

TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES AGAINST PUBLIC PEACE AND SAFETY

131. OFFENSES AGAINST PROPERTY

CHAPTER 130: OFFENSES AGAINST PUBLIC PEACE AND SAFETY

Section

- 130.01 Begging
- 130.02 Loitering
- 130.03 False alarms
- 130.04 Halloween Atrick or treat@ restrictions
- 130.05 Spitting
- 130.06 Firearms
- 130.07 Failure to pay fare or fee
- 130.08 Interfering with town employees
- 130.09 Impersonating town officer or employee
- 130.10 Attempts; aiding and abetting
- 130.11 Loitering for purpose of engaging in drug-related activity
- 130.12 Curfew for minors
- 130.13 Consuming alcoholic beverages in public

' 130.01 BEGGING.

(A) No person shall beg or solicit alms in or on the streets or other public places, nor in the entrances or corridors to or of any public building, without a permit therefor from the Town Manager.

(B) No person shall sell or offer for sale any pencils, shoestrings, chewing gum, or similar objects in or on the streets or other public places as an indirect method of soliciting alms, nor shall any person offer a cup or other receptacle for the deposit of money or take up any collection in connection with the playing of any musical instrument in or on the streets or other public places without having a permit therefor issued by the Town Manager.

('74 Code, ' 15-1) Penalty, see ' 10.99

' 130.02 LOITERING.

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

~~**LOITER.** Standing, lounging, sitting, or lying about idly, whether alone or in company with other loiterers.~~

' 130.06 FIREARMS.

(A) It shall be unlawful for any person to discharge any firearm at any time or place within the town except when used in lawful defense of person or property or pursuant to lawful directions of a law enforcement officer.

(B) It shall be unlawful for any person to discharge any pellet gun, air rifle, or other mechanism or device designed or used to project a pellet, beebees, or other missile by compressed air or mechanical action with less than deadly force, except at places designated for such purpose by the Town Council or upon private property with the consent of the property owner and under supervision of a competent adult. ('74 Code, ' 15-4) Penalty, see ' 10.99

' 130.07 FAILURE TO PAY FARE OR FEE.

No person, except persons entitled to free transportation, shall ride upon any bus, taxicab, or other public conveyance without paying therefor the fare prescribed or allowed by law, or attend any show or other amusement without paying the prescribed fee.

('74 Code, ' 15-6) Penalty, see ' 10.99

' 130.08 INTERFERING WITH TOWN EMPLOYEES.

(A) No person shall negligently or willfully interfere with, hinder, or obstruct any officer or employee of the town who is engaged in, en route to, or returning from the performance of official duty, whether such interference, hindrance, or obstruction is by threat, assault, or otherwise.

('74 Code, ' 15-15)

(B) It shall be unlawful for any person to interfere with, hamper, molest, resist, or hinder a police officer in the lawful discharge of his duty.

('74 Code, ' 15-16) Penalty, see ' 10.99

' 130.09 IMPERSONATING TOWN OFFICER OR EMPLOYEE.

No person shall falsely represent himself to be an officer or employee of the town, or without proper authority wear or display any uniform, insignia, or credential which identifies any town officer or employee; nor shall any person without proper authority assume to act as an officer or employee of the town, whether to gain access to premises, obtain information, perpetrate a fraud, or for any other purpose. However, nothing in this section shall be construed to prevent a private citizen from making a lawful citizen's arrest for felony or breach of the peace committed in his presence.

('74 Code, ' 15-17) Penalty, see ' 10.99

(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 passersby, 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 has been involved in drug-related activities.

(Ord. 90-2, passed 4-9-90; Am. Ord. 95-6, passed 9-11-96) Penalty, see ' 10.99

' 130.12 CURFEW FOR MINORS.

(A) *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/her 16th 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.

(B) *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 midnight Friday and 5:00 a.m. on Saturday or between midnight Saturday and 5:00 a.m. on Sunday or between the hours of 11:00 p.m. and 5:00 a.m. of the following morning on Sunday, Monday, Tuesday, Wednesday or Thursday.

(C) *Exceptions.* The restrictions provided by division (B) of this section shall not apply to any minor who is:

(1) Accompanied by his custodian as defined in division (A) of this section.

(2) Accompanied by a responsible person over the age of 18 years of age who has the written permission of the minor's custodian to have the minor under his supervision; or

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.

(Ord. 95-4, passed 9-11-95) Penalty, see ' 10.99

' **130.13 CONSUMING ALCOHOLIC BEVERAGES IN PUBLIC.**

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

MALT BEVERAGES. Beer, lager beer, malt liquor, ale, porter, and other brewed or fermented beverages containing .5% alcohol by volume and not more than 6% of alcohol by volume.

PERSON. Any individual, firm, partnership, association, corporation, other organizations or groups, or combination of person acting as a unit.

UNFORTIFIED WINES. Wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet, or dextrose sugar, and having an alcoholic content of not less than 5% and not more than 17% of absolute alcohol by volume and that has been approved as to identity, quality and purity by the North Carolina Alcoholic Beverage Control Commission.

(B) *Offering or Drinking in Public.* It shall be unlawful for any person to consume a malt beverage or unfortified wine on or in any public place owned or occupied by the town.

(Ord. 95-5, passed 9-11-95) Penalty, see ' 10.99

CHAPTER 131: OFFENSES AGAINST PROPERTY

Section

- 131.01 Damaging or tampering with town's personal property
- 131.02 Removing public records
- 131.03 Trespassing upon or damaging town's real property
- 131.04 Cisterns, water receptacles to be screened
- 131.05 Fishing from bridge prohibited
- 131.06 Use of town docks
- 131.07 Swimming, diving
- 131.08 Illegal deposits

' 131.01 DAMAGING OR TAMPERING WITH TOWN'S PERSONAL PROPERTY.

No person shall, without proper authority, knowingly use, tamper with, render inoperative, destroy, damage, remove, deface, molest, or otherwise interfere with any books, records, furniture, equipment, gear, apparatus, tools, or other items of personal property belonging to, leased to, or used by the town or any agency thereof.

('74 Code, ' 15-19) Penalty, see ' 10.99

' 131.02 REMOVING PUBLIC RECORDS.

No person shall remove any record, document, book, or other paper belonging to the town, or any other town property, from the office or place where it properly belongs, without authority from the custodian thereof, who may require a receipt therefor, except on written order from the Town Council or the Mayor or the Town Manager or pursuant to a valid subpoena duces tecum. All public records and accounts shall be available to the public for inspection and use during all regular business hours in the offices where maintained.

('74 Code, ' 2-7) Penalty, see ' 10.99

' 131.03 TRESPASSING UPON OR DAMAGING TOWN'S REAL PROPERTY.

No person shall, without proper authority, knowingly trespass upon or damage, deface, molest, or

' 131.08 ILLEGAL DEPOSITS.

(A) It shall be unlawful for any person navigating any boat in the Roanoke River to pump, unload or dump any bilge oil or other inflammable gases or oils in such river within the corporate limits or opposite the town.

(B) It shall be unlawful to throw offal, garbage, rubbish or other refuse into any waterway within the town.

(Ord. 91-2, passed 2-11-91)