

Sec. 13-202. - Solicitors.

- (a) Every person who travels from place to place taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, regardless of whether samples are displayed or money is collected in advance, and every person who uses or occupies any building or premises for the sole purpose of taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, regardless of whether samples are displayed or money is collected in advance, shall obtain a business permit.
- (b) The business permit shall not apply to any solicitor engaged in interstate commerce, but such solicitor shall secure a business permit appropriately marked to show such an exemption.
- (c) No license shall be issued under this section until the applicant has filed a bond in the amount of five hundred dollars (\$500.00), approved by the city attorney, conditioned upon the final delivery of the goods ordered or the performance of the services ordered in accordance with the terms of the solicitation, or the return of any deposit or payment. If the gross sales of undelivered goods or services ordered through one (1) solicitor exceeds five hundred dollars (\$500.00), the solicitor shall increase the amount of his bond to cover such sales, such increase to be in increments of not less than two hundred fifty dollars (\$250.00).
- (d) Every person who solicits or sells door to door at private residences shall submit an application for a business permit and shall submit to a criminal background history check which shall be reviewed by the chief of police or his designee to determine eligibility of the applicant. A person is not eligible for this business permit or renewal of this business permit if within the most recent ten-year period:
 - (1) The city manager or his designee has received information from the executive officer to the chief of police that the person has two (2) or more violations of this chapter;
 - (2) The city manager or his designee has received information from the executive officer to the chief of police that the person has been convicted of one (1) or more offenses under the law of any jurisdiction which involve either misdemeanor or felony assault, communicating threats, any sexual offense or abuse involving a minor, any offense determined to be a sexually violent offense, or illegal use of weapons.
- (e) Every person who solicits or sells door to door at private residences shall only conduct this activity between sunrise and sunset. He or she shall not:
 - (1) Enter into the residence without the express consent of the person at the residence;
 - (2) Use profane or abusive language either during the solicitation or following a refusal;
 - (3) Make any gesture or other form of communication by which a reasonable person would perceive to be a threat;
 - (4) Refuse to leave the premises immediately upon the request of the person at the residence.

(Ord. No. 15-073, § 1(Exh. A), 6-16-15; Ord. No. 17-9, § 1, 1-17-17)

Cross reference— Peddlers, solicitors, etc., Ch. 20.

ARTICLE I. - IN GENERAL

Sec. 20-1. - Begging or soliciting alms.

- (a) *Permitted.* It shall be lawful to beg or solicit alms except in a manner set forth in subpart (b) of this section.
- (b) *Prohibited conduct while begging or soliciting alms.* It shall be unlawful for any person to ask, beg, or solicit alms or contributions of money, food, or clothes, or exhibit oneself for the purpose of begging or soliciting alms or such contributions, by (i) accosting another, or (ii) forcing one-self upon the company of another.
- (c) *Definitions.*
 - (1) For purposes of this section, "ask, beg or solicit" shall include, without limitation, the spoken, written or printed word, or such other acts as are conducted in furtherance of the purpose of obtaining alms or contributions of money, food, or clothing.
 - (2) For purposes of this section, "accosting" or "aggressive manner" shall be defined as:
 - a. Approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his or her person, or upon property in his or her immediate possession, or otherwise be intimidated into giving money or other thing of value;
 - b. Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;
 - c. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
 - d. Using violent or threatening gestures toward a person solicited;
 - e. Following the person being solicited, with the intent of asking that person for money or other things of value;
 - f. Speaking in a volume unreasonably loud under the circumstances;
 - g. Soliciting money from anyone who is waiting in line for entry to a building or for another purpose.
 - (3) For purposes of this section, "forcing one-self upon the company of another" shall be defined as (i) continuing to request, beg or solicit alms or contributions of money, food, or clothing in close proximity to the person addressed after the person to whom the request is directed has made a negative response; or (ii) blocking the passage of the person addressed; or (iii) otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.
 - (4) For purposes of this section, "panhandling" shall be defined as asking or soliciting, for personal gain, for money or objects of value, with the intention that the money or objects be transferred at that time, and at that place. Asking or soliciting shall include using the spoken, written, or printed word, bodily gestures, signs, or other means with the purpose of obtaining an immediate donation of money or other thing of value.
 - (5) For purposes of this section, "public place" shall be defined as a place where a governmental entity has title, and/or to which the public or a substantial group of persons has access, including, but not limited to, any street, highway, parking lot, plaza, restaurant, theatre, transportation facility, vendor location, school, place of amusement, park, or playground.

- (6) For purposes of this section, "financial institution" shall be defined as any banking corporation, credit union, foreign exchange office, check cashing business, or other financial business.
 - (7) For purposes of this section, "automated teller machine" shall be defined as a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.
 - (8) For purposes of this section, "automated teller machine facility" shall be defined as the area comprised of one (1) or more automatic teller machines and any adjacent space which is made available to banking customers after regular banking hours.
- (d) *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.

(Code 1961, §§ 13-1, 13-2; Ord. No. 93-149, § 1, 12-20-93; Ord. No. 04-84, § 2, 6-15-04; Ord. No. 15-073, § 1(Exh. C), 6-16-15)

State Law reference— Regulation of begging, G.S. § 160A-179.

Secs. 20-2—20-15. - Reserved.

ARTICLE II. - PEDDLERS, TRANSIENT VENDORS, ETC.

Sec. 20-16. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Panhandler means any person asking or soliciting for personal gain, for money or objects of value, with the intention that the money or objects be transferred at that time, and at that place. Asking or soliciting shall include using the spoken, written, or printed word, bodily gestures, signs, or other means with the purpose of obtaining an immediate donation of money or other thing of value.

Peddler means any person who transports goods from place to place and sells or exposes the goods for sale, or who, without traveling from place to place, sells or offers for sale any goods from any vehicle or device; provided, that any person who separates the acts of sale and delivery for the purpose of evading the provisions of this article shall be deemed a peddler.

Solicitor means any person who travels from place to place taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, regardless of whether samples are displayed or money is collected in advance, and any person who uses or occupies any building or premises for the sole purpose of taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, regardless of whether samples are displayed or money is collected in advance.

Transient vendor means any person who engages in a temporary business of selling and delivering goods and who, for this purpose, uses or occupies any premises; provided that no person shall be relieved from complying with the provisions of this article merely by conducting a transient business in association with any permanently established merchant.

(Code 1961, § 11-107(a); Ord. No. 04-84, § 2, 6-15-04)

Sec. 20-17. - Exemptions.

The provisions of this article shall not apply to bona fide members of charitable, religious, civic, or fraternal organizations which are exempt from the payment of business permits, and who receive no compensation of any kind for their services.

(Code 1961, § 11-107(d); Ord. No. 15-073, § 1(Exh. C), 6-16-15)

Sec. 20-18. - Registration.

- (a) Any person doing business in the city as peddler, solicitor, or transient vendor shall file with the chief of police, on a form to be provided for that purpose, a statement setting forth:
- (1) The name of his company, if applicable, or his name.
 - (2) The company's address or his address.
 - (3) The goods to be sold or offered for sale, or the type of services to be rendered.
 - (4) The period during which the business will be conducted.
 - (5) The name of the supervisor, if applicable.
 - (6) The address of the supervisor, if applicable.
 - (7) The name of each solicitor or agent who will be in the city during the period of operation and his color, sex, height, weight, and distinguishing characteristics, if any.
 - (8) The total number of persons in the crew, if applicable.
 - (9) A description of each automobile or other vehicle to be used in the business, showing the make, model, body style, color and license number.
- (b) Any person begging or soliciting alms for personal gain shall file with the chief of police, on a form to be provided for that purpose, a statement setting forth:
- (1) The person's name;
 - (2) The person's address;
 - (3) The person's date of birth and state and country of birth;
 - (4) A description of the person's automobile, including the VIN number and state of registration, make, model, body style, color and license number; and
 - (5) The person's drivers license number or NCDMV identification number.

(Code 1961, § 11-107(b); Ord. No. 04-84, § 2, 6-15-04)

Sec. 20-19. - Orders.

All orders taken by permitted solicitors of whom a bond is required shall be reduced to writing showing the terms of the order and the amount paid in advance, and one (1) copy of such written order shall be given to the purchaser.

(Code 1961, § 11-107(c); Ord. No. 15-073, § 1(Exh. C), 6-16-15)

Sec. 20-20. - Prohibited conduct.

Every person who solicits or sells door to door at private residences shall only conduct this activity between sunrise and sunset. He or she shall not:

- (1) Enter into the residence without the express consent of the person at the residence;
- (2) Use profane or abusive language either during the solicitation or following a refusal;
- (3) Make any gesture or other form of communication by which a reasonable person would perceive to be a threat;

(4) Refuse to leave the premises immediately upon the request of the person at the residence.

(Ord. No. 15-073, § 1(Exh. C), 6-16-15)

Secs. 20-21—20-45. - Reserved.

ARTICLE III. - CHARITABLE, ETC., SOLICITATIONS

DIVISION 1. - GENERALLY

Sec. 20-46. - Reports.

The city clerk may require from any permittee under this article any reports or information at any time and at such intervals as in the discretion of the city clerk shall be necessary for the successful administration of the provisions of this article and the protection of the health, life and property of the citizens of the city.

(Code 1961, § 13-2.1(e))

Sec. 20-47. - Revocation.

If, upon receipt of written information or upon investigation, the city clerk shall find that any agent or representative of a permittee under this division is misrepresenting or making untrue statements with regard to solicitation, or has made untrue statements in the application, or that in any other way the solicitation has been conducted or is being conducted in a manner inimical to the protection of the health, life and property of the citizens of the city and not in conformity with the intent and purpose of this section, or representing in any way that any permit granted hereunder is an endorsement of such solicitation, then it shall be the duty of the city clerk to revoke the permit. Before any permit is revoked, the city clerk shall give the permittee twenty-four (24) hours' notice in writing that a hearing is to be had; and that at the hearing the city clerk shall ascertain the facts and, if any reasons set forth for revoking the permit are found to exist, the permit shall be revoked. Any person denied a permit or whose permit has been revoked by the city clerk may appeal to the city council.

(Code 1961, § 13-2.1(f))

Secs. 20-48—20-60. - Reserved.

DIVISION 2. - PERMIT

Sec. 20-61. - Required.

- (a) It shall be unlawful for any person or for any agent, member or representative thereof, directly or indirectly, to solicit property or financial assistance of any kind, to sell or offer to sell any article, tag, service emblem, publication, ticket, advertisement, subscription or anything of value, on the plea or the representation that such sale or solicitation, or the proceeds thereof, is for a charitable, educational, patriotic or philanthropic purpose, on the streets, in any office or business building, by house to house canvass, or in any other public or private place, by telephone, personal solicitation, by mail, or in any other way, in the city unless such person shall have first duly secured a permit pursuant to this division.
- (b) The provisions of subsection (a) shall not apply to any established society, association or corporation that is organized and operated exclusively for educational, philanthropic, benevolent, fraternal, charitable or reformatory purposes, not operated for pecuniary profit, where no part of the net earnings of which inure to the benefit of any person, private shareholder or individual, and where the

solicitation of such organization shall be conducted solely among the members thereof by other members or officers thereof, voluntarily and without remuneration for such solicitation or where such solicitation may be in the form of collections or contributions at the regular exercises or services of any church, religious society, lodge, benevolent order or fraternity or similar organizations, or of any branch thereof.

(c) Subsection (a) does not apply to:

- (1) Any person who solicits charitable contributions for a religious purpose or on behalf of a person established for a religious purpose shall not be required to apply for a permit.
- (2) Solicitation of charitable contributions by federal, state or local government, or any agency thereof.

(Code 1961, § 13-2.1(a))

Sec. 20-62. - Application.

A written application for the permit required by this division shall be sworn to and filed with the city clerk. The application shall contain the following information:

- (1) Name of the organization applying for a permit to solicit and the address of its headquarters.
- (2) Names and addresses of its principal officers and management.
- (3) The purpose for which any receipts derived from such solicitation are to be used.
- (4) The name of the person or persons by whom the receipts of such solicitation shall be disbursed.
- (5) The name and address of the person or persons who will be in direct charge of conducting the solicitation.
- (6) An outline of the method or methods to be used in conducting the solicitation.
- (7) The time when such solicitation shall be made, giving the proposed dates for the beginning and ending of such solicitation.
- (8) The amount of any wages, fees, commissions, expenses or emoluments to be expended or paid to anyone in connection with such solicitation, together with the manner in which such wages, fees, expenses, commission or emoluments are to be expended, to whom paid, and the amount thereof.
- (9) A financial statement for the last preceding fiscal year of any funds collected for the purposes for which a permit is required by this division by the organization or persons seeking a permit for such solicitation. The statement shall give the amount of money so raised, together with the cost of raising it and the final determination thereof.
- (10) If any permit is required under the Charitable Solicitations Act [G.S. Ch. 131C]; a copy of the permit.
- (11) A full statement of the character and extent of the charitable, educational or philanthropic work being done by the applicant organization within the city.
- (12) Such other information as may be required by the city clerk in order to fully determine the kind, character and worthiness of the proposed solicitation and as to whether or not such solicitation is in the interest of protecting the health, life and property of the citizens of the city and in the interest of preserving and enforcing good government and for the security of the city and its inhabitants.

(Code 1961, § 13-2.1(b))

Sec. 20-63. - Investigation and issuance.

Upon receipt of a completed application for the permit required by this division, the city clerk shall make or cause to be made such investigation as he shall deem necessary in regard thereto in order to determine that such proposed solicitation is, in fact, to be conducted for worthy charitable, educational, philanthropic or patriotic purpose, and that the proceeds from such solicitation shall be so used, and if the city clerk shall be satisfied that the cause for which such solicitation is to be made is, in fact, for a worthy charitable, educational, patriotic or philanthropic purpose and that the proceeds derived from such solicitation will be used for such purpose and that such solicitation is not promoted or conducted primarily for the private profit of its promoters, and that such solicitation will not be incompatible with the protection of health, life and property of the citizens of the city, then the city clerk shall approve such application and shall issue a permit to such applicant for the proper period.

(Code 1961, § 13-2.1(c))

Sec. 20-64. - Expiration; renewal and transfer.

- (a) The city clerk shall determine from the application for the permit required by this division and from such facts as may be developed in connection with the permit application the period for which such permit shall be approved and granted. Such period shall not exceed three (3) calendar months, however upon further application, information or reports as may be deemed to safeguard the interest of the public and carry out the purposes of this section, the city clerk may renew and extend such permit for additional periods, not to exceed three (3) calendar months.
- (b) Any permit issued under this division shall be nontransferable; provided, however, that a permittee may use any number of solicitors and representatives as shall be reported to the city clerk.

(Code 1961, § 13-2.1(d))

ARTICLE IV. - PERSONS BEGGING OR SOLICITING ALMS FOR PERSONAL GAIN¹²¹

Footnotes:

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Cross reference— Begging or soliciting alms, § 20-1.

Sec. 20-65. - Intent.

The purpose of this article is to require the registration and permitting of street peddlers, beggars and charitable solicitors who attempt to solicit sales or contributions for their own personal gain from occupants of vehicles and pedestrians on certain streets and sidewalks within the City of Greensboro, and to thereby regulate and ensure the safety of vehicular and pedestrian traffic flow and to promote roadway safety and sidewalk safety. The provisions of this article shall not apply to bona fide members of charitable, religious, civic or fraternal organizations which are exempt from the payment of business permits and who receive no compensation of any kind for their services. Those persons excluded under the provisions of article III, subsections 20-61(b) and (c) are excluded from the provisions of this article.

(Ord. No. 03-81, § 1, 4-15-03; Ord. No. 15-073, § 1(Exh. C), 6-16-15)

Sec. 20-66. - Registration and business permit required.

No person shall sell, or offer for goods for sale, or solicit contributions for their own personal benefit or engage in any other form of commercial speech in the City of Greensboro unless such persons have previously registered therefore and obtained the panhandler business permit required under section 13-181 of the Greensboro Code of Ordinances.

(Ord. No. 03-81, § 1, 4-15-03; Ord. No. 04-84, § 2, 6-15-04; Ord. No. 06-119, § 1, 6-6-06; Ord. No. 15-073, § 1(Exh. C), 6-16-15)

Editor's note— Ord. No. 15-073, § 1(Exh. C), adopted June 16, 2015, changed the title of § 20-66 from "Registration and privilege license required" to "Registration and business permit required." This historical notation has been preserved for reference purposes.

Sec. 20-67. - Business permit procedures.

- (a) Applications for panhandler business permits from individuals under this article shall be submitted to the office of the city manager or his designee on forms provided by the office of the city manager or his designee. The applicant shall submit an application and shall submit to a criminal background history check which shall be reviewed by the chief of police or his designee to determine eligibility of the applicant. Thereafter, any panhandler business permit issued shall be valid until the end of the fiscal year in which said permit was issued or for such other period as may be specified on the permit or until information is discovered that causes the permittee, in the opinion of the city manager or his designee, to become disqualified. In such instances of disqualification, any panhandler business permit having been issued shall be revoked by the city manager or his designee.
- (b) Upon receipt of information or reports of violation of this article or other disqualifying events as set forth in section 20-71 or 20-72, the city manager or his designee may refuse to issue, refuse to renew or may revoke business permits as deemed necessary to safeguard the interest of the public and to carry out the purposes of this article, which are to promote public safety and convenience on the streets and sidewalks of the City of Greensboro.
- (c) Any panhandler business permit issued under this article shall be nontransferable.

(Ord. No. 03-81, § 1, 4-15-03; Ord. No. 04-84, § 2, 6-15-04; Ord. No. 06-119, § 2, 6-6-06; Ord. No. 10-120, § 1, 8-17-2010; Ord. No. 15-073, § 1(Exh. C), 6-16-15)

Editor's note— Ord. No. 15-073, § 1(Exh. C), adopted June 16, 2015, changed the title of § 20-67 from "Privilege license procedures" to "Business permit procedures." This historical notation has been preserved for reference purposes.

Sec. 20-68. - Time.

Any person who begs or solicits alms for his or her own personal gain after sunset or before sunrise is guilty of a misdemeanor. Any person who begs 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 departure of students at the end of the school day is guilty of a misdemeanor.

(Ord. No. 03-81, § 1, 4-15-03; Ord. No. 04-84, § 2, 6-15-04)

Sec. 20-69. - Place.

Any person who begs or solicits alms for his or her personal gain when the person is in any of the places listed below is guilty of a misdemeanor:

- (1) At any bus or train stop;
- (2) In any public transportation vehicle, facility, transit stop or taxi stand;
- (3) In any vehicle on the street; or
- (4) On private property, unless the person has written permission from the owner of the property to beg or solicit alms on the property; or

- (5) Within three hundred (300) feet of or in any public or private school property, which shall include, but not be limited to, primary and secondary educational facilities, job training or continuing educational facilities, or any daycare or childcare facility.
- (6) On any sidewalk adjacent to a motion picture theatre, outdoor theatre or palladium, any valid vendor location, or where a line of patrons has formed.
- (7) Within one hundred (100) feet of the property of any financial institution, or any automated teller machine. Financial institution as used in this section means any bank, trust company, savings and loan association, credit union, check-cashing business, any other entity principally engaged in the business of lending or receiving or soliciting money on deposit; or
- (8) Within twenty (20) feet of the entrance to any commercial establishment or private residence; or
- (9) In any parking, deck, garage or surface parking lot, or within twenty (20) feet of the entrance and exits of these areas, or within twenty (20) feet of any parking meter or parking kiosk; or
- (10) Upon any street or highway which shall include the main traveled portion of such streets or highways, shoulders, curbs, medians, marked or unmarked crosswalks, and right-of-way areas adjacent to and outside of the main traveled portion of streets or highways, not including sidewalks; or
- (11) Within one thousand (1,000) feet of any off-ramp, on-ramp, exit, entrance, merging lanes or interchange for any numbered U.S. highway or interstate, including upon sidewalks, shoulders, curbs, medians, marked or unmarked crosswalks and rights-of-way.

(Ord. No. 03-81, § 1, 4-15-03; Ord. No. 04-84, § 2, 6-15-04; Ord. No. 09-160, § 1, 9-15-09; Ord. No. 10-38, § 1, 4-6-10; Ord. No. 10-47, § 1, 5-4-10; Ord. No. 12-107, § 1, 9-18-12; Ord. No. 15-073, § 1(Exh. C), 6-16-15)

Sec. 20-70. - Manner.

Any person who begs or solicits alms for his or her own personal gain in any of the following manners is guilty of a misdemeanor:

- (1) By coming within three (3) feet of the person being solicited, until that person has clearly indicated that he or she wants to make a donation;
- (2) By blocking the path of the person being solicited along a sidewalk or street;
- (3) By following the person being solicited after they have walked away;
- (4) By using profane or abusive language, either during the solicitation, or following a refusal;
- (5) By soliciting in a group of two (2) or more people; or
- (6) 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.
- (7) While under the impairing influence of any drug, alcohol, chemical or controlled substance; or

(Ord. No. 03-81, § 1, 4-15-03; Ord. No. 12-107, § 2, 9-18-12)

Sec. 20-71. - False or misleading solicitation.

- (a) 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:
 - (1) 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;
 - (2) Stating that the donation is needed to meet a need which does not exist;

- (3) Stating the solicitor is from out of town and stranded when that is not true;
 - (4) Wearing a military uniform or other indication of military service, when the solicitor is neither a present nor former member of the service indicated;
 - (5) Wearing or displaying an indication of physical or mental disability, when the solicitor does not suffer the disability indicated;
 - (6) Use of any makeup or device to simulate any deformity; or
 - (7) Stating that the solicitor is homeless, when he or she is not.
- (b) Any person who solicits a donation stating that the funds are needed for a specific purpose and then spends the funds received for a different purpose is guilty of a misdemeanor.
- (c) This section establishes a single offense. Evidence, which establishes that the defendant violated the section, is sufficient for conviction and need not establish which subdivision was violated.

(Ord. No. 03-81, 4-15-03)

Sec. 20-72. - Business permit required.

- (a) No person shall beg or solicit alms for personal gain without first registering and obtaining a panhandler business permit issued by the tax department. A person who has registered and who has been issued a panhandler business permit shall keep it displayed on his or her chest, hanging from a lanyard or clipped to their garment, so that the name, type of permit and date of expiration is visible at all times while begging or soliciting alms for personal gain and shall show it to any law enforcement officer or the city manager or his designee immediately upon request. No person whose panhandler's business permit has been revoked shall beg or solicit alms for a period of two (2) years following the date of the revocation. Any person who violates this subsection is guilty of a misdemeanor.
- (b) The city manager or his designee's office shall issue a panhandler business permit, without fee, to any eligible person (a person shall be deemed eligible once they demonstrate, to the satisfaction of the city manager or his designee, their ability to satisfy the requirements for licensure as are spelled out in this chapter) who comes to the city manager or his designee's office and presents a picture identification issued by NCDMV and one (1) other form of identification.
- (c) A person is not eligible for a panhandler business permit or renewal of a panhandler business permit if:
- (1) The city manager or his designee has received information from the executive officer to the chief of police that the person has two (2) or more violations of this chapter within a period of five (5) years preceding the application for permit;
 - (2) The city manager or his designee has received information from the executive officer to the chief of police that the person has been convicted of two (2) or more offenses within a period of five (5) years preceding the application for permit where each offense involved an assault, communicating a threat, illegal use of a weapon or other act of violence or attempted violence which in North Carolina is classified for sentencing purposes as a class E felony or below, including a misdemeanor, or constitutes an offense in another jurisdiction which is a substantially equivalent offense to a class E felony or below, including a misdemeanor, in North Carolina; or
 - (3) The city manager or his designee has received information from the executive officer to the chief of police that the person has been convicted of one (1) or more offenses within a period of ten (10) years preceding the application for permit where the offense(s) involved an assault, communicating a threat, any sexual offense or abuse involving a minor, any offense to be determined to be a sexually violent offense, illegal use of a weapon or other act of violence or attempted violence which are classified for sentencing purposes as a class D felony or above in North Carolina or, for offenses occurring in other jurisdictions, constitutes offense(s) substantially equivalent to a class D felony or above in North Carolina; or

- (4) The city manager or his designee has received information from the executive officer to the chief of police that the person has been convicted of one (1) or more offenses of homicide under G.S. § 14-17 or, for offenses occurring in other jurisdictions, constitutes offense(s) substantially equivalent to homicide under G.S. § 14-17, within a period of twenty (20) years preceding the application for permit; or
- (5) The person otherwise does not qualify for a business permit in accordance with this chapter.
- (d) The panhandler business permit shall display the essential rules and regulations of this chapter. Such rules shall serve as a compliance guide for the permittee.
- (e) Any person who makes any false or misleading statement while applying for a panhandler's business permit under this chapter is guilty of a misdemeanor. Upon receipt of information of such a violation, the city manager or his designee shall decline to issue a business permit to the offending applicant or shall revoke the permit of the offending permittee.
- (f) If a person applies for or is issued a business permit under this chapter and the city manager or his designee receives information that the person has violated any provision of this chapter, the city manager or his designee shall decline to issue or shall revoke, respectively, that person's business permit for a period of two (2) years.
- (g) If the city manager or his designee refuses to issue a business permit under this article, or revokes a business permit issued under this article, the person to whom the permit is refused or revoked may appeal the decision of the city manager or his designee following the procedures described in subsections 13-193(c) and (d).

(Ord. No. 03-81, § 1, 4-15-03; Ord. No. 04-84, § 2, 6-15-04; Ord. No. 06-119, § 3, 6-6-06; Ord. No. 10-120, § 2, 8-17-2010; Ord. No. 10-137, § 1, 9-7-10; Ord. No. 12-107, § 3, 9-18-12; Ord. No. 15-073, § 1(Exh. C), 6-16-15; Ord. No. 17-8, § 1, 1-17-17)

Editor's note— Ord. No. 15-073, § 1(Exh. C), adopted June 16, 2015, changed the title of § 20-72 from "Privilege license required" to "Business permit required." This historical notation has been preserved for reference purposes.

Sec. 20-73. - Violations.

Any violation of this article shall be a misdemeanor and may be enforced by any one (1) or more of the remedies authorized by the provisions of G.S. § 14-4 or G.S. § 160A-175. A police officer observing a violation of this article shall confiscate the panhandler business permit and return it to the tax department. The permittee may appear before the city manager or his designee and show cause, to the satisfaction of the city manager or his designee, why the permit should not be revoked.

(Ord. No. 03-81, § 1, 4-15-03; Ord. No. 06-119, § 4, 6-6-06; Ord. No. 15-073, § 1(Exh. C), 6-16-15)

Sec. 20-74. - Enforcement.

Any enforcement actions taken by the city, including, but not limited to, notices of violation, revocations of privilege license, decision of the zoning administrator, or decision of the city manager or his designee, while the city was acting under the authority granted to it by the ordinances pertaining to privilege licenses, shall remain in effect and shall be enforced under the provisions of this chapter.

(Ord. No. 15-073, § 1(Exh. C), 6-16-15)

- **DIVISION 1. - GENERALLY**

- **Sec. 26-230. - Selling on streets or sidewalks prohibited; sale from vehicles.**

(a)

It shall be unlawful to display, store, sell or offer for sale any goods, wares, merchandise or any other tangible items on any street or sidewalk within the city. Sidewalks shall mean any portion of property maintained by the city for pedestrian traffic. Except that pursuant to division 2 of this chapter, pushcart mobile food vendor sales shall be permitted on sidewalks adjacent to and upon property zoned central business, "CB", provided a permit is obtained as required.

(b)

Farm produce, dairy products, ice cream (which shall include yogurt, gelato, and similar items), flowers, wood for fuel, printed matter, T-shirts, jewelry, clothing and pictures may be sold from vehicles lawfully parked on a street under the following conditions:

(1)

That such sales shall not be made on:

Aycock Street.

Battleground Road.

Bellemeade Street.

Benbow Road.

Benjamin Parkway.

Bennett Street.

Bessemer Avenue.

Burlington Road.

Church Street.

Clifton Road.

College Road.

Cone Boulevard.

Cornwallis Drive.

Creek Ridge Road.

Davie Street.

Dolley Madison Road.

Dudley Street.

Edgeworth Street.
Edwardia Driver.
Elm Street.
Elm-Eugene Street.
English Street.
Eugene Street.
Fisher Avenue.
Fleming Road.
Florida Street.
Fordham Boulevard (I-40).
Franklin Boulevard.
Freeman Mill Road.
Friendly Avenue.
Greene Street.
Groometown Road.
High Point Road.
Hilltop Road.
Holden Road.
Industrial Avenue.
Lake Jeanette Road.
Lawndale Drive.
Lee Street.
Lindsay Street.
Lovett Street.
Market Street.
Martin Luther King Jr. Drive.
Meadowood Street.

Meadowview Road.
Merritt Drive.
McGee Street.
Muir's Chapel Road.
Murrow Boulevard.
N.C. 68.
New Garden Road.
O. Henry Boulevard (U.S. 29).
Old Battleground Road.
Patterson Street.
Patton Avenue.
Phillips Avenue.
Pinecroft Road.
Pisgah Church Road.
Pleasant Garden Road.
Preddy Boulevard (I-85).
Randleman Road.
Regional Road.
Smith Street.
Spring Street.
Spring Garden Street.
Sullivan Street.
Summit Avenue.
U.S. 220.
Vandalia Road.
Vanstory Street.
Washington Street.

Wendover Avenue.

Westridge Road.

Willoughby Road.

Yanceyville Road.

(2)

That such vehicle shall be parked not longer than two (2) hours in any one (1) block during the same day.

(3)

That such sales may not be made within five hundred (500) feet, measured along the edge of the nearest street, of the city curb market on Yanceyville Road between the hours of 6:00 a.m. and 2:00 p.m. every day of the week or any school ground or public recreational area for children.

(c)

Exhibition shows conducted pursuant to Article VII of this chapter shall be exempt from the requirements of this section in areas which are properly zoned for retail sales.

(d)

It shall be unlawful to park any vehicle, motor vehicle, boat, or trailer on any city street or sidewalk for the purpose of displaying or offering such vehicle for sale in a residentially zoned area except that a person may park his or her own vehicle for sale in front of his or her own residence. It shall be unlawful for any person to park a vehicle on a city street or sidewalk in front of property he or she neither owns nor lives upon for the purpose of displaying or offering the vehicle for sale.

(e)

(1)

Any person who violates subsection [26-230\(a\)](#) or (d) shall be subject to assessment of a civil penalty in the amount of fifty dollars (\$50.00) per violation per day. A separate penalty shall be assessed for each separate location of unlawful conduct or condition and for each separate vehicle parked unlawfully. Each day a violation continues shall be a separate violation subject to assessment of a civil penalty, but the civil penalty per location or per vehicle in the same location shall not exceed five hundred dollars (\$500.00).

(2)

Prior to assessment of any civil penalty for violation of subsection [26-230\(a\)](#) or (d), the person in violation shall be served with a notice of violation that specifies and describes the nature of the violation and that explains what is necessary to end the violation and to comply with all applicable ordinances and laws. Service shall occur by certified mail, personal delivery or by conspicuous posting at the person's last known place of residence. In the case of an unlawfully parked vehicle, in addition to the stated methods of service, service may be obtained by tagging any such vehicle with the notice of violation.

(3)

Any person served with a notice of violation or any person whose vehicle is tagged with a notice of violation, shall have two (2) days from the date of service to bring an end to the violation and to comply with all applicable ordinances and laws. If the violating condition is not corrected within two (2) days, the above-described civil penalty shall be assessed for the violation starting on the day the notice of violation was issued (the date of the notice of violation). If the violating condition is corrected on or before the second day following service, a civil penalty of fifty dollars (\$50.00) (one (1) single violation) shall be assessed. Any civil penalty assessment under this section shall be in the form of a citation which shall be served in a manner authorized by G.S. § 1A-1, Rule 4(j) for the service of a civil summons. If an assessed penalty is not paid within thirty (30) days following service of the citation, the city may institute a civil action for recovery of the civil penalty.

(4)

In the case of an unlawfully parked vehicle that remains unlawfully parked five days after notice of violation was served, the city may tow and store the vehicle which shall be released to the owner only after the vehicle owner has (i) been notified of the towing within seventy-two (72) hours after ownership is known by the city, (ii) been advised of his right to a hearing to determine the lawfulness of the towing, (iii) either been given the aforementioned hearing within forty-eight (48) hours of the owner's request for a hearing or signed a written waiver of the right to a hearing and (iv) paid all assessed civil penalties and storage fees to the city, provided that the owner shall not pay penalties or storage fees and shall be reimbursed for such penalties or fees he or she actually paid if, after a hearing, the hearing officer determines the towing was improper. If the owner does not request a hearing within ten (10) days after notice of towing is served, the right to a hearing shall be deemed to have been waived. Hearings to determine the lawfulness of towing shall be conducted according to a standard procedure promulgated by the city department head in charge of enforcement of this chapter and approved by the city manager.

(5)

Civil penalties assessed under this section are considered to be restorative; intended to provide compensation to the city for costs associated with the city's program to monitor, control, prosecute, cure and/or correct the violation. As such, the amounts declared herein are presumed to provide sufficient restoration to the city for its costs.

(Ord. No. 90-79, § 1, 6-14-90; Ord. No. 93-77, §§ 1, 2, 7-19-93; Ord. No. 06-57, § 1, 3-21-06; Ord. No. 06-243, §§ 1—3, 1-1-07; Ord. No. 12-131, § 1, 11-7-12)