

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWN OF DUCK, NORTH CAROLINA REGARDING
MISCELLANEOUS REGULATIONS**

Ordinance 26-02

WHEREAS, the Town Council of the Town of Duck may enact Ordinances to protect the health, safety and welfare of its citizens under the North Carolina General Statutes §160A-174; and

WHEREAS, the Town Council of the Town of Duck desires to proactively protect, maintain and enhance public health, safety, environment and general welfare by establishing procedures to control the adverse effects of increased post-development stormwater runoff for the purposes of both water quantity management for flood prevention and water quality protection; and

WHEREAS, the Duck Planning Board has considered these standards at multiple public meetings and voted to recommend approval of this ordinance at its public meeting on October 8, 2025; and

WHEREAS, the Town Council has found this text amendment to be consistent with the Town's adopted Comprehensive & CAMA Land Use Plan and 2032 Vision; and

WHEREAS, the Town Council has determined that these amendments are in the public interest to protect properties and the general welfare of the community.

NOW THEREFORE BE IT ORDAINED by the Town Council for the Town of Duck, North Carolina that Chapter 156, Zoning shall be amended as follows:

PART I. § 156.141 DISCHARGE OF STORMWATER, POOL WATER, HOT TUB WATER AND DE-WATERING EFFLUANT be added to read as follows:

(A) **PURPOSE AND INTENT.** The purpose of this Part is to proactively protect, maintain and enhance public health, safety, environment and general welfare by establishing procedures to control the adverse effects of increased post-development stormwater runoff for the purposes of both water quantity management for flood prevention and water quality protection with the goals to:

- (1) Mitigate current stormwater problems and prevent future problems associated with stormwater runoff.
- (2) Preserve water quality through proactive management practices.
- (3) Facilitate public understanding of stormwater management.
- (4) Improve stormwater management through use of low impact development techniques.

(5) Establish requirements for on-going management and maintenance of stormwater management practices.

(6) Establish application and enforcement procedures that address stormwater management practices consistent with associated Town ordinances

(7) Establish public awareness of potential surface and subsurface water drainage problems recognizing that development potential of some land may be limited.

(B) Prohibited Activities:

(1) It shall be prohibited to discharge or direct water onto adjoining properties to include retained stormwater runoff, swimming pools, hot tubs, or groundwater from de-watering activities.

(2) Discharge of retained stormwater or water from other sources into the Town's infrastructure is allowable only with the written permission of the Town Manager or their designee.(3) Temporary discharge of retained stormwater or water from other sources into the NCDOT right-of-way is allowable only with permission of NCDOT and a properly executed NCDOT encroachment agreement.

(C) Penalties:

(1) Upon a determination that this section is being violated, the Zoning Administrator, or other Town designee, may immediately issue a notice of violation and civil citation without need for a warning citation pursuant to § **156.999 PENALTIES.**

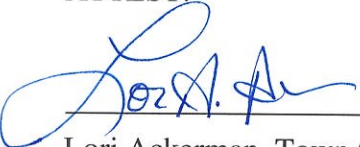
(2) Upon receipt of the notice of violation, the violator shall immediately cease and desist the activity which is in violation of this section.

(3) In the event that a violation imminently affects public safety, health or welfare, the Town may take action to abate the violation in a manner which appropriately balances the need for public safety with the need for due process of law, consistent with Chapter 91, General Nuisances

PART III. This ordinance shall be effective upon its adoption.


Monica Thibodeau, Mayor

ATTEST:


Lori Ackerman, Town Clerk

Date adopted: February 4, 2026
Motion to adopt by: Brenda Chasen



Vote: 5 AYES 0 NAYS