

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 748
HOUSE BILL 1224

AN ACT TO EMPOWER LOCAL GOVERNMENTS TO ASSESS CIVIL
PENALTIES FOR VIOLATIONS OF AIR POLLUTION CONTROL
REQUIREMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-215.112(d) is amended by adding a new subdivision to read:

"(1a) Each governing body, or its authorized agent, shall have the power to assess civil penalties under G.S. 143-215.114(a). Any person assessed shall be notified of the assessment by registered or certified mail, and the notice shall specify the reasons for the assessment. If the person assessed fails to pay the amount of the assessment to the governing body or its authorized agent within 30 days after receipt of notice, or such longer period not to exceed 180 days as the governing body or its authorized agent may specify, the governing body may institute a civil action in the superior court of the county in which the violation occurred, to recover the amount of the assessment. Each day of continuing violation after written notification from the governing body or its authorized agent shall be considered a separate offense. In determining the amount of the penalty, the governing body or its authorized agent shall consider the degree and extent of harm caused by the violation, the cost of rectifying the damage, and the amount of money the violator saved by not having made the necessary expenditures to comply with the appropriate pollution control requirements."

Sec. 2. G.S. 143-215.114(a)(1)f. reads as rewritten:

"f. Violates any duly adopted regulation of the Environmental Management Commission or a local governing body implementing the provisions of this Article."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 7th day of August, 1987.