

## **CHAPTER 130: GENERAL OFFENSES**

### Section

130.01	Loitering prohibited
130.02	Alcoholic beverages prohibited on city property and public vehicular areas.
130.03	Jumping on trains
130.04	Posting bills
130.05	Throwing stones or other missiles
130.06	Spotlights prohibited
130.07	Discharging firearms
130.08	An ordinance to regulate possession of weapons on town-owned property
130.09	An ordinance regulating smoking in municipal buildings and vehicles

### **§ 130.01 LOITERING PROHIBITED.**

(A) It shall be unlawful for any person to stand or congregate with other persons on any street or sidewalk within the town limits in such a way as to obstruct traffic.  
(’81 Code, § 8-2) (Motion of 1-10-66) Penalty, see § 10.99

(B) Due to excessive calls to this particular area regarding vandalism, noise, littering and illegal drug activity, it shall be unlawful for any person to loiter upon or within five feet of the concrete block wall between the fence on the Roseland Center property and Peake Street. For the purposes of this section, the expression "to loiter" shall be defined as: To be dilatory, to spend time idly, to stay or remain, to saunter, to delay, to stand around or, in informal parlance, "hang around."

(Ord. 1995-5, passed 7-17-95; Am. Ord. 2006-11, passed 2-21-06; Am. Ord. 2010-04, passed 02-16-10)

### **§ 130.02 ALCOHOLIC BEVERAGES PROHIBITED ON CITY PROPERTY AND PUBLIC VEHICULAR AREAS.**

(A) It shall be unlawful for any person to consume any alcoholic beverage as defined by G.S. § 18B-101 on any property owned or controlled by the town or upon any public vehicular area; provided that this section shall not apply to the following: the premises of those establishments that have an "on premises" ABC permit as prescribed under G.S. § 18B-1001, or within the boundaries of Harmon Field during the designated dates and times of the Blue Ridge Barbecue – Craft & Music Festival. This section would not apply to the Harmon Field cabin. Alcoholic beverages would be allowed at the Harmon Field cabin upon approval by both the Town and the Harmon Field Board of Supervisors.

(B) Such public vehicular area shall mean and include any drive, driveway, road, roadway, street, sidewalk, alley, parking area, or other space open for the purpose of vehicular or pedestrian traffic or operation upon the grounds; including the following:

(1) Any public or private hospital, college, school or church, or any institution maintained and supported by the state, Polk County, or the town;

(2) Any service station, car wash, supermarket, store, restaurant, amusement center, lounge, shopping center, establishment or groups of such establishments, providing parking space for customer, patrons, employees or the public.

('81 Code, § 8-3) (Ord. passed 7-9-73; Am. Ord. passed 06-23-94) (Ord. 1996-8, passed 9-16-96) Penalty, see § 10.99

### **§ 130.03 JUMPING ON TRAINS.**

It shall be unlawful for any person to jump on or from any moving train within the corporate limits of the town. However, this section shall not apply to the employees of the railroad operating such trains, employees of express companies, news agencies, nor to persons in the United States mail service.

('81 Code, § 8-4) Penalty, see § 10.99

### **§ 130.04 POSTING BILLS.**

It shall be unlawful for any person or any agent thereof to affix in any manner any advertising device, sign, placard or other similar material to the poles of the power company and the telephone and telegraph company, or any other post, pole or tree in the public right-of-way.

('81 Code, § 8-7) Penalty, see § 10.99

### **§ 130.05 THROWING STONES OR OTHER MISSILES.**

It shall be unlawful for any person to throw stones or other missiles, to use a slingshot, blowgun or bow and arrow, or shoot an airgun at any person, building, vehicle, animal or bird within the town; provided, however, that this section shall not apply to a participant in any game or sport conducted under recognized rules.

('81 Code, § 8-10) Penalty, see § 10.99

### **§ 130.06 SPOTLIGHTS PROHIBITED.**

It shall be unlawful for any person to shine or direct any spotlight, flashlight or other light, focusing or reflecting device on another person or on any building or vehicle belonging to another person in the town; provided, however, this section shall not apply to any police officer or firefighter while performing official duties.

('81 Code, § 8-11) Penalty, see § 10.99

### **§ 130.07 DISCHARGING FIREARMS.**

It shall be unlawful for any person to discharge a gun, pistol or other firearm within the town, except in case of necessary defense of person or property. This section shall not apply to police officers while performing official duties.

('81 Code, § 8-9) Penalty, see § 10.99

**§ 130.08 PROHIBITION OF THE CARRYING AND DISPLAY OF HANDGUNS, FIREARMS AND OTHER WEAPONS AT CERTAIN PUBLIC LOCATIONS.**

(A) *Concealed Handguns.*

(1) *Possession Prohibited.* No person shall carry a concealed handgun in town-owned buildings, on the appurtenant premises of those buildings, or in town “recreational facilities,” as defined by G.S. 14-415.23(c), at Harmon Field and Ziglar Field. Notwithstanding the foregoing, nothing in this section shall prohibit a concealed handgun permittee from securing the handgun within an enclosed compartment of a locked motor vehicle.

(2) *Posting Required.* The Town Manager or designee is hereby authorized and instructed to post conspicuous signage at appropriate locations on or within each recreational facility and each building and the grounds and parking areas of such buildings owned, leased as lessee, operated, occupied, managed or controlled by the town, as well as any other appurtenant premises to such buildings, indicating that carrying a concealed handgun on the properties and locations described in this section is prohibited therein and thereon unless specifically permitted or authorized by state law or the provisions of the town's code of ordinances. The Town Manager or designee shall exercise discretion in determining the number and appropriate location of signs to be placed.

(B) *Other Firearms and Weapons.*

(1) No person shall display any firearm in public-owned buildings, on the grounds or parking areas of those buildings, or in public parks and recreation areas, including town greenways. On all other public property within the town, including public streets, alleys, and sidewalks, display of firearms shall comply with the following:

(a) no firearms other than handguns, as defined in G.S. 14-409.39, may be displayed;

(b) the handgun shall be holstered such that firing of the weapon is not possible;

(c) the handgun shall be clearly visible and not concealed or partially concealed;

(d) display of handguns is prohibited for any person while consuming alcohol or at any time while the person has remaining in the person's body any alcohol or in the person's blood a controlled substance previously consumed, but a person does not violate this condition if a controlled substance in the person's blood was lawfully obtained and taken in therapeutically appropriate amounts;

(e) display of handguns is prohibited within the area and boundaries of any town-sponsored event to which the provisions of this section are made to apply by resolution of the Board of Commissioners.

(2) Other than the firearms allowed in subparagraph (B)(1), above, no person shall display any deadly weapon, as defined in G.S. 14-269(a), or any knife having a blade of three inches or longer, BB gun, air gun, paintball gun, airsoft gun, bow and arrow or any type of lethal weapon, while on any public street, alley, sidewalk or other public property within the town, including town greenways, unless specifically permitted or authorized by law. No person shall carry or have possession of a knife having a blade of three inches or longer, a BB gun, air gun, paintball gun, airsoft gun, bow and arrow or any type of lethal weapon in any park, including town greenways.

(3) This subsection (B) is not applicable to concealed handguns, which are governed by subsection (A) above.

(C) *Exceptions.* The possession or display of a firearm or other weapon is exempt from the provisions of this § 130.08 in the following situations:

(1) If the chief of police, or designee, has authorized the public possession or display of a firearm, or other weapon, as part of an official program or event sponsored or sanctioned by the town.

(2) If the possession or display of the firearm, or other weapon, was the result of an individual(s) exercising his or her legitimate right to self-defense or the defense of others as allowed by law.

(3) If the possession or display of the firearm, or other weapon, was conducted by a person(s) authorized by law to carry and display such items as part of their official or otherwise recognized lawful duties (e.g., law enforcement officers, military personnel, security guards, etc.).

(4) If the possession or display of the firearm, or other weapon, was necessary for the temporary transport and securing of the item and was not otherwise in violation of existing statutes or ordinances (e.g., recent purchase and movement to vehicle for transport, securing of firearm by CCH permit holder in vehicle, found item to be turned in to authorities, firearm in approved vehicle gun rack, etc.).

(5) The possession or display of a knife with a blade longer than three inches for the performance of the duties of a town employee or contractor.

(D) *Violation.* The carrying of concealed handguns or the possession or display of any firearm or other weapon as defined in this section, in or upon any of the locations specified by this section, shall constitute a misdemeanor and subject any violator(s) so convicted to such penalties as may be imposed by the court.

(Ord 1995-10, passed 09-25-95; Am. Ord. 2016-02, passed 03-15-16)

**§ 130.09 AN ORDINANCE REGULATING SMOKING IN MUNICIPAL BUILDINGS AND VEHICLES**

Section 1. Definitions.

- (a) “Smoking” shall mean the inhaling, exhaling, burning or carrying of a lighted pipe, cigar, cigarette or other combustible tobacco product.

Section 2. Smoking Prohibited in Municipal Buildings. It shall be unlawful for any person to smoke in any building or facility or portion of a building or facility now or hereafter owned, leased, operated, occupied, managed or controlled by the Town of Tryon.

Section 3. Smoking prohibited in Municipal Vehicles. It shall be unlawful for any person to smoke in any vehicle now or hereafter owned or leased by the city.

Section 4. Penalty. Violation of this ordinance shall constitute a misdemeanor punishable in accordance with N.C.G.S. 14-4.

Section 5. Conflict of Laws. If any portion of this ordinance or the enforcement thereof is found to be preempted by state or federal law, such preemption shall not operate to invalidate the rest of the ordinance and the same shall remain in full force and effect. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 6. Effective Date. This ordinance shall be effective October 14, 1993. (Ord. 1993-5A, passed 08-16-93; Am. Ord. 2016-03, passed 03-15-16)