

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

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' 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.

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(B) No person shall loiter at any place within the town and while so loitering insult, threaten, intimidate, or in any manner interfere with or impede the progress of any person conducting himself in a lawful and orderly manner.

(C) No person shall without having some business on the premises loiter in or about any railway passenger station or bus terminal; nor shall any person habitually loaf or loiter on the streets, nor shall any person congregate on the streets or sidewalks in such a way as to obstruct or interfere with the free passage into or out of any public, business, or private property. It shall be the duty of the police officer who observes a violation of this division to first warn the offender and, upon his failure to heed the warning, to arrest him.

('74 Code, ' 15-8) Penalty, see ' 10.99

' 130.03 FALSE ALARMS.

(A) No person shall knowingly give or cause to be given any false alarm of explosion or impending danger of explosion.

(B) No person shall knowingly give or cause to be given any false alarm of the need for police protection or assistance.

(C) No person shall knowingly give or cause to be given any false alarm of the need for medical assistance by any physician or registered nurse.

('74 Code, ' 15-3) Penalty, see ' 10.99

' 130.04 HALLOWEEN ATRICK OR TREAT@ RESTRICTIONS.

(A) It shall be unlawful for any person to appear on or in any public place in the town for the purpose of making Atrick or treat@ visitations, or to go on or in any private premises for such purpose, except as provided in division (B).

(B) Division (A) shall not apply to children 12 years of age and under between the hours of 6:00 p.m. and 9:00 p.m. on each Halloween night or upon such other night as may be designated by the Town Council.

(C) It shall be unlawful for any person to knowingly permit his minor child or ward to violate the provisions of this section.

('74 Code, ' 15-7) (Am. Ord. passed 10-8-84) Penalty, see ' 10.99

' 130.05 SPITTING.

No person shall spit upon the sidewalk or upon the floors of any church or public building.

('74 Code, ' 15-13) Penalty, see ' 10.99

' 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

' 130.10 ATTEMPTS; AIDING AND ABETTING.

(A) It shall be unlawful for any person to attempt to commit any act which is prohibited by this code or other ordinance or by any rule, regulation, order, or notice duly promulgated or given pursuant to authority thereof; and it shall be unlawful for any person to aid or abet the commission or attempted commission of any act which is prohibited by this code or other ordinance or by any rule, regulation, order, or notice duly promulgated or given pursuant to authority thereof.

(B) It shall be unlawful for any person to attempt to avoid the doing of any act which is required by this code or other ordinance or by any rule, regulation, order, or notice duly promulgated or given pursuant to authority thereof; and it shall be unlawful for any person to aid or abet the avoidance or attempted avoidance of any act which is required by this code or other ordinance or by any rule, regulation, order, or notice duly promulgated or given pursuant to authority thereof.

('74 Code, ' 15-2) Penalty, see ' 10.99

' 130.11 LOITERING FOR PURPOSE OF ENGAGING IN DRUG-RELATED ACTIVITY.

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

PUBLIC PLACE. For the purposes of this section, ***PUBLIC PLACE*** means 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 a motor vehicle in or on any of those places, or any property owned by the city.

KNOWN UNLAWFUL DRUG USER, POSSESSOR OR SELLER. For the purposes of this section, the term ***A***known unlawful drug user, possessor, or seller@ shall mean 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 North Carolina Controlled Substances Act, 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 federal law.

(B) *Loitering.* 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 North Carolina Control Substances Act, G.S. ' ' 90-86 et seq. Such circumstances shall include:

- (1) Repeatedly beckoning to, stopping, or attempting to stop passersby, or repeatedly attempting to engage passersby 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 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

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(3) Traveling in connection with his employment, religious activity or attendance at a function sponsored by the town or a school; or

(4) Temporarily within the town or on town property while engaged in interstate travel; or

(5) Attempting to obtain assistance in a medical emergency.

(D) *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 (B) of this section, except as provided in division (C) of this section.

(E) *Responsibility of Business Establishments.* 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 such place of business or amusement within the curfew hours set by division (B) of this section, except as provided in division (C) of this section.

(F) *Enforcement.*

(1) When a minor is found to be in violation of this section a police officer will, by telephone, check with the communications center 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. This report will be turned into the Police Department computer system.

(2) If, upon checking with the communications center, 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 with a violation of this section. A report will be turned in to communications center and entered into the police department computer system.

(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 to the county department of social services.

(G) *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 (B) of this section.

(H) *Refusal of Custodian to Take Custody of a Minor.* If the custodian of a minor found to be in violation of this chapter refuses to take custody of such minor, the officer having custody of the minor shall contact the 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.

(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

otherwise interfere with any real property belonging to, leased to, or used by the town or any agency thereof.

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

Cross-reference:

Authority of Police Department to enforce trespassing regulations, ' 33.050

' 131.04 CISTERNS, WATER RECEPTACLES TO BE SCREENED.

No person shall, at any time or place, keep or maintain any cistern, tub, barrel, tank, or other receptacle used for the storage of water without having such cistern, tub, barrel, tank, or other receptacle effectively screened or covered and so constructed and kept as to prevent breeding of mosquitoes.

('74 Code, ' 15-20) Penalty, see ' 10.99

' 131.05 FISHING FROM BRIDGE PROHIBITED.

It shall be unlawful for any person to fish from Bridge No. 89 on State Route 1325 over Canoby Creek inside the corporate limits of the town.

(Ord. 81-3, passed 11-9-81) Penalty, see ' 10.99

' 131.06 USE OF TOWN DOCKS.

It shall be unlawful for any person to dock or moor any ship, boat, barge, vessel or other water craft, other than water craft of the Arowboat@ class not interfering with navigation or docking facilities, at any town docking facility for a period of more than five consecutive days within a period of 30 consecutive days, or to store or leave on such dock for a period of more than 24 consecutive hours any goods, wares, merchandise or other property, without first applying for and obtaining permission from the Town Manager who may, in his discretion for good cause, extend such time upon payment by such person to the town the sum of \$10 per day for each day such ship, boat, barge, vessel, or other water craft may be docked or moored at or to such dock, or such goods, wares, merchandise or other property may be stored or left thereon during such extension.

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

' 131.07 SWIMMING, DIVING.

It shall be unlawful for anyone to swim or dive from any town bulkhead, pier, dock or boardwalk facility.

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

' 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)

