

GENERAL PROVISIONS OF THE CODE

The provisions in the following chapters and sections shall constitute and be designated "THE CODE OF THE TOWN OF HARMONY" and may be cited.

It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses, and phrases of this code are severable, and the declaration by a court of competent jurisdiction that any section, paragraph, sentence, clause or phrase is unconstitutional shall not affect any remaining section, paragraphs, sentences, clauses, or phrases.

The repeal of an ordinance, or its expiration, shall not affect any right accrued, any offence committed, any penalty or punishment or any proceeding commenced before the repeal took effect or the ordinance expired.

Whenever in this code or in any ordinances of the Town, any act is prohibited or made or declared to be unlawful, where no specific penalty is provided therefore, the violation of the provision of the code shall be punished by a fine, not to exceed one hundred (\$100.00) dollars for each separate violation. Each day any violation of the code or of any ordinance shall continue shall constitute a separate offense.

CHAPTER 11 - DISORDERLY CONDUCT AND PUBLIC NUISANCES

ARTICLE 1 - DISORDERLY CONDUCT

SECTION 11.1 - General

No person shall be engaged in any disorderly conduct within the Town limits.

SECTION 11.2 - Drinking in Public Places

- (a) It shall be unlawful for a person to drink beer while standing, walking, or riding on the streets of the Town, and likewise, it shall be unlawful to drink beer in any of the parking lots of the Town.
- (b) It shall be unlawful for any person to drink whiskey, wine, or other alcoholic beverages while standing, walking, or riding on the streets of the Town, and likewise, it shall be unlawful to drink whisky, wine, or other alcoholic beverages in any of the parking lots of the Town.

SECTION 11.3 - Minors under Twenty-One Buying Beverages Prohibited; Buying for Minors Prohibited

It shall be unlawful for any person under twenty-one (21) years of age to buy any beer, wine, or other alcoholic beverages. It shall also be unlawful for any person to buy any beer, wine, or other alcoholic beverage for a minor.

ARTICLE 2 - GENERAL NUISANCES

SECTION 11.20 - Indirect Solicitation of Alms in Public Places without Permit Prohibited

No person shall sell or offer for sale any pencils, flowers, shoestring, 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 therefore issued by the Clerk.

SECTION 11.21 - Shooting of Firearms for Amusement Prohibited

No person shall fire any pistol, gun or other firearms, fireworks, or other pyrotechnics for sport or amusement.

SECTION 11.22 - Loitering on Streets

It shall be unlawful for any person to loiter or loaf on the streets of the Town of Harmony, or around any public place, after 12:00 midnight, and it shall be specifically unlawful for any person or his vehicle, to be found or parked, or the occupants or owners of the vehicle, to loiter or loaf on the parking lots of any commercial establishment in the Town of Harmony at any time that these commercial establishments are closed and not open for business. Also, it shall be unlawful for any persons to congregate on the streets or sidewalks in such a way as to obstruct or interfere with the free passage into or out of any public business, or private property.

SECTION 11.23 – Same – Police and Fire Stations or Other Public Building or Property

It shall be unlawful for any person to loiter or loaf about the premises of fire departments or in or about any public building or publicly owned property; provided, this section shall not apply to members of the volunteer fire department.

SECTION 11.24 - Same - Recreational Facilities

It shall be unlawful for any person to loaf, or lounge, or loiter, near, on, or about the outside of the place or places of entrance or around the sidewalks or streets adjacent thereto, of any and all of the recreational facilities of the Town of Harmony, within the corporate limits of said town; provided, that the provisions of this section shall in no way abridge, limit, or affect the rights of those members of the public that are entitled thereto, to use recreational facilities of the Town as a participant, spectator, or otherwise, when they are inside the facilities of said recreational premises and are not violating any other section of the Code of the Town of Harmony or the laws of the State of North Carolina.

SECTION 11.25 - Obscenity - Exposure of Person

It shall be unlawful for any person to violate public decency by indecent exposure of the person or by any obscene conduct on any street or other public building or anywhere within the corporate limits of the Town.

SECTION 11.26 - Same - Conduct

It shall be unlawful for any person to engage in any violent, obscene or disorderly conduct within the corporate limits of the Town.

SECTION 11.27 - Abandoned Iceboxes

It shall be unlawful for any person to leave outside of any building or dwelling or in any place within the corporate limits accessible to children, or unattended, abandoned, or discarded ice-box, refrigerator, or other container of any kind, which has an airtight door, snap lock or other locking device which, when closed, may not be released for opening from the inside, without first removing the doors, snap lock or other locking device from said icebox, refrigerator, or other container.

SECTION 11.28 - Abusing Town Official

It shall be unlawful for any person to revile abuse or ridicule any official of the Town while in the discharge of his official duties.

SECTION 11.29 - Assault and Battery

It shall be unlawful for any person to commit an assault and battery on another in the Town.

SECTION 11.30 - Interference at Public Assemblies

It shall be unlawful for any person to create any disturbance at any place of public amusement, religious congregation or other public meeting by loud talking, whistling, using indecent, obscene or profane language, or to in any way interrupt the performance or the good order of the audience; or obstruct the entranceway to such place.

SECTION 11.31 - Intoxicated Persons in Public Places

It shall be unlawful for any person to be found drunk in any street, alley, or other public place within the corporate limits of the Town.

SECTION 11.32 - Language

It shall be unlawful for any person to curse, swear, or use profane or obscene language or indulge in loud and boisterous talking on the streets, sidewalks, public squares, or at or in any other public building or public place.

SECTION 11.33 - Property - Buildings and Fences; Writing, Defacing and Posting Bills

It shall be unlawful for any person to write, paint, draw, carve or cut any letter, letters, word, words or device, or to in any way mutilate or deface any church, public buildings, private wall or fence belonging to another, or post any bills on the same without the owner's consent.

SECTION 11.34 - Same - Public Buildings; Town Owner Property

It shall be unlawful for any person to injure, deface, mutilate, destroy, tamper with or in any wise injure any public building or other property belonging to the Town.

SECTION 11.35 - Same - injuring Town Signs and Property

It shall be unlawful for any person to wantonly break, injure, deface, or misplace any of the street signboards, lamps, lamp posts, light poles, telephone, telegraph poles, or wires, in any manner whatsoever, belonging to or placed within the Town, or to break or injure any fountain, hydrant, water fixture, or other property belonging to the Town or located within the same.

SECTION 11.36 - Same - Writing, Painting on Pavement or Curbs

It shall be unlawful for any person to write, paint or print any letters, figures, signs, devices, pictures or marks on any of the pavements or curbstones of the Town; provided, that this section shall not apply to traffic regulatory markings required or authorized by ordinance.

SECTION 11.37 - Same - Schools; Fixtures, Furniture and Grounds

It shall be unlawful to deface, despoil or otherwise injure or damage any school building in the Town or any furniture or fixtures therein or to commit any injury, waste or depredation upon the grounds of any schoolhouse or building or to injure in any way any flowers, trees or shrubbery upon any school grounds or at or near any schoolhouse or building.

SECTION 11.38 - Same - Damaging Trees

It shall be unlawful for any person to pull down, cut, or in any way injure any shade tree on the streets, side-walks or public squares.

SECTION 11.39 - Prostitutes

It shall be unlawful for any person to cohabit with or in any way aid any prostitute, harlot, whore, male or female given to lasciviousness within the corporate limits or the Town.

SECTION 11.40 - Advertising - Signs, etc. on Street Right-of-Way

It shall be unlawful for any person to erect, attempt to erect, or cause to be erected, or to maintain any sign, post or standard, or any other equipment whatsoever for the display of any sign for any purpose in the space provided for street right-of-way, public sidewalks, public parking, or between or on the space of ground between any sidewalk and street curb.

SECTION 11.41 - Posting Advertising or Other Matter on Private Property

It shall be unlawful for any person, firm, or corporation to nail, stick, or otherwise affix bills, posters, advertisements, notices or other printed or graphic matter upon private property within the Town without the consent of the owner.

SECTION 11.42 - Disturbing School Decorum

No person shall engage by conversation, sign or otherwise the attention of any pupil to the disturbance of the discipline of any school.

SECTION 11.43 - Patronage of Massage Businesses by Minors and Employment of Minors

- (a) It shall be unlawful for any person licensed as a masseur or masseuse to massage or treat any person under the age of eighteen (18) upon the licensed premises, except upon written order by a licensed physician, osteopath, chiropractor, or registered physical therapist, such order being dated and in the possession of the masseur or masseuse giving the massage or treatment. A violation of this subsection shall be grounds for revocation of any license issued to such violator pursuant to this article.
- (b) It shall be unlawful for any person, corporation, partnership or association licensed to allow, permit or condone the massage or treatment of any person under the age of eighteen (18) upon the licensed premises, except upon written order by a licensed physician, osteopath, chiropractor, or registered physical therapist, such order being dated, and a true copy of such order being in the possession of the licensee before administration of any massage or treatment. A violation of this subsection shall be grounds for revocation of any license issued to such violator pursuant to this article.
- (c) It shall be unlawful for any person, corporation, partnership or association licensed to employ any person under the age of eighteen (18) years in the operation of a massage business.
- (d) It shall be unlawful for any person under the age of eighteen (18) to patronize any massage parlor or similar establishment licensed hereunder.

SECTION 11.45 - Unnecessary Noise Prohibited

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

SECTION 11.46 - Noises Expressly Prohibited

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

- (1) The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle, except as a danger signal, so as to create any unreasonable loud or harsh sound, or the sounding of such device for an unnecessary and unreasonable period of time.
- (2) The playing of any radio, phonograph or other musical instrument in such manner or with such volume, particularly during hours between 11:00 pm and 7:00 am as to annoy or disturb the quiet, comfort, or repose of any person in any dwelling, hotel, or other type of residence.
- (3) 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.
- (4) The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.
- (5) The conducting, operating, or maintaining of any garage or service station in any residential area so as to cause loud or offensive noises to be emitted between the hours of 10:00 pm and 7:00 am on weekdays or on Sundays.
- (6) The erecting (including excavation), demolition, altering the repair of any building in a residential or business area other than between the hours of 7:00 am and 6:00 pm on weekdays, except in the case of urgent necessity in the interest of public safety.
- (7) The creating of any excessive noise on any street adjacent to any school while the same is in session.
- (8) It shall be unlawful for any person to operate any motor vehicle in any manner so as to intentionally spin tires to create a loud and disturbing noise on any street, highway, or public vehicular area within the Town limits of Harmony.

SECTION 11.47 - Skateboarding Ordinance

Skateboards are not allowed on Town property or streets and sidewalks at any time.

ARTICLE 3 - ANIMALS

SECTION 11.60 - Dangerous Dogs Running at Large

No person, owning or having the custody of any vicious or dangerous dog including but not limited to the following breeds, Pit Bull, Rottweiler, German Shepherd, Huskies, Alaskan Malamute, Doberman Pinscher, and Chow, shall allow such dog to run at large unmuzzled, on or in any of the streets or other public places.

SECTION 11.61 - Running at Large

It shall be unlawful for a dog owner to permit a dog to run at large. A dog owner must keep the dog owned, controlled, sheltered, or harbored, in a secure enclosure, or else the dog must be accompanied by a person who, by means of a leash, has the dog firmly under control.

SECTION 11.62 - Acts Deemed a Public Nuisance

It shall be unlawful for any dog owner to keep or have within the Town a dog that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, bicyclists or vehicles, or turns over garbage pails, or damages gardens, flowers, vegetables or conducts itself so as to be a public nuisance, or permits a female dog to run at large during the erotic stage of copulation.

SECTION 11.63 - Barking Dogs

It shall be unlawful for any dog owner to keep or have within the Town a dog that habitually or repeatedly barks in such a manner or to such extent that it is a public nuisance.

SECTION 11.64 - Vicious Dogs

No dog of fierce, dangerous or vicious propensities shall be allowed to run at large or upon the premises of anyone else.

SECTION 11.65 - Domestic Fowl, Livestock, and Farm Animals

1. It shall be unlawful for any person to keep any domestic fowl, cow, sheep, hog, swine, goat, horse, mule, or other livestock, within the corporate limits of the Town of Harmony, unless authorized pursuant to other specific provisions of this ordinance.
2. Horses are allowed within the Town limits so long as the acreage of the lot upon which they are kept is at least five (5) acres.
3. No person shall keep, maintain, shelter or graze any horse within the Town limits within 150 feet of any residence or business establishments, except the residence or business establishment of the owner of such horse.
4. No person shall erect or keep any stable or other enclosures for horses nearer than 150 feet to any street of the Town.
5. No person shall keep, maintain, shelter or graze horses at a density of more than two (2) horses owned by that person within the Town.
6. Every stable or place where horses may be kept shall be maintained at all times in a clean and healthy condition.
7. The prohibitions concerning fowl and livestock shall not apply to any fowl and livestock on any premises in the Town where the premises are being used on the date this Ordinance is enacted for the keeping of fowl or livestock. However, it shall be unlawful to keep any prohibited fowl or livestock on the premises if for any thirty (30) consecutive days no livestock or fowl is kept on the premises. Only that type of fowl or livestock on the premises at the time this Ordinance is enacted may continue to be kept on the premises.
8. Any person found to be in violation of this Ordinance shall be guilty of a misdemeanor punishable by N. C. General Statute 14-4. Each day's violation shall be a separate and continuing offense.

9. The Ordinance may also be enforced by an appropriate equitable remedy to include an injunction and order of abatement from a court of competent jurisdiction.

SECTION 11.66

SECTION 11.67 - Riding, Driving, Leading Animals

It shall be unlawful to ride, lead or drive any horse or other animal, except dogs, upon any curb, sidewalk, footway or public square, except dogs, upon any curb, sidewalk, footway or public square, except for the purpose of crossing a sidewalk at the entrance way to adjacent lots, and only for the purpose of going out of and into such lots.

SECTION 11.68 - In Cemeteries

It shall be unlawful for any person to ride any horse or other animal into the cemeteries except on the roadway. No animal shall be ridden across the graves in the cemetery or other grassy places.

SECTION 11.69 - Same - Recklessly

It shall be unlawful for any person to recklessly ride or drive a horse, mule or other animal upon the streets of the city.

ARTICLE 4 - ABANDONED VEHICLES

SECTION 11.80 - Abandoned Motor Vehicle Defined

A motor vehicle shall be deemed to have been abandoned for the purpose of the Article in the following circumstances:

- (1) It is left unattended upon a street or highway for longer than forty-eight (48) hours
- (2) It is left unaccompanied on property owned or operated by the Town for a period longer than forty-eight (48) hours
- (3) It is left unaccompanied on any public street or highway for a period longer than forty-eight (48) hours
- (4) It is left on private property without the consent of the owner, occupant, or lessee thereof for longer than twenty-four (24) hours

SECTION 11.81 - Duty of Owner to Remove

If a motor vehicle is abandoned or junked on a public street or highway, it shall be the duty and responsibility of the owner of such motor vehicle to cause the removal thereof immediately and to pay all costs incident to such removal. It shall be unlawful for any person to allow a motor vehicle owned by him to remain abandoned on a public street or highway after notice has been duly given to such person to have this vehicle removed.