

HALIFAX COUNTY
REPORT REQUIRED UNDER S.L. 2018-69, Section 3

Prepared by M. Glynn Rollins, Jr., County Attorney
September 17, 2018

To: The North Carolina General Assembly Joint Legislative Administrative Procedure Oversight Committee and Joint Legislative Oversight Committee on Justice and Public Safety

Pursuant to Session Law 2018-69, Section 3, Halifax County respectfully submits the following list of ordinances found in the Halifax County Code of Ordinances, violation of which may be subject to criminal punishment.

Sec. 1-11. - General penalty; continuing violations.

Wherever in this Code or in any ordinance of the county any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than 30 days for each separate violation. Each day any violation of this Code or any ordinance shall continue shall constitute a separate offense, unless otherwise specified.

Sec. 6-1. Unlawful to consume or possess any alcoholic beverages on property owned or leased by the county.

Sec. 6-2. Unlawful to consume or possess any alcoholic beverages while occupying or controlling any vehicle owned or leased by the county.

Sec. 10-26. (a) Unlawful for any business, firm, corporation, partnership, individual, association or club to operate any business in which there is located a pool table or billiard table between the hours 2:00 a.m. and 7:00 a.m., then current local time.

(b) Any person in charge of any establishment in which there is located a pool table or billiard table who allows such establishment to operate between the hours of 2:00 a.m. and 7:00 a.m., then current local time, shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-11.

Sec. 14-21. *[Pertaining to Animal Control]* The violation of any provision of this chapter shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in G.S. 14-4 or other applicable law. Each day's violation of this chapter is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability for taxes or fees imposed under this chapter.

Sec. 22-185. *[Pertaining to Construction, Repair and Abandonment of Wells]* Any person who willfully violates any provision of these regulations or any order issued pursuant thereto, shall be

guilty of a misdemeanor punishable by a fine in the discretion of the court or imprisonment not to exceed two years or both as provided by G.S. 14.3 and G.S. 130A-25. As provided by G.S. 130A-18, the health director may also institute an action in the county superior court for injunctive relief. All other remedies provided by state law, including G.S. chapter 130A, article 1 of part 2, shall be available to the health director.

- Sec. 24-48. *[Pertaining to the Operation of Sexually Oriented Businesses]* A person who operates or causes to be operated a sexually oriented business without a valid business license or in violation of this article is subject to a suit for injunction as well as prosecution for criminal violations. Each day a sexually oriented business so operates is a separate offense or violation.
- Sec. 26-38. *[Pertaining to Declaration of State of Emergency]* Any person violating any prohibition or restriction imposed by a proclamation authorized by this article shall be guilty of a misdemeanor, punishable upon conviction as provided in section 1-11.
- Sec. 28-78. *[Pertaining to Alarm Systems]* Enforcement of this article may be by civil action as provided in the ordinance adopted June 5, 2000 (the county's alarm ordinance), and/or by criminal prosecution, as provided in the ordinance adopted June 5, 2000, for offenses under county law.
- Sec. 30-35. *[Pertaining to Noise Pollution]* This chapter may be enforced by all of the remedies provided under G.S. 153A-123 including the criminal penalties, civil penalties and equitable remedies contained therein, and as provided for in chapter 1, sections 1-12, 1-13 and 1-14 of the Halifax County Code of Ordinances.
- Sec. 34-9. *[Pertaining to Flood Damage Prevention]* 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 Halifax County from taking such other lawful action as is necessary to prevent or remedy any violation.
- Sec. 42-41. *[Pertaining to the Roanoke Canal Property]* Violations of article; penalties.
- (a) A county sheriff's deputy shall issue a citation or secure a warrant to violators of this article.
- (b) Each person receiving a citation may, within 72 hours of the time when issued the citation, submit to the violation and pay, as a penalty in full satisfaction of such violation, the sum of \$10.00 to the sheriff's department.
- (c) The violation of any of the provisions of this article shall be a misdemeanor and punished by fine not to exceed \$50.00 or imprisonment not to exceed 30 days, or both, in the discretion of the court.
- Sec. 42-84. *[Pertaining to Parades, Picketing and Demonstrations]* The violation of any portion of this article is justification for the sheriff or his deputies to order those gathered to

disburse immediately and shall also constitute a misdemeanor, punishable upon conviction by a fine not to exceed \$100.00 or imprisonment not to exceed 30 days, as provided in G.S. 14-4.

Sec. 42-107. *[Pertaining to Pyrotechnics]* Any person violating this article shall be guilty of misdemeanor and shall be punishable by a fine and/or imprisonment, as set out G.S. § 14-4.

Sec. 42-143. *[Pertaining to Travel Trailer Parks]*

(c) Enforcement of ordinance: This chapter may be enforced by any one or more of the remedies authorized by G.S. 153A-123, including but not limited to the following:

(1) Violation of this article is a misdemeanor as provided by G.S. 14-4 as amended, which specified punishment by a maximum fine of \$50.00 or imprisonment for not more than 30 days.

Sec. 50-30. *[Pertaining to Damage or removal of road name signs]* The damage or removal of any road name sign located or erected in the public highway right-of-way in the county shall be subject to the provisions of G.S. 136-33. (Class 2 misdemeanor)

Sec. 50-65. *[Pertaining to damage, removal or possession of road signs]* Damage, removal or possession of a road sign is a misdemeanor.

Sec. 54-32. *[Pertaining to collection and disposal of municipal solid waste and other materials]*
(a) Pursuant to G.S. 14-4(a) and G.S. 153A-123(b), a violation of any of the provisions of this article shall constitute a class 3 misdemeanor, punishable by a fine not to exceed \$500.00.

Sec. 54-91. *[Pertaining to Sanitary Landfill Franchises]*
(a) Any person violating this article shall be guilty of a misdemeanor punishable by a fine and/or imprisonment not to exceed the maximum allowable by law at the time of the violation. Each day's violation shall be treated as a separate offense.

Sec. 58-117. *[Pertaining to Sewer and Wastewater Treatment Systems]* Any person who knowingly makes any false statements or representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article, shall, upon conviction, be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than six months, or by both.

Sec. 58-118. *[Pertaining to Sewer and Wastewater Treatment Systems]* No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the county's wastewater treatment system. Any person violating this section shall, upon conviction, be punished as provided for under G.S. 14-4.

Sec. 62-59. *[Pertaining to Junk Yard Control]*
(e) Penalties and remedies for violations shall be as follows:

(1) Any violation of the provisions of this chapter or failure to comply with any of its' requirements, shall constitute a misdemeanor, punishable by a fine of \$50.00 a day or imprisonment, not to exceed 30 days, as provided in G.S. 14-4.

Sec. 64-14. *[Pertaining to Water Shortage Response]*

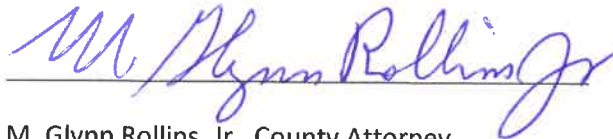
(3) Any customer may also be charged with violation of this chapter and prosecuted in district court. Any person so charged and found guilty of violating the provisions of this chapter shall be guilty of a misdemeanor. Each day's violation shall constitute a separate offense. The penalty for violation shall be a maximum fine of \$50.00 or imprisonment for not more than 30 days.

Sec. 66-6. *[Pertaining to Watershed Protection]* Any person violating any provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with G.S. 14-4. The maximum fine for each offense shall not exceed \$500.00. Each day that the violation continues shall constitute a separate offense.

Section 204. *[Pertaining to the Halifax County Subdivision Ordinance]*

204.1 After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this ordinance, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to, a subdivision of the land before the plat has been properly approved under the terms of this ordinance and recorded in the office of the Halifax County Register of Deeds, shall be guilty of a misdemeanor. The description by courses and distances in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The county, through its attorney or other official designated by the Halifax County Board of Commissioners, may enjoin illegal subdivision, transfer, or sale of land by action for injunction. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.

Prepared By:



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Date:

9-17-18