

BILL NO. 99-9

ORDINANCE NO. 99-9

**AN ORDINANCE OF THE CITY OF JEANNETTE,
WESTMORELAND COUNTY, PENNSYLVANIA, REGULATING
TRANSIENT WHOLESALE AND RETAIL BUSINESSES
WITHIN THE CITY, REQUIRING TRANSIENT MERCHANTS
TO OBTAIN LICENSES, PROVIDING PENALTIES
FOR THE VIOLATION THEREOF AND REPEALING ALL
ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT
HEREWITH.**

BE IT ORDAINED AND ENACTED, and it is hereby Ordained and Enacted by the
Council of the City of Jeannette:

SECTION I. “Transient Business”, as used in this Ordinance, shall mean and include, selling, offering for sale, canvassing, soliciting or taking of orders, either by sample or otherwise, of any goods, wares or merchandise, on either a wholesale or retail basis, upon any of the streets, sidewalks, alleys, roads, or from house to house, within the City of Jeannette, Westmoreland County, Pennsylvania. PROVIDED: however, that the term “Transient Business” shall not apply to farmers selling their own produce, or to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and mild products, or 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. The phrase “Transient Merchant”, as used in this Ordinance shall mean and include any natural person, association, partnership, firm or corporation engaging in or desiring to engage in a Transient Business within the City of

Jeannette. In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION II. Before any natural person, association, partnership, firm or corporation shall engage in a Transient Business within the City of Jeannette, he shall first make application to the City Clerk for a license. If such person shall also be required to obtain a license from any county officer, he shall, when making such application, exhibit a valid county license. Upon such application, such person shall give his name; address; a recent photograph of himself; his previous criminal record, if any; the name of the person for whom he works, if any; the type of goods, wares and merchandise he wishes to peddle; the length of time for which he wishes to be licensed; the type of vehicle he uses, if any, together with its license and registration numbers; and the number of helpers he has working with him. PROVIDED: where a person makes application for a license for himself and one or more helpers, all applicable personal information specified above shall be given for each helper, and an individual license shall be required for each helper, and every such person shall carry such license on his person at all times while engaged in peddling in the City of Jeannette. A separate licensing fee shall be charged or assessed for each license issued.

SECTION III. No person licensed as a Transient Merchant under this Ordinance shall engage in a Transient Business within the City of Jeannette at any time on Saturdays or Sundays or upon any day of the week before 9:00 o'clock A.M. or after 5:00 o'clock P.M.

SECTION IV. No license shall be issued under this Ordinance until the proper fee shall be paid to the City Clerk, which fee shall be for the use of the City of Jeannette. The fee for such license shall be TWO HUNDRED and 00/100 (\$200.00) DOLLARS per month, or each fractional portion thereof, during which the Transient Wholesale and/or Retail Business is continued or conducted.

SECTION V. Upon making application therefore and paying the proper fee, as herein specified, a license shall be issued to such Transient Merchant. Such license shall contain the information required to be given upon the application therefor. Every Transient Merchant, or their helpers, shall at all times when engaged in the Transient Business in the City of Jeannette carry such license upon his person, and shall exhibit such license, upon request, to all police officers, City officials and citizens. No Transient Merchant shall engage in selling any product not mentioned upon such license. No license issued under this Ordinance shall be transferable from one person to another.

SECTION VI. No person, licensed as a Transient Merchant under this Ordinance, or their helpers, shall occupy any fixed location upon any of the roads, streets, alleys or sidewalks of the City of Jeannette for the purpose of his Transient Business, with or without any stand or counter.

SECTION VII. The City Clerk shall keep a record of all licenses issued under this Ordinance and the City Police shall make themselves familiar with all licenses issued, and the City Police shall supervise the activities of any holders of such licenses.

SECTION VIII. The Mayor of the City of Jeannette is hereby authorized to suspend any license issued under this Ordinance when he deems such suspension to be beneficial to the public health, safety or morals, or for violation of any of the provisions of this Ordinance, or for giving false information upon any application for a license hereunder.

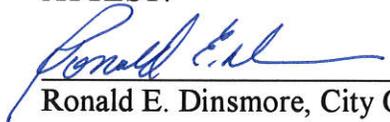
SECTION IX. Any natural person, association, partnership, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a Summary Offense and, upon conviction thereof before a District Justice having jurisdiction over same, be sentenced to pay a fine of not less than THREE HUNDRED and 00/100 (\$300.00) DOLLARS, together with the costs of prosecution, for each offense or violation, and, in default of payment thereof shall undergo imprisonment for a period of not more than thirty (30) days in the City or County Jail.

SECTION X. All of the provisions of this Ordinance shall be severable. If any provision shall be deemed unconstitutional, invalid or illegal, by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. In such event the remaining provisions of this Ordinance shall continue in full force and effect.

SECTION XI. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed. This Ordinance is intended to specifically repeal Ordinance No. 66-4, adopted by the City of Jeannette on February 9, 1966 and any amendments thereto.

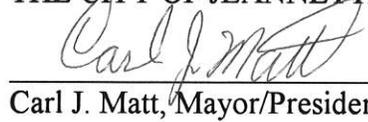
THIS ORDINANCE is duly Ordained and Enacted by the Council of the City of Jeannette at a meeting thereof held the 30th day of NOVEMBER, 1999, and shall become effective immediately.

ATTEST:



Ronald E. Dinsmore, City Clerk

THE CITY OF JEANNETTE:



Carl J. Matt, Mayor/President of Council