

**CHAPTER 130: GENERAL OFFENSES**

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## **OFFENSES RELATING TO PROPERTY**

### **§130.01 DEFACING WALLS AND FLOORS OF PUBLIC BUILDINGS**

Any person who paints, or writes or draws upon, carves or in any way defaces, or who spits tobacco juice upon the walls or floors of any public building within the corporate limits of the city shall be guilty of a misdemeanor.  
(‘67 Code, Ch I, Art I, §7) Penalty, see §130.99

### **§130.02 INJURING OR DESTROYING GATES AND FENCES**

Any person who carries away, tears off or otherwise injures any gate, paling or fence within the corporate limits of the city, unless by the direction of the owner thereof, shall be guilty of a misdemeanor.  
(‘67 Code, Ch I, Art I, §7) Penalty, see §130.99

### **§130.03 DESTRUCTION OF PUBLIC PROPERTY**

Any person who defaces or removes any fence, gate, sign, building, pump, lamp or lamp post, or injures, cuts down or destroys any shade tree standing upon the public streets or common of the city, or commits any nuisance near the public drinking fountains, or upon the streets or sidewalks, or posts any bill or advertisement or defaces with writing or painting on any fence, telegraph or telephone, or electric light poles, trees or buildings without the consent of the owner, or places any obstruction in any sewer, culvert or drain, public or private, shall be guilty of a misdemeanor.  
(‘67 Code, Ch I, Art I, §7) Penalty, see §130.99

### **§130.04 TAMPERING WITH WATER WORKS OR SEWAGE SYSTEM**

It is unlawful for any person to deface, injure, destroy or mischievously interfere with any hydrant, fountain, pump, pipe, main or other part of the water works or sewage system.  
(‘67 Code, Ch I, Art I, §7) Penalty, see §130.99

### **§130.05 INJURING OR DESTROYING SHADE TREES OF THE TOWN**

(A) Any person who climbs, cuts, perforates, scratches or otherwise injures, or who allows any horse or other animal in his care or possession to injure any shade tree on any sidewalk within the corporate limits of the city shall be guilty of a misdemeanor.

(B) Any person who hitches or causes to be hitched to any shade tree or ornamental tree on any sidewalk within the corporate limits of the city, any animal shall be guilty of a misdemeanor.  
(‘67 Code, Ch I, Art I, §7) Penalty, see §130.99

**§130.06 THROWING OR SLINGING STONES**

Any person who throws a shot, rock, stone or rocket missile with a sling or other artificial contrivance or instrument within the corporate limits of the city shall be guilty of a misdemeanor.

('67 Code, Ch I, Art I §7) Penalty, see §130.99

***PUBLIC NUISANCES***

**§130.20 OPERATING TRADE OF BUSINESS AS A NUISANCE**

It is unlawful for any person to carry on any trade or engage in any occupation that shall be or creates a nuisance either within the corporate limits of the city, or within a mile beyond the corporate limits.

('67 Code, Ch I, Art II, §5) Penalty, see §130.99

**§130.21 LOITERING FOR THE PURPOSE OF DRUG ACTIVITY**

(A) *Definitions:* For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***KNOWN UNLAWFUL DRUG USER, POSSESSOR, or SELLER:*** A person who has, within the knowledge of the arresting officer, been convicted in any court within this state of any violation involving the use, possession or sale of any of the substance referred to in the North Carolina Controlled Substances Act, G.S. §90-86 et seq., or has been convicted of any violation of any substantially similar laws of any political subdivision of this state or any other state or of federal law.

***PUBLIC PLACE:*** Any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot or transportation facility, or the doorways and entranceways to any building which fronts on any of those places, or a motor vehicle in or on any of those places, or any property owned by the City of Belmont.

(B) *Prohibited activity:* It shall be unlawful for a person to remain or wonder about in a public place in a manner as to raise a reasonable suspicion that the person is about to engage in or is engaged in an unlawful drug-related activity and under circumstances manifesting the purpose to engage in a violation of any subdivision of the North Carolina Controlled Substances Act. G.S. §90-86 et seq. Such circumstances shall include, but not be limited to, any one or more or all of the following:

- (1) Repeatedly beckoning to, stopping or attempting to stop passers-by, or repeatedly attempting to engage passer-by in conversation;
- (2) Repeatedly stopping or attempting to stop motor vehicles; or

- (3) Repeatedly interfering with the free passage of other persons; or
- (4) Such person is a know unlawful drug user, possessor, or seller; or
- (5) Such person engages in an unlawful drug related activity; or
- (6) Such person repeatedly passes to or receives from passers-by, whether on foot or in a vehicle, money or objects; or
- (7) Such person takes flight upon the approach or appearance of a police officer; or
- (8) Such person is at a location frequented by persons who use, possess, or sell drugs; or
- (9) Any vehicle involved is registered to a known unlawful drug user, possessor, or seller, or is known to be or have been involved in drug-related activities. (Ord. 95-06, passed 3-6-95) Penalty, see §130.99(B)

## ***WEAPONS OFFENSES***

### **§130.30 WEAPONS REGULATED**

- (A) It shall be unlawful for any person to shoot or discharge any gun, pistol, shotgun, black powder rifle, rifle or other firearm, BB gun, slingshot, air compressed gun, paint ball gun, pellet gun, bow and arrow, or other similar device which propels with force a shot, pellet, arrow, paint ball or other projectile within the municipal corporate city limits.
- (B) Nothing in this section shall be construed so as to prohibit:
  - (1) Any law enforcement officer from discharging a firearm in the performance of official duties;
  - (2) Any person from discharging any firearm in the lawful defense of his or her person, family or property or pursuant to lawful directions of a law enforcement officer;
  - (3) Any person discharging a firearm as part of a funeral ceremony;
  - (4) Any person using a weapon or other instrument used to fire blank ammunition for a lawful purpose.  
(’67 Code, Ch I, Art II, §4) (Am Ord. 05-22, passed 9-12-05) Penalty, see §130.99

**§130.31 POSTING OF SIGNS PROHIBITING CARRYING OF CONCEALED WEAPONS**

- (A) *Posting of signs required:* The City Manager or his designee is hereby authorized and instructed to post conspicuous signage at appropriate locations on or within each park and each building or portion of a building owned, leased as lease, operated, occupied, managed or controlled by the city, as well as the appurtenant premises to such buildings, indicating that carrying a concealed handgun is prohibited therein.
- (B) *Location of signs:* Signs on buildings shall be visibly posted on the exterior of each entrance by which the general public can access the building. The City Manager or his designee shall exercise discretion in determining the number and appropriate located of signs to be placed on or within appurtenant premises and parks. (Ord. 95-22, passed 11-6-95) Penalty, see §130.99

**CONSUMPTION AND POSSESSION OF MALT BEVERAGES AND UNFORTIFIED WINE**

**§130.40 DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**MALT BEVERAGE:** Beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage containing at least 0.5%, and not more than 15%, alcohol by volume. Any **MALT BEVERAGE** containing more than 6% alcohol by volume shall bear a label clearly indicating the alcohol content of the malt beverage. (G.S. 18B-101(9))

**OPEN CONTAINER:** A container whose seal has been broken or a container other than the manufacturer's unopened container. (G.S. 18B-300(c))

**PUBLIC STREET:** Any highway, road, street, avenue, boulevard, alley, bridge, or other way within and/or under the control of the city and open to public use, including the sidewalks of any such street.

**UNFORTIFIED WINE:** Any wine of 16% or less alcohol by volume made by fermentation from grapes, fruits, berries, rice, or honey; or by the addition of pure cane beet, or dextrose sugar; or by the addition of pure brandy from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine and produced in accordance with the regulations of the United States. (G.S. 18B-101(15)) (Ord. 95-23, passed 11-6-95)

**§130.41 CONSUMPTION ON THE PUBLIC STREETS AND ON MUNICIPAL PROPERTY PROHIBITED**

It shall be unlawful for any person who is not an occupant of a motor vehicle to consume malt beverages and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to consume malt beverages and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, or controlled by the city including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, tennis courts, and other athletic fields.

(Ord. 95-23, passed 11-6-95)

**§130.42 POSSESSION OF OPEN CONTAINERS ON THE PUBLIC STREETS AND ON MUNICIPAL PROPERTY PROHIBITED**

It shall be unlawful for any person who is not an occupant of a motor vehicle to possess any open container of malt beverage and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to possess any open container of malt beverage and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, or controlled by the city including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, tennis courts, and other athletic fields.

(Ord. 95-23, passed 11-6-95)

**§130.43 POSSESSION DURING SPECIAL EVENTS PROHIBITED**

It shall be unlawful for any person to possess malt beverages and/or unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, unless the governing body adopts a resolution making other provisions for the possession of malt beverages and/or unfortified wine at the special event.

(Ord. 95-23, passed 11-6-95)

**§130.99 PENALTY**

- (A) If any person shall violate any provision of this chapter for which no other penalty is provided, he shall be guilty of a class three misdemeanor and shall be fined not more than \$50, or imprisoned for not more than 30 days. (G.S. §14-4(a))
- (B) In addition to or in lieu of any other penalty herein provided by this Code, or the General Statutes of the State of North Carolina, violation of the provisions of §130.21 shall subject the offender to a civil penalty in the amount of \$500 per violation to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within a period of 72 hours after the offender has been cited for violation. Any action to recover the civil penalty may be joined in an action for appropriate equitable remedy, including injunctions and orders of abatement, and including an action to recover damages owing to the city by reason

of expenses incurred by the city in abating, correcting, limiting, and otherwise dealing with the offending action.  
(Ord. 95-06, passed 3-6-95)

- (C) Violation of §§130.40 through 130.43 shall constitute a misdemeanor punishable in accordance with G. S. 14-4 (Ord. 95-23, passed 11-6-95)