

Shelby:

Sec. 34-2. - Unlawful begging, solicitation of alms or contributions.

It shall be unlawful for any person to ask, beg or solicit alms or contributions, or to exhibit oneself for the purpose of begging or soliciting alms or contributions by accosting another or forcing oneself upon the company of another.

Sec. 34-3 – 34-30. – Reserved.

Article II – Itinerant Merchants – Omitted – Sec. 34-31 – Sec. 34-60

Article III – Charitable Solicitations

Division 1— Sec. 34-61—34-67 Omitted.

Secs. 34-68 – 34-90. Reserved

Division 2. – Permit

Sec. 34-91. - Required.

- (a) No person shall solicit contributions for any charitable purpose within the city without a permit from the city manager authorizing such solicitation; however, the provisions of this section shall not apply to any established organization organized and operated wholly or partially for charitable purposes and not operated for the pecuniary profit of any person if the solicitations are conducted only among the members of such organization by other members or officers, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies or services of such established organization.
- (b) When a permit has been issued to other than an individual, the individual agents and solicitors for the permit holder shall not be required to obtain individual permits.

Sec. 34-92 – 34-98. – Omitted

Sec. 34-99 – 34-130. – Reserved

Division 3. – Certificate for Religious Solicitations

Sec. 34-131. - Required.

- (a) No person shall solicit contributions for any religious purpose within the city without a certificate from the city manager authorizing such solicitation. The provisions of this section shall not apply to any established organization organized and operated exclusively for religious purposes and not operated for the pecuniary benefit of any person if the solicitations by such established organization are conducted only among the members by other members or officers, voluntarily and without remuneration for making such solicitations, or the solicitations are in the form of collections or contributions at the regular assemblies or services of such established organization.

- (b) When such a certificate has been issued to other than an individual, the individual agents and solicitors for the certificate holder shall not be required to obtain individual certificates.

Sec. 34-132. - Application.

- (a) Application for a certificate required by this division shall be made to the city manager upon forms prescribed by him. Such application shall be sworn to or affirmed, and shall contain the following information, or in lieu thereof, a statement satisfactory to the city manager of the reason or reasons why such information or any item of information is not furnished:
- (1) A financial statement for the last preceding fiscal year of any funds collected for religious purposes by the applicant, such statement giving the amount of money so raised, together with the cost of raising it, and its final distribution.
 - (2) A full statement of the general character and extent of the religious work being done or to be done by the applicant, and also the character and extent of such work being done or to be done within the city.
 - (3) A statement to the effect that if a certificate is granted it will not be used or represented in any way as an endorsement by the city or by any department or officer of the city.
 - (4) A statement to the effect that if a certificate is granted no person under the age of 16 years will be permitted to solicit money.
 - (5) Such other information as may be submitted to the city manager in order for him to determine the kind and character of the proposed solicitation.
- (b) If while any application is pending or during the term of any certificate granted on application there is any change in fact, policy or method that would alter the information given in the application, the applicant shall notify the city manager in writing within 24 hours after such change.

Sec. 34-133. - Issuance; contents.

Upon receipt of an application for a certificate under this division, the city manager shall forthwith issue to the applicant a certificate of registration. Such certificate of registration shall bear the name and address of the person by whom the solicitation is to be made, the number of the certificate, the date issued, and a statement that the certificate does not constitute an endorsement by the city or by any of its departments or officers of the purpose of the solicitation or of the person conducting the solicitation.

Sec. 34-134. - Term; renewal.

A certificate issued under this division shall remain in force and effect for a period of one year after its issuance and shall be renewed upon the expiration of such period upon the filing of a request in writing, but the city manager may require a new application.

Gastonia:

Sec. 5-17. - Begging and solicitation, prohibited conduct.

- (a) It shall be unlawful for any person to ask, beg, solicit, or offer to work for money or any other thing having value by (i) accosting another, or (ii) forcing oneself upon the company of another.
- (b) For purposes of this section, "ask, beg, solicit, or offer to work for" shall include, without limitation, the spoken, written, or printed word or such other acts as are conducted in furtherance of the permitted activity.
- (c) For purposes of this section, "accosting" shall be defined as approaching or speaking to an individual or individuals in such 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.
- (d) For purposes of this section, "forcing oneself upon the company of another" shall be defined as (i) continuing to request, beg, solicit, or offer to work in close proximity to the individual addressed after the person to whom the request is directed has made a negative response; or (ii) blocking the passage of the individual addressed whether such person be within or without a motor vehicle or upon any other conveyance; or (iii) otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to such demands.
- (e) A violation of this section is punishable as a misdemeanor.

DIVISION 4. – SOLICITATION

Subdivision I. - General Provisions

Sec. 8-261. – Definitions – Omitted.

Sec. 8-262. - Exemptions from provisions of this division.

The following solicitations shall be exempt from the provisions of this division: solicitations for federal, state or local governments or any agency thereof; any solicitor who receives less than \$10,000.00 in contributions in any calendar year and does not provide compensation to those engaged in its solicitations; any accredited educational institution or hospital licensed by law, and any noncommercial radio or television station.

Sec. 8-263 – 8.290. – Reserved.

Subdivision II. - Solicitor's Permit

Sec. 8-291. - Permit required.

It shall be unlawful for any person not exempted by [section 8-262](#) to engage in solicitation within the corporate limits of the city, either directly or through an agent or employee, without first obtaining a permit to do so from the administrator.

Sec. 8-292. - Application; filing, data to be included.

- (a) An application for a permit required by this division shall be filed with the administrator at least ten working days prior to commencing solicitation.
- (b) The application shall be made in writing on a form furnished by the administrator, verified under oath or affirmation, and shall contain the following information:
 - (1) The name of the person or organization applying for a permit to solicit, and the address of its headquarters.
 - (2) The names and addresses of its principal officers or agents and all promoters connected or to be connected with the proposed solicitation.
 - (3) The purposes for which such solicitation is to be made and the use or disposition to be made of any receipts therefrom.
 - (4) The names, addresses and identification deemed sufficient by the administrator of all persons who will be conducting solicitations.
 - (5) An outline of the method to be used in conducting the solicitations.
 - (6) The days and hours when such solicitations shall be made, including the proposed dates for the beginning and ending of such solicitations.
 - (7) A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement by the city, the governing body of the city or any employee thereof.
 - (8) Such other information as may be reasonably required by the administrator for the public interest or for the protection of contributors.
- (c) At the time an application is submitted to the administrator, the applicant shall pay a nonrefundable fee of \$15.00 to defray the cost of processing the application. If a permit is issued, the applicant shall pay an additional fee of \$0.50 for each duplicate of the permit that is required pursuant to this article.

Sec. 8-293 – Sec. 8-296. – Omitted.

Sec. 8-297. - Transferability; duplicates of permits.

- (a) Any permit approved and issued under this division shall be nontransferable; provided, however, this shall not prevent any permittee from using any number of solicitors as shall be reported to the administrator in the application; provided further, the permittee shall be required to provide each such agent, employee or representative making solicitations with a duplicate of the permit, which shall be carried by such agents, employees or representatives at all times during which solicitations are being made.
- (b) For purposes of this division, a "duplicate" of the permit shall be defined as a photocopy of the permit which also has on its face an original or facsimile signature of the administrator and an original imprint of the city seal.

- (c) It shall be unlawful for a permittee or any agent, employee or representative of a permittee to solicit without having in his immediate possession a permit to solicit or a duplicate thereof, plus a valid form of identification, or to refuse to show such permit or duplicate and identification to a law enforcement officer when requested to do so by the officer.

Sec. 8-298. - Not to be represented as endorsement by city.

It shall be unlawful for any permittee, or for any agent, employee or representative thereof, to advertise, represent or hold out in any manner that the permit required by this article is an endorsement of the holder thereof by the governing body of the city, or any employee thereof, or by the city; provided, it shall be lawful for a permittee to use, advertise or hold out the fact of his permit in the following words and no others: "Solicitations Permit No. _____," including in the blank space the serial number of the permit.

Asheville:

Sec. 11-5. Public solicitation and begging regulated.

(a) Definitions.

Accosting: approaching or speaking to an individual or individuals 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.

Beg, solicit or panhandle: use of the spoken, written, or printed word, or other acts as are conducted in the furtherance of the purpose of immediately collecting contributions for the use of one's self or others. As used in this ordinance, the word, "solicit," and its forms, includes begging and panhandling.

Financial Institution: any bank, industrial bank, credit union, or savings and loan.

Forcing oneself upon the company of another.

- (1) Continuing to solicit in close proximity to the individual addressed after the person to whom the solicitation is directed has made a negative response, either verbally, by physical sign, by attempting to leave the presence of the person soliciting, or by other negative indication;
- (2) Blocking the passage of the individual solicited; or
- (3) Otherwise engaging in conduct that could reasonably be construed as intending to compel or force a person to accede to a solicitation.

(b) Prohibited acts.

- (1) It shall be unlawful for any person to beg, solicit, or panhandle, as defined in subsection (a), above:
 - a. By accosting another, or by forcing oneself upon the company of another;
 - b. Within 20 feet of the entrance to any financial institution, or any automatic teller machine;
 - c. At any outdoor dining area permitted pursuant to section [16-146](#), or outdoor merchandise area permitted pursuant to section [16-147](#), provided such areas are in active use at the time;
 - d. At any transit stop or taxi stand, or in a public transit vehicle;
 - e. While the person being solicited is standing in line waiting to be admitted to a commercial establishment;
 - f. By touching the person being solicited without that person's consent;
 - g. By blocking the path of a person being solicited or blocking the entrance or exit to any building or vehicle;
 - h. By or with the use of profane or abusive language, during the solicitation or following an unsuccessful solicitation;
 - i. By or with the use of any gesture or act intended to cause a reasonable person to be fearful of the solicitor or feel compelled to accede to the solicitation;

- j. After dark, which shall mean one-half hour after sunset until one-half hour before sunrise, except in the manner permitted in high traffic zones;
- k. While under the influence of alcohol or after having illegally used any controlled substance, as defined in the North Carolina Controlled Substance Act.

(2) Additional restrictions applicable to high traffic zones:

- a. For purposes of this subsection (b)(2) only, the following definitions shall apply:

Beg, solicit or panhandle. The communication, by use of gestures or spoken words, by one person or group of persons directed at another person or group of persons, of a request for the immediate contribution of money, food or goods, to the person or group making the communication, or to others. This definition shall not include transactions between family members or mutual acquaintances.

High traffic zones.

1. Zone 1: Within the area defined by a line drawn along the centerline of the following streets: starting at the intersection of Hilliard Avenue and Market Street, west along Hilliard Avenue to the intersection of Hilliard Avenue and French Broad Avenue; then north along French Broad Avenue to the intersection of French Broad Avenue and Haywood Street; then east Haywood Street to the intersection of Haywood Street and Montford Avenue; then north along Montford Avenue to the intersection of Montford Avenue and Cherry Street; then east along Cherry Street to the intersection of Cherry Street and Broadway Street; then south on Broadway Street to the intersection of Broadway Street and Woodfin Street; then east on Woodfin Street to the intersection of Woodfin Street and College Street; then south on Valley Street to the intersection of Valley Street and Marjorie Street; then west along Marjorie Street to the intersection of Marjorie Street and Davidson Street; then south on Davidson Street to the intersection of Davidson Street and Eagle Street; then west along Eagle Street to the intersection of Eagle Street and Market Street; then south on Market Street to the point of beginning.
2. Zone 2: Within Biltmore Village Historic District.

- b. Prohibited acts. In addition to the restrictions set forth in section (b)(1), above, it shall be unlawful for any person to beg, solicit, or panhandle, as defined herein, within any high traffic zone.

(c) *Penalty.* A violation of this ordinance is a misdemeanor as set forth in North Carolina General Statute Section 14-4

Sec. 11-14. Solicitation from streets and median strips.

- (a) No person shall stand in a roadway or median strip for the purpose of soliciting a ride, employment or business from the occupant of any vehicle.
- (b) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway or parking lot.
- (c) It shall be unlawful for any person to stand, sit or loiter in any street or highway, including the shoulders or median strip but excluding sidewalks, and to stop or attempt to stop any vehicle

for the purpose of soliciting or accepting contributions from the occupants of any vehicle or for the purpose of distributing merchandise to the occupants of any vehicle. It also shall be unlawful for any person to stand, sit or loiter in any street or highway, including the shoulders or median strip but excluding sidewalks, and to solicit or accept contributions from the occupants of any stopped vehicle or to distribute merchandise to the occupants of any stopped vehicle without a permit issued pursuant to N.C. Gen. Stat. § 20-175(e).

(d) If any person is found to have violated any provision of this ordinance, such person or persons shall be guilty of a class 3 misdemeanor and shall be fined not more than \$500.00. Each violation shall constitute a separate offense.