

## ARTICLE IX

### Alcohol

#### Sec. 10-7-50. Open container.

- A. It is unlawful for any person to possess any open container of or consume any fermented malt beverage, malt, vinous or spirituous liquor:
  - (1) In any motor vehicle, whether moving or unmoving;
  - (2) In any privately owned parking lot, street or sidewalk that is accessible by the public;
  - (3) In or on the grounds or facilities of any private or public school; or
  - (4) In any public place within the Town.
- B. Nothing in this Section shall prohibit having open containers of alcoholic beverages:
  - (1) On any licensed premises permitted by law to sell such alcoholic beverages by the drink for consumption thereon, during such hours as the sale of such alcoholic beverage is permitted;
  - (2) Pursuant to a permit issued by the Town; or
  - (3) By owners, agents of owners of real property or their invitees, within the confines of said property.
- C. It is unlawful for any driver of a motor vehicle, whether moving or unmoving, to knowingly, or under conditions which an average person should have knowledge of, suffer or permit any person to violate the provisions of Subsection (a) above. (Ord. 406 §1, 2000; Ord. 526 §1, 2005)

### Noise

#### Sec. 10-9-10. Unreasonable noise.

No person shall make, continue or cause to be made or continued any unreasonable noise; and no person shall knowingly permit such noise upon any premises owned or possessed by such person or under such person's control. For purposes of this Section, peace officers in the service of the Town are empowered to make a prima facie determination as to whether a noise is unreasonable. (Ord. 526 §1, 2005)

#### Sec. 10-9-20. Unnecessary noise.

The making of unnecessary noises upon, near or adjacent to the streets, highways and other public places in the Town is hereby declared to be a public nuisance. The enumeration of the particular offenses particularly defined in this Section shall not be construed as limiting the generality of this Section or limiting the offenses hereunder to the particular offenses herein enumerated. It is unlawful for any person to make, continue or cause to be made or continued any unnecessary or unusual noise which either annoys, injures or endangers the comfort, repose, health or safety of others, whether in the operation of any machine or the exercise of any trade or calling or any other noise, unless the making and continuing of the same is necessary for the protection or preservation of property or health, safety, life or limb of a person. (Prior code 7-3-1; Ord. 526 §1, 2005)

**Sec. 10-9-30. Loudspeakers.**

It is unlawful to play, operate or use any device known as a sound track, loudspeaker, sound amplifier, radio or phonograph with loudspeaker, sound amplifier or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle upon public places unless such person in charge of such vehicle has first applied to and received permission from the Mayor or Chief of Police to operate any such vehicle so equipped. (Prior code 7-3-2; Ord. 526 §1, 2005)

**Sec. 10-9-40. Sirens, whistles, gongs and red lights.**

It is unlawful for any person to carry or use upon a vehicle, other than Police or Fire Department vehicles, emergency vehicles or vehicles used by volunteer firefighters for public use, any gong, siren, whistle or red light similar to that used on ambulances or vehicles of the Police and Fire Departments. (Ord. 526 §1, 2005; Ord. 559 §1, 2006)

**Sec. 11-5-30. Destruction of park property.**

It is unlawful to cut, mark, remove, break or climb upon, or in any way injure, damage or deface the trees, shrubs, plants, turf or any of the buildings, fences or other structures or property within or upon park premises; or in any other way injure or impair the natural beauty or usefulness of any park or recreation area. (Prior code 9-2-3; Ord 526 1, 2005)