

CHAPTER VII: GENERAL OFFENSES AND MISCELLANEOUS PROVISIONS

Article

- 1. BEER AND WINE CONSUMPTION ON PUBLIC PROPERTY; DISPOSAL OF CONTAINERS**
- 2. DISCHARGE OF FIREARMS**
- 3. DAMAGE TO MUNICIPAL PROPERTY**
- 4. LOITERING ON PRIVATE PROPERTY**
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CHAPTER VII: GENERAL OFFENSES AND MISCELLANEOUS PROVISIONS
ARTICLE 1: BEER AND WINE CONSUMPTION ON PUBLIC PROPERTY;
DISPOSAL OF CONTAINERS

Section

- 7-1.1 Public property
- 7-1.2 Disposal of containers

Cross-reference:

Damaging cemetery property, see ' 3-3.6
Entering cemetery at night, see ' 3-3.8

' 7-1.1 PUBLIC PROPERTY.

It shall be unlawful for any person to consume any malt beverages or wine (fortified or unfortified) on any public property or upon any public street without a permit.
(1989 Code, ' 12-1; 2003 Code, ' 7-1.1)

Statutory reference:

Consumption of beer and wine, see G.S. ' 18B-300

' 7-1.2 DISPOSAL OF CONTAINERS.

It shall be unlawful for any person to drop, throw, cast or deposit any malt beverage or wine (fortified or unfortified) container in any public place or upon any public street, or upon the private premises of another without permission of the owner or person entitled to possession of the premises.
(1989 Code, ' 12-1; 2003 Code, ' 7-1.2)

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ARTICLE 2: DISCHARGE OF FIREARMS

Section

7-2.1	General
7-2.2	Permit required
7-2.3	Exemptions

' 7-2.1 GENERAL.

It shall be unlawful for any person to shoot or discharge within the corporate limits any air rifle, pellet gun, gun or pistol, or any spring gun, pistol or other similar device or firearm which impels with force a shot or pellet of any kind. The Chief of Police or any member of the Police Department is hereby authorized to seize, and hold subject to order of court, any air rifle, pellet gun, gun, spring gun or pistol, or other similar device or firearm which impels with force any shot or pellet of any kind, which shall be used, shot or discharged within the corporate limits in violation of this article.
(1989 Code, ' 12-2; 2003 Code, ' 7-2.1)

' 7-2.2 PERMIT REQUIRED.

Nothing in this article shall be construed to prevent a person over 21 years of age using a 22 caliber (0.22 diameter) rifle with blank or shot cartridges upon property owned or occupied by the person from firing upon pigeons, squirrels or rats (when not in violation of state law) upon or around an apartment or dwelling, if the person shall first procure a permit from the Chief of Police for that purpose. The permit shall run for not more than 30 days, and shall authorize firing during daylight hours on weekdays only upon premises owned or occupied by the applicant, and shall be revocable by the Chief of Police upon a violation of its conditions or upon complaint that the permit holder is not exercising the privilege in a careful and prudent manner and with due regard to life and property.
(1989 Code, ' 12-2; 2003 Code, ' 7-2.2)

' 7-2.3 EXEMPTIONS.

The prohibitions of this article shall not be construed to prohibit the discharge of the devices either during a course of instruction in their use conducted by the Police Department or on a firing range completely enclosed, after inspection of the building and approval of the use of the range by the Police Department from the standpoint of public safety; nor shall the prohibitions apply in those circumstances, exempt under G.S. ' 160A-189.

(1989 Code, ' 12-2; 2003 Code, ' 7-2.3)

Cross-reference:

Creation of noise with firearm, see ' 7-5.1

Statutory reference:

Authority to regulate firearms, see G.S. ' ' 160A-189, 160A-190

CHAPTER VII: GENERAL OFFENSES AND MISCELLANEOUS PROPERTY
ARTICLE 3: DAMAGE TO MUNICIPAL PROPERTY

Section

7-3.1 Damage to municipal property

' 7-3.1 DAMAGE TO MUNICIPAL PROPERTY.

No person shall damage, tamper with, remove, paint upon or deface any bridge, culvert, ditch and drain, sign, signpost, streetlight, traffic signal, bulletin board or other municipal property upon the streets and sidewalks or elsewhere, except employees of the town in the performance of their duties.
(1989 Code, ' 12-3; 2003 Code, ' 7-3.1)

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ARTICLE 4: LOITERING ON PRIVATE PROPERTY

Section

- 7-4.1 Loitering, generally
- 7-4.2 Loitering on private business property

' 7-4.1 LOITERING, GENERALLY.

It shall be unlawful for any person to loiter in or upon any private property on any day between the hours of 12:00 a.m. and 6:00 a.m. when signs have been posted by the owner or the owner=s employee or agent prohibiting the same.

(1989 Code, ' 12-4; 2003 Code, ' 7-4.1)

' 7-4.2 LOITERING ON PRIVATE BUSINESS PROPERTY.

It shall be unlawful for any person to loiter in or upon any private business property, parking lot or area at any time that business is not open to the public, when signs have been posted by the owner or the owner=s employee or agent stating that the loitering is prohibited at or during certain designated times.

(1989 Code, ' 12-5; 2003 Code, ' 7-4.2)

CHAPTER VII: GENERAL OFFENSES AND MISCELLANEOUS PROVISIONS
ARTICLE 5: NOISE

Section

- 7-5.1 Unnecessary and the like noiseCgeneral prohibition
- 7-5.2 SameCenumeration of those expressly prohibited
- 7-5.3 SameCtests and standards

' 7-5.1 UNNECESSARY AND THE LIKE NOISEcGENERAL PROHIBITION.

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 or noise of the character, intensity or duration as to be detrimental to the life or health of any individual in the municipality. (1989 Code, ' 12-6; 2003 Code, ' 7-5.1)

' 7-5.2 SAMEcENUMERATION OF THOSE EXPRESSLY PROHIBITED.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this code, but this enumeration shall not be deemed to be exclusive:

(A) 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 the signal device of any unreasonably loud or harsh sound; and the sounding of the device for an unnecessary and unreasonable period of time;

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

(C) The use or operation of any piano, manual or automatic, phonograph, radio, television, loudspeaker or any other instrument or sound-amplifying device so loudly as to disturb persons in the vicinity thereof, or in a manner as to render the same a public nuisance; provided, however, that, upon application to the Chief of Police, permits may be granted to responsible organizations to produce programs in music, speeches or general entertainment;

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(D) 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;

(E) The use of any automobile, motorcycle or other vehicle so out-of-repair, so loaded, or in a manner as to create loud or unnecessary grating, grinding, rattling or other noise, or in a manner as to cause squealing or screeching of the tires, or in a manner as to cause the tires to propel rock, sand or gravel;

(F) 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;

(G) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noise therefrom;

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

(I) The erection (including excavation), 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;

(J) 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 the institution; provided, however, that, conspicuous signs are displayed in the streets indicating that the same is a school, court or hospital street;

(K) The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers;

(L) 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;

(M) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood;

(N) 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 or sale, or display of merchandise;

(O) The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes; provided, however, that, the use by any governmental unit for a public purpose shall be excepted from this prohibition;

(P) The conducting, operating or maintaining of any garage or service station 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.; and/or

(Q) The firing or discharging of a gun, squibs, crackers, gunpowder or other combustible substance on the streets or elsewhere for the purpose of making noise or disturbance, except by permit from the Chief of Police.

(1989 Code, ' 12-7; 2003 Code, ' 7-5.2)

' 7-5.3 SAMECTESTS AND STANDARDS.

(A) *Factors to consider.* The standards which shall be considered in determining whether a violation of ' 7-5.1 and ' 7-5.2 exist shall include, but shall not be limited to the following:

- (1) The volume of the noise;
- (2) The intensity of the noise;
- (3) Whether the nature of the noise is usual or unusual;
- (4) Whether the origin of the noise is natural or unnatural;
- (5) The volume and intensity of the background noise, if any;
- (6) The proximity of the noise to residential sleeping facilities;
- (7) The nature and zoning of the area within which the noise emanates;
- (8) The density of inhabitation of the area within which the noise emanates;
- (9) The time of day or night the noise occurs;
- (10) The duration of the noise;
- (11) Whether the noise is recurrent, intermittent or constant; and
- (12) Whether the noise is produced by a commercial or non-commercial activity.

(B) Tables.

<i>Table I Limiting Noise Levels For Use Districts</i>			
Octave Band		Maximum Permissible Sound Pressure	
Center Frequency		(Levels in Decibels re 0.0002 Microbars)	
Cycles per Second			
	<i>Residential</i>	<i>Use District Commercial</i>	<i>Manufacturing</i>
Below 75	65	79	80
75c150	60	74	75
150c300	55	66	70
300c600	55	59	64
600c1,200	45	53	58
1,200c2,400	45	47	53
2,400c4,800	40	41	49
Above 4,800	40	49	46

(1) If the noise is not smooth and continuous, one or more of the corrections in Table II below shall be added to, or subtracted from, each of the decibel levels given in Table I.

<i>Table II Type of Operation in Character of Noise (Correction in Decibels)</i>
Noise source operated less than 20% of any one-hour period: plus 5*.
Noise source operated less than 5% of any one-hour period: plus 10*.
Noise source operated less than 1% of any one-hour period: plus 15*.
Noise of impulsive character (hammering and the like): minus 5.
Noise of periodic character (hum, screech and the like): minus 5.
NOTES TO TABLE: *Apply one of these corrections only.

(2) If the noise occurs between the hours of 10:00 p.m. and 7:00 a.m. on Monday through Saturday or at any time on Sunday or a holiday, seven shall be subtracted from each of the decibel levels given in Table I.

(C) *Motorized vehicles.* It shall be unlawful to operate a motorized vehicle within the city limits which creates a noise or sound which exceeds the noise level limits set out in Table III below.

<i>Table III Limiting Noise Levels From Vehicles</i>	
Trucks and buses:	
Over 10,000 pounds:	
93 dB(A) measured at 50 feet	maximum allowable limit
97 dB(A) measured at 25 feet	maximum allowable limit
Under 10,000 pounds:	
80 dB(A) measured at 50 feet	maximum allowable limit
86 dB(A) measured at 25 feet	maximum allowable limit
Passenger cars:	
78 dB(A) measured at 50 feet	maximum allowable limit
84 dB(A) measured at 25 feet	maximum allowable limit
Motorcycles, including other vehicles:	
87 dB(A) measured at 50 feet	maximum allowable limit
93 dB(A) measured at 25 feet	maximum allowable limit

(1989 Code, ' 12-8; 2003 Code, ' 7-5.3)

