MINUTES
City Council Public Safety Committee

Monday, June 22, 2026 – 3:30pm
City Hall, Council Chambers

Members Present:	Aaron Baker, Chair, Council Member Dean Lytle, Vice Chair, Council Member Kevin Gallo, Citizen Member Mayor Maureen Copelof, Ex-Officio Member
Staff Present:	Wilson Hooper, City Manager Christy Wentzell, Police Chief Chase Owen, Fire Chief Mack McKeller, City Attorney Shawnee Cummings, Assistant to the City Manager
Guests:	Harvey Sankey, Rodney Locks
Media:	David Bradley, Jonathan Rich

A. Welcome & Call to Order

Committee Chair Aaron Baker welcomed everyone and called the meeting to order at 3:30 pm.

B. Certification of Quorum

Assistant to the City Manager Shawnee Cummings certified that a quorum was present.

C. Approval of Agenda

Mr. Lytle moved, seconded by Mr. Gallo to approve the agenda. The motion carried unanimously.

D. Approval of Minutes – May 28, 2026 Meeting

Mr. Lytle moved, seconded by Mr. Gallo to approve the minutes from the May 28, 2026 meeting. The motion carried unanimously.

E. Traffic Calming Measures

Mr. Hooper said there are not many updates, but he was expecting to have the results of the traffic engineer's field visit. Unfortunately, she broke her collarbone the week she was scheduled to visit, so her visit has been postponed. Mr. Hooper reviewed what the traffic engineer will look at when she is able to make her visit.

The first intersection is Oakdale St. and Carver St., which has unique geometry, 2 different sight line issues and misaligned sidewalks. The sidewalk ends abruptly because the right-of-way is not wide enough and ownership of the adjacent home in unknown. The traffic engineer will advise on improvements to make it safer.

The next intersection is W. Main St., Thomas St., James St., and North Ln., which also has geometry issues and steep hills on either side. Mr. Hooper said Staff heard and verified that people are speeding in this section, but options are limited by the topography. The traffic engineer will advise on improvements given the hills.

The last intersection, added at the request of the Public Works and Utilities Committee, is Railroad Ave., King St., French Broad St., and Whitmire St. There is a lot of car, pedestrian, and bicycle traffic in that area and it will only grow as the trail gets more users and the area redevelops. The traffic engineer will look to improve safety for all users. Mr. Baker said particularly, it will look at a pedestrian crossing on Railroad Ave. because there is currently no official way to get from the trail across Railroad Ave. Mr. Hooper said they added parking on Railroad Ave. a couple years ago, which helped calm speeds a little, but the lines painted in the intersection have faded. Before repainting with more permanent paint, he wants to make sure they get the geometry of the intersection right.

Chief Owen said he approached Mr. Hooper about asking NCDOT about the Morris Rd. intersection on Asheville Hwy. He said the accidents in that intersection are always major and the sign does not offer enough warning to motorists. He wanted to see if DOT would be willing to move the flashing sign back or do something else to help minimize severe accidents. Mr. Hooper said the intersection is a proposed project in the Comprehensive Transportation Plan that Council just approved. He added that unfortunately, the more accidents it has, the more likely it is to move up the funding priority list. Land of Sky will pull the crash data and run it through their formula to see how it will score before bringing it back to the local transportation group to decide where it should be placed in terms of prioritization. Mr. Baker said with the new Courthouse being built, traffic is not going to get any lighter.

Mayor Copelof asked if the traffic engineer looked at the intersection of Park Ave., Parkview Dr., and Outland Ave. A bicyclist who rides over there told her that they have had a lot of close calls. Mr. Hooper said they added more visible signage and repainted the crosswalk. They were looking at doing a neighborhood roundabout, but there is a historic stone wall that would factor into the formula and cause it to score very low, so it was dropped. Mayor Copelof said she is concerned about the sight lines, street misalignment, and lack of flashing lights to alert motorists. She

asked if the traffic engineer could look at the intersection to identify potential improvements. Mr. Hooper said he would inquire.

F. Ordinance Changes re: Loitering, Trespassing, Public Intoxication, and Hours of Operation

Mr. Hooper provided the red-lined proposal to the Committee (Attachment A) and advised that the changes are minimal. About 6 years ago, the General Assembly passed a law that decriminalized local ordinances and made them only enforceable with civil penalties. As the bill was debated, one of the compromises was that local governments could keep certain ordinances outlined in the bill as misdemeanor offenses. There were spoken and unspoken expectations when it came to saving certain ordinances. A spoken expectation was that every offense you wish to save must have the misdemeanor penalty and the corresponding statutory reference codified in that section of the code. It cannot refer to another section of the code that outlines the penalty. An unspoken expectation was that local governments would save ordinances judiciously and would not return to having every ordinance be a criminal penalty. At that time, City Council saved a number of ordinances, some of which will be discussed today, but not all of those discussed today were saved.

Mr. Hooper said Chief Wentzell will go over how changing these ordinances back to misdemeanors will give her officers more tools and the ability to keep the area free of these offenses. He noted that the code sections being discussed today are:

- Consumption and possession of alcohol in public places (excl. social district);
- Trespassing on posted property;
- Loitering in a way that obstructs the free passage into a business;
- Loitering for the purpose of engaging in drug-related activity;
- Obstructing a sidewalk, street, or other public way;
- Carrying a concealed weapon on City property; and
- Failure to vacate City-owned property at the expiration of the notification period that is outlined in our administrative encampment policy.

Mr. Hooper asked the Committee to add the language as described by the statute to each of the sections so that they would be considered punishable as a misdemeanor with up to a $500 fine. He also requested the Committee add certain City facilities to the list of areas that concealed weapons are prohibited in, including the police department, Mary C. Jenkins Community Center, Silversteen Park, and the dog park. He believes those were intended to be on the list but were not because they did not exist when that section was written. Mr. Baker suggested adding the Depot and tannery skate park, and Mayor Copelof suggested adding the community garden.

Chief Wentzell said changing these ordinances is not about any particular group of individuals and from a law enforcement standpoint, adding the misdemeanor penalties and fine is something that will apply to everyone equally. She said BPD looks at it in terms of creating a safe environment for the City and giving officers

more tools in their toolbox. She added that officers have discretion and just because they are adding the misdemeanor penalty, it does not remove officers' discretion. Their goal is not to arrest everyone that violates an ordinance and they would like voluntary compliance, but this gives them recourse for individuals that consistently ignore those requests. She said it will help protect City facilities and give officers a little more authority with repeat offenders that choose not to listen to warnings.

Mr. Baker asked regarding consumption of alcoholic beverages, if the section stating "unless a valid permit is obtained" covers the social district. Mr. Hooper said yes.

Mr. Lytle asked about the term in the ordinance "known drug user" and if that is based on the officer's memory or personal knowledge. Chief Wentzell said it is based on the officer's personal experience with the individual, documentation in CAD, and active warrants for drug offenses. Mr. Lytle asked if an officer saw 3 people congregating, could the officer stop them, ask for ID, and look them up. Chief Wentzell said they can approach voluntarily, but they are usually looking for characteristics of illegal behavior, such as high amounts of traffic or exchange of hands. Officers can then articulate using their training, knowledge, and experience that those characteristics are typically indicative of criminal activity and use that as reasonable suspicion to make initial contact.

Mr. Lytle asked if Chief Wentzell could explain number 9 on page 4 of the proposed changes, which states "uses or associates with the user of any vehicle which is registered to a known unlawful drug user, possessor, or seller, or is known to be or have been involved in drug-related activities." Chief Wentzell said it will come back to the officer's training, knowledge, and experience with folks that are in that area. She added that it will be incumbent upon the officer's ability to articulate how or why they know that vehicle has been involved in illicit drug activity in the past. Mr. Lytle asked if he was in a family member's car, who is a drug seller, and they were pulled over, would he be charged with a misdemeanor? Chief Wentzell said no, but she would defer to Mr. McKeller. Mr. McKeller said as a former defense attorney, it would be hard to make that stick, but it would allow law enforcement to have a misdemeanor through which they can investigate to see whether criminal activity is occurring. He added that it comes back to trusting the officer not to charge the offense unless it is clear. Mr. McKeller said it would need to be a lot more than riding around with someone, as individuals have the right to free association.

Mr. Lytle asked if these changes would allow a problem officer without experience to increase undue harassment. Chief Wentzell said that will come down to the training they put their officers through, expectations set, and supervision. She said if an officer stopped someone without reasonable suspicion, she would expect the supervisor to intervene and correct that behavior. Chief Owen said often that behavior is caught in field training because that behavior does not appear overnight. Chief Wentzell said officers are also put through scenario-based training because Brevard has a low crime rate and officers may not encounter certain situations.

Mr. Lytle asked if someone is publicly intoxicated and sleeping on a bench, we currently talk to that individual and tell them to sit up, but with these changes, it would allow law enforcement to say that the person has to come with them and be removed from that area. Chief Wentzell confirmed but said officers still have discretion and the majority of her officers will try to find other means to assist.

Mr. Gallo asked regarding the trespassing on posted property and loitering, the ordinance mentions private property and asked about public property. Mr. McKeller said public property is addressed in section 42-17 on page 7.

Mr. Baker said he has a more specific question on that because he knows we have gone back and forth on Clemson Plaza and whether we can officially close it or not. Mr. Hooper said NCDOT has shown willingness to give the property back to the City as a park that we can assign hours to, but they also said the City would need to reestablish the pedestrian right of way. Mr. Hooper inquired as to what that meant and he is awaiting an answer from DOT. If it means maintaining a 5-foot section in Clemson Plaza, then they could give the property back pretty quickly, but if it means building a new sidewalk along the side of the road, then it gets more complicated.

Mr. Baker said he knows the police department has policies on how they interact with individuals. He added that when this is presented to the full Council, he suggests that we also review those policies, not to change them but to help the public understand how situations are actually handled. He knows we are not trying to arrest hundreds of people for loitering because he has been in these meetings, but it would be valuable for the public. Chief Wentzell said one thing the department is looking at doing as part of the accreditation process is to have a public facing dashboard with the department's policies that are available for public consumption. She added that there are some policies that deal with police tactics that will not be available to the public, as it could affect officer safety and police response.

Mr. Lytle motioned, seconded by Mr. Gallo to recommend that the full Council approve the changes to the ordinance as expressed in the provided document and add the Depot, community garden, and tannery skate park to the list of areas where concealed weapons are prohibited, and when presenting to the full Council, Chief Wentzell cover the departmental policies on interacting with individuals.

Chief Wentzell clarified that the police department does not have a policy on interacting with the unhoused and she would be opposed to having one. When it comes to industry standards and her expectations, it does not matter whether you are housed or unhoused, everyone should be treated the same. She said BPD has a bias-free policy that explains how the officers are supposed to interact with every member, regardless of socioeconomic status, and she thinks that would be good to share. Mr. Baker agreed. Chief Wentzell added that they provide information on resources to the unhoused and she is working to build up their toolbox of resources.

G. ALPR Camera Usage Policies

Mr. Hooper said Staff will ask the Committee to focus on the internal policy, which includes our guidelines on how the license plate readers will be used. Staff will need to come back to the Committee with Mr. McKeller's review of the Axon contract and examples of how the ALPR cameras were helpful in cities of a similar size.

Chief Wentzell said they created a draft policy for BPD that will hopefully address some concerns up front, demonstrate the safeguards that would be in place, and address NC General Statute requirements. Chief Wentzell said they looked at local and regional policies to identify the best practices from agencies that are North Carolina accredited and nationally accredited through CALEA. Chief Wentzell read through the policy line-by-line and addressed questions as they arose.

The policy's purpose is to guide the use, storage, and retention of data captured by ALPR cameras by BPD. Definitions were provided for terms related to ALPR cameras, such as alert, ALPR system, ALPR operators, hit, and hot list.

The Support Services Lieutenant will oversee the ALPR program and the CID Sergeant will be the ALPR Coordinator. The coordinator will be responsible for system maintenance, proper data collection and deletion, and hot list verification.

ALPR cameras may only be used in accordance with NC General Statute and BPD policy. Every query in the ALPR system will require a documented incident report or call for service number, the officer's name, date, and reason. Additionally, when submitting a query, officers will be required to use a form that will keep all queries standardized. When officers receive an alert, they will be required to use the appropriate database to confirm the hot list hit and should not act solely based on the alert. Chief Wentzell said verification is critical, as receiving an alert does not mean it is valid, and they need to vet the information received.

When requesting information be added to the hot list, the officer will submit a request to their direct supervisor that includes the license plate, the incident report/call for service number, the officer's name, date, and a clearly articulated reason for adding the entry. The supervisor will be responsible for reviewing the request to ensure there is a documented nexus between the plate and a legitimate law enforcement purpose before forwarding the request to the ALPR Coordinator. Hot list entries must be tied to legitimate law enforcement purposes, such as a stolen vehicle, missing person, public safety threats, or other situations authorized by State law. The ALPR Coordinator will confirm the request meets policy guidelines prior to entry. The policy will require multiple levels of authentication before entry.

Under NCGS § 20-183.32, the ALPR Coordinator will confirm all entries on the hot list are valid every 24 hours and remove entries that are no longer valid or needed. Chief Wentzell said they do not want their officers operating on stale information.

ALPR operators, including sworn officers and non-sworn telecommunicators, will receive training and must acknowledge the department's order prior to use.

ALPR data will be collected and maintained on Axon and FUSUS's cloud-based servers and in accordance with NCGS § 20-183.32, data will not be retained for longer than 90 days from the date of capture unless:

- A search warrant is issued pursuant to Article 11 of Chapter 15A of the General Statutes; or
- A federal search warrant is issued in compliance with the Federal Rules of Criminal Procedure; or
- A written preservation request is prepared and submitted that meets specified criteria.

If a preservation request is submitted, it is valid for 1 year from the date submitted and after that, an additional preservation request must be submitted or the data will be destroyed in accordance with records retention laws. BPD policy will require data to be purged after 30 days unless pertinent to an active investigation.

ALPR data will only be accessible through a password-protected system capable of documenting access to information by name, date, and reason with a corresponding CFS/incident report number. Personnel approved to access ALPR data are only permitted to access data for legitimate law enforcement or public safety purposes.

The database will be subject to routine and random audits. Queries that do not contain the required information or unauthorized use of the system may result in remedial training, suspension, restriction of ALPR access privileges, or disciplinary action up to and including termination and if necessary, criminal prosecution.

ALPR data may be shared with other law enforcement prosecutorial agencies for law enforcement purposes after a written request is received. The request must contain the camera location, specific license plate to be preserved, date and time frame, specific and articulable facts for why the plate data is relevant and material to an investigation, the case, and identity of the parties involved. Chief Wentzell reiterated that if anything is given out, there needs to be an audit trail. Non-law enforcement or non-prosecutorial requests will be processed in accordance with NCGS § 20-183.32. If a law enforcement agency advises that sharing captured ALPR data will impede an investigation, the data will be kept private pursuant to NCGS § 20-183.32 (e). ALPR data will not be sold for any purpose.

The ALPR Coordinator will analyze data collected by ALPR systems and review procedures to identify:

- Any trends or patterns
- Program effectiveness
- The need for changes in policy or procedure
- Potential training needs

- Any issues found during random queries

The analysis will be submitted to the Chief of Police for review annually by February 25th. Chief Wentzell added that as part of accreditation, there are several reports that must be submitted to the Chief's Office by February 25th, so this will as well.

Chief Wentzell said an additional safeguard she would like to implement would be an annual report presented to the Committee that would include number of plates read, number of stolen vehicles recovered, how many missing persons cases BPD assisted on, etc. The report would provide the data over the course of the year to show how the ALPR cameras assisted the City.

Mr. Lytle asked about a section that states "the license plate or identifying information" and asked what other information is available aside from the license plate. Chief Wentzell explained that there is no artificial intelligence or facial recognition, so the identifying information would relate to the color, make, and model of the vehicle. If you do not know the license plate, the system can pull all captured license plates that are registered to a certain make, model, and/or color.

Mr. Lytle asked what agencies would be non-prosecutorial agencies, to which Chief Wentzell said it would include the media, HOA's, and concerned citizen groups. She added that they can submit a request, but those requests would be denied. Mayor Copelof asked if Immigration would fall under that term. Chief Wentzell said they would be considered federal and Mr. McKeller said they would need to have a federal search warrant according to the general statute. Chief Wentzell said they would also need to submit the written request per BPD policy and provide a copy of the search warrant, which will state specific and articulable facts about a specific person for a specific reason. She added that the data will be purged every 30 days, so they only have 30 days and more than likely it will not be retained.

Mr. Hooper asked about preservation requests and whether those are only available to law enforcement agencies, or if requests can be made by the media or a law firm in anticipation of litigation. Chief Wentzell said it is for law enforcement and prosecutorial purposes only, so she will need to articulate that. Mr. McKeller said under the statute, it can be preserved for law enforcement purposes only.

Mr. Baker said he is comfortable with the internal policies and safeguards that Chief Wentzell intends to put in place. He added that he is still uncomfortable with what is outside the City's control. He gave the hypothetical example of not knowing whether an Axon partner or subsidiary would have access and if they did, the system would not have an audit trail and the City cannot fire someone at their organization.

Mr. Baker said in the reporting section where it states, "trends or patterns," he suggested changing the language because it will likely cause concern.

Mr. Lytle asked if the Axon cameras also have traffic analytics like the FLOCK cameras, to which Chief Wentzell said she is not sure, but will check.

Mr. Gallo asked about the timeline between getting an alert and verifying if the tag is valid. Chief Wentzell said the situations are very fluid with a lot of multitasking, so officers would be in route to the area while dispatch is running the tag.

H. Public Comment

Donna Lynn Owens Duckworth Bentley discussed a declaration of governed assets and estate benchmarks, which mentioned ancestral lands, water, minerals, oil, and gas. She was the declarant in the document and the document pertained to North Carolina and Texas. After reading excerpts, she stated that Brevard is her Brevard and stated that she had the land grant original papers in her hand. She added that the secret service, the CIA, and CISI are coming to Transylvania County. She said there are dams on top of the mountain that are clogged up with debris and that the money was used on roundabouts and bike trails. She said she is bringing many lawsuits and has rights to the Courthouse. She stated that us homeless people are not going to be homeless because this is her land. She pointed to Chief Wentzell and said she is an angel that fell out of heaven and she loves her. She said the new courthouse will not be built and will be a state-of-the-art Boys and Girls Club. She finished by saying we are going to beat the government y'all.

Mr. Locks asked about the system misreading a tag and referenced the automated systems at tolls. Chief Wentzell said it will be on the officers to verify the hit after receiving an alert and toll systems are largely automated so it will not encounter the same issue. She added that in order to get an alert, it has to be tied to a law enforcement purpose rather than a traffic violation. Mr. McKeller added that the Axon system cannot be used for traffic control.

Doug Tanton said he lives in Deerlake and asked if the proposed changes to the ordinance regarding loitering will displace folks who are currently in Clemson Plaza. Chief Wentzell said it will not affect them directly unless the hours of operation are changed or unless there has been any other behavior that is criminal outside of loitering. She added that some individuals have been trespassed but stated that that is a separate violation from using Clemson Plaza recreationally. Mr. Tanton asked if individuals could sit in Clemson Plaza and talk as long as they want to if it is within the hours of operation. Chief Wentzell said as long as they have not been trespassed from the property for any other reason, then yes. Mr. Tanton said he would like to see some clear guidelines and specifics on what loitering is and what is allowed. He does not want any ordinance to displace anyone, housed or unhoused.

A gentleman identified himself as a volunteer with Sharing House and thanked everyone for the dialogue on the ordinance changes. He said he does not speak for Sharing House but he can attest to the concern that we share when we hear about creating a more criminalized outcome. He said it is hard being without shelter. All he

requests is that they remember that the unhoused are not offenses, they are people and they may not have other alternatives in their day. He said the public is concerned that the changes are not going to be good for the unhoused, so making it known that the Committee is engaging in thoughtful discussion is important.

Harvey Sankey said with regard to traffic calming, there is another part of Park Ave. that has a problem and mentioned the E. Main St., Wilson Dr., and Greenville Hwy intersection. He said there is a wall on the right side that requires you to creep up. Mr. Hooper said DOT had an improvement planned but it was cost prohibitive, as it would cost the City around $100,000.

Mr. Sankey thanked Chief Wentzell for an extended tour of the Police Department. He said his concern is that the space is a lease and asked what would happen if the owner decides to sell the building. Mr. McKeller said they would sue him violation of the lease. Mr. Sankey asked about when the lease ends, to which Mr. McKeller said that is years down the road and there are options. Mr. Hooper added that the owner can sell the building but whoever buys it will have to honor the lease.

I. Set Date for Next Meeting – Monday, July 27, 2026 at 3:30pm

The next meeting was scheduled for Monday, July 27, 2026, at 3:30 pm.

J. Adjourn

There being no further business, the meeting was adjourned at 5:05 pm.

Minutes Approved: July 27, 2026

X Aaron Baker

Aaron Baker, Chair, Council Member or
Dean Lytle, Vice Chair, Council Member

X Shawnee A. Cummings

Shawnee Cummings
Assistant to the City Manager

CITY CODE OF ORDINANCES

PART II: CODE OF ORDINANCES

CHAPTER 42. OFFENSES AND MISCELLANEOUS PROVISIONS

State law reference(s)—Criminal law, G.S. ch. 14.

ARTICLE I. IN GENERAL

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42-9. Damaging fire hydrant, traffic signal, or police or fire alarm system.
42-10. Damaging bridges or culverts; obstruction of drains.
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42-1. Advertisements.

A. *Posting generally.* It shall be unlawful for any person to post any bills, signs or advertisements on any building, fence or other property belonging to another without the consent of the owner thereof. Such consent shall be secured in writing, and such written consent shall be exhibited by the person having the consent to any police officer of the city on demand.

B. *Posting on poles.* It shall be unlawful for any person to post any bills, posters, signs or advertisements on any telegraph, telephone, electric light or other pole along any of the streets of the city; provided that this section shall not be construed to include street signs placed on the poles by the city for designating names of streets. Each sign, poster, bill or advertisement posted in violation of this subsection shall constitute a separate offense.

C. *Placing in or on motor vehicles.* It shall be unlawful for any person to distribute advertising or printed matter of any kind by placing the advertising or printed matter in or on a motor vehicle that is parked on any street or other public place.

D. *Scattering handbills.* It shall be unlawful for any person to throw or cast any handbills, posters, circulars, programs, cards, placards, pamphlets or other printed, typed, stenciled or written matter, or other advertising matter, on any street, avenue or other public place, or in any yard or stoop in the city; provided this shall not apply to magazines and newspapers that are sold and distributed by carriers.

E. *Defacing or destroying advertisements or notices.* It shall be unlawful for any person to tear, deface, mutilate, take down or destroy any advertisement, legal, public or private notice legally posted for public view within the city, except for the owner of the private property or the officials in charge of the public property upon which it may be posted. (Code 1980, §§ 10-7—10-11)

Cross reference(s)—Advertising on or in vehicles for hire restricted, § 78-1.

42-2. Unauthorized use of police or fire signals.

It shall be unlawful for any person, without special authority from the police department or fire department, to carry or use any whistle, bell, horn or siren similar in appearance or sound to the whistles, horns or sirens used by the police department or fire department. (Code 1980, § 10-12)

42-3. Consumption or possession of alcoholic beverages in public place.

A. It shall be unlawful for any person to consume, sell, serve or drink alcoholic beverages of any kind, or to publicly display alcoholic beverages if the container has been opened or the seal broken, on any property owned, leased or controlled by the city, and any public street, alley, sidewalk or parking lot within the city limits, whether the area is open to vehicular traffic or has been closed to vehicular traffic in connection with a parade or other special event, unless a valid permit is obtained, pursuant to the subsections below:

1. The city manager (or designee thereof, hereafter, "the administrator") is hereby authorized to allow the sale and consumption of alcoholic beverages during a special event that has been permitted pursuant to CHAPTER 66 of Brevard City Code, provided the permittee presents the City with the appropriate permit from the North Carolina Alcoholic Beverage Control Commission.
2. The city manager or the administrator is hereby authorized to issue a social district participation permit that would allow the sale of alcoholic beverages for consumption in a designated social district pursuant to CHAPTER 43 of the Brevard City Code.

3. The city manager or the administrator is hereby authorized to issue a sidewalk dining permit that would allow the sale and consumption of alcohol on public sidewalks pursuant to CHAPTER 46 Article II of the Brevard City Code.
4. This permit shall only be valid for a designated area.
5. The permit holder shall be solely responsible for assuring compliance with all applicable laws of the City of Brevard and the State of North Carolina pertaining to the sales and consumption of alcoholic beverages. Permit holders who demonstrate failure to assure compliance with such laws shall be subject to immediate permit revocation, and may be subject to such civil and criminal penalties as are set forth in Brevard City Code and the North Carolina General Statutes.
6. In the issuance of a permit, the administrator shall have the authority to impose reasonable conditions to protect the public health, safety welfare.
7. Chief of police, police department event commander on-duty, and the administrator shall have authority to immediately cause alcohol sales and consumption activities to cease and desist upon a determination that the permit holder has failed to maintain compliance with the terms and conditions of the permit or the requirements of Brevard City Code, or that continuation of alcohol sales and consumption at the event would pose an immediate threat to the public health, safety and welfare.

B. *Penalty.* Violation punishable as a misdemeanor or infraction with fine up to $500 per G.S. 14-4.

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(Code 1980, § 10-13; Ord. No. 6-08, § 1, 4-7-08; Ord. No. 2012-04, § 1, 2-20-12; Ord. No. 2017-16, § 2, 8-22-17, Ord. No. 2021-02 , § 1(Exh. A), 1-25-21; Ord. No. 2023-36, § 1(Exh. A), 8-21-23; Ord. No. 2026-15, § 1(Exh. A), 5-426)

Cross reference(s)—Sale of intoxicating beverages by taxicab drivers, § 78-37.

State law reference(s)—Similar provisions, G.S. 18B-300(c).

Effective on: 5/4/2026

42-4. Reserved.

Editor's note(s)—Ord. No. 6-04, § 1, adopted March 15, 2004, repealed § 42-4 in its entirety. Former § 42-4 pertained to the sale of beer or wine on Sunday and derived from Code 1980, § 10-14.

42-5. Trespass on posted property; loitering generally.

A. It shall be unlawful for any person to loiter in or upon, or to drive any vehicle upon, any private property on any day between the hours of 12:00 midnight and 6:00 a.m. when signs have been posted by the owner or his employee or agent prohibiting such acts.

B. It shall be unlawful for any person to loiter in or upon, or to drive any vehicle upon, any private business property parking lot or area at any time such business is not open to the public, when signs have been posted by the owner or his employee or agent stating that such loitering or driving of vehicles is prohibited at or during certain designated times.

C. It shall be unlawful for any person to habitually loaf or loiter on the streets, or to congregate on the streets or sidewalks of the city in such a way as to obstruct or interfere with the free passage into or out of any public business or private property.

D. It shall be the duty of the police officer who observes a violation of this section first to warn the offender, and upon his failure to heed the warning to arrest him.

~~D.~~E. Violation of this section punishable as a misdemeanor or infraction with fine up to $500 per G.S. 14-4

(Code 1980, § 10-15)

42-6. Loitering for purpose of engaging in drug-related activity.

A. *Violations.* It shall be unlawful for a person to loiter, remain or wander about in a public place in a manner and under circumstances manifesting the purpose of engaging in a violation of any subdivision of the North Carolina Controlled Substances Act, G.S. 90-89 et seq. A prima facie showing of a violation of this section is made by proof that a person, while in a public place, loiters and commits any of the following acts or courses of conduct:

1. Repeatedly beckons to, stops or attempts to stop passersby, or repeatedly attempts to engage passersby in conversation;
2. Repeatedly stops or attempts to stop motor vehicles;
3. Repeatedly interferes with the free passage of motor vehicles or other persons;
4. Associates at such location with one or more persons who are known unlawful drug users, possessors and sellers;
5. Behaves in such a manner as to raise a reasonable suspicion that he is about to engage in, or is engaged in, an unlawful drug-related activity;
6. Repeatedly passes to or receives from passersby, whether on foot or in a vehicle, money or objects;
7. Takes flight upon the approach or appearance of a police officer;
8. Is at a location frequented by persons who use, possess or sell drugs; or
9. Uses or associates with the user of any vehicle which is registered to a known unlawful drug user, possessor or seller, or is known to be or have been involved in drug-related activities.

B. *Penalty.* ~~A violation of any provision of this section is a misdemeanor and shall subject the offender to punishment in accordance with Section 1-8.~~Violation punishable as a misdemeanor or infraction with fine up to $500 per G.S. 14-4

(Code 1980, § 10-15.1; Ord. No. 2023-43, § 1(Exh. A), 9-5-23)

Editor's Note—Ordinance 2023-43 transferred the definitions previously found in this section to City Code § 1-2.

Effective on: 9/5/2023

42-7. Assemblages obstructing street.

A. It shall be unlawful for persons to assemble or collect and stand so as to obstruct any sidewalk, street or other public way, except an authorized parade. All persons so collecting and standing shall disperse and move upon the demand of any police officer.

B. Penalty. Violation punishable as a misdemeanor or infraction with fine up to $500 per G.S. 14-4

(Code 1980, § 10-17)

Cross reference(s)—Streets, sidewalks and other public ways, CHAPTER 62.

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42-8. Refusal to pay taxicab fare.

It shall be unlawful for any person to refuse to pay the legal fare of any taxicab after having hired the taxicab, and it shall be unlawful for any person to hire any vehicle defined in this section with the intent to defraud the person from whom it is hired of the value of such service.

(Code 1980, § 10-18)

Cross reference(s)—Taxicabs, § 78-31 et seq.

42-9. Damaging fire hydrant, traffic signal, or police or fire alarm system.

It shall be unlawful for any person willfully or negligently to damage or interfere with any fire hydrant, police or fire alarm box, traffic signal or other property used in the city's police or fire alarm systems.

(Code 1980, § 10-19)

State law reference(s)—Damaging fire alarm systems, G.S. 14-286.

42-10. Damaging bridges or culverts; obstruction of drains.

It shall be unlawful for any person to damage or displace any part of any bridge, culvert, ditch and drain or other property belonging to or used by the city, or place any obstruction in any culvert, ditch or drain so as to prevent or impede the free flow of water through the culvert, ditch or drain. (Code 1980, § 10-20)

42-11. Damaging streetlights, signs or other fixtures on streets or sidewalks.

It shall be unlawful for any person to damage, tamper with, remove or paint upon or deface any sign, sign post, streetlight, traffic signal or bulletin board or other municipal property upon the streets and sidewalks, except employees of the city in performance of their official duties. (Code 1980, § 10-21)

42-12. Interfering with students.

It shall be unlawful for any person wantonly to molest, disturb or interfere with any student of any school while such student is en route to or from any school, church or other place where such student has a right to be. (Code 1980, § 10-22)

42-13. Shooting firearms.

It shall be unlawful for any person other than duly sworn peace officers to fire or shoot any gun or pistol or other firearm within the city except in duly licensed shooting galleries; provided, this section shall not be construed to prevent the protection of one's self, family or property from harmful or hostile attack or injury. This section shall not apply to the discharge of blank ammunition for ceremonial purposes.

(Code 1980, § 10-23)

State law reference(s)—Authority to regulate, G.S. 160A-189.

42-14. Carrying concealed weapon on or near city property.

A. It shall be unlawful for any person, willfully and intentionally, to carry concealed about his person any Bowie knife, dirk, dagger, switchblade, slingshot, loaded cane, metallic knuckles, razor, stun gun, pistol, gun or other deadly weapon of any kind, when in, on or about the city-owned property listed in 42-14.D.

B. This section shall not apply to:

1. Any ordinary pocket knife carried in the closed position. As used in this section, the term "ordinary pocket knife" means a small knife, designed for carrying in a pocket or purse, which has its cutting edge and point entirely enclosed by its handle, and that may not be opened by a throwing, explosive or spring action.
2. Law enforcement officers and military personnel when acting in the line of duty, and full-time law enforcement officers when off duty, provided that they are otherwise authorized to carry such weapon.
3. Any individual legally carrying a concealed handgun, as identified in North Carolina General Statutes, unless prohibition is specifically identified or is allowed by North Carolina General Statute.

C. Provided that the weapon is not a firearm, it shall be a defense to prosecution under this section that the defendant was engaged in, or on the way to or from, an activity in which he lawfully used the weapon, he possessed the weapon specifically for that lawful use, and he did not use, threaten or attempt to use the weapon for any illegal purpose. The defendant shall have the burden of proof with regard to such defense.

D. This section will apply to and with respect to the following properties only:

1. The interior of all city-owned buildings, namely, city hall, the city ~~volunteer~~ fire department building, police department headquarters, ~~the~~ public works buildings, the wastewater treatment buildings, the water treatment buildings, ~~and~~ the French Broad community center, and the Mary C Jenkins Community Center when properly posted with signs prohibiting concealed weapons. In this event, those with the legal right to carry concealed weapons may lock their firearms in their vehicles on city-owned parking lots.
2. The confines of the following city-owned public recreation facilities, including, but not limited to, buildings located thereon: Hap Simpson Park, Franklin Park, Silversteen Park, the Brevard Dog Park and "Clemson" Park located at the corner of Main and Caldwell Streets.
3. City and county athletic fields when city or county scheduled events are taking place.

E. This section will not apply to: City owned greenways, bike/hike paths, Bracken Preserve and Estatoe Trail, and athletic fields when no scheduled event is taking place.

F. This section will not apply to the section of the bike/hike path that runs through city and county athletic fields, even when scheduled events are taking place.

G. Any person violating the provisions of this section shall be guilty of a misdemeanor with a fine up to $500 per G.S. 14-4~~.~~

(Code 1980, § 10-23.1; Ord. No. 2013-18, § 1, 12-16-13) **42-15.**

Firing projectiles or arrows.

It shall be unlawful for any person to shoot or project any stone, rock, shot or other hard substance by mean of a slingshot, bean shooter, air rifle, pop gun, bow or other similar contrivance; provided that archery shooting may be engaged in on such grounds as may be set aside and approved therefor by the city council.

(Code 1980, § 10-24)

State law reference(s)—Authority to regulate pellet guns, G.S. 160A-190.

42-16. Public art.

A. It shall be unlawful for any person to install art in publicly-visible spaces without receiving city council approval. City council shall issue a resolution stating its approval or denial of the installation request based on adopted policies.

B. Public art includes but is not limited to murals, sculptures, memorials, and community art designed and/or built by an artist. Public art may be attached to a building or be a free-standing installation.

C. For the purposes of this section, a publicly-visible space is defined as publicly- or privately-owned, nonresidential property that is visible from public streets and pedestrian walkways.

~~C.~~D. ~~D.~~ Installed artwork may be subject to abatement pursuant to Section 38-35.

(Ord. No. 2021-06 , § 1(Exh. A), 2-22-21; Ord. No. 2021-48 , § 2(Exh. B), 11-15-21)

42-17. Hours of Operation

A. ~~A.~~All city-owned property shall be open only from 6 AM to 10 PM unless otherwise posted.

B. The city manager may appoint agents who may enact such administrative rules and procedures, and issue such orders as are necessary to effectuate the purpose of this article and to protect the general health, safety, and welfare of the public.

C. Designated agents and sworn law enforcement may enforce this article.

D. An administrative encampment policy which aims to connect residents of encampments who may be experiencing homelessness with housing and other resources shall govern City interaction with such campers. At the expiration of the notification period as defined in the encampment policy, campers shall be subject to the remaining provisions of this ordinance.

E. Failure to vacate city-owned property ~~at the expiration of the notice period defined in 42-18.C~~ *when properly notified by an appointed agent* may be enforced as a misdemeanor *or infraction with fine up to $500* per G.S. 14-4.

(Ord. No. 2023-16, § 1, 5-1-23)
Effective on: 5/1/2023

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~~42-18. Enforcement and Administration~~

~~A. The city manager may appoint agents who may enact such administrative rules and procedures, and issue such orders as are necessary to effectuate the purpose of this article and to protect the general health, safety, and welfare of the public.~~

~~B. Designated agents and sworn law enforcement may enforce this article.~~

~~C. An administrative encampment policy which aims to connect residents of encampments who may be experiencing homelessness with housing and other resources shall govern City interaction with such campers. At the expiration of the notification period as defined in the encampment policy, campers shall be subject to the remaining provisions of this ordinance.~~

~~D. Failure to vacate city owned property at the expiration of the notice period defined in 42-18.C may be enforced as a misdemeanor per G.S. 14-4.~~

~~(Ord. No. 2023-16, § 1, 5-1-23)~~

~~Effective on: 5/1/2023~~

42-~~19~~18—42-40. Reserved.