

Town of Badin Ordinance 00-2

AN ORDINANCE PROHIBITING LOITERING FOR THE PURPOSE OF ENGAGING IN DRUG-RELATED OR OTHER UNLAWFUL ACTIVITY

WHEREAS, the Town Council of the Town of Badin deems it to be in the best interest of the health and safety of the citizens of Badin to prohibit loitering for the purpose of engaging in drug-related or other unlawful activity.

THEREFORE, BE IT ORDAINED by the Badin Town Council as follows:

Section 1: For the purposes of this section, "public place" means any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot or transportation facility, or the doorways and entranceways to any building which fronts on any of those places, or any property owned by the Town of Badin.

Section 2: For the purposes of this section, a "known unlawful drug user, possessor, or seller" is a person who has, within the knowledge of the arresting officer, been convicted in any court within this state of any violation involving the use, possession or sale of the substances referred to in the North Carolina Controlled Substances Act, Chapter 90, Article 5 of the North Carolina General Statutes, or has been convicted of any violations of any substantially similar laws of any political subdivision of this state of any other state of federal law, or by professional knowledge of the police officer.

Section 3: It shall be unlawful for a person to remain on foot or in a motor vehicle or wander about on foot or in motor vehicle in a public place in a manner and under circumstances manifesting the purpose to engage in a violation of any subdivision of the North Carolina Controlled Substances Act, North Carolina General Statutes, Chapter 90, Article 5. Such circumstances shall include:

A. Repeatedly beckoning to, stopping, or attempting to stop passers-by, or repeatedly attempting to engage passers-by in conversation; or

B. Repeatedly stopping or attempting to stop motor vehicles; or,

C. Repeatedly interfering with the free passage of other persons; or,

D. Such person is known unlawful drug user, possessor, or seller; or,

E. Such person behaves 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 or other unlawful activity; or,

F. Such person repeatedly passes to or receives from passers-by, whether on foot or in a vehicle, money or objects; or

G. Such person takes flight upon the approach or appearance of a police officer; or

H. Any vehicle involved is registered to a known unlawful drug user, possessor, or seller, or is known to be or have been involved in drug-related activities.

Section 4: A violation of any provision of this section shall subject the offender to the penalties of a one hundred dollar (\$100.00) fine, or sixty (60) days incarceration, or both.

Section 5: If any subsection, paragraph, sentence, clause, phrase, or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not effect the validity of the remaining portions hereof.

Section 6: This Ordinance may be enforced by any officer of the Badin Police Department, or by any other law enforcement officer.

This Ordinance shall be in full force and effect upon passage.

This Ordinance was duly passed by the Badin Town Council on the 8th day of February, 2000.