

**TITLE XIII: GENERAL OFFENSES**

Chapter

**130. GENERAL OFFENSES**



## CHAPTER 130: GENERAL OFFENSES

### Section

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### § 130.01 LOITERING.

(A) As used in this section, **LOITERING** shall mean lingering, aimless wandering, dawdling, congregating in groups of two or more individuals, and acting in such manner as to block, impede, or disturb the orderly flow of individual or vehicular traffic.

(B) It is unlawful for any person or group of persons to loiter, or to loiter and create loud and boisterous noise or conduct, including yelling, shouting, fighting, feigning a fight or act constituting disturbing the peace, or using or causing to be used any instrument, mechanical device, or other object, including fireworks, which creates loud, unusual, and excessive noise on any street, sidewalk, public or private driveway or parking lot or vehicular area, or on the immediate premises of any nightclub, dance hall, bar, or tavern, between the hours of 8:00 p.m. and 7:00 a.m.  
(1999 Code, § 130.01) (Ord. passed 6-27-1988) Penalty, see § 130.99

### § 130.02 DRINKING ALCOHOLIC BEVERAGES IN PUBLIC.

It shall be unlawful for any person to consume or drink alcoholic beverages, as defined in G.S. § 18B-101(4), upon any street, boulevard, alleyway, sidewalk, municipal park or building, or any property owned, leased, or under the control of the town.  
(1999 Code, § 130.02) (Ord. passed 6-27-1988) Penalty, see § 130.99

#### **Statutory reference:**

*Alcoholic beverages, see G.S. §§ 18B-100 et seq.*

**§ 130.03 DISCHARGE OF FIREARMS AND AIR RIFLES.**

(A) Subject to division (B) of this section, no person may discharge any firearm within the town.

(B) Division (A) of this section 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 the lawful performance of their duties.

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

(D) Division (A) of this section shall not apply to private citizens who hold a valid permit issued by the jurisdictional law enforcement agency pursuant to § 91.23 (Destruction of rodents, squirrels, pigeons, and the like), while exercising the rights granted by the permit.  
(1999 Code, § 130.03) (Ord. passed 11-21-2014) Penalty, see § 130.99

***Statutory reference:***

*Offenses relating to weapons, see G.S. §§ 14-269 et seq., 14-280*

**§ 130.04 ABANDONED REFRIGERATORS AND SIMILAR CONTAINERS.**

(A) No person may leave outside of any building in any place accessible to children any unattended, abandoned or discarded icebox, refrigerator, or any other container of any kind which has a substantially airtight door and which, when closed, may not be opened from the inside.

(B) No person may knowingly permit any device described in division (A) of this section to remain on premises under his or her control.  
(1999 Code, § 130.04) Penalty, see § 130.99

***Statutory reference:***

*Discarding or abandoning iceboxes and the like; precautions required, see G.S. § 14-318.1*

**§ 130.05 ABANDONED WELLS.**

(A) No person may knowingly permit any unused or abandoned cistern or well to remain on property under his or her control without adequately securing the top of such cistern or well so as to prevent any person from using or falling into such cistern or well.

(B) Except as otherwise provided by law, abandoned wells shall be filled.  
(1999 Code, § 130.05) Penalty, see § 130.99

**§ 130.99 PENALTY.**

(A) A violation of any of the provisions of this chapter shall constitute a misdemeanor punishable by a fine of not more than \$50 or imprisonment for not more than 30 days, or both.

(B) A violation of any of the provisions of this chapter shall also subject the offender to a civil penalty of \$25. If a person fails to pay this penalty within ten 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.

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

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

(E) The town may seek to enforce this chapter by using any one or a combination of the remedies set out in this section.

(1999 Code, § 130.99)

