

**TITLE XIII: GENERAL OFFENSES**

Chapter

- 130. GENERAL OFFENSES
- 131. NO TOBACCO USE

## CHAPTER 130: GENERAL OFFENSES

Section

- 130.01 Discharge of firearms
- 130.02 Disturbing public meetings
- 130.03 Injuring town property
- 130.04 Unnecessary noise
- 130.05 Damaging ordinances

***Cross-reference:***

*Littering, see ' ' 93.20 et seq.*

*Nuisances, see ' ' 93.01 et seq.*

**' 130.01 Firearms; Discharge within Town.**

(A) Discharging firearms or other guns. It shall be unlawful for any person to shoot or discharge within the corporate limits of the town or on any town-owned property any gun, pistol or other firearm, by whatever name, which expels a projectile by action of explosion unless:

(1) Such firing or discharge is made pursuant to an approved recreational or instructional program supervised by competent authority acceptable to the Chief of Police evidenced by a written permit issued by the Chief of Police to the applicant.

(2) When lawfully used in defense of person or property or pursuant to the lawful directions of law enforcement officers.

(3) Police officers performing official duties are exempt from the provision of this section.

(4) The firing or discharge of non-explosive firearms, such as BB guns, pellet guns, and air rifles, is permitted under the following circumstances: the person firing or discharging the non-explosive firearm is sixteen (16) years of age or older, or supervised by a responsible adult over the age of eighteen (18).

(B) Any person in violation of this section shall be guilty of a misdemeanor and upon conviction shall be fined five hundred dollars (\$500.00) or imprisoned for six (6) months or both. Penalty, see 10.99. Firearms and other weapons possessed in violation of this ordinance are hereby declared to be contraband. The Chief of Police or his designee shall dispose of such weapons pursuant to applicable state law.

(C) The Chief of Police or any town policeman is

hereby authorized to seize and hold subject to court order any such gun, pistol or other firearm which shall have been shot or discharged within the town in violation of this section.

**' 130.02 DISTURBING PUBLIC MEETINGS.**

It shall be unlawful to behave in a boisterous or indecent manner or to create any disturbance at or near any public entertainment or meeting.

(1989 Code, ' 84.02) Penalty, see ' 10.99

**' 130.03 INJURING TOWN PROPERTY.**

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

(1989 Code, ' 84.03) Penalty, see ' 10.99

***Cross-reference:***

*Streets and Sidewalks; Damage Prevention; Construction, see ' ' 90.30 et seq.*

**' 130.04 UNNECESSARY NOISE.**

(A) It shall be unlawful for any person to create or assist in creating, permit, continue, or permit the continuance of any unreasonable loud, disturbing, and unnecessary noise in the town. Noise of such character, intensity, and duration as to be detrimental to the life or health of any individual is prohibited.

(B) The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but the enumeration shall not be deemed to be exclusive, namely:

(1) The sounding of any horn or signal device including compression release engine or transmission braking system or any device on any automobile, truck, 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 applied and deceleration of the vehicle is intended; the creation by means of such device of any unreasonable loud or

harsh sound; or the sounding of such a device for an unnecessary and unreasonable period of time;

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

(3) The use or operation after 11:00 p.m. and before 7:00 a.m. on any day of any piano, manual or automatic phonograph, stereo system, radio, loudspeaker, or any other instrument or sound amplifying devices, so loudly as to disturb persons in the vicinity thereof, or in such a manner as renders the same a public nuisance; however, on application to the Mayor, a permit may be granted to responsible organizations to produce programs in music, speeches, or general entertainment;

(4) 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;

(5) The use of any automobile, motorcycle, or other vehicle so out of repair or so loaded in such a manner as to create loud or unnecessary grating, grinding, rattling, or other noise;

(6) 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;

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

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

(9) The erection (including excavating), 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 3 days or less while the emergency continues;

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

(11) The creation of any excessive noise on Sundays on any street adjacent to any church, provided conspicuous signs are displayed in the streets adjacent to churches indicating that the same are church streets;

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

(13) 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;

(14) The shouting and crying of peddlers, barkers, hawkers, and vendors which disturbs the quiet and peace of the neighborhood; or anyone shouting within the corporate limits so as to disturb the peace and quiet of the neighborhood;

(15) 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, sale, or display of merchandise;

(16) The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes except where specific license is received from the Board of Commissioners; and

(17) The conducting, operating, or maintaining of any garage or filling station in any residential district, 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.

(1989 Code, ' 84.04) Penalty, see ' 10.99

***Statutory reference:***

*Authority to regulate noises, see G.S. ' 160A-184*

**' 130.05 DAMAGING ORDINANCES.**

No person shall tear or deface any of the town ordinances.

Penalty, see ' 10.99

**' 130.06 PROHIBITION ON THE CARRYING AND DISPLAY OF WEAPONS AT CERTAIN LOCATIONS.**

(A) It shall be unlawful for any person to carry or possess a firearm, including concealed handguns otherwise allowed by provisions of Article 54B Chapter 14 of the North Carolina General Statutes, on or about the person on any town-owned or town controlled buildings and appurtenant facilities, including, but not limited to, the following specific places:

(1) the Town Hall Building located at 502 Southtown Circle;

(2) the Community Center located at 514 Southtown Circle; and

(3) the Police Department located at 204 Southtown Circle.

The Town Manager is hereby directed to post an appropriate notice of the ban on concealed handguns at and in every lot or building owned or controlled by the town. Nothing in this section shall prohibit a person from storing a firearm within a motor vehicle while the vehicle is on these grounds or areas.

(B) It shall be unlawful for any person to openly

carry or possess on or about his or her person any deadly weapon as defined in North Carolina General Statute 14-269(a) while on any town-owned or town-controlled park or greenway, including but not limited to Main Street Park, Rolesville Community School Park and Mill Bridge Nature Park, subject to the provisions of North Carolina General Statutes 14-415.23.

(C) It shall be unlawful for any person to possess or carry a legally permitted concealed handgun on or at any town-owned or town-controlled athletic facilities and appurtenant facilities as defined in G.S. 14-415.23.

The Town Manager is hereby directed to post an appropriate notice of the ban on concealed handguns at and in every town-owned or town-controlled athletic facilities. Nothing in this section shall prohibit a person from storing a firearm within a motor vehicle while the vehicle is on these grounds or areas.

(D) Any person in violation of this section shall be guilty of a misdemeanor and upon conviction shall be fined five hundred dollars (\$500.00) or imprisoned for six (6) months or both. Penalty, see 10.99. Firearms and other weapons possessed in violation of this ordinance are hereby declared to be contraband. The Chief of Police or his designee shall dispose of such weapons pursuant to applicable state law.

**Statutory reference:**

*Authority to prohibit, by posting, the carrying of concealed handguns on local government properties, see G.S. 14-415.23.*

**Amendments**

**3/5/12, Section 130.01 & 130.06 amended through TA12-01; 4/3/18, Section 130.06 amended through TA18-01**

SECTION 131

**SECTION 131 NO TOBACCO USE IN TOWN BUILDINGS, VEHICLES, AND PUBLIC PARKS**

**131.1 PURPOSE**

The Town of Rolesville recognizes the health risks of tobacco use and secondhand smoke for non-smokers. The Town of Rolesville is committed to providing a safe work environment for employees, volunteers, contractual persons, and the public by prohibiting tobacco use in any building, structure or grounds owned or leased by the Town of Rolesville. The primary aim is to provide a cleaner safer environment by minimizing the harmful effects of tobacco use and eliminating secondhand smoke exposure for staff and the public in those buildings and facilities controlled by the Town. In support of this commitment, tobacco and vapor product use will be prohibited in all Town-owned grounds, leased buildings and vehicles.

**131.2 DEFINITIONS**

“Smoker”: A person who is smoking.

“Smoking”: The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

“Tobacco products”: Any product that contains tobacco and is intended for human consumption.

“Vapor product”: Any non-combustible product that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution contained in a vapor cartridge as defined by NC G.S. 14-313(5)

**131.3 TOBACCO USE PROHIBITED**

Tobacco and vapor product use is prohibited in all of the following:

- (a) Buildings that are owned by the Town.
- (b) Buildings that are leased by the Town as lessor.
- (c) Buildings or areas of buildings that are leased by the Town as lessee and occupied.
- (d) Public transportation vehicles owned or leased by the Town.
- (e) Public Parks and or greenways

**131.4 APPLICABILITY**

This ordinance applies to all employees, volunteers, contractual persons, and the public.

**131.5 SIGNAGE**

(A) Persons in charge of buildings identified in Section C shall post signs at all entrances and exits explaining the prohibition on tobacco use. Signs may be posted in other areas of the buildings as well. For example, signs may be posted in other areas of the building where tobacco use is likely, such as bathrooms and dining areas.

(B) Persons in charge of vehicles identified in Section C shall post signs in the vehicles explaining the prohibition. The signs must be displayed in areas where passengers will be able to see the signs, but the placement of the signs must not interfere with the safe operation of the vehicle.

(C) The signs required by subsections (a) and (b) of this Section must be clear and unambiguous language to convey the prohibition. The signs may include language such as “TOBACCO FREE BUILDINGS”, “TOBACCO USE PROHIBITED IN THIS BUILDING”, TOBACCO USE NOT PERMITTED IN THIS BUILDING”, or ‘TOBACCO USE NOT PERMITTED IN THIS VEHICLE”. If a sign includes the international “No Tobacco Use” symbol (which consists of a pictorial representation of a burning cigarette and smokeless tobacco enclosed in a red circle with a red bar across it), it must also include written text explaining the prohibition.

(D) Persons in charge of buildings and vehicles identified in Section C must determine whether signs should be posted in languages other than English.

(E) All publicly available ashtrays shall be removed from any area where smoking is prohibited by this ordinance by the owner, operator, manager, or other person having control of the area.

**131.6 SMOKING PERMITTED OUTSIDE BUILDINGS**

Tobacco use is prohibited within a (50) fifty foot radius

of all buildings identified in Section C.

### **131.7 COMPLIANCE AND PENALTIES**

(A) A person in charge of the building, management and supervisors shall ensure the smoking ordinance is enforced. This does not preclude employees from bringing violations to the attention of their management and/or human resources.

(B) Employees are responsible for complying with the ordinance. Employees who violate this ordinance may be subject to sanctions consistent with the Town's Human Resources Personnel Policies.

(C) A person in charge of the building or vehicle identified in Section C or his or her designee, management and supervisors who see an individual (other than an employee) who is using tobacco in violation of this ordinance must ask the individual to stop using the tobacco product. If, after having been asked to stop using tobacco, the individual continues to use a tobacco product, the person in charge shall issue a warning and must ask the individual to leave the building.

### **131.8 EFFECTIVE DATE**

This ordinance shall be effective the 6<sup>th</sup> day of April, 2009

*Amendments: 4/6/09 to Chapter 131 through TA09-11; 12/7/15 to Chapter 131 through TA15-11.*