

HALIFAX COUNTY CODE OF ORDINANCES
Chapter 46 – Planning
Article IV – Mining and Quarrying

Sec. 46-55. – Authority and short title.

This article is adopted pursuant to Chapter 160D of the North Carolina General Statutes and other statutory authority as may be cited herein and shall be known, cited and referenced as the Halifax County Mining and Quarrying Ordinance.

Sec. 46-56. – Purpose.

Under current provisions of the Halifax County Zoning Ordinance (as of September 2025) “surface mining” and “quarry operations” are permitted uses in the Residential-Agricultural (RA) zoning district. The terms “surface mining” and “quarry operations” are not defined in the zoning ordinance. Mining and quarry operations involve intensive and potentially disruptive activities such as blasting, excavation, crushing, and heavy truck traffic. These operations generate noise, dust, vibration, and environmental impacts that are incompatible with nearby residential, agricultural, recreational, economic development, transportation and/or conservation uses. The County currently lacks a regulatory framework to evaluate and manage the substantial and often permanent impacts mining and quarrying can have on surrounding landowners, natural resources, infrastructure, and land use patterns. Due to the prohibition of “down-zoning” imposed by G.S. 160D-601(d), mining and quarrying cannot be prohibited in the R-A district. Without clear and enforceable supplemental development standards, Halifax County is vulnerable to incompatible development involving mining and quarrying activities within the R-A district with adverse consequences that may not be reversible. Therefore, the purpose of this article is to establish consistent supplemental development regulations with respect to mining and quarrying in the R-A district.

Sec. 46-57. – Definitions.

1. Mining. The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of minerals, metals, ores, soils, and other solid matter from their original location; and the preparation, washing, cleaning, or other treatment of minerals, metals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use.

2. Hard Mining. Mining activity where extraction or removal includes blasting or explosives.

3. Soft Mining. Mining activity where the extraction or removal does not include blasting or explosives.
4. Mining Exclusions and Exemptions. Mining does not include any of the activities Identified in G.S. 74-49(7)(a) through (g) as amended.
5. NCDEQ. The North Carolina Department of Environmental Quality.
6. NCDOT. The North Carolina Department of Transportation.
7. Permit Boundaries. As defined in G.S. 74-50(b)(2), as amended.
8. Permitted Area. As defined in G.S. 74-50(b)(3), as amended.
9. Quarrying. Mining operations involving open pits for the extraction of rock, stone, slate, marble, aggregate, lithium, metals, or other minerals or ores from the earth.
10. Resource Extraction. The removal of any naturally occurring substance from the land and not otherwise covered by the definition of mining and quarrying. Such substances include, but are not limited to, petroleum in any form, natural gas, or other gaseous substances. Such substances do not include timber or surface or subsurface water.
11. Accessory Use. Uses associated with the operation of a mining or quarrying facility that are accessory to the primary function, shall be allowed inside the mining and quarrying boundary as established by the associated state mining permit. Examples include, but are not limited to asphalt plants, concrete plants, and chemical processing facilities.

Sec. 46-58. - Development Standards.

1. Screening. A visual screen of at least 50% opacity must be established and maintained around that portion of the mining/quarrying site that is being excavated or used for the storage of minerals.
2. Fencing. Mining and quarrying facilities shall have a security fence surrounding the area of operations identified in the NCDEQ mining permit. The security fence shall be chain link, of nine-gauge steel or heavier, erected a minimum of seven feet in height, including three strands of barbed wire at the top.
3. Access. Access points shall be gated when the mine or quarry is not in operation. Gate height and construction materials shall be equal to or greater than that of security fencing.
4. Setbacks. The permit boundaries of any mine or quarry shall be at least

a. 1,000 feet from any occupied structure that is (a) outside the mining or quarrying facility boundary and (b) not owned or leased by the mining company. Internal roads used for mining equipment and operating mobile mining equipment shall be at least 300 feet from an occupied structure,

b. One mile from the nearest boundary of the Airport (AP) District,

c. One mile from the nearest boundary of any tract of real property owned or improved by the County pursuant to any provisions of G.S. 158-7.1 or any tract of real property occupied by a third party whose operations are supported by the County with public funds or property pursuant to any provisions of G.S. 158-7.1.

c. One mile from the point where the centerline of Interstate 95 intersects with the centerline of NC Highway 903, NC Highway 561, NC Highway 481, NC Highway 125 and US Highway 158.

5. Lighting. Lighting, including temporary or portable lighting, shall be full-cutoff fixtures, designed so that no more than half a foot candle will stray onto adjoining properties not owned or leased by the mining company.

6. Noise Mitigation. The owner/operator shall submit a noise mitigation plan for Board approval as part of the rezoning process or as part of the Special Use Permit process if a rezoning is not required. The noise mitigation plan shall include barriers no less than 12 feet in height consisting of landscaped berms or highway-style noise barriers erected between the pit and any occupied dwelling not owned or leased by the mining company that is within 1,000 feet of the pit. Landscaped berms shall be seeded and stabilized with grasses native to the region. Construction of such barriers or berms will not be required within any wetland, floodplain, stream or other jurisdictional feature that shall in no way limit otherwise permissible mining operations.

7. Vibration Standards. All mining and quarrying activities in the county must conform to the vibration policy adopted by the Land Quality Section of NCDEQ or successor agency.

8. Landscaping. If highway-style noise barriers are chosen as a noise mitigation strategy around the mining or quarrying pits as permitted under this Section, then such noise barriers shall be shielded either by (a) natural and existing vegetation at least 40 feet in width or (b) two rows of evergreens of a variety expected to reach 25 feet in height at maturity and no less than eight feet in height at time of planting.

9. Traffic and Access. Mining and quarry operations must be located where roads providing access to such operations are constructed to NCDOT standards for the width and rated tonnage of the trucks or other vehicular equipment that will be using the operation. The additional traffic to the operation site may not cause roads providing access to the site to drop to a level of service below "D" as defined by NCDOT. Ingress to and egress from the site

must be over a road or driveway that intersects directly with a state-maintained road. Traffic routed to and from such intersection may not be through a residential neighborhood where the streets are primarily intended to provide access to adjacent residences.

10. Reclamation. All lands subject to mining or quarrying activities shall be subject to reclamation in accordance with the N. C. Mining Act of 1971, as amended, and Chapter 5 of the N. C. Administrative Code, Title 15A, as amended. The owner/operator shall provide the County Zoning Administrator with a copy of its reclamation plan.

Sec. 46-59. – Operations.

1. Mining Permits. The owner/operator shall provide the County Zoning Administrator with a copy of all permits required under state and/or federal law within thirty days of issuance. In addition, the owner/operator shall provide the Zoning Administrator with a copy of all reports submitted to state and/or federal agencies from time to time, as well as all correspondence received by the owner/operator from those agencies concerning compliance with state and/or federal permits.

2. Blasting. No blasting shall be conducted between the hours of 6:00 p.m. and 7 a.m. Before blasting a 24-hour notice shall be given to the Halifax County Zoning Administrator and all property owners whose property boundaries are within one-half mile of the blasting site. No blasting shall occur on the following days: Sundays, Christmas, Good Friday, New Year's Day, Memorial Day, Labor Day, Veteran's Day, Thanksgiving, and the Fourth of July.

3. Dust Suppression. The owner/operator shall submit a dust mitigation plan for Board approval as part of the rezoning process or as part of the Special Use Permit process if rezoning is not required.

4. Hours of Operation: Trucks transporting aggregate, ores, minerals, metals or other finished products other than asphalt shall not make deliveries between the hours of 10:00 p.m. and 6:00 a.m.

Sec. 46-60. – Development Approval.

1. Zoning District. Due to current restrictions on “down-zoning” imposed under G.S. 160D-601(d), mining and quarrying must continue to be allowed in the Residential-Agricultural (R-A) zoning district. Mining and quarrying shall not be allowed in any other zoning district.

2. Special Use Permit. Mining and quarrying uses shall only be permitted by Special Use Permit pursuant to Halifax County Zoning Ordinance Section 701.03, with the exception that such Special Use Permits shall be considered and issued by the Board of Commissioners rather than the Board of Adjustment. If rezoning is required to establish an R-A zoning

district, then an application for a Special Use Permit shall only be filed and accepted after approval of the rezoning of the property. Special Use Permit applications must include a complete copy of all documents required by the State for a state mining permit, including but not limited to the mining permit application, the reclamation plan and any maps, drawings and charts accompanying these documents. Nothing in this article shall be construed to prohibit the imposition of more strict conditions than those imposed in this article on a case by case basis under the terms of a Special Use Permit. All standards for Special Use Permits set forth in Section 701.03 (f) of the Halifax County Zoning Ordinance remain applicable to Special Use permits for mining and quarrying activities. Special Use Permits shall terminate if the owner/operator does not commence action in furtherance of the permitted use within 6 months from the date of issuance.

3. Accessory Uses. Applicants may incorporate all accessory uses within the same Special Use Permit for a mining and/or quarry operation.

Sec. 46-61. – Enforcement.

1. Blasting Violations. Blasting on prohibited days or during prohibited hours shall result in a fine of \$1,000.00 for the first offense, \$2,500.00 for the second offense, \$5,000.00 for the third offense, and \$10,000.00 per fine for each succeeding offense.

2. Other Violations. Any violations of these regulations related to blasting or other development standards or operating requirements, or violation of other conditions imposed under the Special Use Permit, may result in the suspension of the Special Use Permit at the discretion of the County Manager or the Manager's designee. If a suspension is enacted, a special meeting of the Board of Commissioners must be scheduled within 14 business days to consider revocation of the Special Use Permit.

3. Suspension or Revocation of State or Federal Permits. Special Use Permits shall be suspended if the underlying Federal or State mining permit has been suspended or revoked. If a suspension is enacted, a special meeting of the Board of Commissioners must be scheduled within 14 business days to consider revocation of the Special Use Permit.

Sec. 46-62. – Administration; rules, procedures, forms.

The County Zoning Administrator, with the concurrence of the County Manager, is authorized to promulgate rules, procedures and forms for the efficient implementation, administration and enforcement of this article, provided such rules, procedures and forms are consistent with the substantive provisions of this article. All rules, procedures and forms shall be maintained in written form, readily available to the public. Failure to comply with the rules, procedures and forms promulgated under this authority shall be grounds for denial or

revocation of any zoning or other developmental permit issued in connection with a mining or quarrying operation.

Sec. 46-63. – Applicability.

This article applies to any new mining/quarrying activity within the planning jurisdiction of Halifax County. This article shall not apply to any mining/quarrying activity that was permitted under the Halifax County Zoning Ordinance prior to the effective date hereof, provided, however, that modifications to any mining/quarrying operation that increase the mining area by more than five percent of its original size shall be subject to the applicable provisions of this article.

Sec. 46-64. – No creation of nonconformity.

This article shall not be construed to create any type of nonconformity on land not in a residential zoning district, including a nonconforming use, nonconforming lot, nonconforming structure, nonconforming improvement, or nonconforming site element.

Sec. 46-65 through 46-70. Reserved.