

BOROUGH OF PALMYRA

Lebanon County, Pennsylvania

ORDINANCE NO. 831

AN ORDINANCE TO AMEND THE PALMYRA BOROUGH CODE OF ORDINANCES TO INSERT A NEW CHAPTER 247, PANHANDLING AND LOITERING.

BE AND IT IS HEREBY ORDAINED AND ENACTED by Borough Council of the Borough of Palmyra, Lebanon County, Pennsylvania, as follows:

Section 1. The Palmyra Borough Code of Ordinances shall be amended by adding a new Chapter 247, Panhandling and Loitering, which shall provide as follows:

Chapter 247

Panhandling and Loitering

§247-1. Short Title.

This chapter shall be known and may be cited as the Palmyra Borough Panhandling and Loitering Ordinance.

§247-2. Purpose.

Borough Council has enacted this ordinance to provide the officers of the Police Department with an additional tool to address aggressive panhandling or loitering when it is reported or when officers encounter such aggressive panhandling or loitering. The Borough recognizes the constitutional right of free speech to ask someone for money and desires to balance such constitutional right with the rights of persons to walk on the streets and sidewalks of the Borough free from harassment.

§247-3. Definitions and word usage.

In this chapter the following words and phrases shall have the meanings indicated herein.

AUTOMATED TELLER MACHINE

A device, linked to a financial institution's account records, which is able to carry out transactions, including but not limited to account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

AUTOMATED TELLER MACHINE FACILITY

The area comprised of one or more automatic teller machines and any adjacent space which is made available to banking customers after regular banking hours.

BOROUGH

The Borough of Palmyra, Lebanon County, Pennsylvania.

CHECK CASHING BUSINESS

Any entity duly licensed by the Pennsylvania Department of Banking to engage in the business of cashing checks, drafts, or money orders for consideration pursuant to the Check Casher Licensing Act, Act of February 18, 1998, P.L. 146, as amended, 63 P.S. § 2301 et seq.

FINANCIAL INSTITUTION

Any entity authorized to engage in the business of receiving money for deposit or transmission pursuant to Section 105 of the Pennsylvania Banking Code Act of November 30, 1965, P.L. 847, as amended, 7 P.S. §105.

LOITERING

- A. To stand around or remain or to park or remain parked in a motor vehicle at a public place or place open to the public and engage in any conduct prohibited under this law; or
- B. To collect, gather congregate, or to be a member of a group or a crowd of people who are gathered together in any public place or place open to the public and to engage in any conduct prohibited under this law.

OUTDOOR CAFE

A use characterized by outdoor table service of food or beverages prepared for service in a structure located adjacent, attached or in close proximity thereto for consumption on the premises.

PANHANDLING IN AN AGGRESSIVE MANNER

- A. Following behind, ahead or alongside a person for more than 25 feet either before, during or after soliciting 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 other thing of value;
- B. Continuing to solicit from a person after that person has given a negative response to such soliciting or walked away from the solicitor;
- C. Intentionally touching or causing physical contact with the solicited person without such person's consent;
- D. Intentionally blocking or interfering with the safe or free passage of a person or vehicle being solicited by any means, including unreasonably causing a person or vehicle operator to take evasive action to avoid physical contact;
- E. Using profane or abusive language or speaking in an unreasonably loud volume, either during the solicitation or following a refusal to make a donation, or making any statement or gestures toward a solicited person which would cause a reasonable person to be fearful or feel compelled; or

- F. Soliciting from a person while that person is waiting in line for entry to a building or for another purpose.

PANHANDLING, SOLICITING and BEGGING

"Panhandling," "soliciting" and "begging" shall be used interchangeably in this chapter and shall mean asking or soliciting in person for an immediate donation of money or objects of value, with the intention that the money or object be transferred at that time and at that place, for charity or personal gain. "Panhandling" shall include, but not be limited to, using the spoken, written or printed word, bodily gestures, or signs, with the purpose of obtaining an immediate donation of money or other thing of value. "Panhandling" shall also include exchanges in which the person being solicited receives an item or thing of little or no monetary value in exchange for a donation, under circumstances where a reasonable person would understand that the transaction is in substance a donation. Panhandling does not include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person. Music or other street performances are exempted.

PLACE OPEN TO THE PUBLIC

Any place open to the public to which the public is invited and in, on, or around any privately owned place of business, private parking lot, or private institution, including places of worship, cemetery, or any place of amusement and entertainment, whether or not a charge of admission or entry thereto is made. It includes the elevator, lobby, halls, corridors, streets and highways, and areas open to the public at any store, office or apartment building.

POLICE DEPARTMENT

The Western Lebanon County Regional Police Department or any successor police department providing police protective services within the Borough.

PUBLIC PLACE

A place to which the public or a substantial group of persons has access, including but not limited to any street, highway, sidewalk, parking facility, plaza, transportation facility, school, place of amusement, park or playground, and any doorway, entrance, hallway, lobby or other portion of any business establishment, apartment house or hotel not constituting a room or apartment designed for actual residence.

PUBLIC TOILET

Any "porta potty" located on public property or any restroom facilities located within any public park or swimming pool which are intended for use by the general public.

PUBLIC TRANSPORTATION VEHICLE

Any vehicle, including a trailer bus, designed, used or maintained for carrying 10 or more persons, including the driver, or a passenger vehicle designed for carrying fewer than 10 persons, including the driver, and used to carry passengers for hire.

SIDEWALK CAFE

A use located on a public sidewalk which is located adjacent to a full-service restaurant where food and beverages are prepared, served and sold and are delivered for consumption on the sidewalk. It is characterized by the presence of tables and chairs and may be shaded by canopies, awnings or umbrellas. It shall also include the public right-of-way connecting the main restaurant to the sidewalk cafe.

§247-4. Loitering; obstructing public places.

- A. No person shall loiter in a public place, as heretofore defined, in such manner as to obstruct any public street, public sidewalk, public bridge, or other public place or public building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles or pedestrians.
- B. No person shall commit in or upon any public street, public sidewalk, public bridge, or other public place or public building any act which obstructs or interferes with the free and uninterrupted use of the property or the lawful conducting of any business by anyone in or upon or facing or fronting on any such public street, public sidewalk, public bridge, or other public place or public building, in such manner as to hinder or impede the free and uninterrupted ingress and egress thereto.
- C. As used in this section the word "obstructs" means renders impassable without unreasonable inconvenience or hazard. No person shall be deemed guilty of an offense under this section solely because of a gathering of persons to hear him/her speak or otherwise communicate, or solely because of being a member of such gathering.
- D. Refusal to move on.
 - (1) No person in a gathering shall refuse to obey a reasonable official request or order to move:
 - [a] To prevent obstruction of a highway or other public passage; or
 - [b] To maintain public safety by dispersing those gathered in dangerous proximity to a fire or other hazard.
 - (2) An order to move, addressed to a person whose speech or other lawful behavior attracts an obstructing audience, shall not be deemed reasonable if the obstruction can be readily remedied by police control of the size or location of the gathering.

§247-5. Panhandling, soliciting, or begging prohibited acts.

No person shall engage in an act of panhandling, solicitation or begging:

- A. Within 25 feet of the outside perimeter of an outdoor cafe or a sidewalk cafe unless expressly authorized by the owner, manager or supervisor of the establishment.
- B. On private or residential property without permission from the owner or other person lawfully in possession of such property.

- C. Within 20 feet of public toilets.
- D. Within 20 feet of an entrance to or exit from any financial institution, check cashing business or automated teller machine without the consent of the owner of the property or another person legally in possession of such facilities; provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the facility.
- E. With an operator or occupant of a motor vehicle while such vehicle is located on any public street, for the purpose of the sale of goods or offering to perform a service in connection with such vehicle, or in exchange for blocking, occupying or otherwise reserving a public parking space or directing the operator or occupant to a public parking space; provided, however, that this subsection shall not apply to services being offered in connection with emergency repairs requested by the operator or occupant of such vehicle.
- F. In any public transportation vehicle, stop or facility or in any public parking lot or facility.
- G. In an aggressive manner, as defined in §247-3 above, in any public place within the Borough.

§247-6. Violations and penalties.

- A. Any person or entity who shall violate the provisions of this article shall, upon conviction thereof in a summary proceeding before a Magisterial District Judge, be sentenced to pay a fine of not less than \$100 nor more than \$1,000, plus costs of prosecution, including the Borough's reasonable attorneys' fees.
- B. In addition to any other remedy provided in this chapter, the Borough may institute proceedings to restrain any violation of, or to require compliance with, this chapter.
- C. The existence or exercise of any remedy shall not prevent the Borough from exercising any other remedy provided under this chapter or available at law or equity.

Section 2. All other sections, parts and provisions of the Palmyra Borough Code of Ordinances shall remain in full force and effect as previously enacted and amended.

Section 3. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of Borough Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

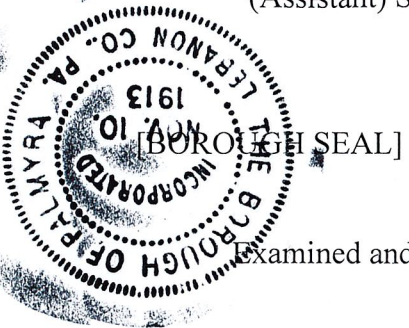
Section 4. This Ordinance shall take effect and be in force from and after its enactment as provided by law.

DULY ORDAINED AND ENACTED this 28TH day of MAY, 2024,
by Borough Council of the Borough of Palmyra, Lebanon County, Pennsylvania, in lawful session
duly assembled.

BOROUGH OF PALMYRA
Lebanon County, Pennsylvania

Attest: Roger E. P... [Signature]
(Assistant) Secretary

By: Beth Shearer [Signature]
(Vice) President
Borough Council



Examined and approved as an Ordinance this 28th day of MAY, 2024.

By: Frank J. Coyne [Signature]
Mayor

CERTIFICATE

I, the undersigned, (Assistant) Secretary of the Borough of Palmyra, Lebanon County, Pennsylvania ("Borough") certify that: The foregoing is a true and correct copy of an Ordinance of Borough Council of the Borough which duly was enacted by affirmative vote of a majority of the members of Borough Council of the Borough of Palmyra at a meeting duly held on the 28TH day of MAY, 2024; and was examined and approved by the Mayor; such Ordinance has been duly recorded in the Ordinance Book of the Borough; such Ordinance has been duly published as required by law; and such Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that Borough Council of the Borough of Palmyra met the advance notice and public comment requirements of the Sunshine Act, 65 Pa. C.S. §701 et seq., as amended, by advertising the date of said meeting, by posting prominently a notice of said meeting at the principal office of the Borough of Palmyra or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting prior to enacting such Ordinance.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough of Palmyra, this 28TH day of MAY, 2024.

Roger E. Pomeroy
(Assistant) Secretary

[BOROUGH SEAL]

