

TITLE XIII: GENERAL OFFENSES

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CHAPTER 130: OFFENSES AGAINST PUBLIC PROPERTY

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GENERAL PROVISIONS

' 130.01 DESTRUCTION OF PUBLIC PROPERTY, SHRUBS, FLOWERS AND THE LIKE.

No person shall willfully break, disfigure, damage or deface any public property or shrubbery, flowers or ornamental figures within any cemetery, churchyard or other public place.
(1989 Code, ' 12-1) Penalty, see ' 10.99

Statutory reference:

Damaging municipal property, see G.S. ' ' 14-127, 14-128, 160A-174

' 130.02 OBSTRUCTING NATURAL FLOW OF WATER.

(A) No person shall erect any dam or obstruction of any kind which shall prevent the natural flow of water and cause the same to be collected in pools upon any lot or in any street or alley.

(B) No person shall do or cause to be done any work the effect of which will cause the formation of pools.

(C) Nothing in this section shall be construed to prevent the owner of a lot from filling up the same as may be found desirable if adequate drainage is provided through or across the same, to care for the surface water thereby collected or diverted from its natural flow.

(1989 Code, ' 12-3) Penalty, see ' 10.99

FIREARMS**' 130.15 DISPLAY OR POSSESSION OF WEAPONS ON TOWN PROPERTY AND ON PUBLIC STREETS.**

(A) (1) It shall be unlawful for any person to display or be in possession of any gun, firearm, knife, dagger, blackjack, club, sling shot, metallic knuckles, razor, bow and arrow or other deadly weapon of any kind on any town property or on the public streets and sidewalks of the Town of Rockwell.

(2) Except that law enforcement officers and members of the armed forces of any federal, state or local government, may carry and discharge their guns or firearms while lawfully acting within the scope of their official duties.

(B) No person shall fire or discharge any air rifle, spring-type rifle or BB gun or similar device upon any public street or side walk or upon any property owned by the Town of Rockwell.

(Ord. passed 8-6-1979) Penalty, see ' 10.99

' 130.16 DISCHARGE OF FIREARMS, EXPLOSIVES, TOY WEAPONS.

(A) No person shall shoot any kind of firearm except when used in defense of person or property or pursuant to lawful directions of law enforcement officers, or use any explosive within the town.

(B) No person shall shoot or project any stone, rock, shot or other hard substance by means of a slingshot, bean shooter, air rifle, pop gun, bow, or other similar contrivance, or fire any pistol, gun or other firearm within the town.

(1989 Code, ' 12-4) Penalty, see ' 10.99

Cross-reference:

Parades, see Ch. 95

Statutory reference:

Similar provisions, see G.S. ' ' 160A-189, 160A-183

Weapons in parades, see G.S. ' 14-277.2

NOISE

' 130.30 PROHIBITED.

No person shall create or assist in creating any unreasonably loud, disturbing and unnecessary noise in the town. Noise of the character, intensity and duration as to be detrimental to the public health, welfare, and peace is hereby prohibited.

(1989 Code, ' 12.26) Penalty, see ' 10.99

Statutory reference:

Authority to regulate noise, see G.S. ' 160A-184

Public health generally, see G.S. ' ' 130A-1 et seq.

' 130.31 ENUMERATED.

The acts enumerated in this section, among others, are hereby declared to be loud, disturbing and unnecessary noises in violation of this subchapter, but the enumeration shall not be deemed to be exclusive.

(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, or the use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle.

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(B) The playing of any radio, phonograph or other musical instrument in a manner or with the volume, particularly during hours between 9:00 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 the 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 or engine, except to give notice of the time to begin or stop work or as a warning of danger.

(F) 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.

(G) 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 therefrom between the hours of 9:00 p.m. and 7:00 a.m. on weekdays or on Sundays.

(H) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same is in session, or within 150 feet of any hospital, which reasonably 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.

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

(J) The erection, 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.

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

(L) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.

(M) 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 or sale or display of merchandise.

(N) 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 Aldermen.

(1989 Code, ' 12-27) Penalty, see ' 10.99

' 130.32 VIOLATIONS.

Any person violating any provision of this article shall upon conviction be guilty of a misdemeanor. Each day the violation shall continue shall constitute a separate offense.

(1989 Code, ' 12-28) Penalty, see ' 10.99

FIRE PROTECTION

' 130.45 FALSE ALARMS.

No person shall give or cause to be given a false fire alarm by any means.

(1989 Code, ' 7-1) Penalty, see ' 10.99

Statutory reference:

Similar provisions, see G.S. ' 14-286

' 130.46 ROPING OFF SPACE ADJACENT TO FIRE.

The Fire Department or the police are hereby authorized to lay off, by rope or otherwise, the portions of the streets or lots adjacent thereto as may be deemed necessary for properly fighting any fire, and it shall be unlawful for any person, except owners of burning or endangered property, to cross over or enter the enclosure without the permission of the police or firefighters.

(1989 Code, ' 7-2) Penalty, see ' 10.99

' 130.47 RIGHT TO USE AND OCCUPY STREETS.

(A) No person, after being forbidden by an officer of the town, shall ride or drive a vehicle through any street, alley or square on which the Fire Department is assembled for practice or for active service during the progress of a fire.

(B) It shall be unlawful to congregate on the streets or alleys near a fire in a manner which would interfere with the activities of the Fire Department.

(C) The apparatus of the fire department responding to an alarm of fire shall have the right-of-way in and upon all streets, lanes, alleys, and other public ways.

(1989 Code, ' 7-3) Penalty, see ' 10.99

Statutory reference:

Similar provisions, see G.S. ' ' 20-156, 20-157

' 130.48 DRIVING OVER FIRE HOSE.

No person shall drive any vehicle or animal wilfully or carelessly over the hose of the Fire Department laid in any street, alley or square.

(1989 Code, ' 7-4) Penalty, see ' 10.99

Statutory reference:

Similar provisions, see G.S. ' 20-157

' 130.49 INTERFERING WITH FIREFIGHTERS OR FIREFIGHTING EQUIPMENT.

(A) No person shall interfere with a firefighter in the discharge of his or her duty or hinder him or her in the performance of his or her duty, nor shall any person other than members of the Fire Department loiter about any fire station or change, handle or meddle in any manner with any fire engine or any other fire apparatus.

(B) No person shall interfere carelessly or willfully with the fire alarm system or injure the poles, wires, boxes or other apparatus connected therewith.

(C) No person shall injure, deface, open the valves of, tamper with, or otherwise use the fire hydrants of the town, except Fire Department personnel while engaged in the official performance of their firefighting duties.

(1989 Code, ' 7-5) Penalty, see ' 10.99

Statutory reference:

Similar provisions, see G.S. ' ' 58-82-1 et seq., 14-286

CHAPTER 131: OFFENSES AGAINST PUBLIC MORALS

Section

Alcoholic Beverages

- 131.01 Hours of sale
- 131.02 Hours of consumption on permitted premises

Curfew

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ALCOHOLIC BEVERAGES

' 131.01 HOURS OF SALE.

(A) During that part of each year commencing on the last Sunday of April and ending on the last Sunday in October, no person holding a permit from the State Board of Alcoholic Control shall sell any beer, ale or other malt beverage or any wine during the period from 2:00 a.m. to 7:00 a.m. Monday through Saturday and from 2:00 a.m. to 1:00 p.m. on Sundays.

(B) Except as otherwise specified, no person holding a permit from the State Board of Alcoholic Control, shall sell any beer, ale or other malt beverage or any wine during the period from 1:00 a.m. to 7:00 a.m. Monday through Saturday and from 1:00 a.m. to 1:00 p.m. on Sundays.

(C) Any person violating the provisions of this section shall be guilty of a misdemeanor.
(1989 Code, ' 12-46) Penalty, see ' 10.99

' 131.02 HOURS OF CONSUMPTION ON PERMITTED PREMISES.

(A) No person licensed to sell beer or wine in this state shall permit or allow the consumption of any beer or wine in any place in the town under the control of, or from the last Sunday of April until the last Sunday in October during the period from 2:00 a.m. to 7:00 a.m.

(B) Any person violating the provisions of this section shall be guilty of a misdemeanor. (1989 Code, ' 12-47) Penalty, see ' 10.99

Cross-reference:

Restrictions during civil emergency, see ' 35.03

Statutory reference:

Hours for ABC stores, see G.S. ' 18B-802

Hours for sale or consumption of alcoholic beverage, see G.S. ' 18B-1004

Power of town to regulate, see G.S. ' 18B-300(c)

CURFEW

' 131.15 PURPOSE.

The purpose of this subchapter is to protect juveniles from victimization and exposure to criminal activity by establishing a curfew for juveniles under the age of 16 years in the Town of Rockwell. The curfew subchapter is intended to reinforce and promote the role of the parent in training and guiding children, and promote the health, safety, and welfare of both juveniles and adults by creating an environment offering better protection and security for all concerned.

(Ord. passed 5-13-1996)

' 131.16 DEFINITIONS.

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

DIRECT ROUTE. The shortest reasonable path of travel or a commonly used route to reach a final destination without any detour or stop along the way.

EMERGENCY. An unforeseen combination of circumstance or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or death. This term shall also include any action that is reasonably necessary in order to respond to the medical needs of a family member of the juvenile regardless of whether the juvenile's action is taken in order to prevent death or serious bodily injury.

ESTABLISHMENT. Any privately owned place of business operated for profit to which the

public has access or is invited including but not limited to any place of amusement or entertainment.
(Ord. passed 5-13-1996)

' **131.17 OFFENSE.**

(A) A juvenile commits an offense by being present in or remaining in any public place or on the premises of any establishment within the town during the restricted hours.

(B) A parent or guardian of a juvenile commits an offense if he or she knowingly permits, or by insufficient control, allows the juvenile to remain in any public place or on the premises of any establishment within the town during the restricted hours. The term **KNOWINGLY** includes knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile in that parent's legal custody. This requirement, is intended to hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to that activities or conduct or whereabouts of the juvenile.

(C) (1) The owner, operator, or any employee of an establishment commits an offense if he or she knowingly allows a juvenile to remain upon the premises of the establishment during the restricted hours. The term **KNOWINGLY** includes knowledge that an operator or employer should reasonably be expected to have concerning the patrons of an establishment.

(2) The standard for **KNOWINGLY** shall be applied through an objective test, whether a reasonable person in the operator=s or employee's position should have known that the patron was a juvenile in violation of this section.

(D) It shall be a violation of this subchapter for any person 16 years of age or older to aid or abet a juvenile in the violation of division (A) above.

(E) It shall be a violation of this subchapter for a parent or guardian to refuse to take custody during the restricted hours of a juvenile for whom the parent or guardian is responsible.
(Ord. passed 5-13-1996) Penalty, see ' 131.99

' 131.18 EXCEPTIONS.

A juvenile who is in a public place or establishment during the restricted hours shall not be in violation of this subchapter if the juvenile is:

(A) Accompanied by his or her parent or guardian;

(B) Accompanied by an adult 18 years of age or older authorized by the parent or guardian of the juvenile to take the parent or guardian's place in accompanying the juvenile for a designated period of time and purpose within a specified area;

(C) When authorized by regulation issued by the Chief of Police or his or her designee in other similar cases of reasonable necessity, similarly handled as set forth in herein but adapted to reasonably necessary nighttime activities of more juveniles than can readily be dealt with on an individual special permit basis, normally the regulation by the Chief of Police or his or her designee permitting use of public places should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools, and shall define the activity, the scope of the use of the public places permitted, the period of time involved not to extend more than 1 hour beyond the time for termination of the activity, and the reason for finding that the regulation is reasonably necessary.

(Ord. passed 5-13-1996)

' 131.19 DEFENSE.

It is a defense to prosecution under ' 131.17(C) that the owner, operator, or employee of an establishment promptly notified the Police Department that a juvenile was present on the premises of the establishment during the restricted hours and refused to leave.

(Ord. passed 5-13-1996)

' 131.20 ENFORCEMENT.

(A) Before taking any enforcement action under this subchapter, a police officer shall ask the apparent offender's age and reason for being in the public place or establishment during restricted hours.

(B) The officer shall not prepare a juvenile arrest report, issue a citation or make an arrest under this subchapter unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception or defense in ' ' 131.18 and 131.19 is present.

(Ord. passed 5-13-1996)

' 131.21 RESTRICTED HOURS.

Restricted hours are as follows:

(A) 11:00 p.m. to 6:00 a.m. on Sunday through Thursday.

(B) 12:01 a.m. to 6:00 a.m. on Friday through Saturday.

Penalty, see ' 131.99

' 131.99 PENALTY.

(A) *Generally.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) *Curfew.*

(1) A juvenile who violates any provision of this subchapter is subject to be adjudicated delinquents. The Court may, in its discretion, impose any dispositions alternative(s) that are provided in the North Carolina Juvenile Code for any juvenile who is delinquent.

(2) Any person other than a juvenile who violates any provision of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$100, and imprisonment in the discretion of the court in accordance with G.S. ' 14-4.

(Ord. passed 5-13-1996)

