

Chapter 9

OFFENSES*

* **Editors Note:** An ordinance adopted June 21, 1995, added a new § 9-1, and renumbered existing §§ 9-1--9-4 as §§ 9-2--9-5.
Cross References: Animals, Ch. 3; taxicabs, § 6-27 et seq.; motor vehicles and traffic, Ch. 7; nuisances, Ch. 8; police, Ch. 10; solid waste management, Ch. 12; streets and sidewalks, Ch. 13.
State Law References: Delegation and exercise of the general police power, G.S. § 160A-174.

Sec. 9-1. Hours for sale or consumption.

- (a) *Definitions.* The terms alcoholic beverage, malt beverage, fortified wine, and unfortified wine shall be defined as these words are defined in G.S. § 18B-101.
- (b) *Adoption of state law.* All the provisions of Chapter 18B of the General Statutes of North Carolina relating to the licensing and sale of malt beverages, fortified wine, unfortified wine, and other alcoholic beverages as defined therein which may be enforced by and on behalf of a city are hereby adopted and made applicable to the Town of Highlands. The privilege license authorized therein, and by G.S. § 105-113.79, shall be collected by the town tax collector, and the regulations therein imposed shall be enforced by the proper officers of the town as they may be authorized by said chapter and by this section.
- (c) *Privilege license required.* Every person desiring to sell, at retail or wholesale within the town, any malt beverage, fortified wine, or unfortified wine shall first obtain the applicable privilege license from the town tax collector, as set forth in the fee schedule. No such privilege license shall be issued unless the applicant has first obtained the appropriate ABC permit from the North Carolina Alcoholic Beverage Control Commission as provided in Chapter 18B of the North Carolina General Statutes.
- (d) *Hours generally.* The hours for sale and consumption of malt beverages, fortified wine, and unfortified wine shall be as set forth in G.S. § 18B-1004. At the time of adoption of this section, except as otherwise provided in the General Statutes, it shall be unlawful to sell malt beverages, fortified wine, or unfortified wine between the hours of 2:00 a.m. and 7:00 a.m., or to consume malt beverages, fortified wine, or unfortified wine between the hours of 2:30 a.m. and 7:00 a.m., in any place which has been issued a permit under G.S. § 18B-1001.
- (e) *Sunday hours.* The hours of Sunday sale shall be as set forth in G.S. § 18B-1004. At the time of adoption of this section, it shall be unlawful to sell or consume malt beverages and wine on any licensed premises from the time at which sale and consumption must cease on Sunday morning until 12:00 noon on that day. The adoption of this Section rescinds and replaces any previous ordinances or policies of the Town of Highlands regulating the hours of Sunday sale.
- (f) *Wholesale delivery.* This section does not prohibit at any time the wholesale delivery and sale of malt beverages, fortified wine, or unfortified wine to retailers issued permits pursuant to G.S. § 18B-1001. (Ord. of 6-21-95)

Sec. 9-2. Drinking in public places.

(a) No person shall consume malt beverages or unfortified wine, as defined by G. S. § 18B-101, on or within the municipal streets (or rights-of-way thereof), boulevards, alleys, and sidewalks, in municipal parks and buildings, or on any other property owned or occupied by the town unless authorized by special permit issued by the board.

(b) Violation of this section shall be a misdemeanor punishable on conviction in accordance with the provisions of Section 1-5.

(Code 1982, § 11.2; Ord. of 6-21-95)

State Law References: Intoxicated and disruptive in public, G.S. § 14-444.

Sec. 9-3. Injuring trees.

No person shall cut, or otherwise destroy or injure any shade or ornamental tree or shrubbery on the streets or sidewalks, without permission from the board.

(Code 1982, § 11.4; Ord. of 6-21-95)

State Law References: Injury to trees, G.S. § 14-128.

Sec. 9-4. Posting bills, other advertising.

(a) It shall be unlawful for any person to distribute handbills, flyers or printed advertisements of any nature inside the corporate limits of the town in any manner except as provided in this section.

(b) Handbills, flyers or printed advertisements may be distributed provided the person distributing the materials delivers them in person by hand to individuals who are willing to accept the materials.

(c) Any person violating the provisions of this section, upon conviction, shall be guilty of a misdemeanor punishable in accordance with the provisions of section 1-5.

(Code 1982, § 11.13; Ord. of 6-21-95)

State Law References: Unlawful posting of advertisements, G.S. § 14-145.

Sec. 9-5. Damaging streets prohibited.

It shall be unlawful for any person to drag, or run, or cause to be dragged or run any harrow or other implement, engine, machine or tool upon any asphalt, bithulitic, warrenite, or other type of permanently paved street of the town which shall be liable, in any way to injure or cut the surface thereof. It shall also be unlawful to injure any dirt street in the same manner.

(Code 1982, § 5.10; Ord. of 6-21-95)

State Law References: City's duty to keep public streets in proper repair, G.S. § 160A-296.

Sec. 9-6. Bird sanctuary.

(a) *Established.* A bird sanctuary is hereby created and established within the corporate boundaries of Highlands, to conform with the corporate boundaries thereof.

(b) *Hunting, etc., certain birds.* It shall be unlawful for any person to hunt, kill, trap or otherwise take any protected birds within the town limits except pursuant to a permit issued by the North Carolina Wildlife Resources Commission under section 113-274(c)(1a) or under any other license or permit of the

Wildlife Resources Commission specifically made valid for use in taking birds within city limits. It shall not be unlawful to hunt, kill, trap or otherwise take any birds classified as pests under Article 22A of Chapter 113 of the General Statutes and the Structural Pest Control Act of North Carolina of 1955 or the North Carolina Pesticide Law of 1971.

(c) *Penalty for violations.* Violation of this section shall be a misdemeanor punishable by a fine not exceeding one hundred dollars (\$100.00).

(Ord. of 5-7-08, §§ 1--3)

Editors Note: Formerly, an ordinance adopted Jan. 4, 1995, repealed former §§ 9-5 and 9-6, which pertained to depositing trash on sidewalk prohibited and displaying merchandise on sidewalk prohibited.