

Sec. 30-1300. - Remedies.

Any or all of the following procedures may be used to enforce the provisions of this ~~chapter~~ division:

- (1) *Injunction.* Any violation of this division or of any condition, order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to state law.
- (2) *Civil penalties.* Any person who violates any provision of this division shall be subject to the assessment of a civil penalty under the procedures provided in section 30-1299.
- (3) *Denial of permit.* The town manager or his designee shall withhold or deny any permit, certificate, or other authorization on any land, building, structure, or use in which there is an uncorrected violation of a provision of this article, or of a condition or qualification of a permit, certificate, or other authorization previously granted.
- (4) *Conditional permit or temporary certificate.* The town manager or his designee may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by appropriate government authority.
- (5) *Revocation of permit.* The town manager or his designee may revoke and require the return of a permit or certificate by notifying the permit holder in writing, stating the reason for the revocation. Permits or certificates shall be revoked for any substantial departure from the approved application plans, or specifications; refusal or failure to comply with the requirements of state or local law; or for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of any applicable state or local law may also be revoked.

~~(6) *Criminal penalties.* Any violation of this chapter shall be a misdemeanor or infraction as provided by G.S. 14-4. Each violation shall be subject to a fine not to exceed \$500.00.~~

~~(7)~~(6) *Notification of the state enforcement officials.*

- a. *Industrial and related facilities.* When a town manager or his designee discovers an apparent violation of an industrial or related facility's NPDES stormwater discharge permit or that the facility is not operating pursuant to its stormwater pollution prevention plan, the county shall notify the appropriate state officials immediately.
- b. *Construction sites.* If the town manager or his designee discovers an apparent violation of the NPDES stormwater discharge permit required by the state for sites with land disturbing activity greater than one acre, or less if part of a larger project, he shall report the violation immediately to the appropriate state officials.
- c. *Abatement.* When the discharge from the facility interferes significantly with the receiving streams, and the facility fails to take appropriate actions upon notification by the county, the county may take immediate and appropriate measures to control the problem whether or not the facility is violating its NPDES permit and recover the cost from the facility.
- d. *Judicial enforcement.* When any person is in violation of the provisions of this division, the town manager or his designee, through the town attorney, may petition the superior court of justice for the issuance of a restraining order or a preliminary and permanent injunction, which restrains or compels the activities in question.

(Ord. of 2-3-2005, § 7-3.13)