



**HOKE COUNTY FINE &
DEBT COLLECTION
ORDINANCE**

Adopted July 1, 2025

Section 1: Title and Purpose

This ordinance shall be known as the "Hoke County Fine and Debt Collection Ordinance." Its purpose is to establish procedures for the assessment, collection, and enforcement of civil penalties, fines, fees, and other debts owed to Hoke County, as authorized by North Carolina law.

1.1 Definitions:

Fine: A monetary sanction imposed for violating a rule or ordinance.

Fee: A charge for a service rendered by the County.

Debt: Any financial obligation owed to the County, including unpaid fines, fees, or costs.

Civil Penalty: A non-criminal monetary penalty for ordinance violations.

Setoff Debt Program: The state program that allows interception of tax refunds and lottery winnings for delinquent public debts.

Section 2: Legal Authority

This ordinance is enacted pursuant to the following North Carolina General Statutes (**NCGS**), which authorize counties to impose and collect fines, fees, and other debts:

- **NCGS § 153A-123** – Enforcement of ordinances, including the imposition of civil penalties.
- **NCGS § 153A-134** – Regulatory powers of counties to impose penalties.
- **NCGS § 153A-145** – Authority to impose civil penalties and enforce collections.
- **NCGS § 105-364** – Authorizes counties to pursue collection remedies for unpaid debts.
- **NCGS § 105-365.1** – Establishes collection remedies, including garnishment and liens.
- **NCGS § 153A-147** – Allows counties to contract with collection agencies for debt recovery.
- **NCGS § 147-86.23** – Enables participation in the State Setoff Debt Collection Program.
- **NCGS § 160D-404** – Grants authority for civil penalties and liens on properties for zoning violations.

Section 3: Applicability

This ordinance applies to all fines, fees, and penalties levied by Hoke County, including but not limited to:

1. **Zoning and land use violations** (NCGS § 160D-404)
2. **Minimum housing and building code violations** (NCGS §§ 160A-365, 160D-404(c))
3. **Solid waste and illegal dumping fines** (NCGS § 153A-292)
4. **Abandoned and junked vehicle penalties** (NCGS § 153A-132)

5. **Public nuisance and environmental violations** (NCGS § 153A-140)
 6. **Unpaid county service fees** (e.g., EMS, public health, utility charges)
 7. **General ordinance infractions** (NCGS § 153A-123)
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Section 4: Assessment of Fines and Penalties

A. Fine Amounts

1. The Board of Commissioners shall set fine amounts and publish them in the county's fee schedule.
2. Fines may be imposed as daily penalties for continuing violations.

B. Notice of Violation and Fine

1. A written notice shall be issued, including:
 - The nature of the violation
 - The fine amount and due date
 - The right to appeal
 2. Failure to correct the violation within the specified timeframe may result in additional fines or enforcement actions.
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Section 5: Collection of Fines and Debts

A. Payment Deadline

1. All fines and penalties are due within **30 days** of issuance unless otherwise specified.

B. Payment Methods

1. Payments may be made via check, money order, online payment, or in person at the Hoke County Finance Office.

C. Failure to Pay

If a fine or fee is not paid within the specified period, the County may pursue one or more of the following actions:

Criminal penalties under NCGS § 14-4 may only be applied where the enabling ordinance or regulation explicitly states that its violation constitutes a misdemeanor offense.

1. **Referral to a Collection Agency** (NCGS § 153A-147)
 - The County may enter into agreements with collection agencies to recover unpaid debts, including fines, fees, and penalties.

- The collection agency must comply with the **Fair Debt Collection Practices Act (FDCPA)** and **North Carolina debt collection laws**.
 - 2. **Debt Collection Remedies** (NCGS §§ 105-364, 105-365.1)
 - The County may initiate garnishment of wages, bank accounts, and state tax refunds.
 - 3. **Liens Against Property** (NCGS §§ 153A-140, 160D-404(c))
 - Unpaid fines related to zoning, building code, or nuisance violations shall constitute a lien against the violator's real property.
 - 4. **State Setoff Debt Collection Program** (NCGS § 147-86.23)
 - The County may participate in the North Carolina **Debt Setoff Program**, which allows the interception of state tax refunds and lottery winnings for unpaid county debts.
 - 5. **Civil Lawsuits for Debt Recovery** (NCGS § 153A-123)
 - The County may pursue civil litigation to collect outstanding fines, fees, and penalties.
 - 6. **Criminal Penalties (if applicable)** (NCGS § 14-4)
 - Willful failure to comply with county regulations may result in misdemeanor charges, where permitted by law.
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Section 6: Debt Collection Policy and Procedures

1. The County shall provide at least **two written notices** before referring a debt to collections.
 2. Prior to collection agency referral, the debtor shall be informed of the outstanding balance, potential fees, and collection consequences.
 3. All collection contracts shall be approved by the **Board of Commissioners** and comply with federal and state debt collection laws.
 4. The **County Finance Office** shall oversee fine collection and maintain records of unpaid debts.
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Section 7: Appeals Process

1. Any person receiving a fine may appeal within **10 days** of notice issuance.
2. Appeals must be submitted in writing to the **Hoke County Board of Adjustments** or other designated authority.
3. Failure to appeal within the timeframe waives the right to dispute the fine.
4. Appeals of civil penalties related to zoning or land use shall be heard by the Board of Adjustment in accordance with NCGS § 160D-405.

Appeals for all other county-imposed fines or debts shall be directed to the County Manager or a designated hearing officer for administrative review.

Section 8: Enforcement and Administrative Responsibility

1. The **County Manager** or a designated enforcement officer shall be responsible for implementing and enforcing this ordinance.
 2. The **County Attorney** shall oversee legal actions related to fine collection.
 3. The **Hoke County Finance Office** shall manage collections and contract administration with third-party agencies.
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Section 9: Severability

If any provision of this ordinance is found invalid, the remaining sections shall remain in effect.

Section 10: Effective Date

This ordinance shall take effect **immediately upon adoption**.

Adopted the 1st of July 2025.

ATTEST:



James Leach, Chairman

Hoke County Board of Commissioners



Shanetta Smith, Clerk to the Board

Hoke County Board of Commissioners



Hoke County Board of Commissioners