

**CITY OF CLAREMONT
ORDINANCE 13-26**

**AN ORDINANCE OF THE CITY OF CLAREMONT AMENDING ARTICLE A OF
CHAPTER 1 OF TITLE 6 OF THE CLAREMONT CODE OF ORDINANCES
REGULATING BUSINESSES AND TRADES AND AMENDING THE CITY OF
CLAREMONT SCHEDULE OF FEES**

WHEREAS, the City of Claremont finds it necessary to modify certain sections of the City Code of Ordinances to ensure consistency with applicable state statutes legislative mandates and case law regulating peddling, solicitation, and panhandling within the City Limits of the City of Claremont; and

WHEREAS, the City Council of the City of Claremont seeks to align local regulations with state-imposed requirements and to ensure appropriate and proportionate criminal penalties; and

WHEREAS, the modification of these ordinances will enhance clarity, enforceability, and compliance with state law; and

WHEREAS, unregulated activity of persons who seek to solicit, peddle, or panhandle within the City of Claremont may expose citizens of the City to nuisance and/or criminal activities; and

WHEREAS, The City of Claremont has a legitimate interest in protecting the privacy and security of its citizens; and

WHEREAS, The City of Claremont finds it necessary to regulate the permitting of peddlers and solicitors and the activities of panhandlers in order to prohibit, regulate acts, omission, or conditions that are detrimental to the health, safety, and welfare of citizens of the City of Claremont and promote the peace and dignity of the City, and to abate nuisance activity.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLAREMONT

Section One:

That Title Six , Chapter One, Article A “Peddling and Soliciting” of the City of Claremont Code of Ordinances is hereby amended to reflect state-mandated changes concerning the decriminalization or reclassification of certain offenses (NCGS 160A-175) by striking certain sections of current Title Six, Chapter One, Article A in whole or in part and changing the following (new language appears as highlighted; deleted language and/or sections appear as “strike-through”):

ARTICLE A

Panhandling, Peddling, and Soliciting

Sec. 6-1-1 Definitions.

For the purpose of this Article the following terms shall have the meanings respectively ascribed:

(1) Panhandler: a beggar or charitable solicitor who attempts to solicit contributions for their own personal gain through actions, whether spoken, written, or printed words, signs, body gestures or other acts, as set forth in Section 6-1-11.

(2) Peddler: Any person who transports goods from place to place and sells or offers for sale the goods, or who, without traveling from place to place, sells or offers for sale any goods from any vehicle or device; provided, that any person who separates the acts of sale and delivery for the purpose of evading the provisions of this article shall be deemed a peddler. : a person, traveling by foot, motor vehicle, or any other type of conveyances, from place to place, from house to house, or from street to street, carrying, conveying, or transporting any goods, wares, or merchandise of any kind ("articles"), offering and exposing them for sale, or making sales and/or delivering such articles to purchasers, or who, without traveling from place to place, sells or offers the same for sale from a wagon, motor vehicle, or other vehicle or conveyance. The definition of the term "peddler" shall not apply to those persons soliciting for schools or educational, religious or charitable organizations, private foundations, political organizations or other nonprofit organizations that have been granted exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code when the entire proceeds from any such solicitation meets the criteria of a tax-exempt contribution.

(3) Solicitor: Any person who travels from place to place taking or offering to take orders for the sale of goods for future delivery or for other personal services to be performed in the future, whether or not samples are displayed or money is collected in advance, and any person who uses or occupies any building or premises for the sole purpose of taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance. : any person, traveling by foot, motor vehicle, or any other type of conveyance from place to place, from house to house or from street to street, taking or attempting to take orders for the sale of goods, wares, merchandise or personal property of any nature whatsoever, including, without limitation, intangible personal property, stocks, bonds, investment participation shares and product promotions for future delivery, or for services to be furnished 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. The definition of the term "solicitor" shall not apply to, and this Article shall not apply to those persons soliciting for schools or approved educational, religious or charitable organizations, private foundations, political organizations or other nonprofit organizations that have been granted exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code when the entire proceeds from any such solicitation meets the criteria of a tax-exempt contribution.

(3) Transient vendor: Any person who engages in a temporary business of selling and delivering goods and who, for this purpose, uses or occupies any building or premises; provided, that no person shall be relieved from complying with the provisions of this article merely by conducting a transient business in association with any permanently established merchant.

Sec. 6-1-2 Registration Permit Required.

(1) ~~(a) Each and every person doing business in the city as a peddler, solicitor or transient vendor shall file with the clerk, on a form to be provided for the purpose, a statement setting forth the following information:~~ All peddlers and solicitors shall submit an application to the City Clerk pursuant to this Article.

(2) It shall be unlawful for any solicitor and/or peddler to engage in such business within the corporate limits of the city without first obtaining a permit pursuant to this Article.

(3) It shall be unlawful for a solicitor and/or peddler to fail to prominently display upon their person the permit or badge issued under the provisions of this Article while soliciting or peddling

(4) A violation of this section shall be punishable as a \$50.00 civil penalty in accordance with G.S. 160A-175. Each day that a violation of this section occurs shall be a separate and distinct offense subjecting the violator to a civil penalty for each separate violation.

~~(1) name and address of individual filing the statement;~~

~~—(2) name and address of principal or employer if individual is an agent or employee;~~

~~—(3) credentials showing relationship of agent or employee;~~

~~—(4) description of individual filing statement including height, weight, sex, age, color and distinguishing characteristics, if any;~~

~~—(5) the goods to be sold or offered for sale, or the type of services to be rendered;~~

~~—(6) the period of time during which the business will be carried on in the city; and~~

~~—(7) description of automobile or other vehicle to be used in the business, including the make, model, body style, color and license number.~~

~~—(b) Failure to comply with the provisions of subsection (a) shall constitute a misdemeanor.~~

Sec. 6-1-3 Application for peddler and solicitor permit

~~It shall be unlawful for any peddler, solicitor, or transient vendor or other seller of merchandise to go in, or upon, private residences or the premises thereof, in the city without having been requested or invited to do so by the owner or occupant, for the purpose of advertising, peddling, or selling merchandise.~~

~~State Law Reference: Regulation of solicitations and itinerant merchants authorized. G.S. 160A-178.~~

(1) Fifteen days prior to the desired start date of activities covered by this Article, every peddler and/or solicitor must file a sworn application for a permit, with the City Clerk, in writing, on a form to be furnished by the City Clerk or their designee, which shall give the following information:

(a) The full name, date of birth, permanent address and job title of the applicant;

(b) A physical description of the applicant including height, weight, eye and hair color;

- (c) A color photograph depicting the shoulders to the top of the head of the applicant;
- (d) A brief description of the nature of the business and the goods or services to be sold or solicitations made;
- (e) If employed or acting as an agent, the name, telephone number and address of the employer or principal, together with credentials establishing the exact relationship of the agent and employer or principal;
- (f) The geographical area of the City where the goods or services are proposed to be sold or orders taken for the sale thereof, and the proposed method of delivery;
- (g) A list of all misdemeanor and felony charges and arrests of the applicant including the approximate dates of the charges and arrest and the city/state of such charges and arrests;
- (h) A copy of a valid driver's license, state identification card, passport or military identification identifying the applicant;
- (i) If the applicant is an employer or principal, a separate application shall be submitted for each person who will be peddling and/or soliciting. A separate permit will be processed for each.
- (j) Descriptions by year, make and model of any vehicles being used and registration plates of said vehicles.
- (k) At the time of filing the application, a fee, as according to the approved fee schedule by the City Council, shall be paid to the city to cover the cost of issuing the permit.
- (l) A violation of this section shall be punishable as a \$50.00 civil penalty in accordance with G.S. 160A-175.

~~Secs. 6-1-4 through 6-1-10 reserved.~~

Sec. 6-1-4 Permit Approval

- (1) The Chief of Police or their designee, within 15 days of receipt of both the application and fee, will either approve or deny the application.

Sec. 6-1-5 Issuance and contents of permit

- (1) Upon approval of the application and payment of the prescribed fee, the City Clerk or their designee shall deliver to the applicant the following:

A permit containing the signature of the Chief of Police or their designee, the name, address and photograph of the licensee, the class of license issued ("licensed solicitor" or "licensed peddler"), the date of issuance of the permit, the length of time the permit shall be in effect.

- (2) The permit must be displayed in accordance with section 6-1-2.

Sec. 6-1-6 Denial, Revocation, Appeal

- (1) Denial: In the event the Chief of Police or their designee denies the application, the applicant shall be notified in writing as to the reason for denial.
- (2) Revocation. The Chief of Police or their designee shall have the authority to revoke any previously issued solicitors and/or peddler's permit.
- (3) The permittee shall be notified in writing as to the reason of the revocation.
- (4) The revocation shall become effective immediately upon receipt of the notification.
- (5) The permittee shall not conduct solicitation and/or peddling pending determination of the appeal.
- (6) The Chief of Police or their designee may deny an application or revoke any previously issued permit for any of the following:
 - (a) The application is incomplete;
 - (b) The application fee has not been paid;
 - (c) The application contains false or misleading statements or omission of information;
 - (d) The applicant has committed prior ordinance violations pertaining to solicitors, peddlers, and panhandlers;
 - (e) The applicant has been convicted of a misdemeanor involving larceny, fraud, forgery, sale of counterfeit goods and/or breaking and entering;
 - (f) The applicant has been convicted of a felony; or
 - (g) Any other reasonable evidence that the applicant would pose a substantial threat to public safety.

Sec. 6-1-7 Appeals

- (1) Appeals by applicants and/or permittees must be filed with the Chief of Police in writing within ten days from receipt of notice by the Chief of Police or their designee of denial of an application and/or revocation of a permit. The Chief of Police or their designee shall:
 - (a) Within ten days of an appeal hold at least one hearing of the appeal;
 - (b) Make a determination as to deny, revoke or reinstate a permit;
 - (c) Notify applicant and/or permittee in writing of such determination.
- (2) The applicant and/or permittee may file an appeal of the Chief's or their designee's appeal determination to the City Manager. The appeal must be within ten days of receipt of notification of the Chief's final decision and in writing. The City Manager shall review the denial and/or the revocation and the appeal determinations. The City Manager will:

(a) Reinstate the permit; or

(b) Uphold the denial or revocation.

(3) The City Manager will notify the applicant/permittee of their decision in writing. The City Manager's decision shall be final.

Sec. 6-1-8 Duration and Renewal

(1) All permits issued under the provisions of this Article shall be effective during the fiscal year beginning July 1 and ending on the succeeding June 30, unless the applicant requests permission to do business for a lesser period, in which case, the permit shall be valid for such period.

(2) Any permit issued under the provisions of this Article may be renewed by the holder of the permit, upon application in writing to the City Clerk, upon a form to be furnished by the City Clerk, which shall contain the information required by section 6-1-3.

(3) At the time of filing the application under this section, the applicant shall pay a fee according to the City Council approved fee schedule.

Sec. 6-1-9 Prohibited conduct while peddling or soliciting

(1) It shall be unlawful for any solicitor or peddler, or any person in his behalf, to engage in any conduct prohibited by section 6-1-12. A violation of this section shall be a misdemeanor as provided by G.S. 14-4(a) and G.S. 160A-175.

Sec. 6-1-10 Not an Endorsement of the City

It shall be unlawful for any permittee, or for any agent, employee or representative thereof, to advertise, represent or hold out in any manner the permit required by this Article is an endorsement of the holder thereof by the governing body of the city, or any employee thereof, or by the city. A violation of this section shall be punishable as a \$50.00 fine in accordance with G.S. 160A-175.

Sec. 6-1-11 Panhandling

Definitions: The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) Aggressive panhandling, solicitation, or peddling includes:

(a) Accosting a person by approaching or speaking to the 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 person, or upon property in his immediate possession;

(b) Touching someone without their consent;

(c) Using obscene or abusive language toward someone while attempting to panhandle or solicit him/her;

(d) Forcing oneself upon the company of another by continuing to solicit in close proximity to an individual who has made a negative response by verbal or physical signs or by attempting to leave the presence of the person soliciting, or by other negative indication that the solicitation should terminate;

(e) Blocking the path of the individual being solicited; otherwise engaging in conduct that could reasonably be construed as intending to force a person to accede to a solicitation;

(f) Entry for purposes of panhandling, solicitation or peddling upon private premises that have been clearly posted with one or more signs clearly indicating that entry or solicitation is not permitted; examples of such signs are "No Solicitation", "No Trespassing" or similar signs clearly negatively indicating the desire of the premises occupant that solicitation or similar activity should not occur;

(g) Failing to leave the premises where the solicitation is occurring upon request by the lawful occupant of the premises;

(h) Other conduct that a reasonable person being solicited would regard as intended to compel or force the person to accede to the solicitation.

(2) Automated Teller Machine: a device linked to a financial institution's account records, which is able to carry out transactions, including but not limited to, account transfers, deposits, cash withdrawals, balance inquiries, and mortgage, loan, and credit card payments.

(3) Automated Teller Machine Facility: the area comprised of one or more automatic teller machines and any adjacent space which is made available to banking customers after regular banking hours.

(4) Financial institution: means any bank, industrial bank, credit union, savings and loan, check cashing business, or other financial business.

(5) Panhandling: means, without limitation, use of the spoken, written, or printed words, signs, bodily gestures, or other acts as are conducted in the furtherance of the purpose of obtaining alms or contributions of money, food, or clothing for the use of oneself or others.

(6) Public place: means a place where a governmental entity has title and/or to which the public or a substantial group of persons has access, including, but not limited to, any street, highway, parking lot, plaza, restaurant, theater, transportation facility, vendor location, school, place of amusement, park or playground.

Sec. 6-1-12 Prohibited Conduct while Soliciting, Peddling, or Panhandling

(1) It shall be unlawful for any person to solicit, peddle, or panhandle, as defined in section 6-1-11:

- (a) By engaging in any acts of aggressive soliciting, peddling, or panhandling as defined in Section 6-1-11(1);
- (b) Within 50 feet of the entrance to any financial institution, any automatic teller machine or any automatic teller facility;
- (c) At any permitted outdoor dining area or outdoor merchandise area, provided such areas are in active use at the time;
- (d) At any transit stop or taxi stand, or in a public transit vehicle;
- (e) While the person being solicited is standing in line waiting to be admitted to a commercial establishment;
- (f) Entry for purposes of panhandling, solicitation or peddling upon private premises that have been clearly posted with one or more signs clearly indicating that entry or solicitation is not permitted; examples of such signs are "No Solicitation", "No Trespassing" or similar signs clearly negatively indicating the desire of the premises occupant that entry on the premises, solicitation, or similar activity should not occur;
- (g) Between the hours of 9:00 AM and 5:00 PM, or one-half hour after sunset, whichever occurs later;
- (h) While under the influence of alcohol or after having illegally used any controlled substance as defined in the North Carolina Controlled Substance Act;
- (i) Within 20 feet of any crosswalk;
- (j) In or on city streets to include the right-of-way, median or shoulder thereof;
- (k) By standing, sitting or loitering in any street or highway, including shoulders or medians, but excluding sidewalks, and/or to stop or attempt to stop any vehicle for the purpose of obtaining employment, business or contribution from the driver or any occupants of the motor vehicle in accordance with G.S. 20-175. This provision shall not apply to licensees, employees or contractors of the Department of Transportation or city employees engaged in construction, maintenance or in making traffic engineering surveys;
- (l) In a school zone during the time of arrival of students at the beginning of the school day and/or during the time of the departure of students at the end of the school day;
- (m) Within 20 feet of the entrance or exit of any parking deck, garage, or surface parking lot;
- (n) Within 50 feet of any city-owned or -operated building or facility.

(2) A violation of this section shall be a misdemeanor as provided by G.S. 14-4(a) and G.S. 106A-175.

Section Two: Severability. In the event any section, subsection, clause, phrase or other particular provision of this ordinance, or the application thereof to any person or circumstance, is for any reason held to be invalid, such provision shall be deemed stricken, and shall not affect the validity of the remaining portions of this ordinance.

Section Three: Amendment of Schedule of Fees: With the adoption of this ordinance, the Schedule of Fees adopted through ordinance 57-25 by the City Council of the City of Claremont on June 23, 2025, is amended to include a fee of \$15 per application under this ordinance.

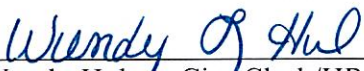
Section Four: Effective Date: This ordinance shall be effective upon its adoption by the City Council as hereinafter set forth in accordance with the provisions of N.C.G.S. § 160A-175, having been previously introduced before the City Council at the October 6, 2025 Regular Meeting of the City Council of the City of Claremont.

ADOPTED this, the 3rd day of November, 2025.



Shawn R. Brown, Mayor

ATTEST:



Wendy Helms, City Clerk/HR Officer

APPROVED AS TO FORM:



Robert M. Grant, Jr., City Attorney

City of Claremont

Solicitors / Peddlers Permit Application



Name of Applicant _____
Address _____
Phone Number _____

Name of Company or Employer _____
Address _____
Phone Number _____

Description of Goods/Services:	Applicant Intends to:
☐	☐ Receive full payment for goods or services provided immediately
☐	☐ Receive full payment for goods or services provided in the future
☐	☐ Receive deposit for goods/services to be provided in the future
☐	☐ Take orders with no payment or deposit until delivery
Physical Description of Applicant	Vehicle/Method of Transportation
Height: _____ ft. _____ in.	Color of Vehicle: _____
Weight: _____ lbs.	License Plate #: _____ State: _____
Sex _____ Race: _____	Year, Make, Model: _____
Date of Birth: _____	Driver's License #: _____ State: _____
List all persons (up to 5 per permit) other than yourself, who would be engaged in soliciting on your behalf	

Name: _____	Birth date: _____	ID # & State: _____
Name: _____	Birth date: _____	ID # & State: _____
Name: _____	Birth date: _____	ID # & State: _____
Name: _____	Birth date: _____	ID # & State: _____
Name: _____	Birth date: _____	ID # & State: _____

It is REQUIRED to provide a front/back copy of driver's license or state ID for everyone listed above.

You MUST also provide a criminal background check for each individual.

The City of Claremont Municipal Code Chapter 1, Article A: Peddling and Solicitation restricts the hours and days for soliciting to:
Monday through Saturday between the hours of 9 a.m. to 6 p.m.
No soliciting is allowed at any time on Sunday.

Signature of Authorized Person

Date

☐

Permit is Approved.

Permit #: _____

Issue Date: _____

Expiration Date: _____

☐

Permit Denied

Reasons for Denial:

For Office Use Only:

☐

The applicant and all agents have presented driver's licenses or other state-issued photo identification.

☐

The application is deemed complete, and the applicant has sworn (or affirmed) that its content is truthful.

☐

The applicant has paid a fee of \$15, payable to the City of Claremont, for processing this application.

☐

The applicant has been provided a copy of the Rules and Procedures for solicitors and peddlers.

Payment Method:

☐

Check #

☐

Cash

Amount Collected: \$ _____

Date: _____