

ARTICLE I. IN GENERAL

Sec. 20-1. Begging or soliciting alms.

(a) *Permitted.* It shall be lawful to beg or solicit alms except in a manner set forth in subpart (b) of this section.

(b) *Prohibited conduct while begging or soliciting alms.* It shall be unlawful for any person to ask, beg, or solicit alms or contributions of money, food, or clothes, or exhibit oneself for the purpose of begging or soliciting alms or such contributions, by (i) accosting another, or (ii) forcing one-self upon the company of another.

(c) *Definitions.*

(1) For purposes of this section, "ask, beg or solicit" shall include, without limitation, the spoken, written or printed word, or such other acts as are conducted in furtherance of the purpose of obtaining alms or contributions of money, food, or clothing.

(2) For purposes of this section, "accosting" or "aggressive manner" shall be defined as:

a. Approaching or speaking to someone 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, or otherwise be intimidated into giving money or other thing of value;

b. Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;

c. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;

d. Using violent or threatening gestures toward a person solicited;

e. Following the person being solicited, with the intent of asking that person for money or other things of value;

f. Speaking in a volume unreasonably loud under the circumstances;

g. Soliciting money from anyone who is waiting in line for entry to a building or for another purpose.

(3) For purposes of this section, "forcing one-self upon the company of another" shall be defined as (i) continuing to request, beg or solicit alms or contributions of money, food, or clothing in close proximity to the person addressed after the person to whom the request is directed has made a negative response; or (ii) blocking the passage of the person addressed; or (iii) otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

(4) For purposes of this section, "panhandling" shall be defined as asking or soliciting, for personal gain, for money or objects of value, with the intention that the money or objects be transferred at that time, and at that place. Asking or soliciting shall include using the spoken, written, or printed word, bodily gestures, signs, or other means with the purpose of obtaining an immediate donation of money or other thing of value.

(5) For purposes of this section, "public place" shall be defined as 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, theatre, transportation facility, licensed vendor location, school, place of amusement, park, or playground.

(6) For purposes of this section, "financial institution" shall be defined as any banking corporation, credit union, foreign exchange office, check cashing business, or other financial business.

(7) For purposes of this section, "automated teller machine" shall be defined as 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 and loan payments.

(8) For purposes of this section, "automated teller machine facility" shall be defined as the area comprised of one (1) or more automatic teller machines and any adjacent space which is made available to banking customers after regular banking hours.

(d) *Severability.* If any portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable, and such holding shall not affect the validity of the remaining portions hereof.

(Code 1961, §§ 13-1, 13-2; Ord. No. 93-149, § 1, 12-20-93; Ord. No. 04-84, § 2, 6-15-04)

State law references: Regulation of begging, G.S. § 160A-179.

Secs. 20-2--20-15. Reserved.