



**HARNETT COUNTY
SCHOOL BUS
STOP ARM VIOLATIONS
ORDINANCE**

Originally adopted April 5, 2021

Amended November 6, 2023

Section 1. Title

This Ordinance shall be known and cited as the “Harnett County School Bus Stop Arm Violations Ordinance” (hereinafter referred to as the “Ordinance”).

Section 2. Authority

This Ordinance is adopted pursuant to North Carolina General Statute § 153A-246 and for the purpose of providing for the civil enforcement of North Carolina General Statute § 20-217 by means of an automated school bus safety camera installed and operated on any school bus located within Harnett County (hereinafter referred to as the “County”).

Section 3. Notice of Violation

- A. The notice of violation shall be given in the form of a citation and shall be received by the registered owner of the vehicle no more than 60 days after the date of the violation.
- B. The citation shall include all of the following:
 - 1) The date and time of the violation, the location of the violation, the amount of the civil monetary penalty imposed, and the date by which the civil monetary penalty shall be paid or contested.
 - 2) An image taken from the recorded image showing the vehicle involved in the violation.
 - 3) A copy of the statement or electronically generated affirmation from a Harnett County Sheriff’s Office deputy or a law enforcement officer employed by a law enforcement agency with whom an agreement has been reached with the County pursuant to G.S. 115C-242.1(c) stating that, based upon inspection of the recorded images, the owner’s motor vehicle was operated in violation of this Ordinance.
 - 4) Instructions explaining the manner in which, and the time within which, liability under the citation may be contested pursuant to Section 3 of this Ordinance.
 - 5) A warning that failure to pay the civil monetary penalty or to contest liability in a timely manner shall waive any right to contest liability and shall result in a late penalty of one hundred dollars (\$100.00), in addition to the civil monetary penalty.
 - 6) In citations issued to the registered owner of the vehicle, a warning that failure to pay the civil monetary penalty or to contest liability in a timely manner shall result in refusal by the Division of Motor Vehicles to register the motor vehicle, in addition to imposition of the civil monetary penalty and late penalty.
- C. The citation shall be processed by officials or agents of the County and shall be served by any method permitted for service of process pursuant to G.S. 1A-1, Rule 4

of the North Carolina Rules of Civil Procedure, or by first-class mail to the address of the registered owner of the vehicle provided on the motor vehicle registration, or, as applicable, to the address of the person identified in an affidavit submitted by the registered owner of the vehicle.

- D. The registered owner of a vehicle shall be responsible for a violation unless the vehicle was, at the time of the violation, in the care, custody, or control of another person or unless the citation was not received by the registered owner within 60 days after the date of the violation. If the registered owner provides an affidavit that the vehicle was, at the time of the violation, in the care, custody, or control of another person or company, the identified person or company may be issued a citation complying the requirements of Section 3(B) of this Ordinance.

Section 4. Penalties

- A. Violations of this Ordinance shall be deemed a noncriminal violation for which a civil penalty shall be assessed and for which no points authorized by G.S. 20-16(c) and no insurance points authorized by G.S. 58-36-65 shall be assigned to the registered owner or driver of the vehicle.
- B. The amount of the civil penalty shall be the following:
 - 1) First Offense: Four Hundred Dollars (\$400.00)
 - 2) Second Offense: Seven Hundred Fifty Dollars (\$750.00)
 - 3) All Subsequent Offenses: One Thousand Dollars (\$1000.00)
- C. If a citation is not contested pursuant to Section 5(A) of this Ordinance, the civil penalty shall be paid by the citation recipient within 30 days after receipt of the citation. If the citation recipient fails either to pay the civil penalty or to request a hearing to contest the citation in accordance with Section 5(A) of this Ordinance within 30 days after receipt of the citation, the citation recipient shall have waived the right to contest responsibility for the violation and shall be subject to a late penalty of one hundred dollars (\$100.00) in addition to the civil penalty assessed under this Section.
- D. If the citation is contested pursuant to Section 5(A) of this Ordinance and the decision is adverse to the person contesting the citation, the civil penalty shall be paid within 30 days after receipt of the adverse decision, unless the citation recipient appeals the adverse decision pursuant to Section 5(D) of this Ordinance. If the adverse decision is appealed, and if the final decision on appeal is adverse to the citation recipient, then payment of the civil penalty is due within 30 days after the citation recipient receives notice of the final adverse decision on appeal.
- E. If the registered owner of a motor vehicle who receives a citation fails to pay the civil penalty when due, the North Carolina Division of Motor Vehicles shall refuse to register the motor vehicle for the owner in accordance with G.S. 20-54(11). The

County may establish procedures for providing notice to the Division of Motor Vehicles and for the collection of these penalties and may enforce the penalties by civil action in the nature of debt.

Section 5. Appeals

- A. A person wishing to contest a citation shall, within 30 days after receiving the citation, deliver to the officials or agents of the County a written request for a hearing accompanied by an affidavit stating the basis for contesting the citation, including, as applicable:
- 1) The name and address of the person other than the registered owner who had the care, custody, or control of the vehicle.
 - 2) A statement that the vehicle involved was stolen at the time of the violation, with a copy of any insurance report or police report supporting this statement.
 - 3) A statement that the citation was not received within 60 days after the date of the violation, and a statement of the date on which the citation was received.
 - 4) A copy of a criminal pleading charging the person with a violation of G.S. 20-217 arising out of the same facts as those for which the citation was issued.
 - 5) A statement that there was not a violation of G.S. 20-217.
- B. If the person to whom a citation is issued makes a timely request for a hearing under Section 5(A), a summons shall be issued by any method permitted for service of process pursuant to G.S. 1A-1 Rule 4 of the North Carolina Rules of Civil Procedure, directing the person to appear at a place and time specified in the summons in order to contest the citation at an administrative hearing.
- C. A nonjudicial administrative hearing shall be conducted by an administrative appeals board established by the County for contested citations or penalties issued or assessed under this Ordinance. The decision on a contested citation shall be rendered in writing within five days after the hearing and shall be served upon the person contesting the citation by any method permitted for service of process pursuant to G.S. 1A-1, Rule 4 of the North Carolina Rules of Civil Procedure. If the decision is adverse to the person contesting the citation, the decision shall contain instructions explaining the manner and the time within which the decision may be appealed pursuant to Section 5(D) of this Ordinance.
- D. A person may appeal an adverse decision of the administrative appeals board to the Harnett County, North Carolina District Court by filing a notice of appeal with the Harnett County Clerk of Superior Court. Any such appeal shall name the **County of Harnett** as the adverse party to the appeal. Enforcement of an adverse decision shall be stayed pending the outcome of a timely appeal. Except as otherwise provided in this Section, appeals shall be in accordance with the procedure set forth in Article 19 of Chapter 7A of the General Statutes applicable to appeals from the magistrate to the district court. For purposes of calculating the time within which any action must be taken to meet procedural requirements of the appeal, the date upon which the person

contesting the citation is served with the adverse decision shall be deemed the date of entry of judgment.

Section 6. Criminal Pleadings

A. In the event a person is charged in a criminal pleading with a violation of G.S. 20-217, all of the following shall apply:

- 1) The charging law enforcement officer shall provide written notice containing the name and address of the person charged with a violation of G.S. 20-217 and the date of violation to the Harnett County Sheriff's Office or the law enforcement agency with whom the County has entered an agreement pursuant to G.S. 115C-242.1(c) to affirm a violation of this Ordinance.
- 2) After receiving notice that a person has been charged with a violation of G.S. 20-217, the County or a private vendor contracted with under G.S. 115C-242.1 to process the civil citations shall not issue a civil citation imposing a civil penalty against that person arising out of the same facts as those for which the person was charged in the criminal pleading.
- 3) The County or a private vendor contracted with under G.S. 115C-242.1 to process the civil citations shall issue a full refund of any civil penalty payment received from a person who was charged in a criminal pleading with a violation of G.S. 20-217 if the civil penalty arose out of the same facts as those for which that person was charged in the criminal pleading, together with interest at the legal rate as provided by G.S. 24-1 from the date the penalty was paid until the date of the refund.

B. The County shall provide each law enforcement agency within its jurisdiction with the name and address of the County official or other law enforcement official employed by a law enforcement agency with whom the County has entered an agreement pursuant to G.S. 115C-242.1(c) to affirm a violation of this Ordinance to whom written notice of persons charged with a violation of G.S. 20-217 should be given pursuant to Section 6(A) of this Ordinance.

Section 7. Effective Date.

This Ordinance shall be effective upon its adoption.


Amended this the 6th day of November, 2023.

HARNETT COUNTY
BOARD OF COMMISSIONERS



Matthew B. Nicol, Chairman

ATTEST:


Melissa D. Capps, Clerk to the Board