

TITLE XIII: GENERAL OFFENSES

Chapter

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§ 130.01 DISCHARGE AND DISPLAY OF FIREARMS.

(A) Subject to division (B) of this section, no person may fire or discharge within the town limits any rifle, shotgun, handgun or other firearm, on or off his/her premises in sports or amusement, except in the areas specifically established as rifle ranges under the supervision of the Police Department of the town, and at the time established by the Chief of Police in accordance with the rules and regulations posted in the area. No person is to fire or discharge any air gun, air rifle, air pistol, B-B gun, pellet gun, pump gun, bow and arrow, slingshot or similar contrivance within 200 yards of a residence within the town limits on or off his/her premises in sports or amusement.

(B) Division (A) of this section shall not apply to the following:

- (1) Law enforcement officers acting in the discharge of official duties.
 - (2) Persons acting pursuant to the lawful directions of law enforcement officers.
 - (3) Persons engaged in the lawful defense of persons or property from felonious attack.
 - (4) Persons engaged in otherwise lawful activity in legally established shooting galleries or ranges.
- (‘87 Code, § 5-4) Penalty, see § 130.99

§ 130.02 CONSUMPTION OF BEER AND WINE ON PUBLIC PROPERTY PROHIBITED.

(A) No person shall transport any intoxicating liquor in the passenger area of any motor vehicle when the cap or seal on the container has been broken. No person shall display any intoxicating liquor in public at any ball parks, school grounds, church yards or on any street or in any wooded area not on the property of the person displaying the intoxicating liquor or at any public or private recreation area within the town limits in any container of which the cap or seal has been broken. No person may consume any intoxicating liquor on any facilities right-of-way, or other property owned or occupied by the town.

(B) The word liquor or intoxicating liquor shall be construed to include: alcohol, brandy, whiskey, rum, gin, beer, ale, porter or wine and in addition as to any spirituous, vinous, malt or fermented beverages, liquids and compounds and by whatever name called, containing 1/2% or 1% or more of alcohol by volume, which are fit for use for beverage purposes.

('87 Code, § 5-6) Penalty, see § 130.99

§ 130.03 SPITTING ON SIDEWALKS AND IN PUBLIC BUILDINGS PROHIBITED.

No person may expectorate on any sidewalk, or on the floor of any public conveyance, or on the floor or wall of any public building.

('87 Code, § 5-8) Penalty, see § 130.99

§ 130.04 TRESPASSING UPON TOWN FACILITIES.

(A) No person may enter upon or use any municipally-owned swimming pool, playground, park or other facility except at the times specified by and in accordance with the regulations duly established by the town. The regulations shall be proposed by the Manager, in consultation with the Recreation Advisory Commission, and shall be adopted by resolution of the Council.

(B) No person may refuse to leave any municipally-owned swimming pool, playground, park or other town facility when requested to do so by the person in charge thereof because the person is engaged in conduct that is any of the following:

- (1) Dangerous to himself or others.
- (2) Seriously disruptive to the peaceful enjoyment by others of the facilities.

- (3) Otherwise in violation of rules or regulations for the facilities duly adopted by the town.

('87 Code, § 5-9) Penalty, see § 130.99

§ 130.05 SALE OF GOODS AT TOWN FACILITIES.

(A) Except as provided in division (B) of this section, no person may sell or offer for sale any goods or merchandise whatsoever within any parks or other facilities owned by the town.

(B) The restrictions set forth in division (A) of this section shall not apply to persons under contract with the town to provide goods or merchandise primarily as a service to the public or to persons selling goods or merchandise at a festival, fair or other special event operated by or under the sanction of the town, so long as the sales take place in accordance with the rules and regulations established by the town for special events.

('87 Code, § 5-10) Penalty, see § 130.99

§ 130.06 SOLICITATION BY WRECKER COMPANIES AT ACCIDENT SCENES.

(A) The Town Council finds the following:

(1) The town has experienced problems with wrecker companies intercepting police calls and responding to accident scenes without being called by the police or a person involved in the accident.

(2) There have been instances of wrecker companies arguing between themselves over the right to tow disabled vehicles and asking accident victims for their business.

(3) These activities contribute to the confusion at an accident scene and create obstructions to traffic.

(4) G.S. § 160A-296 grants to towns the authority to regulate the use of public streets.

(5) G.S. § 160A-300 grants to towns the authority to prohibit, regulate, divert, control and limit vehicular traffic upon the public streets.

(6) It is in the interest of the public safety and welfare to prohibit wrecker companies from soliciting business at accident scenes.

(B) For purposes of this section, the term wrecker shall mean a person, firm or corporation engaged in the business of, or offering the services of, a vehicle wrecker or towing service, whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle adapted to and designed for that purpose.

(C) No wrecker may respond to the scene of an accident or emergency for the purpose of towing vehicles unless called there by a town police officer or a person involved in the accident or emergency. This section is intended to prohibit wrecker owners from soliciting business at the scenes of accidents

and emergencies and shall not be construed to prohibit any wrecker from contracting with any person, firm or corporation provided that the wrecker owner, his/her agents and employees do not solicit towing contracts at the scenes of accidents or emergencies.

('87 Code, § 5-11) Penalty, see § 130.99

§ 130.07 POLITICAL POSTERS.

(A) No candidate shall cause political advertisements, posters or other evidence of the candidate's anticipated election to be placed on public streets, right-of-ways or other public properties for a period beyond five days following the election (or runoff) date established by the Gaston County Board of Elections for the elective office.

(B) Violators of this section shall be first afforded written notice of the violation, and if the political advertisements, posters or other evidence of the candidate's anticipated election are not immediately removed, then the violation shall be punishable by a fine of \$25 for each incident of violation.

('87 Code, § 5-22)

§ 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 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 foregoing remedies.

('87 Code, § 5-21)