

# OFFENSES AGAINST MUNICIPAL REGULATIONS

## **§130.01 DISCHARGE OF FIREARMS; PERMIT REQUIRED.**

(A) It shall be unlawful for any person to shoot or discharge within the corporate limits of the town any pellet gun, rifle, shotgun, pistol, spring gun, or other similar device or firearm which impels with force a shot or pellet of any kind, except as provided in divisions (B) and (C) below; provided, however, that this prohibition shall not apply to the discharging of BB guns. The Police Chief or any member of the Police Department is hereby authorized to seize, and hold subject to order of court, any pellet gun, rifle, shotgun, pistol, spring gun, 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 town in violation of this section.

(B) Nothing in this section shall prevent a person over 21 years of age from securing a permit from the Police Chief for the purpose of using a .22 rifle with blank or shot cartridges for the purpose of firing upon pigeons, squirrels, or rats (when not in violation of state law) upon or around an apartment or dwelling. Any permit of this type shall be issued only if, in the reasonable estimation of the Police Chief, those activities can be conducted without jeopardizing public safety. The permit shall run for not more than 30 days, and shall authorize firing during daylight hours on weekdays only upon the premises owned or occupied by the applicant, and shall be revocable by the Police Chief upon a violation of its conditions or upon complaint that the permit holder is not exercising his or her privilege in a careful and prudent manner and with due regard to life

and property.

(C) This section shall not prohibit the discharge of these devices either during a course of instruction in their use conducted by the Police Department of the town or on a firing range completely enclosed within the town, after inspection of the building and approval of the use of the range by the Police Department from the standpoint of public safety.

(Ord. passed 5-25-87; Am. Ord. passed 6-8-87)

Penalty, see §10.99 *Statutory reference:*

*Authority to regulate and restrict firearms, see G.S. §§160A-189 and 160A-190*

## **§130.02 DAMAGING OR TRESPASSING ON TOWN PROPERTY PROHIBITED.**

It shall be unlawful to damage, deface, trespass upon, break, or injure any property belonging to the town. Penalty, see §10.99

## **§130.03 BREAKING POLICE AND FIRE LINES RESTRICTED.**

At the time of any public parade, accident, riot, public peril, or other circumstances causing people to congregate or assemble, it shall be unlawful for any person to enter, break through, or remain within the danger lines or other bounds established by the police, or by or under the direction of any authorized town official, for the preservation of public safety, peace, and order, unless that person is authorized to do so by an officer in charge.

Penalty, see §10.99

**§130.04 DISTURBANCE IN PUBLIC PLACES OR ASSEMBLAGES PROHIBITED.**

It shall be unlawful for any person to make, aid, countenance, or assist in making, any improper noise, or to incite or engage in any riot or disturbance, or to indulge or engage in improper and disorderly conduct or conversation in any street, park, or other public place, or in any theatre or place of amusement, or in any room or building in which any number of persons are lawfully assembled.

Penalty, see §10.99

**§130.05 FILLING AND DUMPING PROHIBITED.**

It shall be unlawful for any person to fill any land or dump, upon any vacant lot within the town, with garbage, dead animals, decaying vegetable or animal matter, or any offensive material.

Penalty, see §10.99

**§130.06 IMPROPER MAINTENANCE OF RESIDENTIAL PREMISES PROHIBITED.**

It shall be unlawful for the owner or occupant of a residential building, structure, or property to utilize the premises of that residential property for the open storage of any abandoned ice box, refrigerator, stove, glass, building material, building rubbish, or similar items. It shall be the duty and responsibility of every owner or occupant to keep the residential property clean and to remove from the premises all abandoned items listed above, including but not limited to weeds, dead trees, trash, garbage, and the like, upon notice from the code enforcement personnel.

Penalty, see §10.99

**§130.07 BEER AND WINE CONSUMPTION; CONTAINER DISPOSAL.**

(A) 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.

(B) 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 those premises.

(Ord. passed 7-14-86)

Penalty, see §10.99

**§130.08 BEGGING AND SOLICITING PROHIBITED.**

For the purposes of this chapter, begging or soliciting shall be defined as any action or request as described herein for the donation, benefaction, charity, beneficence, contribution, offering, or otherwise canvassing the public for the private benefit of the solicitor or any other person.

(A) No person shall beg or solicit in or on the streets or other public places, nor in the entrances or corridors to or of any public building without a permit thereof from the town hall.

(B) No person shall sell or offer for sale any pencils, shoestrings, chewing gum, or similar objects in or on the streets or other public places as an indirect method of soliciting, nor shall any person offer a cup or other receptacle for the deposit of money or take up any collection in connection with the playing of any musical instrument in or on the streets or other public places, without having a permit thereof from the town hall.

(C) In the interest of maintaining a clear flow of traffic, no person shall beg or solicit, directly or indirectly, in the entrances, rooms, or corridors of buildings owned, leased, or maintained by the town irrespective of any permit which may have been issued pursuant to Chapter 112.

(D) No person shall beg or solicit, directly or indirectly, upon any private property or residence, irrespective of any permit which may have been issued pursuant to Chapter 112, without prior invitation of the owner/occupant thereof.

(E) A violation of this Section shall constitute either a Class 3 misdemeanor punishable by fine not to exceed fifty (\$50) dollars or imprisonment as provided by North Carolina General Statutes, Section 14-4, as amended, or at the election of the Town, shall subject the offender to civil penalties, remedies, and enforcement procedures contained in Section 10.99.

**§130.10 KEEPING OF HOGS, COWS, HORSES, GOATS, SHEEP AND OTHER FARM ANIMALS, LIVESTOCK AND FOWL.**

It shall be unlawful for any person to keep any hogs, cows, horses, goats, sheep or any other farm animals, including fowl within the corporate limits of the town on any property less than one (1) acre in area.

In keeping any animal as provided above, the owners of such property must collect and remove all waste materials from the property and deposit the same in an approved compost or as otherwise authorized by law. At no time shall the owner of such property allow such waste to drain, runoff, or be washed onto an adjoining property, into a drainage ditch, stream, creek or other storm water collection system or area.

A violation of this Section shall constitute either a Class 3 misdemeanor punishable by fine not to exceed fifty (\$50) dollars or imprisonment as provided by North Carolina General Statutes, Section 14-4, as amended, or at the election of the Town, shall subject the offender to civil penalties, remedies, and enforcement procedures contained in Section 10.99.

**§130.11 RULES AND REGULATIONS FOR THE RIVERPARK.**

(A) It shall be unlawful for any person to violate any of the following park rules:

- (1) No person is allowed on park property between sunset and 8am;
- (2) No alcoholic beverages or illegal drugs are permitted;
- (3) No firearms are allowed;

- (4) No littering or dumping is permitted;
- (5) All pets must be on a leash and owners are responsible to clean up after their pets;
- (6) No soliciting or sales are allowed without the issuance of a permit from the Town of Cooleemee and the president of Riverpark Board;
- (7) No glass beverage containers are allowed;
- (8) Children under 12 years of age must be supervised by an accompanying adult;
- (9) No open fires are allowed without the issuance of a permit from the Town of Cooleemee and the president of Riverpark Board, and no grills are allowed under the picnic shelter at any time;
- (10) No horses are permitted in the park; and
- (11) Coolers, backpacks, and packages are subject to search by authorized law enforcement personnel.

(B) A violation of this section shall constitute either a Class 3 misdemeanor punishable by fine not to exceed five hundred dollars (\$500.00) as provided by North Carolina General Statute, Section 14-4, as amended, or, at the election of the Town, shall subject the offender to civil penalties, remedies and enforcement procedure as set forth in Section 10.99 of the Code of Ordinances of the Town of Cooleemee.

(C) No provision hereof shall make unlawful any act necessarily performed by any law enforcement officer, park employee or designated agent of the Town of Cooleemee in the proper and necessary execution of these rules, applicable local, state and federal statutes or maintenance of park property and security of its patrons.

(D) No provision hereof shall amend, alter or rescind the provisions set forth in Section 35.19 of the Code of Ordinances of the Town of Cooleemee, which applies to all other park property owned by the Town of Cooleemee.

(Ord. passed 3-17-2009)