

CHAPTER 1: GENERAL PROVISIONS

Sec. 1-11. - General penalty.

- (a) Any act constituting a violation of the provisions of this Code or a failure to comply with any of its requirements shall subject the offender to a civil penalty of \$500.00. If the offender fails to remedy the violation and pay any civil penalty within ten days after being cited for said violation (or within the time prescribed by a citation if it provides for a longer period of time than ten days), the civil penalty may be recovered in a civil action in the nature of a debt. Civil penalties begin to accrue from the date of the first notice of violation.
- (b) This Code may also be enforced by any appropriate equitable action authorized by law, including injunctive relief, whether or not there is an adequate remedy at law.
- (c) Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for purposes of the penalties and remedies specified in this section. In such an event, civil penalties begin to accrue from the date of the first notice of violation. For continuing violations, the initial citation and requirement that the civil penalty be paid within the time prescribed therein shall be the only notice required to be given; and shall be deemed to be an on-going citation and notice for continuing violations after the date of the citation.
- (d) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Code.
- (e) Violations of the provisions of this Code or failure to comply with any of its requirements shall not constitute a misdemeanor as provided in G.S. 14-4, unless any specific penalty set forth elsewhere provides to the contrary.

(Code 1984, § 1-11; Amend. of 10-4-2010)

State Law reference— Violations of county ordinances deemed misdemeanors punishable as prescribed above, G.S. 14-4.

Sec. 1-12. - Alternate remedies for enforcement.

In addition to the provisions of section 1-11, any provision of this Code or other ordinance of the county may be enforced by any one or more of the remedies authorized by G.S. 153A-123, excluding misdemeanor charges as provided in G.S. 14-4, unless any specific penalty set forth elsewhere provides to the contrary.

(Code 1984, § 1-12; Amend. of 10-4-2010)

State Law reference— Prescribing alternate methods for enforcement of ordinances and authorizing the making of each day's continuing violation a separate offense, G.S. 153A-123; violations of county ordinances deemed misdemeanors punishable as prescribed above, G.S. 14-4.

Sec. 1-13. - Severability of parts of Code.

It is hereby declared to be the intention of the board of county commissioners that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the board of county commissioners without the incorporation into this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

(Code 1984, § 1-13)

CHAPTER 4: AMUSEMENT AND ENTERTAINMENT

Division 2: Masturbation for Hire:

Sec. 4-30. - Unlawful conduct or behavior.

It shall be unlawful to:

- (1) Keep, set up, maintain or operate any place, structure, building or conveyance for the purpose of masturbation for hire or in exchange for valuable consideration;
- (2) Occupy any place, structure, building or conveyance for the purpose of masturbation for hire or other valuable consideration, or for any person to permit any place, structure, building or conveyance owned by him or under his control to be used for the purpose of masturbation for hire or other valuable consideration, with knowledge or reasonable cause to know that the same is or is to be used for such purpose;
- (3) Receive or offer or agree to receive any person into any place, structure, building or conveyance for the purpose of masturbation for hire or other valuable consideration, or to permit any person to remain there for such purpose;
- (4) Direct, take, transport, or offer or agree to take or transport any person to any place, structure or building or to any other person with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is for masturbation for hire or other valuable consideration;
- (5) Procure, solicit, or offer to procure or solicit for the purpose of masturbation for hire or other valuable consideration;
- (6) Reside in, enter or remain in any place, structure or building, or enter or remain in any conveyance for the purpose of masturbation for hire or other valuable consideration;
- (7) Engage in masturbation for hire or other valuable consideration or aid or abet masturbation for hire or other valuable consideration by any means whatsoever.

(Code 1984, § 9.8-17; Ord. of 9-2-1986, § 8A-2)

Sec. 4-31. - Penalty.

Anyone convicted of violating the provisions of this article shall be guilty of a **misdemeanor**, and upon conviction, such person shall be punished by a fine not to exceed \$50.00, by imprisonment, or by both such fine and imprisonment.

(Code 1984, § 9.8-18; Ord. of 9-2-1986, § 8A-3)

CHAPTER 6: ANIMALS

Sec. 6-152. - Cruelty to animals.

- (a) It shall be unlawful for any person to abuse, molest, torture, torment, deprive of necessary sustenance, beat, mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal, or to cause or procure such action.
- (b) Animal cruelty investigator(s) may be appointed by the board of commissioners as provided under G.S. 19A-45. An animal cruelty investigator has the responsibility for carrying out the defined duties of an animal cruelty investigator as mandated by G.S. ch. 19A, art. 4. If appointed, an animal control officer may be requested to accompany the investigator on animal seizures.

(Ord. of 1-16-2018)

Sec. 6-153. - General welfare.

All animals shall be kept and treated under sanitary and humane conditions, and it is unlawful for any person to violate any of the following provisions:

- (a) *Provision of adequate food.* All animals, unless otherwise indicated in this article, must be given at suitable intervals, at least once in a 24-hour period, a quantity of wholesome foodstuff in a container suitable for the age and species of the animal and sufficient to maintain a reasonable level of nutrition. Such foodstuff shall be served in a receptacle, dish or container that is physically clean and in which agents injurious to health have been removed or destroyed to a practical minimum.
- (b) *Provision of adequate water.* All animals must have a ready access to a supply of clean, fresh, potable water, provided in a sanitary manner.
- (c) *Provision of adequate shelter.* Animals must be provided with adequate shelter to reasonably protect them from the elements and from the weather at all times. It shall be within the discretion of animal services to determine what constitutes adequate shelter. The shelter shall be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shaving, or the equivalent during winter season. Animals must be provided access to a shaded area other than its primary shelter during summer season. This section does not apply to aquatic animals or livestock and other large animals which are normally pastured or otherwise live in the open. Examples of inadequate shelter include, but are not limited to, the following:
 - (1) Underneath outside steps, decks and stoops.
 - (2) Underneath houses.
 - (3) Inside or underneath motor vehicles.
 - (4) Inside metal barrels (provided, however, plastic barrels are adequate shelter).
 - (5) Inside cardboard boxes.
 - (6) Inside temporary animal carriers or crates.

- (7) Shelters located in flood-prone areas or areas that lack a suitable method of draining so as to eliminate excess water or moisture.
- (8) Shelters surrounded by waste, debris, obstructions or impediments that may endanger an animal.
- (d) *Provision of proper medical treatment for animals.* An owner of an animal must, at all times, provide the animal with adequate veterinary care and must take steps necessary to protect the health of the animal.
- (e) *Prohibition on leaving an animal in a closed motor vehicle, etc.* Leaving an animal in a closed motor vehicle or other enclosure for such duration or at such temperatures as an animal control officer deems harmful or potentially harmful to the animal is prohibited.
- (f) *[Female dog in estrous period.]* It shall be unlawful for any person owning or having possession, charge, custody or control of a female dog to allow that dog to be tethered or at large during its estrous period. During this period, the owner or person having possession of the dog must restrain the dog in an enclosure in such a manner that will prevent the dog from coming in contact with a male of its species. This section shall not be construed to prohibit the intentional breeding of dogs on the premises of the owners or keepers of the dogs involved.

(Ord. of 1-16-2018)

Sec. 6-154. - Prohibitions as to tethering.

No animal shall be tethered, except as follows:

- (a) Tethering devices shall be designed and utilized in a manner to prevent choking, strangulation, and injury. The tethering device shall be connected to the animal by a buckle-type collar or a body harness made of nylon or leather. Choke chains, ropes, and wire are prohibited methods of tethering.
- (b) Tethering devices shall:
 - (1) Be not less than ten feet in length, nor less than four times the animal's body length;
 - (2) Have swivel hardware at each end to prevent tangling; and
 - (3) Not weigh more than one-eighth of the animal's body weight, without the prior written consent of Craven County Animal Control.
- (c) The area within which an animal is tethered shall be a minimum of 150 square feet, and large enough for the animal to assume any normal body position including standing, sitting, lying and walking. The area of tethering shall be free of accumulated waste so that the animal shall be able to walk or lie down without coming in contact with the same. Drainage shall be provided in the area of tethering to eliminate excess water or moisture.

- (d) The area within which an animal is tethered shall not be located in areas that would allow an animal to either hang or strangle itself on a stationary object, taking into account the length of the tether and height of objects.
- (e) In no event may an animal be tethered for a period of time or under conditions that an animal control officer deems harmful or potentially harmful to the animal.
- (f) Notwithstanding any of the other provisions of this section, none of the following animals may be tethered:
 - (1) A sick, injured and/or diseased animal.
 - (2) An animal less than six months of age.

(Ord. of 1-16-2018)

Sec. 6-155. - Penalties; remedies.

An animal control officer may undertake one or more of the following actions when a person fails or refuses to abide by or otherwise violates any provision of this article VI:

- (a) Obtain a magistrate's order to take possession of the animal.
- (b) Immediately impound the animal if the conditions pose an immediate threat to the health or safety of the animal or the public. A notice of seizure describing the exigent circumstances warranting the seizure will be left with the owner or affixed to the premises.
- (c) Issue a written notice of violation directing the owner or possessor of the animal to correct the problem within 72 hours, in lieu of subsection (a) or (b) above, if it is determined by the animal control officer that the animal is not in immediate danger, or the problem which gives rise to the inadequate treatment or abuse can be corrected within 72 hours. If the condition or problem is not corrected within 72 hours, the animal control officer may take action as outlined in subsection (a) or (b) above.
- (d) Issue a civil penalty for violation of any provision of this section in accordance with [section 1-11](#) and [1-12](#).
- (e) Obtain a criminal summons or warrant. Violation of any provision of this article VI shall constitute a **misdemeanor**; and any person convicted of such violation shall be punishable as provided in G.S. 14-4, or other applicable law.

(Ord. of 1-16-2018)

CHAPTER 14 EMERGENCY SERVICES

ARTICLE II: AMBULANCE FRANCHISES

Sec. 14-31. - Enforcement.

The county department of emergency services shall be the enforcing agency for purposes of this article. This department shall:

- (1) Receive all franchise applications from potential providers.
- (2) Study each application for conformance to this article.
- (3) With the approval of the council, recommend to the board of commissioners the award of the franchise to the applicant submitting the best proposal.
- (4) Inspect the premises, vehicles, equipment and personnel of franchisees to assure compliance to this article and perform any other inspections that may be required.
- (5) With the approval of the council, recommend to the board of commissioners the temporary or permanent suspension of a franchise in the event of noncompliance with the franchise terms of this article, and recommend the imposition of **misdemeanor** or civil penalties as provided therein.
- (6) Ensure by cooperative agreement with other ambulance services the continued service in a district where an ambulance service franchise has been suspended.
- (7) Receive monthly reports from ambulance services and consolidate the same into a quarterly summary for review by the council and the county.
- (8) Receive complaints from the public, other enforcing agencies, and ambulance services regarding franchise infractions, review such complaints with the council, and obtain corrective action with the approval of the council.
- (9) With the approval of the council, recommend improvements to the county which will ensure better medical transportation.
- (10) Maintain all records required by this article and other applicable county regulations.
- (11) Perform such of the above functions as may be requested by any municipality within the county.
- (12) Serve as staff to the county emergency medical services council on all matters that pertain to the council.

(Ord. of 10-3-2011)

CHAPTER 16: FIRE PREVENTION AND PROTECTION

ARTICLE II. - PERMITS, REGULATIONS AND PENALTIES

Sec. 16-30. - Violations and penalties.

- (a) Any person who shall violate any of the provisions of this chapter hereby adopted or who shall fail to comply with any judicial warrant, lawful order or regulation made thereunder, or who builds in violation of any specifications or plans submitted and approved thereunder or any permit issued thereunder, shall be guilty of a **misdemeanor**. Each day that such violation continues shall constitute a separate offense. In the name of the county, the county fire marshal, through the county attorney, may enjoin the construction or erection of any facility, building or structure which does not conform to the provisions of this chapter.
- (b) This code may be enforced by any of the remedies set forth in G.S. 153A-123, in addition to others specifically set out herein or elsewhere in this Code.
- (c) Any person who violates any of the provisions of this chapter shall be subject to a civil penalty for each violation in the amount established by ordinance of the board of county commissioners. Such civil penalty schedule shall be filed with the clerk to the board of county commissioners and in the fire marshal's office for public inspection. Each day of violation shall constitute a separate and distinct offense.
- (d) Civil penalties must be paid within 72 hours after a citation has been issued by the fire marshal for a violation. The fire marshal is authorized to issue written citations in the name of the county for violations.

(Code 1984, § 7-10; Ord. of 6-24-1991; Ord. of 10-7-1991)

CHAPTER 18: FLOODS

ARTICLE III. - GENERAL PROVISIONS

Sec. 18-13. - Penalties for violation.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a **misdemeanor**. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Craven County from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. of 3-22-2013)

CHAPTER 18: FLOODS

ARTICLE IV: ADMINISTRATION

Sec. 18-27. - Duties and responsibilities of the floodplain administrator.

Duties of the floodplain administrator shall include, but not be limited to:

- (1) Review all floodplain development applications and issue permits for all proposed development within flood prone areas to assure that the requirements of this chapter have been satisfied.
- (2) Advise permittee that additional Federal or State permits (i.e., wetlands, erosion and sedimentation control, riparian buffers, mining, etc.) may be required, and if specific Federal or State permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.
- (3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Prevent encroachments within floodways and non-encroachment areas.
- (6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) of all attendant utilities of all new or substantially improved structures, in accordance with Article IV, subsection 18-26(3).
- (7) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been floodproofed, in accordance with Article IV, subsection 18-26(3).
- (8) Obtain actual elevation (in relation to mean sea level) of all public utilities, in accordance with Article IV, subsection 18-26(3).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Article IV, subsection 18-26(3) and Article IV, subsection 18-41(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (11) When base flood elevation (BFE) data has not been provided in accordance with Article III, section 18-7, obtain, review, and reasonably utilize any base flood elevation (BFE) data, along with floodway data and/or non-encroachment area data available

from a federal, state, or other source, including data developed pursuant to Article V, subsection 18-42(3), in order to administer the provisions of this chapter.

- (12) When base flood elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Article III, subsection 18-7, obtain, review, and reasonably utilize any floodway data, and/or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this chapter.
- (13) When the exact location of boundaries of the special flood hazard areas conflict with the current, natural topography information at the site, the property owner may apply and be approved for a letter of map amendment (LOMA) by FEMA. A copy of the letter of map amendment issued from FEMA will be maintained by the floodplain administrator in the floodplain development permit file.
- (14) Permanently maintain all records that pertain to the administration of this chapter and make these records available for public inspection.
- (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this chapter and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a **misdemeanor**.
- (17) Revocation of floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- (18) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (19) Follow through with corrective procedures of Article IV, section 18-28.

(Ord. of 3-22-2013)

Sec. 18-28. - Corrective procedures.

- (1) *Violations to be corrected:* When the floodplain administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law pertaining to their property.
- (2) *Actions in event of failure to take corrective action:* If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (a) That the building or property is in violation of this chapter;
 - (b) That a hearing will be held before the floodplain administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (c) That following the hearing, the floodplain administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- (3) *Order to take corrective action:* If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of this chapter, he or she shall make an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 days. Where the floodplain administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.
- (4) *Appeal:* Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) *Failure to comply with order:* If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a **misdemeanor** and shall be punished in the discretion of the court.

(Ord. of 3-22-2013)

Chapter 24 - NUISANCES

ARTICLE II. - NOISE CONTROL

Sec. 24-22. - Prohibited acts.

- (a) *Noise disturbances.* Except as provided in section 24-23, no person shall make, continue, or cause to be made or continued any noise disturbance, regardless of the time of day. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this section.
- (b) *Specific prohibitions.* Except as provided in section 24-23, the following acts, among others, are declared to be unreasonably loud, disturbing and unusually excessive noises in violation of this article, but such enumeration shall not be exclusive:

- (1) *Radios, television sets, musical instruments and similar devices.* Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound:
- Between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to create a noise disturbance across a real property boundary or within a noise-sensitive zone;
 - In such a manner as to create a noise disturbance at 50 feet from such a device, when operated in or on a motor vehicle on a public right-of-way or public space, or in a motorboat or other vessel which operates on public waters; or
 - In such a manner as to create a noise disturbance to any person other than to the operator of the device, when operated by any passenger on a common carrier.

This subsection shall not apply to noncommercial spoken language covered under subsection (b)(2) of this section.

- (2) *Loudspeakers and public address systems.* Using or operating, for any purpose, any loudspeaker, public address system, or similar device such that the sound therefrom creates a noise disturbance across a real property boundary or within a noise-sensitive zone, or between the hours of 11:00 p.m. and 7:00 a.m. the following day on a public right-of-way or public space.
- (3) *Loading or unloading.* Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, or similar objects between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise-sensitive zone.
- (4) *Construction and demolition.* Operating or permitting the operation of any tools or equipment used in construction or demolition work between the hours of 11:00 p.m. and 7:00 a.m. the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary or within a sensitive zone, except for emergency work; provided that this shall not apply to the use of domestic power tools subject to subsection (b)(12) of this section.

- (5) *Explosives, firearms and similar devices.* The use or firing of explosives, firearms, firecrackers and other fireworks, or similar devices which create impulsive sound so as to cause a noise disturbance across a real property boundary or on a public space or right-of-way.
- (6) *Emergency signaling devices.*
- a. The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in subsection (b)(10)b of this section.
 - b. Testing of a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not before 8:00 a.m. or after 9:00 p.m.
- (7) *Noise-sensitive zones.* After being forbidden to do so, creating or causing the creation of any sound within any noise-sensitive zone designated pursuant to subsection (b)(2) of this section so as to disrupt the activities normally conducted within the zone.
- (8) *Domestic power tools.* Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tools, or similar device used outdoors, in or near residential areas between the hours of 11:00 p.m. and 7:00 a.m. the following day so as to cause a noise disturbance across a residential real property boundary.
- (9) *Motor vehicles, motorcycles and motorboats.*
- a. *Generally.* No person shall operate a motor vehicle, motorcycle or motorboat which causes a noise disturbance across a real property boundary, within a noise-sensitive zone or on a public right-of-way, public space or public waterway as a result of:
 1. A defective or modified exhaust system; or
 2. Any unreasonably rapid acceleration, deceleration, engine revving or tire squealing; or
 3. Overloading or ill-repair which causes unusually excessive grating, grinding, rattling or other noise.
 - b. *Repairs and testing.* Repairing, rebuilding, modifying, or testing any motor vehicle, motorcycle, or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise-sensitive zone.
 - c. *Horns and signaling devices of motor vehicles and motorcycles.* The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the county, except as a danger warning, the creation, by means of any such signaling device, of any unreasonably loud or harsh sound, the sounding of any such device for an unreasonable amount of time, the use of any horn, whistle, or other device operated by engine exhaust, and the use of any such signaling device when traffic is for any reason held up. Authorized emergency vehicles may use warning sounds.

- (10) *Engine exhausts.* The discharge into the open air within the county of the exhaust of any steam engine, gasoline engine, stationary internal combustion engine, or other kind or type of engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(Code 1984, § 9.8-99; Ord. of 9-2-1997, § 1.04; Ord. of 6-15-2015, § 1)

Sec. 24-23. - Exceptions.

- (a) *Emergency exception.* The provisions of this article shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.
- (b) *Permit exception.* This article shall not apply for activities described in a permit issued by the board of commissioners.
- (c) *Domesticated animals and livestock exception .* The provisions of this article shall not apply to the emission of sound emanating from domesticated animals or livestock.
- (d) *Hunting exception .* The provisions of this article shall not apply to noises related to hunting activities conducted in full accordance with all applicable federal, state and local laws.
- (e) *Timbering, logging and agricultural activities exception .* The provisions of this article shall not apply to noises related to timbering, logging and agricultural activities conducted in full accordance with all applicable federal, state and local laws.

(Code 1984, § 9.8-100; Ord. of 9-2-1997, § 1.05; Ord. of 6-15-2015, § 2)

Sec. 24-24. - Penalties.

In addition to those penalties set forth in sections 1-11 and 1-12 of the Code of Ordinances, violations of the provisions of this Article, or failure to comply with any of its requirements, shall constitute a **misdemeanor** as provided in N.C.G.S. § 14-4.

(Ord. of 6-15-2015, § 3)

CHAPTER 32: SOLID WASTE

ARTICLE II. - DISPOSAL OF SOLID WASTE AT CONVENIENCE CENTERS, AND OF RECYCLABLE SOLID WASTE MATERIAL

Sec. 32-28. - Penalties.

- (a) Violations of the provisions of this article or failure to comply with any of its requirements, shall constitute a **misdemeanor** as provided in G.S. § 14-4.
- (b) Any act constituting a violation of the provisions of this article or a failure to comply with any of its requirements, shall also subject the offender to a civil penalty of \$50.00, which includes administrative fees. If the offender fails to correct this violation within ten days after being notified of said violation, the penalty may be recovered in a civil action in the nature of a debt.
- (c) This article may also be enforced by any appropriate equitable action authorized by law, including injunctive relief.
- (d) Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
- (e) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this article.

(Ord. of 11-21-2011)

CHAPTER 36: TAXATION

ARTICLE II. - GROSS RECEIPTS TAX FROM RETAIL SHORTTERM LEASE OR RENTAL OF MOTOR VEHICLES^[2]

Sec. 36-28. - Penalties, interest and remedies.

- (a) The provisions with respect to penalties, interest and remedies applicable to G.S. ch. 105, subch. VIII (G.S. 105-463 et seq.), Local Government Sales and Use Tax, as contained in G.S. ch. 105, subch. I, arts. 5 and 9 (G.S. 105-164.1 et seq and G.S. 105-228.90) thereof, and the provisions applicable to remedies provided by the Machinery Act, G.S. ch. 105, subch. II (G.S. 105-271 et seq.), shall be applicable in like manner to the tax levied and collected under this article, to the extent that the same are not inconsistent with the provisions hereof.
- (b) Without limiting the foregoing, and subject to any changes in state statutes with respect to penalties, interest and remedies, the following shall be applicable with respect to the levy and collection of the taxes imposed herein:
 - (1) Any taxpayer who fails to file a return on the date it is due, determined with regard to any extension of time for filing, shall pay a penalty equal to five percent of the amount of the tax if the failure to file is for not more than one month, with an additional five percent for each additional month, or fraction thereof, during which the failure continues, not exceeding 25 percent in the aggregate, or \$5.00, whichever is greater.
 - (2) Any taxpayer who fails to pay the tax levied herein when due, without intent to evade the tax, shall pay a penalty equal to ten percent of the tax, except that the penalty shall in no event be less than \$5.00.
 - (3) Taxes shall be payable at par or face amount if paid on or before the filing date as set forth in section 36-23. Taxes paid after the filing date will be delinquent and shall be subject to interest charges. Interest shall accrue at the rate of three-fourths of one percent a month or fraction thereof until the principal amount of the taxes, the accrued interest, and any penalties are paid.
 - (4) When the bank upon which any uncertified check tendered to the tax administrator in payment of taxes, penalties or interest returns the check because of insufficient funds or the nonexistence of an account of the drawer, the tax administrator shall assess a penalty equal to ten percent of the check, subject to a minimum of \$1.00 and a maximum of \$1,000.00.
 - (5) Any taxpayer who willfully attempts, or any person who aids or abets any taxpayer to attempt in any manner to evade or defeat a tax imposed herein or its payment, shall, in addition to other penalties provided by law, be guilty of a class H felony.
 - (6) Any taxpayer required to collect, withhold, account for, and pay over any tax who willfully fails to collect or truthfully account for and pay over the tax shall, in addition to other penalties provided by law, be guilty of a **class 1 misdemeanor**.
 - (7) Any taxpayer required to pay any tax, to make a return, to keep any records, or to supply any information, who willfully fails to pay the tax, make the return, keep the records, or supply the information, at the time or times as required by law, or rules

issued pursuant thereto, shall, in addition to other penalties provided by law, be guilty of a class 1 misdemeanor.

- (8) If a corporation or a limited liability company fails to file any return or pay the tax required for 90 days after it is due, the tax administrator shall inform the secretary of state of this failure pursuant to the provisions of G.S. 105-230.
- (9) The tax administrator shall have the rights of attachment and garnishment as set forth in G.S. 105-242 and 105-368 in enforcing the collection of taxes imposed herein, and any other remedies authorized by law.

(Code 1984, § 14-100; Ord. of 6-19-2000, § 10)

CHAPTER 40: UTILITIES

ARTICLE II: WATER

DIVISION 2. - NONPUBLIC COMMUNITY WATER SUPPLIES

Sec. 40-48. - Penalties.

- (a) Any person violating any provision of this division shall be guilty of a **misdemeanor** punishable by a fine not to exceed the maximum penalty allowed by law or imprisonment not to exceed the maximum allowed by law, as provided in G.S. 14-4 and 130A-25. Each day of a continuing violation shall constitute a separate violation.
- (b) This division may be enforced by injunction and order of abatement pursuant G.S. 153A-123(e), said order commanding the violator to correct the unlawful condition or cease the unlawful use of the property. If the violator fails or refuses to comply with an injunction or order of abatement within the time allowed by the court, such violator may be cited for contempt of court and the county may execute the order of abatement. If the county executes the order, it shall have a lien on the property, in the nature of a mechanic's or materialman's lien, for the cost of enforcing the order. This division may also be enforced by any other appropriate equitable remedy issuing from a court of competent jurisdiction under G.S. 153A-123(d).
- (c) In lieu of or in addition to the other penalties outlined in this section, any person violating this division may be subject to a civil penalty, at the discretion of the board of county commissioners, not to exceed \$50.00 per violation, pursuant to G.S. 153A-123(c). The county, in a civil action in the nature of a debt, may recover said penalty if the offender does not pay the penalty within 30 days after notification of violation and assessment of the penalty. For purposes of this subsection, each day of a continuing violation shall constitute a separate violation.
- (d) The state may enforce a comprehensive set of administrative penalties which owners or contractors should be aware of, contained in the 10 NCAC ch. 10, subch. 10D, Water Supplies, specifically sections .2401 through .2413.

(Code 1984, § 15-61; Ord. of 2-21-2000, art. 11)

CHAPTER 40: UTILITIES

ARTICLE III: SEWERS

DIVISION 2. - SEWER USE

Subdivision I. - In General

Sec. 40-102. - Penalties.

- (a) Any person found to be violating any provision of this division, except section 40-104, shall be served by the county with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) of this section shall be guilty of a misdemeanor and on conviction thereof shall be fined in an amount authorized by law, plus any charges made under subsection (c) of this section, for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- (c) Any person violating any of the provisions of this division shall become liable to the county for any expense, loss or damage occasioned the county by reason of such violation.

(Code 1984, § 12-17; Ord. of 6-4-1979, art. VIII, §§ 1—3)

CHAPTER 40: UTILITIES

ARTICLE III: SEWERS

DIVISION 3. – COUNTY INDUSTRIAL PARK PRETREATMENT REGULATIONS

Subdivision V. - Enforcement and Miscellaneous Provisions

Sec. 40-310. - Penalties.

- (a) Any person found to be violating any provision of this division except section 40-252 and section 40-310(c) and (d) shall be served by the authority with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, cease all violations.
- (b) Any person who shall continue any violation beyond the time limit provided for in the aforementioned notice of violation shall be guilty of a **misdemeanor**, and on correction thereof shall be fined in the amount not exceeding \$50.00 for each violation. At such time that the fine is imposed, a second written notice shall be served setting a second date in which all violations shall cease. Continued violations beyond the second set date shall result in the revocation of the users permission to discharge.
- (c) No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenances, or equipment which is a part of the wastewater disposal system. Any person violating this provision shall be subject to immediate arrest. In addition, such person shall be liable to reimburse the authority for any damages resulting from such violations.
- (d) If a public sewer becomes obstructed or damaged because of any substances improperly discharged into it, the person responsible for such discharge shall be billed and shall pay the expenses incurred by the authority in cleaning out, repairing or rebuilding the sewer as well as damages incurred by the authority arising from claims of private property owners which are caused by such obstruction or damage.

Sec. 40-317. - Falsifying information.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this division, or wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this division, shall, upon conviction, be guilty of a misdemeanor, and fined \$50.00 for each violation.

(Code 1984, § 12-138; Ord. of 3-17-1986, art. 5, § 5.8)

CHAPTER 40: UTILITIES

APPENDIX B: NEUSE RIVER WATER & SEWER DISTRICT

PART II. - SEWER USE ORDINANCE

ARTICLE 5. - ENFORCEMENT

Sec. B-II-5.1. - Penalties.

- (1) Any person found to be violating any provision of this ordinance except article 5, section [B-II-]5.1, parts (3) and (4) shall be served by the utility district with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, cease all violations.
- (2) Any person who shall continue any violation beyond the time limit provided for in the aforementioned notice of violation shall be guilty of a **misdemeanor**, and on correction thereof shall be fined in the amount not exceeding \$500.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- (3) No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenances, or equipment which is a part of the wastewater disposal system. Any person violating this provision shall be subject to immediate arrest. In addition, such person shall be liable to reimburse the utility district for any damages resulting from such violations.
- (4) If a public sewer becomes obstructed or damaged because of any substances improperly discharged into it, the person(s) responsible for such discharge shall be billed and shall pay the expenses incurred by the utility district in cleaning out, repairing or rebuilding the sewer as well as damages incurred by the utility district arising from claims of private property owners which are caused by such obstruction or damage.

APPENDIX D: CHERRY POINT MARINE CORP AIR STATION

PART I: MARINE CORP AIR STATION ZONING ORDINANCE

SECTION 11.0: BOARD OF ADJUSTMENT

Sec. D-I-11.3. - Powers and duties.

The board shall have the following powers and duties:

- (a) *Administrative review.* To hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcement of this ordinance.
- (b) *Interpretation.* To interpret the terms of this ordinance and zoning maps and to pass upon disputed questions of lot lines or district boundary lines and similar questions as they arise in the administration of this ordinance.
- (c) *Conditional use and special use permits.* To hear and decide special and conditional use permits in accordance with standards and procedures specified in this ordinance. Reasonable and appropriate conditions may be imposed upon these permits.
- (d) *Subpoena.* To subpoena witnesses and compel the production of evidence, through the chair, or in the chair's absence anyone acting as the chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. § 160A-393(d) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.
- (e) *Oath.* The chair of the board, or any member acting as chair, and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board, willfully swears falsely is guilty of a **Class 1 misdemeanor**.

(Ord. of 4-20-2015(2), § II)

APPENDIX D: CHERRY POINT MARINE CORP AIR STATION

PART I: MARINE CORP AIR STATION ZONING ORDINANCE

SECTION 12: LEGAL PROVISIONS

Sec. D-I-12.3. - Penalties for violation.

Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a **misdemeanor** and shall be punishable pursuant to the provisions of G.S. 14-4 which provides that violation of a county ordinance is a misdemeanor punishable by either a maximum fine of \$50.00 or imprisonment for not more than 30 days, as amended. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

In addition to an injunction, the county may petition the court to enter an order of abatement as part of the judgment in the cause. Such petition may request that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other chattel be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this ordinance.

If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt and the county may execute the order of abatement. If the county executes the order, it has a lien on the property, in the nature of a mechanic's or material man's lien, for the costs of executing the order.

Nothing herein contained shall prevent Craven County from taking such other lawful action as is necessary to prevent or remedy any violation.

APPENDIX F: COASTAL CAROLINA REGIONAL AIRPORT ZONING & HEIGHT CONTROL ORDINANCE

Sec. F-8.0. - Board of adjustment.

8.3 *Powers and duties.* The board shall have the following powers and duties:

- (a) *Administrative review.* To hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcement of this ordinance.
- (b) *Interpretation.* To interpret the terms of this ordinance and zoning maps and to pass upon disputed questions of lot lines or district boundary lines and similar questions as they arise in the administration of this ordinance.
- (c) *Conditional use and special use permits.* To hear and decide special and conditional use permits in accordance with standards and procedures specified in this ordinance. Reasonable and appropriate conditions may be imposed upon these permits.
- (d) *Subpoena.* To subpoena witnesses and compel the production of evidence, through the chair, or in the chair's absence anyone acting as the chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. § 160A-393(d) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board or the party seeking the subpoena may apply to the general court of justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.
- (e) *Oath.* The chair of the board, or any member acting as chair, and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board, willfully swears falsely is guilty of a **Class 1 misdemeanor**.

APPENDIX I - REGULATION OF THE OPERATION AND MAINTENANCE OF SOLAR ENERGY FACILITIES

I-1.11. - Violation shall be a misdemeanor.

- (a) Any person, firm, corporation, or other entity who maintains or operates or who controls the maintenance of a solar energy facility in violation of this chapter shall be guilty of a **misdemeanor** and subject to prosecution, and if convicted, shall be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 30 days, or both, in the discretion of the court. Each day that said solar energy facility shall be maintained or operated in violation of this chapter shall constitute a separate and distinct offense.
- (b) Any act constituting a violation of the provisions of this chapter or a failure to comply with any of its requirements shall subject the offender to a civil penalty of \$500.00. If the offender fails to remedy the violation and pay any civil penalty within 30 days after being cited for said violation (or within the time prescribed by a citation if it provides for a longer period of time than 30 days), the civil penalty may be recovered in a civil action in the nature of a debt. Civil penalties begin to accrue from the date of the first notice of violation. Such civil penalties shall be in addition to any abatement costs.
- (c) Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for purposes of the penalties and remedies specified in this section. In such an event, civil penalties begin to accrue from the date of the first notice of violation. For continuing violations, the initial citation and requirement that the civil penalty be paid within the time prescribed therein shall be the only notice required to be given; and shall be deemed to be an on-going citation and notice for continuing violations after the date of the first notice of violation.

(Ord. of 11-21-2016, § II; Ord. of 5-1-2017, § II)