



ORDINANCE 2023-04

**AMENDING TITLE 13, CHAPTERS 130.04 AND
74.08 OF THE TOWN OF PINEVILLE CODE OF
ORDINANCES REGARDING PANHANDLING**

WHEREAS, NCGS § 20-175 allow that a town may enact ordinances restricting or prohibiting a person from standing on streets, highways, or right of ways, excluding sidewalks to solicit.

WHEREAS, it further provides that in the event the solicitation event or the solicitors shall create a nuisance, delay traffic, create threatening or hostile situations, any law enforcement officer with proper jurisdiction may order the solicitations to cease.

WHEREAS, any individual failing to follow a law enforcement officer's lawful order to cease solicitation shall be guilty of a Class 2 misdemeanor. Officers also have the authority to use this section of the NC General Statutes to address panhandling on State-owned streets and right of ways.

NOW THEREFORE, BE IT ORDAINED by the Pineville Town Council the Pineville Town Panhandling Ordinance is/are modified as follows:

**§ 130.04, BEGGING OR SOLICITING ALMS BY ACCOSTING OR FORCING
ONESELF UPON COMPANY OF ANOTHER; PROHIBITED CONDUCT.**

A. Aggressive panhandling, solicitation, or peddling includes:

- (1) 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;
- (2) Touching someone without his/her consent.
- (3) Using obscene or abusive language toward someone while attempting to panhandle or solicit him/her;
- (4) 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;

- (5) 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;
- (6) Other conduct that a reasonable person being solicited would regard as intended to compel or force the person to accede to the solicitation.

B. It shall be unlawful for any person to engage in any acts of aggressive soliciting, peddling, or panhandling as defined in subsection (a) of this section.

C. Panhandling means, without limitation, use of the spoken, written, or printed words, signs, bodily gestures, or other acts as they 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.

A violation of this section may be punishable as a Class 3 misdemeanor and be subject to a maximum fine not to exceed \$200.00 pursuant to GS 160A-175 and GS 14-4.

§ 74.08 PEDESTRIANS SOLICITING EMPLOYMENT, BUSINESS OR FUNDS UPON PUBLIC STREETS.

No person shall stand or loiter in the main traveled portion, including the shoulders and median, of any public street, excluding sidewalks, or stop any motor vehicle for the purpose of soliciting employment, business or contributions from the driver or occupant of any motor vehicle on the public highways or streets; provided that the provisions of this section shall not apply to licensees, employees or contractors of the Department of Transportation or the town engaged in construction or maintenance or in making traffic or engineering surveys.

In the event the solicitation event or the solicitors shall create a nuisance, delay traffic, or create threatening or hostile situations, any law enforcement officer with proper jurisdiction may order the solicitations to cease. Any individual failing to follow a law enforcement officer's lawful order to cease solicitation shall be guilty of a Class 3 misdemeanor and be subject to a maximum fine not to exceed \$200.00 pursuant to GS 160A-175 and GS 14-4.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE TOWN COUNCIL OF PINEVILLE, that the Code of Ordinances be amended as indicated above.

Adopted this 14th day of November 2023. Effective on date of signing.



Ed Samaha, Mayor Pro Tem

ATTEST:



Lisa Snyder, Town Clerk