

TITLE XIII: GENERAL OFFENSES

Chapter

- 130. **GENERALLY**
- 131. **DISORDERLY CONDUCT**
- 132. **GENERAL NUISANCES**
- 133. **MINORS; CURFEW**

CHAPTER 130: GENERALLY

Section

130.01 Prohibition on consuming certain alcoholic beverages on public property

130.99 Penalty

§ 130.01 PROHIBITION ON CONSUMING CERTAIN ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY.

No person shall consume alcoholic beverages, as defined by G.S. § 18B-101(4), as amended, on property owned or occupied by the town, including, but not limited to, public streets, boulevards, alleys, rights-of-way, sidewalks and parks.

(Prior Code, § 34-1) (Ord. 25, passed 7-6-1993) Penalty, see § 130.99

§ 130.99 PENALTY.

Violation of this section shall be a misdemeanor, punishable on conviction by a fine not exceeding \$50, or by imprisonment not exceeding 30 days.

(Prior Code, § 34-1) (Ord. 25, passed 7-6-1993)

CHAPTER 131: DISORDERLY CONDUCT

Section

- 131.01 Disturbing public meetings
- 131.02 Discharging gun or firearms
- 131.03 Playing ball games in streets prohibited
- 131.04 Unauthorized use of police whistles and fire signals
- 131.05 Projectiles
- 131.06 Planting trees
- 131.07 Creating a public disturbance
- 131.08 Exhibitions and the like on streets
- 131.09 Urinating or defecating in public prohibited
- 131.10 Loitering for the purpose of engaging in drug-related activity

- 131.99 Penalty

§ 131.01 DISTURBING PUBLIC MEETINGS.

It shall be unlawful to behave in a boisterous or obscene manner, or to create any disturbance at or near any public entertainment or meeting.

(Prior Code, § 34-11) Penalty, see § 131.99

§ 131.02 DISCHARGING GUN OR FIREARMS.

It shall be unlawful to shoot any gun or firearms, except in case of necessity.

(Prior Code, § 34-12) Penalty, see § 131.99

§ 131.03 PLAYING BALL GAMES IN STREETS PROHIBITED.

No person shall play baseball, town ball, football or games of similar nature on any public street.

(Prior Code, § 34-13) Penalty, see § 131.99

§ 131.04 UNAUTHORIZED USE OF POLICE WHISTLES AND FIRE SIGNALS.

No person, without special authority from the Police Department or Fire Department, shall use any whistle, bell, horn or siren like in sound to the whistles, horns or sirens used by the Police or Fire Departments.

(Prior Code, § 34-14) Penalty, see § 131.99

§ 131.05 PROJECTILES.

No person shall shoot or project any hard substance by means of a slingshot, or other contrivance.
(Prior Code, § 34-15) Penalty, see § 131.99

§ 131.06 PLANTING TREES.

It shall be unlawful for any citizen to plant any trees that are detrimental to the sewerage system of the town. No trees shall be planted in the streets, gutters or sidewalks.
(Prior Code, § 34-16) Penalty, see § 131.99

§ 131.07 CREATING A PUBLIC DISTURBANCE.

The gathering of any group upon the sidewalks or streets of the town for the purpose of creating, or which creates mechanical or vocal sound which is of such intensity or nature as to interfere with the rights of peaceful occupancy by property owners in the adjoining areas is unlawful, and any individual who participates in, leads or encourages such actions shall be guilty of violating this section; provided, however, that nothing herein shall prevent the orderly expression of spectators at any regularly organized sport event or the peaceful assembly of any group for orderly expression or communication between those assembled.
(Prior Code, § 34-17) Penalty, see § 131.99

§ 131.08 EXHIBITIONS AND THE LIKE ON STREETS.

(A) It shall be unlawful to obstruct or block the sidewalks or streets of the town by any exhibition, demonstration, picket line or commercial venture, so as to prevent the normal flow of pedestrian or vehicular traffic, except that a special permit may be granted by the Chief of Police, or next highest ranking officer, of the town for temporary and peaceful occupancy of a limited portion thereof for purposes other than hostile demonstration or commercial gain.

(B) Participation in such illegal exhibition, demonstration or picket line by any individual through leadership, organization or physical participation therein, is unlawful.
(Prior Code, § 34-18) Penalty, see § 131.99

§ 131.09 URINATING OR DEFECATING IN PUBLIC PROHIBITED.

It shall be unlawful for any person to urinate or defecate on any public place, sidewalk, street, alleyway or right-of-way, or in any public building, except in designated water closets or toilet facilities, or on any private property. Having the written permission of the owner or person in lawful possession shall constitute an affirmative defense to the charge of urinating or defecating on private property.
(Prior Code, § 34-19) Penalty, see § 131.99

§ 131.10 LOITERING FOR THE PURPOSE OF ENGAGING IN DRUG RELATED ACTIVITY.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

KNOWN UNLAWFUL DRUG USER, POSSESSOR OR SELLER. A person who has, within the knowledge of the arresting officer, been convicted in any court within this state of any violation involving the use, possession or sale of any of the substances referred to in the State Controlled Substances Act, being G.S. §§ 90-86 et seq., or has been convicted of any violation of any substantially similar laws of any political subdivision of this state or of any other state or of federal law.

PUBLIC PLACE. Any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot or transportation facility, or the doorways and entrance ways to any building which fronts on any of those places, or a motor vehicle in or on any of those places, or any property owned by the town.

(B) It shall be unlawful for a person to remain or wander about in a public place in a manner and under circumstances manifesting the purpose to engage in a violation of any subdivision of the State Controlled Substances Act, being G.S. §§ 90-86 et seq. Such circumstances shall include:

- (1) Repeatedly beckoning to, stopping or attempting to stop passers-by, or repeatedly attempting to engage passers-by in conversation;
- (2) Repeatedly stopping or attempting to stop motor vehicles;
- (3) Repeatedly interfering with the free passage of other persons;
- (4) Such person is a known unlawful drug user, possessor or seller;
- (5) Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is engaged in an unlawful drug related activity;
- (6) Such person repeatedly passes to or receives from passers-by, whether on foot or in a vehicle, money or objects;
- (7) Such person takes flight upon the approach or appearance of a police officer;
- (8) Such person is at a location frequented by persons who use, possess or sell drugs; or
- (9) Any vehicle involved is registered to a known unlawful drug user, possessor or seller, or is known to be or have been involved in drug related activities.

(C) Violation of any provision of this section shall be a misdemeanor as provided by G.S. § 14-4. (Prior Code, § 34-20) (Ord. 21, passed 9-5-1989; Ord. passed 11-5-1989) Penalty, see § 131.99

§ 131.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Violation of § 131.09 shall be a misdemeanor punishable upon conviction by a fine not exceeding \$50, or by imprisonment not exceeding 30 days.
(Prior Code, § 34-19) (Ord. 19, passed 3-7-1989)

CHAPTER 132: GENERAL NUISANCES

Section

- 132.01 Congregation on the streets
- 132.02 Placing dirt or trash in the gutters and drainageways
- 132.03 Throwing trash on sidewalk or streets
- 132.04 Building material or debris on the streets
- 132.05 Awnings
- 132.06 Posting signs
- 132.07 Lots to be kept clean from weeds and vegetation
- 132.08 Hauling crushed stone, rock, gravel and the like on the streets
- 132.09 Repairing automobiles and the like on streets

Statutory references:

Town authority to abate public health nuisances, see G.S. § 160A-193

§ 132.01 CONGREGATION ON THE STREETS.

It shall be unlawful for any person or group of persons to assemble on the streets or sidewalks in such manner as to obstruct the streets or sidewalks to the inconvenience of pedestrians or traffic.
(Prior Code, § 34-41) Penalty, see § 10.99

§ 132.02 PLACING DIRT OR TRASH IN THE GUTTERS AND DRAINAGEWAYS.

It shall be unlawful for any person to place any dirt, trash or other substance in any ditch, gutter or drainageway or to obstruct any ditch, gutter or drainageway.
(Prior Code, § 34-42) Penalty, see § 10.99

§ 132.03 THROWING TRASH ON SIDEWALK OR STREETS.

It shall be unlawful for any person to place on any sidewalk or street or upon any lot anything of a nuisance character, but the same shall be deposited in garbage containers.
(Prior Code, § 34-43) Penalty, see § 10.99

§ 132.04 BUILDING MATERIAL OR DEBRIS ON THE STREETS.

It shall be unlawful to place any excess earth, building material or other debris upon any street, alley or sidewalk, except by special permission from the Superintendent of Streets; provided, that the Street Department

shall not be responsible for the hauling away of any of the discarded or waste material from private property except where, in the discretion of the Superintendent of Streets, the same may be required for filling in property or repairing streets.

(Prior Code, § 34-44) Penalty, see § 10.99

§ 132.05 AWNINGS.

It shall be unlawful for the owner or tenant of any building to allow framework or awnings to extend over any part of the sidewalk at less than seven feet above the sidewalk, and with the flap not less than six feet above the sidewalk.

(Prior Code, § 34-45) Penalty, see § 10.99

§ 132.06 POSTING SIGNS.

It shall be unlawful for anyone to post any bill posters, signs or advertisements on any telegraph, telephone or electric light poles or trees along any of the streets or sidewalks.

(Prior Code, § 34-46) Penalty, see § 10.99

§ 132.07 LOTS TO BE KEPT CLEAN FROM WEEDS AND VEGETATION.

It shall be the duty of every owner, occupant or both, of any lot on any street to keep the same, together with the abutting sidewalk as far as the sidewalk shall extend along the lot, free and clean of all weeds and other rank vegetation and all rubbish of any character whatsoever. If any person, within 24 hours after the receipt of written notice from the Town Manager or his or her assistant, shall fail to clean said lot or sidewalk of any such weeds, rank vegetation or rubbish, such person shall be deemed to have violated this section.

(Prior Code, § 34-47) (Ord. passed 2-4-1986) Penalty, see § 10.99

§ 132.08 HAULING CRUSHED STONE, ROCK, GRAVEL AND THE LIKE ON THE STREETS.

It shall be unlawful for any person to haul on any paved street any crushed stone, rock, gravel, sand, dirt or other substance in any vehicle having a loose bottom through which such stone, rock, gravel, sand, dirt or other substance falls to and upon such paved street or permit such stone, rock, gravel, sand, dirt or other substance to fall upon such paved street.

(Prior Code, § 34-48) Penalty, see § 10.99

§ 132.09 REPAIRING AUTOMOBILES AND THE LIKE ON STREETS.

It shall be unlawful to repair any automobile or other vehicle in the public streets.

(Prior Code, § 34-49) Penalty, see § 10.99

CHAPTER 133: MINORS; CURFEW

Section

- 133.01 Purpose
- 133.02 Definitions
- 133.03 Curfew and enforcement

- 133.99 Penalty

§ 133.01 PURPOSE.

The purpose of this chapter shall be to establish a curfew for minors in the town, thus assisting the parents and guardians of minors in the ever-increasing difficult task of child rearing, and to promote the health, safety and welfare of both minors and adults in the town by creating an environment offering protection and security for all concerned, and to promote the general welfare and protect the general public through the reduction of juvenile violence and crime, and to promote the safety and well-being of minors whose experience renders them particularly vulnerable to becoming participants in unlawful activities.

(Ord. 06-O-2, passed 11-7-2006)

§ 133.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CIVIC ORGANIZATION. Any organization concerned with or contributory to the general welfare and the betterment of life for the citizenry of a community.

EMERGENCY. Any unforeseen circumstance, or the status of condition resulting therefrom, requiring immediate action to safeguard life, limb or property. The term includes, but is not limited to, fires, natural disasters, automobile accidents or other similar circumstances.

GUARDIAN. A person who has the legal care and management of a minor as defined by this chapter.

MINOR. A person who has not reached his or her eighteenth birthday and is not married, emancipated or a member of the armed services of the United States.

OFFICER. Any sworn law enforcement official employed by the town and having authority to enforce laws of the town.

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PUBLIC PLACE. Any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose. A **PUBLIC PLACE** shall include, but not be limited to, any store, shop, restaurant, tavern, bowling alley, café, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the immediate front area of the above.

REMAIN. To linger or stay at or upon a place.
(Ord. 06-O-2, passed 11-7-2006)

§ 133.03 CURFEW AND ENFORCEMENT.

A curfew applicable to minors is established and shall be enforced within the corporate limits of the town as follows.

(A) *Time limits.* It is unlawful for any minor to be or remain upon any public place as defined in this chapter in the town between 10:00 p.m. Friday and 5:00 a.m. on Saturday, or between 10:00 p.m. Saturday and 5:00 a.m. on Sunday, or between the hours of 9:00 p.m. and 5:00 a.m. of the following morning on Sunday, Monday, Tuesday, Wednesday or Thursday.

(B) *Exceptions.* The restrictions provided by this section shall not apply to any minor:

- (1) Who is accompanied by a guardian, parent or other person charged with the care and custody of such minor, or a person over 18 years of age authorized by a parent or guardian to accompany the minor;
- (2) Who is engaged in an employment activity, or who is traveling between his or her home and place of employment, or between his or her home and church, municipal building (if the municipal building is open for some legitimate business purpose during the hours when this curfew is in effect) or school where a function is being held;
- (3) Who is involved in an emergency;
- (4) Who is engaged in travel at the direction of a parent or guardian and with written parental permission;
- (5) Who is engaged in bona fide interstate movement by motor vehicle through town, or beginning or ending in the town;
- (6) Who is engaged in situations in which a minor is outdoors but attending activities involving the First Amendment free exercise of religion, freedom of speech or the right of assembly;
- (7) Who is engaged in travel at the direction of a parent or guardian in instances of reasonable necessity if the minor possesses a written statement signed by the parent which describes the minor, states the facts establishing such reasonable necessity, specifies the streets, the time and the origin and destination of travel;
- (8) Who is engaged in situations in which a minor is on a sidewalk of the place where the minor resides, or on the sidewalk of a next-door neighbor not congregating outdoors on another person's private property with the express permission of the owner or other person in lawful control of the property; or

(9) Who is engaged in travel by a direct route, between a minor's place of residence and a school, religious, recreational, entertainment or any other organized community activity, or civic organization, including activities involving the free exercise of religion, speech or assembly, so long as the activity is supervised by an adult.

(C) *Responsibility of adults.* It shall be unlawful for any parent, guardian or other persons charged with the care and custody of any minor to knowingly allow or permit such minor to be in or upon, or remain in or upon a public place within the town within the curfew hours set out in division (A) above, except as otherwise provided in division (B) above.

(D) *Responsibility of business establishments.* It shall be unlawful for any person, firm or corporation operating a place of business (including a place of amusement) to knowingly allow or permit any minor to be in or upon, or to remain in or upon, any place of business (including a place of amusement) operated by them within the curfew hours set out by division (A) above, except as otherwise provided in division (B) above.

(E) *Enforcement.*

(1) When a minor is found to be in violation of this section, the officer will determine if the juvenile is a first time offender; if so, he or she will then be taken to the Police Department or the residence of his or her parent or guardian. A written warning will be given to that parent or guardian. An information report shall be taken by the officer, to include the name and address of the juvenile and parent or guardian and the time, date and location of the offense. This report will be filed in the Police Department records division. The report shall be confidential and shall be subject to disclosure only pursuant to an order of a court of competent jurisdiction.

(2) (a) If, upon investigation, the juvenile is found to be a repeat offender, he or she will be taken to the Police Department or to the residence of his or her parent or guardian and the adult, parent or guardian, will be given a written warning for a second violation, pursuant to this section. A report will be filed in the Police Department and entered into the Police Department records division and shall contain the same information and be subject to the same confidentiality provisions as set forth herein.

(b) If, upon further investigation, the juvenile is found to be a repeat offender for the third time, he or she will be taken to the Police Department or to the residence of his or her parent or guardian and the adult, parent or guardian, will be subject to a criminal citation, pursuant to this section. A report will be filed in the Police Department and entered into the Police Department records division and shall contain the same information and be subject to the same confidentiality provisions as set forth herein.

(3) If the juvenile is under 12 years of age, a report will be made and a copy forwarded to the County Department of Social Services.

(F) *Aiding and abetting by adult, guardian or parent.* It shall be a violation of this chapter for an adult, guardian or parent to allow, permit, encourage, aid or abet a minor in the violation of division (A) above, except as otherwise provided in division (B) above. Action may also be taken pursuant to G.S. § 14-316.1, contributing to delinquency and neglect by parents and others.

(G) *Refusal of guardian or parent to take custody of a minor.* If any guardian or parent refuses to take custody of his or her minor child found in violation of this chapter, the officer with custody of the minor shall follow the procedure set out in the North Carolina Juvenile Code, G.S. §§ 7B-100 et seq.

(H) *Emergency provisions.* Under the authority of G.S. § 14-288.12, whenever the Mayor of the town deems that an emergency exists, and there is a clear and present danger to the preservation of the public peace, health, life or safety or to public or private property in the town necessitating expansion of the curfew provisions set forth in division (A) above, the Mayor may effect such expansion effective for the period of the emergency by proclamation. The proclamation shall contain a statement of the reasons for such necessity, the period of the expanded curfew, and provide that no minor under the age of 18 shall be upon or about or remain upon or about public places as defined by this chapter in the town between the hours of 8:00 p.m. and 5:00 a.m. of the following morning unless accompanied by his or her parent, guardian or responsible adult. The proclamation may further provide that no parent or guardian of any minor under the age of 18 shall allow the child to be upon or about or remain upon or about any public place as defined by this chapter in the town between the hours of 8:00 p.m. and 5:00 a.m. of the following morning unless the child is under direction or protection of some adult person with authority or consent of such parent or guardian for his or her being there. The proclamation shall become effective 30 minutes after being publicly announced by the Mayor for the period, or until rescinded by the Mayor or repealed by Council in the manner in which ordinances are repealed. As soon as is reasonably possible, the proclamation shall be published and reported in the local media and posted conspicuously around the town. (Ord. 06-O-2, passed 11-7-2006) Penalty, see § 133.99

§ 133.99 PENALTY.

Any person, firm or corporation which violates any provision of this chapter shall be subject to a fine of up to \$500, and/or imprisonment up to six months.
(Ord. 06-O-2, passed 11-7-2006)