

ATLANTIC BEACH, NORTH CAROLINA

Sec. 12-5. - Loitering.

(a) Definitions:

Loiter means to stand around or remain, or to park or remain parked in a motor vehicle at a public place or place open to the public **and to engage in any conduct prohibited under this section.** Loiter also means to collect, gather, congregate or be a member of a group or a crowd of people, numbering three (3) or more, who are gathered together in any public place or place open to the public and are engaged in any conduct prohibited under this section.

Place open to the public means any place open to the public or any place to which the public is invited, and in, on, or around any privately owned place of business, private parking lot, or private institution, including places of worship, cemetery, or any place of amusement and entertainment whether or not a charge of admission or entry thereto is made. It includes the lobby, halls, corridors and areas open to the public of any store, office, or apartment building.

Public place means any public street, road, or highway, alley, lane, sidewalk, crosswalk, or other public way, or any public resort, place of amusement, park, playground, public building or grounds appurtenant thereto, church building or grounds, public parking lot, or any vacant lot within the town.

(b) **Prohibited conduct.** It shall be unlawful for any person to loiter at, on or in a public place or place open to the public in such manner:

- (1) **To interfere, impede or hinder the free passage of pedestrian or vehicular traffic;** or
- (2) **To interfere with, obstruct, harass or threaten or do physical harm to another member or members of the public.**

It shall be unlawful for any person to loiter at a public place or place open to the public and to fail to obey the direction of a uniformed police officer or the direction of a properly identified police officer not in uniform to move on, when not to obey such direction shall endanger the public peace.

(c) Lawful assembly. Nothing herein shall be construed to prohibit orderly picketing or other lawful assembly.

(d) Violation. No person shall be charged with a violation of this section unless and until the arresting officer has first warned the person of the violation and such person has failed or refused to stop such violation.