

ORDINANCE 12-01 OF 2018

AN ORDINANCE REQUIRING THAT ALL ITINERANT MERCHANTS AND VENDORS WHO CONDUCT BUSINESS WITHIN PITTSTON TOWNSHIP TO OBTAIN A PERMIT/LICENSE AND TO PAY THE APPLICABLE PERMIT/LICENSE FEE

WHEREAS, the Township of Pittston recognizes the increased demands for health, welfare and public safety services to the residents of the Township; and

WHEREAS, the Township of Pittston recognizes the need of increasing revenues to the Township's general fund so as to provide for the health, welfare and public safety services and benefits to the residents of the Township; and

WHEREAS, it is therefore the desire of the Board of Supervisors to enact an Ordinance requiring that all itinerant merchants and vendors who conduct business within Pittston Township to obtain a permit/license and to pay the applicable permit/license fee; and

WHEREAS, the Board of Supervisors estimates that the sum of \$ 2000 will be realized annually for the general fund under the terms of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by virtue of and under the authority vested in the Board of Supervisors by the Local Tax Enabling Act, 53 P.S. 6901 et seq., the following:

SECTION I - SHORT TITLE

This Ordinance shall be known and may be cited as "The Itinerant Merchant and/or Vendor Permit/License Fee Ordinance".

SECTION II - DEFINITIONS

Unless otherwise expressly stated herein, the following terms shall have the following meanings for purposes of this Ordinance:

1. "Itinerant Merchant" or "Vendor" - any person who sells or attempts to sell any product or service, or who derives any revenue from a game of chance or amusement, within the borders of Pittston Township, from any indoor or outdoor location on a seasonal and/or temporary basis.
2. "Person" - natural person, firm, association, partnership, or corporation (except such corporations that are exempt from taxation as non-profit organizations under State and Federal tax laws). Whenever used in any clause prescribing and imposing a penalty, or both, the term "person", as applied to a partnership or association, shall mean the partners or members thereof, and, as applied to corporations, shall mean the officers thereof.
3. "Amusement" - all manner and forms of entertainment, including, but not limited to, all manner and forms of entertainment at the following: theatrical performances, opera performances, concerts, vaudevilles, circuses, carnivals, rodeos, sideshows, lectures, air shows, fair grounds, picnic grounds, amusement parks, athletic fields, and athletic and/or recreational events.

4. "Seasonal , or Temporary" - a period of time less than six (6) months in any calendar year

SECTION III - APPLICATION FOR PERMIT

Any person desiring to conduct any business within the borders of Pittston Township from any indoor or outdoor location on a seasonal and/or temporary basis which involves selling any product or service, and/or which is expected to earn the person any gross revenue from a game of chance or amusement, shall file with the Township Treasurer, hereinafter referred to as the "Zoning Officer", an application for an Itinerant Merchant and/or Vendor Permit/License, and pay the appropriate permit/license fee. The permit/license fee is \$500 and this permit/license shall remain effective to allow the applicant to conduct business in accordance with this Ordinance from the date of issuance by the Township until December 31 of the year in which the permit/license is issued. Any person required to obtain a permit/license and to pay the appropriate permit/license fee under this Ordinance must obtain a new permit/license and pay the appropriate permit/license fee for each calendar year in which such person conducts business within the border of Pittston Township.

For all persons required to obtain and pay for a license/permit under this Ordinance, the fact that a portion such person's revenues are paid to a charitable, religious or education organization does not relieve the person of the obligation to obtain and pay for a license/permit.

The Zoning Officer shall procure at the expense of the Township, a sufficient number of license/permit forms, on each of which the following information shall be printed:

- A. Name of Township
- B. Name, address and phone number of person to whom permit is issued
- C. The location (address) where the permittee will conduct/operate business
- D. Permit Number
- E. Description of nature of permittee business
- F. Date permit issued
- G. Signature of Zoning Officer

Every permit/license shall be issued in duplicate, with the original being given to the permittee and a copy to be kept on file by the Zoning Officer. The permittee shall display the permit/license in plain view of the public for inspection at the location where the permittee conducts his business.

SECTION IV - DUTIES OF ZONING OFFICER

The Zoning Officer is hereby authorized and empowered to collect and receive the permit/license fee imposed by this Ordinance and to make returns of the funds collected for the Township. It shall also be his/her duty to keep records showing the dates and amounts received by him/her pursuant to this Ordinance.

The Zoning Officer is hereby charged with the administration and enforcement of the provisions of this Ordinance, and is hereby authorized and empowered, by and with the consent of the Solicitor of the Township, to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration of this Ordinance.

SECTION V - VIOLATIONS/PENALTIES

The Zoning Officer is hereby authorized to sue any person required to obtain and pay for a permit/license pursuant to this Ordinance who fails, refuses, or neglects to do so. The Zoning Officer is further authorized to enforce such judgments therein obtained as provided by law for the enforcement of judgments of like amount. Where suit is brought for the recovery of the permit/license fee imposed by this Ordinance, the person liable to pay the permit/license fee imposed by this Ordinance is also liable for all costs of collection and attorneys fees incurred by the Township, and the penalties imposed herein.

The Zoning Officer is hereby authorized to inspect and examine either in person or by representative, the books, papers, records and/or premises of any person reasonably believed to be required to obtain and pay for the license/permit required by this Ordinance. Each person subject to this Ordinance is hereby directed and required to provide the Zoning Officer or his duly authorized agent the means, facilities and opportunity for such examinations and investigations as authorized herein.

Any person required to obtain and pay for a permit/license pursuant to this Ordinance who fails, refuses, and/or neglects to do so, and/or refuses to permit the Zoning Officer or his agent to examine his books, papers, records and/or premises as authorized above, shall upon conviction thereof before a District Judge, be subject to a fine or penalty in the amount of six Hundred (\$600) dollars and costs for each such offense, and in default of payment of such fine or penalty be subject to imprisonment for a period not to exceed thirty (30) days. Said fine or penalty shall be in addition to any other penalty imposed by any other provision of this Ordinance. Each day that a person required to obtain a permit under this Ordinance continues to conduct business shall be deemed a separate offense punishable by like fine or penalty.

SECTION VI - SEVERABILITY

If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed separate, distinct and independent and such holding(s) shall not affect the validity of the remaining portion hereof.

SECTION VII - CONFLICTING ORDINANCES

Any Ordinance and/or Resolution inconsistent with the provisions of this Ordinance is hereby repealed to the extent of any such conflict.

SECTION VIII - EFFECTIVE DATE

This Ordinance shall become effective immediately after adoption and passage by the **Board of Supervisors.**

ENACTED and ORDAINED this 17th day of December , 2018,
at a meeting of the Board of Supervisors of Pittston Township that was duly noticed.

TOWNSHIP OF PITTSTON

Stephen Rinaldi

David Slezak

Ralph Yanora

Attest:
