

ORDINANCE NO. 53

AN ORDINANCE REGULATING AND LICENSING THE CONDUCT AND OPERATION OF TRANSIENT RETAIL AND WHOLESALE BUSINESS WITHIN THE BOROUGH FOR THE SALE OF GOODS, WARES AND MERCHANDISE; FIXING THE LICENSE FEE; PROHIBITING THE DOING OF ANY SUCH BUSINESS OR THE COMMENCEMENT OF SUCH BUSINESS, UNLESS AND UNTIL A LICENSE IS PROCURED AS PROVIDED HEREIN; REQUIRING ALL BUSINESS WITHIN THE BOROUGH TO PROCURE AN OCCUPANCY PERMIT; AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF.

The Council of the Borough of Monroeville does hereby ordain and enact the following Ordinance:

SECTION 1. DEFINITIONS. The term "transient business", as used herein, shall mean any retail or wholesale business being operated, engaged-in, maintained or conducted for the sale of goods, wares or merchandise, within the Borough, in or under any tent or cover, building, shed or structure of any kind, which business is of a temporary or non-permanent nature, or for a temporary period of time.

"Temporary nature or period of time", as used herein, shall mean such a business as shall be operated, conducted, engaged-in, or maintained for a period less than one (1) year.

"Person", as used herein, shall mean any natural person or firm, association, partners or partnership, corporation or other form of business enterprise.

The use of the singular herein shall also mean and include the plural; and the use of the male pronoun shall also mean and include the female and the neuter.

SECTION 2. From and after the adoption of this Ordinance it shall be unlawful and prohibited, for any person, firm or corporation, to engage-in commerce, carry-on, do, conduct or maintain any transient retail or wholesale business of any kind for the sale of goods, wares or merchandise, within the Borough, until or unless they shall first have applied for and obtained a license from the Borough, until or unless they shall first have applied for and obtained a license from the Borough as is required by this Ordinance. Every transient retail or wholesale business, as herein defined, shall be subject to the regulations of and shall obtain a license as herein provided, under this ordinance.

SECTION 3. Every person, firm or corporation, desiring or intending to engage-in, commence, carry-on, do, conduct or maintain such a transient retail or wholesale business, and every person, firm or corporation, presently engaged-in, conducting, doing or maintaining such a transient retail or wholesale business for the sale of goods, wares or merchandise, within the Borough, and desiring or intending to continue the same, shall after the adoption of this Ordinance, make application to the Borough Council, through the Borough Secretary, for a Transient Retail or Wholesale Business License. The application for such a license shall state and set forth the applicant's name, address, place or location where the proposed business is or shall be conducted, the nature, purpose or kind of goods and merchandise of the business, (which business shall not be of an unlawful or illegal nature), the kind of building or structure in or under which the business is or shall be conducted, the term or period for which the business shall be conducted, the nature of the lease-hold or right under which the premises are held, upon which the business is or shall be conducted, and a copy of which written lease or right, must be attached to and accompany the said application, and the application must be signed by the applicant or his duly authorized agent responsible for said business operation or management.

SECTION 4. From and after the adoption of this Ordinance every transient retail or wholesale business, for the sale of goods, wares and merchandise, within the Borough, shall be subject and pay to the Borough a license fee of Two Hundred (\$200.00) Dollars per month, for each month or fraction thereof that said business shall be engaged-in, conducted, carried-on or maintained. The said fee shall be payable on or before the first day of each month, in advance, without grace period. The said license fees shall be for the use of the Borough to provide ample and reasonable supervisory and inspection service for the proper enforcement of the regulations of this Ordinance.

SECTION 5. From and after the adoption of this Ordinance, and within sixty (60) days therefrom, every business, commercial and industrial enterprise, being commenced, engaged-in, carried-on, conducted and maintained, whether permanent or transient, owned or leased, shall apply for and obtain an Occupancy Permit, for the use and occupancy of the ground or building or premises where or upon which such business is conducted or operated. Such occupancy permit shall be similar to that provided for in Article 7, Section 3, of the Borough's Zoning Ordinance as enacted on December 22, 1951. The application for such permit shall contain information similar to that set forth in Section 3 hereof. No fee shall be chargeable for such Occupancy Permit.

SECTION 6. The Borough by its duly authorized agent, shall have the right, power and authority to make periodic and necessary inspections, at reasonable times during business hours, to determine conditions regarding matters of health, sanitation, fire safety and protection of persons and property and for such purposes is authorized and directed to enter upon any such business premises, without liability of trespassing upon said property while engaged in and acting within the course and scope of his duties.

SECTION 7. Any person, firm or corporation who shall violate any of the provisions of this Ordinance shall upon conviction in summary proceedings before the Burgess or any Justice of the Peace of the Borough, be subject to pay a fine not exceeding Two Hundred (\$200.00) Dollars together with costs of prosecution and in default of the payment of said fine and costs, shall be committed to the Allegheny County Jail for a period not exceeding thirty (30) days. Each and every day that such a violation shall be continued or persisted in, after notice given, of such violation, shall be deemed a separate and new offense, subject to a separate and additional charge and subject to the penalties, cumulatively, as herein provided.

SECTION 8. Nothing contained in this Ordinance shall be construed to apply

(1) to farmers selling their own produce, (2) to the sale of goods, wares and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose, or (3) to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products; nor to those persons or businesses as are exempted by the Borough Code of 1947 P.L. 1621, Section 89, 53 P.S. 15141, etc.

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

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 Approved by me this 14th day of November, 1955.

(Signed) Samuel Jenkins
Burgess