

**TITLE XIII: GENERAL OFFENSES**

Chapter

**13.01. GENERAL OFFENSES**



**CHAPTER 13.01: GENERAL OFFENSES**

Section

*General Provisions*

- 13.01.001 Disorderly conduct
- 13.01.002 Discharge of firearms and other weapons
- 13.01.003 Damage to private and town property
- 13.01.004 Unnecessary noise prohibited
- 13.01.005 Posting of county building permits
- 13.01.006 Solicitors prohibited
- 13.01.007 Minimum housing standards
- 13.01.008 Consumption and possession of alcoholic beverages, malt beverages and unfortified wine

*Curfew*

- 13.01.020 Purpose
- 13.01.021 Findings
- 13.01.022 Definitions
- 13.01.023 Forbidden activities
- 13.01.024 Exceptions
- 13.01.025 Enforcement procedures
- 13.01.026 Statistics and reports
- 13.01.027 Severability
- 13.01.028 Emergency expansion of curfew hours
- 13.01.029 Effective date

**GENERAL PROVISIONS**

**§ 13.01.001 DISORDERLY CONDUCT.**

Any person who shall do or engage in any of the following shall be guilty of disorderly conduct:

(A) Behave in a boisterous or indecent manner or utter obscene language so as to create a disturbance or interfere with the conducting of any public entertainment or meeting;

(B) Be upon the streets or in any public place within the corporate limits of the town in a state of intoxication;

(C) The uttering of loud, boisterous, vulgar or profane language or obscene words or epithets in any public place or any private place open to the public;

**River Bend – General Offenses**

(D) Interference with another person's pursuit of a lawful occupation;

(E) Assemble or congregate with another person or persons to cause, provoke or engage in any fight or brawl;

(F) Operation of a motor vehicle, boat or other vehicle so as to create unnecessary and unusually loud disturbing noise such as sounding of the horn, screeching of tires, racing the engine or in any other manner;

(G) Act in a violent or tumultuous manner toward another person, placing that person's life, limb or health in danger;

(H) Act in a violent or tumultuous manner toward another person causing the property of that person to be in danger of being destroyed or damaged; or

(I) Congregate with another person or persons in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuse to clear the public way when order to do so by a peace officer or other person having authority.

(Prior Code, Ch. 11, § 1) Penalty, see § 1.01.999

**§ 13.01.002 DISCHARGE OF FIREARMS AND OTHER WEAPONS.**

(A) Within the corporate limits of the town it shall be unlawful for any person to discharge any firearm, pellet or air gun, or activate any other device capable of launching a projectile which is likely to cause injury or damage to persons or property.

(B) This section shall not be applicable to police officers or other law enforcement officials or other persons acting under the direction of law enforcement officials, while discharging their official duties.

(C) This section shall not be applicable to private citizens in justifiable self-defense or their person or property.

(Prior Code, Ch. 11, § 2) Penalty, see § 1.01.999

**§ 13.01.003 DAMAGE TO PRIVATE AND TOWN PROPERTY.**

It shall be unlawful to damage private or town property.

(Prior Code, Ch. 11, § 3) Penalty, see § 1.01.999

**§ 13.01.004 UNNECESSARY NOISE PROHIBITED.**

*Amended 9/16/2010*

(A) **AUTHORITY.** G.S. § 160A-184 provides: "A city may by ordinance regulate, restrict, or prohibit the production or emission of noises or amplified speech, music or other sounds that tend to annoy, disturb or frighten its citizens."

(B) **DEFINITIONS.** The following words, terms and phrases, when used in this § 13.01.004, shall have the meanings ascribed to them in this Paragraph (B), except where the context clearly indicates a different meaning:

- (1) **A-weighted sound level** means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A).
- (2) **C-weighting sound level** means the electronic filtering in sound level meters that models a flat response (output equals input) over the range of maximum human hearing frequency sensitivity. The level so read is designated dB(C).
- (3) **Commercially Provided** means services provided to an owner or occupant of real property by a third party and/or an independent contractor.
- (4) **Decibel (dB)** means a unit for describing the amplitude of sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micronewtons per square meter.
- (5) **Manager** means the Town Manager or his designee.
- (6) **Real Property Line** means either (a) the imaginary line, including its vertical extension, that separates one parcel of real property from another, or (b) the vertical and horizontal boundaries of a dwelling unit that is one in a multi-dwelling unit building.
- (7) **Sound level** means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute Specifications for sound level meters (ANSI s1.4-1971, or the latest approved version thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.
- (8) **Sound level meter** means an instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output meter, and weighing network used to measure sound pressure levels.
- (9) **Sound pressure level** means 20 times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure of 20 micronewtons per square meter.
- (10) **Standards** means the standard, instrumentation, personnel, measurement procedures and reporting procedures used in the measurement of sound as provided in the section shall be those specified herein:

(C) **LIMITATION ON SOUND LEVELS; MEASUREMENT.** The following maximum levels of sound, and methodology for measuring the same, shall apply:

- (1) Sound level measurement shall be made with a sound level meter set on "slow" response.

**River Bend – General Offenses**

(2) Measurements shall be taken at or within the real property line of the complainant.

(3) Sound level meters shall be of at least type three meeting American National Standard Institute Incorporated (ANSI) s1.4-1971 requirements. The sound measurement system shall be serviced and calibrated and operated as recommended by the manufacturer.

(4) The Manager shall issue a general order adopting standards and procedures for sound level measurements and shall designate the person responsible for enforcement.

(5) Maximum permitted sound levels shall be as follows:

(A) No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which, at its peaks, exceeds the limits set forth in subsection (B) and (C) of this section when measured beyond the property line from which the sound originates.

(B) The following are established as maximum sound levels:

(i) Nighttime sound levels, after 9:30 p.m. Sunday through Thursday until 7:00 a.m. the following day, and after 10:30 p.m. Friday and Saturday until 7:00 a.m. the following day, may not exceed 50 dB(A) or 65 dB(C).

(ii) Daytime/evening sound levels, between 7:00 a.m. and 9:30 p.m. Sunday through Thursday and between 7:00 a.m. and 10:30 p.m. Friday and Saturday, may not exceed 65 dB(A) or 75 dB(C).

(C) The following noise limits are established as maximum sound levels for all sources of sound emitting from one multi-family unit into another, such as through common (shared) walls or doors in apartments, condominiums, or duplexes.

(i) Nighttime sound levels, 9:30 p.m. Sunday through Thursday until 7:00 a.m. the following day, and after 10:30 p.m. Friday and Saturday until 7:00 a.m. the following day, may not exceed 40 dB(A) or 55 dB(C).

(ii) Daytime/evening sound levels between 7:00 a.m. and 9:30 p.m. Sunday through Thursday and between 7:00 a.m. and 10:30 p.m. Friday and Saturday, may not exceed 40 dB(A) or 55 dB(C).

(6) Exceptions: The following are excepted from the provisions of Paragraph (C)(5):

(A) Sound coming from scheduled outdoor athletic events, community concerts, theatrical events, practice sessions or performances of bands and community

fairs that are sponsored or sanctioned by the town or permitted by the Manager.

- (B) Noise from noisemakers or fireworks as allowed under a permit issued by the Manager.
- (C) Noises emitted from emergency vehicles.
- (D) Noise resulting from parades, lawful picketing, or other public demonstrations protected by the U.S. Constitution or federal law, or for which a local permit has been issued by the Manager.
- (E) Construction operations from 7:00 a.m. to 9:00 p.m. on weekdays and Saturday, and 9:00 a.m. to 9:00 p.m. on Sunday for which building permits have been issued or construction operations not requiring permits due to ownership of the project by an agency of government; providing all equipment is operated in accord with manufacturer's specifications and with all standard equipment manufacturer's mufflers and noise-reducing equipment in use and in properly operating condition. No commercially provided construction operation, the sounds from which are audible at the property line, shall be conducted on Sunday or Holidays.
- (F) Lawn mowers, agricultural equipment, and landscape maintenance equipment used between the hours of 7:00 a.m. and 8:00 p.m. on properties of primarily residential use and 6:00 a.m. and 8:00 p.m. on properties of primarily non-residential use when operated with all the manufacturer's standard mufflers and noise-reducing equipment in use and properly operating condition, provided they generate less than 85 dB(A) or 90 dB(C) beyond ten feet of any real property line. No commercially provided lawn or landscape maintenance or construction operation, the sounds from which are audible at the real property line, shall be conducted on Sunday or Holidays.
- (G) Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, or to restore public utilities, or to protect persons or property from an imminent danger.
- (H) Noises resulting from the provision of government services.
- (I) Noises resulting from the provision of sanitation services.
- (J) Noises related to an activity or event for which a permit has been issued under the provisions of Paragraph (E) below.
- (K) Noises from household mechanical equipment such as heat pumps, air conditioning compressors, and similar equipment provided that they are in proper working order with all manufacturer supplied containment in place.

**River Bend – General Offenses**

(D) **PROHIBITION OF OTHER UNREASONABLE NOISE.** In addition to those noises prohibited by Paragraph (C), there are certain circumstances where it is not possible or practicable to measure the level of sound. In those circumstances, it shall be unlawful to create, cause or allow the continuance of any unreasonably loud, disturbing, unusual, frightening or unnecessary noise, particularly during nighttime, which annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities, or interferes with neighboring residents' reasonable use of their property. Consequently, the following acts are specifically declared to be loud and disturbing noises in violation of this Paragraph (D), but such enumeration shall not be deemed to be exclusive:

- (1) The playing of any radio, tape player, boombox, phonograph or other musical instrument or other mechanical sound-making device in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of any reasonable person of ordinary sensibility.
- (2) The sounding of any horn or signal device on any motor vehicle, motorcycle, bus, boat or other vehicle while not in motion, except as a danger signal, or if in motion, only as a warning signal as required by law.
- (3) The use of any gong or siren other than upon a police, fire or emergency vehicle.
- (4) The use of any motor vehicle, motorcycle, boat or other vehicle so out of repair, so loaded, or in such manner as to create unnecessary grating, grinding, rattling, or other noise.
- (5) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention, by creation of noise, to any performance, show or sale or display of merchandise, except under a permit issued by the Manager.
- (6) The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for any purpose, except under a permit issued by the Manager.
- (7) The playing of any radio, tape player, boombox, phonograph or other musical instrument or other mechanical sound making device by a pedestrian on the public streets or sidewalks in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of any reasonable person of ordinary sensibility.
- (8) The firing or discharging of squibs, crackers, gunpowder or other combustible substance in the streets, sidewalks or public property, except under a permit issued by the Manager.

**(E) PERMIT TO EXCEED NOISE LEVELS FOR A PLANNED ACTIVITY OR EVENT.**

- (1) A person or group of persons may apply to the Manager for a permit specific to the time and place of a planned activity or event in order to produce or cause to be produced sound that otherwise would violate only the time of day provisions of Paragraph (C) or (D).
- (2) Any person or group of persons desiring a permit shall apply as provided herein, and shall provide all information required.
- (3) In considering and acting on all requests or permits pursuant to this Section, the Manager shall consider, but shall not be limited to, the following in issuing or denying such permit: The timeliness of the application; the nature of the requested activity or event; the time of the event; the duration of the event; other activities in the vicinity of the location proposed; the frequency of the application; the effect of the activity on the residential areas of the Town; previous experience with the applicant; and previous violations, if any, of the applicant.
- (4) In addition, in order to issue a permit, the Manager must determine that granting such a permit would have minimum impact on the surrounding area, or that the event is of a community-wide nature.
- (5) Permit holders agree to cooperate with town officials in enforcing this Section by having the signer(s) of the permit available at the site of the event during the entire time for which a permit has been issued and capable of assisting town officials in enforcing the provisions of this Section.

**(F) VIOLATIONS.**

- (1) When it is reasonable and practicable to do so, a person believed to be violating any portion of this Section may be given a verbal order to cease or abate the noise immediately, or as soon as reasonable or practical, prior to being charged with a violation.

(2) A person or persons responsible for violations of this section may be charged in accordance with the provisions of § 1.01.999. Further, violation of terms of a permit issued under Paragraph (E) may result in the immediate revocation of said permit and may be charged in accordance with the provisions of § 1.01.999.

(Prior Code, Ch. 11, § 4) Penalty, see § 1.01.999

**§ 13.01.005 POSTING OF COUNTY BUILDING PERMITS.**

All persons issued a building permit by the county for any construction within the town shall display the permit in a conspicuous place at the front of the construction site during the entire period of the project.

(Prior Code, Ch. 11, § 6) Penalty, see § 1.01.999

**§ 13.01.006 REGULATION OF SOLICITORS.***Amended 09/17/2009*

(A) Except as otherwise provided herein, the practice of going in and upon private residences in the Town by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise not having been requested or invited to do so by the owner or occupant of private residences for the purpose of soliciting orders for the sale of goods, wares and merchandise or disposing of or peddling or hawking the same is prohibited and shall be a violation punishable in accordance with § 1.01.999.

(B) The Town shall establish and maintain a registration list of private residences where an owner or occupant thereof has consented to allow solicitations otherwise prohibited by Paragraph (A) above. Further the Town shall endeavor to update this list at least annually. The prohibitions contained in Paragraph (A) above shall not apply to private residences which have been registered hereunder. It shall be conclusively presumed that a private residence which has not been registered hereunder does not consent to the solicitations prohibited by Paragraph (A) above.

(C) The prohibition in division (A) above shall not apply to solicitations conducted on behalf of religious, charitable or civic endeavors.  
(Prior Code, Ch. 11, § 7) Penalty, see § 1.01.999

**§ 13.01.007 MINIMUM HOUSING STANDARDS.**

(A) *Generally.* It is hereby found and declared that the existence and occupation of dwellings in this town that are unfit for human habitation are inimical to the welfare and dangerous and injurious to the health, safety and morals of the people of this town, and that a public necessity exists for the repair, closing or demolition of these dwellings.

(B) *Definitions.*

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

**COUNCIL.** The Town Council of the Town of River Bend.

**DWELLING.** Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home or mobile home which is used solely for a seasonal vacation purpose.

**MANUFACTURED HOME or MOBILE HOME.** A structure as defined in G.S. § 143-145(7).

**OWNER.** The holder of the title in fee simple and every mortgagee of record.

**PARTIES IN INTEREST.** All individuals, associations and corporations who have interests of record in a dwelling and any who are in possession thereof.

**PUBLIC AUTHORITY.** Any housing authority or any officer who is in charge of any department or branch of government of the town, County of Craven or State of North Carolina relating to health, safety, fire, building regulations or other activities concerning dwellings in the

town.

**TOWN.** The Town of River Bend.

(C) *Repair, closing and demolition; order of public officer.*

(1) The Zoning Administrator is designated to exercise the powers described by this section.

(2) Whenever a petition is filed with the Zoning Administrator by a public authority or by at least 5 residents of the town charging that any dwelling is unfit for human habitation or whenever it appears to the Zoning Administrator (on his own motion) that any dwelling is unfit for human habitation, the Zoning Administrator shall, if his preliminary investigation discloses a basis for the charges, issue and cause to be served upon the owner of and parties in interest in the dwellings a complaint stating the charges in that respect and containing a notice that hearing will be held before the Zoning Administrator (or his designated agent) at a place within the county in which the property is located fixed not less than 10 days nor more than 30 days after the serving of the complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Zoning Administrator.

(3) If, after notice and hearing, the Zoning Administrator determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order:

(a) If the repair, alteration or improvement of the dwelling can be made at a cost estimated to be within 60% of the original value of the dwelling, then the owner, within 30 days of the order, shall commence repair, alteration or improvement of the dwelling and thereafter shall prosecute same diligently to completion or, in the alternative and at the owner's election, within 30 days of the order, shall vacate and close the dwelling as a human habitation; or

(b) If the repair, alteration or improvement of the dwelling cannot be made at a cost estimated to be within 60% of the original value of the dwelling, then the owner shall remove or demolish the dwelling within 30 days of the order or, in the alternative and at the owner's election, within 30 days of the order, shall commence repair, alteration or improvement of the dwelling and thereafter shall prosecute same diligently to completion.

(4) If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the Zoning Administrator may cause the dwelling to be repaired, altered or improved or to be vacated and closed; the Zoning Administrator may post on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a misdemeanor.

(5) (a) If the owner fails to comply with an order to remove or demolish the dwelling, the Council may, after giving the owner a reasonable opportunity to bring the dwelling into conformity with the housing code, adopt an ordinance ordering the Zoning Administrator to cause the dwelling to be removed or demolished.

(b) This section shall be recorded in the office of the register of deeds in Craven County and shall be indexed in the name of the property owner in the grantor index.

(6) (a) The amount of the cost of repairs, alterations or improvements, or vacating and

**River Bend – General Offenses**

closing, or removal or demolition by the Zoning Administrator shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment as provided in G.S. Chapter 160A, Article 10.

(b) If the dwelling is removed or demolished by the Zoning Administrator, he shall sell the materials of the dwelling and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court by the Zoning Administrator, to be secured in a manner as directed by the court, and shall be disbursed by the Court to the persons found to be entitled thereto by final order or decree of the court.

**§13.01.008 CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES, MALT BEVERAGES AND UNFORTIFIED WINE.** *Added 08/08/2013*

(A) Definitions. In addition to the common meanings of the words, the following definitions shall be applicable herein.

**ALCOHOLIC BEVERAGE.** Any beverage containing at least 0.5% alcohol by volume as defined in G.S. Ch. 18B.

**MALT BEVERAGE.** Beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage containing at least one-half of one percent, and not more than six percent, alcohol by volume.

**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 the 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, and that has an alcoholic content of not more than 17 percent alcohol by volume.

(B) Consumption on the public streets and on municipal property prohibited. It shall be unlawful for any person to consume an alcoholic beverage, malt beverage, or unfortified wine on the public streets or on any property 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, 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 to possess any open container of alcoholic beverage, malt beverage, or unfortified wine on the public streets or on any property 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, and other athletic fields.

(D) Possession during special events prohibited. It shall be unlawful for any person to possess alcoholic beverages, malt beverages, 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 alcoholic beverages at the special event.

(E) Violations. Violation of this section shall constitute a misdemeanor punishable in accordance with G.S. § 14-4.

(Prior Code, Ch. 11, § 9) Penalty, see § 1.01.999

**Statutory reference:**

*Minimum housing standards, see G.S. § 160A-441*

***CURFEW***

**§ 13.01.020 PURPOSE.**

(A) To protect the public from the illegal acts of juveniles committed during curfew hours.

(B) To protect juveniles from improper influences that prevail during curfew hours.

(C) To protect juveniles from criminal activities that occur during curfew hours.

(D) To help guardians and custodians control juveniles within their care and management.

(Prior Code, Ch. 9, § 1)

**§ 13.01.021 FINDINGS.**

Reports of the Police Department to the Town Council indicate that vandalism of town property as well as of private homes and businesses attributable to juveniles is a cause for concern. Activities of juveniles such as ringing door bells, breaking into vending machines, sleeping in the town park and setting fire to woodlands have been occurring during late night and early morning hours.

(Prior Code, Ch. 9, § 2)

**§ 13.01.022 DEFINITIONS.**

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

***CURFEW HOURS.*** The time between 12:00 a.m. on Fridays and Saturdays and 5:00 a.m. on the following mornings; the time between 11:00 p.m. on Sundays, Mondays, Tuesdays, Wednesdays and Thursdays and 5:00 a.m. on the following mornings; and other times as provided in § 13.01.028.

***CUSTODIAN.*** Any person 18 years of age or older charged by the guardian of a juvenile with the temporary care and management of the juvenile.

***GUARDIAN.*** One, including a parent, who legally has the care and management of a juvenile.

***JUVENILE.*** Any person under 16 years of age who is not married or otherwise emancipated under the law of North Carolina.

***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,

including but not limited to any store, shop, restaurant, tavern and any other place devoted to business or entertainment of the general public and including areas immediately surrounding the above.

(Prior Code, Ch. 9, § 3)

#### **§ 13.01.023 FORBIDDEN ACTIVITIES.**

Except as provided in § 13.01.024, it shall be unlawful:

(A) For any juvenile to be or remain upon any public place within the Town of River Bend during curfew hours;

(B) For any guardian or custodian knowingly or by inefficient control to allow a juvenile in his care and management to be or remain upon a public place within the Town of River Bend during curfew hours; and

(C) For any person, firm or corporation operating a place of business or entertainment within the Town of River Bend or any employee thereof knowingly or by inefficient control to allow a juvenile to be in or upon the place of business or entertainment during curfew hours.

(Prior Code, Ch. 9, § 4) Penalty, see § 1.01.999

#### **§ 13.01.024 EXCEPTIONS.**

The forbidden activities provided in § 13.01.023 shall not apply to any juvenile who:

(A) Is accompanied by his parent, guardian or custodian;

(B) Is in the process of securing emergency medical assistance for himself, his parent, guardian, or custodian or any other person at the direction of his parent, guardian or custodian;

(C) Is traveling by a direct route to or from work and who has in his possession written proof signed by his employer of his employment and work hours;

(D) Is attending or traveling by a direct route to or from an activity involving the exercise of first amendment rights of free speech, freedom of assembly or free exercise of religion and who has given the Police Department prior written notice of his intention to attend the activity and the location thereof;

(E) Is attending or traveling by a direct route to or from an activity of a school or a religious or other voluntary association which has given the Police Department prior written notice of the activity and the location thereof; or

(F) Is engaged in interstate travel;

(Prior Code, Ch. 9, § 5)

#### **§ 13.01.025 ENFORCEMENT PROCEDURES.**

(A) When a police officer believes a person appearing to be a juvenile is in violation of this subchapter, the police officer shall ask the person:

(1) To identify himself;

(2) To present evidence of his age; and

(3) If a juvenile, to establish that his presence in a public place during curfew hours is excepted from the forbidden activities provided in § 13.01.023 pursuant to the provisions of § 13.01.024.

(B) Unless the person can establish either that he is not a juvenile or that his presence in a public place during curfew hours is so excepted, the police officer shall take the juvenile into custody and take him to the town hall. If it subsequently is determined that the person is not a juvenile, he shall be released. Otherwise, the police officer shall attempt to contact the guardian or custodian of the juvenile and request that the guardian or custodian come to the town hall to take custody of the juvenile. Upon the inability to reach the guardian or custodian of the juvenile or upon failure of the guardian or custodian of the juvenile to come to the town hall and take custody of the juvenile, the police officer shall contact the Craven County Department of Social Services and shall release the juvenile to the agency.

(Prior Code, Ch. 9, § 6)

**§ 13.01.026 STATISTICS AND REPORTS.**

The Police Department shall keep accurate records of the number of persons taken into custody pursuant to this subchapter and of those charged with violation of § 13.01.023 hereof together with the disposition of each and shall include the information in the monthly report of the Police Department to the Town Council.

(Prior Code, Ch. 9, § 8)

**§ 13.01.027 SEVERABILITY.**

Severability is intended throughout. If any provision of this subchapter, including any term, phrase, clause, subparagraph, paragraph or article, or the application thereof to any circumstance or person, is held to be invalid, other terms, phrases, clauses, subparagraphs, paragraphs and articles, and the application thereof to other circumstances or persons, shall not be affected thereby.

(Prior Code, Ch. 9, § 9)

**§ 13.01.028 EMERGENCY EXPANSION OF CURFEW HOURS.**

Pursuant to G.S. § 14-288.12 and Chapter 304 of the Town Code, the Mayor is authorized to determine and proclaim the existence of a state of emergency within the town. In that event, the Mayor is authorized to expand curfew hours to the time between 9:00 p.m. of each day during the state of emergency and 5:00 a.m. of the following morning as he may deem appropriate. Any expansion of the curfew hours pursuant to this subchapter shall take effect and terminate as provided in Chapter 304 of the Town Code.

(Prior Code, Ch. 9, § 10)

***Cross-reference:***

*Civil emergencies, see Ch. 3.04*

**§ 13.01.029 EFFECTIVE DATE.**

This subchapter shall be effective at 12:01 a.m. on 7-1-1998.

(Prior Code, Ch. 9, § 1)