

**RESOLUTION OF INTENT
2022-10**

**A RESOLUTION DECLARING THE INTENTION OF THE
BOARD OF COMMISSIONERS OF THE TOWN OF SYLVA
TO CONSIDER AMENDING SECTION 30 OF THE TOWN CODE OF ORDINANCES
ENTITLED: STREETS AND SIDEWALKS.**

WHEREAS, N.C.G.S. §160A-174 authorizes the Board of Commissioners to establish and amend ordinances; and

WHEREAS, the Board of Commissioners finds it necessary to amend section 30 of the Town Code of Ordinances titled: Streets and Sidewalks; and

WHEREAS, the Board of Commissioners considers it advisable to conduct a public hearing for the purpose of giving consideration to the proposed amendments to section 30 of the Town Code of Ordinances.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Sylva that;

- (1) A public hearing will be held at 5:30 pm on the 10th day of November 2022, at Sylva Municipal Hall to consider proposed amendments to section 30 of the Town Code of Ordinances entitled: Streets and Sidewalks.
- (2) The Town Clerk is hereby directed to publish the notice of public hearing for two successive weeks in the Sylva Herald.
- (3) The proposed amendment is as follows:

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

Public solicitation and begging upon the Streets and Sidewalks Regulated.

A. DEFINITIONS:

1. *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.
2. *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 sections 1 through 3, the word "*solicit*," and its forms, includes begging and panhandling.
3. *Financial institution*: any bank, industrial bank, credit union, savings and loan, or automated teller machine.
4. *Forcing oneself upon the company of another*:
 - a. 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;

- b. Blocking the passage of the individual solicited; or
- c. 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 beg, solicit, or panhandle, as defined in the subsection titled definitions above:

1. By accosting another, or by forcing oneself upon the company of another;
2. Within 100 feet of any financial institution;
3. Within 100 feet of any intersection of a public vehicular road;
4. Within 15' of the edge of the pavement or top of the curb of a public vehicular road;
5. Within 20 feet of any commercial establishment which is open for business;
6. While the person being solicited is standing in line waiting to be admitted to a commercial establishment;
7. By touching the person being solicited without that person's consent;
8. By blocking the path of a person being solicited or blocking the entrance or exit to any building or vehicle;
9. By following the person who has been solicited after that person has declined the request or walked away;
10. By or with the use of threatening, profane, or abusive language, during the solicitation or following an unsuccessful solicitation;
11. 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;
12. Between the hours of 8:00 p.m. and 6:00 a.m.;
13. While under the influence of alcohol or after having illegally used any controlled substance, as defined in the North Carolina Controlled Substance Act;
14. 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;
15. By indicating that the solicitor or any member of his family suffers from a physical or mental disability when such information is false;

C. PENALTY: A violation of this section is punishable as a misdemeanor as set forth in N.C.G.S. §14-4.

State law references:

Authority to regulate soliciting in the highway, streets and right of ways. N.C.G.S. §20-175(d)

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

This the 13th day of October, 2022.

Lynda Sossamon, Mayor

ATTESTED BY:

Amanda W. Murajda, Town Clerk