

CHAPTER 130: GENERAL OFFENSES

Section

- 130.01 Prostitution
- 130.02 Profanity and boisterous conduct
- 130.03 Discharge of firearms and other weapons
- 130.04 Drinking in public places
- 130.05 Disturbing public meetings
- 130.06 Injury to private property
- 130.07 Injuring property of town
- 130.08 Gathering on private property
- 130.09 Operation of loudspeakers
- 130.10 Failure to pay taxicab fares
- 130.11 Unnecessary noise prohibited
- 130.12 Fire bombs prohibited
- 130.13 Posting of printed matter
- 130.14 Littering
- 130.15 Debris from new construction
- 130.16 Burning of leaves and other matter

§ 130.01 PROSTITUTION.

It shall be unlawful for any person, on any of the streets or public places, to solicit for purposes of prostitution.

(1978 Code, § 8-1001) Penalty, see § 10.99

Statutory reference:

Prostitution, see G. S. Ch. 14, Art. 27

§ 130.02 PROFANITY AND BOISTEROUS CONDUCT.

It shall be unlawful for any person to use loud, boisterous, or profane language in any public place in a manner as to create a public disturbance.

(1978 Code, § 8-1003) Penalty, see § 10.99

Statutory reference:

Offenses against the public peace, see G.S. Ch. 14, Art. 35

§ 130.03 DISCHARGE OF FIREARMS AND OTHER WEAPONS.

It shall be unlawful for any person to fire, shoot a gun or pistol of any kind, air gun, bow shooting an arrow, or any device shooting or propelling a bullet, shot, arrow, or any missile which is likely to cause injury or damage to persons or property within the corporate limits of the town. This section shall not apply to any law officer in the discharge of his duty or to any person in the defense of his home or person or to any act done in order to prevent the commission of a felony.

(1978 Code, § 8-1004) Penalty, see § 10.99

Statutory reference:

Authority to regulate and restrict firearms and pellet guns, see G. S. §§ 160A-189 and 160A-190

§ 130.04 DRINKING IN PUBLIC PLACES.

No person shall consume alcoholic beverages, malt beverages, or unfortified wine, as defined by G.S. § 18B-101, on or within the rights-of-way of the municipal streets, boulevards, alleys, and sidewalks, in municipal parks and buildings, or on any other property owned or occupied by the town.

(1978 Code, § 8-1005)

§ 130.05 DISTURBING PUBLIC MEETINGS.

It shall be unlawful to behave in a boisterous or indecent manner or to create any disturbance at or near any public entertainment or meeting.

(1978 Code, § 8-1006) Penalty, see § 10.99

§ 130.06 INJURY TO PRIVATE PROPERTY.

It shall be unlawful to injure any property belonging to another.

(1978 Code, § 8-1007) Penalty, see § 10.99

§ 130.07 INJURING PROPERTY OF TOWN.

It shall be unlawful to injure, damage, deface, trespass upon, break or injure any property belonging to the town.

(1978 Code, § 8-1008) Penalty, see § 10.99

§ 130.08 GATHERING ON PRIVATE PROPERTY.

(A) It shall be unlawful to loiter, singularly or in large numbers, upon the premises or parking lot of any store, restaurant, theater, shop, warehouse or other business establishments after such store, restaurant, theater, shop, warehouse or other business establishment has closed its doors to the public and is no longer serving the public when any such store, restaurant, theater, shop, warehouse or other business establishment has posted 1 or more signs in plain and open view on its buildings or driveway entrances forbidding the loitering or use of its premises by vehicular traffic or by persons on foot after cessation of its business activity for the day.

(B) Violation of this section shall be a misdemeanor and punishable on a conviction by a fine not exceeding \$50 or imprisonment not exceeding 30 days, as provided by G.S. § 14-4.

(1978 Code, § 8-1009) (Am. Ord. passed 1-7-1982)

§ 130.09 OPERATION OF LOUDSPEAKERS.

It shall be unlawful for any person or firm to own or operate a loud speaker on the outside of any store building, filling station or private home, or to operate a loud speaker on a truck or automobile without first obtaining a permit to do so from the Mayor and the Board of Commissioners. (1978 Code, § 8-1010) Penalty, see § 10.99

§ 130.10 FAILURE TO PAY TAXICAB FARES.

Any person failing to pay taxi fare after reaching his destination shall be guilty of a misdemeanor. (1978 Code, § 8-1011) Penalty, see § 10.99

§ 130.11 UNNECESSARY NOISE PROHIBITED.

It shall be unlawful for any person, firm or corporation to create or assist in creating any unreasonably loud, disturbing and unnecessary noise in the town. Noise of this character, intensity and duration as to be detrimental to the public health, welfare, and peace is hereby prohibited.

(A) The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle, except as a danger signal, so as to create any unreasonably loud or harsh sound, or the sounding of the device for an unnecessary and unreasonable period of time.

(B) The playing of any radio, phonograph or other musical instrument in a manner or with any volume, particularly during hours between 11:00 p.m. and 7:00 a.m. as to annoy or disturb the quiet, comfort, or repose of any person in any dwelling, hotel, or other type of residence.

- (C) The keeping of any animal or bird, which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.
- (D) The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in any manner as to create loud or unnecessary grating, grinding, rattling or other noise.
- (E) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.
- (F) The conducting, operating, or maintaining of any garage or service station in any residential area so as to cause loud or offensive noises to be emitted there from between the hours of 10:00 p.m. and 7:00 a.m. on weekdays or on Sundays.
- (G) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the institutions are in session, or within 150 feet of any hospital, which unreasonably and unnecessarily interferes with the working of the institutions, provided conspicuous signs are displayed in the streets indicating that the area is a school, court or hospital area.
- (H) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the Building Inspector, which permit may be renewed for a period of 3 days or less while the emergency continues.
- (I) The shouting and crying of peddlers, barkers, hawkers and vendors which disturb the quiet and peace of the neighborhood.

(1978 Code, § 8-6001)

Statutory reference:

Authority to regulate noises, see G.S. § 160A-184

§ 130.12 FIRE BOMBS PROHIBITED.

- (A) Bombs prohibited.

- (1) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FIREBOMB. Any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

MOLOTOV COCKTAIL. Any breakable container, or any container which is filled with an inflammable fluid or substance, and fitted with a fuse or wick, which is designed in a manner that upon being propelled it will at impact empty its contents.

- (2) It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.
- (3) It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises. The provisions of this section shall be cumulative and in addition to any other ordinance or General Statute of North Carolina on this subject.

(1978 Code, § 8-6002)

- (B) **Enforcement.** The Mayor, and in his absence, the Mayor pro tempore, and in the absence of both officials, the Chief of Police, shall be and they are authorized to enforce the preceding section for the periods of time as they shall deem necessary.

(1978 Code, § 8-6003)

Penalty, see § 10.99

§ 130.13 **POSTING OF PRINTED MATTER.**

- (A) *General.* It shall be unlawful for any person, firm or corporation to post, nail, stick, or otherwise affix bills, posters, advertisements, notices or any other printed or graphic matter upon public property in the town. This section shall not apply to notices, signs, or advertisements required to be posted by law, signs or plates on residential premises giving the name or address of the occupant, mail boxes or newspaper tubes, municipal, county, state and federal traffic signs, historical markers, monuments or signs erected by public authority, temporary displays as a part of customary holiday decorations, and signs denoting the location of underground utilities.

(1978 Code, § 8-6004)

- (B) *Posting on private property.* It shall be unlawful for any person, firm, or corporation to nail, stick, or otherwise affix bills, posters, advertisements, notices, or other printed or graphic matter upon private property within the town without the consent of the owner.

(1978 Code, § 8-6005)

Penalty, see § 10.99

§ 130.14 **LITTERING.**

- (A) It shall be unlawful for any person, firm, organization or private corporation to throw or deposit upon any street or sidewalk, or upon any private property, except with written permission of the owner or occupant of the private property any trash, refuse, garbage, building material, cans, bottles, broken glass, paper, or any type of litter.
- (B) It shall be unlawful for any person while a driver or a passenger in a vehicle to throw or deposit litter upon any street or other public place within the town or upon private property.

- (C) It shall be unlawful for any person, firm, organization, or private corporation to throw or deposit into a private (non-public) trash dumpster or trash container, except with written permission of the owner or lessee of the trash dumpster or trash container any trash, refuse, garbage, building material, cans, bottles, broken glass, paper, furniture, appliances, automobile or truck tires, or any type of litter.
- (D) Any person who violates divisions (A), (B), or (C) of this section is guilty of a misdemeanor punishable by a fine of not exceeding \$50 or 30-days' imprisonment or both fine and imprisonment for each offense.

(1978 Code, § 8-6006)

Statutory reference:

Authority to regulate littering, see G.S. § 160A-303.1

§ 130.15 DEBRIS FROM NEW CONSTRUCTION.

- (A) *General.* All refuse, lumber and debris, remaining both as a result of the repair of any buildings, or of the erection and completion of any new buildings, shall be removed by the property owner within 10 days from the completion of the aforesaid work. Furthermore any dirt, mud, gravel or other surface material spread or caused to be spread on any public roads, sidewalks or right-of-ways by the construction must be removed from the road, sidewalk or right-of-way within 24 hours of the noted violation.
- (B) *Cost incurred by owner.*
 - (1) If the owner of the construction property in violation of division (A) of this section does not cause the violation to be removed or otherwise remedied within 24 hours after notification is given, the town shall:
 - (a) Offer the owner a hearing with the Town Manager to consider the violation within 2 days of the end of his compliance period;
 - (b) If abatement is still required, remove or otherwise remedy the situation in any way deemed necessary.
 - (2) The actual cost incurred by the town in removing or otherwise remedying the debris from construction shall be charged to the owner of the lot or parcel on which construction is occurring. It shall be the duty of the Tax Collector to mail a statement of the charges to the owner or other person in possession of the premises with instructions that the charges are due and payable within 30 days from the receipt thereof.
- (C) *Charges become a lien.* In the event charges for the removal or remedy of construction debris are not paid within 30 days after the receipt of a statement of charges as provided for in this section, the charges shall become a lien upon the land or premises where the violation existed and shall be collected as unpaid taxes, as provided in G.S. § 160A-193.

(1978 Code, § 8-6007) (Am. Ord. passed - -)

§ 130.16 BURNING OF LEAVES AND OTHER MATTER.

It shall be unlawful for any person, firm, organization or private corporation to burn or permit to be burned leaves or any other matter or material upon any street, sidewalk, margin or shoulder of street or along the right-of-way of any street within the corporate limits of the town.

(Am. Ord. passed - -) Penalty, see § 10.99