

ORDINANCE NO.

AN ORDINANCE OF THE TOWNSHIP OF WEST MAHANAY, COUNTY OF SCHUYLKILL, COMMONWEALTH OF PENNSYLVANIA, REQUIRING REGISTRATION AND LICENSING OF ALL INDIVIDUALS AND ENTITIES ENGAGED IN CONTRACTING AND/OR BUILDING TRADE WORK WITHIN THE TOWNSHIP OF WEST MAHANAY PROVIDING FOR SETTING OF ANNUAL FEE FOR LICENSING; AND PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Township of West Mahanoy, County of Schuylkill, Commonwealth of Pennsylvania as follows:

WHEREAS, the Township of West Mahanoy, has existing building permit and zoning ordinances regulating construction of improvements and development of land within the boundaries of the Township of West Mahanoy; and

WHEREAS, it has become increasingly difficult to maintain supervision and control over the compliance with the Ordinances of the Township of West Mahanoy regulating construction of improvements and land development; and

WHEREAS, it is in the best interest of the Township and its citizens that the Township provide for the registration and licensing of those individuals and entities engaged in construction work and/or building trade and other trades within the Township limits.

NOW, THEREFORE, it shall be ordained as follows:

ARTICLE 1 - Definitions: "License" and "Permit" as used in this Ordinance shall be defined as the right or privilege incident to the conduct of a business or business activity, which right or privilege is granted by the Township as distinguished from such right or privilege as the business or business activity might have secured from any governmental agency, either federal or state. "Person" shall mean any natural person, association, partnership, firm or

corporation.

ARTICLE 2 - LICENSE ISSUANCE AND ENFORCEMENT: The power and authority to issue any license or permit required by this Ordinance or any other Ordinance by the Township of West Mahanoy is hereby vested in the Office of the Township Secretary subject, however, to the provisions that in all instances the money due the Township shall be paid to the Township Treasurer.

The Township Secretary is hereby directed and authorized to direct the issuance of licenses and permits following the receipt of applications thereof and subject to the application of such procedure as may be prescribed by the various provisions of this Ordinance and other Ordinances of the Township of West Mahanoy.

Furthermore, enforcement of this Ordinance shall be vested with the Township Police Department with the assistance from the Township Department Code Enforcement.

Article 3 - APPLICATIONS/WHEN FEES DUE AND PAYABLE: All persons engaged in or conducting any business, trade, occupation or activity set forth herein, which includes contractors, subcontractors, individuals and legal entities engaged in contracting work and/or building trade work and which include, but are not limited to, general contractors; plumbing contractors; heating ventilating and air-conditioning contractors; electrical contractors; masonry contractors; excavation contractors; street and sewer contractors; painting contractors; tree trimming contractors; demolition contractors; and landscaping contractors, shall, on or before the 15th day of January each year make application for a license or permit by applying, in writing, to the Township Secretary on forms provided for such purpose and shall, as a required incident in connection with the filing of such application, make payment of the license or permit fee prescribed in Article 4 to the Township Treasurer. Upon receipt of such

payment to the Township Treasurer, a note of such payment shall be designated upon the application and in the records of the Township of West Mahanoy. Such fees for the license or permit shall be paid on an annual basis each year provided, however, that if any application shall be filed after June 15th of any year, then the amount of the license or permit fee shall be paid and applied to such license or permit for the remaining portion of the year and shall be one-half (1/2) of the amount enumerated in Article 4.

ARTICLE 4 - FEE SCHEDULE: Every person engaged in or conducting any business, trade, occupation or activity mentioned herein, which include contractors, subcontractors, individuals and legal entities engaged in contracting work and/or building trade work, which include but are not limited to, general contractors; plumbing contractors; heating; ventilating and air-conditioning contractors; electrical contractors; masonry contractors; excavation contractors; street and sewer contractors; painting contractors; tree trimming contractors; demolition contractors; and landscaping contractors, shall pay a license or permit fee in the amount specified in this section. Unless otherwise provided, the fees prescribed in this section shall be paid on an annual basis. The fees set forth herein can be revised from time to time by Township Council pursuant to Resolution.

(A) Building Contractors: \$100.00

(The above fee shall apply to any person engaged in building, construction, repairs and/or remodeling and operating as a general contractor, subcontractor or specialty contractor within the Township of West Mahanoy.

(B) Electrical Contractors: \$100.00

(The above shall apply to any person engaged in electrical work, whether as a general contractor, subcontractor or master electrician.)

○ **Plumbing and Related Trades: \$100.00**

(The above fee shall apply to any person engaged in plumbing and related trades such as journeyman, steam fitter, air-conditioning mechanics and refrigeration mechanics.)

(D) **Excavation Contractors: \$100.00**

(E) **Miscellaneous Contractors (which include but are not limited to contractors engaged in painting, tree trimming, demolition, and landscaping): \$100.00**

ARTICLE 5 - LICENSE CERTIFICATE OR PERMIT SIGNED: Upon the grant of a license or permit to an applicant, the Township Secretary shall issue to such applicant a Certificate of Licenses or Permit signed in such a manner as shall be determined and provided by the Township of West Mahanoy. Such Certificate of License or Permit signed shall be issued in duplicate and the original thereof shall be maintained by the applicant upon the premises or within the property, vehicle or person made the subject of the license or permit and shall be open to public view and subject to inspection by the proper officers of the Township of West Mahanoy, including but not limited to the Township Department of code enforcement.

ARTICLE 6 - APPLICANT'S INSURANCE: Any person who shall apply to the Township for a license or permit to exercise any trade, occupation or business of any nature whatsoever engaged in construction work and/or building trade work or as other wise specified in Article 3 and 4 hereof within the Township limits shall be required, as a condition precedent to the issuance of such license or permit, to maintain insurance, both liability and workers' compensation, and a copy of said proof of insurance shall be provided to and maintained by the Township along with the application for such license or permit. Such liability protection and indemnity shall extend to any person who may be affected by the operation of the

said person/contractor, including the vehicles utilized by said person/contractor in connection with the business authorized by such license or permit. Each such applicant shall obtain public liability insurance coverage in such form and issued by such insurance company as shall be satisfactory to the Township: bodily injury, including death and personal injury, in an amount not less than Five Hundred Thousand (\$500,000.00) Dollars per person and in an amount not less than One Million (\$1,000,000.00) Dollars for all persons arising out of each occurrence; damage to or loss or destruction of property, including loss of use thereof in an amount not less than Five Hundred Thousand (\$500,000.00) Dollars for each occurrence and not less than One Million (\$1,000,000.00) Dollars in the aggregate.

The insurance required by this section shall cover liability for damages of any nature or character whatsoever sustained or suffered by the borough or any person by reason of the applicant's operation of business used in connection with such license or permit.

The insurance coverage required by this section shall extend during the term of any license or permit issued by the Township. If such insurance coverage expires or is canceled during the term of the license or permit, the licensee or permittee shall renew or replace such insurance prior to such expiration and furnish to the Township Secretary a certified copy of the renewal or new policy or proof thereof. If the licensee or permittee fails in this respect, the license or permit issued to him/her shall be immediately revoked and canceled.

ARTICLE 7 - DUTY TO MAKE APPLICATION AND PAY FEES WITHOUT

NOTICE: It shall be the duty and obligation of all persons, owners and/or operators of businesses or business activities mentioned in Article 3 and 4 to make application to the Township Secretary and to pay the license or permit fees provided in Article 4 within the time therein provided for such payment without the necessary or requirement of any form of

notice and allegation of no notice or knowledge of this section shall not be accepted as a defense in the prosecution for any violation of this section.

ARTICLE 8 - RECORDS TO BE KEPT: The Township Secretary shall maintain records containing the names and addresses of all applicants for licenses or permits, the character of the licenses or permits for which an application is made, the date upon which such application is granted, the date upon which the license or permit fees are paid.

ARTICLE 9 - LICENSE FEES FOR RESIDENTIAL OWNERS/OCCUPANTS:

Any owner/occupant who performs his own work on his/her own premises in which he/she lives shall not be required to obtain a license or permit or to pay the license fee.

ARTICLE 10 - VIOLATION: The penalty for violation and/or failure to comply with the requirements of this Ordinance shall be a fine of Three Hundred (\$300.00) Dollars, plus cost of prosecution. Each day that any violation of this Ordinance continues shall constitute a separate offense.

ARTICLE 11 - ENFORCEMENT: This Ordinance shall be enforced by the West Mahanoy Township Police Department with the assistance from the West Mahanoy Township Department of Code Enforcement.

ARTICLE 12 - SEVERABILITY: Any Ordinance or part of an Ordinance conflicting with this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

ARTICLE 13 - EFFECTIVE DATE: This Ordinance shall take effect on the 1st day of January, 1999.

Enacted and ordained at a regular meeting of the Township Supervisors of the Township of West Mahanoy, this 24th day of November, 1998.

West Mahanoy Township

By:



Theodore Burick, Supervisor



Regina Kurtz, Supervisor



William O'Donnell, Chairman

Approved this 24th day of November, 1998.

**WEST MAHANAY TOWNSHIP
CONTRACTOR'S REGISTRATION APPLICATION**

A.

NAME OF APPLICANT: _____

FEDERAL OR STATE EMPLOYER IDENTIFICATION #: _____

ADDRESS: _____

PHONE #: _____ CONTACT: _____

TYPE OF CONTRACTOR: building contractor _____ electrical contractor _____
plumbing & related trades _____ excavation contractor _____ misc. contractor _____

B.

INSURANCE

WORKER'S COMPENSATION INSURER: _____

POLICY #: _____ EXPIRATION DATE: _____

LIABILITY POLICY INSURER: _____

POLICY #: _____ EXPIRATION DATE: _____

_____ (please attached copies of insurance policies)

C.

EXEMPTION

Complete section C only if applicant is a contractor claiming exemption from providing workers' compensation insurance.

THE UNDERSIGNED SWEARS OR AFFIRMS THAT HE/SHE IS NOT REQUIRED TO PROVIDE WORKERS' COMPENSATION INSURANCE UNDER THE PROVISIONS OF PENNSYLVANIA WORKERS' COMPENSATION LAW FOR ONE OF THE FOLLOWING REASONS, AS INDICATED:

_____ CONTRACTOR WITH NO EMPLOYEES.

_____ RELIGIOUS EXEMPTION UNDER THE WORKERS' COMPENSATION LAW.

SIGNATURE: _____ DATE: _____

**WEST MAHANAY TOWNSHIP
CONTRACTOR'S REGISTRATION APPLICATION**

A. _____
NAME OF APPLICANT: _____
FEDERAL OR STATE EMPLOYER IDENTIFICATION #: _____
ADDRESS: _____

PHONE #: _____ CONTACT: _____
TYPE OF CONTRACTOR: building contractor _____ electrical contractor _____
plumbing & related trades _____ excavation contractor _____ misc. contractor _____

B. _____
INSURANCE
WORKER'S COMPENSATION INSURER: _____
POLICY #: _____ EXPIRATION DATE: _____
LIABILITY POLICY INSURER: _____
POLICY #: _____ EXPIRATION DATE: _____

C. _____
(please attached copies of insurance policies)

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- _____ CONTRACTOR WITH NO EMPLOYEES.
- _____ RELIGIOUS EXEMPTION UNDER THE WORKERS' COMPENSATION LAW.

SIGNATURE: _____ **DATE:** _____