

**Town of Hope Mills**  
**Panhandling Ordinance**  
Ordinance No. 2018-04

a. *Purpose.* The purpose of this section is to prohibit and regulate begging or otherwise canvassing the public for contributions for the private benefit of the solicitor or any other person, as well as to ensure unimpeded pedestrian and vehicular traffic flow, to maintain and protect the well-being of the public, and to otherwise foster a harassment-free climate in public places.

b. *Definitions.* As used in this section:

**Accosting** means 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.

**After Dark** means from one-half hour after sunset until one-half hour before sunrise. The times of sunset and sunrise will be established by the times listed in The Fayetteville Observer or another publication of similar distribution.

**Automated Teller Machine** means any device or machine, 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 inquires, and mortgage and loan payments, and includes an automated banking device as defined by G. S. § 14-113.8(1a).

**Beg, Solicit, or Panhandle** includes, without limitation, use of the spoken, written, or printed word, or other acts as are conducted in the furtherance of the purpose of immediately collecting contributions of money, food or employment for oneself or others. As used in this ordinance, the word "solicit", and its forms, includes begging and panhandling.

**Financial Institution** means a bank, trust company, savings and loan association, credit union, check-cashing business, or other entity principally engaged in the business of lending money or receiving or soliciting money on deposit.

**Forcing Oneself upon the Company of Another** means:

1. Continuing to solicit in close proximity to the person addressed after the person to whom the solicitation is directed has made a negative response, either verbally, by physical sign, by attempting to leave the presence of the person soliciting, or by other negative indication;
2. Blocking the passage of the person solicited; or
3. Otherwise engaging in conduct that could reasonably be construed as intending to compel or force a person to accede to a solicitation.

**Person** means an individual, firm, partnership, association, corporation, organization, or any other group acting as a unit.

**Public Area** means any area to which the general public has access, and includes, but is not limited to, public streets, rights-of-way, alleys, roads, highways, sidewalks, driveways, bridges, parking lots, parks, playgrounds, plazas, any property owned or operated by the city, and streets open to the general public and any buildings, premises, or other structures open to the general public including the doorways and entrances to such buildings, premises, or other structures and the grounds enclosing them.

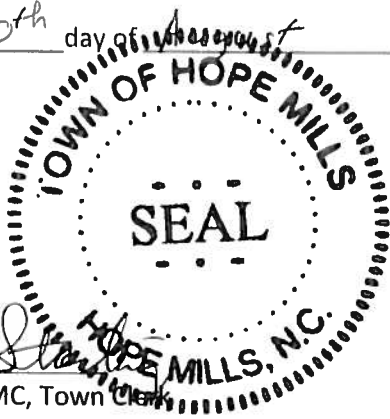
(c) It shall be unlawful for any person to beg, solicit, or panhandle in any of the following ways:

1. By accosting or by forcing oneself upon the company of another;
2. By soliciting in or near any public area
3. By procuring or attempting to procure goods or money from another in a manner or under circumstances manifesting an express or implied threat or coercion;
4. By soliciting in any public transportation vehicle owned or operated by the Town, or within 50 feet of any station or stop for such vehicle;
5. By soliciting within 50 feet of any entrance or exit of any bank or financial institution, or within 50 feet of any automated teller machine, without the consent of the owner or other person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;
6. By soliciting on private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property;
7. By soliciting from any operator or passenger of a motor vehicle while standing, sitting or loitering in any street or highway, including the shoulders or median strip, but excluding sidewalks;
8. By soliciting within 50 feet of any outdoor dining area or outdoor merchandise area, provided such areas are in active use at the time;
9. By soliciting from a person standing in line waiting to be admitted to a commercial establishment; or
10. By soliciting after dark.

d. *Penalty.* Any person who violates any of the provisions of this section shall be guilty of a misdemeanor as provided in G.S. 14-4 and, upon conviction, shall be subject to a maximum fine of \$500.00 per occurrence, or imprisonment, or both.

- e. *Severability.* If any provision of this section is declared invalid or unconstitutional for any reason, the remaining provisions shall be severable and shall continue in full force and effect.

Adopted this 20<sup>th</sup> day of August, 2018.



Jackie Warner  
Jackie Warner, Mayor

Attest:

Jane G. Starling  
Jane G. Starling, CMC, Town Clerk