



## **ORDINANCE 2025-02**

### **AMENDING CHAPTER 111 OF THE TOWN OF PINEVILLE CODE OF ORDINANCES REGARDING PANHANDLING PEDDLERS AND HAWKERS**

**WHEREAS**, NCGS §20-175 and § 160A-178 allows a town to have the authority to regulate panhandlers, peddlers, and solicitors.

**WHEREAS**, the public purpose of this ordinance is to protect the health, safety, and welfare of the residents of the Town of Pineville, North Carolina, and the public at large by regulating door-to-door solicitation and peddling upon public property. The Town has identified reasonable time, place and manner restrictions on door-to-door solicitations and peddling upon public property to reduce crimes such as fraud, larceny, burglary, identity theft and home invasion; to protect its residents from intrusive or dangerous solicitations; and to assist law enforcement personnel in the performance of their duties. This ordinance is not intended to circumvent constitutionally protected speech and/or acts.

## **GENERAL PROVISIONS**

### **Sec.111.01. DEFINITIONS:**

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them by this section:

#### **Door-to-Door Solicitation (Private Property):**

- A. Any person who goes from door-to-door without invitation, upon the private property of another person for the following purposes:
  - (1) Offering the sale of goods and/or services of any description whatsoever.
  - (2) Distributing circulars, brochures, pamphlets, flyers, or other similar printed material to advertise goods or services offered for sale by any person.
  - (3) Making or conducting surveys for research purposes, marketing, opinion polls, rating data and any such similar work, which, by nature, involves door-to-door activity.
  - (4) Distributing informational, political, religious, or educational literature.
  - (5) Political canvassing.
  - (6) Seeking donations, contributions, or anything of value.

**Goods:**

Any items, merchandise, or wares, including, but not limited to, food, beverages, magazine subscriptions, books and periodicals, offered for sale, regardless of the manner of delivery of such goods.

**Panhandling:**

The act of soliciting or begging for money without threat or menace outside on public sidewalks and publicly maintained plazas and parks is excluded from the definition of peddling and does not require a permit, as long as there is not a violation of traffic laws or Town ordinances, disorderly conduct, or a hazard to the public.

**Peddling (Public Property):**

A. Any person who offers the sale of goods/services of any description whatsoever while situated upon public property.

B. Any person who seeks contributions, donations or anything of value while situated upon public property.

C. Any person who distributes promotional/branded items, printed pamphlets, brochures, flyers, leaflets, or other printed material while situated upon public property.

**Person:**

Any individual, corporation, partnership, sole proprietorship, political, civic, or religious organization.

**Public Property:**

Any real property owned, leased, possessed, and/or controlled by the Town of Pineville, including areas designated for peddling.

**Private Property:**

Any real property owned by any person.

**Services:**

Any service, including, but not limited to, home improvements, window cleaning, tree cutting, cable/internet packages and/or pest control offered for sale, regardless of the manner of delivery of such services.

**Special Events:**

Peddling at Town sponsored or sanctioned events, markets, festivals, activities, or similar events in the Town are exempt from the provisions of this Chapter as they have their own application processes and associated fees.

**Sec. 111.02. Door-to-Door Solicitation (Private Property)**

- (1) It shall be unlawful for any person to enter upon any private property in the Town for the purpose of door-to-door solicitation, without first having secured a Town issued permit to do so in accordance with section 111.03.

- (2) It shall be unlawful for any solicitor to enter upon any private property when such property is posted with a sign stating "No Soliciting Allowed" or other words to that effect, even if granted a permit for solicitation.
- (3) It shall be unlawful for any solicitor to enter upon any private property of another and refuse to leave such property after having been notified by the owner or occupant of such property, or his/her agent, to leave the same and not to return to such property.
- (4) It shall be unlawful to provide false information on the application for a door-to-door solicitation permit.
- (5) It shall be unlawful to engage in door-to-door solicitations except between the hours of 9:00 a.m. and 6:00 p.m. or the start of dusk, whichever is earlier, Monday through Saturday.
- (6) It shall be unlawful to engage in door-to-door solicitations at any time on Sunday.
- (7) All vehicles used by solicitors shall clearly display the company name for which soliciting is being done.
- (8) Solicitors shall display a company issued photo ID and their Town issued solicitation permit while engaging in door-to-door solicitations in the Town of Pineville.
- (9) No more than four (4) door-to-door solicitation permits per calendar year shall be issued to any one company, individual, corporation, partnership, sole proprietorship, or other such entity.

### **Sec. 111.03. Door-to-Door (Private Property) Solicitation Permit Application**

Applicants seeking a door-to-door solicitation permit under this section shall pay the non-refundable application fee of \$10 for such permits. Applicants shall submit a written application for the permit using the door-to-door solicitation permit application available at Town Hall or upon request from the Town Clerk. All business applicants must be registered to do business in the State of North Carolina. The permit shall set forth:

- (1) The name and address of the business, organization, person(s), or group for whom door-to-door solicitation is being conducted. The applicant must be a duly authorized representative of the business, company, group, or organization for which the permit is sought.
- (2) The names of all individuals who will be engaging in door-to-door solicitation on behalf of the business/organization, along with a copy of a valid government issued photo ID. (Minors must be accompanied by an adult).
- (3) A description of the nature of the business/organization and the goods, services, or wares being offered for sale.
- (4) A description of the types of donations/contributions accepted or when applicable, a description of promotional and/or printed materials being distributed.
- (5) All door-to-door solicitation applications shall be submitted a minimum of seven (7) days in advance of, but no more than ninety (90) days in advance of the date that you want to begin solicitation; time being of the essence. Permits are valid for seven (7) consecutive days from the date of issuance.
- (6) A statement as to whether the applicant or any person engaging in door-to-door solicitation on behalf of the applicant has been convicted of any crimes (felony or misdemeanor) involving assault, larceny/fraud, damage to property, disorderly conduct,

any crime of domestic violence, and/or sell/distribution of illicit drugs/controlled substances, and if so, the details thereof.

- (7) The make, model, year, color, and license plate number of each vehicle used by the applicant(s) during the period of door-to-door solicitation within the town. Copies of the applicant's operator's license, vehicle registration, and insurance certificate.
- (8) One (1) recent photograph, taken within the past ninety (90) days, of the applicant and any person(s) who will be engaging in door-to-door solicitation on behalf of the applicant, which shall be approximately two and one-half by two and one-half (2 ½" x 2 ½") inches in size, showing the head and shoulders of the applicant/participants in a clear and distinguishing manner. Minors are not required to provide a photograph but must be accompanied by an adult who has provided a recent photograph.
- (9) The last five municipalities wherein the applicant has received a door-to-door solicitation permit.

### **Sec. 111.03. Peddlers Regulations (Public Property)**

Applicants seeking a peddler's permit under this section to solicit, set up a table, kiosk, stand, easel, cart, wagon, canopy, tent or other similar structure/vessel upon public property to engage in peddling of any sort whatsoever on public property, unless associated with a Town sponsored event, shall submit a written application for the permit using the peddling permit application available at Town Hall or upon request from the Town Clerk. All business applicants must be registered to do business in the State of North Carolina.

- (1) It shall be unlawful for any peddler to engage in peddling without having first secured a permit to do so from the Town.
- (2) It shall be unlawful to provide false information on a peddler's permit application.
- (3) It shall be unlawful to engage in peddling between the hours of 5:00 p.m. and 8:00 a.m.
- (4) Peddling is only allowed in Town owned parking lots, sidewalks, Town hall green area.
- (5) Peddling cannot block access to any building or sidewalk preventing ADA accessibility.
- (6) Peddlers shall be limited to twenty-four (24) peddling permits per calendar year.
- (7) Peddler's permits shall be displayed while the permittee is engaging in peddling activities.
- (8) Permits are \$10 per day, or \$50.00 for a seven (7) day period.

### **Sec. 111.04. Peddling (Public Property) Permit Application**

Applicants seeking a peddler's permit pursuant to Sec. 111.03 of this section shall pay the non-refundable application fee for such permit sought. Applicants shall submit a written application for the permit using peddling permit application available at Town Hall or upon request from the Town Clerk. All business applicants must be registered to do business in the State of North Carolina. The permit shall set forth:

- (1) The name and address of the business, organization, person(s), or group for whom a peddlers permit is being sought. The applicant must be a duly authorized representative of the business, company, group, or organization for which the permit is sought.
- (2) The names of all individuals who will be peddling on behalf of the business/organization, along with a copy of a valid government issued photo ID. (Minors must be accompanied by an adult).

- (3) A description of the nature of the business/organization and the goods, services, or wares being offered for sale.
- (4) A description of the types of donations/contributions accepted or when applicable, a description of promotional and/or printed materials being distributed.
- (5) The desired start date. (Peddling from your assigned location may continue for seven (7) consecutive days from the permit issuance date. Assigned dates, times, and locations will be reflected on the permit.)
- (6) All applications shall be submitted a minimum of seven (7) days in advance of, but no more than thirty (30) days in advance of the date that peddling is to begin.
- (7) A statement as to whether the applicant has been convicted of any crimes (felony or misdemeanor) involving assault, larceny/fraud, damage to property, disorderly conduct, any crime of domestic violence, and/or sell/distribution of illicit drugs/controlled substances, and if so, the details thereof.
- (8) One (1) recent photograph, taken within the past ninety (90) days, of the applicant, which shall be approximately two and one-half by two and one-half (2 ½" x 2 ½") inches in size, showing the head and shoulders of the applicant/participants in a clear and distinguishing manner. Minors are not required to provide a photograph but must be accompanied by an adult who has provided a recent photograph.
- (9) The last five municipalities wherein the applicant has received a peddler's permit.

#### **Sec. 111.05. Bond required**

Before any door-to-door solicitation or peddler's permit shall be issued under the provisions of this article, the applicant therefor shall furnish a bond in a sum up to \$5,000.00 to the Town signed by the applicant and signed as surety by some surety company authorized to do business in the state, conditioned upon the final delivery of goods and/or services (as defined in this article) in accordance with the terms of any order obtained prior to delivery and also conditioned to indemnify any and all purchasers or customers for any and all defects in material or workmanship that may exist in the goods/services sold by the principal on such bond, at the time of delivery, and that may be discovered by such purchaser or customer within 30 days after delivery.

The bond shall be for the use and benefit of all people that may make any purchase or place any order to the principal on said bond, or to any agent or employee of the principal. If the applicant/permit holder works for a bonded and insured company, a certificate of insurance from that company will suffice.

Only one bond shall be required of each applicant, even though such applicant shall have one or more agents or employees; provided such bonds be made to cover the activities of all such agents or employees.

No permit shall be issued under the provisions of this division until the applicant shall have complied with all the provisions and requirements of this article.

#### **Sec. 111.06. Revocation.**

Any permit issued under the provisions of this Chapter is subject to revocation for the violation by the permittee of any applicable provision of NC law or Town ordinance, rule, or regulation.

#### **Secs. 111.07. Penalty.**

Any person who violates any provision of this Chapter shall be punished by a civil penalty not exceeding five hundred (\$500) dollars. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**Sec. 111.08. Validity.**

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE TOWN COUNCIL OF PINEVILLE**, that the Code of Ordinances be amended as indicated above.

Adopted this 9th day of December 2025. Effective on date of signing.

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David Phillips, Mayor

ATTEST:

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Lisa Snyder, Town Clerk