

GENERAL ORDINANCES OF THE VILLAGE OF LAKE PARK

REGULATION OF PERSONS LOITERING, REMAINING OR OCCUPYING CERTAIN PLACES FOR ILLEGAL PURPOSES

The General Ordinance provisions are enacted by the Village of Lake Park pursuant to North Carolina General Statute Section 160A-174 for purposes of defining, prohibiting, regulating or abating acts, omissions, or conditions which are detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the village.

SECTION ONE- DEFINITIONS

- (A) General Rule- Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
- (B) For the purposes of this code the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC PLACE. Any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot, common area, or transportation facility, or the doorways and entranceways to any building which fronts on any of these places, or a motor vehicle in or on any of those places, or any property owned by the Village of Lake Park.

SECTION TWO- PROHIBITIONS

(A). It shall be unlawful for any person to occupy or be present upon a public place in the Village of Lake Park in such a way as to obstruct or interfere with the free passage into, out of or across any public business, street, sidewalk or private property.

(B). It shall be unlawful for a person to remain or wander about in a public place with the intent of engaging in a violation of the North Carolina Controlled Substances Act, N.C.G.S. Chapter 90. Circumstances evidencing such an intent can include, but are not limited to the following:

- (1). Repeatedly beckoning to, stopping or attempting to stop passers-by in conversation;
- (2). Repeatedly stopping or attempting to stop motor vehicles;
- (3). Repeatedly interfering with the free passage of other persons or vehicles;
- (4). Such person behaving in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is engaged in an unlawful drug-related activity;
- (5). Such person repeatedly passing to or receiving from passers-by, whether on foot or in a vehicle, money or objects;
- (6). Such person taking flight upon the approach or appearance of a law enforcement officer;

(7). Such person being at a location frequented by persons who use, possess, or sell drugs.

SECTION THREE- ENFORCEMENT

(A). The Village of Lake Park shall request that local law enforcement administer and enforce the terms of this Chapter. A warning, either verbal or written, shall be issued upon a first incident. Nothing in this Chapter shall be construed to limit the legal authority or powers of local law enforcement in enforcing other laws or in otherwise carrying out their duties.

(B). Upon the issuance of a warning the activity in question shall immediately cease and the individual or individuals shall immediately disperse upon the direction of law enforcement.

(C). Violation of this ordinance shall not be punishable as criminal violations. Violations of this ordinance shall subject the person cited or those other responsible for the person to a civil penalty in the amount of \$100.00 upon the issuance of a citation. If a citation is issued for a violation of this ordinance by a minor child, the minor child's parent or guardian shall be responsible for the payment of the penalty. The civil penalty shall be paid within five (5) business day of its issuance as directed upon the citation form. The failure to pay the penalty shall authorize the Village to initiate a civil action against the person or those otherwise responsible for the person to collect in the penalty in the nature of a debt.

SECTION FOUR- CONFLICT OF LAWS

If any portion of this ordinance or the enforcement thereof is found to be preempted by any state or federal law, such preemption shall not operate to invalidate the rest of the ordinance and the same shall remain in full force and effect.

SECTION FIVE- SEVERABILITY

If any part of this ordinance or the application thereof to any person or condition is held invalid such invalidity shall not affect other parts of this ordinance or their application to any other persons or condition, and to this end, the provisions of this ordinance are hereby declared severable.

This Ordinance shall be effective upon its adoption by the Village Council.

Adopted this the _____ day of _____, 2012.

Mayor Kendall Spence

Attest:

Village Clerk