ORDINANCE TO AMEND CHAPTER 13 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO LICENSES, TAXATION, BUSINESS PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS AND CHAPTER 20 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO PEDDLERS, SOLICITORS, ETC.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. Chapter 13 is hereby amended as follows:

Chapter 13 - LICENSES, TAXATION, BUSINESS PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE V. - BUSINESS PERMIT

DIVISION 1. - GENERALLY

Sec. 13-181. - Application of article.
The business permit issued under this article shall apply to persons operating or carrying on the businesses of massage, **commercial** soliciting, ~~panhandling~~, street performing, peddling, itinerant merchants, and mobile food vending which are physically located within the Greensboro city limits.

Sec. 13-202. – Commercial Solicitors.

Section 2. Chapter 20 is hereby repealed in its entirety and re-enacted as follows:

Chapter 20 - PEDDLERS, SOLICITORS, Panhandlers, Itinerant Merchants, ETC.

ARTICLE I. - IN GENERAL

Sec. 20-1. Regulations of Solicitation in Public Places

(a) Intent and Purpose.

It is the intent of Council in enacting this Ordinance to recognize free speech rights for all citizens while at the same time protecting the coexistent rights for all citizens to enjoy safe and convenient travel in public spaces free from intimidating conduct, threats, and harassment that stem from certain types of abusive solicitation, or that may give rise to interference with other's activities if they occur in particular settings and contexts.

The purpose is to regulate certain conduct to preserve the public order, to protect the citizens of the City of Greensboro and to ensure the safe and uninterrupted passage of both pedestrian and vehicular traffic, without unconstitutionally impinging upon protected speech, expression, or conduct.

(b) Definitions.

(1) For the purpose of this section, solicit means actions that are conducted in the public place in the furtherance of the purpose of collecting money or contributions for the use of one's self or others. As used in this ordinance, the word, "solicit" and its forms shall include the following acts:

(a) *Panhandling, begging, charitable or political soliciting* means actions that are conducted in the furtherance of the purpose of collecting contributions for the use of one's self or others;

(b) *Peddling* means transporting goods from place to place and selling or exposing the goods for sale, or without traveling from place to place, selling or offering for sale any goods from any vehicle or device; provided, that any separation of the acts of sale and delivery for the purpose of evading the provisions of this article, the acts shall be defined as peddling.

(c) *Commercial Soliciting* means traveling 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, regardless of whether samples are displayed or money is collected in advance, and using or occupying 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, regardless of whether samples are displayed or money is collected in advance.

(d) *Itinerant Merchanting* means engaging in a temporary business of selling and delivering goods and using or occupying any premises; provided that no person shall be relieved from complying with the provisions of this article merely by conducting a transient business in association with any permanently established merchant.

(e) *Street Performing* means audible or visual entertainment including but not limited to reciting or singing, acting, dancing, miming, pantomiming, playing a musical instrument or performing a theatrical or literary work.

(f) *Mobile Food Vending* means preparing or serving food or beverages for sale to the general public from a mobile piece of equipment or vehicle.

(2) For purposes of this section, public place shall be defined as a place where a governmental entity has title, and/or to which the public or a substantial group of persons has access, including, but not limited to, any street, highway, parking lot, plaza, restaurant, theater, transportation facility, vendor location, school, place of amusement, park, or playground.

(c) It shall be unlawful to solicit aggressively in public places in any of the following manner:

(1) Approaching or speaking to someone in such a manner or voice including but not limited to using profane or abusive language 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, or otherwise be intimidated into giving money or other thing of value;

(2) Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;

(3) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;

(4) Using violent or threatening gestures toward a person solicited;

(5) Soliciting from anyone who is waiting in line for entry to a building or for another purpose without the permission of the owner or landlord or their designee;

(6) By forcing one-self upon the company of another by continuing to solicit in close proximity to the person addressed or following that person after the person to whom the request is directed has made a negative response; or blocking the passage of the person addressed; or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands;

(7) By soliciting within twenty (20) feet of an automated teller machine which is defined as a device, linked to a financial institution's account records, which is able to carry out transactions, including but not limited to cash withdrawals, account transfers, deposits, balance inquires, and mortgage payments.

(d) Violations.

Any violation of this article shall be a misdemeanor and may be enforced by any one (1) or more of the remedies authorized by the provisions of G.S. § 14-4 or G.S. § 160A-175.

(e) Severability

If any portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions hereof.

State Law reference— Regulation of begging, G.S. § 160A-179.

Section 3. That all sections not amended herein shall remain in full force and effect.

Section 4. That this ordinance shall become effective upon adoption.