

TITLE XIII: GENERAL OFFENSES

Chapter

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§ 130.01 NOISE POLICY.

(A) No person may authorize or cause to be emitted from any property or source under his or her control any noise that is both:

(1) Sufficiently loud to frighten or pose a danger to the health of or seriously disturb any person who:

(a) If the noise emanates from a source located on private property, is located on other property; or

(b) If the noise emanates from a street or other public property, is located on private property or the street or other public property.

(2) Louder, or of greater duration, or otherwise more disturbing than is reasonably necessary for the performance of some lawful public or private function, enterprise, operation, or activity.
(Prior Code, § 5-1)

(B) The following are declared to be illustrations of noises prohibited under the foregoing section, and are hereby declared to be unlawful, but this list shall not be exhaustive:

(1) The blowing of a horn on any motor vehicle except when the horn is used as a warning device;

(2) The operation of any motor vehicle without a muffler or with a muffler that is so defective or so designed that the vehicle emits an unusually loud noise;

(3) The operation of a motor vehicle so as to create unnecessary and unusual noise through the screeching of tires or racing of engines;

(4) The playing of any radio, television, tape recorder, phonograph or similar electronic device or any musical instrument so as to disturb the comfort, quiet or repose of persons in any place of residence or so as to interfere substantially with the operations of any church, school, theater, library, or other similar place of assembly; and/or

(5) The use of any drum, loudspeaker or other amplification instrument or device for the purpose of attracting attention by the creation of noise to any performance, show, sale, display, advertisement of merchandise, or other commercial venture.

(Prior Code, § 5-2)

Penalty, see § 130.99

§ 130.02 DISCHARGE OF FIREARMS OR AIR RIFLES.

(A) Subject to division (B) below, no person may discharge any firearm within the town. This division shall not apply to private citizens acting in justifiable self defense or pursuant to the lawful directions of a police officer nor to police officers acting in a lawful performance of their duties.

(B) No person shall discharge or shoot within the town any air rifle, air pistol, B-B gun, pellet gun, pump gun or similar weapon within 100 yards of any building or house or gathering of people.

(Prior Code, § 5-3) Penalty, see § 130.99

§ 130.03 OPERATION OF A PUBLIC ENTERPRISE WITHOUT FRANCHISE.

Except as otherwise provided by law, no person may operate within the town any public enterprise, as defined in G.S. § 160A-311, without first obtaining a franchise from the town, nor may any person continue to operate a public enterprise after the expiration of a franchise.

(Prior Code, § 5-4) Penalty, see § 130.99

§ 130.04 MASSAGE OF PRIVATE PARTS.

(A) Subject to division (C) below, no person may massage or offer to massage the private parts of another for hire or in expectation of a gratuity.

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

MASSAGE. The manipulation of body muscle or tissue by rubbing, stroking, kneading or tapping by hand or mechanical or other device on any part of the body.

PRIVATE PARTS. The penis, scrotum, mons veneris, vulva or vaginal area.

(C) The provisions of division (A) above shall not apply to licensed medical practitioners, osteopaths or chiropractors, or other persons operating at their directions, in connection with the practice of medicine, chiropractic, or osteopathy within the confines of the principal location of the practice of medicine, chiropractic or osteopathy.

(Prior Code, § 5-7) Penalty, see § 130.99

§ 130.05 CURFEW FOR MINORS.

(A) No minor under the age of 16 may loiter, wander, stroll, loaf or play upon the streets, roads, alleys, or other public places within the town, or in any vehicle placed or parked thereon, between the hours of 12:00 midnight and sunrise of the following day, unless accompanied by the parent, guardian, or other adult person having the care, custody, or control of the minor.

(B) No parent, guardian, or other person having the care, custody, or control of any minor under the age of 16 may knowingly permit the minor to violate the provisions of division (A) above.
(Prior Code, § 5-5)

(C) This section does not apply to a minor who is:

- (1) Accompanied by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency;
- (6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
- (7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;

(8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(9) Married or had been married or had disabilities of minority removed in accordance with state law.

Penalty, see § 130.99

§ 130.06 LOITERING AND DISORDERLY CONDUCT ON PUBLIC PROPERTY.

It shall be unlawful to congregate with others, loiter, stand around, sit upon parked vehicles, or gather on town owned or operated parking lots, upon any public street or sidewalk or other public area for the purpose of or which results in:

(A) The engaging of loud or boisterous conduct;

(B) Abusive, lewd, or obscene language;

(C) Conduct, interfering or impeding the flow of vehicular or pedestrian traffic;

(D) Littering;

(E) Consuming or using alcoholic beverages;

(F) Harassing motorists or pedestrians; or

(G) Otherwise disturbing the public peace or engaging in disorderly conduct.

(Prior Code, § 5-10) (Am. Ord. passed 6-8-1987) Penalty, see § 130.99

§ 130.07 CONSUMPTION OF BEER AND WINE ON PUBLIC PROPERTY PROHIBITED.

No person may consume malt beverages or unfortified wines on any facility, right of way, or other property owned or occupied by the town.

(Prior Code, § 5-6) Penalty, see § 130.99

§ 130.08 SKATEBOARDING ON SIDEWALKS AND STREETS.

No person shall ride any skateboard or similar device on any town sidewalk or on any streets located within the town.

(Prior Code, § 5-11) (Am. Ord. 145, passed 5-7-1990) Penalty, see § 130.99

§ 130.99 PENALTIES.

(A) A violation of any of the provisions of this chapter shall constitute a misdemeanor, punishable as provided in G.S. § 14-4.

(B) A violation of any of the provisions of this chapter shall also subject the offender to a civil penalty of \$50.

(C) If a person fails to pay this penalty within 10 days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.

(D) The town may seek to enforce this chapter through any appropriate equitable action.

(E) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(F) The town may seek to enforce this chapter by using any 1 or a combination of the foregoing remedies.

(Prior Code, § 5-8)

