

OR – 2016-10-01

AN ORDINANCE  
AMENDING TITLE XI: BUSINESS REGULATIONS  
IN THE CODE OF ORDINANCES OF THE VILLAGE OF MARVIN,  
MARVIN, NORTH CAROLINA

WHEREAS, this amendment was heard by the Village of Marvin, Village Council in a public meeting on October 27, 2016.

WHEREAS, pursuant to NCGS 160A-174 a town may, by ordinance, define, prohibit, regulate or abate acts, omissions, or conditions detrimental to the health, safety or welfare of its citizens and the peace and dignity of the town; and

WHEREAS, pursuant to NCGS 160A-378 a town may by ordinance regulate, restrict or prohibit the business activities of itinerant merchants, salesmen, promoters, peddlers, flea market operators and flea market vendors.

NOW, THEREFORE, BE IT ORDAINED by the Village Council for the Village of Marvin that Chapter 110 PANHANDLING, BEGGING, SOLICITATION AND CANVASSING be added with the following language:

SECTION 1. The Code of Ordinance, Chapter 110 is hereby added to read as follows:

- § 110 PANHANDLING, BEGGING, SOLICITATION AND CANVASSING
- 110.01 Purpose
- 110.02 Definitions
- 110.03 Panhandling and begging
- 110.04 Solicitation
- 110.05 Canvassing
- 110.06 Enforcement

§ 110.01 PURPOSE.

The purpose of this chapter is to protect the public against criminal activity, including fraud and burglary, minimize the unwelcome disturbance of citizens and the disturbance of privacy and to preserve the public health, safety and welfare by regulating and controlling solicitors, peddlers and canvassers.

§ 110.02 DEFINITIONS.

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AFTER DARK.** 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 Charlotte Observer or another publication of similar distribution.

**ACCOSTING.** 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 property in his or her immediate possession.

**BEG.** To ask for money or goods as a charity, whether by words, bodily gestures, signs, or other means.

**CANVASSING.** The act of going upon property or approaching people to discuss or explain issues which include religious proselytizing, exercising an individual's freedom of speech or campaigning for political votes, that does not include the request for contributions or donations or the sale of goods or products.

**PANHANDLE.** To ask for money or goods as a charity, whether by words, bodily gestures, signs, or other means in a public place.

**PERSON.** Any individual, firm, partnership, corporation, company, religious sect or denomination, society, organization or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.

**PRIVATE PROPERTY.** A legal designation of the ownership of property by non-governmental legal entities. Private property is distinguishable from public property, which is owned by a state entity; and collective property, which is owned by a group of non-governmental entities.

**SOLICITOR/SOLICITATION.** Any person or organization who travels from place to place taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance, and any person who uses or occupies any building or premises for the sole purpose of taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance.

**VILLAGE.** The Village of Marvin, North Carolina.

### **§110.03 PANHANDLING AND BEGGING.**

*Prohibited acts.* It shall be unlawful for any person to panhandle or beg:

- (A) On a public sidewalk, public right-of-way or within a public park owned by the town; or
- (B) By accosting another, or by forcing oneself upon the company of another; or
- (C) Within twenty (20) feet of the entrance of any financial institution or any automated teller machine, regardless of whether or not such automated teller machine is located at or near a financial institution; or
- (D) Within twenty (20) feet of any outdoor dining area or outdoor merchandise area, provided such areas are in active use at the time; or
- (E) While the person being solicited is standing in line waiting to be admitted to a commercial establishment; or
- (F) By touching the person being solicited without the person's consent; or
- (G) After dark by means of verbal communication.

### **§ 110.04 SOLICITATION.**

- (A) *Prohibited acts.* It shall be unlawful for any person to solicit:
  - (1) On private property where "No Soliciting" or "No Trespassing" signs are posted.
- (B) *Exceptions.* The following individuals and activities are exempted from the provisions of this chapter:

1. Children under the age of 18 years who are students in a public or private school, and who conduct door-to-door solicitations for magazine subscriptions or donations for school activities; and

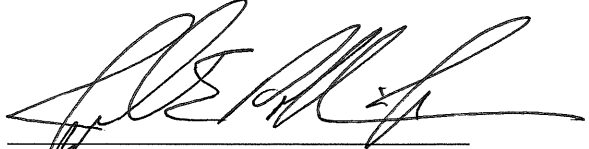
§ 110.05 CANVASSING.

- (A) *Prohibited acts.* It shall be unlawful for any person to canvass:
- (1) On private property where "No Soliciting" or "No Trespassing" signs are posted;
  - (2) On a public sidewalk, public right-of-way or within a public park owned by the Village; or
  - (3) By accosting another, or by forcing oneself upon the company of another; or
  - (4) Within twenty (20) feet of the entrance of any financial institution or any automated teller machine, regardless of whether or not such automated teller machine is located at or near a financial institution; or
  - (5) Within twenty (20) feet of any outdoor dining area or outdoor merchandise area, provided such areas are in active use at the time; or
  - (6) While the person being solicited is standing in line waiting to be admitted to a commercial establishment; or
  - (7) By touching the person being solicited without the person's consent; or
  - (8) After dark by means of verbal communication.
- (B) *Exceptions.* Organizations with 501(c)(3) tax status, including but not limited to the Boy Scouts of America, Girl Scouts of America, recognized organized religious organizations and political persons, shall be exempted.

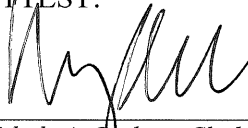
§ 110.06 ENFORCEMENT

This chapter may be enforced by any of the following ways as provided by law. A violation of this chapter shall subject the violator to issuance of a citation as defined in § 10.99 of the Village of Marvin Code of Ordinances.

*Adopted this 13<sup>th</sup> day of December, 2016.*

  
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Joseph E. Pollino Jr., Mayor

ATTEST:

  
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Melody A. Graham, Clerk

