

**An Ordinance to Amend
Chapter 30 of the Town of Sylva Code of Ordinances:
Streets and Sidewalks**

The Ordinance is now after discussion and affirmative vote amended to state the following:

Section 30-14. Public solicitation and begging upon the Streets and Sidewalks 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.

Solicit: 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 oneself or others. As used in this Section 30-14 the word "*solicit*," and its forms, includes soliciting and begging. This definition shall not include transactions between family members or mutual acquaintances.

Financial institution: any bank, industrial bank, credit union, savings and loan, or automated teller machine.

Forcing oneself upon the company of another:

- (1) Continuing to solicit within eight (8) feet of 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. It shall be unlawful for any person to solicit or beg as defined above:

1. By accosting another, or by forcing oneself upon the company of another.
2. Within 20 feet of any financial institution.
3. Within 10 feet of any bus stop, train station, or taxi stand, or while in a public transit vehicle.
4. Within 20 feet of any commercial establishment which is open for business.
5. While the person being solicited is standing in line waiting to be admitted to a commercial establishment.
6. By touching the person being solicited without that person's consent.
7. By blocking the path of a person being solicited or blocking the entrance or exit to any building or vehicle.
8. By following the person who has been solicited after that person has declined the request or walked away.
9. By or with the use of threatening, profane, or abusive language, during the solicitation or following an unsuccessful solicitation.
10. 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.
11. During nighttime hours from dusk to dawn.

C. Related Activities Prohibited. In accordance with North Carolina General Statutes, it shall further be unlawful for any person to solicit or beg as defined above:

1. While intoxicated as prohibited by N.C.G.S. §14-444.
2. By using false or misleading information such as stating that the donation is needed to meet a specific need which does not exist, is already met, or when the requestor already possesses the funds necessary to meet the stated need; or such as representing that the solicitor is a veteran when the requestor is in fact not a veteran of the military as prohibited by N.C.G.S §14-100.
3. By indicating that the solicitor or any member of his/her family suffers from a physical or mental disability when such information is false as prohibited by N.C.G.S. §14-113 and/or N.C.G.S. §4-100.

D. Penalty. A violation of Section B is punishable as a \$50 fine in accordance with Sec. 1-7 and 1-9 of the Town of Sylva Code of Ordinances. Any protest or appeal of the issuance of a fine shall be made in writing or in person within 30 days of issuance to the Sylva Chief of Police, who shall have full authority to decide and render decision. Further appeal of the decision by the Chief of Police shall be made to the Town Manager, who shall have final authority over the matter.

N.C. Statutory Reference - Authority to prohibit or regulate begging. N.C.G.S. §160A-179.

Existing N.C. General Statutes prohibiting acts described above in section C.

N.C. Statutory Reference – Intoxicated and Disruptive in Public, N.C.G.S. §14-444

N.C. Statutory Reference – Obtaining Property by False Pretenses. N.C.G.S. §14-100

N.C. Statutory Reference – Obtaining Money by False Representation of Physical Disability. N.C.G.S. §14-113

This ordinance shall be in full force and effect upon its adoption on February 8, 2024.

Johnny Phillips, Mayor

Attest:

Approved as to form:

Amanda W. Murajda, Town Clerk

Town Attorney