

AN ORDINANCE OF THE MUNICIPALITY OF MONROEVILLE
DEFINING AND REGULATING "FLEA MARKETS"

BE IT ORDAINED and enacted by the Municipality of Monroeville, in Council assembled as follows:

SECTION 1. DEFINITIONS

(a) Flea Market. A "flea market" as used in this ordinance means any event which meets all of the following requirements.

(1) The place or location at which the event is held has been advertised by any means whatsoever as a place or location to which members of the public, during a specified period of time, may bring identifiable, tangible personal property and exhibit the same for sale or exchange.

(2) A fee is charged, payable to the operator or organizer of the event, either in the form of a charge for general admission to the place or location where the event is held or a charge for the privilege of exhibiting identifiable, tangible personal property at such event. The charge for exhibiting identifiable, tangible personal property shall be a fixed amount.

(b) Flea Market Exhibitor. A "flea market exhibitor" as used in this ordinance means any person exhibiting, displaying, selling, exchanging, offering for sale or exchange any personal property at a flea market not specifically prohibited by this ordinance.

(c) Flea Market Operator. A "flea market operator" as used in this ordinance means any person conducting or operating the business of a flea market on any premises in the Municipality of Monroeville, excluding however, exhibitors.

SECTION 2. PERMITS

(a) No person or entity shall establish, organize, or conduct a flea market in the Municipality of Monroeville without first obtaining from the Municipal Council an approval to do so.

(b) Application for any such approval shall be in writing upon such form as may be prescribed by the Municipal Manager and giving such information as may be requested.

(c) After the filing of the application for the permit, the facts therein stated shall be investigated and presented to the Municipal Council who after considering such application and any investigated reports thereon may, on the basis of finding of facts concerning the public health, safety and welfare, grant or deny such application for a permit. If the Council determines that such a permit be granted, it shall be on the condition that all of the terms and provisions of this ordinance are complied with, all other applicable ordinances of Monroeville and laws of the Commonwealth are complied with and such other conditions as it may deem reasonable and necessary to protect the public health, safety and welfare.

SECTION 3. RESTRICTIONS ON APPROVAL OF FLEA MARKET APPLICATIONS

- (a) Approval shall be given only to proposed flea market applicants who show by satisfactory evidence to Municipal Council that the applicant qualifies as a charitable organization for Federal or State taxes of any kind, or that the organization to which all proceeds are to be given qualifies as a charitable organization. Books of account shall be maintained and Municipal Council shall have the right to inspect the same to verify the charitable status.
- (b) No approval shall be issued to any applicant for a flea market operation unless and until applicant produces satisfactory evidence to the Municipal Council that the intended sales at the flea market operation are not subject to any Municipal, County, or State tax and that in the event the same are so applicable that any necessary permits and approvals have been obtained and the collection of any required tax assured.
- (c) The applicant shall produce satisfactory evidence that adequate off-street vehicle parking to accommodate the vehicles of all persons in attendance at the flea market has been provided as may be required by the Planning Department.
- (d) The days and hours when the flea market may be conducted as fixed and determined by the Municipal Council.
- (e) Adequate restroom facilities approved by the Building and Fire Officials.
- (f) An adequate number of police or security officers all at the expense of the flea market operator are on duty at all times while the flea market is in operation to keep peace and to investigate and check on merchandise which is being displayed and is for sale, barter, or exchange. The number of such police or security officers and the hours of duty shall be determined by the Municipal Council with the advice of the Police Department.

SECTION 4. ADDITIONAL REGULATIONS. The operator of a flea market shall:

- (a) Provide for a daily cleanup of the premises and maintain said premises in a good, clean, and sanitary condition at all times.
- (b) The premises must be vacated by all exhibitors and all of their merchandise and personal property shall be removed at the close of each day's business.

SECTION 5. PROHIBIT SALES, TRADES, EXCHANGES, OR BARTERING.

No person, firm, corporation or entity at any flea market, whether they be the operator or an exhibitor or any other person or entity, shall sell, exchange, display, offer for sale or exchange or barter at any flea market any of the following items of personal property:

- (a) Any animal, bird, or fowl or other living creature. ✓
- (b) Any hand gun, rifle, shot gun, or other type of firearm by whatever name, or any deadly or dangerous weapon. ✓

(c) Any flammable, gas or dangerous substance including but not limited to the following: gasoline, kerosene, acetone, thinners, and solvents; ammunition, blasting agents, liquid petroleum gases or other combustible gases; any type of fireworks, explosives, acids, caustics, or oxidizing agents, or any other kind of material or substance regulated or contemplated for regulation by the BOCA Fire Code.

(d) Any item of personal property produced for a first time sale which would compete with other businesses in the area of Monroeville having permanent places of business.

SECTION 6. INFORMATION REQUIRED TO BE SUBMITTED BY EXHIBITOR OR OPERATOR.

(a) Every person who desires to exhibit identifiable, tangible personal property at a flea market shall, before he is permitted to exhibit such property, furnish to the operator or organizer or his duly authorized agent written notice containing all of the following information:

(1) The name and current address and telephone number of the person who desires to exhibit identifiable, tangible personal property at a flea market.

(2) An accurate description, including any identifying manufacturer's or license number, of every item of identifiable personal property which such person will exhibit at the flea market.

(3) The name and current address of the owner of every item of identifiable, tangible personal property which such person will exhibit at the flea market.

(b) Every person who sells or exchanges an identifiable, tangible personal property at a flea market shall furnish to the owner or operator of the flea market, or a person designated in advance by such owner or operator to receive such information, a written notice containing all of the following information with respect to each such sale or exchange:

(1) Any accurate description, including any identifying manufacturer's or license number, of the identifiable, tangible personal property;

(2) The name and current address of the person owning the identifiable, tangible personal property;

(3) The name and current address of the person selling or exchanging the identifiable, tangible personal property.

(c) Within twenty-four (24) hours after the end of each days business at the flea market, the owner or operator of the flea market shall transmit in writing the information received pursuant to Sections a and b above of this ordinance to the Chief of Police of the Municipality of Monroeville on such form or forms as may be approved or prescribed by the Municipal Manager.

SECTION 7. REVOCATION.

The Municipal Council or the Municipal Manager, at the direction of Municipal Council, may revoke any approval granted hereunder when any condition of this ordinance or condition of approval is not complied with or when in the judgment of Municipal Council or the Municipal Manager, at the direction of Municipal Council, the best interests of the public health, safety and welfare will not be served by allowing the flea market operation to continue.

SECTION 8. PENALTIES.

Any person or persons, be they owner, operator or exhibitor, violating any of the provisions of this ordinance, including the submission of false or fraudulent statements or in perpetrating mistatement, deception, or fraud in connection with any application, sale, or exchange, or information reports to be made in connection therewith, shall be subject to a fine not to exceed the sum of Three Hundred (\$300.00) Dollars. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any provision of this ordinance is committed, continued, or permitted by such person.

SECTION 9. APPLICABILITY.

This ordinance shall apply to any flea market as defined herein which may now be in existence, the subject or request or application of any applicants or any flea market hereafter requested or operated within the Municipality of Monroeville for the purpose of protecting the public health, safety and welfare due to the nature of the operation of this kind of business.

ORDAINED and ENACTED this 14th day of June, 1977.

(SEAL)

ATTEST:

MUNICIPALITY OF MONROEVILLE

S/ Marshall W. Bond
Municipal Manager

S/ R. E. Droske
Mayor

Entered in Legal Book June 28, 1977