

STORM WATER SYSTEM ORDINANCE



TOWN OF SEVEN DEVILS NORTH CAROLINA

Adopted: January 8, 2007

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ARTICLE 1 - TITLE AND PURPOSE

1.1	Title	1
1.2	Purpose.....	1

ARTICLE 2 - AUTHORITY AND JURISDICTION

2.1	Authority	1
2.2	Jurisdiction	1
2.3	Severability	1
2.4	Conflicting Sections with this Ordinance	1
2.5	Waivers	1
2.6	Amendments	2
2.7	Abridgement or Modification of Rules.....	2
2.8	Effective Date	2

ARTICLE 3 - DEFINITIONS

3.1	Word Interpretation.....	2
3.2	Storm Water System Definition.....	2

ARTICLE 4 - GENERAL PROVISIONS

4.1	Depositing Certain Substances in Storm Water Systems	2
4.2	Obstructing Storm Water Systems.....	3
4.3	Obstructing Free Flow of Surface Water	3
4.4	Connecting to Public Storm Water Systems.....	3
4.5	Interfering with Storm Water Systems	3

ARTICLE 5 - ENFORCEMENT

5.1	Enforcement Officers.....	3
5.2	Violations and Penalties.....	3
5.3	Appeal	4

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ARTICLE 1 – TITLE AND PURPOSE

1.1 Title

This Ordinance shall be known under the general title of, referred to, or cited as the Storm Water System Ordinance for the Town of Seven Devils, North Carolina, and may be referred to as the Storm Water System Ordinance.

1.2 Purpose

The purpose of this ordinance is to promote the public health, safety, and general welfare of the citizens of the Town of Seven Devils. It is further intended to provide for administration and enforcement of the ordinance and to provide penalties for its violations.

ARTICLE 2 – AUTHORITY AND JURISDICTION

2.1 Authority

This Ordinance is adopted under the authority granted by the North Carolina General Statutes 160A.

Wherever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section, or the section that most nearly corresponds to the superseded section.

2.2 Jurisdiction

The provisions of this Ordinance shall apply throughout the Town of Seven Devils corporate limits and any extraterritorial jurisdictions, as may be modified from time to time.

2.3 Severability

Should any section or provision of this Ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not effect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

2.4 Conflicting Sections with this Ordinance

If there are any conflicts between sections of this Ordinance, the more stringent section shall take precedence. Furthermore, a more specific section shall take precedence over a more general section.

2.5 Waivers

Where strict adherence to the provisions of this Ordinance would cause an unnecessary hardship, the Town Council may authorize a waiver to the terms of this Ordinance only to the extent that is absolutely necessary and not to the extent which would violate the intent of this Ordinance.

2.6 Amendments

The Town Council may from time to time amend the terms of this Ordinance.

2.7 Abridgement or Modification of Rules

- 1) No promise, agreement, or representation of any employee of the Town shall be binding upon the Town except as it shall have been agreed upon in writing, signed, and accepted by the Town.
- 2) No modification of any of the rules and regulations shall be made by any agent of the Town, except as provided in Section 2.5.
- 3) Acceptance by the Town may only be accomplished by a majority vote of the Town Council sitting in open session.

2.8 Effective Date

The provisions of this Ordinance shall become effective on January 8, 2007.

ARTICLE 3 – DEFINITIONS

3.1 Word Interpretation

For the purpose of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word “shall” is mandatory and not discretionary, while the word “may” is permissive.

3.2 Storm Water System Definition

Storm water systems include all man-made structures or natural features within the Town of Seven Devils that serve to provide for conveyance of storm water runoff of water resulting from natural storm events. Components of the storm water system include, but are not limited to, catch basins, pipes, sewers, drains, culverts, manholes, open ditches, creeks, rivers, swales, ditches, channels, ponds, and weirs.

ARTICLE 4 – GENERAL PROVISIONS

4.1 Depositing Certain Substances in Storm Water Systems

It is unlawful for any person to empty or deposit in any storm water system in the Town, directly or indirectly, any substance, liquid or solid, which by reason of its nature, it:

- 1) Is or may become a public health hazard endangering human or animal health.
- 2) Is a nuisance, including substances which are unsightly or malodorous or may become so.
- 3) Interferes or may interfere with free and rapid flow of surface water.
- 4) Is inflammable or explosive.
- 5) Is toxic to plant or animal life.
- 6) Is corrosive or has properties which may damage or render unsightly the storm water system.
- 7) Affects adversely the State of North Carolina classification of the stream into which the storm water system discharges.

4.2 Obstructing Storm Water Systems

It is unlawful for any person to place any obstruction in any storm water system.

4.3 Obstructing Free Flow of Surface Water

It is unlawful for any person to construct, install, or maintain any storm water system in such a manner as to obstruct or impede the free flow of surface water.

4.4 Connecting to Public Storm Water Systems

It is unlawful for any person, other than Town employees, to tap or make connection with or alter the water or storm water systems or connections of the Town.

4.5 Interfering with Storm Water Systems

It is unlawful for any person to willfully, or negligently, injure, deface, mutilate, destroy, tamper, or interfere with storm water systems.

ARTICLE 5 – ENFORCEMENT

5.1 Enforcement Officers

The Town Manager, the Public Works Director, the Department of Public Safety and/or the Zoning Administrator or their designee shall have the authority to enforce the provisions of this Ordinance.

5.2 Violations and Penalties

- 1) A violation of this Ordinance shall be a misdemeanor punishable in the manner prescribed by G.S. 14-4 for each separate violation. Each day a violation continues shall be a separate and distinct offense. The maximum fine for each such separate violation shall be five hundred dollars (\$500.00).

- 2) A person who shall violate any provision of this Ordinance shall be subject to a civil penalty pursuant to G.S. 160A-175(c) of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), for each violation of this Ordinance. Each day a violation continues shall be a separate and distinct offense.
- 3) This Ordinance may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction. Violation of this Ordinance is hereby declared to be, and result in, an unlawful condition upon and use made of real property; accordingly, this Ordinance may also be enforced by injunction and order of abatement.

5.3 Appeal

- 1) Any person assessed a civil penalty or ordered to abate under this Ordinance shall have the right to a hearing before the Town Manager or Manager's designee upon making a written request to the Town Manager specifying the issues to be contested, within fourteen (14) days following receipt of the assessment or abatement notice.
- 2) Unless such written demand is made within the time specified herein, the action shall be final and binding.
- 3) The Town Manager or Manager's designee shall make a final decision on the contested penalty or abatement notice within thirty (30) days of the receipt of the written request for a hearing.
- 4) The Town Manager or Manager's designee shall transmit a copy of the decision by registered or certified mail.
- 5) The decision of the Town Manager or Manager's designee shall be considered the final administrative action for the purposes of judicial review. Provided, however, a person assessed a penalty or ordered to abate may petition the Town Council requesting review of the Town Manager's final decision. The petition must be presented to the Town Clerk within five (5) days following receipt of the Town Manager's final decision. Any review by the Town Council shall be solely at its discretion.