

TITLE XIII: GENERAL OFFENSES

Chapter

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GENERAL PROVISIONS

§ 130.01 DISCHARGE OF FIREARMS OR EXPLOSIVES.

It shall be unlawful for any person to shoot any kind of firearms, air rifles, air guns or air pistols within the Town limits. This section shall not extend to acts done by persons in defense of personal property. ('81 Code, § 10-4) Penalty, see § 10.99

Any person who willfully and maliciously damages any real or personal property of any kind or nature, being at the time occupied by another, by the use of any explosive or incendiary device or material is guilty of a felony punishable as a Class D felony.

Statutory reference:

Authority of Town to restrict the use of explosives, see G.S. § 160A-183

Use of explosives, see G.S. § 14-49 et seq.

§ 130.02 INJURY TO PROPERTY OF TOWN.

It shall be unlawful for any person to willfully or wantonly injure, damage, vandalize, deface, trespass upon, break or injure any property belonging to the Town. ('81 Code, § 10-10) Penalty, see § 10.99

§ 130.03 REFUSAL TO PAY FOR MEALS.

It shall be unlawful for any person to enter any restaurant or public eating house and order or obtain food or drink and depart there from without paying for same. ('81 Code, § 10-17) Penalty, see § 10.99

§ 130.04 REFUSAL TO PAY FOR RIDES.

It shall be unlawful for any person to ride in a public vehicle without paying for the ride unless by consent of the driver of the vehicle. ('81 Code, § 10-18)

§ 130.05 ADMISSION FEES.

It shall be unlawful for any person to see any show or public entertainment for which a fee is charged without paying admission, or to attempt to do so, without the permission of the operator of the event. ('81 Code, § 10-19) Penalty, see § 10.99

§ 130.06 OBSTRUCTION OF PUBLIC WAYS PROHIBITED.

It shall be unlawful for any person to obstruct pedestrian or vehicular traffic on the streets or sidewalk, or at any other public place. ('81 Code, § 10-24) Penalty, see § 10.99

§ 130.07 CURFEW.

(A) **Curfew for minors.** It is a curfew violation for a child 13 - 17 years of age to be in a public place:

- (1) After 11:00 p.m. and before 6:00 a.m. on Saturday or Sunday;
- (2) After 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, Thursday or Friday;
- (3) Before 6:00 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.

(4) It is a curfew violation for a child under 13 years of age to be in a public place after 10:00 p.m. or before 6:00 a.m. on any day.

(B) **Exemptions.** This section does not apply to a child who is:

- (1) Accompanied by his parent, guardian or custodian;
- (2) Accompanied by an adult specified by his parent, guardian or custodian;
- (3) Carrying out an errand or other lawful activity as directed by his parent, guardian or custodian; or
- (4) Participating in, going to, or returning from: Lawful employment; or a lawful athletic, educational, entertainment, religious or social event. Penalty, see § 10.99

§ 130.08 LITTERING ON SIDEWALK.

It shall be unlawful for any person to throw or place any litter or other refuse upon any of the sidewalks or streets of the Town. ('81 Code, § 10-26) Penalty, see § 10.99

Statutory reference: *Littering, see G.S. § 14-399*

§ 130.09 RESERVED.

§ 130.10 BEGGING OR SOLICITING ALMS.

It shall be unlawful for any person to beg or solicit alms, money, or other things of value on the streets or other thoroughfares, or in any public place in the Town.

('81 Code, § 10-28) Penalty, see § 10.99

Statutory reference:

Authority for section, see G.S. § 160A-179

§ 130.11 INTERFERENCE WITH A FIREFIGHTER OR POLICE OFFICER PROHIBITED.

No person shall interfere with any firefighter or police officer in the discharge of his duty.

('81 Code, § 8-47) Penalty, see § 10.99

§ 130.12 CONCEALED WEAPONS.

(A) No person shall carry a concealed handgun in any Town governmental buildings or on Town property. An appropriate notice of said prohibition shall be posted in a conspicuous place on each Town-owned building notifying persons of said prohibition against carrying a concealed handgun therein.

(B) This section shall not apply to law enforcement or other governmental personnel acting within the scope of their employment. (Ord. Passed 11-21-95)

§ 130.13 POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND UNFORTIFIED WINE.

(A) It shall be unlawful to:

(1) Consume malt beverages or unfortified wine on the public streets in Town on properties owned, occupied, or controlled by the Town.

(2) Posses open containers of malt beverages and unfortified wine on public streets in Town and on properties owned, occupied, or controlled by the Town.

(3) Possess open containers of malt beverages and unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events.

Violations of this section shall be charged under G.S. § 18B-300(C).

EMERGENCY CURFEW

§ 130.25 DEFINITION.

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

STATE OF EMERGENCY. A “State of Emergency” shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, catastrophe or similar public emergency, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives, safety and property. ('81 Code, § 10-46) (Ord. Passed 4-8-68)

Statutory reference:

States of emergency, see G.S. § 14-288.12 et seq.

Cooperation between law-enforcement agencies, see G.S. § 160A-288

§ 130.26 WHEN IMPOSED.

In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the Town, or threatening damage to or destruction of property, the Board of Commissioners are hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a State of Emergency and, in order more effectively to protect the lives, safety and property of people within the Town, the define and impose a curfew applicable to all persons within the jurisdiction of the Town. ('81 Code, § 10-47) (Ord. Passed 4-8-68)

Statutory reference: *Authority for section, see G.S. § 14-288.12*

§ 130.27 SPECIFICATION OF TIME AND PLACE; EXEMPTIONS.

The Board of Commissioners is hereby authorized and empowered to limit the application of a curfew imposed under this article to any area specifically designed and described within the corporate limits of the Town, and to specify hours of the day or night; and to exempt from the curfew police officers, firefighters, doctors, nurses and other classes of persons that may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of the people within the Town. ('81 Code, § 10-48) (Ord. Passed 4-8-68)

§ 130.28 PROHIBITED ACTS.

During the existence of a proclaimed State of Emergency, when a curfew has been imposed, persons are prohibited and restricted from the following activities:

- (A) Movements of people in public places;

(B) The operation of offices, business establishments, and other places to or from which people may congregate;

(C) The possession, transportation, sale, purchase, and consumption of alcoholic beverages;

(D) The possession, transportation, sale, purchase, storage, and use of dangerous weapons and substances, and gasoline;

(E) Activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the State of Emergency.

('81 Code, § 10-49) (Ord. Passed 4-8-68) Penalty, see § 10.99

Statutory reference:

Authority for above section, see G.S. § 14-288.12

§ 130.29 RESCISSION.

The Board of Commissioners shall proclaim the end of a state of emergency and curfew as soon as circumstances warrant. ('81 Code, § 10-50) (Ord. Passed 4-8-68)

Statutory reference:

Rescission or expiration of proclamation of emergency, see G.S. § 14-288.16