

ATTACHMENT A

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

Resolution No. 09/2003-04

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 Aldermen to authorize the Town of Carrboro Police Department and its officers to act as 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.