

**NORTH CAROLINA
ROCKINGHAM COUNTY**

**AMENDED ORDINANCE TO REGULATE BEGGING, SOLICITATION, AND
PANHANDLING**

SECTION 1. DEFINITIONS

The following definitions apply:

(1) *Beg, Solicit or Panhandle* – use of the spoken, written, or printed word, or other acts as are conducted with the purpose of immediately collecting contributions for the use of one's self or others.

(2) *Financial Institution* - any bank, credit union, savings and loan, or automated teller machine (ATM)

(3) *Obstruct Pedestrian Traffic or Vehicular Traffic* – to walk, stand, sit, lie or place an object in such a manner as to block passage by another person or vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact.

SECTION 2. SCOPE OF PERMITTED ACTIVITY

(A) Permit Required.

It shall be unlawful for any person to beg, panhandle, or solicit upon the streets or any other public property in the unincorporated areas of Rockingham County without obtaining the written permission of Rockingham County, as evidenced by obtaining a permit from the Rockingham County Code Enforcement Office. A permit shall be valid for six months from the date of issuance. In the event a holder violates any provision of this chapter, Rockingham County may revoke the holder's permit.

(B) Standards of Conduct and Prohibited Acts.

Begging, soliciting, or panhandling shall:

(1) Only be permitted between the hours of 8:00 a.m. and 6:00 p.m.

(2) Not be permitted within 100 feet of any financial institution which is open for business.

(3) Not be permitted within 100 feet of any automatic teller machine or any other machine at which money is dispensed to the public.

(4) Not be permitted within 100 feet of the property lines of any private residence.

(5) Not be permitted within 20 feet of a bus stop or public transportation stand or stop.

(6) Not be permitted within 20 feet of a commercial establishment which is open for business.

(7) Not be permitted in the traveled portion of any street, or highway and shall not be conducted in such way to obstruct vehicular or pedestrian traffic.

(8) Not be permitted if done in a manner that is aggressive, threatening, or intimidating or by use of threatening, profane, or abusive language during the solicitation or following an unsuccessful solicitation. Behavior is considered aggressive, threatening, or intimidating if done in a manner that a reasonable person should know would cause a person of ordinary sensibilities to be fearful of bodily harm, and shall be deemed to include touching the person who is being solicited without that person's consent, and blocking the path of a person being solicited, including their entrance to a building or vehicle.

(9) Not be permitted by following a person who has been solicited after that person has declined the request or walked away.

(10) Not be permitted if obstructing pedestrian traffic or vehicular traffic while engaging in any activity allowed under this ordinance.

(C) Exempt Activity.

This ordinance shall not apply to:

(1) The lawful solicitation of contributions from the public for personal or charitable purposes if in areas and in a manner otherwise permitted by law;

(2) The promotion or expression of views concerning political, social, religious, and other like matters if in areas and a manner otherwise permitted by law;

(3) Licensees, employees, or contractors of the Department of Transportation or of any municipality engaged in construction, maintenance, or in making traffic or engineering surveys:

(4) Distribution of newspapers on the non-traveled portion of any street or highway except when those distribution activities impede the normal traffic on the street or highway.

SECTION 3. PERMIT ISSUANCE AND REVOCATION

A. Permit Application Procedure

A criminal background check is required and will be reviewed by Code Enforcement to determine eligibility of the applicant.

Application shall be on a form issued by the Code Enforcement Department, signed by the applicant in the presence of the employee accepting the application, and shall set forth the following information:

(1) The name, permanent address (or if no permanent address a temporary address in the vicinity of Rockingham County), a phone number (if available), and emergency contact of/for the applicant;

(2) Picture identification of the applicant through a valid state-issued photo identification, or if picture identification is impractical, the applicant shall provide other documentation that reasonably establishes identity;

(3) A brief description of the activity to be conducted, including if applicable, any items or services to be sold or offered for sale;

B. Permit Application Fee

The Board of Commissioners retains the authority under NCGS § 153A-125 to charge a fee for a permit issued pursuant to this ordinance. Such a fee, if imposed, shall be adopted as part of a revenue schedule for permits and fees to be adopted as part of the annual budget process.

C. Permit Issuance, Denial, And Appeal.

(1) *Procedure for application review.* Within 5 business days of receipt of an application, Rockingham County Code Enforcement or designee shall issue a permit unless the applicant:

(a) Has not submitted a complete application.

(b) Has submitted false information.

(c) Is under 18 years of age.

(d) Has been convicted of one or more offenses which involve either misdemeanor or felony assault, communicating threats, illegal use of weapons, or other violent crime: or

(e) Has been convicted of one or more offenses which involve either misdemeanor or felony crimes in the nature of larceny, embezzlement, breaking and entering or other crimes relating to theft, or crimes deemed by Code Enforcement in its discretion that would pose a threat to public safety if the permit were issued.

(2) *Possession of permit.* Any person authorized by permit to engage in begging or panhandling shall keep the issued permit in his or her possession and exhibit his or her permit when requested to do so by any solicited individual or law enforcement officer.

(3) *Denial of permit.* In the case of denial, the county's denial and the reasons for denial shall be noted on the application, and the applicant shall be notified that his or her application is denied and no permit shall be issued. Notice shall be mailed to the applicant at the last known address shown on the application form if given.

D. Permit Revocation

(1) A permit may be revoked or suspended by the county for the following reasons:

(a) Fraud, misrepresentation, or false statement contained in the permit application;

(b) Begging, soliciting, or panhandling in a manner inconsistent with the provisions in the issued permit;

(c) Conducting begging or panhandling in such a manner as to create a breach of the peace or endanger the health, safety, or general welfare of the public.

(2) Upon revocation, the permit issued must immediately be surrendered to the County.

E. Appeal Of Denial Or Revocation

Any applicant who has been denied issuance of a permit under Section C. or who has had a permit revoked under Section D. of this ordinance may appeal such action within 10 days of the date of denial or revocation by delivering a written notice of appeal, specifying with particularity the ground(s) for the appeal to the County Manager.

F. Penalties

A violation of this ordinance shall be punished by a fine of not more than \$500.00 or imprisonment for not more than thirty (30) days for each separate violation. Each day any violation of this ordinance shall continue shall constitute a separate offense. In addition to the penalties previously stated a violation of this ordinance may be enforced by any one or more of the remedies authorized by G.S. §153A-123.

G. Severability.

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

This amended ordinance shall become effective upon adoption.

This the 16th day of March, 2015.



ROCKINGHAM COUNTY

BY:

Mark F. Richardson, Chair
Board of Commissioners

ATTEST:

Pamela M. McLain, MMC, NCCCC
Clerk to the Board

I, Pamela M. McLain, Clerk of the Rockingham County Board of Commissioners, do hereby certify that the foregoing ordinance was duly adopted by the governing body of Rockingham County after lawful public notice and at a regular meeting thereof, a quorum being present.

This the 16 day of March, 2015.



Pamela M. McLain, MMC, NCCCC
Clerk to the Board

This Amended Ordinance was introduced at the March 16, 2015 meeting of the Rockingham County Board of Commissioners.



Rockingham County Panhandling Permit Application

Date of Application _____

Legal Name _____ Date of Birth _____
(Print)

Address (if not permanent, temporary address) _____

_____ Phone number _____

Emergency contact _____ Phone # _____

Relationship to applicant _____

Type of Identification submitted _____

Brief description of the activity to be conducted, including, if applicable, any items, or services to be sold or offered for sale _____

Location(s) of Activity _____

Have you been convicted of a criminal offense? _____ If so, list: _____

Procedure for Application Review. A criminal background check is required and will be reviewed by Code Enforcement to determine eligibility of the applicant. Within 5 business days of receipt of application, Rockingham County Code Enforcement or designee shall issue a permit unless the applicant:

- (a) Has not submitted a complete application.
- (b) Has submitted false information.
- (c) Is under 18 years of age.
- (d) Has been convicted of a disqualifying criminal offense.

I certify that all the information that has been provided is true and accurate to the best of my knowledge. I hereby authorize Rockingham County to conduct a criminal background check of me including any current or prior arrests, and convictions. I have read the Ordinance to Regulate Begging, Solicitation, and Panhandling and agree to comply with the provisions stated in the Ordinance. Failure to do so will result in the denial or revocation of this permit. I understand that if permit is denied or revoked, I may appeal such action within 10 days of the date of the denial or revocation by delivering a written notice of appeal, specifying the grounds for the appeal to the County Manager.

Applicant

Witness/Title/Date

Rockingham County certification of criminal background check - Qualifies: Yes _____ No _____
Date Submitted _____ Date Issued _____ Expiration Date _____



Date

Name
Address

Re: Application for Panhandling Permit: Revocation/Denial

Dear Sir/Madam:

Your application for a Panhandling Permit Application that was submitted _____ has been denied for the following reason(s):

- _____ Has not submitted a complete application.
- _____ Has submitted false information.
- _____ Is under 18 years of age.
- _____ Has been convicted of a disqualifying criminal offense.

Your Panhandling Permit has been revoked for the following reason(s):

- _____ Fraud, misrepresentation, or false statement contained in the permit application;
- _____ Begging, soliciting, or panhandling in a manner inconsistent with the provisions in the issued permit;
- _____ Conducting begging or panhandling in such a manner as to create a breach of the peace or endanger the health, safety or general welfare of the public.

Upon revocation, the permit that you were issued must immediately be surrendered to the County.

Any applicant who has been denied issuance of a permit under Section C. or who has had a permit revoked under Section D. of the Ordinance to Regulate Begging, Solicitations and Panhandling, may appeal such action within 10 days of the date of denial or revocation by delivering a written notice of appeal, specifying with particularity the ground(s) for the appeal to the County Manager.

Rockingham County Code Enforcement