

## ARTICLE 315

### Solid and Liquid Fuel Sales

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### CROSS REFERENCES

Power to regulate weighing of commodities - See 3rd Class §2403(52)  
[53 P.S. §37403(52)]

Standards of weights and measures - See BUS. REG. Art. 317

Inspector of Weights and Measures - See BUS. REG. Art. 317

House-to-house sales from vehicles - See BUS. REG. Art. 317

Storage of flammable liquids - See FIRE PREV. Art. 1505

### 315.01 DEFINITIONS.

For the purpose of this article, the following words shall have the following meanings:

(a) "Bureau" shall mean the Bureau of Weights and Measures of the City.

(b) "Inspector" shall mean and include the Inspector of Weights and Measures of the Bureau of Weights and Measures of the City or any duly authorized assistant.

(c) "Solid fuel" shall mean any anthracite, semi-anthracite, bituminous, semi-bituminous or lignite coal, briquettes, boulets, coke, gas, house coke, petroleum carbon or any other manufactured or patented fuel not sold by liquid or metered measure.

(d) "Fuel oil" shall mean kerosene, No. 1 fuel oil, No. 2 fuel oil, No. 3 fuel oil or any similar oil used for domestic heating or for industrial purposes.

(e) "Bottled gas" shall mean any gas or product other than solid fuels and fuel oils sold and intended for use for domestic heating.

(f) "Retail," when used in conjunction with fuel, shall mean the sale, delivery, or sale and delivery of fuel in less than car or cargo lots and in excess of one hundred pounds, except the sale, or sale and delivery of fuel for purposes of resale.

(g) "Ton" shall mean the net ton of 2,000 pounds avoirdupois.

(h) "Vehicle" shall mean any truck, wagon, cart or other conveying device using the streets, alleys, highways or other thoroughfares of the City, but not including railroad cars, in the sale and delivery or delivering of fuels to consumers within the territorial limits of the City.

(i) "Consumers" shall mean those in residences, apartment houses, stores, churches, office buildings and similar edifices.

(j) "Equipped dealer" shall mean any person, firm or corporation regularly engaged in the sale, delivery, or sale and delivery of fuels at retail, to his consumers within the territorial limits of the City who maintains unloading, storage and service facilities commensurate with the nature of the business, equipped with and using wagon or truck scales, meters or other

approved weighing or measuring devices of sufficient size and capacity, and maintained in condition accurately to weigh and measure the maximum load for which it is utilized, maintaining an office accessible to the public with a competent person on duty and who regularly carries a stock of fuel.

(k) "Unequipped dealer" shall mean all other persons, firms or corporations engaged in the sale, delivery, or sale and delivery of fuel at retail for consumption within the territorial limits of the City. (Ord. 1554 §1. Passed 7/1/58.)

#### 315.02 LICENSE REQUIRED; FEE; DISPLAY.

All persons, firms or corporations selling, delivering, or selling and delivering fuel at retail to consumers in the City shall obtain a license from the City Treasurer to engage in such business and shall pay to the City Treasurer, to cover the cost of necessary inspections and regulations, a license fee of one hundred dollars (\$100.00) for each calendar year, or part thereof, for the year that such business is engaged in, which license must be displayed by the licensee in his place of business, in addition to a card to be in the possession of the operator of the vehicle and a metal plate which must be attached securely to and prominently displayed at all times on each vehicle used in the delivery of fuels to consumers within the City. (Ord. 1554 §2. Passed 7/1/58.)

#### 315.03 LICENSE NONTRANSFERABLE; LICENSE FOR VEHICLES; CITY TREASURER TO CONTROL.

(a) No vehicle subject to this article, may deliver any fuel to consumers without such metal plate being securely attached to and prominently displayed on each such vehicle. It is the clear import of this article that a licensee hereunder may not by lease, agreement, contract or otherwise grant any person, firm or corporation, employee, stockholder, trucker, contract carrier or contractor any privilege or license to sell, deliver, or sell and deliver fuel to consumers within the City, unless such person, firm or corporation, employee, stockholder, trucker, contract carrier or contractor is or becomes a licensee for such purposes. (Ord. 1554 §3. Passed 7/1/58.)

(b) The City Treasurer shall issue vehicle tags upon approval of the Sealer of Weights and Measures, and upon proof of actual and sole ownership of such vehicles, at a cost not exceeding ten dollars (\$10.00) for such cards and plates for each vehicle owned by the licensee, it being expressly provided and ordered that no plates shall be issued to any corporation, firm or individual for any vehicle that is not owned by the corporation, firm or individual and used for the delivery of fuels to consumers within the City. (Ord. 2631 §1. Passed 12/19/78.)

(c) Transfer of title of a vehicle is not sufficient unless the sole ownership of the vehicle is proved to be in licensee, and no ownership or control remains or vests in any other person, firm or corporation. However, liens or encumbrances on any vehicle will not disqualify an applicant for a license under this article.

(d) The City Treasurer may furnish a form of application or questionnaire for the determination of the facts required by this section. His decision shall be final. (Ord. 1554 §3. Passed 7/1/58.)

#### 315.04 SOLID FUEL TO BE SOLD BY WEIGHT; WEIGHING TO BE IN CITY.

All solid fuel sold, delivered, or sold and delivered by vehicles to consumers in the City shall be sold by weight. A tolerance at the rate of thirty pounds per ton shall be allowed in each consignment, and all such solid fuel, except as otherwise herein provided, shall be weighed within the corporate boundaries of the City. (Ord. 1554 §4. Passed 7/1/58.)

#### 315.05 VEHICLES TO HAVE APPROVED METERS; DELIVERIES TO BE METERED; EXCEPTIONS.

No person shall deliver fuel oils to any consumer, unless the vehicle by which the fuel oils are delivered is equipped with a meter of a type approved under provisions of the Act of Assembly of May 5, 1921 (P. L. 389), of the Commonwealth of Pennsylvania, as amended, and which meter has been tested for accuracy by the Inspector of Weights and Measures of the City. All delivery of fuel oil to a consumer shall be made by the use of such a meter. Further, this section shall not apply to deliveries of heavy fuel oils or to deliveries of fuel oils to industrial plants in truck tank loads, provided such tank truck is of a type approved by the Act of May 5, 1921 (P.

L. 389), of the Commonwealth of Pennsylvania, as amended. (Ord. 1554 §5. Passed 7/1/58.)

#### 315.06 FURTHER EXCEPTIONS TO METERED DELIVERIES.

Light fuel oil deliveries of fifty gallons or less may be delivered without being metered. However, such delivery shall be made in standard measures of not less than five-gallon capacity, and only such measures as approved by provisions of the Act of Assembly of May 5, 1921 (P.L.389), of the Commonwealth of Pennsylvania, as amended, shall be used. (Ord. 1554 §6. Passed 7/1/58.)

#### 315.07 BOTTLED GAS; APPROVAL OF CONTAINERS AND CONTENTS.

No person shall deliver bottled gas to any consumer except in cylinder tanks or containers which have been approved by the Fire Underwriters' Association and/or the Bureau of Standards of the Commonwealth of Pennsylvania and a sample of which shall have been submitted by the dealer to the Inspector of Weights and Measures for his inspection and approval, to determine whether or not the same complies with all regulations, standards and requirements of the Commonwealth of Pennsylvania and the Fire Underwriters' Association. (Ord. 1554 §7. Passed 7/1/58.)

#### 315.08 EQUIPPED DEALER OUTSIDE CITY TO BE LICENSED FOR SCALES.

Equipped dealers whose place of business is outside the corporate limits of the City, but not any more than one-half mile therefrom at the nearest point by open thoroughfare, and who normally sell and deliver to consumers within the City, may have their scales designated by the Bureau of Weights and Measures for the conduct of their own business within the City, upon procuring from the City Treasurer the regular license as provided for in Section 315.02 and upon submitting to the Bureau of Weights and Measures satisfactory evidence of the accuracy and reliability of their scales, and evidence that such scales are, from time to time, tested and approved by the public agency having such jurisdiction. (Ord. 1554 §8. Passed 7/1/58.)

### 315.09 UNEQUIPPED DEALERS TO OBTAIN PROPER WEIGHT CERTIFICATES.

Unequipped dealers engaged in the selling, delivery, or sale and delivery of fuel to consumers in the City, purchased from and weighed over the scales of any equipped dealer in the City, shall be furnished by such equipped dealer with weight certificates signed by any licensed weighmaster of such equipped dealer. (Ord. 1554 §9. Passed 7/1/58.)

### 315.10 UNEQUIPPED DEALERS; WEIGHING FEE.

Unequipped dealers engaged in the sale, delivery, or sale and delivery within the City of solid fuel to consumers shall pay a fee of fifty cents (50¢) for each weighing of any load or part of a load of solid fuel or the weighing of the vehicle used in conveying and discharging such solid fuel, to the owner of the scale on which such load, part of a load or vehicle is weighed. (Ord. 1554 §10. Passed 7/1/58.)

### 315.11 ANTHRACITE; COMPLIANCE WITH STATE LAW.

All solid fuel commonly known or delivered as "anthracite" sold and delivered to consumers for use within the territorial limits of the City shall comply with all the provisions of the Act of the Assembly of the Commonwealth of Pennsylvania approved May 31, 1947 (P.L. 368), as amended by the Act of the Assembly approved on May 18, 1949 (P.L. 1467), as to size and quality. (Ord. 1554 §11. Passed 7/1/58.)

### 315.12 DELIVERY TICKET REQUIRED; EXCEPTION.

(a) Each separate consignment of fuel sold, delivered, or sold and delivered, to consumers in the City shall be accompanied by a delivery ticket, showing the name and address of the licensee and dealer, the net weight or quantity of the consignment and the signature of the weighmaster. One copy of the delivery ticket shall be retained at the place of business where the same is weighed or metered and one shall be left with the consignee. (Ord. 1771 §1. Passed 11/13/62.)

(b) When solid fuel is sold in lots of less than one hundred pounds, the provisions of this section shall not apply, provided the solid fuel is delivered in a closed bag or other closed container, plainly and conspicuously marked

with the correct weight of the contents and the name and address of the dealer or person packing the solid fuel in such bag or container. (Ord. 1554 §12. Passed 7/1/58.)

### 315.13 ENFORCEMENT OF PROVISIONS.

#### (a) Inspector of Weights and Measures; Powers and Duties.

It shall be the duty of the City Inspector of Weights and Measures to enforce the provisions of this article. The Inspector is authorized and empowered to require the testing of any meter used in the delivery of light fuel oils to consumers of the City at such times and places as he may designate, and not less than once in each sixty days, as well as the testing and inspection of any scales for the weighing of solid fuels by equipped dealers within the City. The Inspector is authorized and empowered to require the weighing of solid fuel transported over any street, alley or lane of the City for delivery to consumers within the corporate limits of the City, and the weighing of any vehicle used in the delivery of fuels to the consumers therein, whenever he deems it necessary or advisable to do so in order to protect the inhabitants of the City against fraud, accident, mistake or deception and to secure to them the full weight and the quantity of any fuel purchased by consumers of the City, notwithstanding the possession by the person in charge of any vehicle, tank truck, cylinder or tank or other container containing fuel delivered within the corporate limits of the City of any certificate for, or pertaining to, the weight or quantity of such fuel or the vehicle on which the same is loaded or any cylinder, tank or other container in which the same may be loaded.

#### (b) Arrest Without Warrant Permitted.

The City Inspector of Weights and Measures or any police officer, in whose presence any violation of this article has been or is being committed, shall have power, without warrant, to arrest the offender and conduct him before an alderman, a committing magistrate or the Mayor and there make information of such violation before such officer, which shall be disposed of according to law.

#### (c) Police Authority to Require Compliance.

Each police officer of the City is authorized and empowered to require

the weighing and measuring of any fuel for delivery to consumers within the corporate limits of the City, as well as the weighing of any vehicle used for the delivery of any fuel therein, whenever he deems it necessary or advisable so to do in order to protect the inhabitants of the City against fraud, accident, mistake or deception, and to secure to them the full weight or quantity of any fuel purchased by consumers.

(d) City to Pay Costs When Enforced Weighing Proves Accurate.

Whenever the City Inspector of Weights and Measures or any police officer shall require the weighing or measuring of any fuel being delivered to a consumer within the corporate limits of the City, and the weight of any vehicle tank truck, cylinder or tank or other container used in the delivery thereof, and upon such weighing or measuring of same is found to be accurate, the cost of such weighing or measuring required by the Inspector or police officer shall be paid by the City. (Ord. 1554 §3. Passed 7/1/58.)

315.14 TIME FOR DELIVERY OF FUEL.

No fuel may be delivered to consumers in the City before 7:00 A.M. or after 7:00 P.M., Standard Time, or at any time on Sunday, without a permit issued by the Bureau of Police for good cause shown. However, the driver of a vehicle engaged in the delivery of solid fuel after 7:00 P.M. shall not be held in violation of this article if he can show that his vehicle left any one of the designated weighing scales provided by this article no later than 5:00 P.M. of the same day and date, and that this delay was due to unavoidable causes. (Ord. 1554 §14. Passed 7/1/58.)

315.15 FRAUDULENT WEIGHING OR MEASURING; FALSE ENTRIES A VIOLATION.

Any owner of any scales or measuring devices used for the weighing or measuring of fuels to be sold to consumers within the corporate limits of the City, or any agent or representative of such owner, or any weighmaster, who shall fraudulently weigh or measure, cause to be fraudulently weighed or measured, or who shall contribute to the effecting of a fraudulent weighing or measuring of any fuel, or who shall alter or cause to be altered any weighing or measuring delivery certificate, or who shall make or cause to be made a false entry of such weight or measure, shall be guilty of a violation of this article. (Ord. 1554 § 15. Passed 7/1/58.)



**315.16 MAYOR TO DESIGNATE PLACES FOR SCALES.**

For the purpose of carrying out the provisions of this article, the Mayor shall, by and with the approval of Council, designate scales at convenient places for the weighing of fuels to be sold and/or delivered to consumers in the City. (Ord. 1554 §16. Passed 7/1/58.)

**315.17 MAYOR TO DESIGNATE APPROVED SCALES OF EQUIPPED DEALERS.**

The Mayor shall immediately designate the scales of all equipped dealers within the City for the use of such dealers in the conduct of their own business, subject, however in the test and approval of such scales by the Inspector of the Bureau of Weights and Measures. (Ord. 1554 §17. Passed 7/1/58.)

**315.99 PENALTY.**

Any person who violates any provision of this article shall be fined six hundred dollars (\$600.00) or imprisoned not more than ninety days, or both. (Ord. 1768 §1. Passed 11/13/62; Ord. 3242-Passed 2/7/89)