

OFFICIAL

**BOROUGH OF FOREST HILLS
ORDINANCE NO. 1110**

AN ORDINANCE OF THE BOROUGH OF FOREST HILLS, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 13 OF THE FORST HILLS BOROUGH CODE OF ORDINANCES AMENDING PART 2 TO REVISE THE DEFINITION OF SOLICIT TO ADD PANHANDLING AND TO PROVIDE FOR AN IDENTIFICATION CARD EXPIRATION DATE AND AMENDING CHAPTER 6 OF THE FOREST HILLS BOROUGH CODE OF ORDINANCES TO ADD A NEW PART 10, PANHANDLING, TO DEFINE RELEVANT TERMS, ESTABLISH PERMITTED AND PROHIBITED CONDUCT IN RELATION TO PANHANDLING, AND TO PROVIDE FOR VIOLATIONS AND PENALTIES OF THESE TIME, PLACE AND MANNER REGULATIONS.

WHEREAS, Section 1202(5) of the Borough Code, 8 Pa.C.S. § 1202(5), authorizes Borough Council of the Borough of Forest Hills ("Borough") to make regulations as may be necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience, comfort, and safety of the Borough; and

WHEREAS, the promotion of safe and orderly public spaces is integral to the promotion of the health, safety, morals, general welfare, cleanliness, beauty, convenience, comfort and safety of the Borough and its residents; and

WHEREAS, on June 15, 2005, the Borough enacted Ordinance Number 956 to set forth reasonable regulations pertaining to peddling and solicitation within the Borough, codified as Chapter 13, Part 2 of the Borough Code of Ordinances, Peddling and Soliciting; and

WHEREAS, Chapter 6 of the Borough Code of Ordinances, Conduct, establishes certain additional reasonable regulations pertaining to the conduct of persons within public spaces in the Borough; and

WHEREAS, Borough Council has determined that aggressive panhandling within the Borough is detrimental to the promotion of safe and orderly public spaces accessible by all Borough residents and contrary to the Borough's promotion of the health, safety, morals, general welfare, cleanliness, beauty, convenience, comfort and safety of the Borough and its residents; and

WHEREAS, Borough Council desires to amend certain provisions of Chapter 13, Part 2, and Chapter 6 of the Borough Code of Ordinances to impose certain reasonable restrictions on the time, place, and manner, in which panhandling and solicitation may occur within the Borough.

NOW THEREFORE, be it ordained and enacted by the Borough Council of the Borough of Forest Hills, and it is hereby ordained and enacted by and with the authority of the same, incorporating the above recitals by reference:

SECTION 1. Chapter 13, Part 2, of the Borough of Forest Hills Code of Ordinances, is amended as follows by inserting the underlined text and deleting the stricken terms as follows:

§ 13-201 Definitions.

For the purposes of this Part, the following terms shall have the meanings set forth below, unless a different meaning clearly appears from the context:

SOLICIT

The act of going upon property or approaching people to ask for, request or seek monetary contributions, donations or support. This term includes "Panhandling" as defined in § 6-1001.

§ 13-202 Residential Door-to-Door Peddling and Soliciting.

2. Identification Card.

A. Issuance. Peddlers and/or solicitors regulated by this Part shall carry their identification card which shall be issued by the Borough Police Chief without charge, at all times while peddling and/or soliciting within the Borough and shall show their identification card to residents in order to identify themselves prior to any actual peddling and/or soliciting activities.

B. Expiration. Identification cards expire 30 days after issuance.

C. Denial and Revocation. In the event that any peddler and/or solicitor is found to have been convicted of any felony or misdemeanor involving moral turpitude, he or she may be denied an identification card, or the identification card may be revoked or canceled by the Borough Police Chief. In the event that any peddler and/or solicitor provides any false or misleading information concerning his or her identification or the identity of the organization for which the peddling and/or soliciting is being done, the identification card issued to that peddler and/or solicitor may be revoked by the Borough Police Chief. A peddler and/or solicitor may appeal the denial or revocation of an identification card by the Borough Police Chief under this subsection to the Borough Council, which shall hold a public hearing thereon and render a decision.

SECTION 2. Chapter 6 of the Borough of Forest Hills Code of Ordinances is amended by adding a new part, Part 10 entitled "Aggressive Panhandling" as follows:

Part 10 Aggressive Panhandling**§ 6-1001 Definitions.**

For the purposes of this Part, the following terms shall have the meanings set forth below, unless a different meaning clearly appears from the context:

PANHANDLING

Any personal solicitation made in a public place or an immediate donation of money or any other item of value. This definition applies equally to all persons requesting donations, whether the donation is intended to be used for the panhandler's personal use or on behalf of a religious group or community service organization or for any other reason. Panhandling is included in the definition "Solicit" as set forth in § 13-201.

PUBLIC AREA

An area open to use by the general public, including, but not limited to alleys, bridges, building, driveways, parking lots, parks, plazas, sidewalks, and streets open to the general

public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them.

COMMUNITY OUTREACH SERVICES

A public or private sector provider that offers residential and/or rehabilitative medical or social service assistance, including but not limited to mental health treatment, drug or alcohol rehabilitations, or homeless assistance services for individuals in need thereof. Borough Council shall determine what service providers constitute an eligible Community Outreach Service provider for purposes of this Section.

EVALUATION

The written assessment of an individual's mental health, the presence of drug and alcohol complications, or other medical or social service needs by visual analysis and/or verbal communication with the individual. Evaluation may be performed by either Community Outreach Services or a law enforcement officer. An evaluation shall not serve to compel an individual to receive Community Outreach Services nor shall an evaluation serve to increase the penalty assessed as provided for in § 6-1005.

§ 6-1002 Permitted conduct.

1. Particular time. Panhandling shall be permitted in all public areas between sunrise and sunset as long as it does not violate:
 - A. The restrictions set forth in § 6-1003; and
 - B. The applicable noise ordinances.
2. Non-verbal panhandling. Panhandling made in a non-verbal manner shall not be subject to the time restrictions set forth in § 6-1002(1) so long as it does not violate the restrictions set forth in § 6-1003 or any other applicable ordinance.

§ 6-1003 Prohibited conduct.

1. Particular places. Panhandling is expressly prohibited in the following places, at any time and in any manner, because of the coercive nature of each:
 - A. Captive audience areas.
 - (1) Inside or within twenty-five (25) feet of a sidewalk café or any outside eating or dining establishment;
 - (2) At or within twenty-five (25) feet of a line of people waiting to gain admission to a place or vehicle or waiting to purchase an item or admission ticket;
 - (3) At or within twenty-five (25) feet of a food-dispensing street vendor;
 - (4) At or within twenty-five (25) feet of a bus stop
 - (5) At or withing twenty-five (25) feet of a bank; or
 - (6) Within twenty-five (25) feet of the entrance to a place of religious assembly.
 - B. Money accepting or dispensing areas. It shall be unlawful to solicit money or other things of value if the person making the solicitation knows or reasonably should know that the solicitation is occurring within twenty-five (25) feet in any direction of a an automated teller machine, including within twenty-five (25) feet in any direction of any entrance or exit to a building containing an automated teller machine or bank that is advertised to passersby or otherwise visible from the street.

2. Particular manners. The following manners of panhandling are expressly prohibited, at any time and any manner, because of the coercive nature of each:

A. Hindrance to traffic.

- (1) Panhandling in any manner which serves to intentionally block, obstruct, or interfere with orderly flow of either vehicles or pedestrians is prohibited.
- (2) Panhandling in any manner which intentionally and unreasonably causes a pedestrian or vehicle operator to take evasive action to avoid physical contact is prohibited.
- (3) Panhandling in any manner that violates traffic regulations for pedestrians or vehicles.

B. Aggressive panhandling. Panhandling in an aggressive manner is prohibited. Aggressive panhandling shall be defined as:

- (1) Approaching or speaking to a person, or following a person before, during or after panhandling, if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, or damage to or loss of property or otherwise be intimidated into giving money or any other thing of value;
- (2) Intentionally touching or causing physical contact with another person without that person's consent in the course of panhandling; or
- (3) Directing violent or threatening gestures toward the subject of the panhandling.

§ 6-1004 Violation and penalties.

1. First violation. Upon the first violation of § 6-1003(1) or § 6-1003(2)(A) any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be issued a warning ticket, which shall not include a summons to appear before a court of proper jurisdiction of the case.
 - A. The law enforcement officer issuing the citation shall thereafter provide an explanation of the voluntary option to have a consensual on-site evaluation performed. If the accused requests such a consensual evaluation, the law enforcement officer shall offer immediate referral and directions to an appropriate Community Outreach Services program. The law enforcement officer shall not be involved in any transport or have any responsibilities pertaining to an accused's participation in any such Community Outreach Services program.
2. Subsequent violations. Upon subsequent violation of § 6-1003(1) or § 6-1003(2)(A), any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$1,000 for each violation plus court costs and cost of prosecution incurred by the Borough, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.
 - A. The law enforcement officer issuing the citation shall thereafter provide an explanation of the voluntary option to have a consensual on-site evaluation performed. If the accused requests such a consensual evaluation, the law enforcement officer shall offer immediate referral and directions to an appropriate Community Outreach Services program. The law enforcement officer shall not be involved in any transport or have

any responsibilities pertaining to an accused's participation in any such Community Outreach Services program.

3. Penalties for aggressive panhandling.

A. Upon the first conviction for a violation of § 6-1003(2)(B), relating to aggressive panhandling, the violator may be sentenced to one (1) or more of the following: direction to a Community Outreach Service program; the performance of up to one hundred (100) hours of community services; a monetary of not more than one hundred dollars (\$100.00), plus costs; and/or imprisonment for not more than thirty (30) days. If a violator is sentenced to perform community service and fails to complete the sentence, the violator may be subject to imprisonment for not more than thirty (30) days.

B. Upon conviction of a second violation and each subsequent violation of § 6-1003(2)(B), relating to aggressive panhandling, the violator may be sentenced to one (1) or more of the following: the performance of up to one hundred (100) hours of community service; a monetary fine of three hundred dollars (\$300.00), plus costs; and/or imprisonment for not less than thirty (30) of more than ninety (90) days. If a violator is sentenced to perform community service and fails to complete the sentence, the violator may be subject to imprisonment for not less than thirty (30) or more than ninety (90) days.

4. Enforcement of this Part shall be by action brought before the magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

5. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.

6. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

SECTION 3. Should any sentence, section, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, other than the part declared to be invalid.

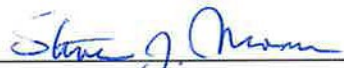
SECTION 4. All prior ordinances and resolutions are hereby repealed in whole or in part to the extent inconsistent herewith.

SECTION 5. This Ordinance shall take effect in accordance with applicable law.

ORDAINED and ENACTED this 20th day of September, 2023, by the Council of the Borough of Forest Hills in lawful session duly assembled.


ATTEST:

BOROUGH OF FOREST HILLS


 Steven J. Morus
 Borough Manager/Secretary
 (SEAL)

By: 
 Markus Erbedinger
 President, Borough Council

EXAMINED and APPROVED this 20th day of September, 2023.


 Frank Porco, Mayor