

**ROADWAYS, RIGHT-OF-WAY AREAS, STREETS, & SIDEWALKS IN ALEXANDER COUNTY
TITLE 7: TRAFFIC CODE – CHAPTER 70**

WHEREAS, persons should be able to move freely upon the roadways, right-of-way areas, streets, and sidewalks in Alexander County without undue interference or intimidation from other persons; and

WHEREAS, public welfare is promoted by safe, inviting, and economically healthy areas designated for commercial and residential living; and

WHEREAS, public safety requires the imposition of reasonable manner and place restrictions on solicitation, while respecting the constitutional right of free speech for all citizens; and

WHEREAS, a registration requirement for solicitation will assist in providing public accountability for acts of aggressive solicitation but will not improperly impair an individual's right to engage in constitutionally-protected solicitation in public areas within Alexander County.

NOW, THEREFORE BE IT RESOLVED, by the Alexander County Board of Commissioners:

SECTION 70.1 INTENT

The purpose of this ordinance is to:

- require the registration and permitting of street peddlers, beggars, door-to-door sales persons, and charitable solicitors who attempt to solicit sales or contributions for their own personal gain from occupants of vehicles, pedestrians on certain streets, sidewalks, and certain public places, including right-of-ways within Alexander County, and from door-to-door sales;
- to thereby regulate and ensure the safety of vehicular and pedestrian traffic flow;
- to promote roadway and sidewalk safety;
- to promote, protect, and preserve the health, safety, and general welfare of the people of Alexander County;
- to help regulate public solicitation and begging;
- to provide for the safety of persons in their home from unwanted door-to-door sales by unregulated or unknown persons.

The provisions of this ordinance shall not apply to bona fide members of charitable, religious, educational, civic, or fraternal organizations which are exempt from the payment of privilege licenses and who receive no compensation of any kind for their services including, but not limited to, political candidates/fundraisers, The Boy Scouts of America, The Girl Scouts of America, all area churches, those engaged in lawful Halloween events, all local fundraising for sporting teams, all school-related activities and fundraising events, and any other type of organization or individual approved by the Sheriff of Alexander County.

SECTION 70.2 REGISTRATION AND PRIVILEGE LICENSE REQUIRED

No person shall sell, offer goods for sale, or solicit contributions, including begging, for their own personal benefit, or engage in any other similar form of commercial speech upon the roadways, right-of-way areas, streets, and sidewalks in Alexander County unless such persons have previously registered therefore and obtained the panhandler privilege license required by this ordinance. No person shall engage in door-to-door sales operations within Alexander County unless such persons have previously registered therefore and obtained the panhandler privilege license required by this ordinance.

SECTION 70.3 PRIVILEGE LICENSE PROCEDURES

Applications for panhandler privilege licenses from individuals under this ordinance shall be submitted to the Sheriff's Office on forms provided by the Sheriff of Alexander County. The applicant shall submit, along with the application, a criminal background history obtained from the Sheriff's Office. The applicant shall also be required to give appropriate fingerprint samples at the Sheriff's Office.

Thereafter, any panhandler privilege license issued shall be valid until the end of the calendar year in which said license was issued, or for such other period as may be specified on the license certificate, or until information is discovered that caused the licensee, in the opinion of the Sheriff, to be disqualified. In such instances of disqualification, any panhandler privilege license having been issued shall be revoked by the Sheriff.

Upon receipt of information or reports of violation of this ordinance, the Sheriff may refuse to issue, refuse to renew, or revoke panhandler privilege licenses as deemed necessary to safeguard the interest of the public and to carry out the purposes of this ordinance.

Any panhandler privilege license issued under this ordinance shall be non-transferrable.

SECTION 70.4 TIME RESTRICTIONS

Any person who begs, panhandles, or solicits alms for his or her own personal gain or engages in door-to-door sales after sunset or before sunrise is guilty of a misdemeanor. Any person who begs, panhandles, or solicits alms for his or her own personal gain in a school zone during the time of arrival of students at the beginning of the school day and/or during the time of the departure of students at the end of the school day is guilty of a misdemeanor.

SECTION 70.5 PLACE

Any person who begs, panhandles, or solicits alms for his or her own personal gain from the following places with or without a panhandler privilege license is guilty of a misdemeanor:

- At any bus stop;
- In any public transportation vehicle or facility;
- From any vehicle on a street, highway, roadway, or right-of-way;
- On private property without the permission of the owner;

- On any school property during student arrival times or student departure times (unless authorized by the school);
- On any sidewalk adjacent to an outdoor restaurant or place where a line of patrons has formed;
- Within 50 feet in any direction from an automatic teller machine or entrance to a bank;
- Within 20 feet of a crosswalk of any kind;
- While under the influence of alcohol or after having illegally used any controlled substance as defined by the North Carolina Controlled Substances Act;
- While the person being solicited is standing in line waiting to be admitted to a commercial or public establishment;
- From any street, highway, roadway, or right-of-way area to any street, highway, or roadway;
- At any public library during hours of operation.

SECTION 70.6 MANNER

Any person who begs, panhandles, or solicits alms for his or her own personal gain with or without a privilege license in any of the following manners is guilty of a misdemeanor:

- By coming within 3 feet of the person being solicited, until that person has clearly indicated that he or she wants to make a donation;
- By blocking the path of the person being solicited along a sidewalk or street;
- By following the person being solicited after they have walked away;
- By using profane or abusive language, either during the solicitation or following a refusal;
- By soliciting in a group of 2 or more people;
- By any statement, gesture, or other form of communication by which a reasonable person in the situation of the person solicited would perceive to be a threat.

SECTION 70.7 FALSE OR MISLEADING SOLICITATION

Any person who knowingly makes any false or misleading representation in the course of soliciting a donation or begging for alms is guilty of a misdemeanor. False or misleading representations include, but are not limited to, the following:

- Stating that the donation is needed to meet a specific need when the solicitor already has sufficient funds to meet that need and does not disclose that fact;
- Stating that the donation is needed to meet a need which does not exist;
- Stating that the solicitor is from out of town and stranded when that is not true;
- Wearing a military uniform or other indication of military service when the solicitor is neither a present member or former member of the service indicated;
- Wearing or displaying an indication of physical or mental disability when the solicitor does not suffer the disability indicated;
- Use of any makeup or device to simulate any deformity;
- Stating that the solicitor is homeless when he or she is not.

Any person who solicits a donation by stating that the funds are needed for a specific purpose and then spends the funds received for a different purpose is also guilty of a misdemeanor.

SECTION 70.8 PRIVILEGE LICENSE REQUIRED

No person shall beg, panhandle, or solicit alms for his or her own personal gain or engage in door-to-door sales without first registering and obtaining a panhandler privilege license issued by the Sheriff of Alexander County. A person who has registered and who has been issued a panhandler privilege license shall keep it on his or her person at all times while begging, panhandling, or soliciting alms and shall show it to any law enforcement officer immediately upon request. No person whose panhandler privilege license has been revoked shall beg, panhandle, or solicit alms or engage in door-to-door sales for a period of 2 years following the date of the revocation. Any person who violates this subsection is guilty of a misdemeanor.

After payment of a fee of \$50.00 per permit, the Sheriff's Office shall issue a panhandler privilege license to any person deemed eligible once they demonstrate, to the satisfaction of the Sheriff, their ability to satisfy the requirements for licensure as outlined in this ordinance, who comes to the Sheriff's Office and presents a picture identification issued by NCDMV and one other form of identification satisfactory to the Sheriff.

A person is not eligible for a panhandler privilege license or renewal of a license if within the most recent 5-year period:

- The Sheriff has received information that the person has 2 or more violations of this ordinance;
- The Sheriff has received information that the person has been convicted of 2 or more offenses under the law of any jurisdiction which involve aggressive or intimidating behavior while begging, panhandling, or soliciting alms, aggravated assault, communicating threats, any other types of personal injury crimes, or the making of false or misleading representations while begging, panhandling, or soliciting alms, or the person has been convicted of any felony crime or similar crime in another state which would be a felony in North Carolina;
- The person otherwise does not qualify for a panhandler privilege license in accordance with this ordinance.

Any person who makes any false or misleading statements while applying for a panhandler's privilege license under this ordinance is guilty of a misdemeanor. Upon receipt of information such as a violation, the Sheriff shall decline to issue a privilege license to the offending applicant or shall revoke the license of the offending licensee.

If a person applies for and is issued a panhandler privilege license under this ordinance and the Sheriff receives information that the person has violated any provision of this ordinance, the Sheriff shall decline to issue or shall revoke, respectively, that person's panhandler privilege license for a period of 2 years.

SECTION 70.9 VIOLATIONS

Any violation of this ordinance shall be a misdemeanor and may be enforced by any one or more of the remedies authorized by the provisions of N.C.G.S. 14-4 or N.C.G.S. 160A-175 with a maximum fine of \$50.00 for each offense. A law enforcement officer observing a violation of this ordinance shall confiscate the panhandler privilege license and return it to the Sheriff's Office. The licensee may appear before the Sheriff and show cause why the license should not be revoked.

SECTION 70.10 SEVERABILITY

If any portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 70.11 EFFECTIVE DATE

This ordinance shall become effective immediately upon its adoption.

Adopted December 2, 2010
Amended August 15, 2011