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ARTICLE 909  
Curb Market

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909.01 LOCATION AND HOURS OF OPERATION

a.) From October 1 each year through April 1 of the following year on Wednesdays and Saturdays from 6:00 a.m. to 1:00 p.m., curb market shall be limited to the east side of Twelfth Street between Liberty and Elk Streets with the vendors vehicles being parked in a parallel position to allow traffic to use Twelfth Street, and at all other times, the location and hours of operation of the curb market shall be as follows:

- (i) On Twelfth Street between Liberty Street and Elk Street, and confined to the metered parking spaces located within the said portion of Twelfth Street on Wednesdays and Saturdays from 6:00 a.m. to 1:00 p.m.; and
- (ii) On the northerly side of Liberty Street between Twelfth Street and Thirteenth Street and, except as otherwise hereinafter provided, confined to the metered parking spaces located within the said portion of Liberty Street on Wednesdays and Saturdays from 6:00 a.m. to 1:00 p.m.

(Ord. 2 of 2001, Sect. 1, Passed 05-07-01)

b.) Except as otherwise hereinafter provided, no portion of any sidewalk or intersection shall be used or obstructed for curb market, although the portion of 12th Street used for curb market shall be closed to through traffic during normal market hours, to wit: between 6:00 a.m. and 1:00 p.m., prevailing time, on each Wednesday and Saturday during the market year. No space or stall for curb market shall be occupied for such purpose before 5:30 a.m. or after 1:30 p.m., prevailing time, on the days curb market is held.

c.) Each person assigned and occupying a space or stall on Liberty Street shall also be entitled to use that portion of the sidewalk area and/or street right-of-way located between the easterly and westerly boundaries of such stall or space extended perpendicularly from Liberty Street in a northerly direction a distance of not more than three feet from the northerly curb of Liberty Street; provided that no vehicles shall at any time be operated or parked on any portion of such sidewalk or right-of-way areas.

d.) Those persons assigned and occupying spaces or stalls on Liberty Street shall conduct their operations so as to prevent or discourage pedestrians from walking between spaces or stalls from, onto or along Liberty Street.

(Ord. 9 of 1981, Sect. 1, Passed 12-07-81;  
Ord. 5 of 1985, Sect. 1, Passed 6-03-85)

#### 909.02 MARKET YEAR

The market year shall be from May 1st through April 30th, next, inclusive. (Ord. 9 of 1981, Sect. 1, Passed 12-07-81)

#### 909.03 SIZE OF SPACE OR STALL

a.) Each space or stall located on 12th Street shall consist of one (1) metered parking space as outlined in paint. (Ord. 3 of 2003, Sect. 1, Passed 05-05-2003)

b.) Each space or stall located on Liberty Street shall be the width (perpendicular to Liberty Street) of the parking spaces thereon as outlined in paint and shall have a length (parallel to Liberty Street) of not less than 18 feet and not more than 20 feet, as may be from time to time determined by the Finance Director of the City of Franklin. The length of each such space or stall shall be designated by painting or otherwise.

(Ord. 9 of 1981, Sect. 1, Passed 12-07-81;  
Ord. 5 of 1985, Sect. 2, Passed 6-03-85)

#### 909.04 PERMITS REQUIRED; FEES ESTABLISHED

Each person occupying a space or stall at the Curb Market shall first obtain a permit from the Finance Director of the City of Franklin. Permits may be purchased on a yearly or daily basis, as follows:

a.) Yearly permit fee for each stall or space for residents of the Commonwealth of Pennsylvania shall be \$35.00 per annum, and yearly permit fees for each stall or space for non-residents of the Commonwealth of Pennsylvania shall be \$60.00 per annum. (Ord. 3 of 2003, Sect. 2, Passed 05-05-2003)

b.) Daily permit fees for each stall or space for residents of the Commonwealth of Pennsylvania shall be \$20.00 per diem and daily permit fees for each stall or space for non-residents of the Commonwealth of Pennsylvania shall be \$30.00 per diem. (Ord. 9 of 1981, Sect. 1, Passed 12-07-81; Ord. 3 of 2003, Sect. 2, Passed 05-05-2003)

#### 909.05 ORIGIN OF MERCHANDISE

Craft items must be homemade by the seller, the family of the seller, or a non-profit organization of which the seller is a member. (Ord. 9 of 1981, Sect. 1, Passed 12-07-81)

#### 909.06 ADMINISTRATION AND RULES AND REGULATIONS

a.) The Finance Director of the City of Franklin shall issue permits in accordance with Section 909.04 of this Article and shall assign spaces or stalls for such permits on a yearly or daily basis only, as the case may be.

b.) The Finance Director of the City of Franklin shall have the authority to, with the approval of the City Manager of the City of Franklin, adopt, change, implement and enforce such rules and regulations as may be from time to time necessary or convenient for the operation of the curb market; provided, however, that the adoption of, or a change in, a rule or regulation shall not invalidate a permit issued for the market year in which such rule or regulation, or change therein, becomes effective.

c.) Without limiting the generality of the foregoing, each person assigned and occupying a space or stall shall comply with all applicable rules and regulations of the Commonwealth of Pennsylvania and of the City of Franklin concerning health and sanitation, and, at the end of each market day shall remove and dispose of all refuse occasioned by such person's operations.

(Ord. 9 of 1981, Sect. 1, Passed 12-07-81;  
Ord. 5 of 1985, Sect. 3, Passed 6-03-85)

#### 909.07 PERMITS MAY BE REPEALED; CHANGES MAY BE MADE

Council reserves the right to revoke, without refund, the permit of anyone violating any regulation prescribed. The right is also reserved to make such changes in market regulations as conditions may require from time to time, but no such change shall invalidate a permit issued for the year in which such changes are made. (Ord. 9 of 1981, Sect. 1, Passed 12-07-81; Section 909.07 repealed in its entirety by Ord. 5 of 1985, Sect. 4, Passed 6-03-85)

#### 909.99 PENALTIES

a.) The Council of the City of Franklin may revoke, without refund, the permit of any person violating any provision of this Article or, subject to the provisions of Section 909.06 b.) of this Article, violating any rule or regulation governing the operation of the curb market.

b.) Any person violating a provision of this Article (including any violation of a rule or regulation for the operation of the curb market), or aiding, abetting or assisting in such violation shall, upon conviction in a summary proceeding, be subject to a fine of not less than \$25.00 nor more than \$300.00, together with the costs of prosecution. In default of payment of such fine and costs, the violator shall undergo imprisonment for a period not to exceed ten (10) days.

c.) Revocation of a permit pursuant to Section 909.99 a.) of this Article shall not prevent or prohibit prosecution pursuant to Section 909.99 b.) of this Article, nor shall prosecution pursuant to Section 909.99 b.) of this Article prevent or prohibit the revocation of a permit pursuant to Section 909.99 a.) of this Article.

(Ord. 9 of 1981, Sect. 1, Passed 12-07-81;  
Ord. 5 of 1985, Sect. 5, Passed 6-03-85)