

FILE OF THE CITY CLERK

ADMINISTRATIVE ORDINANCE NO. 15-2016

ADMINISTRATION BILL NO. 14-2016

INTRODUCED – NOVEMBER 9, 2016

ADOPTED BY COUNCIL – NOVEMBER 22, 2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA DEFINING PANHANDLING AND OTHER RELEVANT TERMS, PROHIBITING PANHANDLING IN CERTAIN PLACES AND IN CERTAIN MANNERS; PROVIDING A PENALTY FOR VIOLATING THE ORDINANCE; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the City Council of the City of Lancaster, Lancaster County, Pennsylvania, as follows:

SECTION 1. Definitions. As used herein, the following words and terms shall have the following meanings:

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.

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 Cashier 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.

OUTDOOR CAFÉ – 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, signs, music, singing or other street performance 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.

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 rest room 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 CAFÉ – 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 café.

SECTION 2. 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 café or a sidewalk café 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 Section 1 above, in any public place within the City.

SECTION 3. Penalty.

- A. Any person violating any provision of this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced for each violation to pay a fine of not more than \$600.00 and cost of prosecution and, in default of the payment of such fine and cost, to undergo imprisonment for not more than 30 days.

B. In addition to any other remedy provided in this Ordinance, the City may institute proceedings to restrain any violation of, or to require compliance with, this Ordinance.

C. The existence or exercise of any remedy shall not prevent the City from exercising any other remedy provided under this Ordinance, or available at law or equity.

SECTION 4. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

SECTION 5. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the City of Lancaster that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 6. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this 22nd day of November, 2016, by the Council of the City of Lancaster, Lancaster County, Pennsylvania, in lawful session duly assembled.

ATTEST:

CITY OF LANCASTER

Bernard W. Harris, Jr., City Clerk

By: _____
J. Richard Gray, Mayor