

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

131. YOUTH PROTECTION

132. PROHIBITING SEX OFFENDERS

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Cross-reference:

For provisions concerning the Fire Department, see Ch. 32
For provisions concerning fire prevention, see Ch. 94
For provisions defining the fire limits of the town, see Ch. 150

§ 130.01 CLIMBING WATER TOWERS.

It shall be unlawful for any person other than an employee of the town in the discharge of his duties, without first obtaining written authority from the Mayor or Town Council, to go or climb on or upon, or in any manner ascend any town water tank or reservoir, its towers or supports, or any part thereof. ('82 Code, Ch. 18, Art. I, § 4) Penalty, see § 130.99

§ 130.02 FIREARMS; DISCHARGING IN TOWN.

It shall be unlawful for any person to fire a pistol, gun or other firearm within the town, except a peace officer in the discharge of his duties. ('82 Code, Ch. 12, § 12-8) Penalty, see § 130.99

§ 130.03 DISTURBING PUBLIC MEETINGS.

It shall be unlawful for any person to disturb any public meeting or exhibition, whether held in a building or out-of-doors, in any manner whatsoever. ('82 Code, Ch. 12, § 12-9) Penalty, see § 130.99

§ 130.04 DAMAGE TO FLOWERS.

It shall be unlawful for any person to pluck, cut or break in any manner any flowers or other things kept for ornament in any park, private yard or public square. ('82 Code, Ch. 12, § 12-10) Penalty, see § 130.99

§ 130.05 DEFACING PUBLIC PROPERTY.

It shall be unlawful for any person to mark or deface the walls of any public building, or the paved sidewalk of any street, or any other public property. ('82 Code, Ch. 12, § 12-11) Penalty, see § 130.99

§ 130.06 DEFACING TELEGRAPH, TELEPHONE, ELECTRIC LIGHT AND POWER POLES.

It shall be unlawful for any person to deface, or injure by cutting, painting or posting of bills or other materials on, any telegraph, electric light or power pole on any street or public place in the town; provided that nothing herein shall be construed to

apply to any officer or employee of the town or of the utility company removing any pole in the discharge of his duty.

('82 Code, Ch. 12, § 12-12) (Ord. of 8-2-76)

Penalty, see § 130.99

§ 130.07 EXPOSURE OF THE FEMALE BREAST PROHIBITED.

(A) It shall be unlawful for any female, over age 14, or any other physically developed female, to expose her breast or breasts in such a manner that they may be seen from any street or highway, any place of entertainment, including any restaurant, club, or any public place of any kind by a member of the opposite sex.

(B) As used in this section, **EXPOSE HER BREAST OR BREASTS** is defined as the revealing of the female breast or breasts with less than a fully opaque covering on any portion or portions thereof below the top of any part of the areola, or the exposure of any part of the areola.

(C) It shall be unlawful for the owner or operator of any place of entertainment, including a restaurant, club, dance hall, or any other public establishment of any kind to allow or permit any waitress, dancer, entertainer, or other employee of such establishment to publicly expose her breast or breasts as used herein to members of the opposite sex.

(Ord. 95-1, passed 1-9-95) Penalty, see § 130.99

§ 130.08 UNLAWFUL ASSEMBLY IN TOWN-OWNED PARKING LOT; TRESPASS UPON PRIVATELY OWNED PARKING LOT.

(a) Town-owned parking lot. It shall be unlawful for any person to assemble with one or more other persons on a town-owned or controlled parking lot except for the purpose of lawfully parking a vehicle in the lot. It shall not be a violation of this section to lawfully park a vehicle in a town parking lot and leave the lot without delay, or go upon a town parking lot and without delay proceed to a lawfully parked vehicle and then leave. Town parking lots will be clearly posted stating the prohibition.

(B) Constitutional exception. The prohibition in division (A) above shall not apply to a congregation of persons pursuant to any lawfully issued permit for a parade, demonstration, picketing or other event or congregation protected under the Constitution of the United States or this state.

(C) Town parking lot defined. As used in this section, **TOWN PARKING LOT** shall mean any parking lot owned or controlled by the town and maintained for public or public and leased space parking.

(D) Privately owned parking lot. It shall be unlawful for any person to enter or remain upon any privately owned parking lot or publicly owned lot owned by a governmental entity other than the town, after normal working hours and on weekends when the owner, lessee or authorized agent has posted a sign or signs clearly stating the prohibition. The sign(s) shall be placed in a position where it is clearly visible and shall contain the following language:

NO PARKING OR TRESPASSING BETWEEN
___ P.M. and ___ A.M.
VIOLATORS WILL BE PROSECUTED

Signs may be obtained at cost from the Public Services Department of the town or shall meet the specifications for those signs as directed by the Director of Public Services.

(E) Exceptions. The prohibitions in divisions (A) and (D) above shall not apply to:

(1) Temporary entrance to the parking lot in an emergency or to avoid an accident.

(2) Entrance by police officers or city officials in the course of duty.

(3) Entrance by fire, ambulance, and other emergency personnel and equipment, in the course of duty.

(4) Turning around to travel on the same street in the opposite direction.

(5) Entrance by the owner, occupant or the employees and agents of the owners or occupant.

(6) The conducting of business at financial institutions/banks, (such as night deposits or ATM transactions).

(7) The congregation of persons to observe a parade or a publicly sponsored or sanctioned event (such as a festival, celebration, or other similar event).

(F) Special events. The owner or person in charge of any privately owned parking lot may grant temporary permission to use the lot during any specified hours, when parking or trespassing is normally prohibited, by posting temporary signs or posters to that effect. The owner or person in charge shall notify the Police Department of any such temporary permission.
(Ord. 95-6, passed 8-7-95) Penalty, see § 130.99

(a) A citation for said penalty shall be issued by the Elizabethtown Police Department.
(Am. Ord. 94-6, passed 11-7-94)

(B) This chapter may also be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

§ 130.09 POSTING OF SIGNS PROHIBITING CARRYING CONCEALED WEAPONS ON MUNICIPAL PROPERTY.

(A) *Posting of Signs Required.* The Town Council 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 Council shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises and parks.
(Ord. 95-8, passed 11-6-95)

§ 130.99 PENALTY.

(A) (1) Whoever violates any provision of this chapter shall subject the violator to punishment as provided in § 10.99 of this code of ordinances.

Section

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- 131.11 Refusal of custodian to take custody of a juvenile

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CHAPTER 131: YOUTH PROTECTION

AUTHORIZED ADULT. Parent, guardian or someone over 18 years of age authorized by the parent or guardian in writing to accompany the juvenile for a designated period of time.

CUSTODIAN. A parent, guardian, step-parent, foster parent, house parent, or other person legally responsible for the care and custody of a juvenile as defined by this chapter.

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.

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 death. This term also shall include any action that is reasonably necessary in order to respond to the medical needs of a family member of the juvenile, regardless of whether the juvenile’s action is taken in order to prevent death or serious bodily injury.

ESTABLISHMENT. Any privately owned place of business operated to which the public has access or is invited including but not limited to any place of amusement or entertainment.

JUVENILE. Any person under the age of 16 years who is not married or been emancipated.

MINOR. Any person under the age of 18 years.

NON-SCHOOL NIGHT. A night before a day when the Bladen County School System will not be open and operating for students, as determined by the Bladen County school calendar, as adopted by the

§ 131.01 PURPOSE.

The purpose of this chapter is to protect juveniles from victimization and exposure to criminal activity by establishing a curfew for minors under the age of 16 years in the Town of Elizabethtown. This chapter is intended to promote the health, safety and welfare of both juveniles and adults by creating an environment providing better protection and security for all concerned. The purpose is also to protect juveniles from improper influences and criminal activity that occurs after the curfew hour. (Ord. CO-2007-01, passed 6-5-07)

§ 131.02 DEFINITIONS.

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

Bladen County Board of Education (traditionally Friday night and Saturday but also including summer vacation, holidays and teacher work days).

OWNER/OPERATOR. Any individual, firm, association, partnership or corporation, operating, managing or conducting any establishment, including the employees, members or partners of an association or partnership and the officers of a corporation.

PARENT. A person who is a natural parent, adoptive parent, foster parent or stepparent of another person, or a person to whom legal custody has been given by court order.

PUBLIC PLACE. Any 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, highways, alleys, rights-of-ways, public vehicular areas and parking lots, shops, restaurants, convenience stores, schools and school grounds, places of business and amusement, playgrounds, parks, church grounds, similar areas that are open to the public, and other common areas open to or accessible to the public.

RESTRICTED HOURS. The time that it is unlawful for any juvenile to be in or upon or remain in or upon any public place as specified in § 131.03. The time of day or night referred to herein is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Savings Time, generally observed at that hour by the public in the Town of Elizabethtown, North Carolina.

SCHOOL NIGHT. The night before a day the Bladen County School System will be open and operating for students, as determined by the Bladen County school calendar, as adopted by the Bladen County Board of Education (traditionally Sunday, Monday, Tuesday, Wednesday and Thursday nights during a school year, excluding summer vacation, holidays and teacher work days).
(Ord. CO-2007-01, passed 2-5-07)

§ 131.03 TIME LIMITS.

(A) *Nighttime time limits.* It is unlawful for any juvenile to be in or upon or remain in or upon any public place as defined in § 131.02 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 12:00 midnight and 5:00 a.m. on non-school nights and between the hours of 11:00 p.m. and 5:00 a.m. of the following mornings on school nights (as defined by § 131.02).

(B) *Out-of-school suspension time limits.* It is unlawful for any juvenile who has been suspended from school or has failed to attend school for any reason during regular school hours, who is not in the company of a parent or guardian, to be or remain upon any establishment or public place in the town between the hours of 7:30 a.m. and 4:30 p.m. on any school day.
(Ord. CO-2007-01, passed 2-5-07)

§ 131.04 OFFENSES.

Except as provided by § 131.05, the following offenses constitute a violation of this chapter:

(A) A person under the age of 16 years shall be in violation of this chapter by being present in any public place or establishment within the town during the restricted hours.

(B) It shall be a violation of this chapter for any person 16 years or older to aid or abet a juvenile in the violation of division (A) above.

(C) A parent or guardian of a juvenile shall be in violation of this chapter if he or she knowingly permits, and/or by inadequate supervision, allows the juvenile to remain on the premises of any establishment or in any public place within the town during the restricted hours, as listed in § 131.03.

(D) It shall be a violation of this chapter for a parent or guardian of a juvenile to refuse to take custody of the juvenile during the restricted hours.

(E) The owner, operator, or any employee of an establishment shall be in violation to this chapter if he or she knowingly allows a juvenile to remain upon the premises of the establishment during the restricted hours. The term **KNOWINGLY** includes knowledge that an operator or employer should reasonably be expected to have concerning the patrons of an establishment.
(Ord. CO-2007-01, passed 2-5-07) Penalty, see § 131.99

§ 131.05 EXCEPTIONS.

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

- (A) Accompanied by a parent, guardian or authorized adult (as defined by § 131.02) over 18 years of age.
- (B) Engaged in a lawful employment activity or using a direct route to or from a place of employment.
- (C) While traveling in a motor vehicle with parental consent.
- (D) Reacting or responding to an emergency.
- (E) Temporarily within the town or on town property while engaged in interstate travels.
- (F) Attending or traveling to or from, by direct route, any school, religious or recreational activity or other organized activity which is supervised by adults and that accepts responsibility for the juvenile. The parent or guardian must have knowledge of the organized activity in which the juvenile is involved.
- (G) Married or emancipated.
- (H) Authorized by an individual special permit from the Chief of Police or his or her designee carried on the person of the juvenile thus authorized, as set forth in § 131.06(A).

(I) When authorized by regulation issued by the Chief of Police or his or her designee in other similar cases of reasonable necessity, similarly handled as set forth in § 131.06(B) but adapted to reasonably necessary nighttime activities of more juveniles than can readily be dealt with on an individual special permit basis.
(Ord. CO-2007-01, passed 2-5-07)

§ 131.06 SPECIAL PERMIT.

(A) *Individual special permit.*

(1) When necessary nighttime activities of a juvenile may be inadequately provided by other provisions of this chapter, application may be made in writing to the Chief of Police or his or her designee. The application shall be in writing, signed by a juvenile and by the parent of a juvenile, if feasible, stating:

- (a) The name, age, and address of the juvenile and the telephone number of a parent;
- (b) The height, weight, sex, color of eyes and hair, and other physical characteristics of the juvenile;
- (c) The necessity that requires the juvenile to remain upon a public place during the restricted hours;
- (d) The public place; and
- (e) The beginning and ending of the period of time involved by date and hour.

(2) Upon receipt of the application, the Chief of Police or his or her designee may issue a written permit for the juvenile’s use of the public place at such hours as, in the opinion of the Chief of Police, may be reasonable, necessary, and consistent with the purpose of this chapter.

(B) *Large group special permit.* As mentioned in § 131.05(J), a special permit can be adapted to

reasonably necessary nighttime activities of more juveniles than can readily be dealt with on an individual special permit basis. Normally, such regulation by the Chief of Police or his or her designee permitting use of public places should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools, and shall define the activity, the scope of the use of the public places permitted, the period of time involved not to extend more than one hour beyond the time for termination of the activity, and the reason for finding that the regulations reasonably necessary and is consistent with the purposes of this chapter.
(Ord. CO-2007-01, passed 2-5-07)

§ 131.07 OTHER EXCEPTIONS.

The owner, operator, or any employee of an establishment shall not be in violation of this chapter if the owner, operator or employee of an establishment notifies the Police Department that a juvenile was present on the premises of the establishment during restricted hours and refused to leave.
(Ord. CO-2007-01, passed 2-5-07)

§ 131.08 RESPONSIBILITY OF ADULTS.

(A) *Responsibility of custodian.* It is unlawful for any custodian to allow or permit any juvenile 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 § 131.03, except as provided in § 131.05.

(B) *Responsibility of business establishment.* It is unlawful for any person, firm or corporation operating a place of business or amusement to allow or permit any juvenile 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 § 131.03, except as provided in § 131.05.
(Ord. CO-2007-01, passed 2-5-07)

§ 131.09 ENFORCEMENT.

(A) When a juvenile is found to be in violation of this chapter, a police officer will check with the records of the Elizabethtown Police Department to determine if the juvenile is a first offender. If the juvenile 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 juvenile and the custodian, the time, date, and location of the offense. This report will be turned into the Police Department Records Division.

(B) If, upon checking with the records of the Elizabethtown Police Department, the juvenile 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 chapter. A report will be turned in to communications center and entered into the Police Department Records Division, the juvenile may be treated as a delinquent juvenile, and a criminal summons charging a violation of this chapter may be issued to the juvenile.

(C) If the juvenile is under 12 years of age, a report will be made and a copy forwarded to the Bladen County Department of Social Services.
(Ord. CO-2007-01, passed 2-5-07)

§ 131.10 AIDING AND ABETTING BY ADULT, GUARDIAN, OR PARENT.

It shall be a violation of this chapter for any person over 18 years of age to aid or abet a juvenile in the violation of § 131.03.
(Ord. CO-2007-01, passed 2-5-07) Penalty, see § 131.99

§ 131.11 REFUSAL OF CUSTODIAN TO TAKE CUSTODY OF A JUVENILE.

If the custodian of a juvenile found to be in violation of this chapter refuses to take custody of such juvenile, the officer having custody of the juvenile child shall contact the Bladen County Department of Social Services and release the juvenile 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 chapter.

(Ord. CO-2007-01, passed 2-5-07) Penalty, see § 131.99

§ 131.99 PENALTY.

(A) When a juvenile is found to be in violation of this chapter, a police officer will check with the records of the Elizabethtown Police Department to determine if the juvenile is a first offender. If the juvenile 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 juvenile and the custodian, the time, date, and location of the offense. This report will be turned into the Police Department Records Division.

(B) A juvenile who violates any provision of this chapter and who is not a first offender of this chapter is subject to being adjudicated delinquent. The court may, in its discretion, impose any dispositional alternative(s) that are provided in the North Carolina Juvenile Code for any juvenile who is delinquent.

(C) Any person other than a juvenile who violates any provision of this chapter shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$100 and imprisonment in the discretion of the court in accordance with G. S. § 14-4.

(Ord. CO-2007-01, passed 2-5-07)

Section

132.01 Purpose

132.02 Definitions **CHAPTER 132: PROHIBITING SEX OFFENDERS**

132.03 General offense

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Cross-reference:

Parks and recreation, see Ch. 99

is (or should be) published on any state or federal registered sex offender listing, including, but not including, the State of North Carolina sex offender registry established in G.S. Ch. 14, Art. 27A. (Ord. CO-2007-02, passed 4-2-07)

§ 132.01 PURPOSE.

As a justifiable exercise of the public powers of the Town of Elizabethtown, the town desires to regulate the use of the public parks and reduce the opportunities for sexual predators to make use of public spaces for criminal intent, thereby maintaining a park and recreation system that is meant for the peaceful enjoyment of children and other citizens. (Ord. CO-2007-02, passed 4-2-07)

§ 132.03 GENERAL OFFENSE.

It shall constitute a general offense against the regulations of the Town of Elizabethtown for any person or persons registered with the State of North Carolina and or any other state or federal agency (or for any person or persons required to register pursuant to the General Statutes of the State of North Carolina and/ or any other state or federal requirement) to knowingly enter into or on any public park owned, operated, or maintained by the Town of Elizabethtown. (Ord. CO-2007-02, passed 4-2-07)

§ 132.02 DEFINITIONS.

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

PUBLIC PARK. Any publicly-owned or maintained land which is designated by the Town of Elizabethtown as a park or recreation facility. Park property shall include all adjacent parking areas, including any off-street parking spaces adjacent to the public parks.

§ 132.99 PENALTY.

Anyone who is found in violation of this chapter shall be subject to a fine of not less than \$500 per offense and or 30 days in jail. Each and every entrance into the parks, regardless of the time period involved shall constitute a separate offense under this chapter. (Ord. CO-2007-02, passed 4-2-07)

SEX OFFENDER. An individual who is registered (or required to be registered) by any state or federal agency as a sex offender and whose name

