Chapter 10 - OFFENSES AND MISCELLANEOUS PROVISIONS

**State Law reference—** Violation of local ordinance a misdemeanor, maximum penalty, G.S. § 14-4; enforcement of ordinances, G.S. § 160A-175.

ARTICLE I. - IN GENERAL

Sec. 10-1. - Congregating, loitering, etc., in public places.

(a) It shall be unlawful for persons to congregate, stand, loaf or loiter in any street or upon any sidewalk,  bridge crossing or other public place so as to obstruct the same, or to hinder or to annoy, or to prevent,  persons passing or attempting or desiring to pass therein or thereon or to congregate, stand, loaf or  loiter in or in front of any hall, lobby, hotel, eating or lodging house, office building, store, shop, office  or factory or other like building or place of public assemblage so as to obstruct the same or hinder or  annoy, or to prevent, persons passing along or into or out of the same, or attempting or desiring to do  so, or to make remarks, gestures, noises, signs, or the like to disturb, annoy or insult any person being  upon or passing along any street, sidewalk, bridge, crossing or other public place, or along, into or out  of the hall, hotel, eating or lodging house, office building, store, shop or factory or like building or place or public assemblage or in any public carrier. Nothing in this section shall be construed to prohibit any person from conducting or attending a meeting or other gathering authorized by a permit issued in accordance with section 10-6.

(b) It shall be unlawful to be or to collect, gather and become a member of any disorderly crowd on the public streets and within public places in the Town.

(c) It shall be unlawful to loiter, singularly or in larger numbers, upon the premises or parking lot of any  store, restaurant, theater, shop, warehouse or other business establishment after such store,  restaurant, theater, shop, warehouse or other business establishment has closed its doors to the public  and is no longer serving the public when any such store, restaurant, theater, shop, warehouse or other  business establishment has posted one or more signs in plain and open view on its buildings or  driveway entrances forbidding the loitering or use of its premises by vehicular traffic or by persons on  foot after cessation of its business activity for the day.

**State Law reference—** Disorderly conduct in public buildings and facilities, G.S. § 14-132; picketing to obstruct justice, G.S. § 14-225.1.

Sec. 10-2. - Profanity, public drunkenness, etc.

The use of vulgar, obscene or profane language on the streets and in public places is prohibited, and  no person shall commit loud and boisterous cursing and swearing in any street, house or elsewhere in the  Town, nor shall any person be found drunk in the streets, alleys or in any public place of the Town, or disturbing the peace of the Town, or engaging in obscene conduct.

**§ 14-132. Disorderly conduct in and injuries to public buildings and facilities.**

(a)        It is a misdemeanor if any person shall:

(1)        Make any rude or riotous noise, or be guilty of any disorderly conduct, in or near any public building or facility; or

(2)        Unlawfully write or scribble on, mark, deface, besmear, or injure the walls of any public building or facility, or any statue or monument situated in any public place; or

(3)        Commit any nuisance in or near any public building or facility.

(b)        Any person in charge of any public building or facility owned or controlled by the State, any subdivision of the State, or any other public agency shall have authority to arrest summarily and without warrant for a violation of this section.

(c)        The term "public building or facility" as used in this section includes any building or facility which is:

(1)        One to which the public or a portion of the public has access and is owned or controlled by the State, any subdivision of the State, any other public agency, or any private institution or agency of a charitable, educational, or eleemosynary nature; or

(2)        Dedicated to the use of the public for a purpose which is primarily concerned with public recreation, cultural activities, and other events of a public nature or character.

(3)        Designated by the Director of the State Bureau of Investigation in accordance with G.S. 143B-987.

The term "building or facility" as used in this section also includes the surrounding grounds and premises of any building or facility used in connection with the operation or functioning of such building or facility.

(d)       Unless the conduct is covered under some other provision of law providing greater punishment, any person who violates any provision of this section is guilty of a Class 2 misdemeanor. (1829, c. 29, ss. 1, 2; 1842, c. 47; R.C., c. 103, ss. 7, 8; Code, s. 2308; Rev., s. 3742; 1915, c. 269; C.S., s. 4303; 1969, c. 869, s. 7½; c. 1224, s. 2; 1981, c. 499, s. 2; 1993, c. 539, s. 72; 1994, Ex. Sess., c. 24, s. 14(c); 2014-100, s. 17.1(w); 2015-72, s. 2.)

Sec. 10-3. - Consumption of alcoholic beverages in public places.

No person shall consume, serve or drink wine, beer, whiskey or any alcoholic beverage of any kind on or in the public streets of the Town or upon the grounds or on any public vehicular area of any service  station, drive-in theater, supermarket, store, restaurant or office building or any other business or  municipal establishment providing parking space for customers, patrons or the public in the Town. A permit to sell or serve alcohol shall be required from the Chief of Police or his designee for any organization, entity or person seeking to serve alcohol at any event within Town limits. The permit shall clearly specify the area(s) where the selling, serving and consumption of alcohol is allowed.

Sec. 10-4. - Consumption and possession of alcoholic beverages in parks.

No person shall have open and have in such person's possession, or consume, serve or drink wine, beer, whiskey or any alcoholic beverages of any kind on or in the grounds or premises of any park owned  by the Town, unless the park is being used for a festival, street vendors, and/or food trucks (which a permit will be required)

Sec. 10-5. - Permit for meetings, public speaking.

(a) Any person or organization desiring to conduct a meeting or to engage in public speaking on the public streets, sidewalks, or parks in the Town, must obtain a permit from the Chief of Police;

(b) The purpose of obtaining the permit is to allow the Chief of Police to be aware of activity in the Town, and to provide for public safety for all persons involved;

(c) The permit will indicate the name and approximate date, time, and place;

(d) Due to the close proximity of business establishments located in the Central Business District and considering the heavy volume of vehicle and pedestrian traffic, the use of equipment designed to amplify the voice or musical instruments in the Central Business District is prohibited.

Sec. 10-6. - Disorderly houses and houses of ill-fame.

(a) No person shall keep a disorderly house or house of ill-fame within the Town, nor shall any person  knowingly rent any house to be used as a house of ill-fame after complaint against such house has  been made to the Town, and all adult persons living in such house shall be considered the keepers  thereof and be subject to prosecution for violation of this section.

(b) No occupant of any disorderly house shall refuse to open the doors and give entrance to a police officer of the Town demanding admission for the purpose of suppressing disorderly conduct therein.

**State Law reference—** Prostitution, G.S. § 14-203 et seq.

Sec. 10-7. - Posting of bills restricted.

It shall be unlawful for any person to post any bills for advertisements, political or otherwise, on any public property, whether upon utility poles or otherwise within the street right-of-way and it shall be unlawful to post any bill of advertisement or poster on any private property within the Town without written consent of the owner thereof.

Sec. 10-8. - Defacing buildings.

No person shall deface any building on any private or public building without permission.

Sec. 10-9. - Injuring trees, shrubs, and flowers in public places.

It shall be unlawful for any person to pull down, cut, deface with signs, break or in any way injure any of the trees, shrubs, or flowers on or in the streets, parks, or squares of the Town.

Sec. 10-10. - Indecent exhibitions, exposure.

No person shall give any immoral and indecent or obscene exhibitions or make any obscene or indecent exposure of the person.

**State Law reference—** Indecent exposure, immoral shows, etc., G.S. § 14-190.9; obscene literature, G.S. § 14-190.1.

Sec. 10-11. - Discharge of firearms

 It shall be unlawful for any person to fire a pistol, gun, or other firearms within the Town, except in the discharge of duty by law enforcement officers. It shall be unlawful for any person to shoot or project any stone, rock shot, or other hard substance by means of bean shooter, air rifle, or other similar contrivance. It is provided that the use of firearms in the destruction of rodents or similar animals or reptiles that are considered a menace to public health or property may be permitted by special written permission of the Chief of Police.

Sec. 10-12. - Civil Penalties.

(a) Any person, firm, or corporation violating any provision of this Ordinance shall be subject to the imposition by citation of a Civil Penalty for each such violation in the amount of One Hundred Dollars ($100.00) which shall be paid in full within seventy-two (72) hours of the service of the citation in accordance with North Carolina General Statute § 160A-175.

(b) Any person, firm, or corporation violating any provision of this Ordinance shall further be subject to Glen Alpine enforcing the provisions of this Ordinance by applying to a court of competent authority in the General Court of Justice for equitable relief including, but not limited to mandatory or prohibitory injunctions and/or orders in accordance with North Carolina General Statute § 160A-175.

(c) Each day of violation shall be considered a separate and distinct offense for the purpose of the enforcement of this Ordinance.

(d) Failure to make payment and to correct the violation within the Seventy-Two (72) hour period will result in an additional fine of Twenty-five Dollars ($25.00) per day for a total of Fifteen (15) days. The penalty and delinquent charge may be recovered by the Town in a civil action.

 (e) The violator may be charged as provided in General Statutes § 14.4.

**State Law reference—** Municipal authority to regulate discharge of firearms, G.S. § 160A-189.

Sec. 10-13. - Loitering for the purpose of engaging in drug-related activity.

(a) For the purposes of this section, "public place" means any public vehicular area, street, sidewalk,  bridge, alley or alleyway, plaza, park, driveway, parking lot or transportation facility, or the doorways  and entranceways 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.

(b) For the purposes of this section, a "known unlawful drug user, possessor, or seller" is a person who  has, within the knowledge of the arresting officer, been convicted in any court within this state of any  violation involving the use, possession or sale of any of the substances referred to in the North Carolina  Controlled Substances Act, G.S. Chapter 90, Article V, or has been convicted of any violation of any  substantially similar law of any political subdivision of this state or of any other state or of federal law.

(c) It shall be unlawful for any person to remain or wander about in a public place in a manner and under circumstances manifesting an intent or purpose to engage in a violation of any subdivision of the North Carolina Controlled Substances Act, G.S. Chapter 90, Article 5. Such circumstances shall include:

(1) Repeatedly beckoning to, stopping, or attempting to stop passersby, or repeatedly attempting to engage passersby in conversation;

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

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

a. Such person is a known unlawful drug user, possessor, or seller;

b. Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is engaged in an unlawful drug-related activity; or

c. Such person repeatedly passes to or receives from passersby, whether on foot or in a vehicle, money, or objects; or

d. Such person takes flight upon the approach or appearance of a police officer; or

 e. Such person is at a location frequented by persons who use, possess, or sell drugs; or

f. Any vehicle involved is registered to a known unlawful drug user, possessor, or seller, or is known to be or have been involved in drug-related activities.

(d) A violation of any provisions of this section shall constitute misdemeanor and subject the offender to the penalties set forth in section the Town Code and G.S. § 14-4(a).

(e) If any section, subsection, paragraph, sentence, clause, phrase, or portion of this section is, for any reason, held invalid or unconstitutional by any court of competent authority, shall not affect the validity of the remaining portions hereof in accordance with Town Code.

Sec. 10-14. – Discharge of Fireworks.

(a) Exclusions. Nothing in this Ordinance shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes of illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports of for use by military organizations.

(b) Discharge of Fireworks. It shall be unlawful to discharge any fireworks within the Town except by special permits as are required by local and state regulations.

(c) Special Permits. Application for permits shall be made in writing at least ten (10) days in advance of the date of the display. After such privilege shall be granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferrable.

(d) Restricted Use. Except as herein after provided, it shall be unlawful for any person to possess,  store, to offer for sale, sell a retail, or use or explode any fireworks; provided that the Fire Chief  shall permit the use of fireworks for public or private displays when all of the provisions of NFIPA  1123 are met and after all necessary permits have been issued. Every such use of display shall be handled by a competent operator approved by the Fire Chief, and shall be of such character and so located, discharged or fired so as not to be hazardous to property of endanger any person.

(e) Bond Required. The permit holder shall furnish a bond or certificate of insurance in an amount deemed adequate by the Fire Chief for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and by arising from any acts of the permit holder, his agents, employees, or sub-contractors.

(f) Disposal of Unfired Fireworks. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the fireworks remaining.

(g) Removal. The Fire Chief, or Police Chief or their designee shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this Ordinance.