

BOROUGH OF STRASBURG

Lancaster County, Pennsylvania

ORDINANCE NO. 2003-2

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE BOROUGH OF STRASBURG, CHAPTER 13 THEREOF, LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS, TO ADD A NEW PART 4 REGULATING GUIDED WALKING TOURS.

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

Section 1. The Code of Ordinances of the Borough of Strasburg, Chapter 13 thereof, Licenses, Permits and General Business Regulations, shall be amended by adding a new Part 4, Guided Walking Tours, which shall provide as follows.



Part 4

Guided Walking Tours

§101. Purpose. Borough Council seeks to ensure that those guided walking tours which are conducted with frequency in the Borough do not interfere with the public health, safety or welfare. Unlike special public events regulated by Chapter 13, Part 1 above, such tours are not supported by extra police protection, emergency medical personnel, first aid, ambulances, and traffic control. Due to the nature of guided walking tours, the intent of the regulations contained in this Part is to ensure the free flow of vehicular and pedestrian traffic, which includes tour participants and passers-by.

§102 Definitions. The following definitions shall apply in the interpretation and enforcement of this Part:

GUIDE(S) Any Person who conducts, leads or assists in leading a Tour in the Borough.

PERSON Any natural person, partnership, limited partnership, limited liability partnership, limited liability company, association, firm, corporation, limited liability corporation or any other legally recognized entity.

PROMOTER Any Person who operates or maintains a Tour in the Borough, which Tour runs more than six times in any given calendar year.

TOUR A group organized for a sightseeing or storytelling excursion by foot and led by a Guide or Guides to, on or through a public place or places.

§103. Permit.

A. No Person shall hold himself out or act as a Promoter in the Borough without first obtaining a permit from the Borough.

B. After the effective date of this Part, every Promoter shall file with the Chief of Police of the Borough a properly completed application for a permit. The permit application shall be in such form as the Chief of Police of the Borough shall prescribe and shall contain at least the following information:

1. The proper legal name and address of the Promoter;
2. A description of the Tour, including a statement as to the purpose of the Tour;
3. A description of the route of the Tour, including the beginning and ending points and destinations;
4. The duration of the Tour;
5. The number of Guides per Tour, and the role of the Guide(s) (e.g., to lead and trail the group, to provide light, to provide participants with information);
6. The time period (not to exceed one year) for which the permit is to be issued;
7. The price to be charged to participants in the Tour; and
8. A list of Guides.

C. A permit fee shall accompany the permit application. The fee shall be established and may be amended from time to time by resolution of Borough Council and shall be set at an amount to cover administrative costs associated with the permit application and the administration of this Part.

D. The Chief of Police of the Borough shall act on properly completed applications for a permit within 30 days of receiving any such application.

E. To the extent permitted by law, the Chief of Police of the Borough may deny an application for a permit on any of the following grounds:

1. The permit application is not fully completed and executed;
2. The applicant has not tendered the required permit fee with the application;
3. The permit application contains a material falsehood or misrepresentation; and
4. The use or activity intended by the applicant is prohibited by any Federal, State or local law, code, ordinance, rule or regulation.

§104. Responsibility of the Permit Holder. It shall be the responsibility of every Promoter who has been issued a permit to conduct a Tour under this Part to adhere to the following regulations:

- A. Tours shall consist of a maximum of 15 persons, including the tour Guide(s).
- B. Tours shall maintain a separation distance of at least one block, but in no event less than 500 feet.
- C. No Tour shall obstruct either pedestrian or vehicular traffic. By way of example, no Tour shall block any sidewalk, isle, parking space or other area within or upon any public parking lot, public street or public right-of-way.

§101. Penalties. If any police officer determines that a person, including a Guide and/or a Promoter, has committed or has permitted the commission of a violation of this Part for the first time, the police officer shall notify such person to cease the violation of this Part and shall issue such person a ticket, requiring payment of a penalty to the Borough of not more than Fifty (\$50.00) Dollars to settle the violation. For the second or subsequent offense, it shall be within the police officer's discretion to issue another ticket or to institute summary criminal proceedings before a district justice. If a person fails or refuses to remit a penalty to the Borough within ten (10) days from the date of the ticket, the Borough may institute summary criminal proceedings and/or may commence an action in equity. In the event summary criminal proceedings are instituted, the fine for the first offense shall be not less than One Hundred (\$100.00) Dollars and not more than Six Hundred (\$600.00) Dollars. The fine for a second offense shall be not less than Three Hundred (\$300.00) Dollars and not more than Six Hundred (\$600.00) Dollars. The fine for a third or greater offense shall be not less than Five Hundred (\$500.00) Dollars and not more than Six Hundred (\$600.00) Dollars. Each day or portion thereof in which a violation exists shall be considered a separate violation of this Part. Each Section of this Part which is violated shall be considered a separate violation. The amount of the ticket or any fine imposed by a district justice or court shall be in addition to any other fine which may be imposed under any other provisions of the Code of Ordinances of the

Borough or under any statute. In default of payment of any fine, such person shall be liable to imprisonment for not more than thirty (30) days.

Section 2. All other sections, parts, and provisions of the Code of Ordinances of the Borough of Strasburg 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 after its enactment by the Borough Council of the Borough of Strasburg as provided by law.

DULY ORDAINED AND ENACTED this 11th day of February, 2003, by the Borough Council of the Borough of Strasburg, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF STRASBURG
Lancaster County, Pennsylvania

Attest: [Lisa M. Boyd]
Secretary

By: [Velma H. Lutz]
(Vice) President
Borough Council

[BOROUGH SEAL]

Examined and approved as an Ordinance this 11th day of February, 2003.

[Bruce L. Ryder]
Mayor