

## CHAPTER 14

### OFFENSES--MISCELLANEOUS

- § 14-1. Advertising--Street criers.
- § 14-2. Same--Marking or painting on sidewalks and streets.
- § 14-3. Amusements.
- § 14-4. Ball games, etc.--Playing in street.
- § 14-5. Beggars; solicitation of alms, etc.
- § 14-6. Billiard parlors and poolrooms--Minors.
- § 14-7. Same--Hours of operation.
- § 14-8. False alarms--Carrying or using whistles, sirens, etc.
- § 14-9. Firearms, air rifles, etc.--Discharge.
- § 14-10. Same--Projectiles.
- § 14-11. Noise--Loud, disturbing and unnecessary noises prohibited.
- § 14-12. Same--Acts construed as noise.
- § 14-13. Parades, etc.--Permit required.
- § 14-14. Paying fares generally.
- § 14-15(a). Public property--Damaging water system or police or fire alarm systems.
- § 14-15(b). Public property--Consumption and possession of alcoholic beverages.
- § 14-16. Same--Damaging trees, shrubs, etc.
- § 14-17. Same--Private use of vehicles or equipment.
- § 14-18. Railroads--Speed limits.
- § 14-19. Same--Blocking crossings.
- § 14-20. Wreckers--Towing of vehicles without prior agreement.
- § 14-20.1 Wreckers--Rotation ordinance.
- § 14-21. Public Property--Consumption and possession of beer and wine.
- § 14-22. Video games.
- § 14-23. Weapons on municipal property prohibited.
- § 14-24. Commercial equipment in Residential Neighborhoods and on Public Streets.
- § 14-25. Sound Amplifying Equipment.
- § 14-26. Commercial advertising.
- § 14-27. Noncommercial use.
- § 14-28. Enforcement; penalties.

#### Sec. 14-1. Advertising--Street criers.

No person shall advertise any article of any kind for sale by crying out the same on the streets or sidewalks. No person shall advertise any article of any kind, or any event of any kind, by crying out the same or by using therefor any megaphone, bell, horn or other noise-making device on any street or sidewalk. (Code 1961, § 11-1.)

For state law as to authority of city to regulate use of streets and

sidewalks, see G.S., § 160A-296. As to authority of city to regulate itinerant merchants, see G.S., § 160A-178. As to authority of city to regulate businesses generally, see G.S., § 160A-194. As to authority of city to regulate noise, see G.S., § 160A-184. As to unlawful posting of advertisements, see G.S., § 14-145. As to noise generally, see §§ 14-11, 14-12 of this Code.

Sec. 14-2. Same--Marking or painting on sidewalks and streets.

It shall be unlawful to advertise or attempt to advertise by marking or painting on any of the streets or sidewalks. (Code 1961, § 11-2.)

Sec. 14-3. Amusements.

No public park or place of amusement shall be operated within the corporate limits, except upon written permit from the city manager. When a permit is granted, the city manager shall, as a condition to operating under such permit, prescribe the method of illuminating same and regulate the hours when the same shall be open to the public and the closing of same. The city manager may, for cause shown, revoke any license or permit issued by him. (Code 1961, § 11-25.)

For state law as to authority of city to regulate places of amusement, see G.S., § 160A-181. As to authority of city to regulate businesses generally, see G.S., 160A-194.

Sec. 14-4. Ball games, etc.--Playing in street.

No person shall play baseball, town ball, football or other games of similar nature on any public street. (Code 1961, § 11-27.)

Sec. 14-5. Beggars; solicitation of alms, etc.

No person shall solicit alms in any manner whatsoever, either for himself or for another, from house to house, by street stand or otherwise, without first having obtained a special permit from the city manager for such purposes.

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 alms, 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 therefor issued by the city manager. (Code 1961, §§ 9-13; 1120.)

For state law as to authority of city to regulate begging, see G.S., § 160A-179.

Sec. 14-6. Billiard parlors and poolrooms--Minors.

It shall be unlawful for anyone under the age of sixteen to be in any billiard parlor or poolroom. (Code 1961, § 11-7.)

For state law as to authority of city to regulate billiard parlors, etc., see G.S. § 160A-181. As to authority of city to regulate businesses generally, see G.S., § 160A-194. As to permitting minors in billiard rooms, see G.S., § 14-317.

Sec. 14-7. Same--Hours of operation.

- (a) Billiard parlors and poolrooms shall be allowed to remain open until 10:30 P.M. to persons over eighteen years of age.
- (b) Billiard parlors and poolrooms shall remain closed after 9:00 P.M. to all persons between the age of sixteen and eighteen. (Code 1961, § 11-8.)

Sec. 14-8. False alarms--Carrying or using whistles, sirens, etc.

No person without special authority from the police or fire department shall carry or use any whistle, bell, horn or siren similar in appearance or sound to the whistles, horns or sirens used by the police or fire department. (Code 1961, § 11-28.)

For state law as to giving false fire alarms, see G.S., § 14-286. As to false ambulance request, see G.S., § 14-286.1. As to false reports to police, see G.S., § 14-225.

Sec. 14-9. Firearms, air rifles, etc.--Discharge.

No person shall fire any air rifle or firearm within the corporate limits without a permit from the chief of police. (Code 1961, § 11-12.)

For state law as to authority of city to regulate firearms, see G.S., § 160A-189. As to authority to regulate pellet guns, etc., see G.S. § 160A-190. As to sales of weapons generally, see G.S., §§ 14-402 to 14-409.11. As to carrying concealed weapons, see G.S., § 14-269. As to confiscation of deadly weapons, see G.S., § 14-269.1.

Sec. 14-10. Same-- Projectiles.

No person shall shoot or project any stone, rock, shot or other hard substance by means of a slingshot, bean shooter, shot shooter, air rifle, pop gun, bow or other similar contrivance; provided, that archery shooting may be engaged in on such premises as may be set aside and approved therefor by the city council. (Code 1961, § 11-24.)

Sec. 14-11. Noise--Loud, disturbing and unnecessary noises prohibited.

The creation of any unreasonably loud, disturbing and unnecessary noise is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited. (Code 1961, § 11-23.)

For state law as to authority of city to regulate noise, see G.S., § 160A-184. As to street criers generally, see § 14-1 of this Code.

Sec. 14-12. Same--Acts construed as noise.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of section 14-11, but such enumeration shall not be deemed to be exclusive, namely:

- (a) Blowing horns. The sounding of any horn or signal 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 any such signal device of any unreasonably loud or harsh sound, or the sounding of such device for an unnecessary and unreasonable period of time.
- (b) Vehicle sirens or gongs. The use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle.
- (c) Radios, phonographs, etc. The playing of any radio, phonograph or other musical instrument in such manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort or repose of any person or persons in any dwelling, hotel or other type of residence.
- (d) Pets. 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) Use of vehicle. The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.
- (f) Blowing whistles. 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) Exhaust discharge. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (h) Devices using compressed air. The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.
- (i) Building operations. The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 6:00 A.M. and 10:00 P.M., on week days 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. (Amended December 14, 1998)
- (j) Noises near schools, courts and hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning or court while the same is in session, or within one hundred and fifty feet of any hospital, which unreasonably interferes with the working of such institution; provided, that conspicuous signs are displayed in such street indicating that the same is a school, court or hospital street.
- (k) Noises near churches. The creation of any excessive noise on Sundays on any street adjacent to any church; provided, that conspicuous signs are displayed in such streets adjacent to churches indicating that the same is a church street.
- (l) Loading and unloading operations. The creation of loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (m) Bells or gongs. The sounding of any bell or gong attached to any building-or premises which disturbs the quiet repose of persons in the vicinity thereof.
- (n) Hawking, peddling or soliciting. The shouting and crying of peddlers, barkers, hawkers and vendors which disturb the quiet and peace of the neighborhood.

- (o) Noises to attract attention. The use of any drum, loud speaker 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.
- (p) Loudspeaker or amplifiers on vehicles. The use of any mechanical loudspeaker or amplifiers on trucks or other moving vehicles for advertising or other purposes except where specific license is received from the police department.
- (q) Garage and filling station; noises at night near residences. 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.
- (r) Discharging of explosives. The firing or discharging of a gun, squibs, crackers, gunpowder or other combustible substance in the streets or elsewhere, for the purpose of making a noise or disturbance, except by permit from the police department. (Code 1961, § 11-24.)
- (s) Commercial Dumpsters. The collection of garbage from dumpsters between 9:00 P.M. and 7:00 A.M. Violators of this ordinance shall be punished by a fine of \$200.00 plus court costs. (Amended January 8, 1996).

Sec. 14-13. Parades, etc.--Permit required.

It shall be unlawful for any person to engage in any parade, demonstration or marching on the streets of the city or to promote or to stage any such parade, demonstration or marching unless such person shall have made written application to the chief of police stating the time, place or route and purpose of such parade, demonstration or march at least seventy-two hours before the time of such parade, demonstration or march and obtained a written permit from such officer therefor. (11-8-65.)

For state law as to authority of city to regulate use of streets, see G.S.,  
§ 160A-296.

Sec. 14-14. Paying fares generally.

No person except persons entitled to free transportation shall ride upon any bus, taxicab or other public conveyance without paying therefor the fare prescribed or allowed by law, or attend any show or other amusement without paying the prescribed fee. (Code 1961, § 11-26.)

Sec. 14-15(a). Public property--Damaging water system or police or fire alarm systems.

No person shall willfully or negligently damage or interfere with any valve, valve box, meter, meter box, storm or sanitary sewer, manhole cover, storm sewer catch basin cover, fire hydrant, police or fire alarm box, traffic signal or any other property used in the city's water, sewer, police or fire alarm system. (Code 1961, § 11-31.)

Sec. 14-15(b). Public Property--Consumption and possession of alcoholic beverages.

(This section rescinded by resolution dated June 11, 2007.)

For state law as to damage to property generally, see G.S., § 14-127. As to damaging, etc., fire alarm systems, see G.S., § 14-286.

Sec. 14-16. Same--Damaging trees, shrubs, etc.

It shall be unlawful to pull down, cut, deface with signs, break or in any way damage any of the trees, shrubs or flowers on the streets, parks or squares. (Code 1961, § 11-32.)

Sec. 14-17. Same--Private use of vehicles or equipment.

No city owned vehicle or equipment shall be operated in any manner for private use unless contracted for or leased from the city for special projects, and in event of such lease the city shall not be responsible or liable for any personal injury or private property damage. (8-13-73.)

Sec. 14-18. Railroads--Speed limits.

Trains shall not be run at a rate of speed exceeding twenty-five (25) miles per hour within the corporate limits of the city. No railroad corporation or any of its conductors, engineers or other employees shall run any locomotive engine, cars or trains within or through the corporate limits at a greater speed than is hereby specified. (Code 1961, § 13-1; 12-13-65, 4-24-78.)

Sec. 14-19. Same--Blocking crossings.

No railroad corporation, or any of its conductors, engineers, or other employees, shall allow any of its engines, trains or cars, to remain over any public street crossings for a longer period of time than five minutes, without clearing such crossing so that all persons desiring to cross the tracks of such railroad may have ample opportunity to do so. (Code 1961, § 13-2.)

For state law as to authority of city over railroad crossings, see G.S.,  
§ 160A-298.

Sec. 14-20. Wreckers--Towing of vehicles without prior agreement.

It shall be unlawful to operate or allow someone to operate a wrecker in the city limits or extraterritorial jurisdiction for the purpose of towing or attempting to tow a motor vehicle without the wrecker company being notified that its services are needed by the owner or operator of a vehicle that needs towing or by a duly sworn officer of the law; provided, that the wrecker company be properly licensed to do business within the city or extraterritorial jurisdiction and maintains proper equipment for such towing. (8-9-74; amended 612-90)

For state law as to authority of city to regulate businesses, see G.S.,  
§ 160A-194.

Sec. 14-20.1. Wreckers--Rotation ordinance.

Any wrecker company located in the City of Mount Holly and duly licensed by North Carolina and Gaston County, may make application to the City of Mount Holly to be placed on the City's list of wrecker services called by the Police Department to remove wrecked and disabled vehicles from the public streets and highways. Effective January 15, 1999, a wrecker service is deemed to be located in the City of Mount Holly only if it meets the following criteria:

1. The wrecker service must maintain an office in Mount Holly, including a telephone and records of wrecker services provided within Mount Holly.
2. The wrecker service must regularly maintain at its office, one or more serviceable wreckers which must be listed for property taxes to an address located within the city limits of Mount Holly.

The wrecker services on this list will be called on a rotating basis in cases where no preference is expressed or operator. An applicant must provide, in writing, such information as the Chief of Police shall require. All wrecker services on the rotation list must operate twenty-four (24) hours a day, seven (7) days a week. If vehicles are kept on site, they must be kept entirely within a locked fence. The maximum charge for towing cars that are not wrecked when called from the rotation list shall be forty dollars (\$40). Any wrecker service failing to answer three (3) rotation calls within a seven (7) day period shall be subject to removal from the rotation list in the following manner, and shall be so notified in writing: 1<sup>st</sup> offense, 30 days; 2<sup>nd</sup> offense, 60 days; 3<sup>rd</sup> offense, indefinitely. To be placed back onto the rotation list after an indefinite suspension, the wrecker service must submit in writing to the Police Chief, proof that they are prepared to respond to calls as needed. Any other wrecker service located in Gaston County and within five (5) miles of the City of Mount Holly may be called by a police officer when

no rotation wrecker service is readily available. (5-8-89)(amended 6-12-90)(amended 9-14-98)(amended 5-12-03)

Sec. 14-21. Public Property--Consumption and possession of beer and wine.

It shall be unlawful for any person to consume or possess any alcoholic beverage in or upon any public area or public street, sidewalk, alley, parking lot, public utility, railroad right-of-way or any property owned, leased or maintained by the City of Mount Holly, except at the locations and under the conditions listed below:

- (a) Possession and consumption of alcoholic beverages shall be permitted in or upon any property leased from the City of Mount Holly for residential use except as otherwise provided in the lease agreement for such property.
- (b) Possession and consumption of malt beverages and unfortified wine is permitted during any function, festival or celebration organized and sanctioned by the City of Mount Holly when conducted on a public street, sidewalk or other publicly owned area pursuant to a written permit issued by the City Manager or his duly authorized representative. This permit, when issued, will be subject to all applicable ABC regulations and shall designate the boundaries of the event and temporarily close those streets or portions thereof within the boundaries for general public use. Applicants must demonstrate proof of proper insurance for the planned event and make adequate provision for traffic control and public safety. The City Manager or his representative may place such additional restrictions on the event as he deems reasonably necessary to insure public safety and convenience.

(This section amended by resolution dated June 11, 2007.)

Sec. 14-22. Video games.

No person shall maintain or operate 3 or more coin or token operated games either directly or indirectly at one place of business except as provided for in this section.

- (a) No person shall operate such coin operated games unless he shall first have secured a license from the City Council as provided by Section 10-6 of this code of ordinances.
- (b) Every license issued pursuant to Section 10-6 of this code of ordinances shall specify the premises for which it is issued.
- (c) All video game rooms shall be operated only on the ground floor of a building and plate glass windows shall be located at the front of the building or at such other part of the building which faces any street, so that a clear view inside may be had from the street.

- (d) No screens, curtains, blinds, stalls, partitions or other obstructions shall be placed between the entrance to the room where the video machines are operated and the machines themselves.
- (e) Every location shall have adequate and separate restroom facilities for both sexes which said facilities shall be available for customers and employees.
- (f) There shall be adequate lighting for the on premises parking area in order to provide for public safety and to permit reasonable inspection of said parking area.
- (g) Neither licensees nor their employees shall suffer or permit any gambling on the licensed premises at any time.
- (h) They shall not suffer or permit any disorderly conduct or allow the premises to become a public nuisance.
- (i) They shall not suffer or permit the violation of any of the ordinances of the City of Mount Holly or the laws of the State of North Carolina.
- (j) They shall not suffer or permit any intoxicating liquors, narcotic drugs or controlled substances to be sold or kept on the licensed premises.
- (k) They shall not suffer or permit any person under the age of sixteen (16) years to operate said machines during regular school hours, except for school holidays. (6-14-82)

Sec. 14-23. Weapons on municipal property prohibited.

- (a) Possession of a weapon on municipal property prohibited. Except as provided in subsection (e) below, it shall be unlawful for any person to possess a knife having a blade of three inches or longer, a BB gun, air rifle, handgun, firearm, bow and arrow, or any other type of dangerous weapon, whether openly or concealed, on or within any park, building, appurtenant premises to such buildings, or any other property owned, leased as lessee, operated, occupied, managed, or controlled by the City of Mount Holly. This section does not apply to a qualified sworn law enforcement officer or to a watchman or other person specifically authorized by the City of Mount Holly to carry firearms or other weapons on municipal property while acting lawfully and within the scope of his authority.
- (b) Posting of Signs. An appropriate notice shall be posted in a conspicuous place in each such building, park, or other municipal property notifying persons of the prohibition against the possession of weapons therein. Signs on buildings shall be visibly posted on the exterior of each entrance by which

the general public can access the building. The City of Mount Holly shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises, parks, and other municipal property.

- (c) Severability; Conflict of Laws. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
- (d) Violation. The carrying of concealed handguns on premises posted under the provisions of this section shall constitute a violation of N.C.G.S. Chapter 14 Article 54b.
- (e) Concealed carry with a permit in parks. Notwithstanding subsection (a) of this section, an individual with a valid and current concealed handgun permit may carry such weapon as depicted in the concealed handgun permit at all parks and greenways, subject to the provisions in Sec. 21-14.

(Amended 2-08-2016.)

Sec. 14-24. Commercial Equipment in Residential Neighborhoods and on Public Streets.

Purpose: In order to preserve the residential characteristics and promote the aesthetic qualities of neighborhoods within the corporate limits, the City of Mount Holly regulates the parking of commercial vehicles on residentially-zoned property and public streets.

- A. For the purpose of this section a commercial vehicle shall be defined as any of the following:
- i. tractor-truck, trailer, tractor-trailer, backhoe, bobcat, bulldozer, dump truck, concrete mixer truck, tow truck, solid waste collection vehicle and any commercial vehicles with more than two (2) axles;
  - ii. any vehicle manufactured to transport 16 or more passengers including the driver;
  - iii. any vehicle of any size that is being used in the transportation of hazardous materials;
  - iv. any vehicle not specified herein which meets or exceeds two of the following criteria:
    - Twenty-three (23) feet in length
    - Eight (8) feet in height as measured from the ground to highest point.

- 7 feet in width

B. All commercial vehicles defined under Section 14-24(A) shall not be located outside on any property zoned residential or parked on any public street.

C. Exceptions. The provisions of this section shall not apply to (i) any commercial vehicle when taking on or discharging passengers or when temporarily parked pursuant to the performance of work such as unloading or loading household goods or providing household services. This requirement also does not apply to any legal nonconforming businesses that are located in residential zoning districts.

The provisions of this section shall not apply to (ii) any vehicle manufactured to carry 16 or more passengers including the driver when serving as a vehicle for any church, school, day care or not-for-profit charitable organization, regardless of zoning district, as long as said vehicle is parked on property where the use is located.

Vehicles manufactured as recreational vehicles (RV's), motor homes, campers, boats and jet skis that are properly tagged, licensed and insured shall be exempt from the requirements of this section.

(Amended January 11, 2010.)

#### Sec. 14-25. Sound Amplifying Equipment.

The following words, terms and phrases, when used in this Chapter 14, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) "Sound amplifying equipment" means any machine or device for the amplification of the human voice or music, or any other sound amplifying equipment, and shall include megaphones, amplifiers, walkie-talkies, amplifiers on fronts of business buildings, or other sound devices. The term "sound amplifying equipment" shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed, or warning devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic safety purposes.
- (b) "Location" where used to indicate the proposed location for the operation of sound amplifying equipment shall mean a geographical area no larger than ten feet by ten feet.

Sec. 14-26. Commercial use.

It shall be unlawful for any person or entity, for commercial purposes, to operate, or cause to be operated, any sound amplifying equipment on any public square, public street, public sidewalk, public park, or public playground in the city except as follows:

- (a) City sponsored events.
- (b) Outdoor amplified musical entertainment on the premises of and adjacent to a restaurant or other business between the hours of 6:00 PM and 12:00 AM, Monday through Saturday; but such entertainment shall not block driveways, sidewalks, or streets; and such entertainment is subject to the provisions of Sections 14-1, 14-11, and 14-12 above. (Amended 12-10-12.)

Sec. 14-27. Noncommercial use.

- (a) The purpose of this section is to balance the interests furthered by the proposed use of sound amplification equipment with the public interest in maintaining peace and quiet at the time and place involved in order to protect the health, safety, and welfare of the public.
- (b) Permit required. Before any person shall use any sound amplifying equipment in any public square, public street, public park, or public playground, he or she shall file an application for a permit with the city clerk in writing in a form approved by the city manager. Such application shall be filed at least five (5) days before the planned operation of sound amplification equipment and shall designate an individual person or persons who shall be in control of the sound amplification equipment and ensure that its use complies with the terms of the permit. A separate application must be filed for each day requested.
- (c) Permit to be furnished to applicant; possession and exhibition; revocation. The city clerk shall issue a sound amplification permit to each applicant under subsection (b) of this section whose application leads the city clerk to believe that the proposed operation of sound amplification equipment will likely be in compliance with this section. Such permit shall be in the possession of any person operating the sound amplifying equipment at all times while the sound amplifying equipment is in operation, and such permit shall be promptly displayed and shown to any police officer or code enforcement officer of the city upon request. The permit may be revoked by the city clerk, the chief of police, or the designee of either, if such permit is not displayed upon request or if the person operating the sound amplifying equipment is in violation of this section.
- (d) Appeal for denial or revocation. If the city clerk shall deny a sound amplification permit to the applicant, or if the permit shall be revoked, then the applicant or permit holder may appeal the denial or revocation to the city

manager in writing not later than five days from the date of the action sought to be reviewed. In the appeal, the applicant may request a new date and time for the operation of sound amplifying equipment for consideration if the date originally requested on the permit application will pass before the end of the appeal review period. The city manager shall hear the appeal within ten days of the date of the appeal.

- (e) Use restrictions generally. Noncommercial use of sound amplifying equipment shall be subject to the following regulations:
- (1) The only sounds permitted are music or human speech.
  - (2) Operations are permitted for a maximum of two hours each day per permit, except on Sundays, when no operations shall be authorized. The permitted two hours of operation shall be between the hours of 9:00 AM and 5:00 PM.
  - (3) The volume of sound shall be controlled so that it will not be audible for a distance in excess of 100 feet from the sound amplifying equipment.
  - (4) Sound shall not be issued within 100 feet of the property boundary lines of hospitals, schools while in session, or churches.
  - (5) Operation of sound amplifying equipment shall not block driveways, sidewalks, or streets.
  - (6) Only one applicant may receive a permit per location or within 100 feet of a location per seven day period. If more than one applicant applies for a permit to operate sound amplification equipment in the same location or within 100 feet of a single location within a period of seven days, then the city clerk shall consider the applications in the order received.
  - (7) A single applicant may not receive permits for more than a total of twenty-four (24) hours of operations within a period of twelve (12) months per location or within 100 feet of the same location.
- (f) Use in public parks and recreational areas. The regulations in subsection (e) of this section above shall apply to any noncommercial use of any sound amplifying equipment in public parks and recreational areas, except that operations shall be permitted on any day of the week, including Sundays. Further, the volume of sound from sound amplifying equipment used in public parks and recreational areas shall be controlled so that it will not be audible for a distance in excess of 200 feet from the sound amplifying equipment. Sound shall not be issued within 200 feet of the property boundary lines of hospitals, schools while in session, or churches. There shall be no restriction on the number of applicants who may receive a permit for one location in a seven day period and there shall be no restriction on the total hours of operations for which a single applicant may receive a permit in a twelve-month period. However, only one applicant may receive a permit per location or within 100 feet of a location at a time. If more than one applicant applies for a permit to operate sound amplification equipment in the same location or within 100 feet of a single location at the same time, then the city clerk shall consider the applications in the order received. The application for

a permit must describe with specificity the location within the public park or recreation area proposed for the operation of sound amplification equipment.

(g) Exemptions. The following are exempt from the provisions of this section:

- (1) Sound emanating from scheduled outdoor athletic events.
- (2) Noise of safety signals, warning devices, emergency pressure relief valves, sounds which signal the beginning or end of work, and all school and church bells or music. For purposes of this subsection, the term “school and church bells or music” shall include electronic devices or artificial sound reproduction systems intended to sound like bells or music.
- (3) Noise resulting from any authorized emergency or police vehicle.
- (4) Noise resulting from parades for which a local permit has been granted by the city. Regulation of noise emanating from parades under permit shall be according to any conditions stated on the permit.
- (5) Amplified sound at street fairs and festivals conducted, sponsored, or permitted by the city.
- (6) Amplified sound at community concerts conducted, sponsored, or permitted by the city.
- (7) Practice sessions or performances by marching bands.

Sec. 14-28. Enforcement; penalties.

(a) Noise or sound amplification ordinance violations.

- (1) Civil penalties. Any police officer may issue a civil citation for violation of any ordinance concerning noise or sound amplification, subjecting the violator to a civil penalty of \$100.00. If not served in person, the civil citation may be mailed to the address of the permit holder as listed in the application for a sound amplification permit. If a person fails to pay the citation within ten days of issuance, the city may seek to recover the penalty by filing a civil action in the nature of a debt.
- (2) Criminal penalties. Any police officer may issue a criminal citation for violation of any ordinance concerning noise or sound amplification. A violation of any noise ordinance provision shall constitute a misdemeanor, punishable by imprisonment for up to 30 days and/or a criminal fine in the amount of \$250.00. Any person who has been convicted of a violation of the noise ordinance two or more times in the past five years shall be subject to imprisonment and/or a criminal fine in the amount of \$500.00.
- (3) The city clerk shall deny a sound amplification permit to any applicant who has been issued a citation under this subsection 14-28(a) and has not paid the civil or criminal fine.
- (4) The city may seek to enforce this chapter through any appropriate equitable action.
- (5) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(6) The city may seek to enforce this chapter by using any one or a combination of the foregoing remedies.

(b) Other violations.

- (1) Unless specifically provided otherwise, a violation of any provision of this chapter, other than one concerning noise or sound amplification, shall subject the violator to a civil penalty of \$50.00. If a person fails to pay this penalty within ten days after being cited, the city may seek to recover the penalty by filing a civil action in the nature of a debt.
- (2) A violation of any provision of this chapter, other than one concerning noise, shall also constitute a misdemeanor, punishable as provided in N.C.G.S. 14-4.
- (3) The city may seek to enforce this chapter through any appropriate equitable action.
- (4) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.
- (5) The city may seek to enforce this chapter by using any one or a combination of the foregoing remedies.

Secs. 14-25 through 14-28, known as the “Sound amplification ordinance,” was passed on 11-12-12.