

11/15/99  
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Approved

**AN ORDINANCE TO  
REGULATE THE LOCATIONS OF MINES IN PAMLICO COUNTY**

**WHEREAS**, the extraction of minerals by mining is a basic and essential activity making an important contribution to the economic well-being of North Carolina; and

**WHEREAS**, the proper siting of mines is necessary to prevent undesirable land and water conditions that would be detrimental to the general welfare, health, safety, beauty and property rights of the citizens of Pamlico County, and is necessary to protect and eliminate direct and substantial physical hazards to public health and safety.

**NOW, THEREFORE, BE IT RESOLVED** by the Pamlico County Board of Commissioners as follows:

**ARTICLE 1**

**Title**

This ordinance shall be known and may be cited as the "Pamlico County Mine Siting Ordinance."

**ARTICLE 2**

**Purpose and Intent**

The purpose and intent of this Ordinance is to protect the public health, safety, and welfare, to promote the peace and dignity of the County, and to prevent unduly adverse effects on the surrounding environment.

It is not the purpose or intent of this Ordinance to supercede or otherwise affect or alter any federal or state regulations related to Mining, including but not limited to Chapter 74, Article 7 of the North Carolina General Statutes ( "The Mining Act of 1971").

**ARTICLE 3**

**Authority**

This Ordinance is enacted pursuant to Article 6, Chapter 153A of the North Carolina General Statutes entitled "Delegation and Exercise of the General Police Powers." Specifically, N.C.G.S. §153A-121(a) provides:

"A county may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety or welfare of its citizens and the peace and dignity of the county..."

**ARTICLE 4**  
**Definitions**

The following words and phrases when used in this Ordinance shall have the meanings respectively ascribed to them in this Article, unless the context clearly indicates otherwise:

**4.1 Board of Commissioners.** Shall mean the Pamlico County Board of Commissioners.

**4.2 County.** Shall mean Pamlico County, a body politic and corporate of the State of North Carolina.

**4.3 Mining.** Shall mean and refer to that same definition ascribed to "Mining" in N.C.G.S. §74-49(7), or any successor definition.

**4.4 Ordinance.** Shall mean the Pamlico County Mine Siting Ordinance.

**4.5 Person.** Shall mean any individual, corporation, partnership, limited liability company, joint venture, or any other legal entity.

**ARTICLE 5**  
**Restrictions on Location of Mining Operations**

**5.1** It shall be unlawful for any Person to locate any Mining operation within the following minimum distance of the nearest property line of any tract or parcel of land containing the following structures:

<b><u>Minimum Distance</u></b>	<b><u>Structure</u></b>
500 feet	Church
500 feet	School
500 feet	Public Building
300 feet	Occupied Residence
300 feet	Commercial Establishment
100 feet	Public Road

**5.2** Provided, however, the prohibition contained in this Article 5 shall not apply if the Person locating said Mining operation has received written permission from all such affected land owners to locate the same.

**ARTICLE 6**  
**Variances**

6.1 The Board of Commissioners may authorize a variance from these regulations when, in its sole opinion, undue hardship may result from strict compliance. In granting any variance, the Board of Commissioners must make a finding that the granting of the variance will not be detrimental to the purposes of this Ordinance, nor will the variance be detrimental to the public health, safety, or welfare, and will not have an unduly adverse effect on the environment.

6.2 In granting variances, the Board of Commissioners may require such conditions as will secure, insofar as practicable, the objectives of this Ordinance.

6.3 In seeking a variance, the applicant shall submit to the County Manager, or his designee, an application on a form prescribed by the County and is available at the County Manager's office.

**ARTICLE 7**  
**Injunctive Relief**

Any Person who violates the provision of this Ordinance is subject to a suit for injunction, prosecution for criminal violations and any other remedies allowed by law whether or not explicitly identified in this Ordinance. It shall not be a defense to any injunctive or other equitable action that an adequate remedy at law may exist.

**ARTICLE 8**  
**Penalty**

Violation of this Ordinance shall constitute a Class 3 misdemeanor, and shall be fined not more than Five Hundred and no/100 Dollars (\$500.00), as provided by G.S. Section 14-4. Each day's violation of this Ordinance shall constitute a separate punishable offense.

**ARTICLE 9**  
**Scope**

This Ordinance shall apply to all of the County outside of any municipality.

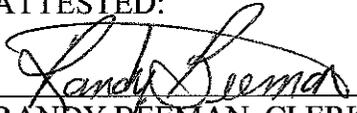
**ARTICLE 10**  
**Effective Date**

This Ordinance shall become effective upon enactment.

PAMLICO COUNTY

BY:   
CARL OLLISON, CHAIRMAN  
PAMLICO COUNTY BOARD OF COMMISSIONERS

ATTESTED:

  
RANDY BEEMAN, CLERK  
Pamlico County Board of Commissioners

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