

**A RESOLUTION INTRODUCING  
AN ORDINANCE WHICH  
REGULATES BEGGING, SOLICITATION, AND VEHICULAR  
INTERFERENCE IN PUBLIC PLACES**

**Adopted November 7, 2011**

**WHEREAS**, the County of Wake recognizes that begging, solicitation, and vehicular interference occur within the County;

**WHEREAS**, the County of Wake recognizes that begging, solicitation, and vehicular interference present unique challenges to the health, safety, and welfare of its citizens due to the personal and immediate nature of the contact;

**WHEREAS**, the County of Wake has a significant governmental interest insuring that any lawful protected activities occur in a manner that does not interfere with the health, safety, and welfare of its citizens by presenting unwanted danger, harassment or traffic hazards;

**WHEREAS**, pursuant to N.C.G.S. §153A-126 the County of Wake has the authority to regulate by ordinance begging or other canvassing for the private benefit of the solicitor;

**WHEREAS**, adopting the proposed ordinance will improve the health, safety, and general welfare of Wake County Residents by providing reasonable regulation of the identified activities;

**NOW, THEREFORE, BE IT ORDAINED AND RESOLVED** by the Board of Commissioners (the "Board") for the County of Wake, North Carolina (the "County") as follows:

The foregoing ordinance is hereby added to Title IX: GENERAL REGULATIONS of the Wake County Code of Ordinances (Zoning Ordinances):

AN ORDINANCE WHICH REGULATES BEGGING, SOLICITATION, AND VEHICULAR INTERFERENCE IN PUBLIC PLACES IN WAKE COUNTY  
Chapter 94. BEGGING, SOLICITATION, AND VEHICULAR INTERFERENCE

**§ 94.01 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) *Aggressively beg* means begging which intimidates or is intended to intimidate another person into giving money or goods.
- (2) *Beg* means to ask for money or goods as a charity, whether by words, bodily gestures, signs, or other means.
- (3) *Intimidate* means to intentionally say or do something, or to say or do something that a reasonable person should know, would cause a person of ordinary sensibilities to be fearful of bodily harm. For the purposes of this article, it is not necessary to prove that the victim was

actually frightened, and neither is it necessary to prove that the behavior of the person was so violent that it was likely to cause terror, panic or hysteria.

(4) *Obstruct pedestrian traffic or vehicular traffic* means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized pursuant to the county's picketing and parade ordinances and regulations are exempt from the coverage of this article.

(5) *Panhandle* means to ask for money or goods as a charity, whether by words, bodily gestures, signs, or other means in a public place.

(6) *Public place* means an area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks, and streets open to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

(7) *Soliciting* means the act of asking for money or objects or value, with the intention that the money or object of value be transferred at that time, and at that place. Soliciting shall include travelling from place to place taking or offering to take orders for the sale of any goods, including but not limited to wares, merchandise, food, or periodicals 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; and/or using or occupying any building, location, or public right of way for the sole purpose of asking for money or objects of value whether or not the proposed taking is in exchange for goods or services or solely for the personal benefit of the solicitor.

#### **§ 94.02 PROVISIONS; EXCEPTIONS.**

- (A) It shall be unlawful for any person to beg, panhandle, or solicit for personal benefit of the solicitor upon the streets or any other public property in the unincorporated areas of Wake County without obtaining the written permission of Wake County, as evidenced by obtaining a permit from the Department of Environmental Services. A permit shall be valid for seven days from the date of issuance. In the event a holder violates any provision of this Article, Wake County may revoke the holder's permit.
- (B) It shall be unlawful for any person to stand, sit, or loiter in the right-of-way of any street, with the intent to approach any motor vehicle for the purpose of soliciting employment, business, or contribution from the driver or occupant of a motor vehicle.
- (C) This section shall not apply to:
  - (1) The lawful solicitation of contributions from the public for charitable or eleemosynary purposes if in areas and a manner otherwise permitted by law;
  - (2) The promotion or expression of views concerning political, social, religious, and other like matters if in areas and a manner otherwise permitted by law;
  - (3) Licensees, employees, or contractors of the Department of Transportation or of any municipality engaged in construction, maintenance, or in making traffic or engineering surveys;
  - (4) Distribution of newspapers on the non-traveled portion of any street or highway except when those distribution activities impede the normal movement of traffic on the street or highway.

#### **§ 94.03 PERMIT APPLICATION.**

A person seeking issuance of a permit to engage in begging or panhandling in Wake County shall apply in person or by mail between 8:30 a.m. and 5:00 p.m. Monday- Friday (excluding holidays) to the Department of Environmental Services, Waverly F. Akins Wake County Office Building, 337 S. Salisbury Street, Raleigh, North Carolina 27601, phone (919) 856-7400. The application shall be on a form provided by the Department, signed by the applicant, notarized, and shall set forth the following information:

- (1) the name, permanent address (or if no permanent address a temporary address in the vicinity of Wake County), a phone number (if available), and next of kin (if available) of the applicant;
- (2) proof of date of birth, address, and identification of the applicant, to be provided through presentation of an original driver's license or other legally recognized form of photo identification and proof of social security number (a copy of which shall be submitted with the application);
- (3) a brief description of the activity to be conducted, including if applicable, any items or services to be sold or offered for sale;
- (4) the age, height, weight, and other identifying information of the person proposing to engage in the peddling or panhandling.

#### **§ 94.04 PERMIT APPLICATION FEE.**

There shall be no fee for this permit application.

#### **§ 94.05 PERMIT ISSUANCE, DENIAL, AND APPEAL.**

(A) **Procedure for application review.** Within five (5) business days of receipt of an application, Wake County or designee (hereafter "County") shall issue a permit unless the applicant:

1. has not submitted a completed application;
2. has submitted false information;
3. is under eighteen (18) years of age.

(B) **Possession of Permit.** Any person authorized by permit to engage in begging or panhandling shall at all times that he or she is engaged in the permitted acts carry the issued permit and a photo identification in his or her possession. In addition, a permittee shall exhibit his or her permit when requested to do so by any prospective customer or law enforcement officer. It shall be unlawful for any person to alter or falsify a permit issued under this section; and/or for any person other than the permittee to use a permit issued under this section.

(C) **Denial.** In the case of denial, the County's denial and the reasons for denial shall be noted on the application, and the applicant shall be notified that his application is denied and no permit shall be issued. Notice shall be mailed to the applicant at the last known address shown on the application form if given.

#### **§ 94.06 PERMIT EXPIRATION AND RENEWAL.**

Unless renewed, all permits issued pursuant to Section §94.05 shall expire seven (7) days from issuance. A permit may be renewed for an unlimited number of seven (7) day periods provided

that the applicant completes a current application and that the applicant continues to be in compliance with the provisions of this Ordinance.

#### **§ 94.07 PERMIT REVOCATION.**

- (A) A permit issued under Section §94.05 may be revoked or suspended by the County for the following reasons:
1. Fraud, misrepresentation, or false statement contained in the permit application;
  2. Begging or panhandling in a manner inconsistent with the provisions in the issued permit;
  3. Conviction of a crime or existence of any circumstance that would have prevented issuance of the permit under this Section;
  4. Conducting begging or panhandling in such a manner as to create a breach of the peace or endanger the health, safety, or general welfare of the public.
- (B) Upon revocation, the permit issued must immediately be surrendered to the County.

#### **§ 94.08 APPEAL OF DENIAL OR REVOCATION.**

Any applicant who has been denied issuance of a permit under Section §94.05 or who has had a permit revoked pursuant to Section §94.07 may appeal such action by within ten (10) days of the date of denial or revocation delivering a written notice of appeal, specifying with particularity the ground(s) for the appeal to the Wake County Manager, Waverly F. Akins Wake County Office Building, 337 S. Salisbury Street, Raleigh, North Carolina 27601 (phone (919) 856-6160) Upon receipt of the notice, the County Manager shall fix a reasonable time for the hearing of the appeal, shall give due notice to the appealing party and the Wake County Department of Environmental Services, and shall render a decision within a reasonable time. The decision of the County Manager shall constitute the County's final action.

#### **§ 94.09 STANDARDS OF CONDUCT FOR BEGGING AND PANHANDLING WITH A PERMIT**

The following requirements shall apply to begging and panhandling with a permit:

- a. Begging or panhandling shall only be permitted between the hours of 8:00 a.m. and 8:00 p.m.
- b. Begging or panhandling shall not be permitted within one hundred (100) feet of any automatic teller machine or any other machine at which money is dispensed to the public.
- c. Begging or panhandling shall not be permitted within one hundred (100) feet of any financial institution open for business.
- d. Begging or panhandling shall not be permitted in the travelled portion, including the shoulders and the median, of any street, highway, or right of way.
- e. Begging or panhandling shall not be conducted in such a way to obstruct vehicular or pedestrian traffic.
- f. It shall be unlawful for any person holding a permit to be aggressive, threatening, or intimidating to a person while begging or panhandling.
- g. It shall be unlawful for any person holding a permit to approach an individual or individuals in groups of three or more.
- h. It shall be unlawful for any person holding a permit to make a false or misleading representation in the course of soliciting, including but not limited to representing

himself or herself in any manner whatsoever as blind, deaf, dumb, or crippled, or otherwise physically defective, including wearing an indication of physical or mental disability when the solicitor does not suffer the disability indicated.

**§ 94.10 PENALTY.**

- (A) It shall be unlawful to violate any provision of this Ordinance. Violations shall be punishable by not more than 30 days imprisonment or \$50 fine, or both, in the discretion of the presiding judge.
- (B) In addition to any criminal enforcement, the County or any aggrieved person may pursue any available civil remedies deemed appropriate and necessary.

Upon motion of Commissioner Betty Lou Ward, seconded by Vice Chair Phil Matthews, the foregoing resolution entitled **A RESOLUTION INTRODUCING AN ORDINANCE WHICH REGULATES BEGGING, SOLICITATION, AND VEHICULAR INTERFERENCE IN PUBLIC PLACES IN WAKE COUNTY** was passed by the following vote:

Ayes: Joe Bryan, Paul Coble, Tony Gurley, Erv Portman, Phil Matthews and Betty Lou Ward.

Noes: N/A

Absent: James West

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I, Susan J. Banks, Clerk to the Board of Commissioners for the County of Wake, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board for said County at a regular meeting held on November 7, 2011 as it relates to the passage of a new ordinance for Wake County regulating **BEGGING, SOLICITATION, AND VEHICULAR INTERFERENCE IN PUBLIC PLACES IN WAKE COUNTY** and that said proceedings are recorded in the minutes of said Board for said County.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and official seal of said County this 9<sup>th</sup> day of November, 2011.

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Clerk to the Board

[SEAL]