

ORDINANCE NO. 520

**EAST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING THE CODE OF EAST NORRITON TOWNSHIP,
SPECIFICALLY CHAPTER 73, CONTRACTOR REGISTRATION**

**BY THE BOARD OF SUPERVISORS OF EAST NORRITON TOWNSHIP, MONTGOMERY
COUNTY, PENNSYLVANIA UNDER AND BY VIRTUE OF AUTHORITY GRANTED BY THE
SECOND CLASS TOWNSHIP CODE DOES HEREBY ENACT AND ORDAIN:**

SECTION 1.

The Code of East Norriton Township, Chapter 73, Contractor Registration is hereby amended and replaced in its entirety with the following:

Chapter 73 – Contractor Registration

§ 73-1. Word usage and definitions.

The following words and phrases as used in this chapter 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.

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

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.

PERSON – Any individual, partnership, limited partnership, association, corporation, trust, limited liability company or other legally recognizable entity.

REGISTRATION YEAR – Starting the first day of the month following the date of adoption of this chapter ending December 31 of that year for the first year and beginning January 1 and running for 12 months and ending December 31 of the same calendar year thereafter.

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 provisions of this chapter.

§ 73-3. Authorization to perform certain work.

Registration by a contractor pursuant to this chapter 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; expiration.

- A. 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, prior to commencing business in such registration year, 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 the chapter, and each applicant must present satisfactory proof of insurance. Each application for registration shall be signed by an 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 card.
- D. All contractors' registration shall expire at midnight on December 31 of each calendar year unless the registration is revoked or suspended prior thereto under the terms of this chapter.

§ 73-5. Exceptions.

- A. The provisions of this chapter 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 chapter.
- B. No contractor registration shall be required of any person who performs labor or services for a contractor for wage or salary.
- C. No contractor registration shall be required for homeowners performing work on the homeowner's primary residence.
- D. No contractor registration shall be required for maintenance men, housekeeping, handymen, and the like 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.

- E. No contractor registration shall be required for contractors who are required to register in accordance with the Pennsylvania Home Improvement Consumer Protection Act (73 P.S. §§517.1-517.19).

§73-6. Insurance requirements.

- A. No contractor registration shall be issued unless the applicant files a certificate of insurance with the Code Enforcement Officer at the time of registration application. The certificate of insurance shall contain a provision that the coverages afforded under the policy will not be canceled unless at least 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 \$50,000. 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 operations.
- 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 chapter.

§73-7. Fees.

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

§73-8. Contents of application.

The application for contractor registration shall be 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:

- A. The names of owners, partners, directors, members, and officers of the applicant and the business address and trade names of applicant.
- B. 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 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.

§73-9. Notification of changes.

Each registered contractor shall, within 10 days after a change in ownership, directors, officers, members, management, address, phone number 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 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. Refusal to issue permits.

No permit shall be issued to any contractor until such time that the contractor has obtained a contractors' registration. Furthermore, no permit shall be issued to any contractor who is required to register in accordance with the Pennsylvania Home Improvement Consumer Protection Act (73 P.S. §§517.1-517.19) until such time that the contractor demonstrates that the contractor is registered in accordance with said Act.

§ 73-12. Revocation of registration.

The Code Enforcement Officer is authorized revoke any registration issued under the provisions of this chapter 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 chapter.
- C. If the registered contractor violates any of the terms or provisions of the Pennsylvania Uniform Construction Code, as amended, or its successor or any terms or provisions of this chapter.
- 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 chapter and who is not registered as required by this chapter.
- 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 Code Enforcement Officer or his authorized representative under the authority of this chapter or any other Township Code.

§ 73-13. 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 chapter or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this chapter do not fully apply, or an agreed party for revision or revocation of registration, refusal to issue or renew registration.

§ 73-14. Board decision.

The Board of Appeals shall render its decision by way of resolution. Copies shall be furnished to the appellant 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.

§ 73-15. 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.

§ 73-16. Severability.

The provisions of this chapter 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 chapter. It is hereby declared to be the intent of the Board that this chapter would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

§ 73-17. When effective.

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

§ 73-18. 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 \$50 nor more than \$600 plus costs of prosecution; and in default of payment of such fine and cost to imprisonment not exceeding 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 chapter.

SECTION 2. Severability.

In the event that any section, sentence, clause, phrase or word of this ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this ordinance.

SECTION 3. Repealer.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION 4. Effective Date.

This ordinance shall become effective five days after its adoption by the East Norriton Township Board of Supervisors.

ORDAINED and **ENACTED** by the Board of Supervisors of East Norriton Township this 25th day of August, 2009.

BOARD OF SUPERVISORS
EAST NORRITON TOWNSHIP

Lewis K. McJannet
Chairman

ATTEST:

Deed D. Olt

Secretary

