

BOROUGH OF EAST BANGOR
COUNTY OF NORTHAMPTON
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 2-04

AN ORDINANCE OF THE BOROUGH OF EAST BANGOR ESTABLISHING A FEE FOR APPLICATION FOR ISSUANCE OF LICENSES FOR CONTRACTORS, SUBCONTRACTORS, EXCAVATORS, ELECTRICIANS, PLUMBERS, LAWN SERVICE, TREE TRIMMERS, AND PAVERS.

BE IT ENACTED AND ORDAINED, by the Borough Council of the Borough of East Bangor, Northampton County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, as follows:

SECTION 1: Licensing. It shall be unlawful for any person, firm, corporation or other entity to engage in the business of constructing, altering, repairing, demolishing or moving buildings or in the business of installing electrical, plumbing, mechanical, including heating and ventilation equipment, without first having obtained a license therefor, as provided in this Ordinance. It shall further be unlawful for any person, firm, corporation or entity to engage in the business of residential, commercial or industrial construction, either as a contractor or subcontractor, or the business of excavating, paving, plumbing,

electrical, lawn service or tree trimming, or any other similar business without first having obtained a license as required in this Ordinance.

SECTION 2: Exemptions from Licensing Requirements. The requirements of obtaining a license as set forth in this Ordinance shall not apply where the work is to be performed by the owner of a residential property in which he resides.

Further, this Ordinance shall not apply to persons, entities or firms which are in the business of delivering goods to the Borough of East Bangor residents on a basis not exceeding two (2) times per year.

SECTION 3: Applications for Licenses. Applications for licenses under this Ordinance shall be made to the Secretary for the Borough of East Bangor, in writing, on such printed forms as shall be prescribed and prepared by the Borough from time to time. From time to time, the Borough may authorize, by Resolution, other Borough employees, including, but not limited to, Uniformed Police Officers and the Zoning Officer, to take the application for such licenses and issue such licenses to qualified applicants. The application shall be signed by the applicant and shall contain the following, in addition to any other pertinent information to which the Borough may deem reasonably necessary:

1. The name and address of the applicant.
2. The classification for which the applicant seeks to be licensed.
3. An indemnification agreement, approved by the Borough Solicitor, and executed by the applicant, evidencing that the applicant indemnifies and holds the Borough, its officials, agents and employees, harmless from any and all damages caused by any negligence of the applicant in the performance of his duties or any negligence in protecting his work or by any unfaithful, imperfect or inadequate work done.
4. A statement acknowledging Contractor's understanding that a Building and/or Zoning Permit, if applicable, must first be issued by the Borough of East Bangor to the property owner, or party responsible for the property at which work is to be performed, prior to commencing work at any such property located within the Borough.
5. Payment of fees required by this Ordinance.

SECTION 4: Issuance of License. Upon receipt of the application and the fee, the Borough Secretary shall issue the license to the applicant, which license shall expire on December 31st of the year of issuance.

SECTION 5: License Conditions.

- A. Each license shall be issued for the calendar year during which it is issued, expiring on December 31, and the full fee shall be payable irrespective of the date of issue.
- B. No license shall be transferable.

SECTION 6: Renewals.

- A. Any license issued hereunder may be renewed without further examination or investigation, provided that application for such renewal, accompanied by the renewal fee prescribed hereinafter, shall have been filed prior to the expiration of the existing license.
- B. All licenses shall be renewed between December 1 and December 31 of each calendar year, regardless of date of original issue. Licenses not renewed by December 31 of any year shall be deemed to have expired and the holder thereof shall, at the discretion of the Borough, be subject to the application and fee requirements herein provided for new applicants.

C. If a license has expired, the licensee may renew the license upon payment of the current year's license fee and the preceding year's license fee, assuming that all other requirements have been met.

SECTION 7: Misrepresentation; False Statements.

A. No person, partnership, firm, corporation or other entity, not the holder of the license, shall falsely represent that he or it holds such license or shall use in any advertising the words "licensed contractor" or any words of similar meaning or import.

B. Any person who knowingly makes a false statement or causes or procures to be made or aids or assists in the making of a false statement in an application for a license or renewal of a license, or in any application provided by this Ordinance or in any proof or instrument in writing in connection therewith, shall be in violation of this Ordinance.

SECTION 8. Grounds for Suspension or Revocation of License. Licenses may be suspended or revoked for any one or more of the following acts or omissions:

- A. Fraud or misrepresentation in obtaining a license or renewal thereof.
- B. Violation of this Ordinance or any other applicable Code, Ordinance or Statute governing the work performed.
- C. Filing of a voluntary or involuntary petition in bankruptcy.
- D. Fraud or misrepresentation in obtaining or performing a contract for the performance of which a license is required under this Ordinance.
- E. Unjustified failure to perform a contract for the performance of which a license is required under this Ordinance.

SECTION 9: Surrender of License.

- A. Upon suspension or revocation of a license, the same shall be surrendered to the Borough Secretary.
- B. Every holder of a license, upon retiring from the business, shall notify the Borough Secretary of such fact and at the same time surrender the license certificate.

SECTION 10: Fees. The fee for the obtaining of a license under this Ordinance shall be TWENTY-FIVE AND 00/100 (\$25.00) DOLLARS. The fee for renewal of the license shall be TWENTY-FIVE AND 00/100 (\$25.00) DOLLARS. The fees for the issuance of a license and the renewals thereof may be amended from time to time by resolution of the East Bangor Borough Council. This fee shall be doubled under Section 12 hereof, for the reasons therein set forth.

SECTION 11: Disclaimer. The issuance of a license by the Borough shall not be construed in any event as a statement or certification by the Borough that the licensee is qualified to undertake the work for which the license is issued. In no event shall the Borough be held liable, jointly or severally, for the issuance of a license in accordance with this Ordinance.

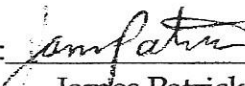
SECTION 12: Violations and Penalties. Any person violating any of the provisions of this Ordinance shall, upon conviction, in a summary proceeding before a District Magistrate, be sentenced to pay a fine of not more than THREE HUNDRED AND 00/100 (\$300.00) DOLLARS, plus the costs of prosecution and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days. In addition, any person, firm, corporation, or other entity that performs work in the Borough, and which has previously been licensed under

this Ordinance, without renewing said license for each calendar year in which work is performed in the Borough, shall be subject to payment of two (2) times the normal license fee hereunder. The penalties herein shall be cumulative.

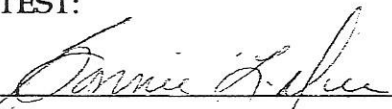
SECTION 13: Effective Date. This Ordinance shall become effective five (5) days after its adoption.

ORDAINED AND ENACTED by the Council of the Borough of East Bangor, County of Northampton and Commonwealth of Pennsylvania, into an Ordinance this 6th day of July, 2004.

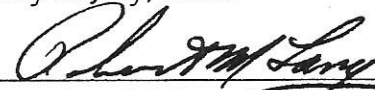
BOROUGH OF EAST BANGOR

By: 
James Patrick, President

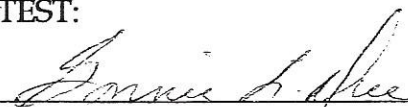
ATTEST:

By: 
Bonnie L. Due, Secretary

APPROVED AND CERTIFIED this 6th day of July, 2004.

By: 
Robert M. Lang, Mayor

ATTEST:

By: 
Bonnie L. Due, Secretary