



JACKSON COUNTY ORDINANCES SUBJECT TO CRIMINAL PUNISHMENT

WHEREAS, pursuant to Jackson County Ordinances Chapter 1, Section 1-11 General Penalty (a) A violation of or failure to comply with any provision of a county code or ordinance is a misdemeanor as provided by G.S. 14-4 and may subject the offender to a fine of up to \$500.00, imprisonment of up to six months, or both.

Jackson County Municode Link: https://library.municode.com/nc/jackson_county/codes/code_of_ordinances

WHEREAS, North Carolina General Statute 14-4 reads as follows:

14-4. Violation of local ordinances misdemeanor (a) Except as provided in subsection (b), if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00).

NOW THEREFORE, please find a list of the following Jackson County ordinances that specifically reference criminal punishment.

<u>Ordinance Punishable by G.S. 14-4(a)</u>	<u>Description of Conduct Subject to Criminal Punishment under the Ordinance</u>	<u>Other Notes</u>
ADULT ESTABLISHMENTS (Ord. No. O2011-01, art. XVI, 3-7-2011)	Sec. 3-10. - Prohibited acts and conduct. (a) Minimum age for admittance (b) Minimum age for licenses (c) Limitation on activities (d) Touching of specified anatomical areas prohibited (e) Violations prohibited (f) Private viewing booths (g) Coverage required (h) Exposure prohibited (i) Coverage when touching (j) Activity within same structure (k) Alcoholic beverages	Sec. 3-16. - Violations and penalties. Any person violating any provision of this chapter shall, upon conviction, be guilty of a class 3 misdemeanor and be punishable by a fine not to exceed \$500.00 or imprisoned for not more than 30 days. Each day such violation shall continue shall constitute a separate offense.
REGULATED DISTRICTS - AIRPORT HAZARD ZONING REGULATIONS (Ord. No. O2010-03, § 28, 2-15-2010)	The establishment of a use or development within the Airport Hazard Zoning District without a permit or a development that cannot meet the minimum requirements of the ordinance.	Sec. XI. - Penalty. Each violation of this ordinance or any order or ruling of the administrative agency or the board of appeals shall constitute a misdemeanor and shall be punishable by a fine of not more than \$250.00 or imprisonment for not more than 30 days or both. Each day such violation continues to exist shall constitute a separate offense.

<p>Chapter 6 – ANIMALS</p> <p>(Ord. No. 008-01, § 20, 6-16-2008)</p>	<p>Dogs not on a leash on county park property.</p> <p>Section 6-4. – Vaccination for rabies. a) Every dog or cat located in the county, over the age of four months, must be vaccinated for rabies. The owner is responsible for to keep the vaccinations for rabies up to date. b) Failure to keep a cat's or dog's rabies vaccination can result in fines.</p> <p>Section 6.5 – Cruelty to Animals. a) It shall be unlawful for any person to keep animals under inhumane conditions. b) Any animal which is found to have been treated in such a manner as is made unlawful by this section may be taken up and impounded by the animal control officer.</p> <p>Section 6.11 – Keeping Stray Dogs and Cats. a) For the protection of the citizens it shall be unlawful for any person in the county to knowingly and intentionally harbor, feed, keep in possession by confinement, or otherwise allow to remain on his property, any dog or cat which does not belong to said person, unless he has, within 72 hours from the time such dog or cat came into his possession, done one of the following: 1) Notified the animal's owner, animal control, or person duly authorized by animal control. Upon receiving such notice, animal control shall impound such dog or cat and place it in animal shelter as a stray. 2) Become the owner or keeper of the dog or cat by taking it to a veterinarian for rabies inoculation and check for disease and notified animal control.</p> <p>Section 6.12 – Collar and Identification. a) Every owner is required to ensure that his dog is wearing a collar with the owner's name and address stamped on it or otherwise firmly attached to it.</p> <p>Section 6.13 – Luring, enticing, seizing, molesting, or teasing a Dog or Cat. a) It shall be unlawful for any person to entice or lure any dog or cat out of an enclosure or off the property of its</p>	<p>Sec. 6-20. - Imposition of penalties for violations. (a) Any animal control officer may have papers issued by a magistrate if the officer has personal knowledge of any violation of this chapter. Any aggrieved party may appear before a magistrate and have the necessary papers issued for violation of any provision of this chapter. A violation shall be a misdemeanor and any person convicted of such violation shall be punishable by a fine of not less than \$50.00 nor more than \$500.00 and/or not less than 30 days and not more than 60 days in jail at the discretion of the court. Each day's violation of this section is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this chapter does not relieve a person of his liability for civil penalties or fees imposed under this chapter. (b) Animal control officers may have papers issued by a magistrate for failure to confine a declared potentially dangerous dog without personal knowledge if after investigation there is sufficient evidence that said dog was not confined in a secure enclosure. (c) The animal control officers shall have the authority to issue civil citations for failure to vaccinate. These civil citations shall be issued as follows: (1) Warning: Animal must be vaccinated within three business days. (2) Second offense: \$25.00 fine. (3) Third offense: \$50.00 fine.</p>
---	---	--

owner or keeper, or to seize, molest, or tease any dog or cat while the dog or cat is held or controlled by its owner or keeper or while the dog or cat is on the property of its owner or keeper.

Section 6-15. - Selling or disposing of animals in public places.

a) Animals must not be displayed in a public place for the purpose of selling or giving away the animal.

Section 6.16 - Animals creating a nuisance

a) It shall be unlawful for an owner to permit an animal to run at large if such animal is reported as creating a public nuisance as defined in section 6-1.

Section 6.17. - Control of dangerous dogs.

a) It shall be unlawful for any person to keep any dangerous dog within the county unless it is confined within a fully enclosed pen (wireless fencing is not considered acceptable for a fully enclosed pen), or is securely under restraint by means of a leash or chain and firmly under the control of an adult at all times. The premises on which any animal under this section is confined shall be clearly marked with a warning sign.

Section 6-18. - Rabies control.

a) It shall be unlawful for any dog or cat owner or other person to fail to comply with the state laws relating to the control of rabies.

Section 6-19. - Interference with enforcement.

a) It shall be unlawful for any person to interfere with, hinder, or molest an animal control officer or veterinarian in the performance of any duty authorized by this chapter, or to seek to release any animal in the custody of such officers, except as otherwise specifically provided.

b) It shall be unlawful for any person to kill or release any dog or cat under observation for rabies, any dog or cat suspected of having been exposed to rabies, or any dog or cat having bitten a human, or to remove such dog or cat from the county without written permission from animal control and the county health director.

<p>Chapter 14 – FLOODS</p> <p>(Ord. No. O2010-05, Art. 4, § D, 4-5-2010)</p>	<p>ARTICLE II. - ADMINISTRATION</p> <p>Sec. 14-34. - Corrective procedures.</p> <p>(a) 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 cited in such notification.</p> <p>(b) 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:</p> <p>(1) That the building or property is in violation of the floodplain management regulations;</p> <p>(2) 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</p> <p>(3) That following the hearing, the floodplain administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.</p> <p>If an owner of a building or property begins development that is in violation of the ordinance, an order to take corrective action and stop work order would be issued by this office. If the aforementioned owner refuses to take prompt corrective action as outlined in the order, then we would proceed to seek criminal charges and relief from the court.</p>	<p>ARTICLE II. - ADMINISTRATION</p> <p>Sec. 14-34. - Corrective procedures.</p> <p>(e) Failure to comply with order. If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.</p>
<p>JACKSON COUNTY JUSTICE CENTER SECURITY</p> <p>(Ord. No. O2015-02, 9-17-2015; Ord. No. O2015-02, 11-19-2015)</p>	<p>Illegal entry or exit to or from the Justice Center or entry with contraband, as defined in the ordinance.</p>	<p>Sec. VIII. - Penalties.</p> <p>Violations of this ordinance shall be punishable as a misdemeanor as provided by law. In addition, any violations of this ordinance may result in revocation of an individual's ID access card by the Sheriff or his/her designee.</p>

<p>REGULATED DISTRICTS - MANUFACTURED HOME PARKS</p> <p>(Ord. No. 01-197, 1-29-2015)</p>	<p>Any violation of the ordinance would result in an order to take corrective action. If no action is taken during the prescribed time frame and any appeals through the quasi-judicial process have been exhausted, we would then seek criminal charges and relief from the court system.</p>	<p>ARTICLE I. - STATUTORY AUTHORIZATION AND GENERAL REGULATIONS</p> <p>Sec. 105. - Penalties.</p> <p>1. Any person violating any provision of this ordinance 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.</p>
<p>REGULATED DISTRICTS - MOUNTAIN AND HILLSIDE DEVELOPMENT</p> <p>(Ord. No. 007.06, § 25, 11-5-2015)</p>	<p>Sec. 25. - Administration and enforcement.</p> <p>25.5 Violations; remedies. Appropriate actions and proceedings may be taken at law or in equity to:</p> <p>(a) Prevent any violation of this ordinance;</p> <p>(b) Prevent unlawful construction;</p> <p>(c) Recover damages;</p> <p>(d) Restrain, correct or abate a violation; and/or</p> <p>(e) Prevent illegal occupancy of a building, structure or premises.</p>	<p>Sec. 25. - Administration and enforcement.</p> <p>25.7 Criminal penalty. Any violation of this ordinance or amendments thereto shall constitute a misdemeanor. Those convicted of such violations shall be punished as provided by G.S. § 14-4. Each day that a violation continues shall be considered a separate violation and punishment assigned accordingly.</p>
<p>REGULATED DISTRICTS - MOUNTAIN RIDGE PROTECTION</p> <p>(Ord. No. 007-06, 8-6-2007; Ord. of 11-5-2015)</p>	<p>ARTICLE VII. - VIOLATION, PENALTIES AND REMEDIES</p> <p>Sec. 700. - Violations.</p> <p>Whenever by the provisions of this ordinance, the performance of any act is prohibited or whenever any regulations, dimension or limitation is imposed on the construction, reconstruction, alteration or expansion of any building or structure a failure to comply with such provisions of this ordinance shall constitute a separate violation and a separate offense.</p>	<p>ARTICLE VII. - VIOLATION, PENALTIES AND REMEDIES</p> <p>Sec. 701. - Penalties.</p> <p>Any person adjudged in violation of this ordinance shall be guilty of a misdemeanor and shall be punished as provided in G.S. 14-4. In addition any person injured by a violation of this ordinance or any person who resides in the county in which a violation occurred may bring a civil action against the person alleged to be in violation in accordance with G.S. 113A-211(b).</p>
<p>NOISE</p> <p>(Ord. of 12-2-1991; Ord. of 3-21-1996; Ord. No. 003-01, § 1-3, 5-20-2003)</p>	<p>Sec. 10-127. Loud, raucous and disturbing noise.</p>	<p>Sec. 10-126. - Penalties.</p> <p>Violation of any provision of this article shall constitute a misdemeanor and, upon conviction, a violator shall be punishable by a fine of up to \$50.00.</p>
<p>Chapter 18 - OFFENSES AND MISCELLANEOUS PROVISIONS</p> <p>ARTICLE II. - SEX OFFENDERS IN PARKS</p> <p>(Ord. No. 007-09, § 501, 9-17-2007)</p>	<p>No person on the sex offenders list shall be allowed to be on county park property.</p>	<p>Sec. 18-20. - Penalty.</p> <p>(a) Any person who is found in violation of this article shall be guilty of a misdemeanor punishable by a fine of not less than \$500.00 and/or imprisonment for not more than 30 days, in the discretion of the court, as provided in G.S. 153A-123.</p> <p>(b) Each and every violation shall constitute a separate offense.</p>

<p>Chapter 18 - OFFENSES AND MISCELLANEOUS PROVISIONS</p> <p>ARTICLE III. - SMOKING IN PUBLIC PARKS</p> <p>(Ord. No. 2013-02, § 6, 4-15-2013)</p>	<p>No tobacco products (smoke or smokeless) allowed on county park property.</p>	<p>Sec. 18-96. - Enforcement and penalties.</p> <p>(a) Penalty for violation. Following oral or written notice by the person in charge of an area described in section 18-93, or his or her designee, failure to cease smoking or using tobacco products constitutes an infraction punishable by a fine of not more than \$50.00. A citation may be issued by a sworn law enforcement officer. Conviction of an infraction under this section has no consequence other than payment of a penalty, and no court costs may be assessed.</p>
<p>Chapter 24 - SOLID WASTE</p> <p>(Ord. of 12-18-2001; Ord. of 7-15-2003; Ord. No. 005-04, § 801, 7-2-2007; Ord. of 2-6-2012, § 801; Ord. No. 005-04(amended), § 801, 4-21-2014; Ord. No. 005.04, § 801, 7-21-2016)</p>	<p>Improper disposal of waste Improper transportation of waste Failure to obtain a permit</p>	<p>ARTICLE II. - COLLECTION AND DISPOSAL</p> <p>DIVISION 7. - ENFORCEMENT</p> <p>Sec. 24-172. - Criminal penalties.</p> <p>(a) Violations of this article shall constitute a misdemeanor punishable by a fine not to exceed \$500.00, imprisonment for not more than 30 days, community service, or some combination of the three. Each violation shall be treated as a separate offense; the JCSWO or sheriff's office shall cause a warrant or citation to be issued for the subsequent violation.</p> <p>(b) Upon the initial violation of a particular provision of this article, an individual shall be issued a warning ticket. Such warning ticket shall identify the particular practice which is in violation of the article and shall state the time, date and place of the violation. Such warning ticket shall further state that if the individual has similar violations within six months following the date of the warning ticket, the JCSWO or sheriff's office shall cause a warrant or citation to be issued for the subsequent violation.</p> <p>(c) If an individual violates this article within the six months following the issuance of a warning ticket in a manner that is similar to the violation specified in the warning ticket, the JCSWO or sheriff's office shall cause a warrant to be issued for the arrest of the individual.</p>
<p>Chapter 28 – SUBDIVISIONS</p> <p>(Ord. No. 007-05, § 6.3, 8-6-2007; Ord. of 1-17-2012, § 6.3)</p>	<p>Sec. 28-153. - Violations; remedies.</p> <p>(a) Appropriate actions and proceedings may be taken at law or in equity to:</p> <ol style="list-style-type: none"> (1) Prevent any violation of this chapter; (2) Prevent unlawful construction; (3) Recover damages; (4) Restrain, correct, or abate a violation; and/or 	<p>Sec. 28-155. - Criminal penalty.</p> <p>Any violation of this chapter or amendments thereto shall constitute a misdemeanor. Those convicted of such violations shall be punishable as provided by G.S. 14-4. Each day that a violation continues shall be considered a separate violation and punishment assigned accordingly.</p>

	<p>(5) Prevent illegal occupancy of a building, structure or premises.</p> <p>(b) No building permit or certificate of occupancy shall be issued nor shall water, sewer, or other public facilities or services be extended to or connected with any land for which approval of a subdivision is required under this chapter unless the sections of this chapter are satisfied.</p>	
<p>Chapter 30 – TELECOMMUNICATIONS</p> <p>(Ord. No. O2008-02, § XII, 8-15-2015; Ord. No. O2008-02, 1-30-3017)</p>	<p>ARTICLE II. - WIRELESS COMMUNICATIONS ORDINANCE</p> <p>Sec. 30-30. - Violations and penalties. Appropriate actions and proceedings may be taken at law or in equity to:</p> <p>(1) Prevent any violation of this article;</p> <p>(2) Prevent unlawful construction;</p> <p>(3) Recover damages;</p> <p>(4) Restrain, correct or abate a violation; and/or</p> <p>(5) Prevent illegal use of a building, structure or premises. No building permit or certificate of occupancy shall be issued nor shall water, sewer or other public facilities or services be extended to or connected with any land or development subject to the standards of this article unless the requirements of this article are satisfied.</p>	<p>ARTICLE II. - WIRELESS COMMUNICATIONS ORDINANCE</p> <p>Sec. 30-30. - Violations and penalties. Criminal penalty. Any violation of this article or amendments thereto shall constitute a misdemeanor. Those convicted of such violations shall be punished as provided by G.S. 14-4. Each day that a violation continues shall be considered a separate violation and punishment assigned accordingly.</p>
<p>ARTICLE VIII. – WATER RECHARGE</p> <p>(Ord. No. 2013-03, art. XII, 7-1-2013)</p>	<p>Sec. 10-712. - Violations and penalties.</p> <p>(a) Appropriate actions and proceedings may be taken at law or in equity to:</p> <p>(1) Prevent any violation of this article;</p> <p>(2) Prevent unlawful construction;</p> <p>(3) Recover damages;</p> <p>(4) Restrain, correct, or abate a violation; and/or</p> <p>(5) Prevent illegal occupancy of a building, structure, or premises. No building permit or certificate of occupancy shall be issued nor shall water, sewer or other public facilities or services be extended to or connected with any land or development subject to the standards of this article unless the requirements of this article are satisfied.</p>	<p>Sec. 10-712. - Violations and penalties.</p> <p>(c) Criminal penalty. Any violation of this article or amendments thereto shall constitute a misdemeanor. Those convicted of such violations shall be punished as provided by G.S. 14-4. Each day that a violation continues shall be considered a separate violation and punishment assigned accordingly.</p>

<p>ARTICLE VII. – WATERSHED PROTECTION</p> <p>(Ord. of 1-1-1994; Ord. of 7-1-1996; Ord. of 10-7-1999; Ord. of 3-16-2000)</p>	<p>The establishment of a use or development within an identified watershed area without a permit or a development that cannot meet the minimum requirements of the ordinance.</p>	<p>Sec. 10-535. - Criminal penalties. Any person violating any provisions of this article 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.</p>
---	--	--