

**TITLE XIII: GENERAL OFFENSES**

Chapter

**130. GENERAL OFFENSES**

**Bryson City - General Offenses**

## CHAPTER 130: GENERAL OFFENSES

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### *Cross-reference:*

*Drinking in public places, see § 112.03*

### § 130.01 WEAPONS.

(A) No person shall shoot or discharge, within the corporate limits of the town any firearms, guns, rifles, pistols, air rifles, spring guns, or compressed air rifle or pistol, or other similar device or weapon which impels or discharges with force any bullet, shot, or pellet of any kind, provided, however, that this section shall not apply to any law enforcement officer of any governmental unit, or representative of any governmental agency or body, charged with the duties of protecting life or property, or enforcing laws and regulations while engaged in the performance of his official duty. It is further provided that this section shall not apply in defending one's self or property, or the safety and property of others, and provided further, that this section shall not apply to a firing range operated or supervised by an individual, club, or organization for educational or sporting purposes, if the firing range shall have been first inspected and approved by the Police Department.

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(B) The Chief of Police, or any member of the Police Department, is hereby authorized to seize, hold, and confiscate, subject to order of the court, any such firearm, weapon, air rifle, or similar device mentioned in division (A) above, which shall be shot, or discharged within the town in violation of this section.

(`92 Code, § 84.01) (Ord. 105, passed 10-19-70) Penalty, see § 10.99

**§ 130.02 INJURING TOWN PROPERTY.**

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

(`92 Code, § 84.03) Penalty, see § 10.99

**§ 130.03 DAMAGING POLICE PROPERTY.**

It shall be unlawful for any person to willfully take, damage or in any way interfere or tamper with Police Department vehicles and equipment or any other property belonging to or used by the Police Department.

(`92 Code, § 23.25) Penalty, see § 10.99

**§ 130.04 LITTERING.**

(A) *Littering prohibited.* It shall be unlawful for any person to throw or deposit on any street or sidewalk, or at any place along the banks of the Tuckasegee River within the town limits, or on 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. (`92 Code, § 82.01)

(B) *Littering from vehicles.* It shall be unlawful for any person while a driver or a passenger in a vehicle to throw or deposit litter on any street or other public place within the town, or at any place along the banks of the Tuckasegee River within the town limits, or on private property. (`92 Code, § 82.02)

(C) *Maintenance of public areas.* Every owner, lessee, tenant, occupant, or other person in charge of any commercial establishment or premises which maintains any paved or unpaved areas for the use of the public, either for parking or as access areas and incident to the carrying on of the principal business of any commercial establishment or premises and which parking or access areas abut or lie within ten feet of any public street or other public way, shall keep and maintain the areas clean and free from trash, litter, rubbish, and any materials liable to be blown, deposited, or cast on the street or other public way. (`92 Code, § 82.03)

(D) *Receptacles.* Suitable receptacles may be provided in parking or access areas within the meaning of division (C) of this section. The receptacles shall be plainly marked and constructed to prevent scattering of any trash, litter, rubbish, or other materials deposited therein. ('92 Code, § 82.04)

(E) *Property bordering running streams to be kept clean.* All persons owning property on either side of any running stream shall keep said stream free from any obstruction whatsoever, and any owner allowing any obstruction to remain, or any person throwing or placing any obstruction into running streams shall be guilty of a misdemeanor. ('92 Code, § 82.05)  
Penalty, see § 10.99

**§ 130.05 OFFENSES AGAINST THE PUBLIC PEACE.**

It is intended by this section to prohibit the commission of, and to provide punishment pursuant to § 10.99 of this code, for the following specific acts:

- (A) Disturbing the peace;
- (B) Resisting arrest, and resisting any officer of the town in the lawful performance of his duties;
- (C) Assembling for purposes of gambling;
- (D) Committing a breach of the peace;
- (E) Violent or boisterous conduct calculated to disturb the peace and quiet of other persons;
- (F) Making unusual or unnecessary noises calculated to disturb the peace and good order;
- (G) Committing riotous acts;
- (H) Maliciously interfering with pedestrians or traffic;
- (I) Indecent acts in the presence of others.  
( '92 Code, § 84.08) Penalty, see § 10.99

**§ 130.06 UNNECESSARY NOISE.**

(A) 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.

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(B) 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:

(1) 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 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;

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

(3) 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;

(4) 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;

(5) The use of any automobile, motorcycle, or other vehicle so out of repair or so loaded in such manner as to create loud or unnecessary grating, grinding, rattling, or other noise;

(6) 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;

(7) 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;

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

(9) 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;

(10) 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;

(11) 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;

(12) 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;

(13) 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;

(14) 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;

(15) 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;

(16) 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

(17) 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.

(`92 Code, § 84.04) Penalty, see § 10.99

***Statutory reference:***

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

**§ 130.07 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.

(`92 Code, § 84.02) Penalty, see § 10.99

**§ 130.08 ABANDONED REFRIGERATORS.**

It shall be unlawful for any person to place, keep, leave or maintain in any location accessible to children, any abandoned, unused or discarded iceboxes, refrigerators or other containers having an airtight door and being equipped with a lock, clasp, or snaplock or other device securing the doors which, when so secured, may not be released or opened from the inside of such iceboxes, refrigerators or other containers. However, the provisions of this section shall not apply to any icebox, refrigerator or other container from which the door-securing device has been removed or rendered inoperative, nor shall the provisions hereof apply to any such icebox, refrigerator or other container which has been so secured by locking or chaining or otherwise as to prevent the opening thereof, or if opened, the closing thereof.

(`92 Code, § 84.05) Penalty, see § 10.99

**§ 130.09 INDECENT EXPOSURE.**

It shall be unlawful for any person to willfully expose his or her person or private parts in the presence of one or more persons of the opposite sex, or to take part in any immoral show, exhibition or performance where indecent, immoral or lewd dances or plays are conducted.

(`92 Code, § 84.06) Penalty, see § 10.99

**§ 130.10 IMPERSONATING TOWN OFFICERS.**

It shall be unlawful for any person to wear a badge or emblem purporting to signify his authority to otherwise purport to act as an officer of the town, unless he has been duly given such right by the proper town authorities.

(`92 Code, § 84.07) Penalty, see § 10.99

**§ 130.11 FAILURE TO AID POLICE OFFICERS.**

Any person who willfully neglects or refuses, after having been lawfully commanded so to do, to aid an officer in arresting any person, or in retaking any person who has escaped from legal custody, or in executing any legal process, shall be guilty of an offense.

(`92 Code, § 23.24) Penalty, see § 10.99

**§ 130.12 OBSTRUCTION OF PUBLIC WAYS PROHIBITED.**

It shall be unlawful for any person in any manner to obstruct the streets, sidewalks, crossings, or any other public way within the town limits.  
(`92 Code, § 84.09) Penalty, see § 10.99

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§ 130.13 REGULATION OF CERTAIN PUBLIC SOLICITATION AND BEGGING

(a) Definitions. *Beg, solicit or panhandle*: use of the spoken, written or printed word, or other acts as are conducted in the furtherance of the purpose of immediately collecting contributions for the use of one's self or others. As used in this Ordinance, the word "solicit", and its forms, includes begging and panhandling.

*Signaled intersections*: The intersections of all streets within the Town of Bryson City which are controlled by a lighted traffic control device or devices.

(b) Prohibited acts.

(1) It shall be unlawful for any person to beg, solicit or panhandle upon a public street at any signaled intersection within the Town of Bryson City:

a. After dark, which shall mean one-half hour after sunset until one-half hour before sunrise.

b. Without wearing a safety vest with reflective coloration.

c. Without wearing an identification tag reflecting the identification of the beneficiary of the solicited funds.

d. Without being over the age of 18 years.

e. Without having secured from the Chief of Police of the Town of Bryson City, or his designee, a solicitation permit. Such permit must include the name, address and telephone number of the organization or person to be benefitted by the solicited funds and verification that said organization or person is a tax exempt organization or person.

Further, there shall be only one solicitor in any one lane of travel at any one time at any such signaled intersection.

(2) Additional restrictions applicable to high traffic zones:

a. The signaled intersections at the intersections of Main Street and Everett Street, Main Street and Veteran's Boulevard and Highway 19 West (Main Street) and Slope Street within the Town of Bryson City, and that portion of said intersecting streets lying within one hundred yards of said intersections, are high traffic zones.

b. Prohibited acts. In addition to the restrictions set forth in section (b) (1) above, it shall be unlawful for any person to beg, solicit or panhandle within any high traffic zone.

ADOPTING ORDINANCE

WHEREAS, there has been an increase in the incidence of solicitation upon the streets of the Town of Bryson City; and,

WHEREAS, the main thoroughfares of the Town of Bryson City carry substantial traffic; and,

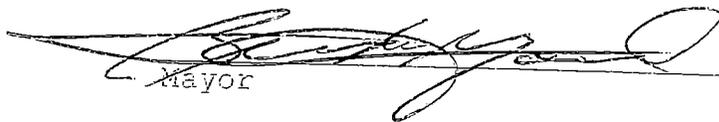
WHEREAS, questions have arisen as to whether certain of such on street solicitations are for the purposes for which they are advertised; and,

WHEREAS, the Board of Aldermen of the Town of Bryson City is concerned for the safety of the solicitors and the traveling public and as to the purpose of the solicitations.

NOW, THEREFORE, pursuant to the authority contained in NC Gen. Stat. §160A-79 and the general authority of the Town to regulate acts detrimental to the health, safety or welfare of its citizens, BE IT ORDAINED that the ordinance attached hereto be, and it is hereby, enacted and designated as §130.13 of the Code of Ordinances of the Town of Bryson City.

This Ordinance shall be effective immediately upon its adoption.

Unanimously adopted this the 1<sup>st</sup> day of November, 2004, 2004.

  
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Mayor

  
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Clerk to the Board of Aldermen