

**TOWNSHIP OF UPPER NAZARETH
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 102

AN ORDINANCE

PROVIDING FOR THE ISSUANCE OF LICENSES FOR CONTRACTORS AND SUBCONTRACTORS WITHIN THE TOWNSHIP OF UPPER NAZARETH, EXEMPTIONS FROM LICENSING REQUIREMENTS, APPLICATION REQUIREMENTS, LICENSE CONDITIONS, RENEWALS, GROUNDS FOR SUSPENSION OR REVOCATION OF LICENSE, FEES, AND PENALTIES FOR VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED, and it is hereby ordained and enacted by the authority of Upper Nazareth Township, through its Supervisors, under the Act of Assembly of July 13, 1987, P.L. 330, No. 60, Section 1, and as set forth in 53 P.S. Section 65762, as follows:

SECTION 1: LICENSING. It shall be unlawful for any person, firm, corporation or other entity to engage in the business of Contractor or Subcontractor within the Township without first having obtained a license therefor as provided in this Ordinance. Types of businesses subject to the licensing requirement shall include, but not be limited to, the following: excavator, foundation and footer concrete work, framer, plumber, electrician, heating ventilation and air-conditioning, insulator, drywall, concrete (flat work), siding, gutter, trim, kitchen, well driller, septic installer, hardwood flooring, tile, carpet, mirrors and shower doors, closet installer, roofer, landscaping and seeding, blacktop, alarm system, painter, cleaning service, garage doors, and general contractor employing or contracting any of the above.

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.

SECTION 3: APPLICATION FOR LICENSES. Applications for licenses under this Ordinance shall be made to the Zoning Officer for the Township of Upper Nazareth in writing, on such printed forms as shall be prescribed and prepared by the Township from time to time. The application shall be signed by the applicant and shall contain the following, in addition to any other pertinent information to which the Township 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 Township Solicitor, and executed by the applicant, evidencing that the applicant indemnifies and holds the Township, 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. Payment of fees required by this Ordinance.
5. Proof of insurance required herein.

SECTION 4: ISSUANCE OF LICENSES. Upon receipt of the application and the fee, the Township Zoning Officer shall issue the license to the applicant, which license shall expire on December 31st of the year of issuance.

SECTION 5: LICENSE CONDITIONS.

1. 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.
2. No license shall be transferable.
3. The licensee shall at all times maintain adequate general liability insurance coverage in the amount of not less than \$100,000 per person and \$300,000 per accident.
4. The licensee shall at all times maintain adequate workers compensation insurance coverage for all employees.

SECTION 6: RENEWALS.

1. 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.
2. 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 Township, be subject to the application and fee requirements herein provided for new applicants.
3. If a license has expired, the licensee may renew the license upon payment of the current year's license fee and the proceeding year's license fee, assuming that all other requirements have been met.

SECTION 7: MISREPRESENTATION; FALSE STATEMENTS.

1. 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.
2. 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:

1. Fraud or misrepresentation in obtaining a license or renewal thereof.
2. Violation of this Ordinance or any other applicable Code, Ordinance or Statute governing the work performed.
3. Filing of a voluntary or involuntary Petition in Bankruptcy.
4. Fraud or misrepresentation in obtaining or performing a contract for the performance of which a license is required under this chapter.

SECTION 9: SURRENDER OF LICENSE.

1. Upon suspension or revocation of a license, the same shall be surrendered to the Township Zoning Officer.
2. Every holder of a license, upon retiring from the business, shall notify the Township Zoning Officer of such fact and at the same time surrender the license certificate.

SECTION 10: FEES. The fee for obtaining of a license under this Ordinance shall be ONE HUNDRED AND 00/100 (\$100.00) DOLLARS. The fee for renewal of the license shall be FIFTY AND 00/100 (\$50.00) DOLLARS. The fees for the issuance of a license and the renewals thereof may be amended from time to time by resolution of the Board of Supervisors of the Township of Upper Nazareth.

SECTION 11: It shall be the responsibility of the general contractor or homeowner engaging any of the persons, firms, corporations or other entities engaging in the businesses as set forth in Section 1 to ensure that all contractors or subcontractors employed or subcontracted by them shall be licensed pursuant to the provisions of this Ordinance. It shall be unlawful for any person, firm, corporation or entity to contract or employ a business not licensed pursuant to the provisions of this Ordinance.

SECTION 12: All contractors must display their licenses at the job site.

SECTION 13: Each general contractor shall provide to the Township a list of all subcontractors who will be performing work for or are employed by the general contractor.

SECTION 14: DISCLAIMER. The issuance of a license by the Township shall not be construed in any event as a statement or certification by the Township that the licensee is qualified to undertake the work for which the license is issued. In no event shall the Township be held liable, jointly or severally, for the issuance of a license in accordance with this Ordinance.

SECTION 15: VIOLATIONS AND PENALTIES. Any person, firm, corporation or other entity violating any of the provisions of this Ordinance shall

be ordered to pay a Civil Penalty of not more than THREE HUNDRED AND 00/100 (\$300.00) DOLLARS plus costs of the proceedings.

SECTION 16: EFFECTIVE DATE. This Ordinance shall become effective January 1, 2005.

ORDAINED AND ENACTED by the Board of Supervisors of the Township of Upper Nazareth, County of Northampton, and Commonwealth of Pennsylvania this 1st day of September, 2004.

**BOARD OF SUPERVISORS OF
UPPER NAZARETH TOWNSHIP**

ATTEST:

Dawn Sadimas
DAWN SADIMAS, Secretary

BY: *Carol Keller*
CAROL KELLER, Chairman