

CITY OF CLAREMONT

Ordinance 13-25

AN ORDINANCE OF THE CITY OF CLAREMONT, MODIFYING CERTAIN SECTIONS OF THE CITY OF CLAREMONT CODE OF ORDINANCES TO BETTER ALIGN WITH APPLICABLE STATE STATUTES AND LEGISLATIVE MANDATES CONCERNING CRIMINAL PENALTIES.

WHEREAS, the City of Claremont finds it necessary to modify certain sections of the City Code of Ordinances to ensure consistency with applicable state statutes and legislative mandates; and

WHEREAS, the City Council of the City of Claremont seeks to align local regulations with state-imposed requirements and to ensure appropriate and proportionate criminal penalties; and

WHEREAS, the modification of these ordinances will enhance clarity, enforceability, and compliance with state law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLAREMONT,

Section One:

That Title Eight, "Offenses" of the City of Claremont Code of Ordinances are hereby amended to reflect state-mandated changes concerning the decriminalization or reclassification of certain offenses (NCGS 160A-175) by striking Chapter 6 (Video Arcades and Amusement Parlors) and Chapter 7 (Possession and Sale of Drug Paraphernalia) in their entirety and changing the following (new language appears as highlighted; deleted language and/or sections appear as "strike-through"):

**TITLE 8
Offenses**

Chapter 1 ~~Disorderly Conduct~~ Firearms and Weapons Offenses

Chapter 2 Animals

Chapter 3 Abandoned, Nuisance, and Junked Vehicles

Chapter 4 Weeds and Refuse

Chapter 5 Other General Nuisances

~~Chapter 6 Video Arcades and Amusement Parlors~~

~~Chapter 7 Possession and Sale of Drug Paraphernalia~~

Chapter ~~8~~6 Use of Tobacco Products

CHAPTER 1

~~Disorderly Conduct~~ **Firearms and weapons offenses.**

~~§ 8-1-1 Public drunkenness.~~ **Definitions of words and phrases.**

~~§ 8-1-2 Profanity and boisterous conduct.~~ **Prohibiting possession of a dangerous weapon or firearm on city controlled property.**

~~§ 8-1-3 Discharge of firearms and other weapons.~~ **Discharge of firearm or other weapon in the city limits.**

~~§ 8-1-4 Disturbing public meetings.~~

~~§ 8-1-5 Injury to private property.~~

~~§ 8-1-6 Injuring property of city.~~

~~Sec. 8-1-1 Public drunkenness.~~ **Definitions of words and phrases.**

~~—It shall be unlawful for any person to be found upon the streets or in a public place within the corporate limits of the city in a state of intoxication, or to use loud, boisterous, vulgar or profane language or indecently expose his or her person in the city. (Ord. of 3/3/52, No. 101, revised)~~

~~—State Law Reference: Public drunkenness, G.S. 14-335.~~

The following words and phrases when used in this chapter shall, for the purposes of this chapter, have the meanings ascribed to them in this section, except in any instance where otherwise specifically provided or where the context clearly indicates a different meaning.

- (a) Dangerous weapon: Any object, substance, or device, other than a firearm, designed or intended to be used to incapacitate or inflict serious injury upon persons or property, or having the capacity to do the same, including any object defined as a deadly weapon by N.C.G.S § 14- 269 and also including, but not limited to:
- (b) Pellet guns or any other mechanism or device designed or used to project a missile by compressed air or mechanical action with less than deadly force;
- (c) Bows and arrows, including crossbows or any other device designed to discharge a projectile through any combination of limbs, strings, cables, pulleys, or cams.
- (d) Knives of any kind or type having a blade in excess of 3½ inches in length;
- (e) Clubs, blackjacks, batons and nightsticks;
- (f) Dynamite, bombs, grenades, mines or any other explosive, corrosive, inflammable, or radioactive substance of any kind;
- (g) Slingshots and blowguns or any other device designed or used to project a missile through mechanical or physical means;
- (h) Electronic weapons of any type including tasers, stun guns, or any other device designed or used to emit current, impulse, wave, beam, sound, vibration, or any form of energy in such a way so as to incapacitate, injure, or affect the behavior of another;

- (i) Chemical weapons of any type including mace, pepper spray, or any other device designed or used to emit any substance in such a way so as to incapacitate, injure, or control the behavior of another;
- (j) Firearm: A handgun, shotgun, or rifle which expels a projectile by action of an explosion
- (k) Carrying a concealed handgun by permit (CCHP): The lawful carry of a handgun in a concealed manner in complete accordance with the requirements of N.C.G.S. Chapter 14 Article 54B by a person holding a valid concealed handgun permit issued pursuant to the same Article of law, or such permit issued by another state which is in reciprocity with North Carolina.

Sec. 8-1-2 Profanity and boisterous conduct. Prohibiting possession of a dangerous weapon or firearm on city controlled property.

~~It shall be unlawful for any person to use loud, boisterous, or profane language in any public place in a manner as to create a public disturbance. (Ord. of 3/3/52, No. 106, revised)~~

~~—State Law Reference: Offenses against the public peace, Art. 35. G.S. Ch. 14.~~

(a) Except as otherwise provided in this section, it shall be unlawful for any person to willfully and intentionally carry, possess, or have within his or her immediate access any dangerous weapon or firearm while in city-owned buildings, on the grounds or parking areas of those buildings, or in city owned public parks or recreation areas.

(1) Carrying a concealed handgun by permit (CCHP). In accordance with N.C.G.S. § 14-415.23, the prohibition set forth in subsection (a) shall apply to CCHP in all buildings and recreational facilities as defined in N.C.G.S. § 14-415.23, and on their appurtenant premises, that are owned, leased as lessee, or otherwise temporarily controlled by the city which are appropriately posted with a conspicuous notice prohibiting a concealed handgun on the premises in compliance with N.C.G.S. § 14-415.11(c).

(2) Posting against CCHP. A posting to prohibit CCHP is hereby authorized to be made by the City Manager or his/her authorized representative in all buildings and their appurtenant premises that are owned, leased as lessee, or otherwise temporarily controlled by the city in compliance with N.C.G.S. § 14-415.11(c).

(b) Applicability. This section shall not apply to the following circumstance or instances:

(1) Any circumstance or instance where regulation of dangerous weapon or firearm possession has been preempted from local government regulation by N.C.G.S. 14-409.40 or 14-415.23.

(2) The following circumstances or persons while acting lawfully and within the scope of their duties and authority:

- a. Officers of the United States federal government, the State of North Carolina, or of any county, city, town, or company police agency charged with the execution of the laws of the state, when acting in the discharge of their official duties.
- b. Sworn law-enforcement officers, when off-duty, provided that an officer carries the weapon concealed and does not carry a weapon while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the officer's body.
- c. Officers and enlisted personnel of the Armed Forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons.
- d. Officers and soldiers of the militia and the National Guard when called into actual service.
- e. Persons specifically authorized or required by state or federal law to carry firearms in the performance of their jobs.

(3) Nothing in this section shall prohibit a person from possession a knife with a blade in excess of 3½ inches when used solely for preparation of food, instruction or maintenance; or razors and razor blades when used solely for personal shaving.

(4) Nothing in this section shall prohibit a person from storing a firearm other than a handgun within a locked motor vehicle while the vehicle is on the grounds or parking areas of a public-owned building, public park, or recreation area.

(5) Nothing in this section shall prohibit a person from securing a handgun in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on a motor vehicle.

(6) This section shall not prohibit the lawful possession or carrying of dangerous weapons on the public streets and sidewalks.

(c) Violation of this section shall be a class 3 misdemeanor and shall carry a fine of not more than two hundred fifty dollars (\$250.00), as provided in N.C. Gen. Stat. § 14-4 or other applicable law.

Sec. 8-1-3 Discharge of firearms and other weapons. Discharge of firearm or other weapon in the city limits.

(a) It shall be unlawful for any person to fire or discharge any rifle, gun, pistol, pellet gun, air gun, air pistol, or air rifle within the city, on or off his premises.

(b) ~~Any person who shall knowingly and willfully permit his or her minor child under 18 years of age to discharge, fire, shoot, or operate, within the corporate limits of the city any such air rifle, BB gun, or pellet gun, shall be guilty of a misdemeanor. (Ord. of 12/6/67, revised)~~ It shall be unlawful for any person to knowingly and willfully permit his or her minor child under 18 years of age to discharge, fire, shoot, or operate, within the corporate limits of the city any such air rifle, BB gun, or pellet gun.

(c) Violation of this section shall be a class 3 misdemeanor and shall carry a fine of not more than two hundred fifty dollars (\$250.00), as provided in N.C. Gen. Stat. § 14-4 or other applicable law.

State Law Reference: Authority to regulate and restrict firearms and pellet guns, G.S. 160A-189, 190.

~~Sec. 8-1-4 Disturbing public meetings.~~

~~—It shall be unlawful to behave in a boisterous or indecent manner or to create any disturbance at or near any public entertainment or meeting.~~

~~Sec. 8-1-5 Injury to private property.~~

~~—It shall be unlawful to injure any property belonging to another.~~

~~Sec. 8-1-6 Injuring property of city.~~

~~—It shall be unlawful to injure, damage, deface, trespass upon, break or injure any property belonging to the city. (Ord. of 3/3/52, No. 111, revised)~~

CHAPTER 5

Other General Nuisances

§ 8-5-2 Breaking police lines.

~~§ 8-5-3 Disturbances in public places or assemblages.~~

§ 8-5-43 Filling land; dumping.

§ 8-5-54 Care of residential premises.

Sec. 8-5-2 Breaking police lines.

At the time of any public parade, accident, riot, public peril or other circumstances causing people to congregate or assemble, it shall be unlawful for any person to enter, break through, or remain within the danger lines or other bounds established by the police, or by or under the direction of any authorized city official, for the preservation of public safety, peace and order, unless such person is authorized to do so by an officer in charge.

Violation of this section shall be a class 3 misdemeanor and shall carry a fine of not more than two hundred fifty dollars (\$250.00), as provided in N.C. Gen. Stat. § 14-4 or other applicable law.

~~Sec. 8-5-3 Disturbances in public places or assemblages.~~

~~—It shall be unlawful for any person to make, aid or countenance, or assist in making, any improper noise, or to incite or engage in any riot or disturbance, or to indulge or engage in improper and disorderly conduct or conversation in any street, park, or other public place or in any theatre or place of amusement, or in any room or building in which a number of persons are lawfully assembled.~~

Sec. 8-5-4 ~~8-5-3~~ Filling land; dumping.

It shall be unlawful for any person to till any land or dump, upon an vacant lot within the city, with garbage, dead animals, decaying vegetable or animal matter or any offensive material.

Sec. 8-5-5 ~~8-5-4~~ Care of residential premises.

(a) It shall be unlawful for the owner or ~~occupant~~ occupant of a residential building, structure or property to utilize the premises of such residential property for the open storage of any ice box, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every owner or occupant to keep the premises of the residential property clean and to remove from the premises all ~~abandoned~~ abandoned items as listed above, including but not limited to weeds, dead trees, trash, and garbage, upon notice from the appropriate city official.

Cross Reference: Abandoned motor vehicles. Sees. 8-3-1 through 8-3-11; weeds and refuse. Sees. 8-4-1 through 8-4-8.

CHAPTER 6

Use of Tobacco Products

§ 8-8-1 8-6-1—Authority.

§ 8-8-2 8-6-2—Definitions.

§ 8-8-3 8-6-3—Areas in which smoking and the use of tobacco products are prohibited.

§ 8-8-4 8-6-4—Implementation requirements.

§ 8-8-5 8-6-5 Signage.

§ 8-8-6 8-6-6 Enforcement and penalties.

Sec. 8-8-1 8-6-1 Authority.

This chapter is enacted pursuant to N.C.G.S. 130A-498 and N.C.G.S. 160A-174(a).

(Ord. of 11/4/13, No. 05-13)

Sec. 8-8-2 8-6-2 Definitions.

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

(a) City building. A building owned, leased as lessor, or the area leased as lessee and occupied by Claremont.

(b) City vehicle. A passenger-carrying vehicle owned, leased, or otherwise controlled by the City of Claremont and assigned permanently or temporarily to its employees, agencies, institutions, or facilities for official city business.

(c) Employee. A person who is employed by Claremont, or who contracts with Claremont or a third person to perform services for Claremont or who otherwise performs services for Claremont with or without compensation.

(d) Grounds. An unenclosed area owned, leased, or occupied by Claremont.

(e) Universal “No Smoking and Use of Tobacco Products Prohibited” symbol. Symbol consisting of a pictorial representation of a burning cigarette and a tobacco product enclosed in a red circle with a red bar across it.

(f) Smoking. The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

(g) Tobacco product. Any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component part or accessory of a tobacco product, including but not limited to cigarettes, cigars, little cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, Cavendish, plug and twist tobacco, fine-cut and other chewing tobacco, shorts, refuse scraps, clippings, cutting and sweepings of tobacco, and other kinds and forms of tobacco. A tobacco product excludes any product that has

been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

(h) *Electronic Nicotine Delivery System (ENDS)* – Electronic cigarettes (e-cigarettes) and vaping devices that are battery operated devices designed to deliver nicotine and other additives to the user in an aerosol.

(i) *Vaping* – Drawing in and exhaling an aerosol, commonly called vapor; the act of using an electronic nicotine delivery system.

(Ord. of 11/4/13, No. 05-13)

Sec. 8-8-3 8-6-3 Areas in which smoking, vaping, and the use of tobacco products are prohibited.

(a) Smoking, vaping, and the use of tobacco products are prohibited:

(1) In any building owned, leased, or occupied, as herein defined, by Claremont.

(2) In any vehicle owned, leased, or controlled by Claremont.

(3) On any grounds including parks that are owned, leased, or occupied by Claremont.

(b) Smoking, vaping, and the use of tobacco products are prohibited in Claremont buildings and grounds being used for private events.

(Ord. of 11/4/13, No. 05-13)

Sec. 8-8-4 8-6-4 Implementation requirements.

(a) Claremont shall post signs that meet all the requirements in Section 8-8-5 for a period of at least 12 months following the adoption of this chapter.

(b) Claremont shall remove all ashtrays and other smoking receptacles from its buildings and grounds.

(c) The person in charge of Claremont buildings, vehicles, or grounds, or his or her designee, shall direct a person who is smoking or using a tobacco product in a prohibited area to cease and, if the person does not comply, shall contact the Claremont Police Department.

(Ord. of 11/4/13, No. 05-13)

Sec. 8-8-5 8-6-5 Signage.

The signs must:

(a) State in English that smoking, vaping, and the use of tobacco products are prohibited and include the universal “No Smoking, No Vaping, and Use of Tobacco Products Prohibited” symbol.

(b) Be of sufficient size to be clearly legible to a person of normal vision, and be conspicuously posted.

(c) Be posted in strategic locations to inform employees and the public of the prohibition.

(Ord. of 11/4/13, No. 05-13)

Sec. 8-8-6 8-6-6 Enforcement and penalties.

Penalty for violation. Following oral or written notice by the person in charge of an area described in Section 8-8-3, or his or her designee, failure to cease smoking or using tobacco products constitutes an infraction punishable by a fine of not more than \$50. A citation may be issued by a sworn law enforcement officer. Conviction of an infraction under this section has no consequence other than payment of a penalty, and no court costs may be assessed.

(Ord. of 11/4/13, No. 05-13)

Section Two. Severability.

If any provision of any ordinance adopted or amended by this Ordinance 13-25 should be held invalid, such invalid portion shall be considered severed and stricken there from such that such invalidity does not affect other provisions of such ordinances which can be given effect without the invalid provision or application and to this end the provisions of this Ordinance 13-25 are severable.

Section Three. Effective Date.

This Ordinance shall become effective upon adoption by the City Council at a subsequent council meeting following a public hearing before the Council in accordance with N.C.G.S. § 160A-175(b).

The first reading and public hearing were conducted on October 7, 2024.

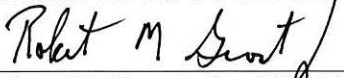
Adopted this, the 4th day of November, 2024.


Shawn R. Brown, Mayor

ATTEST:


Wendy L. Helms, City Clerk

APPROVED AS TO FORM:


Robert M. Grant, Jr., City Attorney

