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**AN ORDINANCE AMENDING CHAPTER 152 OF
THE LINCOLN COUNTY CODE OF ORDINANCES**

WHEREAS, N.C. General Statute §153A-49 provides that a county may adopt and issue a code of its ordinances; and

WHEREAS, Lincoln County has established and adopted the Lincoln County Soil Erosion and Sedimentation Control Ordinance which is codified as Chapter 152 of the Lincoln County Code of Ordinances; and

WHEREAS, the purpose of the Lincoln County Soil Erosion and Sedimentation Control Ordinance has been adopted to (1) regulate certain land-disturbing activity to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation; and (2) establish procedures through which these purposes can be fulfilled; and

WHEREAS, pursuant to N.C.G.S. §113A-60, a local government may adopt ordinances and regulations necessary to establish and enforce erosion and sedimentation control programs; and

WHEREAS, pursuant to N.C.G.S. §113A-60(a), the ordinance shall at least meet but *may exceed* the minimum requirements of Article 4 of Chapter 113A of the North Carolina General Statutes; and

WHEREAS, the current ordinance language needs to be updated to illustrate the organizational changes within Lincoln County; and

WHEREAS, the amendments to the Lincoln County Code of Ordinances set forth in this ordinance are policy neutral.

NOW, THEREFORE, BE IT ORDAINED that:

SECTION 1. CHAPTER 152 IS AMENDED AS FOLLOWS:

§ 152.06 EROSION AND SEDIMENTATION CONTROL PLANS.

(D) Two copies of the plan shall be filed with the County Natural Resources Division of Development Services ~~Soil and Water Department~~. A copy of the approved plan shall be maintained on the job site for the duration of the job. A plan approval issued under this chapter shall be prominently displayed until all construction is complete, all permanent sedimentation and erosion control measures are installed, and the site has been stabilized. A copy of the approved plan shall be kept on file at the job site.

(Q) *Preconstruction conference*. If a plan approval is required under this chapter, the person conducting the land-disturbing activity, or an agent of that party, shall contact the County Natural Resources Division of Development Services ~~Soil and Water Department~~ at least 48 hours before



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commencement of the land-disturbing activity. The purpose of the preconstruction conference is to arrange an on-site meeting with the Natural Resources Division of Development Services Soil and Water Department at to review and discuss the approved plan and the proposed land-disturbing activity.

§ 152.17 PLAN APPEALS.

(A) Except as provided in division (B) herein, the appeal of a disapproval or approval with modifications of a plan shall governed by the following provisions.

(1) The disapproval or modification of any proposed plan by the County's Natural Resources Division of Development Services Soil and Water Department shall entitle the person submitting the plan to a public hearing, if that person submits written demand for a hearing within 15 days after receipt of written notice of disapproval or modifications.

(2) A hearing held pursuant to this section shall be conducted by the County Environmental Review Board within 30 days after the date of the appeal or request for a hearing.

(3) The County Environmental Review Board will render its final decision on any plan within ten days of the hearing.

(4) If the County Environmental Review Board upholds the disapproval or modification of a proposed plan following the hearing, the person submitting the plan shall then be entitled to appeal that decision to the Commission as provided in G.S. § 113A-61(c) and 15A NCAC 4B .0118(d).

(B) In the event that a plan is disapproved pursuant to §152.06 (N) of this chapter, the applicant may appeal the county's disapproval of the plan directly to the Commission.

§ 152.18 INSPECTIONS AND INVESTIGATIONS.

...

(F) *Violation.* Whenever a violation of this chapter occurs or is alleged to have occurred, any person may file a written complaint. Any written complaint, stating fully the cause and basis thereof, shall be filed with the Natural Resources Division of Development Services Soil and Water Department, which shall properly record the complaint, investigate and take action as provided by this chapter.

...

§ 152.99 PENALTY.

(3) *Civil penalty assessment factors.* The County's Natural Resources Division of Development Services Soil and Water Department shall determine the amount of the civil penalty based upon the following factors:

(4) *Notice of civil penalty assessment.* The County's Natural Resources Division of Development Services Soil and Water Department shall provide notice of the civil penalty amount and the basis for assessment to the person assessed. The notice of assessment shall be served by any means authorized under G.S. § 1A-1, Rule 4. A notice of assessment by the county shall direct the violator to either pay the assessment, contest the assessment within 30 days by filing a petition for a hearing with the county (based upon the procedures herein), or file a request with the County's Erosion Control Division of Development Services Soil and Water Department for remission of the assessment within 30 days of receipt of the notice of assessment. A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to G.S. Chapter 150B, and a stipulation of the facts on which the assessment was based.

Section 2. This ordinance shall become effective the 1st day of July, 2025.

Adopted this the ____ day of _____, 2025.

Jamie Lineberger, Chairman
Lincoln County Board of Commissioners

(SEAL)

ATTEST:

Jennifer M. Farmer
Clerk to the Board of Commissioners

