

MONROEVILLE BOROUGH

ORDINANCE NO. 149

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF MERCANTILE LICENSES TO PERSONS ENGAGING IN CERTAIN OCCUPATIONS AND BUSINESSES UPON THE PAYMENT OF FEES THEREFORE: CONFERRING AND IMPOSING POWERS AND DUTIES UPON THE TAX COLLECTOR OF THE BOROUGH OF MONROEVILLE.

BE IT ORDAINED AND ENACTED BY the Burgess and Borough Council of the Borough of Monroeville in regular meeting assembled, and it is hereby ordained and enacted by authority of the same:

SECTION 1. DEFINITIONS. The following words and phrases when used in this Ordinance shall have the meanings ascribed in this section unless the context clearly indicates a different meaning:

- (a) "Person" shall mean any individual, partnership, limited partnership, association or corporation.
- (b) "Wholesale dealer" or "Wholesale vendor" shall mean any person who sells to dealers in or vendors of goods, wares and merchandise and to no other persons.
- (c) "Retail dealer" or "retail vendor" shall mean any person who is a dealer in or vendor of goods, wares and merchandise, who is not a wholesale dealer or vendor.
- (d) The term "person", "wholesale dealer", "wholesale vendor", "retail dealer" and "retail vendor" shall not include non-profit corporations organized for religious, charitable or educational purposes, any association organized for such purposes, agencies of the Government of the United States or of the Commonwealth of Pennsylvania, or any person vending or disposing of articles of his own growth, production or manufacture for shipment or delivery from the place of growth, production or manufacture thereof.
- (e) "Place of amusement" shall mean any place indoors or outdoors where the general public or a limited or selected number thereof may upon payment of an established price attend or engage in any amusement, entertainment, exhibition, contest, recreation, including among other places, theatres, opera houses, motion picture houses, amusement parks, stadia, arenas, baseball or football parks or fields, skating rinks, circus, fair ground, bowling alleys, billiard or pool rooms, shuffle board rooms, nine and ten pin alleys, riding academies, golf courses, bathing and swimming pools, dance halls, tennis courts, archery, rifle or shotgun ranges and other like places. The term does not include

any exhibition, amusement performance or contest conducted by a non-profit corporation or association organized for religious, charitable or educational purposes.

(f) "License year" shall mean the calendar year of 1959.

(g) "Gross volume of Business" shall include both cash and credit transactions.

(h) "Tax Collector" shall mean the Tax Collector of the Borough of Monroeville.

(i) "Temporary, seasonal or itinerant business" shall mean any business that is conducted at one location for less than sixty (60) consecutive calendar days.

SECTION 2. ISSUANCE OF LICENSES - USE OF FEES. For the license year 1959 the Borough shall issue mercantile licenses in the manner and for the fees hereinafter set forth.

SECTION 3. LICENSE FEES. Beginning in the license year 1959, every person desiring to continue to engage in the business of wholesale or retail vendor or dealer in goods, wares or merchandise, and any person conducting a restaurant or other place where food, drink or refreshments are sold, or place of amusement in the Borough whether or not the same be incidental to some other business or occupation shall on or before the 15th day of January, 1959, or prior to commencing business in any such license year, procure a mercantile license for his place of business, or if more than one, for each of his places of business in the Borough from the Tax Collector, who shall issue the same upon the payment of a fee of two dollars (\$2.00) for a wholesale or a retail license and four dollars (\$4.00) for a wholesale and retail license for his place of business, or if more than one, for each of his places of business in the Borough for each license year. Such license shall be conspicuously posted at the place of business or each of the places of business of every such person at all times.

SECTION 4. PENALTIES. Whoever being required under the provisions of this Ordinance to procure a mercantile license and who fails or refuses to do so, and whoever fails to keep his license conspicuously posted at his place of business shall upon conviction before any Justice of the Peace or the Burgess, be sentenced to pay a fine of not more than one hundred dollars (\$100.00) and in default of payment of said fine to be imprisoned in the Allegheny County Jail for thirty (30) days.

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SECTION 5. The provisions of this Ordinance are severable, and, if any of its provisions of exceptions shall be held illegal, invalid or unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provisions or exceptions had not been included herein.

SECTION 6. Any ordinance or part of an ordinance conflicting with the provisions of this ordinance be and the same is hereby repealed, insofar as the same affects this ordinance.

SECTION 7. EFFECTIVE DATE. The provisions of this Ordinance shall become effective the first day of January, 1959.

ORDAINED AND ENACTED into a law in Council this second day of December, 1958.

ATTEST:

BOROUGH OF MONROEVILLE

S/ Audrey D. McCarthy
Borough Secretary

S/ William Vastadore
President of Council

EXAMINED AND APPROVED by me this second day of December, 1958.

S/ Anthony Martin
Burgess