

Chapter 130. Offenses Against Town Regulations

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§ 130.01 DISORDERLY CONDUCT.

It shall be unlawful for any person to commit a breach of the peace or engage in any riotous or disorderly conduct within the town; and it shall also be unlawful for any person to disturb the good order and quiet of the town by fighting, making loud noises, using profane, boisterous or indecent language, or in any other manner.

('72 Code, § 14-1) (Ord. 59, passed 8-11-80) Penalty, see § 130.99

§ 130.02 PUBLIC INTOXICATION.

No person shall consume, serve or drink wine, beer, whiskey or alcoholic beverages of any kind on or in the public streets, boulevards, alleys, parks, sidewalks, or public buildings within the town except where appropriate ABC permits have been issued to an organization in connection with any outdoor festival or event of a national, state or local significance, and additionally, where appropriate public rights-of-way or public property use permits containing a provision concerning sale and consumption of alcoholic beverages has been approved by the Town Board of Commissioners.

('72 Code, § 5-1) (Ord. 6, passed 8-21-75; Am. Ord. 756, passed 9-28-92) Penalty, see § 130.99

§ 130.03 DISCHARGE OF FIREARMS.

It shall be unlawful for any person (except an officer of the law) to shoot any firearm, being defined as any weapon which will propel a projectile by the use of explosive action, including bow and arrow and crossbow, in the corporate limits of the Town, except in licensed shooting galleries.

('72 Code, § 9-1) (Ord. 3, passed 3-9-73; Ord. 1639, passed 10-14-08; Ord. 1690, passed 6-8-09; Ord. 2367, passed 1-14-19) Penalty, see § 130.99

§ 130.04 ELECTRIC FENCES.

It shall be unlawful to construct, erect, or maintain electric fences within the town, except as provided in this section. It shall be lawful to have electric fences that an electric current of six volts or less is allowed to be conducted and is U.L. listed.

('72 Code, § 6-1.1) (Ord. 58, passed 7-28-80) Penalty, see § 130.99

§ 130.05 BEGGING AND ALMS SOLICITATION.

(A) *Title.* This section shall be known and cited as the town begging and soliciting alms ordinance.

(B) *Purpose.* It is the purpose of this section to more effectively control begging or soliciting alms on the public rights-of-way and to protect the traveling public as well as persons desiring to beg or solicit alms on their own behalf, to balance the legal rights of each group, and to protect the public health, safety and general welfare.

(C) *Prohibited conduct.*

(1) Except when performed in the manner set forth in division (C)(2) of this section, it shall not be unlawful to beg or solicit alms.

(2) 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, by accosting another or forcing oneself upon the company of another. It shall further be unlawful for any person to stand on any street, highway, or right-of-way, excluding sidewalks, while soliciting, or attempting to solicit, any employment, business, or contributions from the driver or occupants of any vehicle. (Ord. No. 1538, passed 2-12-07)

(D) *Definitions.* For the purpose of this section the following definitions shall apply.

ACCOSTING. Approaching or speaking to someone in such manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his or her person, or upon property in his or her immediate possession.

ASK, BEG or SOLICIT. Includes, 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.

FORCING ONESELF UPON THE COMPANY OF ANOTHER.

- (1) Continuing to request, beg or solicit alms in close proximity to the person addressed after the person to whom the request is directed has made a negative response;
- (2) Blocking the passage of the person addressed; or
- (3) Otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

(Ord. 758, passed 10-21-92) Penalty, see § 130.99

§ 130.06 LAWS CONCERNING CARRYING AND DISPLAY OF FIREARMS WITHIN MUNICIPAL BUILDINGS, PREMISES AND PARKS.

(A) It shall be unlawful for any person to carry and/or display a firearm including pistols, shotguns, rifles, or any gun or handgun within any building owned by the town, any property or premises owned by the town, and within any park owned or operated by the town. It shall further be unlawful for any person to carry a concealed handgun (the term includes possession of a concealed handgun) within any building, premises, or any property owned by the town or recreational facilities, which include a playground, an athletic field, a swimming pool or an athletic facility; except, with regard to recreational facilities, a concealed handgun permittee may secure the handgun in a locked vehicle within the trunk, glove box or other enclosed compartment within or on the vehicle.. For the purposes of this section, **HANDGUN** shall be defined as a firearm that has a short stock and is designed to be held and fired by the use of a single hand.

(B) The provisions of this section are adopted pursuant to N.C.G.S. §§ 160A-189 and § 14-415.11(c); and further, the provisions of this section and its prohibitions shall not apply to the following persons:

- (1) Officers and enlisted personnel of the Armed Forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons;
- (2) Civil officers of the United States while in the discharge of their official duties;
- (3) Officers and soldiers of the militia and the National Guard when called into actual service;
- (4) Officers of the state, or of any county, city, or town, charged with the execution of the laws of the state, when acting in the discharge of their official duties.
- (5) Sworn law-enforcement officers when off-duty, if:
 - (a) Written regulations authorizing the carrying of concealed weapons have been filed with the Clerk of Court in the county where the law-enforcement unit is located by the sheriff or chief of police or other superior office in charge; and

(b) Such regulations specifically prohibit the carrying of concealed weapons while the officer is consuming or under the influence of alcoholic beverages.
(Ord. 876, passed - -95) Penalty, see § 130.889

(6) Any person who is a District Attorney, an Assistant District Attorney or an Investigator employed by the Office of a District Attorney [District Attorney personnel] who has a concealed handgun permit.

(7) Any person who is a qualified retired law enforcement officer as defined in G.S. 14-415.10 [definitions applicable to concealed handgun statutes], is a holder of a concealed handgun permit.

(8) Detention personnel or correctional officer employed by the State or a unit of local government who parks a vehicle in a space that is authorized for their use in the course of their duties, may transport a firearm to the parking space and store that firearm in the vehicle parked in the parking space, provided that the firearm is secured.

(9) That divisions of Subsection (B) shall not apply if the permittee is consuming alcohol or an unlawful controlled substance.
(Ord. No. 1826, passed 11-14-11)

§130.07 CAUSING HARM TO LAW ENFORCEMENT DOGS

It shall be unlawful for anyone to kick, hit, bite, hurt, poison, or otherwise cause harm to a dog owned by a law enforcement agency, including the Matthews Police Department. (Ord. 917 passed 5-27-97)

§ 130.08 POSTING OF STREET ADDRESSES

(A) Permanent Posting Required

In order to facilitate the response of emergency services and other public and private services, the owner of each lot or parcel of land upon which a structure or dwelling unit is located shall permanently display assigned street address number in a manner that is clearly visible from the street.

(B) Design

(1) All street address numbers shall be displayed numerically. Written, printed or scripted words shall not be used as required display.

(2) Numerals for multi-family dwelling buildings and nonresidential buildings shall be at least six inches in height.

(3) The color of the numerals shall be in sharp contrast to any background color and/or texture so as to be clearly legible.

(C) Location of Number Display

(1) The assigned address number for single family residential units shall be displayed so as to be clearly visible from the street.

(2) The assigned address number for multi-family dwelling buildings and nonresidential buildings shall be placed on the front of the building facing the road or on the end of the building nearest the road so that it is most clearly visible from the street.

(3) If the building or dwelling unit is set back more than sixty feet from the edge of the improved portion of the street, or if the structure is not visible from the roadway, the property address shall additionally be displayed nearest the road which provides access to the building, so as to be clearly visible from the street.

(4) The assigned address number shall be displayed so that its view from the street is not significantly obstructed by trees, yard ornaments, shrubbery, porches, building architecture or other physical impediments.

(D) Maintenance

It shall be the responsibility of the building or dwelling unit owner or landlord to maintain at all times said number display. It shall be unlawful for any person to alter, deface or obscure any number placed on any property, or to fail to display numerically the assigned street address number as required by this Section. (Ord. 1045, passed 4-12-99)

§130.09 MASTURBATION IN PUBLIC

It shall be unlawful for any person to willfully masturbate in any public place, including, but not limited to any public place, sidewalk, street, alleyway, any public park or restroom facility, in the presence of any other person.

§130.10 URINATION OR DEFECATION ON CERTAIN PROPERTY PROHIBITED.

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 (except in designated water closets or toilet facilities), or on any private property. Having the written permission of the owner or person in lawful possession shall constitute an affirmative defense to the charges of urinating or defecating in public.

(Ord. No. 1141, passed 11-27-00)

§130.11 CAMPING AND OTHER ACTIVITY PROHIBITED ON PUBLIC PROPERTY

(A) **Definitions.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

Camp or camping means the use of Town property for living accommodation purposes such as sleeping, or making preparation to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or placing any tents or a temporary shelter on Town property for living accommodation purposes.

Temporary shelter means tents, tarps, or any type of structure or cover that provides partial shelter from the elements.

(B) It shall be unlawful for anyone to camp on any public property owned by the Town, including public rights-of-way and sidewalks.

(C) Camping as defined in this section is deemed a public nuisance and the Town may summarily remove a temporary shelter, bedding or personal belongings.

(D) It shall be unlawful to light or use a campfire or bonfire on public property except as may be specifically authorized by a permit.

§130.12 POSSESSION OF OBSTRUCTION DEVICES PROHIBITED; PLACING OBJECTS IN ROADWAY, PUBLICRIGHT-OF-WAYPROHIBITED.

(A) It shall be unlawful for any person, other than governmental employees in the performance of their duty, to possess any obstruction object or instrument with the intent to obstruct a public road, public sidewalk, public right-of-way, entrance or exit to private property or any other area open to the public. Obstruction object or instrument as used in this section means a device commonly known as a “lock box” or “sleeping dragon” or any of the components of such a device including but not limited to: pipes, tubes, wire handcuffs, chains, carabiners, or padlocks, or containers either weighted or not.

(B) It shall be unlawful for any person, other than governmental employees in the performance of their duty, to place any instrument, tripod, bipod or other pole or object with the intent to obstruct pedestrian or vehicular movement on a public road, public sidewalk, public right-of-way, entrance or exit to private property, or any other area open to the public.

(C) It shall be unlawful for any person, other than governmental employees in the performance of their duty, to attach themselves to another person, building, vehicle or fixture with the intent to obstruct pedestrian or vehicular movement on a public road, public sidewalk, public right-of-way, entrance or exit to private property or any other area open to the public.

(D) Obstruct, as used in this section, means to interfere with pedestrian or vehicular movement on a public roadway, public sidewalk, public right-of-way, entrance or exit to private property, or any other area open to the public.

§130.13 POSSESSION AND DISPERSAL OF NOXIOUS SUBSTANCES

(A) It shall be unlawful for any person to possess any noxious substance with the intent to use the noxious substance to interfere with a lawful assembly or to interfere with emergency services or to interfere with a person’s right of entry or right to leave a place.

(B) It shall be unlawful for any person to throw, emit, or cause to be used as a projectile, or otherwise disperse any noxious substance.

(C) Noxious substance as used in this section means any substance that is harmful or destructive or foul or offensive to human beings, such as but not limited to garbage, trash, refuse, animal parts or fluids, manure, urine, feces or other organic waste by-products.

§130.14 POLICE LINES AND BARRICADES

(A) Officers of the Matthews Police Department are authorized to establish police lines and barricades to preserve the public peace, arrest offenders and to protect the rights of persons and property.

(B) It shall be unlawful for anyone to intentionally cross over a police line or barricade.

§130.15 KINDLING BONFIRES

It shall be unlawful for anyone to set a fire on any public street, avenue, highway, public property or right-of-way unless expressly allowed by a permit.

§130.16 ATTACHMENTS TO PUBLIC AND PRIVATE PROPERTY

It shall be unlawful to hang, fasten, or attach any rope, wire, chain, sign, banner, or electrical device or power cord to any public or private property including buildings, bridges, overpasses, vehicles, construction equipment, memorials, utility poles or artwork unless express permission has been granted by the owner or manager of the property.

(Ord. No. 1893, passed 8-13-12)

§130.17 BEER AND WINE CONSUMPTION; POSSESSION OF OPEN CONTAINER; DISPOSAL OF CONTAINERS

(A) **Definitions.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Open container means a container that has a broken seal or a container other than the manufacturer's unopened original container.

Public street means any highway, road, street, avenue, boulevard or other way within and under the control of the Town and open to public use, including the sidewalks of any such street.

Wine means the same as the term "unfortified wine" as defined by G.S. ch 18B.

(B) *Consumption in public.* Except as permitted in subsection (F) of this section, no person shall consume any beer or wine upon or within the limits of any public street or sidewalk in the Town.

(C) *Consumption on private premises.* It shall be unlawful for any person to consume any wine or beer upon the private business premises of another without permission of the owner or person in control of such premises.

(D) *Possession of open container in public.* Except as permitted in subsection (F) of this section, it shall be unlawful for any person to possess an open container of beer or wine upon or within the limits of any public street or sidewalk in the Town.

(E) *Container disposal.* It shall be unlawful for any person to drop, throw, cast or deposit any used wine or beer container upon any public street or sidewalk or upon the private business premises of another without permission of the owner or person in control of such premises.

(F) *Except; permit required.* Consumption of beer and wine is permitted during any community-sponsored public function, festival or celebration being conducted within a public street, sidewalk or other publicly owned area pursuant to a written permit issued by the Town Manager or his duly authorized designee. This permit, when issued, will also allow the sale, service and distribution of beer and wine on designated streets, sidewalks and areas reserved for the event, subject to all applicable ABC regulations. However, before such permit is issued under this section, the Town Manager or his duly authorized designee shall designate the boundaries of the event and temporarily close those streets within the boundaries for general public use.

(G) *Application for permit.* Application forms for the permit referred to in subsection (F) of this section, are available from the office of the Town Manager and must be filed at least 21 days prior to the opening day of the event.”

(Ord. 2166, passed 8-8-2016)

§ 130.99 PENALTY

Violation of this chapter shall be a misdemeanor punishable on conviction by a fine not exceeding \$500 or by imprisonment not exceeding 30 days.

('72 Code, § 5-3) (Ord. 6, passed 8-21-75; Am. Ord. 755, passed 9-28-92)