

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

Section 30-14 is currently written as follows:

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

A. Definitions

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

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

B. Prohibited acts. It shall be unlawful for any person to solicit or beg as defined above:

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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.
12. Within 20' of the edge of the pavement or top of the curb of the following high traffic zone areas within the municipal limits:
 - a. U.S. Highway Business 23, which shall include Main and Mill Streets;
 - b. NC Hwy 107; and
 - c. Grindstaff Cove Road.

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.
4. Standing, sitting or lying upon highways or streets prohibited. (a) No person shall willfully stand, sit, or lie upon the highway or street in such a manner as to impede the regular flow of traffic. (b) Violation of this section is a Class 2 misdemeanor pursuant to § 20-174.1.

D. Penalty and Right of Appeal. A violation of Section B is punishable as:

1. A \$50 fine in accordance with Sec. 1-7 and 1-9 of the Town of Sylva Code of Ordinances.
2. 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. The Chief of Police may dismiss the violation and fine if the appellant provides proof of a good-faith effort to obtain assistance to address any underlying factors related to unemployment, homelessness, mental health, or substance abuse that might relate to the person's ability to comply with the local ordinance.

3. 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.
4. A third offense within a 12-month period shall constitute a Class 3 Misdemeanor pursuant to NCGS 14-4.

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.

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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.

N.C. Statutory Reference - Standing, sitting or lying upon highways or streets prohibited. N.C.G.S. § 20-174.1.

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

Johnny Phillips, Mayor

Attest:

Approved as to form:

Amanda W. Murajda, Town Clerk

Town Attorney