



TOWN OF FARMVILLE

CODE OF ORDINANCES

CHAPTER 14 – MISCELLANEOUS REGULATIONS

Section 1.0 PROFANE OR INDECENT LANGUAGE IN PUBLIC

If any person on any public street, road, sidewalk, public vehicular area, store, business, or other establishment shall, within the hearing of another person, use indecent or profane language, that person shall be guilty of a misdemeanor and upon conviction may be fined, not exceeding Fifty (\$50.00) Dollars or imprisoned, not exceeding thirty days.

Section 2.0 INDECENT EXPOSURE

Any person who shall willfully expose his or her private parts in any public place or upon the property of another or upon his own property so as to be in public view, whether to a person of the same or the opposite sex, or aids or abets any such act, or who procures another to perform such act shall be guilty of a misdemeanor and punishable of a fine not to exceed Fifty (\$50.00) Dollars and imprisonment for not more than thirty days.

Section 3.0 SEEING EVENTS WITHOUT PAYING FOR RIGHT

During any game or other event for which an admission fee is charged, no person shall peep through the fence, or use any other means to see such game or event without paying the admission fee therefore.

Section 4.0 DEFACING PUBLIC OR PRIVATE PROPERTY

- 4.1 Any person who shall paint, draw upon, scratch, mar or otherwise mark the buildings, automobiles, or any other property belonging to any governmental authority or agency, Federal, State, County, or Municipal, or any other person without permission given of one authorized to give such permission, shall be guilty of a misdemeanor and fined, upon conviction, not exceeding Fifty (\$50.00) Dollars and imprisoned for not more than thirty days and, in addition, may be required to clean or otherwise restore or repair such defaced property.
- 4.2 The Town will offer a reward of Fifty (\$50.00) Dollars to any person providing information leading to the apprehension and conviction of anyone guilty of vandalism.

Section 5.0 GUNS

5.1 Discharge of Firearms

It shall be unlawful for any person to discharge any firearm of any type within the corporate limits except a law enforcement officer or other person authorized under Town, County, State, or Federal law.

5.2 Responsibility for Minors

No person shall permit his child or anyone under the age of eighteen years under his control to fire a BB rifle or air gun within the city limits of the Town of Farmville; any person in control of such child or anyone under the age of eighteen years shall be responsible for destruction of any property by such minor; any rifle or air gun being carried by a child or person under age eighteen years within the city limits and having been fired by said child or person under age eighteen years shall be confiscated and turned over to the Sheriff of Pitt County for sale and the funds from such sale shall be paid into the school funds of the county.

Section 6.0 POSTING BILLS, DISTRIBUTING CIRCULARS, ADVERTISING

6.1 Notices and Signs

It shall be unlawful for any person, firm, or corporation to stick, paint, brand, stamp, write, or put upon any house, fence, wall, pavement, post, or other property owned by any person, firm, or corporation or public property, any printed, written, painted, or other advertisement, bill, notice, sign, or poster, without having obtained the written permission of the owner of such property or having received a permit from the Town Manager.

6.2 Handbills on Vehicles

It shall be unlawful for any person, firm, or corporation to distribute, or cause to be distributed, any circulars, handbills, or any sort of material among, upon, in, or around vehicles in the Town of Farmville.

Section 7.0 NOISES

7.1 Noise Disturbances

It shall be unlawful for any person, firm, or corporation to create or assist in creating or permit the continuance of any unreasonable loud, disturbing, and unnecessary noise in the Town. Noise of such character, intensity, and duration as to be detrimental to the life or health of any individual is prohibited.

7.2 Noises Expressly Prohibited

The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this Section, but said enumeration shall not be deemed to be exclusive, to wit:

- 7.2.1 The sounding of any horn or signal device on any motor 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 such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.
- 7.2.2 The use of any gong or siren on any vehicle other than police, fire, or other emergency vehicle.
- 7.2.3 The use or operation of any piano, manual, or automatic, phonograph, gramophone, radio, wireless, loud speaker, or any other instrument, or sound amplifying devices so loudly as to disturb persons in the vicinity thereof, or in such a manner as renders the same a public nuisance provided, however, that upon application to the Manager, permits may be granted to responsible organizations to produce programs in music, speeches, or general entertainment.
- 7.2.4 The keeping of any animal or bird which, by noises, shall unduly disturb, by its volume or by long duration, the comfort, peace, and repose of the citizens of the Town of Farmville.
- 7.2.5 The use of any motor vehicle so out of repair or so equipped, or loaded as to cause loud or unnecessary noises, unreasonable disturbing the peace of the Town.
- 7.2.6 The blowing of any whistle, stationary or upon a mobile device, except to give notice of the time to begin or stop work, as a warning of danger, in connection with athletic events or training, or by law enforcement officers.
- 7.2.7 The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through muffler or other device which will effectively prevent loud or explosive noises there from.
- 7.2.8 The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and

reduced.

- 7.2.9 The erection, excavation, demolition, alteration, or repair of any building within the Town, in business or residential districts, other than between the hours of 7:00 A.M. and 6:00 P.M. except in the case of urgent necessity and in the interest of public safety, and then only with a permit from the Manager, which permit may be renewed for a period of three days or less while the emergency continues.
- 7.2.10 The creation of excessive noise on any street adjacent to any school, institution of learning, or court, while the same are in session, or within one hundred fifty (150) feet of any hospital, clinic, or medical institution which unreasonably interferes with the working of such institution; provided, conspicuous signs are displayed in such streets indicating that the same is school, court, or hospital street.
- 7.2.11 The use of any mechanical loud speakers or amplifiers on trucks, planes, or any vehicles for advertising purposes or other purposes except where specific permission is received from the Manager.
- 7.2.12 The use of any drum, loud speakers, or other instrument or device for the purpose of attracting attention by creation of noise, sounds, music, or speech to any performance, show, sale, or display of merchandise.
- 7.2.13 It shall be unlawful for any person or persons to play, use, or permit to be played any loud “sound amplification system” in a motor vehicle on any public street, highway, public space, or commercial space where the sound generated is “plainly audible” at a distance of seventy-five (75) feet from the device producing sound, unless authorized or exempted by any other section of this chapter.

7.2.13.1 - Definitions:

7.2.13.1.1 “Sound amplification system”: Any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of sound.

7.2.13.1.2 “Plainly audible”: Any sound produced by a sound amplification system, which can be clearly heard at a distance of seventy-five (75) feet or more. Measurement standards shall be the auditory senses, based upon the direct line of sight. Cords or phrases need not be discernible and bass reverberations are

included.

7.2.13.2 - Exceptions:

7.2.13.2.1 Noise resulting from any authorized emergency response vehicles.

7.2.13.2.2 Noise resulting from any authorized utility service vehicles while in the process of repairing and/or restoring a utility service to the public.

7.2.13.2.3 Noise resulting from parades, lawful picketing or other public demonstrations protected by the U.S. Constitution or federal law, or for which a local permit has been granted by the town, provided such activity is of a temporary duration lasting no longer than specified by the permit. (Sections 7.2.13 added 08/07/01)

Section 8.0 EXPOSURE OF FEMALE BREASTS

8.1 Definitions

8.1.1 Exposure of the Female Breasts Defined. The term "expose her breast or breasts" as used herein is defined as the revealing of the female breast or breasts with less than a full opaque covering on any portion or portions thereof below the top of any part of the areola, or the exposure of any part of the areola.

8.1.2 Public Place. Those places devoted solely to the use of the public including any place visited by many persons and to which the neighboring public may have resort.

8.2 Exposure of the Female Breasts Prohibited

It shall be unlawful for any female, over age 14, or any other physically developed female, to expose her breast or breasts in such a manner that they may be seen from or in any street or highway, or any place of entertaining, including any restaurant, club, or any other public place of any kind by a member or members of the opposite sex.

8.3 Proprietor Responsibility

It shall be unlawful for the owner, operator or person in charge of any place of entertainment, restaurant, club, dance hall, or any other public establishment of any kind to allow or permit or to encourage or entice any person, whether a visitor or employee, full or part time, to publicly expose her breast or breasts as used herein to members of the opposite sex, whether inside a building or outside, or any other public place.

Section 9.0 BARBED WIRE FENCES

- 9.1 The term "barbed wire or other dangerous fence" as used in this ordinance shall be construed to include all twisted wires armed with barbs or sharp points, when erected or strung from posts or otherwise to form an obstacle to passage, and other fences with sharp or dangerous extrusions designed to cause injury or repel persons or animals who come in contact. Six foot or greater chain link fences constructed in the usual and customary manner are excluded from this definition.
- 9.2 No person shall erect string or maintain, or cause to be erected, strung or maintained, any barbed wire or other dangerous fence, on any property located within the Town of Farmville. (Section 9.0 added April 3, 1984)

Section 10.0 DRINKING IN PUBLIC

- 10.1 It shall be unlawful for any person to consume, serve, or drink any malt beverage or unfortified wine of any kind on the public streets, alleys, public parks, Town Common, or public property owned or occupied by the Town of Farmville. (Added April 2, 1986)
- 10.2 The Town Manager is hereby authorized to issue a special two day permit during the Farmville Dogwood Festival, which would allow the consumption of malt beverages. This permit would only be valid for the area known as the Farmville Municipal Park at the intersection of Horne Avenue and Ryon Drive. All consumption must be within the fenced areas of the park and shall be limited to the hours associated with the band concerts of the Dogwood Festival. (Added 02/01/94)

Section 11.0 FARMVILLE ARTS COMMITTEE

11.1 Creation

There shall be a Municipal Arts Committee known as the Farmville Arts Committee established to set policies, guidelines, procedures and other administrative acts necessary to encourage display of art work in the Farmville Municipal Building and other Town public properties as deemed advisable.

The Farmville Arts Committee shall assist the Board of Commissioners and Manager in the development of displaying public art on public properties and the operation of an art display rotation system in the new Municipal Building to ensure that local artists have a fair and systematic method of displaying art work on a scheduled basis as established by the Committee. The Committee also shall have authority to solicit donations to the Town of Farmville Art Trust Fund and to approve disbursement of these funds in accordance with the terms of this Ordinance.

11.2 Appointment Term and Removal

The Arts Committee shall be appointed by the Board of Commissioners upon nomination of the Mayor. The Committee shall consist of three members and the Mayor of the Town of Farmville. The three members shall be citizens of the Town of Farmville and shall serve three year terms on a rotational basis. The length of the initial appointments may be varied to establish this staggering of terms. Each Committee member shall serve until a successor is appointed. Committee members may serve two consecutive terms and are eligible for additional terms after an interruption of service for at least one year. The Board of Commissioners may remove any committee member for incapacity, unfitness, misconduct or neglect of duty. Committee members shall forfeit membership on committee if he/she is absent without excuse for more than three consecutive meetings or more than one half of the committee meetings in any twelve month period. Committee members shall serve without compensation except for reimbursement for official travel expenses to pre-approved conferences or workshops in connection with committee work.

11.3 Powers and Duties of the Committee

The Farmville Arts Committee shall have the following powers and duties: 1) to formulate and adopt policies and regulations for the rotation of art on public properties owned by the Town of Farmville. Such policies and regulations are subject to Town Board of Commissioners review. 2) Establish regulations which will ensure that the Town of Farmville has no liability in regards to the delivery, display or removal of any private art work offered for display in the new Municipal Building or other properties owned by the Town of Farmville. 3) To establish guidelines and criteria which will ensure that the art displayed on the Town of Farmville properties and art work acquired for permanent placement on Town of Farmville properties is in keeping with the design and decor of the new Municipal Building or other property in which the art work will be placed. 4) To develop and carry out fund raising efforts to support the Arts Committee's function in acquisition of art work which may be appropriately and permanently placed in properties of the Town of Farmville. 5) Establish standards for permanent recognition of gifts or bequests to the Town of Farmville in honor of or memorial of individuals. 6) Solicit gifts, grants and bequests for the Town of Farmville Arts Fund and approve disbursements from these funds in accordance with this Ordinance. The Committee is not to accept any gifts, grants or bequests from any donor with any terms connected to the gifts, grants, or bequests unless approved by the Town Board of Commissioners. The acceptance of and use of any gift rest solely with the Committee and the Board of Commissioners of the Town of Farmville with no requirement of acknowledgment of terms or conditions requested by the donor. (Section 10.0 added February 7, 1989)

Section 12.0 Violation

Violation of this ordinance shall constitute a criminal misdemeanor, punishable upon conviction by a fine of not more than \$50.00, or imprisonment for 30 days, or both as provided by North Carolina General Statute 14-4. (Amended 08/07/01)

Section 13.0 BEGGING OR PANHANDLING PROHIBITED ON CITY STREET, SIDEWALKS OR OTHER PUBLIC PLACES

- 13.1 Town of Farmville Board of Commissioners finds that begging or panhandling within the right-of-way of any street, sidewalk or other public place is disruptive to the safe and convenient use of such street, sidewalk or public place by the general public, discourages potential customers from patronizing nearby businesses, detracts from the character of residential neighborhoods, and is generally inimical to the public safety and welfare.
- 13.2 For the reasons set forth in Section 13.1, no person may engage in begging or panhandling within the right-of-way of any public street, sidewalk or other public place.
- 13.3 For purposes of this section, the terms “begging” or “panhandling” are used interchangeably and refer to an act, verbal or otherwise, by which a person solicits a monetary donation from another person for the principal benefit of the person making the solicitation. The fact that small items, such as pencils, chewing gum, and the like are exchanged in return for the donation shall not remove a solicitation from the definition of begging or panhandling. The terms begging and panhandling do not include solicitations made by authorized representatives of non-profit corporations, organizations or groups in order to obtain funds designed principally to further the purpose of such non-profit corporations, organizations or groups, and regulated under Chapter 13, Licenses, Businesses, and Permits, Section 2.0 Peddling and Soliciting.
- 13.4 For purpose of this section, the term “public place” shall be defined to include streets, sidewalks, alleys, and other public property, as well as town-owned and town-controlled property and private property open to the public unless permission to solicit has been obtained from the town or from the private property owner or other person in authority.

State law reference: City’s authority to regulate begging, G.S. 160A-179. (Section 13 added 12/03/02)