

**TITLE XIII: GENERAL OFFENSES**

Chapter

**130. OFFENSES AGAINST TOWN REGULATIONS**



## 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 firearms in the corporate limits of the town, except in a licensed shooting gallery, or by permission of the Town Board of Commissioners. However, any resident of the town, after first obtaining a written permit from the Police Department, this permit being revocable at any time, with or without cause, by the Police Department, may, within a period of one week or less as limited by the permit, use shotguns with shells no larger than Number 8 or 22-shot cartridges.

('72 Code, § 9-1) (Ord. 3, passed 3-9-73) 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 1-12-07)

(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, park or any property owned by the town. 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

**§130.07 CAUSING HARM TO LAW ENFORCEMENT'S 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)

**§ 130.99 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)

