

TITLE XIII: GENERAL OFFENSES

Chapter

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Section

130.01 Drinking in public

130.02 Loitering

130.03 Water tampering

§ 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, or in public buildings.

(1973 Code, § 11.1) Penalty, see § 10.99

§ 130.02 LOITERING.

Loitering anywhere inside the town limits between the hours of 11:00 p.m. and 7:00 a.m. is prohibited.

(Ord. passed 7-1-1975) Penalty, see § 10.99

§ 130.03 WATER TAMPERING.

(A) No person shall touch, tamper, or in any manner manipulate or turn the cut-off on the water mains forming a part of the water system of the town, nor shall any person tamper with or harm in any manner whatsoever any water or sewer line, main, or any appurtenance thereto. No person shall throw or deposit any material or substance in any water or sewer line that will in any manner obstruct the line.

(B) The fire hydrants are for the use of the Fire Department for fighting fires, and are not to be used by any unauthorized person for any purpose without permission from the Board.

(C) It shall be unlawful for any person or persons, other than a person authorized by the town officials, to cut on the town supply of water.

(D) Anyone caught tampering with the water system will be charged.
(1973 Code, § 6.7) Penalty, see § 10.99

§130.04 CURFEW FOR MINORS AND YOUNG ADULTS.

AN ORDINANCE ESTABLISHING A CURFEW FOR MINORS AND YOUNG ADULTS FOR THE TOWN OF BAILEY, NORTH CAROLINA

PURPOSE OF CURFEW

The purpose of this subchapter shall be to establish a curfew in the Town, regulating the movement of minors and young adults because of the particular vulnerability of children, their inability to make decisions in an informed mature manner and the importance of the parental role in child rearing. It shall also promote the health, safety and welfare of both minors and adults in the town by creating an environment offering protection and security for all concerned.

DEFINITIONS

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

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 Nash County Public Schools, or other non-profit or community organization.

GUARDIAN

Any person having legal custody of a minor such as:

- (1) A natural or adopted parent;
- (2) A legal guardian;
- (3) A person who stands in loco parentis; or
- (4) A person to whom legal custody has been given by the court.

PUBLIC PLACE

Any street, alley, highway, sidewalk, park, playground, or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose. A public place shall include any store, shop, restaurant, tavern, café, amusement or entertainment of the general public.

MINOR

A person who had not reached his/her sixteenth birthday.

YOUNG ADULT

A person who has reached his sixteenth birthday, but has not reached his eighteenth birthday and is not married, emancipated or a member of the Armed Forces of the United States.

CURFEW ESTABLISHED

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

TIME LIMITS

It is unlawful for any minor or young adult to be on or remain upon any public place as defined in this subchapter in the town between 11:00pm and 5:30am Sunday through Thursday and between 12:00am and 5:30am Friday through Saturday.

EXCEPTIONS

The restrictions shall not apply to any minor or young adult who is traveling between his/her home and his/her place of employment, church, municipal building or school where a function is being held or while accompanied by the minor's guardian, or who is responding to an emergency.

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, except as otherwise provided.

ENFORCEMENT

(A) When a minor is found to be in violation of this subchapter, the officer will complete the applicable juvenile custody report. After completing the report, the officer will take the juvenile to the residence of his/her guardian. A written warning shall be issued to the guardian of said minor and a copy of the written warning attached to the juvenile report.

(1) The written warning shall describe the action of the minor that constitutes a violation of this subchapter, advises the guardian that if the guardian allows and permits or has allowed and permitted the minor to commit a second or subsequent violation of this subchapter to occur, then the guardian will be subject to criminal prosecution. The written warning shall also advise the guardian that in all cases in which the minor is under 12 years of age a report will be made to the County Department of Social services.

(2) A copy of the written warning shall be attached to the juvenile custody report and turned in with the officer's police department records system.

(3) The Chief of Police or his designee shall review all reports on a daily basis. If a juvenile custody report has been filed pertaining to a violation of this subchapter, the Chief of Police or his designee will examine the appropriate records and determine if the violation is a first offense or if it is a second or subsequent offense.

(B) If upon checking the appropriate records, the juvenile is found to be a first offender, the record will be filed and no further action will be taken. If the juvenile is found to have a record of prior violations of this subchapter, the guardian described in division (A) shall be subject to a criminal citation. The reporting officer will be notified and the appropriate action will be taken. A copy of any such action shall be added to the appropriate file within the police department records system, serving as a part of the case files for any criminal action.

(C) If the juvenile is under 12 years of age, a report will be made and a copy forwarded to the County Department of Social Services.

AIDING AND ABETTING BY AN ADULT OR GUARDIAN

It shall be a violation of this subchapter for any adult or guardian to allow, permit, encourage, aid or abet a minor in the violation, except otherwise provided.

REFUSAL OF GUARDIAN TO TAKE CUSTODY OF A MINOR

If any guardian refused to take custody of his/her minor child found to be in violation of this subchapter, the officers with physical custody of said minor shall contact the County Department of Social Services and release the minor to that agency pending further investigation by the Police Department and the Department of Social Services. The guardian will be subject to a criminal citation.

PENALTY

The punishment for a violation of this ordinance by any guardian of said minor or any young adult as defined by this ordinance shall be guilty of a misdemeanor as defined by NC General Statute 14-1(A).

This ordinance shall be in full force and effect from and after its adoption.

Duly adopted the Town Council of the town of Bailey, at its regular meeting of the 21 day of August, 2006.

