

OFFENSES AGAINST TOWN REGULATIONS

Section

General Provisions

- 130.01 Drinking in public
- 130.02 Firearms
- 130.03 Molotov cocktails; firebombs
- 130.04 Loitering
- 130.05 Disorderly houses
- 130.06 Adult entertainment
- 130.07 Police dogs

Curfew for Minors

- 130.15 Purpose of curfew
- 130.16 Definitions
- 130.17 Curfew established
- 130.18 Time limits
- 130.19 Exceptions
- 130.20 Responsibility of guardian
- 130.21 Responsibility of business establishments
- 130.22 Severability

Public Property

- 130.35 Posting bills

GENERAL PROVISIONS

§ 130.01 DRINKING IN PUBLIC.

No person shall consume, serve or drink wine, beer, whiskey, or alcoholic beverages of any kind on the public streets, boulevards, alleys, in public buildings or on town property.
(’85 Code, § 130.01) Penalty, see § 10.99

§ 130.02 FIREARMS.

It shall be unlawful for any person to discharge any firearm of any type within the corporate limits except a peace officer in the performance of his duty. It shall be unlawful to discharge any firearm, spring-loaded gun, air gun, or bow and arrow in the town. This section shall not apply to law enforcement officers while in the performance of their official duties.
(’85 Code, § 130.02) (Rev. 12-21-21) Penalty, see § 10.99

Cross-reference:

Signs prohibiting concealed weapons on municipal property, see §§ 34.01, 34.02

Statutory reference:

Authority to regulate, see G.S. § 160A-189

OFFENSES AGAINST TOWN REGULATIONS

§ 130.03 MOLOTOV COCKTAILS; FIREBOMBS.

(A) *Definitions.* 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 is filled with an inflammable 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 other firebombs.

(C) It shall be unlawful for any person to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his premises.
(’85 Code, § 130.03) (Ord. passed 4-18-68) Penalty, see § 10.99

§ 130.04 LOITERING.

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

PUBLIC PLACE. Any place to which the general public has access and a right to resort for business, entertainment, recreation or any other lawful purpose, but does not necessarily mean a place devoted solely by the uses of the public. It shall also include the front or immediate area of any store, shop, tavern, restaurant, or other place of business and also public areas and grounds.

(B) It shall be unlawful in a public place for any individual to:

(1) Obstruct or make dangerous any public street, alley, highway, sidewalk, or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic, and pedestrians.

(2) Commit in or upon any public street, alley, highway, sidewalk, or any other public place or building any act or thing which is dangerous to and is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any public street, alley, highway, sidewalk, or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto.

(C) When any person causes or commits any of the conditions enumerated in § 130.04(A) herein, a police officer or any law enforcement officer shall order that person to stop causing or committing the conditions and to move on or disperse.

(D) Any person who fails or refuses to obey the orders shall be guilty of a violation of this section. (’85 Code, § 130.04) (Ord. passed 7-10-80) Penalty, see § 10.99

§ 130.05 DISORDERLY HOUSES.

OFFENSES AGAINST TOWN REGULATIONS

(A) No person shall knowingly keep, maintain, operate, permit or continue to allow a disorderly house for himself or another. These establishments and the operation thereof are declared to be a public nuisance and are therefore prohibited and subject to the penalties of this code. ('85 Code, § 132.01) Penalty, see § 10.99

(B) Each violation of this ordinance by the owner(s) of property on which a disorderly home is located, owner(s) of disorderly homes, occupants, and residents of disorderly homes shall be a Class 3 misdemeanor and a maximum fine of \$500.00 may be assessed to each offender individually.

(C) A disorderly house shall be any residence at which one or more of the following activities occur:

1. Breach of the peace by repeated acts of disturbing the public order including, but not limited to homicide, assault, affray, communicating threats, unlawful possession of drugs, dangerous weapons, illegal gang activity, and discharging firearms.
2. Gambling, illegal possession of or sale of controlled substances as defined in the North Carolina Controlled Substances Act.
3. Impeding the regular flow of vehicular traffic by tenants or visitors of the residence with the intent to perform illegal activity.
4. Possession and consumption of alcohol, malt beverages, or unfortified wine by persons under the age of 21 years old.

(Ord. Revised 9-18-07)

§ 130.06 ADULT ENTERTAINMENT.

No person shall knowingly keep, maintain, or operate an adult bookstore, adult movie house, massage parlor, or topless dancing establishment within 500 feet of property zoned R-15, R-85, or R-6 as defined in Chapter 153 or within 500 feet of a church or school. ('85 Code, § 132.02) Penalty, see § 10.99

§ 130.07 POLICE DOGS.

It shall be unlawful to willfully torture, torment, beat, lick, strike, mutilate, injure, disable or otherwise mistreat, a dog owned by the town, or willfully by any action whatsoever, interfere with the lawful performance of such dog.

(Ord. passed 7-20-93)

Statutory reference:

For provisions concerning injuring or killing law enforcement agency animals, see G.S. § 14-163.1

CURFEW FOR MINORS

§ 130.15 PURPOSE OF CURFEW.

The purpose of this section is to:

- (1) protect juveniles from improper influences that prevail after the curfew hour, to

OFFENSES AGAINST TOWN REGULATIONS

include involvement with gangs.

(2) to protect juveniles from criminal activity that occurs after the curfew hour.

(3) to protect the public from illegal acts being committed by juveniles.

(4) to define the duties of parents or guardians and operators of business establishments in enforcing the ordinances.

§ 130.16 DEFINITIONS.

For the purpose of this section, the following words and phrases shall have the following meanings:

AUTHORIZED ADULT. Any person who is at least 18 years of age and authorized by a parent of said juvenile to take said parents place in accompanying said juvenile for a designated period of time.

CURFEW HOURS. The hours of 9:30 p.m. through 5:30 a.m. Sunday through Saturday.

DIRECT PATH. The shortest path of travel through a public place 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, natural disaster, automobile accident, or any situation requiring immediate action to prevent injury or loss of life.

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

FUNCTION. Any event including but not limited to activities involving the free exercise of religion, speech, assembly and activities sponsored by the town, a church, the Wayne County Public Schools, or other nonprofit or community organization.

GUARDIAN. See parent.

JUVENILE. Any person under the age of eighteen (18) who has not married or emancipated.

LOITER. To linger or stay in a public place.

MINOR. See juvenile.

OFFICIAL TIME. The time recorded in the Wayne County Emergency Dispatch Center (911).

PARENT. Any person having legal custody of a juvenile as a natural adoptive parent, as a legal guardian, as a person who stands in *loco parentis*, or as a person 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, right-of-ways, public vehicular areas and parking lots, shops, restaurants, convenience stores, schools and school grounds, places of business and amusement, playgrounds,

OFFENSES AGAINST TOWN REGULATIONS

parks, church grounds, similar areas that are open to the public, and other common areas open to or accessible to the public.

REMAIN. Remain means to stay behind, to tarry and to stay unnecessarily in a public place including the congregating of groups (or of interacting minors) totaling four or more persons in which any juvenile involved would not be using the streets for ordinary or serious purposes such as mere passage or going home, or to fail to leave the premises of an establishment when requested to do so by a police officer or the operator of an establishment. To implement this provision with additional precision and precaution, numerous exceptions are expressly defined in the Ordinance.

RESTRICTED HOURS. The time of 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 Fremont, North Carolina. Restricted hours will mean the hours between 9:30 p.m. and 5:00 a.m.

(Ord. passed 10-20-92; Am. Ord. passed 4-21-99) (Ord. Revised 5-16-06)

§ 130.17 CURFEW ESTABLISHED.

A curfew applicable to minors is established and shall be enforced as set forth in this subchapter.

(Ord. passed 10-20-92)

§ 130.18 TIME LIMITS.

It is unlawful for any minor to be or remain upon any public place as defined in this subchapter in the town between 9:30 p.m. and 5:00 a.m.

(Ord. passed 10-20-92) Penalty, see § 10.99

§ 130.19 EXCEPTIONS.

The provisions of this section do not apply in the following situations:

- (1) The juvenile is accompanied by his or her parent, guardian or other adult having the responsibility for primary care and custody of the juvenile.
- (2) A juvenile who is in a public place as a result of an emergency and with the knowledge of a parent or authorized adult.
- (3) A juvenile is legally employed, for the period of thirty (30) minutes before and thirty (30) minutes after work, while taking a direct path to his or her home to or from the place of employment. Juveniles who fall within this exception must carry written proof of employment which includes the hours the employer requires the juvenile to work and a current contact number.
- (4) A juvenile on a direct path from an adult organized/supervised activity or a place of public entertainment, such as a movie or play, sporting event, or school or church sponsored event, for a period of thirty (30) minutes before or thirty (30) minutes after said event. The parent must have knowledge of the event.
- (5) A juvenile on a direct path to or from an event sponsored by an accredited education institution, for a period of thirty (30) minutes before or thirty (30) minutes after said event.

OFFENSES AGAINST TOWN REGULATIONS

(6) A juvenile in a motor vehicle and engaged in interstate travel with the knowledge and permission of a parent or authorized adult.

(7) A juvenile who is traveling to or from an activity involving the exercise of first amendment rights of speech, freedom of assembly or freedom of religion. Said travel must be a direct path and must be for a period of thirty (30) minutes before or thirty (30) minutes after said event. The parent must have knowledge of the event.

(8) A juvenile on the swale or sidewalk abutting the juvenile's residence or the residence of the next door neighbor provided that neighbor has not complained to the Department of Public Safety about the juvenile's presence.

(Ord. Revised 5-16-06)

§ 130.20 RESPONSIBILITY OF GUARDIAN.

It is unlawful for any guardian to allow or permit such minor to be in or upon, or remain in or upon a public place within the town within the curfew hours set by § 130.18, except as otherwise provided in § 130.19.

(Ord. passed 10-20-92) Penalty, see § 10.99

§ 130.21 RESPONSIBILITY OF BUSINESS ESTABLISHMENTS.

It is unlawful for any person, firm, or corporation operating a place of business or amusement to knowingly allow or permit any minor to be in or upon, or to remain in or upon, any place of business or amusement operated by them within the curfew hours set by § 130.18 of this chapter, except as otherwise provided in § 130.19 of this chapter. The term "knowingly" includes knowledge that an operator or employer should reasonably be expected to have concerning the patrons of an establishment. (Ord. passed 10-20-92) (Ord. Revised 5-16-06) Penalty, see § 10.99

§ 130.22 SEVERABILITY.

If any section, subsection, sentence, term or exception of this section, or any application thereof to any person or circumstance, is adjudged to be unconstitutional or invalid, such adjudication shall not be deemed applicable to any other person or circumstances. Furthermore, the Town Board declares its intent to adopt and enforce each and every section of this ordinance separate and independent from one another.

(Ord. Revised 5-16-06)