

TITLE XIII: GENERAL OFFENSES

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Chapter

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**CHAPTER 130: GENERAL REGULATIONS**

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**§ 130.01 INTERFERENCE WITH PUBLIC SAFETY OFFICERS.**

(A) *Police Department.* It shall be unlawful to interfere with, hamper, molest, resist or hinder a police officer in the lawful discharge of his or her duty.

(B) *Fire Department.*

(1) No person shall be where a fire is in progress in a way as to interfere with the duties of the Fire Department; nor shall any vehicle be driven nearer than 50 feet to any fire truck when that truck is proceeding to a fire.

(2) No person shall enter in or on any buildings or grounds occupied by the Fire Department or interfere with a firefighter in the discharge of his or her duty, or hinder him or her in the performance of that duty; nor shall any person other than members of the Fire Department loiter about any fire station, or change, handle or meddle in any manner with any fire engine or any other fire apparatus.

(3) No person other than a bona fide member of the Fire or Police Department shall mount any fire engine, wagon or apparatus before it leaves the station or while on its way to or from a fire, or at any other time, unless by permission of the driver or officer in command of that engine, wagon or other apparatus.

(1993 Code, § 46-2) Penalty, see § 10.99

**§ 130.02 LOITERING FOR PURPOSE OF ENGAGING IN DRUG-RELATED ACTIVITY.**

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

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**KNOWN UNLAWFUL DRUG USER, POSSESSOR OR SELLER.** 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. Chapter 90-87 *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 of federal law.

**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 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 in a manner and under circumstances manifesting the purpose to engage in a violation of any subdivision of the North Carolina Controlled Substances Act, G.S. §§ 90-87 *et seq.* These 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) That person is a known drug user, possessor or seller;

(5) That 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;

(6) That person repeatedly passes to or receives money or objects from passersby, whether on foot or in a vehicle;

(7) That person takes flight upon the approach or appearance of a police officer;

(8) That 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 have been involved in drug-related activities.

(1993 Code, § 46-3) Penalty, see § 10.99

### **§ 130.03 DISTRIBUTION OF OFFENSIVE MATTER.**

(A) It shall be unlawful for any person to print, publish, distribute or cause to be printed, published or distributed, by any means, or in any manner whatsoever, any handbill, circular, booklet, pamphlet, leaflet, card, sticker, periodical, literature or paper which tends to expose any individual or group to hatred, contempt, ridicule or obloquy, unless the same has clearly printed or written thereon:

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(1) The true name and post office address of the person causing the same to be printed, published or distributed; and

(2) If that name is that of a firm, corporation or organization, the name and post office address of the individual acting in its behalf in causing that printing, publication or distribution.

(B) This section shall not be construed to relieve the author, distributor or person who causes to be printed, published or distributed any of the matter herein set forth, from any civil or criminal liability now or hereafter imposed by law or ordinance.

(1993 Code, § 46-4) Penalty, see § 10.99

### **§ 130.04 DISCHARGE OF FIREARMS.**

No person shall discharge, fire or cause to explode any firearm, fireworks, pyrotechnics or other explosive, except as allowed by state law. Police officers in the performance of their official duties are exempt from the provisions of this section.

(1993 Code, § 46-5) Penalty, see § 10.99

***Statutory Reference:***

*Authority to regulate the discharge of firearms, see G.S. § 160A-189*

### **§ 130.05 PROJECTILES; ARCHERY RANGES.**

No person shall shoot or project any stone, rock, shot or other hard substance by means of a slingshot, bean shooter, shot shooter, air rifle, pop gun, bow or other similar contrivance; provided, that archery shooting may be engaged in on those premises as may be set aside and approved therefor by the Board of Commissioners.

(1993 Code, § 46-6) Penalty, see § 10.99

### **§ 130.06 POSSESSION OF NUNCHAKUS.**

(A) It shall be unlawful for any person to have in his or her possession or within ready access of his or her possession any device constructed, manufactured or assembled so as to be made of pieces of wood or other material joined together by a section of cord, rope, chain or other similar material and commonly known as a nunchakus, the possession or ready access of possession to be in any public place within the town and that device having no other purpose except to be used as a weapon.

(B) Any member of the Police Department shall have authority to confiscate any like device as described in division (A) above.

(1993 Code, § 46-7) Penalty, see § 10.99

**§ 130.07 ELECTRIC FENCES.**

It shall be unlawful for any person to build, erect, construct or otherwise have on his or her premises, or the premises rented or occupied by him or her or controlled by him or her, an electric fence, or fence charged with electricity, whereby any person may be shocked by coming into contact with same.

(1993 Code, § 46-8) Penalty, see § 10.99

**§ 130.08 INTERFERENCE OR INJURY TO FIRE ALARM SYSTEM; FALSE ALARMS.**

(A) No person shall interfere carelessly or willfully with the fire alarm system or injure the poles, wires, boxes or other apparatus connected therewith.

(B) No person shall give or cause to be given any false alarm of fire by means of the fire alarm system or otherwise.

(1993 Code, § 46-9) Penalty, see § 10.99

**§ 130.09 UNAUTHORIZED USE OF POLICE WHISTLE, FIRE SIGNALS.**

No person without special authority from the Chief of Police or Fire Chief shall carry or use any whistle, bell, horn or siren similar in appearance or sound to the whistles, horns or sirens used by the Police or Fire Department.

(1993 Code, § 46-10) Penalty, see § 10.99

**§ 130.10 INJURY TO OR INTERFERENCE WITH TOWN PROPERTY.**

No person shall willfully or negligently injure or interfere with any valve, valve box, meter, meter box, storm or sanitary sewer manhole cover, storm sewer catch basin cover, fire hydrant, police or fire alarm box, traffic signal or any other property used in the town's water, sewer, police or fire alarm system.

(1993 Code, § 46-11) Penalty, see § 10.99

**§ 130.11 CLIMBING ON TOWN WATER TANK.**

It shall be unlawful for any person, other than persons employed by the town, to climb up the water tank in the town.

(1993 Code, § 46-12) Penalty, see § 10.99

**§ 130.12 FAILURE TO PAY FARES, FEES.**

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.

(1993 Code, § 46-13) Penalty, see § 10.99

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Section

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**§ 131.01 PURPOSE.**

(A) The purpose of this chapter is to protect juveniles from victimization and exposure to criminal activity by establishing a curfew for juveniles under the age of 16 years in the Town of Enfield. This chapter is intended to reinforce and to promote the role of the parent in raising and guiding children, and promote the health, safety, peace and welfare of both juveniles and adults by creating an environment that offers better protection and security for all concerned.

(B) The Board of Commissioners finds that minors are particularly vulnerable to night time crime and drug use and that they do not always make good decisions about whether they should take part in a like activity.

(Ord. passed 6-24-2003)

**§ 131.02 DEFINITIONS.**

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

***DIRECT ROUTE.*** The shortest reasonable path of travel or a commonly used route to reach a final destination without any detour or stop along the way.

***ESTABLISHMENT.*** A privately owned place of business operated for profit to which the public has access or is invited including, but not limited to, a place of amusement or entertainment.

***GUARDIAN.*** A person who is court-appointed to be the guardian of a juvenile.

***JUVENILE.*** An unemancipated person under the age of 16 who is not lawfully married.

***PARENT.*** A person who is a natural parent, adoptive parent, foster parent or step-parent or any other person to whom legal custody has been given by court order.

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**PUBLIC PLACE.** A place that is generally open to and used by the public or a substantial group of the public, whether it be publicly or privately owned, including but not limited to, streets, sidewalks, highways, alleys, rights-of-way, public vehicular areas, parking lots, transportation facilities, theaters, restaurants, shops, schools and school-grounds, places of business and amusement, playgrounds and parks.

(Ord. passed 6-24-2003)

### § 131.03 OFFENSES.

It is a violation of this chapter for:

(A) A juvenile to be in a public place or on the premises of an establishment within the town at any time from 11:00 p.m. at night until 5:00 a.m. of the following day;

(B) A parent or guardian of a juvenile to knowingly permit or by insufficient control, allow the juvenile to be in a public place or on the premises of an establishment within the town during the restricted hours stated in division (A) above. **KNOWINGLY** includes knowledge that a parent should reasonably be expected to possess concerning the whereabouts of a juvenile in that parent's legal custody. This requirement is intended to hold a neglectful or careless parent to a reasonable community standard of parental responsibility. It shall be no defense that a parent was indifferent to the activities or conduct or whereabouts of the juvenile;

(C) The owner, operator or an employee of an establishment knowingly allows a juvenile to remain upon the premises of the establishment during the restricted hours stated in division (A) above. **KNOWINGLY** includes knowledge that an owner, operator or employer should reasonably be expected to have concerning the patrons of an establishment;

(D) A person 16 years of age or older to aid or abet a juvenile in the violation of division (A) above; or

(E) A parent or guardian to refuse to take custody of a juvenile for whom the parent or guardian is responsible, during the restricted hours stated in division (A) above.

(Ord. passed 6-24-2003) Penalty, see § 131.99

### § 131.04 EXCEPTIONS.

A juvenile who is in a public place or establishment during the restricted hours stated in § 131.03 above shall not be in violation of this chapter if the juvenile is:

(A) Accompanied by a parent or guardian;

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(B) Accompanied by an adult 18 years of age or older authorized by the parent or guardian of the juvenile to take the parent or guardian's place in accompanying the juvenile for a designated period of time and purpose within a specified area;

(C) On an errand, using a direct route, at the direction of the juvenile's parent or guardian until the hour of 12:30 a.m.;

(D) In a motor vehicle with parental consent engaged in travel through the town or originating or terminating in the town;

(E) Traveling in a motor vehicle with a parent or guardian, or traveling in a motor vehicle with an adult 18 years of age or older authorized by the parent or guardian of the juvenile to take the parent or guardian's place in accompanying the juvenile for a designated period of time and purpose within a specified area;

(F) Engaged in a lawful employment activity, or using a direct route to or from a place of employment;

(G) Reacting or responding to an emergency;

(H) Attending or traveling to or from, by direct route, an official school, religious or recreational activity that is supervised by adults and sponsored by a public or private school, the Town of Enfield or other governmental entity, a civic organization, a church or other similar entity that accepts responsibility for the juvenile;

(I) Exercising rights protected by the United States or North Carolina Constitution such as the free exercise of religion, freedom of speech and the right of assembly;

(J) Traveling in instances of reasonable necessity, if the juvenile possesses a written statement signed by the juvenile's parent or guardian that: identifies the juvenile; states the purpose and reasonable necessity of the travel; and specifies the time, origin and destination of travel; or

(K) Engaged in a lawful activity on a sidewalk immediately adjacent to the juvenile's residence.  
(Ord. passed 6-24-2003)

### **§ 131.05 DEFENSE.**

An owner, operator or employee of an establishment may not be prosecuted under § 131.03 if the person promptly notified the Police Department that a juvenile was present on the premises of the establishment during the restricted hours and refused to leave.

(Ord. passed 6-24-2003)

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**§ 131.99 PENALTY.**

(A) A juvenile who violates this chapter is subject to being adjudicated delinquent. The court may, in its discretion, impose any dispositional alternative that is provided in the North Carolina Juvenile Code for a juvenile who is delinquent.

(B) Any person other than a juvenile who violates this chapter shall be subject to the provisions of § 10.99.

(Ord. passed 6-24-2003; Am. Ord. 3-18-19)