

CHAPTER 130: OFFENSES AGAINST PUBLIC PEACE AND SAFETY

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§ 130.01 NOISE GENERALLY.

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

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

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

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

(B) 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.

(C) This section shall apply only to sound, vibration, and noise originating within a residential zoning district within the corporate limits of the town. Nothing in this article shall be construed to limit or prevent the town or any person from pursuing any other legal remedies for damage or the abatement of noises in the town.

(1) The complaints of two or more persons, at least one of whom resides in a different home from the complaining person or persons, or the complaint of one or more persons, when combined with the complaint of the investigating police officer or a duly authorized investigating person, shall constitute a valid determination of an unreasonably loud noise.

(2) It is not necessary for an investigating officer to utilize a sound level meter to issue a violation under this section.

(1981 Code, § 5-1) (Ord. Passed 2-2-2019) Penalty, see § 130.99

§ 130.02 PARTICULAR NOISE.

(A) Prohibited noises; examples. 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;

(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 or merchandise or other commercial venture; and

(6) The playing of any radio, tape recorder, cassette player or other similar device for reproducing sound located on or in any motor vehicle on a public street, highway or within the motor vehicular area of any public or private parking lot or park, if the sound generated is audible at a distance of 50 feet from the radio, tape recorder, cassette player or other device that is producing the sound.

(B) Special events impacting residential life. It is unlawful for anyone within the town limits to cause, or allow, the emission of sound from any source or sources which impact dwellings and other residential property, and when measured according to the standards

described and exceed the maximum decibel limits specified in the residential decibel limits table.

<i>Residential Decibel Limits Table</i>		
<i>Zoning Districts</i>	<i>Daytime- Mon-Sat (7:00 a.m. to 10:00 p.m.) Sunday (1:00 p.m. to 10:00 p.m.)</i>	<i>Nighttime (10:00 p.m. to 7:00 a.m.) Nighttime (10:00 p.m. to 7:00 a.m.)</i>
All	75 dB	65 dB

(1) Measurement of sound. For the purpose of determining db(A)'s as referred to in this section, the noise shall be measured on the A-weighting scale on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute (ANSI). An A-weighted sound level meter means an instrument which includes an omnidirectional microphone, an amplifier, and output meter, internal datalogger, and frequency weighting network for the measurement of sound.

(2) Time. Sound measurements shall be conducted at the time of day or night when the suspect noise source is emitting sound, and where possible the measurement should be made with clear view to the source of the sound.

(3) Location. Measurements shall be taken at or within the nearest residential property line occupied by the complainant. The operator will take 4 consecutive readings of 30 seconds each. A maximum dB of any of these readings which exceeds the allowed decibel limits is a violation of this section.

(C) Exceptions. In the interest of public safety and convenience, the following are exempted from divisions (A) and (B) of this section:

(1) Organized fireworks displays carried on under the supervision of licensed experts with authority from the town. Such displays shall be exempt only between the hours of 12:00 noon and 10:00 p.m., except the July Fourth Celebration, on which day they are exempt from 12:00 noon until 12:00 midnight.

(2) Parades, festivals, or other events in the downtown business district for which a city permit is issued.

(3) Noise from authorized uses of public and private parks in the downtown business district.

(1981 Code, § 5-2) (Am. Ord. passed 7-27-1998; Am. Ord. passed 6-27-2011) Penalty, see § 130.99

§ 130.03 DISCHARGE OF FIREARMS AND AIR RIFLES.

(A) Subject to division (B) below, no person may discharge any firearm or crossbow within the town.

(B) Division (A) above 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.

(C) No person may discharge or shoot within the town any air rifle, air pistol, B-B gun, pellet gun, pump gun, or bow and arrow or similar weapon within 100 yards of any building or house or gathering of people, provided that this provision shall not apply to bow and arrow under the following circumstances:

(1) To citizens who are engaged in target practice; and

(2) Are conducting said activity on their own property in a safe and responsible manner; and

(3) Any minors under the age of 16 are supervised by a parent or guardian.

(1981 Code, § 5-3) (Am. Ord. passed 5-26-2009) Penalty, see § 130.99

§ 130.04 OPERATION OF PUBLIC ENTERPRISES WITHOUT FRANCHISE.

(A) Notwithstanding any other provision of this chapter, it shall be unlawful for any person operating or carrying on any public enterprise to conduct an enterprise upon city-owned property without having prior written agreement with the town concerning the enterprise in addition to any required privilege license.

(B) Except as otherwise provided bylaw, 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.

(1981 Code, § 5-4) (Am. Ord. passed 8-28-2006) 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 a.m. 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 a minor to violate the provisions of division (A) above.

(1981 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 CONSUMPTION OF BEER AND WINE ON PUBLIC PROPERTY.

No person may consume malt beverages or unfortified wines on any facility, right-of-way or other property owned or occupied by the town (including county-owned recreational facilities used by the town's recreational programs), except at town sponsored or sanctioned events where consumption is specifically authorized by a permit issued by the Council or pursuant to § 90.01(E)(5) where sidewalk dining is permitted.

(1981 Code, § 5-6) (Am. Ord. passed 5-28-2013) Penalty, see § 130.99

§ 130.07 LOITERING FOR THE PURPOSE OF ENGAGING IN DRUG-RELATED ACTIVITY.

(A) For the purpose of this section, PUBLIC PLACE means any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot or transportation facility, or the doorways and entrance ways to any building which fronts on any of those places, or a motor vehicle in or on any of those places, or any property owned by the Town of Liberty.

(B) It shall be unlawful for a person to remain or wander about in a public place under circumstances manifesting the purpose to engage in a violation of the North Carolina Controlled Substances Act, G.S. Ch. 90, Article 5.

(C) These circumstances are:

(1) Repeatedly beckoning to, stopping or attempting to stop passers-by, or repeatedly attempting to engage passers-by in conversations;

(2) Repeatedly stopping or attempting to stop motor vehicles;

(3) Repeatedly interfering with the free passage of other persons;

(4) The person behaves in a manner so as to raise a reasonable suspicion that he or she is about to engage in or is engaged in an unlawful drug-related activity;

(5) The person repeatedly passes to or receives from passers-by, whether on foot or in a vehicle, money or objects;

(6) The person takes flight upon the approach or appearance of a police officer; or

(7) The person is at a location frequented by persons who use, possess or sell drugs.

(D) If any provision of this section is held invalid, that invalidity shall not affect any other provision, or the application thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

(Ord. passed 3-22-1993) Penalty, see § 130.99

§ 130.08 CARRYING CONCEALED WEAPONS ON TOWN PROPERTY.

(A) (1) It shall be unlawful for any person willfully and intentionally to carry concealed about his or her person any bowie knife, dirk, dagger, slung shot, loaded cane, metallic knuckles, razor, shurikin, stun gun, or other deadly weapon of like kind, except when the person is on the person's own premises.

(2) It shall be unlawful for any person willfully and intentionally to carry concealed about his or her person any pistol or gun except in the following circumstances:

(a) The person is on the person's own premises.

(b) The deadly weapon is a handgun, and the person has a concealed handgun permit issued in accordance with G.S. Ch. 14, Article 54B or considered valid under G.S. § 14-415.24.

(c) The deadly weapon is a handgun and the person is a military permittee as defined under G.S. § 14-415.10(2a) who provides to the law enforcement officer proof of deployment as required under G.S. § 14-415.11(a).

(B) (1) This prohibition shall not apply to the following persons:

(a) Officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons;

(b) Civil and law enforcement officers of the United States;

(c) Officers and soldiers of the militia and the national guard when called into actual service;

(d) Officers of the state, or of any county, city, town, or company police agency charged with the execution of the laws of the state, when acting in the discharge of their official duties;

(e) Sworn law-enforcement officers, when off-duty, provided that an officer does not carry a concealed weapon while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the officer's body.

(2) It is a defense to a prosecution under this section that:

(a) The weapon was not a firearm;

(b) The defendant was engaged in, or on the way to or from, an activity in which he legitimately used the weapon;

(c) The defendant possessed the weapon for that legitimate use; and

(d) The defendant did not use or attempt to use the weapon for an illegal purpose.

(3) The burden of proving this defense is on the defendant.

(4) It is a defense to a prosecution under this section that:

(a) The deadly weapon is a handgun;

(b) The defendant is a military permittee as defined under G.S. § 14-415.10(2a); and

(c) The defendant provides to the court proof of deployment as defined under G.S. § 14-415.10(3a).

(Am. Ord. passed 9-28-2015) Penalty, see § 130.99

§ 130.09 CARRYING WEAPONS OPENLY ON TOWN PROPERTY.

(A) (1) Definitions. For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEADLY WEAPON. Any gun, rifle, pistol or other firearm of any kind, any explosive as defined in G.S. § 14-284.1, any knife or dagger, any BB gun, air rifle, air pistol or any other weapon specified in G.S. §§ 14-269,14-269.2 or 14-288.8. This section shall not apply to an ordinary pocket knife carried in a closed position.

ORDINARY POCKET KNIFE. A small knife, designed for carrying in a pocket, which has its cutting edge and point fully enclosed by its handle and that may not be opened by a throwing, explosive or spring action.

(2) It shall be unlawful for a person to possess, on or about his person, any deadly weapon as defined above, while on the premises of any town-owned or operated building or in any town-owned park. This prohibition does not apply to such weapon which is otherwise lawfully stored within a motor vehicle.

(B) The provisions of this section shall not apply to the following persons:

(1) Personnel of the armed forces of the United States when in discharge of their official duties and acting under orders requiring them to carry weapons;

(2) Civil officers of the United States and other states, while in the discharge of their official duties;

(3) Officers and soldiers of the state militia and national guard when called into actual service and under orders requiring them to carry weapons;

(4) Licensed security guards and company police or other person specifically authorized by law to carry firearms on such premises while acting within the scope of their authority pursuant to their employment; and

(5) A person engaged in a function or activity which is specifically authorized by the city as an approved educational or recreational activity or by a city employee as necessary in performing particular duties of employment.

(Ord. passed 9-28-2015) Penalty, see § 130.99

§ 130.10 URINATION AND DEFECATION ON CERTAIN PROPERTY PROHIBITED.

It shall be unlawful for any person to urinate or defecate, or cause human urine or feces to be placed on any public place, street, road, highway, alleyway, sidewalk, right-of-way or in any public building except in designated water closets or toilet facilities.

(Ord. passed 11-27-2000) Penalty, see § 130.99

§ 130.11 TRESPASS.

(A) No person shall enter upon the lands or premises owned or in possession of another, after notice from the owner or person in possession prohibiting an entry.

(B) No person shall enter upon the lands or premises owned or occupied by another for any other than a legitimate cause when the property is posted with visible "NO TRESPASSING" notices.

(C) No person shall fail or refuse to leave the lands or premises owned or occupied by another, after having been requested to do so.

(D) No person shall enter in or upon private or public property for the purpose and design of creating or inciting a disturbance, or when any entry might be calculated to create or incite a disturbance.

(Ord. passed 2-2-2004) Penalty, see § 130.99

§ 130.12 GENERAL LOITERING.

(A) A person commits the offense of loitering when one is in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity. It shall further be unlawful for any person to loiter, wander, stand or remain idle, either alone or in consort with others, in any public place so as to:

(1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or

(2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or facing or fronting on any public street, public highway, public sidewalk, right-of-way or any other public place or building, all of which permits the free and uninterrupted ingress, egress or regress therein, thereupon and thereto.

(B) When any person causes or commits any of the conditions enumerated division (A) above, a police officer or any law enforcement officer shall order that person to stop causing or committing the conditions and to move or to disperse.

(C) Any person who fails or refuses to obey those orders shall be guilty of a violation of this section.

(Ord. passed 2-2-2004) Penalty, see § 130.99

§ 130.99 PENALTY.

(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 in accordance with the town's annually adopted fee schedule. 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.

(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 foregoing remedies.

(F) Any person in violation of § 130.08 shall be guilty of a misdemeanor and upon conviction shall be fined \$500 or imprisoned for 30 days, or both.

(G) Any person who violates any of the provisions of § 130.11 shall be subject to a fine not exceeding \$100. Any like violation shall constitute a separate offense on each successive day continued.

(H) Penalties for violations of this article may be assessed against the owner of a non-residential premises, the occupant of the premises, persons responsible for the premises or the device producing or causing the noise.

(I) An owner of any non-residential premises subject to this article who is not also an occupant of the premises shall be responsible for any actions by tenants, guests, or other licensees that constitute second or subsequent violations of this article; provided, that:

(1) No absentee owner shall be liable unless notified of first of previous violations of the article;

(2) Such first violation or previous violation shall have occurred within the previous twelve-month period;

(3) Notice of any first or previous violations pursuant to this paragraph shall be effected by registered or certified mail;

(4) No absentee owner may be subject to criminal liability under this section, but shall be subject to all civil penalties and equitable relief.

(J) This section shall in no way relieve any other person from responsibility for violations of this article.

(K) Civil penalty. Violators shall be subject to a civil penalty pursuant to the provisions above. Violators may be issued a written citation which must be paid within 10 days of the issue date and time. The town attorney, or designee, is authorized to file a civil action on

behalf of the town to collect any unpaid citations, and the police chief, or designee, is authorized to verify and sign complaints on behalf of the town in such civil actions.

(1981 Code, § 5-9) (Ord. passed 11-27-1995; Am. Ord. passed 2-2-2004; Am. Ord. passed 2-25-2019; Am. Ord. passed 11-22-2021)