

TITLE XIII: GENERAL OFFENSES

Chapter

130.GENERAL OFFENSES

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Section

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§ 130.01 FIREARMS, PELLET GUNS, AND THE LIKE; DISCHARGE PROHIBITED.

(A) No person shall discharge any firearm, except a peace officer in the performance of his or her duty or any other person in defense of his or her person or property.

(B) No person shall discharge air rifles, BB guns, or pellet guns within the town.
(Prior Code, § 130.01) Penalty, see § 130.99

§ 130.02 JUVENILE PROTECTION ORDINANCE.

(A) *Purpose.* The purpose of this section shall be to establish a curfew for minors in the town. Unsupervised minors are particularly vulnerable to being induced to participate in drug abuse and other criminal activities during the nighttime. Minors often lack the ability to make informed, mature decisions when faced with the temptation to engage in criminal activities. Also, it is important that parents be encouraged to take an active role in the proper upbringing of their children. Furthermore, there is need to protect businesses and other persons from vandalism and other types of criminal activities frequently committed by minors. This section will assist parents in the difficult task of child rearing and the town in regulating those activities which are detrimental to the health, safety and welfare of its citizens and to the peace and dignity of the town.

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

CUSTODIAN. A parent, guardian, step-parent, foster parent, house parent or other person legally responsible for the care and custody of a minor, as defined by this section.

MINOR. Any 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.

PUBLIC PLACE. Any place which is generally open to and used by the public, whether it be publicly or privately owned, including, but not limited to, streets, highways, public vehicular areas, places of business and amusement parks and other common areas open to the public.

(C) *Time limits.* It is unlawful for any minor to be or remain upon any public place, as defined in this section, within the town or on any property or right-of-way belonging to the town and located outside the corporate limits of the town between the hours of 11:00 pm and 5:00 am on both week nights and weekends.

(D) *Exceptions.* The restrictions provided by division (C) above shall not apply to any minor who is:

- (1) Accompanied by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency;
- (6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
- (7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;
- (8) 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; or
- (9) Married or had been married or had disabilities of minority removed in accordance with state law.

(E) *Responsibility of adults.* It is unlawful for any custodian to allow or permit any minor to be in or upon, or remain in or upon a public place within the town or on any property or right-of-way belonging to the town and located outside the corporate limits of the town, within the curfew hours set by division (C) above, except as provided in division (D) above.

(F) *Responsibility of business establishment.* It is unlawful for any person, firm or corporation operating a place of business or amusement to allow or permit any minor to be in or upon, or to remain in or upon the premises of the place of business or amusement within the curfew hours set by division (C) above, except as provided in division (D) above.

(G) *Enforcement.*

(1) When a minor is found to be in violation of this section, a police officer will check the records of the Police Department to determine if the minor is a first offender. If the minor is a first time offender, he or she will be taken to the residence of his or her custodian. A written warning will be given to the custodian and an information report will be taken by the officer. The report shall include the name of the minor and the custodian, the time, date and location of the offense. The report will be filed at the Police Department.

(2) If, upon checking Police Department records, the minor is found to be a repeat offender, he or she will be taken to the residence of his or her custodian and the custodian may be issued a criminal citation charging him or her with a violation of this section. A report will be entered into the Police Department files.

(3) If the minor is found to be a repeat offender, the minor may be treated as a delinquent juvenile.

(4) If the minor is under 12 years of age a report will be made and a copy forwarded the Pitt County Department of Social Services.

(H) *Aiding and abetting by adult, guardian or parent.* It shall be a violation of this section for any person over 18 years of age to aid or abet a minor in the violation of division (C) of this section.

(I) *Refusal of custodian to take custody of a minor.* If the custodian of a minor found to be in violation of this section refuses to take custody of the minor, the officer having custody of the minor shall contact the Pitt County Department of Social Services and release the minor to that agency, pending further investigation by the Police Department and the Department of Social Services. The custodian may be issued a criminal citation charging him or her with a violation of this section. (Prior Code, § 130.02) (Ord. passed 4-13-1993; Ord. passed 8-8-2006) Penalty, see § 130.99

§ 130.03 LOITERING.

(A) *Definitions.* 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 the state of any violation involving the use, possession or sale of the substances referred to in the State Controlled Substances Act, G.S. Chapter 90, Article 5, or has been convicted of any violations of any substantially similar laws of any political subdivision of the state or any other state or federal law, or by professional knowledge of the police officer.

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

(B) *Prohibition.* It shall be unlawful for a person to remain on foot or in a motor vehicle or wander about on foot or in a motor vehicle 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, G.S. Chapter 90, Article 5. The circumstances shall include:

- (1) Repeatedly beckoning to, stopping, 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) The person is known unlawful drug user, possessor or seller;
 - (5) The person behaves in 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 or other unlawful activity;
 - (6) The person repeatedly passes to or receives from passers-by, whether on foot or in a vehicle, money or objects;
 - (7) The person takes flight upon the approach or appearance of a police officer; or
 - (8) 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.
- (Ord. passed - -2009) Penalty, see § 130.99

§ 130.99 PENALTY.

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

(B) A violation of any provision of § 130.03 shall subject the offender to the penalties of a \$100

fine or 60-day incarceration, or both.
(Ord. passed - -2009)