



CHAPTER 143
ARTICLE 38 - WATER RESOURCES

N.C.G.S. § 143-355.6.

Enforcement.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT No amendment history on record	RETRIEVED 21 September 2026, 05:11 UTC	SOURCE FINGERPRINT c584d0146ce0f015539eb786 - 173fbb3fc23421abda92e8e7 - 8be02df6162e63ef
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- § 143-355.6(a)

The Secretary may assess a civil penalty of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) against any person who:

(1)

Fails to report water use or other information required under G.S. 143-355(k).

(2)

Fails to act in accordance with the terms, conditions, or requirements of an order issued by the Secretary under G.S. 143-355.3.

(3)

Violates any provision of this Article or any rule adopted by the Commission, the Department, or the Secretary implementing this Article.
- § 143-355.6(b)

For each willful action or failure to act for which a penalty may be assessed under this section, the Secretary may consider each day the action or inaction continues after notice is given of the violation as a separate violation. A separate penalty may be assessed for each separate violation.
- § 143-355.6(c)

The Secretary may assess a civil penalty of not more than ten thousand dollars (\$10,000) per month against a unit of local government that provides public water service or a large community water system that fails to implement the water conservation measures set out in the water shortage response plan approved by the Department under G.S. 143-355.2, measures required by the Department under subsections (b) and (d) of G.S. 143-355.2, or the default measures required under rules adopted by the Commission under S.L. 2002-167.
- § 143-355.6(c1)

The amount of the civil penalty shall be based on the factors set out in G.S. 143B-282.1(b). The procedures set out in G.S. 143B-282.1 shall apply to civil penalty assessments that are presented to the Commission for final agency decision.

§ 143-355.6(c2) Requests for remission of civil penalties shall be filed with the Secretary. Remission requests shall not be considered unless made within 30 days of receipt of the notice of assessment. Remission requests must be accompanied by a waiver of the right to a contested case hearing pursuant to Chapter 150B of the General Statutes and a stipulation of the facts on which the assessment was based. Consistent with the limitations in G.S. 143B-282.1(c) and (d), remission requests may be resolved by the Secretary and the violator. If the Secretary and the violator are unable to resolve the request, the Secretary shall deliver remission requests and the Secretary's recommended action to the Committee on Civil Penalty Remissions of the Commission appointed pursuant to G.S. 143B-282.1(c).

§ 143-355.6(c3) If any civil penalty has not been paid within 30 days after the notice of assessment has been served on the violator, the Secretary shall request the Attorney General to institute a civil action in the superior court of any county in which the violator resides or in which the violator's principal place of business is located to recover the amount of the assessment, unless the violator contests the assessment as provided in subsection (e) of this section, or requests remission of the assessment in whole or in part as provided in subsection (c2) of this section. If any civil penalty has not been paid within 30 days after the final agency decision or court order has been served on the violator, the Secretary shall request the Attorney General to institute a civil action in the superior court of any county in which the violator resides or in which the violator's principal place of business is located to recover the amount of the assessment.

§ 143-355.6(d) The violation of emergency water conservation rules adopted by the Secretary pursuant to G.S. 143-355.3(b) is a Class 1 misdemeanor.

§ 143-355.6(e) The Secretary shall notify any person assessed a civil penalty of the assessment and the specific reasons for the assessment by registered or certified mail or by any means authorized by G.S. 1A-1, Rule 4. Contested case petitions shall be filed within 30 days of receipt of the notice of assessment.

§ 143-355.6(f) The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.- (2008-143, s. 11; 2010-180, s. 9.)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS II
10 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 143-355(k)	(a)(1)	"use or other information required under"
G.S. 143-355.3	(a)(2)	"order issued by the Secretary under"
G.S. 143-355.2	(c)	"plan approved by the Department under"
G.S. 143B-282.1(b)	(c1)	"on the factors set out in"
G.S. 143B-282.1	(c1)	"143B-282.1(b). The procedures set out in"
G.S. 143B-282.1(c) and (d)	(c2)	"based. Consistent with the limitations in"
G.S. 143B-282.1(c)	(c2)	"of the Commission appointed pursuant to"
G.S. 143-355.3(b)	(d)	"adopted by the Secretary pursuant to"
G.S. 1A-1	(e)	"or by any means authorized by"
G.S. 115C-457.2	(f)	"and Forfeiture Fund in accordance with"

APPARATUS III

Citation

FULL SECTION
N.C. Gen. Stat. § 143-355.6 (2026).

PINPOINT
N.C. Gen. Stat. § 143-355.6(a) (2026).

Pinpoint keys are set in the left margin of the text rather than line numbers; subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

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