

CHAPTER 131: CHILD SAFETY ZONES

This ordinance shall be known as the Child Safety Zone Code of Alexander County, North Carolina, and may be cited as such and referred to herein as "the code."

Section 131.01 Prohibition of Convicted Child Sex Offenders in Child Safety Zones

A. Definitions. The following terms are defined for purposes of this Chapter:

1. **Camp** - A site where educational and recreational activities are provided for children.
2. **Child Safety Zone** - The area within 300 feet of a Park, Public Library, School Site, or Camp measured outward from the property line of said location.
3. **Convicted Child Sex Offender** - Any person who is required to register on the North Carolina Sex Offender and Public Protection Registry pursuant to N.C.G.S. Chapter 14 Article 27A, and/or any person convicted of any offense which could require him or her to register on the North Carolina Sex Offender and Public Protection Registry, as a result of an offense where the victim was a minor under the age of eighteen (18).
4. **Loiter** - Standing or sitting idly, whether or not the person is in a vehicle or remaining in or around a Child Safety Zone, but excluding on property owned or leased by the person. This term shall not include anyone that is allowed to be in a Child Safety Zone under other applicable statutes, including but not limited to N.C.G.S. § 14-208.18.
5. **Park** - A park, reservation, playground, community center, recreation center, stadium, or any other area or structure devoted to active or passive recreation, owned and/or operated by a governmental entity.
6. **Public Way** - Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, common areas of schools, shopping centers, parking lots, parks, playgrounds, transportation facilities, theaters, restaurants, shops, bowling alleys, taverns, cafes, arcades, and similar areas that are open to the use of the public.
7. **School Site**
 - a. The buildings and grounds of any elementary school, junior high school, high school, or pre-school or child development or child-care facility required to be licensed by the State of North Carolina; and
 - b. All school bus stops including activity buses.

For the avoidance of doubt, if any question arises as to what constitutes a “school” or “child-care facility,” the definition provided in Chapter 14, Article 27A of the North Carolina General Statutes shall be controlling.

8. Public Library - Any library operated by Alexander County.

- B. It shall be unlawful for a Convicted Child Sex Offender to knowingly loiter within 300 feet of any Child Safety Zone.

Section 131.02 Enforcement Procedures

- A. If a law enforcement officer reasonably believes that a Convicted Child Sex Offender is in a Child Safety Zone in violation of this article, the officer shall require the Convicted Child Sex Offender to provide his/her name, address, and telephone number. If the officer establishes that the individual is a Convicted Child Sex Offender, then the officer shall notify the Convicted Child Sex Offender that he/she is in violation of the Chapter.
- B. For the purposes hereof, an individual may be established as a Convicted Child Sex Offender:
1. If he/she is a resident of North Carolina and is required to be registered on the North Carolina Department of Public Safety Sex Offender Registration Database as the result of an offense where the victim was a minor under the age of eighteen (18); or
 2. If he/she is not a resident of North Carolina, a final conviction in another state, or in federal jurisdiction, of an offense, which if committed in this state, is substantially similar to an offense against a minor, or a final conviction in another state, or in federal jurisdiction, of an offense that requires registration under the sex offender registration statutes of that state wherein the victim was a minor under the age of eighteen (18).

Section 131.03 Violations and Penalties

- A. Misdemeanor. The violation of any provision of this Chapter shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in N.C.G.S. §14-4 which reads:

§ 14-4. Violation of local ordinances misdemeanor.

(a) Except as provided in subsection (b) or (c) of this section, if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). No

fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00).

(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00).

(c) A person may not be found responsible or guilty of a local ordinance violation punishable pursuant to subsection (a) of this section if, when tried for that violation, the person produces proof of compliance with the local ordinance through any of the following:

- (1) No new alleged violations of the local ordinance within 30 days from the date of the initial alleged violation.*
- (2) The person provides proof of a good-faith effort to seek assistance to address any underlying factors related to unemployment, homelessness, mental health, or substance abuse that might relate to the person's ability to comply with the local ordinance.*

Section 131.04 Severability

If any provision of this Chapter is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall remain in full force and effect.

Adopted this the 7th day of March, 2022.