

Village of Wesley Chapel, NC

NON- SOLICITATION ORDINANCE 2015-01

Section 1 **Statement of Purpose and Definitions**

(a) *Statement of Purpose:* It is the intent of the Council to recognize and protect the privacy interests of homeowners by preventing uninvited entry onto residential private property for the purpose of commercial solicitation. The Council further intends to prevent crime and prohibit deception, fraud, and misrepresentation by limiting such door-to-door solicitation for commercial purposes.

(b) *Definitions:* For purposes of this Article, the following definitions shall apply:

- (1) "Clerk" shall mean the Clerk of the Village of Wesley Chapel, located at 6490 Weddington Road, Wesley Chapel, NC 28104.
- (2) "Council" shall mean the Village of Wesley Chapel Council.
- (3) "Commercial Purpose" shall mean to solicit, beg, or otherwise ask for any monetary contribution, fare, fee, rate, charge, or other consideration that will directly or indirectly benefit any business, entity, or individual whose main purpose is to generate a profit.
- (4) "Not for Profit" shall mean a group or cause organized for purposes other than generating a profit.
- (5) "Privilege License" shall mean a license to any person, business or organization according to the provisions of the Village of Wesley Chapel Ordinance 2008-08 or any subsequent revision thereof.

Section 2 **Prohibited Acts**

(a) *Prohibited acts:* It shall be unlawful for any person to solicit, beg or otherwise ask for money or other things of value for any Commercial Purpose on residential private property where a no soliciting sign or other notice discouraging solicitation is visible from the front door, drive or walkway, except for mailing or depositing marketing or other communicative materials in a mailbox on the private property.

(b) *Exceptions:* The prohibitions of this section are not intended to apply and shall not apply to:

- (1) Any person, business or organization holding a valid Privilege License issued by the Village of Wesley Chapel; or
- (2) Any person, business or organization that holds a current license issued by the state of North Carolina pursuant to N.C.G.S. § 131F-5 and is engaging in a Not for Profit activity.

Section 2 **Violations of Ordinance**

- (1) A violation of this ordinance by any person, business or organization (“Party”) will be considered a misdemeanor punishable by a fine, as determined by the Mayor, of not less than one hundred dollars (\$100.00) per incident payable to the Clerk.
- (2) On or before the thirtieth (30th) day after the date of notice of the fine, the Party may request, in writing to the Clerk, an opportunity to address the Mayor and Council at a Council Meeting where such Party may provide evidence and arguments in support of their position why the Party should not be subject to the fine. The Clerk will provide notice to the Party of the date of the Council meeting when the Party has been placed on the agenda to appear for the purpose of presenting evidence and arguments. The Party’s obligation to pay a fine will be decided by majority vote of the Council with any tie vote being decided by the Mayor. All costs for the appearance before the Council shall be incurred by the Party.
- (3) After a final decision by the Council, the Party may continue to appeal the matter pursuant to the North Carolina General Statutes.

Adopted this 9th day of March, 2015.

Mayor Brad S. Horvath

Attest:

Cheryl Bennett, Clerk