

ORDINANCE NO. 52

AN ORDINANCE DEFINING AND REGULATING STREET FAIRS, FESTIVALS AND OTHER SIMILAR PUBLIC AMUSEMENTS AND ENTERTAINMENT WITHIN THE BOROUGH; PROVIDING FOR LICENSES, FEES AND EXEMPTIONS; REGULATING THEIR OPERATION; AND PROVIDING PENALTIES FOR VIOLATION OF THE PROVISIONS THEREOF.

The Council of the Borough of Monroeville hereby ordains and enacts the following Ordinance:

SECTION 1. A street fair, festival or other similar public amusement or entertainment is hereby defined as being the temporary setting up and maintaining upon any highway, street, road, lane or upon other public or private property, in the open or under a cover, tent or canvas, such activity for public amusement or entertainment, and at which merchandise or any other commodity is disposed of by sale, auction, or in any other manner whatsoever, or where there is set up, maintained and operated mechanical devices of any character whatever for the enjoyment of the public and for the use of which a fee is charged. It is not intended that a circus or carnival shall be included within this definition.

SECTION 2. From and after the passage of this Ordinance it shall be unlawful for any person or persons, firm, corporation or organization to set up, establish, conduct or maintain a street fair, festival or other similar public amusement or entertainment as defined by Section 1 hereof, within the Borough of Monroeville, unless a permit therefor has been duly executed as hereinafter provided, and excepting such amusements and entertainment as hereinafter provided.

SECTION 3. The Borough of Monroeville or any Volunteer Fire Company of the Borough, or any established and existing church, charitable organization, or benevolent association may engage in, conduct and maintain a street fair, festival or other similar public amusement or entertainment within the Borough, for their sole and only proper purposes and benefits, or for public benefit, or for the benefit of some benevolent, charitable institution, organization or enterprise, upon the application and issuance of a license permit by the Borough as hereinafter provided; however, no permit fee shall be charged to or required to be paid by any such organization mentioned in this paragraph.

SECTION 4. Application for license to engage in, conduct or maintain any such amusement or entertainment as heretofore defined, shall be made to the Borough Secretary, upon prescribed forms obtained from the Secretary, at least thirty (30) days prior to the date of the event and the same shall be approved or rejected within ten (10) days following the filing of said application. The Borough Secretary, during the ten (10) days interval, shall submit the said application for consideration by the Borough Council. If the said application is approved, the applicant shall pay to the Borough Secretary, for the use of the Borough, a license fee of \$5.00 for each day or portion thereof in advance, that the amusement or entertainment is intended to operate, be conducted or maintained. The applicant, in said application, shall agree to guaranty, protect and insure the Borough, for the proper cleaning up and removal of any debris, refuse or rubbish from the premises involved under the permit, at the end of the period of entertainment. If the said amusement or entertainment shall be engaged in, conducted or maintained for a period longer than originally stated, an additional fee shall be due and payable forthwith by the permittee to the Borough for the additional period of said operation.

SECTION 5. The License Permit shall be posted and kept exhibited to public view at all times during the term of the permit, upon the premises or place of the event.

SECTION 6. Any such applicant or permittee desiring or requesting the assistance or services of any Borough Policeman for private duty or for supervision at such amusement or entertainment, shall make such request to the Borough Council and shall be liable and responsible to the Borough for the costs and expenses incident therewith.

SECTION 7. Every such applicant and permittee shall be liable and responsible to clean up and remove any debris, refuse or rubbish from any public premises, highway, road or street involved in such amusement and entertainment

at the end thereof and upon failure, neglect or refusal so to do, the Borough authorities are hereby authorized to do so, and assess, charge and collect such expenses incurred, from the applicant or permittee in the manner as now provided by law by action in assumpsit before the Burgess or any Justice of the Peace of the Borough, or otherwise as is provided by law.

SECTION 8. Any person, firm, corporation or organization violating any of the provisions of this Ordinance shall upon conviction thereof, by summary proceedings, before the Burgess or any Justice of the Peace of the Borough, be subject to fine in a sum not to exceed \$100.00, together with costs of prosecution and in default thereof, be committed to the Allegheny County Jail for a period of not more than thirty (30) days. Each and every day on which a violation of this Ordinance occurs or takes place, shall be construed to be a separate violation thereof and each such violation shall be subject to the penalties provided herein.

SECTION 9. The sections of this Ordinance shall be severable and if any section hereof shall be deemed unconstitutional, void or in violation of law, no other sections shall be affected and they shall continue to be in full force and effect.

SECTION 10. Any Ordinance or part of an ordinance which shall be in conflict with the provisions of this Ordinance, is hereby repealed insofar as the same affects or is in conflict with this ordinance.

ORDAINED AND ENACTED this 24th day of October, 1955.

ATTEST:

BOROUGH OF MONROEVILLE

(Signed) Edyth J. Amalong
Borough Secretary

By (Signed) Wm. J. Caughey
President of Council

EXAMINED AND VETOED by me this 14th day of November, 1955

VETOED BY ME - Nov. 14, 1955

(Signed) Samuel Jenkins
Burgess

COUNCIL'S ACTION

And now, November 14, 1955, Council reconsidered this Ordinance and the Burgess' veto and upon a vote of Council, was unable to override the veto.

Borough Secretary

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BURGESS' VETO MESSAGE

Council of the Borough of Monroeville
Monroeville, Pennsylvania

Gentlemen:

I hereby veto Ordinance No. 52 entitled "An Ordinance defining and regulating street fairs, festivals and other similar public amusements and entertainment within the Borough; providing for licenses, fees and exemptions; regulating their operation; and providing penalties for violation of the provisions thereof" for the reason that in my judgment the subject-matter is too clear, and where one of the subject-matter excluded may be included or excluded in the subject-matter permitted, has no definition either in its existence or in its purposes.

Should the Council submit an Ordinance that is defined and indicative of what is particularly intended to be regulated and the manner and reason for its regulation so that a proper law might be enacted, I shall approve the same upon passage by the Council.

Very truly yours,

(Signed) Samuel Jenkins
Burgess