

**NEWBERRY TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 414

**AN ORDINANCE OF NEWBERRY TOWNSHIP, YORK COUNTY,
PENNSYLVANIA, AMENDING ORDINANCE NO. 360 AND
REGULATING PANHANDLING, IN NEWBERRY TOWNSHIP**

WHEREAS, Newberry Township, York County, Pennsylvania (the “**Township**”) is a second class township and municipal corporation organized under the Pennsylvania Second Class Township Code (the “**Code**”); and

WHEREAS, the Code authorizes the Township by ordinance to impose regulations on doing business within the Township; and

WHEREAS, the Board of Supervisors believe it is in the best interest of the health, safety, and welfare of the residents of the Township to amend Ordinance No. 360 and to specifically regulate panhandling within the Township pursuant to the terms of the ordinance contained herein.

NOW, THEREFORE, be it ordained and enacted and it is hereby ordained and enacted as follows:

Section 1. Amend “Section 2. Definitions and Word Usage” of Ordinance No. 360

Add the following term and definition immediately before the term “Peddling, Canvassing or Soliciting”:

PANHANDLING

- A. 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 approached 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.
- B. Panhandling in an aggressive manner means:
 - 1. Following behind, ahead, or alongside of a person for more than fifty (50) feet either before, during, or after panhandling or 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;
or
 - 2. Continuing to panhandle or solicit from a person after that person has

given a negative response to such panhandling or solicitation or has walked away from the panhandler or solicitor; or

3. Intentionally touching or causing physical contact with the person being panhandled or solicited without such person's consent; or
4. Intentionally blocking or interfering with the safe or free passage of a person or vehicle being panhandled or solicited by any means, including unreasonably causing person or vehicle operator to take evasive action to avoid physical contact; or
5. Using profane or abusive language, or speaking in an unreasonably loud volume, either during the panhandling or solicitation or following a refusal to make a donation, or making any statement or gestures toward a person being panhandled or solicited which would cause a reasonable person to be fearful or feel compelled; or
6. Panhandling or soliciting from a person while that person is waiting in line for entry to a building or for another purpose.

Section 2. Amend "Section 9. Violations and Penalties" of Ordinance No. 360.

Delete the text of Section 9 and replace it in its entirety with the following:

A. The following acts shall be prohibited by this Ordinance:

1. Engaging in peddling, canvassing, or soliciting without registering with the appropriate Township officer.
2. Engaging in panhandling in an aggressive manner.
3. Engaging in panhandling on a public space within twenty (20) feet of any intersection or pedestrian crosswalk.
4. Engaging in panhandling within twenty (20) feet of the entrance to or exit from any public toilet facility, which includes any temporary use site such as a port-a-toilet.
5. Engaging in panhandling within twenty (20) feet of any bus stop or taxi stand.
6. Engaging in panhandling within twenty (20) feet of an automatic teller machine (ATM), or within twenty (20) feet of an entrance to or exit from any financial institution or check-cashing business without the consent of the owner of the property or another person legally in possession of such facilities.
7. Engaging in panhandling within twenty (20) feet of any fire hydrant.
8. Engaging in panhandling on the median of any divided roadway or divided highway as defined in Pennsylvania Statutes Title 75.

- 9. Engaging in panhandling within twenty (20) feet of the outside perimeter of any restaurant or other establishment serving food or alcoholic beverage for immediate consumption, outdoor cafe, licensed sidewalk food vendor, or store licensed for package sales of alcoholic beverages by the Pennsylvania Liquor Control Board, unless expressly authorized by the owner, manager, or supervisor of the establishment.
- 10. Engaging in any other activity that violates this Ordinance.

B. Violations of this Ordinance shall constitute a summary offense, and, upon conviction thereof before the Magisterial District Judge, shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00), plus costs of prosecution, and shall be subject to imprisonment not to exceed ninety (90) days. Such fine shall be collected as like fines are now by law collected.

Section 3. Severability

The provisions of this Ordinance shall be severable, and if any of the provisions of sections shall be declared unconstitutional or illegal by a court of competent jurisdiction, the decision of such court shall not affect the validity of the remaining provisions or sections of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such illegal or unconstitutional provisions not been included therein.

Section 4. Repealer

This Ordinance repeals any and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. Effective Date


The Ordinance shall become effective five (5) days after date of enactment as provided by law.

ORDAINED AND ENACTED this 26th day of May, 2020.

ATTEST:

**NEWBERRY TOWNSHIP
BOARD OF SUPERVISORS**

Anthony Miller, Secretary



David Kirkpatrick, Chairman

(SEAL)

CERTIFICATE

I, the undersigned, Secretary of the Board of Supervisors of the Township of Newberry, York County, Pennsylvania (the "Township"), certify that the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which was duly enacted by 4 to 0 affirmative vote majority of the members of the Board of Supervisors of the Township at an open public meeting held after notice required by law on May 26, 2020, and that said Ordinance has been recorded in the Ordinance Book of the Township; that said Ordinance was duly published as required by law; and that said Ordinance remains in effect, unaltered and unamended as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township on this 26th day of May, 2020.

Anthony Miller, Secretary