

Chapter 112. Charitable Solicitation Control

Section

General Provisions

112.01 Title
112.02 Purpose
112.03 Definitions

Permit Requirements

112.15 Solicitation permit required; application
112.16 Reasons for refusal
112.17 Permits for charitable literature distribution
112.18 Permit fees
112.19 Cancellation of permits
112.20 Application of rules and standards

GENERAL PROVISIONS

§ 112.01 TITLE

This chapter shall be known and cited as Matthews Charitable Solicitation Control Regulations.
(’72 Code, § 17B-1) (Ord. 608, passed 8-28-89)

§ 112.02 PURPOSE

It is the purpose of this chapter to control more effectively charitable solicitations and literature distribution on the public rights-of-way, to protect the traveling public as well as persons desiring to solicit for charities, to balance the legal rights of each group, and to protect the public health, safety and general welfare.
(’72 Code, § 17B-2) (Ord. 608, passed 8-28-89)

§ 112.03 DEFINITIONS

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

CHARITABLE ORGANIZATION. Any person, firm, group, partnership, corporation or association whose avowed purpose and object is to benefit, assist, aid and further the following causes:

- (1) Philanthropy;
- (2) Assistance to persons who are poor, impoverished, destitute, under privileged, needy, diseased, injured, crippled, disabled, handicapped or in need of physical or mental rehabilitation;
- (3) Churches, religious societies or the religious sects, groups or orders espousing spiritual and altruistic motives or conduct;
- (4) The teaching of patriotism or promoting relief and assistance to this nation's war veterans;
- (5) Beneficial education of the mind or assistance to educational institutions; or

(6) The protection, shelter, and sustenance of animals.

CHARITABLE SOLICITATION. Seeking money donations, pledges thereof, or anything of value to benefit, assist, aid and further the cause of a charitable organization, either orally or by literature distribution.

LITERATURE. Books, pamphlets, handbills, tracts, cards, circulars, pictures, films, magazines or any other written or printed material.

('72 Code, § 17B-3) (Ord. 608, passed 8-28-89)

PERMIT REQUIREMENTS

§ 112.15 SOLICITATION PERMIT REQUIRED; APPLICATION

It shall be unlawful for any person to solicit funds for charitable purposes on the public rights-of-way without first applying for and obtaining a permit on forms prescribed by the Board of Commissioners. The application shall be submitted to the Board of Commissioners prior to actual solicitation and shall state:

(A) The full name and mailing address of the applicant, and the organization sponsoring, conducting or promoting the fund drive; if the mailing address is a post office box number, the actual street address shall also be stated;

(B) Whether or not the applicant shall be soliciting for a branch or division of a national organization, and if so, the name thereof, and the mailing and street address of same;

(C) If the applicant is soliciting for a North Carolina corporation, a copy of its corporate charter, as amended, shall be furnished; if it is a foreign corporation, a copy of its authorization certificate to do business in this state shall accompany the application;

(D) The purpose or object of the charitable solicitations; and

(E) Whether the applicant has ever been convicted of a crime involving either assault, battery, fraud, theft or moral turpitude.

('72 Code, § 17B-4) (Ord. 608, passed 8-28-89) Penalty, see § 10.99

(F) The Matthews Police Department is hereby authorized to utilize the Division of Criminal Information (DCI) System to verify the criminal history of the applicant.

(Ord. 1255, passed 12-9-02)

§ 112.16 REASONS FOR REFUSAL

The application shall be granted and the permit required by § 112.15 shall be issued unless one or more of the following facts is found to exist:

(A) That one or more of the statements in the application is not true; or

(B) That the applicant has violated any of the terms and provisions of any prior permit.

('72 Code, § 17B-5) (Ord. 608, passed 8-28-89)

(C) That the applicant has been convicted of a crime involving either assault, battery, fraud, theft or moral turpitude.

(Ord. 1255, passed 12-9-02)

(D) In the event an applicant has been refused to be issued a permit or in the event a permit holder has had an issued permit cancelled, see Section 112.19, then in either event said applicant/or holder shall have the right to appeal the action to a hearing at a regular meeting of the Board of Commissioners, said hearing to be held at the next possible regular Board meeting.

(Ord. 1255, passed 12-9-02)

§ 112.17 PERMITS FOR CHARITABLE LITERATURE DISTRIBUTION

It shall be unlawful for any person to distribute literature or any other article on the public rights-of-way in connection with charitable solicitation without first applying for and obtaining a permit as provided in § 112.15. ('72 Code, § 17B-6) (Ord. 608, passed 8-28-89) Penalty, see § 10.99

§ 112.18 PERMIT FEES

A fee of \$6 for a permit issued under this chapter shall be charged and collected in advance to defray a part of the cost of preparing and issuing a permit. ('72 Code, § 17B-7) (Ord. 608, passed 8-28-89)

§ 112.19 CANCELLATION OF PERMITS

Any permit granted under this chapter may be cancelled after issuance if any of the reasons set forth in this chapter for prior refusal should be discovered, or become apparent during the solicitation period. ('72 Code, § 17B-8) (Ord. 608, passed 8-28-89)

§ 112.20 APPLICATION OF RULES AND STANDARDS

When permits for charitable solicitation, charitable literature distribution, or a combination of the two are granted, the following rules and standards shall apply:

(A) *Location.* Permittees shall be restricted to the use of the sidewalks and/or street rights-of-way between the hours of 7:00 a.m. to 8:00 p.m. Sunday through Saturday.

(B) *Time.* Permits shall be issued for 14 days.

(C) *Manner of operation:*

(1) Each person included in a permit shall be issued and shall wear a photo identification card on the upper clothing and in a manner clearly visible to the public. This identification shall state the true and correct legal name of the solicitor and the organization or cause represented. It shall not be transferred to another person and must be returned to the issuing town official at the expiration of the permit.

(2) No permittee shall make loud noises or create any other disturbances. No dancing, chanting, use of drums, cymbals or other musical instruments, or noise making devices shall be permitted.

(3) Permittees at all times are subject to all laws - federal, state or local - regarding frauds, assault, battery, theft, littering, and all other laws relating to the conduct of persons in public places.

(4) Permittees, when soliciting donations in connection with the distribution of literature or the distribution of other articles, shall inform the person approached by them that a donation is solicited prior to the time that material is delivered to the prospective donor, and the solicitor shall make the proper money change when informed of the amount being donated.

(5) No permittee shall erect or place a table, bench, chair or other structure on any sidewalk or street rights-of-way.

(6) No permittee shall distribute candy, gum or other food snacks or any food product, and shall not pin, tie or attach any flower or their symbol, insignia or article on the clothing, or vehicle or passengers or other persons within the public rights-of-way.

(7) No permittee shall interfere with the free passage of, or access of, other persons along sidewalks or street rights-of-way; no permittee shall ever obstruct passage to solicit donations or distribute literature or other articles.

('72 Code, § 17B-9) (Ord. 608, passed 8-28-89) Penalty, see § 10.99