

**MUNICIPALITY OF MONROEVILLE
A HOME RULE COMMUNITY, ALLEGHENY COUNTY,
PENNSYLVANIA
ORDINANCE NO. 2278**

**AN ORDINANCE OF THE MUNICIPALITY OF MONROEVILLE,
ALLEGHENY COUNTY, PENNSYLVANIA, A HOME RULE
CHARTER COMMUNITY, PROHIBITING SOLICITATION OF
MONEY, SERVICES OR OTHER THINGS OF VALUE IN AN
AGGRESSIVE MANNER IN ORDER TO ADDRESS THE
UNDESIRABLE CONDUCT IMPACTING THE SAFETY OF
VEHICULAR AND PEDESTRIAN TRAFFIC AND AFFORDING
THE COMMUNITY A HIGH QUALITY OF URBAN LIFE.**

WHEREAS, the Municipality of Monroeville seeks to prohibit aggressive panhandling in order to address the undesirable conduct impacting the safety of vehicular and pedestrian traffic.

WHEREAS, the Municipality of Monroeville seeks to provide the community with security, civility and a high quality of urban life by prohibiting aggressive methods of panhandling.

WHEREAS, the Municipality of Monroeville deems it necessary to prohibit solicitation in an aggressive manner in any public area within the Municipality in an effort to protect the health, safety and welfare of the general public.

WHEREAS, the Municipality of Monroeville does not intend to target a particular message or exchange of ideas, nevertheless the Municipality seeks to protect the public from intimidation to ensure the vitality of urban life and place limitations on solicitations that involve traffic issues and public safety.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED this 11th day of November, 2003, as follows:

SECTION I: Definitions.

1. Aggressive Manner means:

(A) Intentionally or recklessly making any physical contact with or touching another person without consent during or after the course of solicitation intending to or is likely to cause a reasonable person to fear bodily harm to oneself or another;

(B) Intentionally or recklessly damaging or converting the personal property of the person being solicited;

(C) Intending to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(D) Continuing to solicit from the person after the person has given a negative response to such soliciting;

(E) Intentionally or recklessly using words or gestures intending to or likely to cause a reasonable person fear of imminent bodily harm or the commission of a criminal act upon property in the person's possession;

(F) Approaching the person being solicited in a manner that is likely to cause a reasonable person to fear imminent bodily harm or commission of a criminal act upon the property in the person's possession;

(G) Intentionally or recklessly blocking or interfering with the safe or free passage of pedestrian or vehicle traffic by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact or causing a pedestrian or vehicle operator to be distracted thus inducing, among other things, traffic accidents and delays;

(H) Following the person being solicited, with the intent of asking that person for money or other things of value;

2. Solicitation includes, without limitation, any oral or written request, offer or enticement, or other such acts or bodily gestures in furtherance of the purpose of obtaining money or objects of value, or sale of goods or services.

3. Public place means any area where a governmental entity has title, an area which is open for the use by the general public, including but not limited to, bus stops, train or subway stations, ATM locations, telephone booths, commercial parking lots, public right-of-ways, streets, roadways and medians of a roadway, alleys, bridges, buildings, schools, place of amusement, parks, playgrounds, public bathrooms, driveways, plazas, sidewalks, and doorways and entrances to buildings and dwellings and the grounds enclosing them.

SECTION II: It shall be unlawful for any person to solicit money, services or things of value in an aggressive manner in a public place.

SECTION III: It shall be unlawful for any person to solicit money, services or things of value in an aggressive manner from a person in a vehicle, including the operator of the vehicle and passengers, as it disrupts the flow of traffic and distracts the operator from his/her primary duty of watching traffic. This is to preserve the free flow of traffic and provide a safe environment for the surrounding drivers and pedestrians.

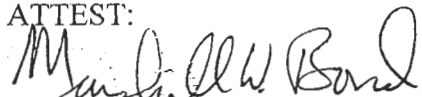
SECTION IV: Violation of this Ordinance constitutes a misdemeanor may be punished by imprisonment for a term not exceeding thirty (30) days and/or a fine not exceeding three hundred (\$300.00) dollars.

SECTION III: All Ordinances or parts of Ordinances, which are inconsistent herewith, are hereby repealed. The following Ordinance or parts thereof are specifically repealed; and

SECTION IV. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Municipality that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

ORDAINED and ENACTED this 11th day of November, 2003.

ATTEST:



Marshall Bond, Municipal Manager



James J. Lomeo, Mayor

ENTERED INTO LEGAL BOOK: November 21, 2003