

ORDINANCE NO. 91- 7

AN ORDINANCE OF THE TOWNSHIP OF HILLTOWN, BUCKS COUNTY, PENNSYLVANIA, REQUIRING THE LICENSING OF ANY PERSON WHO UNDERTAKES OR OFFERS TO PERFORM CONSTRUCTION, REPAIR, RE-ROOFING, REMODELING, REHABILITATION, ALTERATIONS, INSTALLATION, REPAIR, DEMOLITION AND INCLUDE BUT NOT BE LIMITED TO PAVING, CONCRETE, SIGNS, ALARM SYSTEMS, PLUMBING, ELECTRICAL, AND ANY OTHER RESIDENTIAL OR NON-RESIDENTIAL CONSTRUCTION, REPAIR, ALTERATION, OR DEMOLITION WORK IN THE TOWNSHIP; PROVIDING DEFINITIONS, PROVIDING EXCEPTIONS AND EXEMPTIONS; PROVIDING FOR APPLICATIONS FOR LICENSES; REQUIRING INSURANCE FOR CONTRACTORS; PROVIDING FOR LICENSE FEES; PROVIDING FOR NOTIFICATION OF CHANGES IN OWNERSHIP, MANAGEMENT, ADDRESS, OR TRADE NAME OF LICENSEES; PROVIDING LICENSING REQUIREMENTS; PROVIDING FOR REVOCATION; PROHIBITING CERTAIN ACTS; AND PROVIDING FINES AND PENALTIES

Preamble

Pursuant to 53 P.S. 65751 and 65762 of the Second Class Township Code, the Hilltown Township Board of Supervisors hereby ordains as follows:

ARTICLE I - SHORT TITLE

This Ordinance shall be known and may be cited as "The Hilltown Township Contractor Licensing Ordinance."

ARTICLE II - DEFINITIONS

The following words and phrases as used in this Ordinance shall have the meanings ascribed to them in this Section, unless the context clearly indicates a different meaning, the masculine includes the feminine, the singular includes the plural, and the plural includes the singular.

A. Contract - means an agreement for payment other than reimbursement of costs, whether oral or written, and whether contained in one or more documents, between a contractor and an owner or another contractor for the performance of work, including all labor, services, and materials to be furnished and performed thereunder.

B. Contractor - means any person, other than a bona fide employee of the owner, who undertakes or offers to perform construction, repair, re-roofing, remodeling, rehabilitation, alterations, installation, repair demolition, and shall include but not be limited to paving, concrete, signs, alarm systems, plumbing, electrical, and any other residential or non-residential construction, repair alteration, or demolition in the Township, whether as a general contractor, subcontractor, specialty contractor, or home improvement contractor with respect to the owner.

C. Enforcement Officer - means the Code Enforcement Officer of the Township of Hilltown.

D. License Year - means the twelve (12) month period beginning the first day of January of each year, and ending the thirty-first day of December of each year.

E. Owner - means any property owner, tenant, or other person who orders, contracts for, or purchases the services of a contractor, or any person entitled to the work of a contractor pursuant to a contract, gift, or otherwise.

F. Person - means any individual, partnership, limited partnership, association, corporation, trust or other legal recognizable entity.

ARTICLE III - ENFORCEMENT

The Enforcement Officer or his authorized representatives shall administer and enforce the provisions of this Ordinance.

ARTICLE IV - COMPLIANCE

A. No person shall act as a contractor in the Township except in compliance with the provisions of this Ordinance. Any person, including an owner, who aids a contractor in violating any provisions of this Ordinance is in violation of this Ordinance. The provisions of this Ordinance may not be waived by agreement.

B. A license issued pursuant to this Ordinance shall not be construed to authorize the licensee to perform any particular type of work or type of business regulated under other provisions of state law or other ordinances of the Township.

ARTICLE V - LICENSING OF CONTRACTORS

A. No person shall engage in the contracting business within the Township without obtaining a contractor's license.

B. The fee for such license shall be payable annually and fixed pursuant to a resolution of the Board of Supervisors, and all licenses shall be issued for the calendar year, or such portion thereof as shall remain after the issuance thereof. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.

C. Every person who shall apply for a license under this Ordinance shall state the names of owners, partners, directors and officers of the applicant, the trade name of the applicant and the applicant's home address and business address.

D. It shall be unlawful for any person to operate as a contractor in Hilltown Township without having first obtained a license to do so from the Enforcement Officer and paying therefor an annual fee fixed by the Board of Supervisors under separate resolution.

E. All licensed contractors, while engaged in actual operations within the Township shall carry on his or her person a license card issued by the Township, and shall display said license card to the Enforcement Officer or other Township representative upon demand.

ARTICLE VI - EXCEPTIONS AND EXEMPTIONS

The provisions of this Ordinance shall not apply to the official transactions of any authorized representative of:

A. The government of the United States, any State or Commonwealth of the United States, any political subdivision of any State or Commonwealth, or any agency or instrumentality of the foregoing governments.

B. No contractor's license shall be required of any person when acting in a particular capacity or particular type of transaction as follows:

1. A person who performs labor or services for a contractor for wages or salary.

2. A person who is required by State law to attain standards of competency or experience, and who must obtain licensing under such State law, as a prerequisite to engage in a craft or profession, and who is acting exclusively within the scope of such craft or profession for which he is currently licensed pursuant to such law.

C. The provisions of this Ordinance shall not apply to the owner or tenant of a property, who performs work on the owned or leased property.

ARTICLE VII - INSURANCE

No contractor's license shall be issued unless the applicant files a Certificate of Insurance with the Enforcement Officer at the time of license application. The Certificate of Insurance shall provide that the contractor carry an insurance policy providing complete third party comprehensive liability and property damage insurance, covering the contractor, the limits of which shall be not less than Three Hundred Thousand Dollars (\$300,000) personal liability and One Hundred Thousand Dollars (\$100,000) property damage. Applicant shall also provide evidence of workers' compensation insurance prior to the issuance of a contractor's license if such insurance is required under the State Workers' Compensation Law. All types and limits of insurance for which certificates are presented at the time of application shall be maintained throughout the license year.

ARTICLE VIII - FORM OF LICENSE APPLICATION

The application for license shall be on a printed form, provided to the applicant by the Enforcement Officer. Failure to answer all questions on the application form shall mean the applicant is not entitled to consideration of his application until he has answered all questions. The application form shall be signed by the applicant under oath. The questions and information requested on the application form shall include a statement as to whether or not applicant has been refused such license in another municipality. Applicant shall notify the Township whether he or she has been subject to the revocation of any similar license in another municipality within two (2) years prior to the date of the current application.

ARTICLE IX - REASONS FOR REFUSAL OF LICENSE

The application shall be granted and the license issued within forty-five (45) days after the application has been filed, unless, upon investigation by the Enforcement Officer, one or more of the following facts are found to exist:

A. That one or more of the statements in the application is not true;

B. That the applicant or any agent or any representative of the applicant has been refused a contractor's license or been subject to revocation proceedings of a contractor's license by any other municipality within two (2) years prior to the date of application;

C. That the applicant or any agent or representative of the applicant who will participate under the license has previously violated any of the terms and provisions of any other building or zoning ordinances of the Township.

ARTICLE X - REVOCATION

The Enforcement Officer shall revoke any license issued under the provisions of this Ordinance under the following circumstances:

A. If the licensee falsely answered any question or questions contained in the application for licensing previously submitted to the Enforcement Officer.

B. If the licensee fails to maintain, during the license year, the policies of insurance required under the provisions of this Ordinance.

C. If the licensee violates any of the terms or provisions of any Hilltown Township building, plumbing, electrical, mechanical, fire, zoning or housing code or any other code pertaining to the construction, alteration, and repair of structures or buildings, or any terms or provisions of this Ordinance.

D. If the licensee violates any condition or requirement of any permit issued by the Township, including building, sewer construction, or highway permits.

E. If the licensee conducts a contractor's business in the Township under any name other than that for which he is licensed.

F. If the licensee fails to comply with any order, demand, or requirement lawfully made by the Enforcement Officer under the authority of this Ordinance or any other Township ordinance, law, or regulation.

ARTICLE XI - PENALTIES

A. Any person, firm or corporation who shall violate any provisions of this Ordinance, shall, upon conviction before any District Justice, be sentenced, for each such violation, to pay a fine not exceeding One Thousand Dollars (\$1,000) plus court costs and, in default of payment thereof, to undergo imprisonment in the county jail for a period not to exceed thirty (30) days. Each day the violation continues after due notice has been served in accordance with the terms and provisions hereof shall be deemed a separate offense.

B. The imposition of the penalties herein prescribed shall not preclude the Solicitor representing the Township from initiating appropriate actions or proceedings at law or equity to effect the purposes of this Ordinance.

ARTICLE XII - SEVERABILITY

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

ARTICLE XIII - REPEALER

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

ARTICLE XIV - EFFECTIVE DATE

This Ordinance shall become effective on January 1, 1992.

ENACTED AND ORDAINED this 23rd day of December, A.D., 1991.

HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS

John H. Bennett
Betty J. Kelly
Kenneth B. Bentley