

EAST NORRITON TOWNSHIP

ORDINANCE NUMBER 440

CONTRACTOR REGISTRATION

AN ORDINANCE ESTABLISHING CONTRACTOR REGISTRATION WITHIN EAST NORRITON TOWNSHIP

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of East Norriton an ordinance as follows:

The following words and phrases as used in this Code 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.

73.1 DEFINITIONS

(1).“Contract”- An agreement, whether oral or written and whether contained in one (1) or more documents, between a contractor and an owner of real property or another contractor for the performance of work, including all labor, services and materials to be furnished and performed thereunder.

(2).“Contractor” - Any person who undertakes or offers to perform construction, repair, reroof, remodeling, rehabilitation, demolition, paving, electrical and any other residential or nonresidential construction or specialty contractor or demolition work in the Township, whether as a general contractor, subcontractor, specialty contractor, certified electrical inspector or home improvement contractor with respect to the property owner. Contractor does not include a bona fide employee of the Contractor.

(3).“Registration year” - Starting the first day of the month following the date of adoption of this ordinance ending December 31st of that year for the first year. Beginning January 1 and running for twelve months and ending December 31st of the same calendar year there after.

(4).“Person” - Any individual, partnership, limited partnership, association, corporation, trust, limited liability company or other legally recognizable entity.

(5).“Township” - The Township of East Norriton.

73.2 ENFORCEMENT

The Code Enforcement Officer of East Norriton Township or his authorized representative shall administer and enforce the provision of this Code.

73.3 COMPLIANCE REQUIRED

Registration by a Contractor pursuant to this Code shall not be construed to authorize the registered Contractor to perform any particular type of work or conduct any particular type of business which is reserved to qualified licensees under other provisions of federal, state or local law.

73.4 REGISTRATION REQUIRED; APPLICATION; ISSUANCE; RENEWAL

- A. For the registration year 2002 or part thereof , and each registration year thereafter, every person desiring to continue to engage in or hereafter to begin to engage in the business of acting as a Contractor in the Township shall, on or before the first day of June of the registration year or prior to commencing business in such registration year, make apply for registration to act as a Contractor in the Township.
- B. Such application for registration as a Contractor shall be made by the completion of an application furnished by the Code Enforcement Department and the payment of the prescribed registration fee. Each completed application must contain the information required hereinafter by this Code, and each applicant must present satisfactory proof of insurance. Each application for registration shall be signed by applicant if a natural person, and in the case of an association or a partnership, by a member or partner thereof, and in the case of a corporation, by an officer thereof.
- C. Each successful applicant shall be issued a registration sticker to be displayed on the rear bumper of every vehicle Contractor uses in the construction business while working as a Contractor in the Township. Additional stickers may be issued for a fee as prescribed by resolution.
- D. All Contractors' registration shall expire at midnight on May 31 of each Registration year unless the registration is revoked or suspended prior thereto under the terms of this Code. A Contractor with an unexpired registration, which has not been revoked or suspended during the current Registration year, who makes application for registration for the following year need not complete an application form, but must submit the required registration fees and proof of required insurance. If the Contractor qualifies for registration and renewal under the terms of this Code, Contractor's registration shall be renewed for the following registration year, and Contractor will be issued a new registration bumper sticker for the following year.

73.5 EXCEPTIONS

- A. The provisions of this Code shall not apply to the official transactions of any authorized representative of 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; provided, however, that no person engaged by the representative of any of the foregoing shall act as a Contractor in the Township unless such person shall first have complied with and have been registered under the provisions of this Code.
- B. No contractor's registration shall be required of any person who performs labor or services for a Contractor for wage or salary.
- C. No Contractor's registration shall be required for homeowners performing work on the homeowners's primary residence.
- D. No Contractor's registration shall be required for maintenance men, housekeeping, handymen, and alike who work for wage or salary and who are an employee, as defined by the Internal Revenue Code, of the property owner and/or occupant or lease holder of the real property on which work is being performed.

73.6 INSURANCE REQUIREMENTS

- A. No Contractor's registration shall be issued unless the applicant files a certificate of insurance naming the Township as additional insured with the Code Enforcement Officer at the time of registration application. The certificate of insurance shall contain a provision that coverages afforded under the policy will not be canceled unless at least thirty (30) days prior notice of such cancellation has been given to the Township. The certificate of insurance must evidence policies of insurance, maintained at the expense of the applicant, for public liability, property damage, products liability and completed operations, each of which must have a single occurrence limit of no less than Fifty Thousand Dollars (\$50,000.00). The reasonable limits of insurance for blasting and demolition contractors shall be determined by the Code Enforcement Department at the time of application, based on the nature and extent of the applicant's proposed operation.
- B. All types and limits of insurance for which certificates are presented at the time of application shall be maintained throughout the registration year, or the registration shall be suspended or revoked as hereinafter set forth in the Code.

73.7 FEES

- A. The annual Contractor's registration fee shall be in the amount set forth in the Township Code Fee Schedule.
- B. There shall not be a prorated reduction in the registration fee.

73.8 CONTENTS OF APPLICATION

- A. The application for Contractor registration shall be a printed out form available at the Township from the Code Enforcement Department. The application shall require a written answer to all questions contained thereon. The application will not be considered complete and will not be reviewed unless all questions are answered. The application form shall be signed by the applicant. The questions and information required on the application form shall include, but not be limited to, the following:
 - (1). The names of owners, partners, directors, members, and officers of the applicant and the business address and trade names of applicant.
 - (2). A statement as to whether or not any municipalities, including the Township, have refused to issue or have revoked any similar Contractor's registration or licenses of the applicant within two (2) years prior to the date of the application. In the event that there has been such denial or revocation, the applicant must explain in writing the reasons for such denial or revocation.
 - (3). A listing of all previous Contractor's jobs completed or accepted by the applicant within two (2) years prior to the application, along with a statement of the location of the jobs, and the names, addresses and telephone numbers of the party or parties who contracted with the applicant for such jobs.

73.9 NOTIFICATION OF CHANGES

Each registered Contractor shall, within ten (10) days after a change in ownership, directors, officers, members, management, address or trade name, notify the Code Enforcement Department of such change in writing.

73.10 REFUSAL TO ISSUE OR RENEW REGISTRATION

No registration shall be issued or renewed under the following circumstances:

- A. If the applicant falsely answered any question or questions contained on the application form.

- B. If the applicant has been convicted within two (2) years prior to the date of application for any crimes or offenses related to the applicant's work as a contractor under any federal and state criminal statute or common law criminal offense or for violation of any municipal ordinance. The term "conviction" shall include guilty pleas and pleas of nolo contendere.

73.11 REVOCATION OF REGISTRATION

The Code Enforcement Officer shall revoke any registration issued under the provisions of this Code under the following circumstances:

- A. If the registered Contractor falsely answered any question or questions contained on an application for Contractor registration or renewal of licensing previously submitted to the Code Enforcement Officer .
- B. If the registered Contractor fails to maintain, during the registration year, the policies of insurance required under the provisions of this Code.
- C. If the registered Contractor violates any of the terms or provisions of the BOCA Building Code or NFPA Codes, as amended, or its successor or any terms or provisions of this Code.
- D. If the registered Contractor violates any condition or requirement of a building permit, sewer construction permit or highway permit issued by the Township.
- E. If the registered Contractor willfully deviates from or disregards any plans or specifications for any contracting job in any material respect without first obtaining the consent of the owner, in writing, to any such change and without first notifying the Code Enforcement Officer of any such change.
- F. If the registered Contractor does any business through any person who is subject to the registration requirements of this Code and who is not registered as required by this Code.
- G. If the registered Contractor engages in the contracting business in the Township under any name other than the name which the Contractor registered.
- H. If the registered Contractor fails to comply with an order, demand or requirement lawfully made by the Code Enforcement Officer or his authorized representative under the authority of this Code or any other Township Code.

73.12 RIGHT TO APPEAL

Any person shall have the right to appeal a decision of the Code Enforcement Officer to the Board of Appeals. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an agreed party for revision of revocation of registration, refusal to issue or renew registration.

73.13 BOARD DECISION

The Board shall render its decision by way of resolution. Copies shall be furnish to the appelland and the Code Enforcement Officer. The Code Enforcement Officer shall upon receiving the decision of the board take immediate action in accordance with the decision of the Board.

73.14 COURT REVIEW

Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision of the Board of Appeals.

73.15 SEVERABILITY

The provisions of this Code are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this code. It is hereby declared to be the intent of the Board that this Code would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

73.16 WHEN EFFECTIVE

This Code shall take effect and be in force from and after its approval as required by law.

73.17 VIOLATIONS AND PENALTIES

- A. Any person who fails to correct a violation or institute a remedial action as ordered by the Code Enforcement Officer or who violates a provision or fails to comply with any requirements of this Code or of the other applicable provisions of the Township Code shall be subject upon summary conviction, for each violation, to a fine of not less than Twenty-five Dollars (\$25.00) nor more than Six Hundred Dollars (\$600.00) plus costs of prosecution; and in default of payment of such fine and cost to imprisonment not exceeding thirty (30) days. Each day's failure to comply herewith shall constitute a separate offense.

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

ENACTED AND ORDAINED by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania, this 25th day of June, 2002, A.D.

BOARD OF SUPERVISORS
EAST NORRITON TOWNSHIP



By: Lewis K McQuinn
Lewis K. McQuinn, Chairman

Donald Gracia
Donald Gracia, Vice Chairman

F Bud Denner
F. Bud Denner, Supervisor

Attest: Helmuth J. H. Baerwald
Helmuth J. H. Baerwald
Secretary