

**BOROUGH OF WYALUSING
ORDINANCE NO. _____**

AN ORDINANCE CHAPTER NO. 49, PROVIDING FOR
THE REGULATION OF AGGRESSIVE SOLICITATION AND
PANHANDLING OF THE CODE OF THE BOROUGH OF WYALUSING,
COUNTY OF BRADFORD, COMMONWEALTH OF PENNSYLVANIA.

THE BOROUGH OF WYALUSING HEREBY ORDAINS:

Prohibition against certain forms of aggressive solicitation and panhandling.

Section 1. Definitions

For purpose of this section:

A. "Aggressive manner" shall mean:

1. Approaching or speaking to a person, or following a person 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;
2. Continuing to solicit from a person after the person has given a negative response to such soliciting;
3. Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;
4. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
5. Using violent or threatening gestures toward a person solicited;
6. Following the person being solicited, with the intent of asking that person for money or other things of value;
7. Speaking in a volume unreasonably loud under the circumstances;

B. "Soliciting" shall mean asking for money or objects of value, with the intention that the money or object be transferred at that time, and at that place. Soliciting shall include using the spoken, written, or printed word, bodily gestures, signs, or other means with the purpose of obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services.

C. "Panhandling" shall mean asking for money or objects of value, with the intention that the money or object be transferred at that time, and at that place. Soliciting shall include using the spoken, written, or printed word, bodily gestures, signs, or other means with the purpose of obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services.

D. "Public place" shall mean a place where a governmental entity has title, to which the public or a substantial group of persons has access, including but not limited to any street, highway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.

D. "Financial Institution" shall mean any banking corporation, credit union, or foreign exchange office.

E. "Automated teller machine" shall mean 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.

F. "Automated teller machine facility" shall mean 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.

Section 2. Prohibited acts

A. No person shall solicit in an aggressive manner in any public place.

B. No person shall solicit on private or residential property without permission from the owner or other person lawfully in possession of such property.

C. No person shall solicit within twenty feet of public toilets.

D. No person shall solicit within twenty feet of any entrance or exit of any financial institution or check cashing business or within twenty feet of any

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. No person shall solicit an operator or other occupant of a motor vehicle while such vehicle is located on any street, for the purpose of performing or offering to perform a service in connection with such vehicle or otherwise soliciting the sale of goods or services. Provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the operator or passenger of such vehicle.

F. No person shall solicit from any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying, or reserving a public parking space, or directing the operator or occupant to a public parking space.

G. No person shall solicit while under the influence of alcohol or a controlled substance.

H. No person shall solicit by stating that funds are needed to meet a specific need, when the solicitor has the funds to meet that need, does not intend to use funds to meet that need, or does not have that need.

I. No person shall solicit in any public transportation vehicle or in any public parking lot or structure.

J. No person shall solicit in a group of two or more persons.

K. No person shall solicit within six feet of an entrance to a building.

L. No person shall solicit within twenty feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility.

Section 3. Exceptions

Anyone who is allowed under Ordinance No. 26, Peddling and Soliciting, is exempt from the provisions of this ordinance, which prohibit an individual from soliciting. However, they shall still be subject to the prohibitions that

relate to aggressive manner soliciting set forth in Section 1, A., 1., 2., 3., 4., 5., 6., and 7.

Section 4. Penalties

Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not to exceed six hundred dollars (\$600.00), plus court costs and/or thirty (30) days in jail.

Section 5. Severance - The provisions of this Ordinance are hereby declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall be held to be invalid, unconstitutional, such decision shall not affect the validity of the remaining section, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Repeal of Conflicting Ordinances – All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed.

That any ordinance, or part of ordinance, conflicting with this Ordinance be and the same as hereby repealed insofar as the same affects this ordinance.

THIS ORDINANCE shall take effect immediately upon adoption.

ENACTED AND ORDAINED BY THE BOROUGH OF WYALUSING,

this 2nd day of April, 2007.

Mary Rouse
Gary Rouse, President
Wyalusing Borough Council

ATTEST:

Stacy Hart
Stacy Hart, Secretary

APPROVED THIS 2nd DAY OF April 2007.

Barbara Lord
Barbara Lord, Mayor

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