershed Protection Rules. Option I allows any type of development which meets the built-upon area limits for that watershed classification. Options II and III are presented as examples of how a local government could limit high density development to specific uses. Option II allows specific types of residential, commercial, and industrial uses. Option III allows specific types of development under certain conditions, similar to the method used in traditional zoning ordinances that allow special or conditional use permits. Under Option III, local governments can not only list the specific types of development they will allow, but also attach reasonable conditions to individual permits. Options II and III are not required by the statute or the Rules, but are within authority of local government and are provided to illustrate alternatives available to local governments desiring a limited high density development program.

Article 700: High Density

**Section 701. High Density Development Standards**

(A) The Watershed Review Board may approve high density development proposals consistent with the following standards:

(1) WS-II Watershed Areas- Critical Area (WS-II-CA). Where new development exceeds either 1 dwelling unit per 2 acres or 6% built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed 24% built-upon area.

(2) WS-II Watershed Area s- Balance of Watershed (WS-II-BW). Where new development exceeds either 1 dwelling unit per acre or 12% built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed 30% built-upon area.

(3) WS-III Watershed Areas- Critical Area (WS-III-CA). Where new development exceeds either 1 dwelling unit per acre or 12% built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed 30% built-upon area.

(4) WS-III Watershed Areas- Balance of Watershed (WS-III-BW). Where new development exceeds either 2 dwelling units per acre or 24% built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed 50% built-upon area.

(5) WS-IV Watershed Areas- Critical Area (WS-IV-CA). Where new development exceeds either 2 dwelling units per acre or 24% built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed 50% built-upon area.

(6) WS-IV Watershed Areas- Protected Area (WS-IV-PA). Where new development requires a Sedimentation/Erosion Control Plan and exceeds either 2 dwelling units per acre or 24% built-upon area or 3 dwelling units per area or 36% built-upon area for projects without curb and gutter street systems, , engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed 70% built-upon area.

Option I

(B) High density development shall meet the requirements of this Ordinance.

Option II

(B) The following types of high density development shall be permitted consistent with the requirements of this Ordinance:

example 1- Residential subdivisions.

example 2- Hotels.

### Option III

(B) The following types of high density development shall be permitted consistent with the conditions describes in Section 702, option III (E) and the requirements of this Ordinance:

example 1- Industrial parks.

example 2- Rental Shopping plazas.

### **Section 702. High Density Development Permit Application**

(A) A High Denisty Development Permit shall be required for new development exceeding the requirements of the low density option.

(B) Application for a High Density Development shall be addressed and submitted to the Watershed Review Board through the Watershed Administrator. Application for High Density Development Permit shall be made on the proper form and shall include the following information:

(1) A completed High Density Development Permit Application signed by the owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization;

(2) Two reproducible copies of the development plain within the drainage basin including the applicable information listed in Appendix A: Application Forms, Subdivision Plat Checklist and detailed information concerning built-upon area;

(3) Two reproducible copies of the plans and specifications of the stormwater control structure consistent with section 703;

(4) When required by law, written verification that a soil erosion and sedimentation control plan has been approved by the appropriate state or local agency;

(5) Permit Application Fees consistent with Section 706.

(C) Prior to taking final action on any application, the Board or the Watershed Administrator may provide an opportunity to public agencies affected by the development proposal to review and make recommendations on the application. However, failure of the agencies to submit their comments and recommendations shall not delay the Board's action within prescribed time limit.

### Options I & II:

(D) The Watershed Review Board shall either approve or disapprove each application for a High Density Development Permit based on the applicable criteria contained in this Ordinance. First consideration of a completed application shall be at the next regularly scheduled meeting of the Boards following its receipt. The Board shall take action on the application as its first consideration or within sixty-five (65) days of its first consideration.

(1) If the Board approves the application based on its findings, such approval shall be indicated on the permit and both copies of the site plan and both copies of the plans and specifications of the stormwater control structure. A High Density Development Permit shall be issued after the applicant posts a performance bond acceptable security as required in Section 704(B)(1) and executes an Operation and Maintenance Agreement as required in Section 704(C). A copy of the permit and one copy of each set of plans shall be kept on file at the Watershed Administrator's office. The original permit and one copy of each set of plans shall be delivered to the applicant either by personal service or registered mail, return receipt requested.

(2) If the Board disapproves the application based on its findings, the reasons for such action shall be stated in the minutes of the Board and presented to the applicant in writing wither by personal service or registered mail, return receipt requested. The applicant may make changes and submit a revised plan. All revisions shall be submitted, reviewed, and acted upon by the Board pursuant to the procedures of this section.

Option III:

(D) Public Hearing. Upon receipt of a completed application, the Watershed Review Board shall hold a public hearing. Notice of the hearing shall be published in a newspaper of general circulation. The notice shall state the location of the building, lot, or tract in question, the intended use of the property, the need for engineered stormwater controls, and the time and place of the hearing. At the hearing, the applicant or designated representative thereof shall appear for the purposes of offering testimony and recommendations concerning the application. The Board shall also allot reasonable time for the expression of views by any member of the public attending the meeting in person or represented by an attorney provided the testimony bears on the findings the board must make.

(E) The Watershed Review Board shall issue a High Density Development Permit within sixty-five (65) days of its first consideration upon finding that the proposal is consistent with the applicable standards set forth in the Watershed Ordinance and the following conditions are met:

example 1- The use will not endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

example2- The use minimizes impacts to water quality through the use of best management practices, cluster development, and/or maximum setbacks from perennial waters;

example 3- The use is vital to the continued growth and economic development of the [county] [town]. The Board shall find a development as vital f one or more of the following are met.

(a) the development when completed and fully occupied will increase the tax base of [county] [town] by at least \_\_\_\_\_ million dollars (X,000,000), or;

(b) the development will create at least \_\_\_\_\_ (number) full-time employment positions not including construction and development of the use, or;

(c) the development is an expansion or affiliate of an existing development located within the watershed and requires a location in close proximity to the existing facility;

example 4- Consistent with the [county] [town] industrial site survey, the industrial use can not be alternatively located on another site outside of the designated water supply watershed;

example 5- The use is consistent with the official land use plan for [county] [town].

If the Watershed Review Board finds that any one of the above conditions is not met, the Board shall deny the application.

(F) In addition to any other requirements provided by this Ordinance, the Board may designate additional permit conditions and requirements to assure that the use will be harmonious with the area in which it is proposed to be located and with the spirit of this Ordinance. All additional conditions shall be entered in the minutes of the meeting at which the permit is granted, on all plans and on the permit certificate. All conditions so imposed shall run with the land and shall be binding upon the applicant and the applicant's heir, successors, or assigns during the continuation of the permitted use.

(G) The Board shall issue a written ruling and make copies available at the office of the Watershed Administrator and the [county] [town] clerk.

(1) If the Board approves the application based on its findings, such approval shall be indicated on the permit and both copies of the site plan and both copies of the plans and specifications of the stormwater control structure(s). A High Density Development Permit shall be issued after the applicant posts a performance bond or other acceptable security as required in Section 704(B)(1) and executes an Operation and Maintenance Agreement as required in Section 704(C). A copy of the permit and one copy of each set of plans shall be kept on file at the Watershed Administrator's office. The original permit and one copy of each set of plans shall be delivered to the applicant either by personal service or registered mail, return receipt requested.

### Section 703. Stormwater Control Structures

(A) All stormwater control structures shall be designed by ~~either a North Carolina registered professional engineer or landscape architect, to the extent that the General Statutes, Chapter 89A, allow. Other stormwater systems shall be designed by a~~ North Carolina registered professional with qualifications appropriate for the type of system required; these registered professionals are defined as professional engineers, landscape architect, to the extent that the design represents are defined as professional engineers, landscape architect, to the extent that the General Statutes, Chapter 89A allow and land surveyors, to the extent that the design represents incidental drainage within a subdivision, as provided in General Statutes 89 (C)-3(7).

(B) All stormwater controls shall use wet detention as a primary treatment system unless alternative stormwater management measures, as outlined in Section 703(C), are used. Wet detention ponds shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Environmental Management. Specific requirements for these systems shall be in accordance with following design criteria:

(1) Wet detention ponds shall be designed to remove 85% of total suspended solids in the permanent pool and storage runoff from a one inch rainfall from the site above the permanent pool;

(2) The designed runoff storage volume shall be above the permanent pool;

(3) The discharge rate from these systems following the one inch rainfall design storm shall be such that the runoff does not draw down to the permanent pool level in less than two (2) days and that the pond is drawn down to the permanent pool level within at least five (5) days;

(4) The mean permanent pool depth shall be a minimum of three (3) feet;

(5) The inlet structure shall be designed to minimize turbulence using baffles or other appropriate design features;

(6) Vegetative filters shall be constructed for the overflow and discharge of all stormwater wet detention ponds and shall be at least thirty feet in length. The slope and width of the vegetative filter shall be determined so as to provide a non-erosive velocity of flow-through the filter for a 10-year, 24-hour storm with a 10-year, 1-hour intensity with a slope of five percent or less. Vegetation in the filter shall be natural vegetation, grasses or artificially planted wetland vegetation appropriate for the site characteristics;

(C) Alternative stormwater management systems, consisting of one treatment option or a combination of treatment options, may be used. The design criteria for approval shall be 85 percent average annual removal of Total Suspended Solids. Also, the discharge rate shall meet one of the following criteria;

(1) the discharge rate following the 1-inch design storm shall be such that the runoff draws down to the pre-storm design stage within five days, but not less than two days; or

(2) the post development peak discharge rate shall equal the predevelopment rate for the 1-year, 24-hour storm.

(D) In addition to the vegetative filters required in Section 703 (B)(6), all land areas outside of the pond shall be provided with a ground cover sufficient to restrain erosion within thirty (3) days after any land disturbance. Upon completion of the stormwater control structure, a permanent ground cover shall be established and maintained as part of the maintenance agreement described in Section 705(C).

(E) A description of the area containing the stormwater control structure shall be prepared and filed in consistent with Section 707 (A and B), as a separate deed with the [county] Register of Deeds along with any easements necessary for general access to the stormwater control structure. The deeded are shall include the ~~detention pond~~ stormwater control structure, vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs, and reconstruction.

(F) Qualifying areas of the stormwater control structure may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute built-upon are for any other site or area.

#### **Section 704. Posting of Financial Security Required**

##### Option I

(A) All new stormwater control structures shall be conditioned on the posting of adequate financial assurance for the purpose of maintenance, repairs, or reconstruction necessary for adequate performance of the stormwater control structures.

(B) Financial assurance shall be in the form of the following:

(1) Security Performance Bond or other security. The permit applicant shall obtain either a performance bond from a surety bonding company authorized to do business in North Carolina, an irrevocable letter of credit or other instrument readily convertible into cash at face value payable to [county] [town] or placed in escrow with a financial institution designated as an official depository of the [county] [town]. The bond or other instrument shall be in an amount equal to 1.25 times the total cost of the stormwater control structure, as estimated by the applicant and approved by the

Watershed Review Board. The total cost of the stormwater control structure shall include the value of all materials such as piping and other structures; seeding and soil stabilization; design and engineering; and grading, excavation, fill, etc. The cost shall not be prorated as part of a larger project, but rather under the assumption of an independent mobilization.

(2) Cash or Equivalent Security Deposited After the Release of the Performance Bond. Consistent with Section 707 (C)(1), the permit applicant shall deposit with [county] [town] either cash or other instrument approved by the Watershed Review Board that is readily convertible into cash at face value. The cash or security shall be in an amount equal to fifteen percent (15%) of the total cost of the stormwater control structure or the estimated cost of maintaining the stormwater control structure over a ten (10) year period, whichever is greater. The estimated cost of maintaining the stormwater control structure shall be consistent with the approved operation and maintenance plan or manual provided by the developer under Section 705(A). The amount shall be computed by estimating the maintenance cost for twenty-five (25) years and multiplying this amount by to fifths or 0.4.

(C) Consistent with Section 702, the permit applicant shall enter into the binding Operation and Maintenance Agreement between the Watershed Review Board and all interests in the development. Said Agreement shall require the owning entity to maintain, repair, and if necessary, reconstruct the stormwater control structure in the accordance with the operation management plan or manual provided by the developer. The Operation and Maintenance Agreement shall be filed with the [county] Register of Deeds by the Watershed Review Board.

(D) Default under the performance bond or other security. Upon default of the permit applicant to complete and/or maintain the stormwater control structure as spelled out in the performance bond or other security, the Board may obtain and use all or any portion of the funds necessary to complete the improvements based on an engineering estimate. The board shall return any funds not spent in completing the improvements to the owning entity.

(E) Default under the cash security. Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the Operation and Maintenance Agreement, the Board shall obtain and use all or any portion of the cash security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after exhausting all other reasonable remedies seeking the owning entity to comply with the terms and conditions of the Operation and Maintenance Agreement. The Board shall not return any deposited cash funds.

## Option II

(A) All new stormwater control structures shall be conditioned on the posting of adequate financial assurance for the purpose of maintenance, repairs, or reconstruction necessary for adequate performance of the controls.

(B) Financial assurance shall be in the form of the following:

(1) Security Performance Bond or other security. The permit applicant shall obtain either a performance bond from a surety bonding company authorized to do business in North Carolina, an irrevocable letter of credit or other instrument readily convertible into cash at face value, payable to [county] [town] or placed in escrow with a financial institution designated as an official depository of the [county] [town]. The bond or other instrument shall be in an amount equal to 1.25 times the total cost of the stormwater control structure, as estimated by the applicant and approved by the Watershed Review Board. The total cost of the stormwater control structure shall include the value of all materials such as piping and other structures; seeding and soil stabilization; design and engineering; and, grading, excavation, fill, etc. The cost shall not be prorated as part of a larger project, but rather under the assumption of an independent mobilization.

(2) Dedication of the stormwater control structure after its construction to the [county] [town] stormwater utility.

(C) Default under the performance bond or other security. Upon default of the permit applicant to complete the stormwater control structure as spelled out in the performance bond or other security, the Board may obtain and use all or any portion of the funds necessary to complete the improvements based on an engineering estimate. The board shall return any funds not spent in completing the improvements to the owning entity.

### **Section 705. Maintenance and Upkeep**

(A) An operation and maintenance plan or manual shall be provided by the developer for each stormwater control structure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the Operation and Maintenance Agreement, who is responsible for those actions. The plan shall clearly indicate the steps that will be taken for restoring a stormwater control structure to design specifications if a failure occurs.

(B) Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened, or to the extent of interfering with any easement or access to the stormwater control structure.

(C) Except for general landscaping and grounds management, the owning entity shall notify the Watershed Administrator prior to any repair or reconstruction of the stormwater control structure. All improvements shall be made consistent with the approval plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Watershed Administrator shall inspect the completed improvements and shall inform the owning entity of any required additions, changes, or modifications and of the time period to

complete said improvements. The Watershed Administrator may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) designated by the Watershed Review Board.

(D) Amendments to the plans and specifications of the stormwater control structure and/or the operation and maintenance plan or manual shall be approved by the Watershed Review Board. Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) and submitted to and reviewed by the Watershed Administrator prior by the Watershed Review Board.

(1) If the Watershed Review Board approves the proposed changes, the owning entity of the stormwater control structure shall file sealed copies of the revisions with the Office of the Watershed Administrator.

(2) If the Watershed Review Board disapproves the changes, the proposal may be revised and resubmitted to the Watershed Review Board as a new proposal. If the proposal has not been revised and is essentially the same that already reviewed, it shall be returned to the applicant.

(E) If the Watershed Review Board finds that the operation and maintenance plan or manual is inadequate for any reason, the Board shall notify the owning entity of any required changes and shall prepare and file copies of the revised agreement with the [county] Register of Deeds, the Office of the Watershed Administrator and the owning entity.

### **Section 706. Application and Inspection Fees**

(A) Processing and inspection fees shall be submitted in the form of a check or money order made payable to the [county] [town]. Applications shall be returned if not accompanied by the required fee.

(B) A permit and inspection fee schedule, as approved by the [county] [town] Board of [Commissioners] [Alderman], shall be posted in the Office of the Watershed Administrator.

(C) Inspection fees shall be valid for 60 days. An inspection fee shall be required when improvements are made to the stormwater control structure consistent with Section 705(C), except in the case when a similar fee has been paid within the last 60 days.

### **Section 707. Inspections and Release of the Performance Board**

#### **Option I**

(A) The stormwater control structure shall be inspected by the Watershed Administrator, after the owning entity notifies the Watershed Administrator that all work has been completed. At this inspection, the owning entity shall provide:

(1) The signed deed, related easements and survey plat for the stormwater control structure ready for filing with the [county] Register of Deeds;

(2) A certification sealed by an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) stating that the stormwater control structure is complete and consistent with the approved plans and specifications

(B) The Watershed Administrator shall present the materials submitted by the developer and the inspection report and recommendations to the Watershed Review Board at its next regularly scheduled meeting.

(1) If the Board approves the inspection report and accepts the certification, deed, and easements, the Board shall file the deed and easements with the [county] Register of Deeds, release up to seventy-five percent (75%) of the value of the performance bond or other security and issue a Watershed Protection Occupancy Permit for the stormwater control structure, consistent with Section 310.

(2) If deficiencies are found, the Board shall direct that improvements and inspections be made and/ or documents corrected and resubmitted to the Board.

(C) No sooner than one year after the filing date of the deed, easements and maintenance agreement, the developer may petition the Watershed Review Board to release the remaining value of the performance bond or other security. Upon receipt of said petition, the Watershed Administrator shall inspect the stormwater control structure to determine whether the controls are performing as designed and intended. The Watershed Administrator shall present the petition, inspection report, and recommendations to the Watershed Review Board.

(1) If the Board approves the report and accepts the petition, the developer shall deposit with the Watershed Review Board a cash amount equal to that described in Section 704(B)(2) after which, the Board shall release the performance bond or other security.

(2) If the Board does not accept the report and rejects the petition, the Board shall provide the developer with instructions to correct any deficiencies and all steps necessary for the release the performance bond or other security.

## Option II

(B) The Watershed Administrator shall present the materials submitted by the developer, the inspection report and recommendations to the Watershed Review Board at its next regularly scheduled meeting.

(1) If the Board approves the inspection report and accepts the certification, deed and easements, the Board shall file the deed and easements with the [county] Register of Deeds, release the performance bond or other security and issue a Watershed Protection Occupancy Permit, consistent with Section 310.

(2) If deficiencies are found, the Board shall direct that improvements and inspections be made and/or documents corrected and resubmitted to the Board.

#### Options I & II

( ) A Watershed Protection Occupancy Permit shall not be issued for any building within the permitted development until the Watershed Review Board has approved the stormwater control structure, as provided in Section 707(B).

( ) All stormwater control structures shall be inspected at least once on an annual basis to determine whether the controls are performing as designed and intended. Records of inspection shall be maintained on forms approved or supplied by the North Carolina Division of Environmental Management. Annual inspections shall begin within one year of filing date of the deed for the stormwater control structure.

( ) In the event the Watershed Administrator discovers the need for corrective action or improvements, the Watershed Administrator shall notify the owning entity of the needed improvements and the date by which the corrective action is to be completed. All improvements shall be made consistent with the plans and specifications of the stormwater control structure and the operation maintenance plan or manual. After notification by the owning entity, the Watershed Administrator shall inspect and approve the completed improvements. The Watershed Administrator may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) designated by the Watershed Review Board.

( ) Appeals of any order, requirement, decision, or determination made by the Watershed Administrator may be made to and decided by the Watershed Review Board consistent with Section 502.

#### **Section 708. Sanctions**

In addition to the remedies described in Article 100 of this Ordinance and consistent with [country: G.S. 153A-123] [town: G.S. 160A-175], the Watershed Review Board may seek enforcement of this Ordinance through the [county] [town] Board of [Commissioners] [Alderman] by assessing a civil penalty to be recovered by the [county] [town] in a civil action in the nature of debt if the offender does not pay the penalty in a prescribed period of time after being cited for violation of the ordinance. Said violation may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. The court may issue an injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceeding, including the Rules of Civil Procedure in general and Rule 65 in particular. If the defendant fails or refuses to comply with an injunction or with an order of abatement with the time allowed by the court, the defendant may be cited for contempt and the [county] [town] may execute the order of abatement. The [county] [town] shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order

of abatement by paying all costs of the proceeding and posting a bond for compliance with order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved. by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith. Enforcement of this ordinance may be by any one, all or a combination of the remedies authorized in this ordinance. Each day's continuing violation shall be a separate and distinct offence.