

ORDINANCE REGULATING SOLICITATION ON THE STREETS AND HIGHWAYS IN GRANVILLE COUNTY

WHEREAS, pursuant to N.C.G.S. §§ 20-175, 153A-125, and 153A-126, the Board of Commissioners may regulate begging, solicitation campaigns, and salesmen; and

WHEREAS, begging and the solicitation of money for charities or businesses in the streets and highways of Granville County pose a significant hazard both to pedestrians and motorists; and

WHEREAS, begging and the solicitation of money in the streets and highways in Granville County pose a significant opportunity for fraud and misrepresentation.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS:

1. That the Code of Ordinances, County of Granville, North Carolina is hereby amended by adding a new article, to be numbered Article IV of Chapter 41, which reads as follows:

ARTICLE IV. SOLICITATION ON THE STREETS AND HIGHWAYS

Sec. 41-90. Solicitation defined.

For purposes of this article, “solicit” shall mean the asking for money or objects of value, with the intention that the money or object be transferred at that time, and at that place. Solicitation 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 or soliciting the sale of goods or services.

Sec. 41-91. Solicitation restricted; begging prohibited.

- (a) Except as set out in subsection (b) below no person shall stand on any street, highway, or right-of-way excluding sidewalks while soliciting, or attempting to solicit, any employment, business, or contributions from the driver or occupants of any vehicle.
- (b) A person may be allowed to stand in, on, or near a street or State roadway to solicit a charitable contribution if the following requirements of this subsection are met:
 - 1. A person seeking authorization under this subsection to solicit charitable contributions shall file a written application with the County Sheriff. The application shall be filed no later than seven days before the date the solicitation event is to occur. If there are multiple events or one event occurring on more than one day, each event shall be subject to the application and permit requirements of this subsection for each day the event is to be held, to include the application fee.
 - 2. The application must include:
 - i. The date and time when the solicitation is to occur;

- ii. Each location at which the solicitation is to occur; and
 - iii. The number of solicitors to be involved in the solicitation at each location.
 - 3. The initial fee for a permit under this subsection shall be \$0.00 per day per event. The Board of Commissioners may change the fee from time to time by Board action or by adopting a fee in the County's schedule of fees. Any such fee shall not exceed \$25.00 per day per event.
 - 4. The applicant shall also furnish to the County advance proof of liability insurance in the amount of at least two million dollars (\$2,000,000) to cover damages that may arise from the solicitation. The insurance coverage must provide coverage for claims against any solicitor and agree to hold the local government harmless.
 - 5. Per G.S. §20-175, the County, by allowing solicitation under this subsection, does not waive, or limit, any immunity or create any new liability for the County. The issuance of an authorization under this subsection and the conducting of the solicitation authorized are not considered governmental functions of the County.
 - 6. Per G.S. §20-175, 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. Any individual failing to follow a law enforcement officer's lawful order to cease solicitation shall be guilty of a Class 2 misdemeanor pursuant to Per G.S. §20-175.
- (c) Begging or otherwise canvassing the public for contributions for the private benefit of the solicitor or any other person is prohibited.

Sec. 41-92. Jurisdiction.

This article shall be effective for all of Granville County not within a city, and effective in such city or cities which have by resolution permitted this article to be effective within such city or cities as allowed by G.S. §153A-122.

Sec. 41-93. Enforcement.

- (a) Misdemeanor; Fine: Except as specifically set out herein to the contrary, the violation of this article is a Class 3 misdemeanor as set out in G.S. §§ 153A-123 and 14-4. The maximum fine for a violation of this article is \$500.00.
- (b) Civil Penalty: Any person cited for a violation of any provision of this article shall be subject to a civil penalty in the amount of \$100.00 per day of non-compliance from and after the date of citation until compliance with this article is achieved. The penalty may be recovered by the County in a civil action in the nature of a debt if the person who has been assessed a civil penalty does not pay the same within 30 days after first being cited for a violation of this Ordinance. The penalties assessed for violations constituting separate and distinct offenses may be aggregated and collected in one action.
- (c) Equitable Relief; Abatement: This article may be enforced by an appropriate equitable remedy issued from a court of competent jurisdiction as set out in N.C. Gen. Stat. §

153A-123. The County may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant(s) to correct the unlawful condition upon, or cease the unlawful use of, the property.

- (d) Separate and Distinct Violations: Each violation of any provision of this article shall be a separate and distinct offense.

2. This Ordinance shall be effective on and after June 1, 2015.

PASSED AND ADOPTED by the Granville County Board of Commissioners this 18th day of May, 2015.

By: _____

Tony W. Cozart, Chairman
Granville County Board of Commissioners

Attest:

Debra A. Weary, Clerk