

Article II

MISCELLANEOUS OFFENSES

Section 5-11 Noise Generally (Amend. 2/28/23)

No person may authorize or cause the emission from any property or source under his control any noise that is both:

- (1) Sufficiently loud to frighten or pose a danger to the health of or seriously disturb any person who:
 - a. if the noise emanates from a source located on private premises, is located on other premises (including other dwelling units or rented premises located on the same tract of land), or (Amend. 4/27/82)
 - b. if the noise emanates from a street or other public property, is located on private property or the street or other public property, and
- (2) Louder, or of greater duration, or otherwise more disturbing than is reasonably necessary for the performance of some lawful public or private function, enterprise, operation, or activity.
- (3) Any violation of this section constitutes a misdemeanor punishable as provided in G.S. 14-4.

Section 5-12 Particular Noise (Amend. 11/16/93, 2/28/23)

The following are declared to be illustrations of noises prohibited under the foregoing section, and are hereby declared to be unlawful, but this list shall not be exhaustive:

- (1) The playing of any radio, television, tape recorder, phonograph, or similar electronic device or any musical instrument so as to disturb the comfort, quiet or repose of persons in any place of residence or so as to interfere substantially with the operations of any church, school, theater, library or other similar place of assembly.
- (2) The use of any drum, loudspeaker, or other amplification instrument or device for the purpose of attracting attention by the creation of noise to any performance, show, ale, display, advertisement of merchandise, or other commercial venture.
- (3) Any party or assembly of persons in a dwelling unit or on residential premises producing loud and raucous noise after 11:00 p.m. that tend to disturb the comfort, quiet, or repose of persons in other dwelling units or on other residential premise. The person in possession of the premises where such a part or assembly of persons takes

place shall be deemed responsible for the emission of loud and raucous noises under this subdivision. (Amend. 4/27/82)

- (4) The operation or use of any of the following tools, machinery, or equipment, when such operation or use takes place (i) outside of a fully enclosed structure; and (ii) within 300 feet of a residentially occupied structure that is not in the possession of the party responsible for the noise at issue; and (iii) after sunset on any day or before 7:00 a.m. on any day except Sunday and before 12:00 noon on Sunday. However, this prohibition shall not apply when work must take place on an emergency basis for health or safety reasons, or when work is undertaken within a public street right-of-way by (i) a utility pursuant to an encroachment agreement, (ii) the town, or (iii) the North Carolina Department of Transportation. (Amend. 1/16/2001)
 - (a) Earth moving or clearing power equipment.
 - (b) Chain saws, brush cutters, wood chippers, or similar power equipment.
 - (c) Power saws
 - (d) Power driven hammers or jackhammers.

(5) Any violation of this section constitutes a misdemeanor punishable as provided in G.S. 14-4.

Section 5-12.1 Motor Vehicle Noises (Amend. 11/16/93, 2/28/23)

The following are illustrations of noises, produced in connection with the operation or use of motor vehicles, that are prohibited under Section 5-11 and are hereby declared to be unlawful, but this list shall not be exhaustive:

- (1) The blowing of a horn on any motor vehicle except when the horn is used as a warning device.
- (2) The operation of any motor vehicle without a muffler or with a muffler that is so defective or so designed that the vehicle emits an unusually loud noise.
- (3) The operation of any motor vehicle so as to create unnecessary and unusual noise through the screeching of tires or racing of engines.
- (4) The operation or use of a motor vehicle with amplified sound produced by a radio, tape player, compact disc player or other soundmaking device or instrument within the motor vehicle such that the sound is plainly audible at a distance of 100 feet or more from the motor vehicle.

(5) Any violation of this section constitutes a misdemeanor punishable as provided in G.S. 14-4.

Section 5-13 Discharge of Firearms and Air Rifles (Amend. 2/28/23)

(a) Subject to subsection (b), no person may discharge any pistol, rifle, shotgun, or other gun or any air pistol, slingshot or any like instrument used to eject a pellet or projectile within the town limits.

(b) Subsection (a) shall not apply to private citizens acting in justifiable defense of persons or property or pursuant to the lawful directions of a police officer nor to police officers acting in the lawful performance of their duties.

(c) No parent of a child or any person who stands in the relationship of a parent to a child may knowingly permit such child to violate subsection (a).

(d) Any violation of this section constitutes a misdemeanor punishable as provided in G.S. 14-4.

Section 5-14 Operation of Public Enterprise Without Franchise

Except as otherwise provided by law, no person may operate within the town any public enterprise, as defined in G.S. 160A-311, without first obtaining a franchise from the town, nor may any person continue to operate such public enterprise after the expiration of such franchise.

Section 5-15 Curfew for Minors (Repealed 9/18/2007)

Section 5-15 Limitation on Campaign Contributions for Town Offices (Amend. 3/3/09, 6/25/13,6/18/19)

(a) No person, political committee, or other entity may contribute to any candidate for the office of mayor or any candidate for the office of alderman any money or in-kind contribution in any election (regular or special) in excess of \$250.00.

(b) The definitions in Article 22A of Chapter 163 of the General Statutes apply to the provisions of this section. In addition, as used herein, the word "candidate" also means a political committee authorized by the candidate for that candidate's election.

(c) The provisions of this section do not apply to contributions made by a candidate or a candidate's spouse, domestic partner registered with a government agency, parents, brothers, or sisters.

(d) The provisions of this section are authorized and shall be interpreted in accordance With Sections 2-8 and 2-9 of the Town Charter, as established by Chapter 97 of the 2008 Session Laws.

(e) The provisions of this section shall expire 60 days prior to the opening of filing for the 2021 regular town election, except that such expiration will not make lawful any contribution made before that date that is in violation of this section.

Section 5-16 Public Urination and Defecation Prohibited (Amend. 10/12/93, 2/28/23)

(a) Except in designated water closets or toilet facilities, it shall be unlawful for any person to urinate or defecate on any public place, sidewalk, street, alleyway or right-of-way, or in any public building, or on private property. Having the permission of the owner or person in lawful possession shall constitute an affirmative defense to the charge of urinating or defecating on private property.

(b) Any violation of this section constitutes a misdemeanor punishable as provided in G.S. 14-4.

Section 5-17 Begging or Soliciting Alms by Intimidation (Amend. 10/12/93, 3/7/95, 2/28/23)

(a) Except when performed in the manner set forth in subsection (b), it shall not be unlawful to beg or solicit alms or contributions.

(b) It shall be unlawful for any person to ask, beg or solicit alms or contributions, or exhibit oneself for the purpose of begging or soliciting alms or contributions with the intent to intimidate another person into giving money or goods.

(c) For purposes of this section, "ask, beg or solicit" shall include, without limitation, the spoken, written or printed word or such other acts as are conducted in furtherance of the purpose of obtaining alms or contributions.

(d) For purposes of this section, "intimidate" shall be defined as conduct which would cause a reasonable person to fear imminent bodily harm and cause such person to do something he or she would not otherwise have done.

(e) Any violation of this section constitutes a misdemeanor punishable as provided in G.S. 14-4.

Section 5-18 Consumption of Malt Beverages or Unfortified Wine on Public Property and Possession of Open Containers of Malt Beverages or Unfortified Wines on Public Property Prohibited (Amend. 10/24/95, 5/7/13, 2/28/23)

(a) No person may consume malt beverages or unfortified wines or possess open containers of malt beverages or unfortified wines on any property owned or occupied by the Town, except that this prohibition does not apply to:

- (1) Social or other events at the Town Hall, Century Center, or Town Commons that are sponsored by the Town or authorized by the Town pursuant to applicable policies for the reservation and use of such facilities; or
- (2) The sampling of malt beverages or unfortified wines at the Town Commons during the regular operating hours of the Farmers' Market, so long as (1) the samples offered do not exceed one ounce, (2) the samples are offered by a market vendor that either produced the malt beverages or wine or grew the grapes that made the wine, (3) the samples are offered in connection with the sale of such malt beverages or wine by the bottle, (4) malt beverages or unfortified wines are not sold by the glass for consumption on site, and (5) the vendor has all appropriate ABC licenses or permits authorizing this activity. (Amend. 2/13/01, 6/5/07)

~~(b) No person may possess open containers of malt beverages or unfortified wines on any property owned or occupied by the Town, except that this prohibition does not apply to social or other events at the Town Hall or Century Center that are sponsored by the Town or authorized by the Town pursuant to applicable policies for the reservation and use of such facilities. (Amend. 2/13/01) Repealed 6/5/07)~~

- (b) For purposes of this section, the following terms shall have the meaning indicated:

Malt Beverage: Beer, lager, malt liquor, ale, porter, or any other brewed or fermented beverage--containing at least one-half of one percent (0.5%), and not more than six percent (6%), alcohol by volume.

Unfortified Wine: Wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet, or dextrose sugar, and that has an alcoholic content of not more than seventeen percent (17%) alcohol by volume.

Open Container: A container whose seal has been broken or a container other than the manufacturer's unopened original container.

Property owned or occupied by the town: This includes all public streets, sidewalks, bikeways, and other public rights-of-way, as well as the Town Hall property, public works facility, all town parks, and all other properties owned or occupied by the Town of Carrboro.

(c) Any violation of this section constitutes a misdemeanor punishable as provided in G.S. 14-4.