

TITLE XIII: GENERAL OFFENSES

Chapter

- 130. OFFENSES AGAINST PROPERTY, PUBLIC PEACE,
AND ORDER
- 131. DRUG AND ALCOHOL RELATED OFFENSES
- 132. WEAPONS OFFENSES

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CHAPTER 130: OFFENSES AGAINST PROPERTY, PUBLIC PEACE, AND ORDER

Section

Offenses Against Public Property

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- 130.03 Curfew for minors

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- 130.15 Begging
- 130.16 Public urination and defecation

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OFFENSES AGAINST PUBLIC PROPERTY

§ 130.01 DAMAGING PUBLIC PROPERTY.

(A) It shall be unlawful to deface, vandalize, or otherwise damage any public property in the town.

(B) No person shall injure, tamper with, remove, paint upon, or deface any bridge, culvert, ditch, and drain, sign, sign post, street light, traffic signal, bulletin board, or other municipal property upon the streets and sidewalks or elsewhere except employees of the town in the performance of their duties. Penalty, see § 130.99

§ 130.02 LITTERING.

(A) (1) It shall be unlawful for any person, firm, or corporation, or the servants, agents, or employees thereof, to place or leave to be placed or left temporarily or permanently any trash, refuse, garbage, scrapped automobile, scrapped truck or parts thereof, on the streets or other public areas in the town.

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(2) This section shall not prohibit the use of garbage cans or refuse containers placed for the purpose of pick-up by city garbage or trash trucks, nor the placing of trash or refuse in designated places for the purpose of being picked up by garbage or refuse trucks on the days designated for such pickup.

(B) It shall be unlawful for any person, firm, or corporation to throw or deposit upon any street or sidewalk, or upon any private property, except with written permission of the owner any trash, refuse, garbage, building material, cans, bottles, broken glass, paper, or any other type of litter.

(C) It shall be unlawful for any person while a driver or a passenger in a vehicle to throw or deposit litter upon any street or other public place within the town, or upon private property.
Penalty, see § 130.99

§ 130.03 CURFEW.

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

(1) ***CURFEW HOURS.***

(a) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and

(b) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

(2) ***EMERGENCY.*** An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes but is not limited to a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(3) ***ESTABLISHMENT.*** Any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

(4) ***GUARDIAN.***

(a) A person who, under court order, is the guardian of the person of a minor; or

(b) A public or private agency with whom a minor has been placed by a court.

(5) ***MINOR.*** Any person under 17 years of age.

(6) ***OPERATOR.*** Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

(7) **PARENT.** A person who is:

(a) A natural parent, adoptive parent, or step-parent of another person; or

(b) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

(8) **PUBLIC PLACE.** Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(9) **REMAIN.**

(a) Linger or stay; or

(b) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

(10) **SERIOUS BODILY INJURY.** Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(B) *Offenses.*

(1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.

(2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(3) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(C) *Exemptions.*

(1) It is a exemption to division (B) that the minor was:

(a) Accompanied by the minor's parent or guardian;

(b) On an errand at the direction of the minor's parent or guardian, without any detour or stop;

(c) In a motor vehicle involved in interstate travel;

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(d) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(e) Involved in an emergency;

(f) 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;

(g) 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;

(h) 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

(i) Married or had been married or had disabilities of minority removed in accordance with state law.

(2) It is a defense to prosecution under division (B)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(D) *Enforcement.* Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, including any investigation additional to the actions required by this division (D) as a reasonable person would deem necessary, no exemption in division (C) is present.

DISORDERLY PUBLIC CONDUCT

§ 130.15 BEGGING.

It shall be unlawful for any person to beg or solicit alms in or on the public streets and sidewalks or other public places in the town, or in the entrances to or corridors of any public buildings in the town without first securing a permit from the Town Clerk.

Penalty, see § 130.99

Statutory reference:

Authority to regulate begging, G.S. § 160A-179

§ 130.16 PUBLIC URINATION AND DEFECATION.

It shall be unlawful for any person to deposit, by means of urination or defecation, any human waste material upon any public street, sidewalk, right-of-way, alley, or parking lot. For purposes of this section, *HUMAN WASTE MATERIAL* shall be defined as human urine or human fecal material discharged from the body.

Penalty, see § 130.99

§ 130.99 PENALTY.

(A) Unless specifically provided, any person who shall violate any provision of this chapter shall be punished as set forth in § 10.99.

(B) Any person who violates the provisions of § 130.02 shall be punished by a fine not exceeding \$500 or imprisoned not exceeding 30 days, or both, for each offense. The placing, discarding, disposing, or leaving of articles forbidden by § 130.02 shall, for each day or portion thereof the articles or matter are left, constitute a separate offense.

(C) Any person who violates the provisions of §§ 130.30 through 130.37 shall be guilty of a misdemeanor and shall be fined not more than \$500, or imprisoned for not more than 30 days.

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CHAPTER 131: DRUG AND ALCOHOL RELATED OFFENSES

Section

- 131.01 Consumption and possession of alcoholic beverages in public places
- 131.02 Loitering for purpose of engaging in drug related activity

§ 131.01 CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES.

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

MALT BEVERAGE. Beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage containing at least 0.5% and not more than 6% alcohol by volume.
(G.S. § 18B-101(9))

OPEN CONTAINER. A container whose seal has been broken or a container other than the manufacturer's unopened original container.

PUBLIC STREET. Any highway, road, street, avenue, boulevard, alley, bridge, or other way within and/or under the control of the town and open to public use including sidewalks of any such street.

UNFORTIFIED WINE. Wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet, or dextrose sugar.
(G.S. § 18B-101(15))

(B) *Consumption on the public streets and on municipal property prohibited.* It shall be unlawful for any person who is not an occupant of a motor vehicle to consume malt beverages and/or unfortified wine on public streets. Furthermore, it shall be unlawful for any person to consume malt beverages and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, or controlled by the town including but not limited to public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, tennis courts, and other athletic fields.

(C) *Possession of open containers on the public streets and on municipal property prohibited.* It shall be unlawful for any person who is not an occupant of a motor vehicle to possess any open container of malt beverage and/or unfortified wine on the public streets. Furthermore, it shall be unlawful for any

person to possess any open container of malt beverage and/or unfortified wine on any property, whether located inside or outside the corporate limits, owned, occupied, or controlled by the town, including but not limited to public buildings and the ground appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, tennis courts, or other athletic fields.

(D) *Possession during special events prohibited.* It shall be unlawful for any person to possess malt beverages and/or unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, unless the governing body adopts a resolution making other provisions for the possession of malt beverages and/or unfortified wine at the special event.

Penalty, see § 10.99

Cross-reference:

Sunday sales of beer and wine unlawful, see § 116.01

§ 131.02 LOITERING FOR PURPOSE OF ENGAGING IN DRUG RELATED ACTIVITY.

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

PUBLIC PLACE. Any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot or a motor vehicle in or on any of those places, or any property owned by the town.

(B) It shall be unlawful for a person to remain or wander about in a public place under circumstances manifesting the purpose to engage in a violation of the State Controlled Substance Act, G.S. Chapter 90, and Article 5. Such circumstances are as follows:

(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 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;

(5) Such person repeatedly passes to or receives from passersby, whether on foot or from a vehicle, money or objects;

(6) Such person takes flight upon the approach or appearance of a law enforcement officer;
and/or

(7) Such person is at a location frequented by persons who use, possess, or sell drugs.

(C) Violation of this section shall be a misdemeanor.
(Ord. passed 6-6-1994)

CHAPTER 132: WEAPONS OFFENSES

Section

- 132.01 Discharge of firearms or other weapons
- 132.02 Concealed weapons
- 132.03 Firebombs prohibited

§ 132.01 DISCHARGE OF FIREARMS OR OTHER WEAPONS.

It shall be unlawful for any person to fire or discharge any rifle, gun, pistol, pellet gun, air gun, air pistol, or air rifle within the town, on or off his or her premises, in sport or amusement.

Penalty, see § 10.99

§ 132.02 CONCEALED WEAPONS.

(A) *Posting of signs required.* The Town Manager is authorized and instructed to post conspicuous signage at appropriate locations on or within each park and each building or portion of a building owned, leased as lessee, operated, occupied, managed, or controlled by the town, as well as the appurtenant premises to such buildings indicating that carrying a concealed handgun is prohibited therein.

(B) *Location of signs.* Signs on buildings shall be visibly posted on the exterior of each entrance by which the general public can access the building. The Town Manager shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises and parks.

Penalty, see § 10.99

§ 132.03 FIREBOMBS PROHIBITED.

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

FIREBOMB. Any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

MOLOTOV COCKTAIL. Any breakable container or any container which is designed in a manner that upon being propelled it will at impact empty its contents, which are a flammable fluid or substance, and which is fitted with a fuse or wick.

(B) It shall be unlawful for any person or persons to manufacture, possess, transport, or use any Molotov cocktail or any other firebomb.

(C) It shall be unlawful for any person or persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or her or their premises. The provisions of this section shall be cumulative and in addition to any other ordinance or general statute on this subject.

(D) The Chief of Police shall be authorized to enforce this section.
Penalty, see § 10.99