

# Firearm Safety Ordinance

- (1) Within 1000 feet of a dwelling or other building or structure that is designed to be occupied by human beings;
  - (2) Carelessly or heedlessly in wanton disregard for the safety of others;  
or
  - (3) Without due caution or circumspection and in a manner so as to endanger any person or property and resulting in the unlawful property damage or bodily injury of another.
- (b). It is unlawful for any person to discharge a firearm on the property of another without written permission signed by the landowner or lessee. You must carry the written permission on your person if you are discharging a firearm on the property of another.
- (c). It is unlawful to discharge a firearm in any manner which actually results in the projectile leaving the property on which it is fired.
- (d). It is unlawful to discharge a firearm on any day before sunrise and after sunset, except as allowed by the North Carolina Wildlife Hunting Regulations. It is unlawful to discharge a firearm on Sunday except between the hours of 1 o'clock p.m. and 5 o'clock p.m.

Section 4. **EXCEPTIONS.** This Ordinance shall not apply to the discharge of a firearm when it is used in the following situations:

- (1) in defense of persons or property;
- (2) use by law enforcement officers in their official duties;
- (3) pursuant to lawful directions of law enforcement officers;
- (4) when used to take birds or animals pursuant to Chapter 113, Subchapter IV, of the North Carolina General Statutes;
- (5) at shooting ranges or other such facilities that are operated pursuant to a permit issued by Hoke County;
- (6) by a member of the armed forces acting in the line of duty;
- (7) at historical, holiday, or ceremonial functions or at organized or community events held for historical, holiday, or charitable purposes;
- (8) shooting within 1000 feet of a dwelling or other building or structure designed to be occupied by human beings if such dwelling or other building or structure is located on the shooter's own property or if the shooter has the written permission of the owner;
- (9) shooting on a person's own property for the purpose of protecting the premises or its occupants from dangerous or destructive animals or reptiles that are a menace to public health and have become a nuisance upon the person's premises; and,
- (10) at school sanctioned instructional or recreational activities intended to further the use of safe firearms practices.

Section 5. **ENFORCEMENT.** Subject to the provisions of Section 6 hereinafter, violations of this Ordinance may be enforced by any one or more of the remedies authorized by

Section 153A-123 of the North Carolina General Statutes, including, but not limited to, the following:

(A). The Hoke County Sheriff's Department may issue a citation which subjects the offender to a civil penalty of the greater of \$500 or the maximum allowed by the state law, to be recovered by the County in a civil action in the nature of debt if the offender does not pay the penalty within thirty (30) days after being cited for a violation.

(B). A civil action seeking an injunction and order of abatement may be directed toward any person who violates this Ordinance.

(C). A misdemeanor warrant may be issued either immediately or upon the issuance of a citation and the violator's failure to pay the same. A violation of this Ordinance upon the issuance of a misdemeanor warrant shall be punishable as a Class 3 misdemeanor under Section 14-4 of the North Carolina General Statutes by a maximum sentence of thirty (30) days and/or a maximum fine of \$500 or the maximum allowed by state law.

Section 6. **COOPERATION OF COMPLAINANTS.** Before initiating a civil or criminal proceeding pursuant to this Ordinance, Hoke County, its officers and staff members, and /or the Hoke County Sheriff shall have the option of requesting the complaining party to sign a sworn statement of the alleged offense and to require the cooperation of the complaining party in court appearances arising from said complaint. Nothing contained in this Ordinance shall obligate Hoke County, its officers and staff members and/or the Hoke County Sheriff to pursue civil or criminal proceedings hereunder where the complaining party is unwilling to sign such sworn statement and cooperate in court appearances arising therefrom.

Section 7, **EFFECTIVE DATE.** This Ordinance shall become effective upon adoption.

Adopted this 27th day of June, 2014.

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James Leach  
Chairman Board of Commissioners  
Hoke County

ATTEST:

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Linda Revels  
Clerk to the Board

# Noise Ordinance

state motor carriers (measured at least 35 feet from the centerline of the traveled lane). Any other motor vehicle or any combination of vehicles towed by any motor vehicle.

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- (b) This section shall apply to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of sections 1 through 10 relating to motor vehicle mufflers for noise control.
- (c) No person shall operate or cause to be operated any motor vehicle unless the exhaust system of such vehicle is:
  - (1) Free from defects which affect sound reduction;
  - (2) Equipped with a muffler or other noise dissipative device; and
  - (3) Not equipped with any cut-out, bypass or similar device.

## Sec. 9. Barking dogs.

- (a) It shall be unlawful for anyone to permit a dog under his or her exercise or control to bark, bay, cry, howl, or make any other noise continuously and/or excessively for a period of ten (10) minutes or more, or who barks, bays, cries, howls or makes any other noise intermittently for one-half (1/2) hour or more, to the disturbance of any person at any
- (b) It shall not be a violation of this section if, at the time the dog is barking, baying, crying, howling, or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any legitimate cause which teased or provoked the dog.
- (c) Any resident, owner, occupant, or tenant of property upon which the dog is situated shall be deemed a person in charge or otherwise exercising control over such dog.

## Sec. 10. Noise from radios, tape players, loudspeakers, sound amplifiers.

- (a) No person shall play, use, or operate, or permit to be played, used, or operated, any radio, tape recorder, cassette player, or other machine or device for reproducing sound, if it is located in or on any of the following:
  - (1) Any public property, including any public street, highway, building, sidewalk, park, thoroughfare, or public or private parking lot; or
  - (2) Any motor vehicle on a public street, highway, public space or within the motor vehicular area of any public or private parking lot or park; and if, at the same time, the sound generated is audible at a distance of thirty (30) feet from the radio, tape recorder, cassette player, or other machine or device that is producing the sound.
- (b) Possession by a person or persons of any radio, tape recorder, cassette player or other machine or device for reproducing sound, as enumerated in subsection (a) above, shall be prima facie evidence that such person operates, or those persons operate, the radio, tape recorder, cassette player, or other machine or device for reproducing sound.

## Sec. 11. Enforcement responsibility.

- (a) The sheriff of the county shall have primary enforcement responsibility for sections 1



through 10 as they relate to stationary sources and as they relate to motor vehicle sources.

- (b) **Powers of arrest** or citation. Any sheriff shall issue a citation for any violation under this article, except they may arrest for instances when:
- (1) The alleged violator refuses to provide the deputy with such person's name and address and any proof thereof as may be reasonably available to the alleged violator; or
  - (2) The alleged violator refuses to cease such illegal activity after being issued a citation.

## **Sec. 12. Penalties for violation.**

### *(a) Civil penalties.*

- (1) Any person, firm or corporation violating any provision of sections 1 through 11 of this Code of Ordinances shall be subject to a civil penalty in the amount of one hundred dollars (\$100.00) for each offense, and separate offenses shall be deemed committed on each day during or on which a violation occurs or continues. Any subsequent violation within a twelve-month period of a first violation after October 1, 2005, shall subject the violator to a civil penalty of one hundred fifty dollars (\$150.00) for each subsequent violation. For purposes of determining subsequent violations within a twelve-month period, the date of the first violation from and after October 1, 2005, shall be the anniversary date from which a new twelve-month period shall begin.
- (2) Any person, firm, or corporation found to be in violation of any provision of section 1 through 11 shall be issued a citation which shall, among other things, state upon its face the amount of the civil penalty and that it shall be paid within seventy-two (72) hours from and after such violations; notify such offender that failure to pay the penalty within the prescribed time shall subject the offender to a civil action in the nature of a debt for the stated penalty is the cost of the action to be taxed in the court; and further provide that the penalty may be paid at the Sheriffs Department, 125 Edinborough Street, Raeford, North Carolina 28376. If the penalty prescribed in subsection (1) above is not paid within seventy-two (72) hours, the county may initiate a civil action in the nature of a debt and recover the civil penalty and the cost of the action.
- (3) As an additional remedy, this article may be enforced by an appropriate suitable *remedy* issuing from a court of competent jurisdiction to restrain the violation. The action shall be brought in the appropriate division of the general court of justice of the county. The institution of an action for equitable relief shall not relieve any party to such proceeding from any civil or criminal penalty prescribed for violations of this article.

- (b) **Criminal penalties:** A violation of any provision of this article shall be deemed a misdemeanor punishable to the extent provided in North Carolina General Statutes, Section 14-4. Each day's continuing violation shall constitute a separate offense.

## **Sec. 13. Severability.**

If any article, section, subsection, sentence, or clause of this article is adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of the remaining portions of this article. It is hereby declared that this article would have been passed, and each article, section, subsection, sentence, or clause hereof, irrespective of the fact that any one (1) or more articles, sections, subsections, sentences, or clauses might be adjudged to be unconstitutional or for any other reason invalid.

# Sewer Use Ordinance

The POTW Director may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW or causes the POTW to violate any condition of its NPDES or Non-discharge permit.

Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the POTW Director shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW Director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW Director prior to the date of the above-described hearing.

(f) **Termination of Permit or Permission to Discharge**

The **POTW Director** may revoke a wastewater discharge permit or permission to discharge for good cause, including, but not limited to, the following reasons:

- (1) Failure to accurately report the wastewater constituents and characteristics of his discharge;
- (2) Failure to report significant changes in operations, or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
- (4) Violation of conditions of the permit or permission to discharge, conditions of this ordinance, or any applicable State and Federal regulations.

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under section [8.1] of this ordinance why the proposed action should not be taken.

## 8.2 **Civil Penalties**

- (a) Any user who is found to have failed to comply with any provision of this ordinance, or the orders, rules, regulations and permits issued hereunder, may be fined up to twenty-five thousand dollars (\$25,000) per day per violation.
- a. Penalties between \$10,000 and \$25,000 per day per violation may be assessed against a violator only if:
    - i. For any class of violation, only if a civil penalty has been imposed against the violator within the five years preceding the violation, or
    - ii. In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this ordinance, or the orders, rules, regulations and permits issued hereunder, only if the POTW Director determines that the violation was intentional and a civil penalty has been imposed against the violator within the five years preceding the violation.
  - (b) In determining the amount of the civil penalty, the POTW Director shall consider the following:
    - (i) The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;
    - (ii) The duration and gravity of the violation;
    - (iii) The effect on ground or surface water quantity or quality or on air quality;
    - (iv) The cost of rectifying the damage;

- (v) The amount of money saved by noncompliance;
  - (vi) Whether the violation was committed willfully or intentionally;
  - (vii) The prior record of the violator in complying or failing to comply with the pretreatment program;
  - (viii) The costs of enforcement to the County.
- (c) Appeals of civil penalties assessed in accordance with this section shall be as provided in section [4.2(h)].

### 8.3 Other Available Remedies

Remedies, in addition to those previously mentioned in this ordinance, are available to the POTW Director who may use any single one or combination against a noncompliant user. Additional available remedies include, but are not limited to:

- (a) **Criminal Violations.**  
The District Attorney for the applicable Judicial District may, at the request of the County, prosecute noncompliant users who violate the provisions of N.C.G.S. 143-215.6B. [Note: Under North Carolina law, it is a crime to negligently violate any term, condition, or requirement of a pretreatment permit, or negligently fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(f)), to knowingly and willfully violate any term, condition, or requirement of a pretreatment permit, or knowingly and willfully fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(g)), to knowingly violate any term, condition, or requirement of a pretreatment permit issued by local governments, or knowingly fail to apply for a pretreatment permit, knowing at the time that a person is placed in imminent danger of death or serious bodily injury, (G.S. 143-215.6B(h)), and to falsify information required under Article 21 of Chapter 143 of the General Statutes (G.S. 143-215.6B(i)).]
- (b) **Injunctive Relief**  
Whenever a user is in violation of the provisions of this ordinance or an order or permit issued hereunder, the POTW Director, through the County Attorney, may petition the Superior Court of Justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question.
- (c) **Water Supply Severance**  
Whenever an industrial user is in violation of the provisions of this ordinance or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated ability to comply.
- (d) **Public Nuisances**  
Any violation of the prohibitions or effluent limitations of this ordinance or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the POTW Director. Any person(s) creating a public nuisance shall be subject to the provisions of the appropriate ordinances of the County governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.



# Solid Waste

19. Any waste collected for compensation is prohibited at the convenience sites. It must be delivered to the transfer station and will be assessed a tipping fee to cover disposal cost.
20. Waste not properly covered or secured can be refused when delivered.
21. Large quantities of household waste shall be delivered to the transfer station and can be assessed a tipping fee.
22. NO one shall bring firearms or explosives into any solid waste facility.
23. Sewage, human waste or animal waste is prohibited.
24. Liquid waste is prohibited.
25. Animal carcasses shall be delivered to the transfer station and must be buried.
26. Any waste not accepted at the convenience sites (except yard debris) may be assessed a tipping fee when delivered to the transfer station.

## SECTION 26. FEES

The full cost of operating the solid waste department shall be recovered through fees.

### Availability Fee

The fee charged all habitable households annually, allowing them to dispose of their "household garbage."

### Tipping Fee

The fee charged to those who do not pay the availability fee and for those waste streams that the availability fee does not cover.

## SECTION 27. ENFORCEMENT

The enforcement of this ordinance is the responsibility of all agencies having duties in public health and safety, waste enforcement, law enforcement and solid waste disposal. The solid waste director shall promulgate a written ordinance and oversee its enforcement.

## SECTION 28. CIVIL PENALTIES

The MINIMUM civil penalty for violations of this ordinance shall be the following:

### Scavenging

Unauthorized removal of discarded items.

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| First offence      | \$ 25.00 |
| Second offence     | \$ 50.00 |
| Subsequent offence | \$100.00 |