

ORDINANCE NO. 2024-

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE I, SECTION 10-1, AND SECTION 10-9 (G), AND ADOPT THE LANGUAGE CONTAINED THEREIN, ALL RELATING TO PEDDLERS, CHARITABLE SOLICITORS, BUSKERS, AND PANHANDLERS AND TO REPEAL CHAPTER 20, ARTICLE IV, SECTION 20-107 IN ITS ENTIRETY OF THE TOWN OF MONCK'S CORNER CODE OF ORDINANCES

WHEREAS, the Mayor and Town Council finds adoption of this ordinance to be in the public's best interest as it will amend the Code of Ordinances of the Town of Moncks Corner in order to address changing community needs, address deficiencies and ambiguities in the Code of Ordinances, and promote public health, safety, and well-being; and

WHEREAS, the following additions and text amendments to Chapter 10, Article I of the Town of Moncks Corner Code of Ordinances have been proposed by Staff as follows:

Chapter 10, Article I

Sec. 10-1. - Peddlers, charitable solicitors, buskers and panhandlers

(a) *Definitions*. The following words and terms when used in this section shall have the meaning respectively ascribed to them in this subsection:

(1) *Aggressive manner* shall mean any of the following:

- a. Approaching or speaking to a person, or following a person before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, damage to or loss of property, or to otherwise be intimidated into giving money or other thing of value;
- b. Intentionally touching or causing physical contact with another person or an occupied vehicle 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 with the solicitor;

- d. Using violent or threatening gestures toward a person before, during, or after soliciting;
 - e. Persisting in closely following or approaching a person, after the person has informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or any other thing of value to the solicitor; or
 - f. Using profane, offensive or abusive language which is likely to cause the person solicited to be intimidated by such language before, during, or after the solicitation.
- (2) *Busking* is playing music or performing for entertainment on the public rights-of-way and other publicly owned places.
- (3) *Charitable organization* shall mean any person, organization, rescue squad, volunteer fire department or any other charitable or eleemosynary organization that is established for any benevolent, educational, philanthropic, humane, scientific, patriotic, social welfare or advocacy, public health, environmental conservation, civic or eleemosynary purpose, or for the benefit of law enforcement officers, firefighters or other persons who protect the public safety.
- (4) *Charitable soliciting* shall mean any person on behalf of a charitable organization is traveling by foot or any type of conveyance, from place to place, from house to house, or from street to street, requesting, directly or indirectly, money, credit, property, financial assistance, remuneration, or other thing of value.

- (5) *Panhandling* shall mean the solicitation of money, food, or other donations whether by offering something of nominal value in exchange for a donation or not.
- (6) *Peddling* shall mean any person traveling by foot or any type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take refundable security or seek deposits, or requesting a person's commitment of time, or orders for the sale of goods, wares, and merchandise, or other personal property of any nature whatsoever for immediate or future delivery or for services to be furnished immediately or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not.
- (7) *Peddler* shall mean any individual who engages in panhandling or peddling as defined above.
- (8) *Perform* includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomiming, painting, juggling, magic, dancing, reading, puppetry, sidewalk art (working with non-permanent, water-soluble media, i.e., chalk, pastels, or watercolors directly on the pavement), and reciting. Perform shall not include the production of or the offer of items for sale at the location of the performance.
- (9) *Person* shall mean an applicant, individual, corporation, limited liability company, association, partnership, trust, foundation, or any other entity however styled.
- (10) *Right-of-way* or *rights-of-way* means a public road over which a person or entity has the legal right to access.

- (11) *Soliciting* shall mean peddling, charitable soliciting, busking, panhandling, and vending as herein defined.
- (12) *Solicitor* means a person who solicits.
- (13) *Special event* shall mean a pre-planned activity sponsored by an individual, group, organization, or entity proposed to be held on public property, including public streets, sidewalks, trails, facilities, parks, or other property owned or managed by the Town of Moncks Corner which would significantly impact either public property and/or normal vehicular and pedestrian traffic requiring the use of Town services, and which shall include, but not be limited to, a parade, foot race, bike or wheeled race, celebration, amusement event, cultural recognition, sporting event, demonstration, competition, commercial movie or television production, photography shoot, commercial for-profit event, charitable cause, or other similar activity.
- (14) *Travelway* means the public or private right of way used for vehicular travel, including parking lots.
- (b) *Obstructing public ways and means of ingress to and egress from private property.*
- (1) Solicitors shall not obstruct or otherwise inhibit the free, safe, and efficient flow of vehicular or pedestrian traffic on any public rights-of-way or public property even when transacting a sale.
- (2) Solicitors shall not obstruct or otherwise inhibit the free, safe, and efficient flow of vehicular or pedestrian traffic into and out of private property adjacent to any public right-of-way.
- (c) *Conducting of business during certain hours prohibited.*
- (1) No person shall engage in peddling or charitable soliciting, as defined in this section, between the hours of 8:00 p.m. and 8:00 a.m.

(2) No person shall engage in busking between the hours of 11:00 p.m. and 8:00 a.m.

(d) *Sale of food or drink with any alcohol contained therein prohibited.* No person shall engage in the sale or selling of food or drink with any alcohol contained therein.

Notwithstanding the foregoing, the Town may authorize the sale of food or drink containing alcohol during a Town-sponsored event or a permitted special event.

(e) *Approaching vehicular traffic prohibited.* Under no circumstances shall any moving vehicle, any vehicle in a parking area, or any vehicle in a travelway be approached by a person soliciting.

(f) *Use of traffic islands, medians or other traffic control devices for storage of sale of tangible property prohibited.* Solicitors shall not store, keep or offer for sale any tangible property or service on any traffic island, median or other traffic control device located within the corporate limits of the Town.

(g) *Peddling, charitable soliciting, and busking is unlawful on private property.* It shall be unlawful to engage in soliciting on any property without permission of the property owner or their representative.

(h) *Peddling, charitable soliciting, and busking is unlawful on Town property.* It shall be unlawful to engage in soliciting on any Town property unless authorized by the Town during a Town-sponsored event or a permitted special event.

(i) *Blocking rights-of-way.*

(1) Solicitors shall not block roadways, fire apparatus access roads, fire lanes sidewalks, crosswalks, driveways, doors, stairways, curb cuts, handicapped access ramps, handicapped parking or block access to buildings, parks, conveyances, businesses, traffic control poles containing pedestrian crosswalk button(s), or be within 20 feet of a fire hydrant, fire department connection

(FDC), or within 20 feet of any fire alarm or other emergency communication device, either by their location, or by the location of any crowd that they may draw.

(2) Solicitors shall not attract a crowd sufficient to obstruct the public right-of-way; a police officer may disperse the portion of the crowd that is creating the obstruction. At a minimum there shall be at least a five-foot passageway on the sidewalk as required by the Americans with Disabilities Act.

(3) Personal property used for soliciting shall not be left unattended on any public rights-of-way or other publicly owned places.

(j) *Aggressive solicitation prohibited.*

(1) No person shall solicit in an aggressive manner on the public rights-of-way or other publicly owned property.

(k) *Penalty.* Any person who violates any provision of this section shall severally for each such violation be guilty of a misdemeanor, punishable as provided in section 1-9 of this Code.

Section 10-9 (g) is amended to read as follows:

(g) Hours of operation shall be the same as that for peddlers and solicitors, as described in_section 10-01. At the end of each business day's operation, the vendor shall remove from the parcel the mobile food vendor vehicle and all materials associated with the business.

WHEREAS, the Mayor and Town Council find it necessary to repeal the existing Chapter 20, Article IV, Section 20-107 in its entirety as it relates to offenses against the public peace.

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and Town Council of the Town of Moncks Corner, South Carolina, in Council duly assembled on May 21st, 2024, that Chapter 10, Article I and Chapter 20 Article IV of the Town of Moncks-Corner Code of Ordinances is amended.

Done in Council Assembled this 21st day of May, 2024.

First Reading:

Thomas J. Hamilton, Jr. Mayor

April 16, 2024

Second Reading and Public Hearing:

May 21 2024

Attest:

Marilyn M. Baker, Clerk to Council

Approved As To Form:

James E. Brogdon, Town Attorney