

# **BOARD OF ALDERMEN**

ITEM NO. E(2)

## **AGENDA ITEM ABSTRACT**

**MEETING DATE: January 21, 2003**

**TITLE: A Request to Adopt An Ordinance Amending the Town Code to Prohibit Loitering in the Town Commons, Century Center, Town Parking Lots and Bus Shelters**

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| <b>DEPARTMENT: Police</b>   | <b>PUBLIC HEARING: No</b>  |
| <b>ATTACHMENTS:</b><br><b>A. Proposed Ordinance</b><br><b>B. Alternate Resolution</b> | <b>FOR INFORMATION CONTACT:</b><br><b>Captain Daryl Caldwell, 918-7409</b> |

### **PURPOSE**

Police and Chapel Hill Transit personnel have noticed increased loitering in Town bus stop shelters since the advent of fare-free bus service. Generally, persons loitering have no specific intention to ride the bus. Chapel Hill Transit personnel and citizens who legitimately use the bus shelters while waiting for the bus have asked Police Officers to remove loiterers from the bus shelters. Currently, we have no specific authority to prohibit loitering at town bus stop shelters. This proposed Ordinance amends the current Ordinance simply by adding the Century Center, Town Commons, Town owned or leased parking lots, and Town bus stop shelters to the list of other Town of Carrboro property upon which loitering is prohibited (including the Town Hall, Police or Fire station, and Public Works building).

### **INFORMATION**

With the advent of fare-free bus service, we have experienced an increase in loitering in and around town bus stop shelters. Citizens, Chapel Hill Transit personnel, and Police Officers have reported incidents involving persons who sit for hours, sleep or “pass out,” and congregate in the shelters in an effort to stay out of the elements. Such persons rarely, if ever, attempt to board a bus and bus drivers see the same people frequently. When such people attempt to ride the bus, they are frequently asked to leave or are not permitted entry by bus drivers due to their intoxication, unruly behavior, or failure to disembark during the route.

The proposed amendment to the current Ordinance (see Attachment A) will permit Police Officers to prohibit loitering without any legitimate purpose at the bus stops and at the other locations mentioned and will provide consistent authority at all town-owned or operated property.

If the Board decides not to adopt the proposed amendment to the Ordinance, Attachment B provides an alternate resolution that the Board may wish to consider. The resolution authorizes the town Police Department to ask people to leave and not return to specific municipal bus shelters for a period of up to one year. Persons who ignore the directive are subject to being arrested for second-degree trespassing. The resolution is limited to municipal bus shelters, and it provides specific circumstances under which town police officers may ask persons to leave and not return.

### **ADMINISTRATION’S RECOMMENDATION**

The Administration recommends that the Board approve the attached Ordinance.

**ATTACHMENT A**

**AN ORDINANCE AMENDING THE TOWN CODE TO PROHIBIT  
LOITERING IN THE TOWN COMMOMS, CENTURY CENTER,  
TOWN PARKING LOTS AND BUS SHELTERS**

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 14-6 of the Town Code is amended to read as follows:

- (a) No person may refuse to vacate any town property, including any building or facility located thereon, when requested to do so under the circumstances set forth in subsection (b) by the town manager, any sworn police officer, or the administrator in charge of such town property.
- (b) The town manager, any sworn police officer, or the administrator in charge of town property may request another to vacate such town property if there is reasonable cause to believe that such person is engaging or has just prior to the request engaged in:
  - (1) Any violation of state law or local ordinance or policy (including policies related to the operation of the Farmers' Market as set forth in the 'Memorandum of Understanding' between the town and the Farmers' Fair organization selected by the town to operate the Farmers' Market) applicable to the occupancy of, use of, or conduct on such town property. (Amend. 7/27/82)
  - (2) Any violation of a rule or regulation adopted and promulgated under Section 14-28.
  - (3) Any conduct that is contrary to the health safety of persons lawfully using town property, seriously interrupts or impedes the conduct of regular public business or recreational programs, unreasonably interferes with the lawful use and enjoyment of town property, or poses a substantial likelihood of damage to town property.
  - (4) Loitering within the Town Hall, Century Center, Town Commons, fire station, public works building, town owned or leased parking lots, or town bus stop shelters, without any legitimate purpose related to the public business being conducted.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this \_\_\_\_ day of \_\_\_\_\_, 2003.

Ayes:

Noes:

Absent or Excused:

**RESOLUTION AUTHORIZING THE TOWN OF CARRBORO  
POLICE TO BAN PERSONS FROM TOWN BUS SHELTERS  
FOR UP TO ONE YEAR**

Resolution No. 86/2002-03

WHEREAS, the Town of Carrboro is the lawful owner of all municipal bus shelters within the Town limits;

WHEREAS, with the advent of fare-free bus service, the Town has seen a rise in loitering, public intoxication and unruly behavior in and around Town bus shelters;

WHEREAS, under North Carolina General Statute §14-159.13 a person commits second degree trespass if he or she enters or remains on the premises of another after the owner or an authorized person notifies that person to leave and not return;

WHEREAS, North Carolina General Statute §14-159.13 permits the Board of Alderman to authorize the Town of Carrboro Police Department and its officers to act agents for the town;

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro resolves:

Section 1. Town of Carrboro police officers are authorized to act as agents on behalf of the Town in directing persons to leave and not return to any municipal bus shelter owned by the Town for a period of up to one year.

Section 2. A Carrboro police officer may order a person to leave and not return to a municipal bus shelter under any of the following circumstances:

- (a) Where the police officer has been informed by Chapel Hill Transit that the person has been banned from using the bus system,
- (b) Where the police officer has probable cause to believe that the person is publicly intoxicated as defined by G.S. § 14-443,
- (c) Where the person has been convicted of violating any criminal statute or Town ordinance stemming from acts committed either while on a bus, at a Town bus shelter or within close proximity to a Town bus shelter,
- (d) Where the police officer has probable cause to believe the person has within twenty-four (24) hours of the probable cause determination engaged in any of the following acts while at or within close proximity to a Town bus shelter or while on a municipal bus:
  - i. fighting,
  - ii. disorderly conduct in violation of G.S. § 14-288.4 or G.S. § 14-275.1,
  - iii. directing profane or abusive language toward any other person,
  - iv. communicating threats in violation of G.S. § 14-277.1,
  - v. carrying a concealed weapon in violation of G.S. § 14-269 or
  - vi. violating any other criminal statute or Town ordinance.

Section 3. This Resolution shall become effective upon adoption.

The foregoing Resolution having been submitted to a vote received the following vote and was duly adopted this \_\_ day of \_\_\_\_\_, 2003.

Ayes:

Noes:

Absent: