

Section

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§84.01 DISCHARGE OF FIREARMS

(A) It shall be unlawful for any person to fire or discharge any rifle, gun, pistol, pellet gun, air gun, air pistol, or air rifle within the Town, on or off his premises, in sport or amusement.

(B) Any person who shall knowingly and willfully permit his or her minor child under 18 years of age to discharge, fire, shoot, or operate, within the Town any such air rifle, BB gun, or pellet gun, shall be guilty of a misdemeanor. Penalty, see §10.99.

Statutory reference:

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

§84.02 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.

Penalty, see §10.99

§84.03 INJURING TOWN PROPERTY

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

Penalty, see §10.99

§84.04 UNNECESSARY NOISE

It shall be unlawful for any person to create, or assist in creating, permit, continue, or permit the continuance of any unreasonably loud, disturbing, and unnecessary noise in the Town. Noise of such character, intensity, and duration as to be detrimental to the life or health of any individual is prohibited. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but the enumeration shall not be deemed to be exclusive, namely:

(A) The sounding of any horn or signal device or any device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently

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out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time;

(B) The use of any gong or siren upon any vehicle, other than police, fire, or other emergency vehicle;

(C) The use or operation of any piano, manual or automatic, phonograph, radio, loudspeaker, or any other instrument, or sound amplifying devices so loudly as to disturb persons in the vicinity thereof, or in such a manner as renders the same a public nuisance, however, on application to the Mayor, permits may be granted to responsible organizations to produce programs in music, speeches, or general entertainment;

(D) The keeping of any animal or bird which by causing frequent- er long continued noise shall disturb the comfort and repose of any person in the vicinity;

(E) The use of any automobile, motorcycle, all-terrain vehicle or other vehicle in such manner as to create loud or unnecessary grating, grinding, rattling, or other noise;

(F) 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;

(G) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

(H) The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced;

(I) The erection (including excavating), 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 three days or less while the emergency continues;

(J) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, or within 150 feet of any hospital, which unreasonably interferes with the working of such institution, provided conspicuous signs are displayed in such streets indicating that the same is a school, court, or hospital street;

(K) The creation of any excessive noise on Sundays on any street adjacent to any church, provided conspicuous signs are displayed in such streets adjacent to churches indicating that the same is a church street;

(L) The creation of loud and excessive noise in connection with loading or unloading of any vehicle, or the opening and destruction of bales, boxes, crates, and containers

(M) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof;

(N) The shouting and crying of peddlers, barkers, hawkers, and vendors which disturbs the quiet and peace of the neighborhood; or anyone shouting within the corporate limits so as to disturb the peace and quiet of the neighborhood;

(O) The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, sale, or display of merchandise;

(P) The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes except where specific license is received from the Board of Commissioners; and

(Q) The conducting, operating, or maintaining of any garage or filling station in any residential district, so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.

Penalty, see § 10.99

Statutory reference: Authority to regulate noises, see G.S. 160A-184

§84.05 SMOKING IN BUILDINGS OWNED BY TOWN

Smoking in any building or structure owned by this town is hereby expressly prohibited.

Penalty, see § 10.99

Section 84.06 USE OF SKATE BOARDS PROHIBITED.

It shall be unlawful for any person to ride, operate or otherwise use a skate board on the streets and sidewalks or any other public vehicular area within the corporate limits of the Town of Faison or on private property without the express permission of the owner of said property. Penalty. See Section 10.99

Section 84.07 OPEN BURNING NOT PERMITTED

No person shall dispose of any yard waste, including but not limited to trees, leaves, straw, limbs or any other refuse, by use of an open fire or any other method intending to produce or cause any amounts of smoke or odors within the corporate limits of the Town of Faison. (Adopted November 2, 1994)

This ordinance, and the prohibitions created thereby, shall not apply in I-1 Industrial Districts located within the zoning jurisdiction of the Town of Faison. <Amendment Adopted May 3, 1995)

Penal ty: See Section 10.99

Section 84.08 CONSUMPTION AND POSSESSION OF MALT BEVERAGES AND UNFORTIFIED WINE IN CERTAIN AREAS PROHIBITED

Section 1. Definitions. In addition to the common meanings of words, the following definitions shall be applicable herein;

- (a) "Malt beverage" shall mean beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage containing at least one-half of one percent (0.5%), and not more than six percent (6%) alcohol by volume. (G.S. 18B-101(9).)
- (b) "Open container" shall mean a container whose seal has been broken or a container other than the manufacturer's unopened original container. (G.S. 18B-3009C).
- (c) "Public street" shall mean any highway, road, street, avenue, boulevard, alley, bridge, or other way within and/or under the control of the Town of Faison and open to public use, including the

sidewalks of any such street.

- (d) "Unfortified wine" shall mean wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beer, or dextrose sugar, and that has an alcoholic content of not more than seventeen percent (17%) alcohol by volume.

(G.S. 18B-101(15)).

Section 2. Consumption on the Public Streets and on Municipal Property Properly Prohibited. It shall be unlawful for any person who is not an occupant of a motor vehicle to consume malt beverages and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to consume malt beverages and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, or controlled by the Town of Faison including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, tennis courts, and other athletic fields.

Section 3. Possession of Open Containers on the Public Streets and on Municipal Property Prohibited. It shall be unlawful for any person who is not an occupant of a motor vehicle to possess any open container of malt beverage and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to possess any open container of malt beverage and/or corporate limits, owned, occupied, or controlled by the Town including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, tennis courts, and other athletic fields.

Section 4. Possession During Special Events Prohibited. It shall be unlawful for any person to possess malt beverages and/or unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, unless the governing body adopts a resolution making other provisions for the possession of malt beverages and/or unfortified wine at the special event.

Section 5. Penalty. Violation of this ordinance shall constitute a misdemeanor punishable in accordance with N.C.G.S. 14-4.

Section 6. Severability: Conflict of Law. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 7. Effective Date. This ordinance shall be effective upon adoption.
Adopted the 22nd day of February 1996.

Section 84.09 ORDINANCE TO PERMIT THE POSTING OF A PROHIBITION AGAINST CARRYING A CONCEALED HANDGUN.

BE IT ORDAINED by the Board of Commissioners of the Town of Faison, North Carolina:

Section 1. Pursuant to North Carolina General Status 14:415.23 and General Status 14-415.11, notice shall be posted in a conspicuous place on all Town buildings, their appurtenant premises, and parks, including all places owned,

Section 2. This ordinance shall be in full force and effect from and after the 6th day of December, 1995.

Section 3. Severability; Conflict of Laws. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications

of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective on December 6, 1995.

§ 84.10 OBSTRUCTION OF SIDEWALKS

No person shall obstruct any sidewalk so as to prevent the free passage of the people, whether by assembling together of persons, or by allowing doors and gates to swing open and remain open on the same, or the parking thereon of vehicles and equipment, or the exhibition thereon of wares and goods for sale. (Ordinance passed, 4-3-96)

Penalty, See §10.99