

## ARTICLE IV. PERSONS BEGGING OR SOLICITING ALMS FOR PERSONAL GAIN\*

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\***Cross references:** Begging or soliciting alms, § 20-1.

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### Sec. 20-65. Intent.

The purpose of this article is to require the registration and permitting of street peddlers, beggars and charitable solicitors who attempt to solicit sales or contributions for their own personal gain from occupants of vehicles and pedestrians on certain streets and sidewalks within the City of Greensboro, and to thereby regulate and ensure the safety of vehicular and pedestrian traffic flow and to promote roadway safety and sidewalk safety. The provisions of this article shall not apply to bona fide members of charitable, religious, civic or fraternal organizations which are exempt from the payment of privilege licenses and who receive no compensation of any kind for their services. Those persons excluded under the provisions of article III, section 20-61(b) and (c) are excluded from the provisions of this article.

(Ord. No. 03-81, § 1, 4-15-03)

### Sec. 20-66. Registration and privilege license required.

No person shall sell, or offer for goods for sale, or solicit contributions for their own personal benefit or engage in any other form of commercial speech in the City of Greensboro unless such persons have previously registered therefore and obtained the panhandler privilege license required under section 13-31 and section 13-102.1 of the Greensboro Code of Ordinances.

(Ord. No. 03-81, § 1, 4-15-03; Ord. No. 04-84, § 2, 6-15-04; Ord. No. 06-119, § 1, 6-6-06)

### Sec. 20-67. Privilege license procedures.

(a) Applications for panhandler privilege licenses from individuals under this article shall be submitted to the office of the city tax collector on forms provided by the office of the city tax collector. The applicant shall submit with the application a criminal background history obtained from the executive officer to the chief of police. Thereafter, any panhandler privilege license issued shall be valid until the end of the fiscal year in which said license was issued or for such other period as may be specified on the license certificate or until information is discovered that causes the licensee, in the opinion of the tax collector, to become disqualified. In such instances of disqualification any panhandler privilege license having been issued shall be revoked by the tax collector.

(b) Upon receipt of information or reports of violation of this article or other disqualifying events as set forth in section 20-71 or 20-72 the tax collector may refuse to issue, refuse to renew or may revoke privilege licenses as deemed necessary to safeguard the interest of the public and to carry out the purposes of this article, which are to promote public safety and convenience on the streets and sidewalks of the City of Greensboro.

(c) Any panhandler privilege license issued under this article shall be non-transferable.

(Ord. No. 03-81, § 1, 4-15-03; Ord. No. 04-84, § 2, 6-15-04; Ord. No. 06-119, § 2, 6-6-06)

**Sec. 20-68. Time.**

Any person who begs or solicits alms for his or her own personal gain after sunset or before sunrise is guilty of a misdemeanor. Any person who begs or solicits alms for his or her own personal gain in a school zone during the time of arrival of students at the beginning of the school day and/or during the time of departure of students at the end of the school day is guilty of a misdemeanor.

(Ord. No. 03-81, § 1, 4-15-03; Ord. No. 04-84, § 2, 6-15-04)

**Sec. 20-69. Place.**

Any person who begs or solicits alms for his or her own personal gain when the person is in any of the following places is guilty of a misdemeanor:

- (1) At any bus stop or train stop;
- (2) In any public transportation vehicle or facility;
- (3) In any vehicle on the street; or
- (4) On private property, unless the person has written permission from the owner of the property to beg or solicit alms on the property; or
- (5) On any school property during the student arrival times or during the student departure times.
- (6) On any sidewalk adjacent to an outdoor restaurant, motion picture theatre, outdoor theatre or palladium, any valid licensed vendor location, or where a line of patrons has formed.

(Ord. No. 03-81, § 1, 4-15-03; Ord. No. 04-84, § 2, 6-15-04)

**Sec. 20-70. Manner.**

Any person who begs or solicits alms for his or her own personal gain in any of the following manners is guilty of a misdemeanor:

- (1) By coming within three (3) feet of the person being solicited, until that person has clearly indicated that he or she wants to make a donation;
- (2) By blocking the path of the person being solicited along a sidewalk or street;
- (3) By following the person being solicited after they have walked away;
- (4) By using profane or abusive language, either during the solicitation, or following a refusal;
- (5) By soliciting in a group of two (2) or more people; or
- (6) By any statement, gesture, or other form of communication by which a reasonable person in the situation of the person solicited would perceive to be a threat.

(Ord. No. 03-81, § 1, 4-15-03)

**Sec. 20-71. False or misleading solicitation.**

- (a) Any person who knowingly makes any false or misleading representation in the course of soliciting a donation or begging for alms is guilty of a misdemeanor. False or misleading representations include, but are not limited to, the following:

- (1) Stating that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet that need and does not disclose that fact;
- (2) Stating that the donation is needed to meet a need which does not exist;
- (3) Stating the solicitor is from out of town and stranded when that is not true;
- (4) Wearing a military uniform or other indication of military service, when the solicitor is neither a present nor former member of the service indicated;
- (5) Wearing or displaying an indication of physical or mental disability, when the solicitor does not suffer the disability indicated;
- (6) Use of any makeup or device to simulate any deformity; or
- (7) Stating that the solicitor is homeless, when he or she is not.

(b) Any person who solicits a donation stating that the funds are needed for a specific purpose and then spends the funds received for a different purpose is guilty of a misdemeanor.

(c) This section establishes a single offense. Evidence, which establishes that the defendant violated the section, is sufficient for conviction and need not establish which subdivision was violated.

(Ord. No. 03-81, 4-15-03)

#### **Sec. 20-72. Privilege license required.**

(a) No person shall beg or solicit alms for personal gain without first registering and obtaining a panhandler privilege license issued by the tax department. A person who has registered and who has been issued a panhandler privilege license shall keep it on his or her person at all times while begging or soliciting alms for personal gain and shall show it to any law enforcement officer or tax collector immediately upon request. No person whose panhandler's privilege license has been revoked shall beg or solicit alms for a period of two (2) years following the date of the revocation. Any person who violates this subsection is guilty of a misdemeanor.

(b) The city tax collector's office shall issue a panhandler privilege license, without fee, to any eligible person (a person shall be deemed eligible once they demonstrate, to the satisfaction of the tax collector, their ability to satisfy the requirements for licensure as are spelled out in this chapter) who comes to the city tax collector's office and presents a picture identification issued by NCDMV and one other form of identification.

(c) A person is not eligible for a panhandler privilege license or renewal of a panhandler privilege license if within the most recent five-year period:

- (1) The tax collector has received information from the executive officer to the chief of police that the person has two (2) or more violations of this chapter;
- (2) The tax collector has received information from the executive officer to the chief of police that the person has been convicted of two (2) or more offenses under the law of any jurisdiction which involve aggressive or intimidating behavior while begging or soliciting alms, aggravated assault, communicating threats, any other types of personal injury crimes, or the making of false or misleading representations while begging or soliciting alms. the person has been convicted of any felony crime; or
- (3) The person otherwise does not qualify for a privilege license in accordance with this chapter.

(d) The panhandler privilege license shall display the essential rules and regulations of this chapter. Such rules shall serve as a compliance guide for the licensee.

(e) Any person who makes any false or misleading statement while applying for a panhandler's

privilege license under this chapter is guilty of a misdemeanor. Upon receipt of information of such a violation, the tax collector shall decline to issue a privilege license to the offending applicant or shall revoke the license of the offending licensee.

(f) If a person applies for or is issued a privilege license under this chapter and the tax collector receives information that the person has violated any provision of this chapter, the tax collector shall decline to issue or shall revoke, respectively, that person's privilege license for a period of two (2) years.

(Ord. No. 03-81, § 1, 4-15-03; Ord. No. 04-84, § 2, 6-15-04; Ord. No. 06-119, § 3, 6-6-06)

### **Sec. 20-73. Violations.**

Any violation of this article shall be a misdemeanor and may be enforced by any one (1) or more of the remedies authorized by the provisions of G.S. § 14-4 or G.S. § 160A-175. A police officer observing a violation of this article shall confiscate the panhandler privilege license and return it to the tax department. The licensee may appear before the tax collector and show cause, to the satisfaction of the tax collector, why the license should not be revoked.

(Ord. No. 03-81, § 1, 4-15-03; Ord. No. 06-119, § 4, 6-6-06)