

Chapter 14 MISCELLANEOUS OFFENSES¹

ARTICLE I. IN GENERAL

Sec. 14-1. Pool rooms.

No person or owner of any pool room shall allow any person under 18 years of age to play at games or to loiter in pool rooms in the town.

(Prior Code, ch. X, art. A, § 10)

State law reference(s)—Permitting minors to enter billiard rooms, G.S. 14-317.

Secs. 14-2—14-20. Reserved.

ARTICLE II. CURFEW FOR YOUNG ADULTS

Sec. 14-21. Definitions.

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

Establishment means any privately owned place of business to which the public has access or is invited, including but not limited to any place of amusement or entertainment.

Guardian means any person having legal custody of a minor, such as:

- (1) A legal guardian;
- (2) A person who stands in loco parentis; or
- (3) A person to whom legal custody has been given by the court.

Parent means a natural or adopted parent of a minor.

Public place means any place that is generally open to and used by the public or a substantial group of the public, whether it be publicly or privately owned, including but not limited to streets, highways, alleys, rights-of-way, public vehicular areas and parking lots, shops, restaurants, convenience stores, schools and school grounds, places of business and amusement, playgrounds, parks, church grounds, similar areas open to the public, and other common areas open to or accessible to the public.

Young adult means a person who has not reached his 18th birthday and is not married, emancipated, or a member of the Armed Forces of the United States.

(Res. of 8-14-2006(01), § 1)

¹State law reference(s)—Criminal law, G.S. 14-1 et seq.; violation of municipal ordinance, G.S. 14-4.

Sec. 14-22. Curfew.

Except as set out in section 14-23, all young adults and their parents or guardians shall abide by the following:

- (1) A young adult 13 years of age or younger shall not be or remain in any public place or establishment between the hours of 9:00 p.m. and 6:00 a.m.
- (2) A young adult between 14 years of age and 17 years of age shall not be or remain in any public place or establishment between the hours of 11:00 p.m. and 6:00 a.m.
- (3) A parent or guardian of any young adult shall not knowingly permit, or by inadequate supervision, allow his or her young adult to remain in any public place or establishment during the established curfew hours as set out in subsections (1) and (2) of this section.
- (4) A parent or guardian of any young adult shall not refuse to take custody of his or her young adult during the established curfew hours as set out in subsections (1) and (2) of this section.

(Res. of 8-14-2006(01), § 2)

Sec. 14-23. Exceptions.

A young adult shall not be in violation of this article if the young adult is:

- (1) Accompanied by a parent or guardian.
- (2) Accompanied by an adult 18 years of age or older who has been authorized, in writing, by the parent or guardian to supervise such young adult.
- (3) Using a direct route to or from a place of employment.
- (4) Reacting to or responding to an emergency.
- (5) Participating in or observing athletic or recreational events, supervised by adults, on public parks or public playgrounds.
- (6) Attending any school, municipal, religious or recreational activity, function or other organized activity which is supervised by adults.
- (7) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly.

(Res. of 8-14-2006(01), § 3)

Sec. 14-24. Enforcement.

If a police officer reasonably believes that a young adult is in violation of the provisions of this article, the officer shall notify the young adult and shall require the young adult to provide his or her name, address and telephone number and how to contact his or her parent or guardian. The police officer shall contact the parent or guardian and instruct the parent or guardian to come and take charge of the young adult. The young adult shall be released to the custody of a parent or guardian or to an adult authorized by the parent or guardian. If the parent or guardian cannot be located or refuses to take charge of the young adult, the police officer shall contact the department of social services and instruct the department to take charge of the young adult.

(Res. of 8-14-2006(01), § 4)

Sec. 14-25. Penalties.

- (a) Any young adult, parent or guardian who violates any provision of this article shall be issued a warning for the first violation.
- (b) Any violations subsequent to the warning by a young adult shall be adjudicated by the court pursuant to the North Carolina Juvenile Code. The said young adult shall be subject to being adjudicated delinquent.
- (c) Any violations subsequent to the warning by an adult shall be a misdemeanor as defined by G.S. ch. 14.
- (d) Any violation subsequent to the warning shall be subject to a civil penalty of \$25.00 for the first violation and \$100.00 for all subsequent violations. All civil penalties imposed by this subsection shall be paid to the town office within 30 days of the penalty.

(Res. of 8-14-2006(01), § 5)

Secs. 14-26—14-53. Reserved.

ARTICLE III. LOITERING FOR THE PURPOSE OF ENGAGING IN DRUG-RELATED ACTIVITY²

Sec. 14-54. Definitions.

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

Known unlawful drug user, possessor or seller means 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 unlawful drug; any violation of any substantially similar laws of any political subdivision of this state; or any other state or federal law.

Loitering means to assemble, congregate, stand around, collect, gather, loaf, lounge, remain, or to park or remain parked in a motor vehicle at a public place or place open to the public and to engage in any conduct prohibited by this article.

Public place means any place that is generally open to and used by the public or a substantial group of the public, whether it be publicly or privately owned, including but not limited to streets, highways, alleys, rights-of-way, public vehicular areas and parking lots, shops, restaurants, convenience stores, schools and school grounds, places of business and amusement, playgrounds, parks, church grounds, similar areas open to the public, and other common areas open to or accessible to the public.

(Res. of 8-14-2006(02), § 1)

Sec. 14-55. Prohibited activity.

- (a) It shall be unlawful for any person to remain or wander about in a public place in a manner and under circumstances manifesting the purpose of engaging in a violation of any provision of G.S. 90-86 et seq., G.S. 90-113.8A et seq. or G.S. 90-113.20 et seq.

²State law reference(s)—Loitering for purposes of engaging in prostitution, G.S. 14-204.1.

(b) Such circumstances shall include:

- (1) Repeatedly beckon to stop, or attempt to stop passers-by, or repeatedly attempt to engage passers-by in conversation, whether such passers-by are on foot or in a vehicle;
- (2) Repeatedly stop or attempt to stop vehicles;
- (3) Repeatedly interfere with the free passage of other persons;
- (4) Repeatedly pass to or receive from passers-by, money or objects; or
- (5) The person is a known, unlawful drug user, possessor or seller, and:
 - a. The person behaves in such a manner as to appear that he or she is about to engage in or is engaged in an unlawful drug-related activity;
 - b. The person takes flight upon the approach or appearance of a police officer;
 - c. The person is at a location frequented by persons who use, possess or sell drugs; or
 - d. Any vehicle involved is registered to a known unlawful drug user, possessor or seller, or is known to be or has been involved in drug-related activities.

(Res. of 8-14-2006(02), § 2)

Sec. 14-56. Penalty.

- (a) Any violation of this article shall be a misdemeanor as defined by G.S. ch. 14.
- (b) Any violation of this article shall be subject to a civil penalty of \$250.00.

(Res. of 8-14-2006(02), § 3)

Secs. 14-57—14-85. Reserved.

ARTICLE IV. OFFENSES REGARDING ALCOHOLIC BEVERAGES

DIVISION 1. GENERALLY

Sec. 14-86. Drinking in public.

- (a) No person shall consume any alcoholic beverages or unfortified wine on or within any right-of-way of the municipal streets, boulevards, alleys, and sidewalks, in the municipal parks and buildings, or any other property owned or occupied by the town.
- (b) No person shall possess open containers of alcoholic beverages or unfortified wine on the public streets in the town by persons who are not occupants of motor vehicles and on property owned, occupied or controlled by the town.
- (c) No person shall possess alcoholic beverages or unfortified wine on the public streets, alleys or parking lots which are closed to regular traffic for special events in the town.

(Prior Code, ch. X, art. A, § 6; Res. of 6-9-2008)

Secs. 14-87—14-115. Reserved.

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DIVISION 2. PUBLIC INTOXICATION

Sec. 14-116. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholism means the state of a person who habitually lacks self control as to the use of alcoholic beverages, or uses alcoholic beverages to the extent that his health is substantially impaired or endangered or his social or economic function is substantially disrupted.

Intoxicated means the condition of a person whose mental or physical functioning is presently substantially impaired as a result of the use of alcohol.

Public place means a place which is open to the public, whether it is publicly or privately owned.

State law reference(s)—Similar definitions, G.S. 14-443.

Sec. 14-117. Intoxicated and disruptive in public.

- (a) It shall be unlawful for any person in a public place to be intoxicated and disruptive in any of the following ways:
- (1) Blocking or otherwise interfering with traffic on a highway or public vehicular area;
 - (2) Blocking or lying across or otherwise preventing or interfering with access to or passage across a sidewalk or entrance to a building;
 - (3) Grabbing, shoving, pushing or fighting others or challenging others to fight;
 - (4) Cursing or shouting at or otherwise rudely insulting others; or
 - (5) Begging for money or other property.
- (b) Any person who violates this section shall be guilty of a Class 3 misdemeanor. Notwithstanding the provisions of G.S. 7A-273(1), a magistrate is not empowered to accept a guilty plea and enter judgment for this offense.

State law reference(s)—Similar definitions, G.S. 14-444.

Sec. 14-118. Defense of alcoholism.

- (a) It is a defense to a charge of being intoxicated and disruptive in a public place that the defendant suffers from alcoholism.
- (b) The presiding judge at the trial of a defendant charged with being intoxicated and disruptive in public shall consider the defense of alcoholism even though the defendant does not raise the defense, and may request additional information on whether the defendant is suffering from alcoholism.
- (c) Whenever any person charged with committing a misdemeanor under G.S. 14-444 enters a plea to the charge, the court may, without entering a judgment, defer further proceedings for up to 15 days to determine whether the person is suffering from alcoholism.

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- (d) If he believes it will be of value in making his determination, the district court judge may direct an alcoholism court counselor, if available, to conduct a prehearing review of the alleged alcoholic's drinking history in order to gather additional information as to whether the defendant is suffering from alcoholism.

State law reference(s)—Similar definitions, G.S. 14-445.

Sec. 14-119. Disposition of defendant acquitted because of alcoholism.

If a defendant is found not guilty of being intoxicated and disruptive in a public place because he suffers from alcoholism, the court in which he was tried may retain jurisdiction over him for up to 15 days to determine whether he is a substance abuser and dangerous to himself or others as provided in G.S. 122C-281. The trial judge may make that determination at the time the defendant is found not guilty or he may require the defendant to return to court for the determination at some later time within the 15-day period.

State law reference(s)—Similar definitions, G.S. 14-446.

Sec. 14-120. No prosecution for public intoxication.

- (a) No person may be prosecuted solely for being intoxicated in a public place. A person who is intoxicated in a public place and is not disruptive may be assisted as provided in G.S. 122C-301.
- (b) If, after arresting a person for being intoxicated and disruptive in a public place, the law enforcement officer making the arrest determines that the person would benefit from the care of a shelter or health care facility as provided by G.S. 122C-301, and that he would not likely be disruptive in such a facility, the officer may transport and release the person to the appropriate facility and issue him a citation for the offense of being intoxicated and disruptive in a public place. This authority to arrest and then issue a citation is granted as an exception to the requirements of G.S. 15A-501(2).

State law reference(s)—Similar definitions, G.S. 14-447.

Sec. 14-121. Public drunkenness.

It shall be unlawful for any intoxicated person to be on or upon any public street or other public place.

(Prior Code, ch. X, art. A, § 5)

Secs. 14-122—14-140. Reserved.

ARTICLE V. OFFENSES REGARDING WEAPONS

Sec. 14-141. Firearms regulated.

It shall be unlawful for any person to discharge any firearm within the town limits except a police officer in the performance of duty.

(Prior Code, ch. X, art. A, § 9)

State law reference(s)—Preemption of the regulation of certain firearms, G.S. 14-409.39 et seq.