

TITLE XIII: GENERAL OFFENSES

Chapter

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Section

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§ 130.01 KEEPING HOUSES IN DISORDERLY OR INDECENT MANNER PROHIBITED.

No occupant of any house whether residence or business shall permit same to be kept in an indecent and offensive or disorderly manner or permit loafers or idle persons to congregate therein or in front of same to the annoyance of persons passing by or living in the vicinity.

('69 Code, Ch. I, Art. I, § 1) Penalty, see § 10.99

§ 130.02 PROFANITY AND BOISTEROUS CONDUCT.

It shall be unlawful for any person to use loud and boisterous language so as to become a nuisance, or use any form of profanity or indecent language on the street or in a gathering or assembly, or in any public place whatsoever, or to indecently expose themselves within the corporate limits.

('69 Code, Ch. I, Art. I, § 4) Penalty, see § 10.99

§ 130.03 VAGRANTS.

Any and all tramps, vagrants, persons under suspicion, who shall be found with no visible means of support, either male or female, shall not be allowed on the streets or other public places.

('69 Code, Ch. I, Art. I, § 2) Penalty, see § 10.99

§ 130.04 CONSUMPTION OF ALCOHOLIC BEVERAGES ON TOWN PROPERTY.

It shall be unlawful for anyone to sell or consume any alcoholic beverage as defined by G.S. § 18B-101 on any property owned, controlled, or in the charge of the town, including its streets and sidewalks.

(Ord. passed 3-13-90; Am. Ord. 08-2-91, passed 8-13-91) Penalty, see § 10.99

§ 130.05 ILLEGALLY POSSESSING OR SELLING CONTROLLED SUBSTANCES.

(A) It shall be unlawful for any person to loiter in a public place in a manner and under circumstances manifesting the purpose of illegally using, possessing, transferring or selling any controlled substances as that term is defined in the North Carolina Controlled Substances Act (G.S. Ch. 90, Art. 5), as now enacted or hereafter amended or transferred. Among the circumstances which may be considered in determining whether such a purpose is manifested are:

(1) The person is a known illegal user, possessor or seller of controlled substances or the person is at a location frequented by persons who illegally use, possess, transfer or sell controlled substances; and

(2) The person repeatedly beckons to, stops, attempts to stop or engages in conversation with passersby, whether such passersby are on foot or in a motor vehicle, for the purpose of inducing, enticing, soliciting or procuring another to illegally possess, transfer or buy any controlled substances; or

(3) The person repeatedly passes to or receives from passersby, whether such passersby are on foot or in a motor vehicle, money, objects or

written material for the purpose of inducing, enticing, soliciting or procuring another to illegally possess, transfer or buy any controlled substance.

(B) In order for there to be a violation of division (A) of this section, the person's affirmative language or conduct must be such as to demonstrate by its express or implied content or appearance a specific intent to induce, entice, solicit or procure another to illegally possess, transfer or buy a controlled substance.

(C) No arrest shall be made for a violation of division (A) of this section unless the arresting officer first affords the person an opportunity to explain his conduct, and no one shall be convicted of violating division (A) of this section if it appears at trial that the explanation given was true and disclosed a lawful purpose.

(D) For the purpose of this section, ***KNOWN ILLEGAL USER, POSSESSOR OR SELLER OF CONTROLLED SUBSTANCES*** shall mean a person who, within one year previous to the date of arrest for violation of this section, has within the knowledge of the arresting officer been convicted of illegally manufacturing, using, possessing, selling, purchasing or delivering any controlled substance.

(Ord. passed 3-13-90) Penalty, see § 10.99