

Joann M. McDermon, Mayor
Mike Benson, Mayor Pro Tem



Alice Derian, ICMA-CM
Town Manager

Aldermen:
Fred Fontana
Richard Grant
Tom Leonard
Connie Pletl

Nancy Avery
Interim Town Clerk

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
OF THE TOWN OF NORTH TOPSAIL BEACH
UPDATING STANDARDS FOR PROTECTING WETLANDS PURSUANT TO SENATE
BILL 582 AND PROVIDING FOR CERTAIN ENFORCEMENT PENALTIES FOR
UNPERMITTED DISTURBANCE

Ordinance 23-03

WHEREAS, N.C. Session Law 2023-63 created new definitions for Wetlands that apply throughout North Carolina; and

WHEREAS, the Planning Board has reviewed the proposed standards and recommended approval of this ordinance; and

WHEREAS, the Board of Aldermen has found this ordinance to be consistent with the Town's adopted CAMA Land Use Plan; and

WHEREAS, the Board of Aldermen acknowledges the importance of wetlands in reducing flood risk; and

WHEREAS, the Board of Aldermen affirms that open space management practices are consistent with the goals of reducing hazard losses, such as the preservation of Wetlands or other flood-prone areas in their natural state in perpetuity; and

WHEREAS, the Board of Aldermen has determined that it is in the public interest to update standards for protecting Wetlands in the Unified Development Ordinance consistent with North Carolina Senate Bill 582 and in compliance with the N.C. General Statutes 160D.

NOW THEREFORE BE IT ORDAINED by the Board of Aldermen for the Town of North Topsail Beach that the Unified Development Ordinance shall be amended with the addition of the following language:

§10.07.05 INSTALL AND MAINTAIN EFFECTIVE SEDIMENTATION AND EROSION CONTROL MEASURES

- (A) All unconsolidated material resulting from associated grading and landscaping shall be retained on site by effective sedimentation and erosion control measures.
- (B) Disturbed areas shall be vegetated and stabilized (planted and mulched) within 14 days of construction completion.

- (C) It shall be the responsibility of the property owner to ensure the installation and maintenance of effective sedimentation and erosion control measures and to stabilize disturbed areas within 14 days of construction completion.
- (D) Failure to install and maintain effective sedimentation and erosion control measures during construction or stabilize disturbed areas after construction are in violation of this ordinance shall be subject to a fine in accordance with the Planning and Zoning Fee Schedule for Code Enforcement Civil Citations, as adopted by the Board of Aldermen.

§10.07.06 WETLAND PROTECTION.

- (A) Any Wetlands damaged during construction, or damage occurring as a result of such construction, or excavated in violation of this ordinance shall be restored to its original state using similar materials and stabilizing vegetation.
- (B) It shall be the responsibility of the property owner to guarantee the protection of all identified Wetlands and not allow the natural wetland hydrology of the lot to be altered beyond that which has been authorized in the permit.
- (C) Wetland grass planting or wetland reforestation shall be the ultimate responsibility of the property owner.
- (D) Any Wetlands, as defined in Chapter 11, in the required natural area that has been damaged or excavated in violation of this ordinance shall be subject to a fine in accordance with the Planning and Zoning Fee Schedule for Code Enforcement Civil Citations for this section, as adopted by the Board of Aldermen and restored within 7 days of notice.
- (E) Failure to repair damage to Wetlands and vegetation after 7 days shall constitute a separate violation for each day that such failure continues after written notification pursuant to §2.17.01.

§ 11.01.12 DEFINITIONS

WETLANDS are waters defined to be Wetlands as determined by the North Carolina Department of Environmental Quality and/or the United States Army Corps of Engineers. Wetlands shall also include all waters defined as Wetlands by NC Session law 2023-63/NC Senate Bill 582, as may be amended from time to time.

Effective this 4th day of October 2023.

Joann McDermon, Mayor

ATTEST: _____
Nancy Avery, Interim Town Clerk