

## **ORDINANCE NO. 94-02-01**

AN ORDINANCE OF THE BOROUGH OF LANGHORNE MANOR REQUIRING THE LICENSING OF ANY PERSON WHO UNDERTAKES OR OFFERS TO PERFORM CONSTRUCTION, REPAIR, RE-ROOFING, REMODELING, REHABILITATION, DEMOLITION, PAVING, PLUMBING, ELECTRICAL AND ANY OTHER RESIDENTIAL OR NON-RESIDENTIAL CONSTRUCTION OR DEMOLITION WORK IN THE BOROUGH; PROVIDING FOR CERTAIN EXCEPTIONS AND EXEMPTIONS, PROVIDING FOR APPLICATIONS FOR LICENSES AND RENEWAL LICENSES REQUIRING INSURANCE FOR CONTRACTORS, ESTABLISHING LICENSE FEES; REQUIRING NOTIFICATION OF CHANGE IN OWNERSHIP, MANAGEMENT, LOCATION OR THE TRADE NAME OF LICENSEES, ESTABLISHING LICENSING REQUIREMENTS; PROVIDING FOR THE REVOCATION OF LICENSES AND STANDARDS FOR REVOCATION; PROHIBITING CERTAIN ACTS AND PRESCRIBING PENALTIES FOR THE VIOLATION OF SAID ORDINANCE.

BE IT ORDAINED AND ENACTED and it is hereby ORDAINED and ENACTED, by the Council of the Borough of Langhorne Manor as follows:

### **ARTICLE I - TITLE**

#### Section 1.01.

This Ordinance shall be known and may be called the Borough Contractor Licensing Ordinance.

### **ARTICLE II - DEFINITIONS**

#### Section 2.01.

The meaning of the terms used in this Ordinance shall, unless the context specifically and clearly indicates otherwise, be as follows:

(a) "The Borough" shall mean the Borough of Langhorne Manor, Bucks County, Pennsylvania, a political subdivision acting by and through its Borough Council or in appropriate cases by and through its building inspector or other duly authorized representatives.

(b) "Contract" shall mean an agreement, whether oral or written and whether contained in one (1) 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.

(c) "Contractor" shall mean any person, other than a bona fide employee of the contractor, who undertakes or offers to perform construction, repair, roofing, re-roofing, remodeling, rehabilitation, demolition, paving, electrical and any other residential or non-residential construction or demolition work in the Borough whether as general contractor, subcontractor, or home improvement contractor.

(d) "License Year" shall mean the twelve (12) month period beginning on the first day of January of each year and ending on the last day of December of each year.

(e) "Owner" shall mean any property owner, manager, agent 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, donation, or otherwise.

(f) "Person" shall mean any individual, sole proprietorship, firm, partnership association, corporation or other organization in the singular or plural, masculine, feminine or neuter thereof unless a contrary intent is clearly expressed.

(g) "Property" shall mean the lot or parcel of land containing a building and structures thereon erected and appurtenant improvements.

### **ARTICLE III - ORDINANCE COMPLIANCE**

#### Section 3.01.

No person shall act as a contractor in the Borough except in compliance with the provisions of this Ordinance. Any person, including an owner, who willfully aids a contractor or participates with a contractor in violating any provisions of this Ordinance is in violation of this Ordinance and shall be subject to the penalties for the violation of this Ordinance.

#### Section 3.02.

The provisions of this Ordinance may not be waived.

#### **ARTICLE IV - EFFECT OF LICENSE**

##### **Section 4.01.**

A license issued pursuant to this Ordinance shall not be deemed or construed to authorize the licensee to perform any particular type of work or type of business which is reserved to qualified licensees under other provisions of state or local law.

#### **ARTICLE V - LICENSE REQUIRED; APPLICATION; ISSUANCE & RENEWAL**

##### **Section 5.01.**

Every person desiring to continue to engage in or hereafter to begin to engage in the business of acting as a contractor in the Borough shall for the license year beginning January 1, 1994 and each license year thereafter on or before the first day of January of the license year or prior to commencing business in such license year, make an application for a license to act as a contractor in the Borough.

##### **Section 5.02.**

Application shall be made by the completion of an application furnished by the building inspector and the payment of the prescribed license fee. Each application must contain the information required hereinafter by this Ordinance and each applicant must present satisfactory proof of insurance. Each application for a license shall be signed by the applicant if a natural person, and the case of an association or a partnership by a member or partner thereof and in the case of a corporation by an officer of said corporation.

##### **Section 5.03.**

Each successful applicant shall be issued a license which license may be in the form of a wallet-sized card and the form of a vehicle bumper sticker. Every licensed contractor, while actually acting as a contractor in the Borough shall carry said license card with him and shall display it to the building inspector or his authorized representative upon request. Every licensed

contractor shall at all times display his bumper sticker license on the rear bumper of the vehicle of the contractor.

Section 5.04.

All licenses shall expire at midnight on December 31 of each license year unless the license is revoked or suspended prior thereof under the terms of this Ordinance. A person with an unexpired license which has not been revoked or suspended during the current license year who makes application for a license for the following year shall not be required to complete an application form but rather shall submit only the required license fee and satisfactory proof of insurance and, if said contractor qualifies for the following license year said contractor will be issued a new license card and bumper sticker for the succeeding license year.

**ARTICLE VI - EXCEPTIONS AND EXEMPTIONS**

Section 6.01.

The provisions of this Ordinance shall not apply to the official transactions of any authorized representative of the United States of America, the Commonwealth of Pennsylvania or any political subdivision, municipal authority of the Commonwealth of Pennsylvania or any agency, commission or instrumentality of the aforesaid governmental bodies; provided, however, that no person engaged by any governmental body shall act as a contractor in the Borough unless such person shall first have complied with and have been licensed under the provisions of this Ordinance.

Section 6.02.

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

- (a) A person who performs labor or services for a contractor for wages or salary;
- (b) A person who is required by state or local law to attain standards of competency or experience and must obtain licensing under such other state or local 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 other state or local law.

Section 6.03.

The provisions of this Ordinance shall not be interpreted as to require licensing for small repair or other minor construction work which is not performed for compensation and which is performed by the owner and/or his family or friends on the property of owner.

**ARTICLE VII - INSURANCE**

Section 7.01.

No contractor license shall be issued unless the applicant files a certificate of insurance with the building inspector at the time of license application. The certificate of insurance shall contain a provision that coverage is afforded under the policy and shall not be canceled until at least thirty (30) days prior written notice of such cancellation has been given to the Borough. The certificate of insurance must evidence policies of insurance maintained at the expense of the contractor for comprehensive, general public liability and property damage, products liability and completed operations, each of which must have a single occurrence limit of at least One Hundred Thousand (\$100,000.00) Dollars and Workers Compensation and Employer's Statutory Liability in such amounts as then required by law. Additional insurance coverages and additional blasting and demolition liability insurance coverage shall be required by the building inspector at the time of an application for a building permit and shall be reasonably based on the nature and extent of the proposed operations of the contractor under the building or demolition permit.

Section 7.02.

The types and limits of insurance for which certificates are presented at the time of application and based upon which a license is issued shall be maintained throughout the license year or the license will be suspended or revoked as hereinafter set forth in this Ordinance. The building inspector must be advised of any change in any insurance carrier during the license year and substitute certificates shall be submitted by the contractor.

**ARTICLE VIII - LICENSE FEES**

Section 8.01.

Applicant shall at the time of application for a new license or for the renewal of a current license pay an annual license application fee of One Hundred (\$100.00) Dollars to the Borough. The amount of the application fee shall be modified from time to time pursuant to resolution of Council of the Borough. No fee or portion thereof shall be returned to a successful or unsuccessful applicant. There shall not be a prorated reduction in the license fee if application is made during the license year or the license is suspended or revoked during the license year.

## **ARTICLE IX - CONTENTS OF APPLICATION**

### Section 9.01.

The building inspector shall, within the period of thirty (30) days following the receipt of a complete and proper application, satisfactory proof of insurance and such other submittals required to be submitted by the applicant issue or refuse to issue a contractor's license to the applicant. If issuance of a license is denied the building inspector shall mail to the successful applicant a written statement setting forth the reasons for the denial within the aforesaid thirty (30) day period.

### Section 9.02.

The application for a license shall be a printed form provided to the applicant by the Borough and shall require written answers to all questions contained thereon. Failure to answer all questions on the application shall mean that the applicant is not entitled to consideration of his application until all questions have been answered. The application form shall be signed by the applicant under oath.

### Section 9.03.

The application for a contractor's license shall include but not be limited to the following:

- (a) The names of owners, partners, directors, officers and shareholders of the applicant and the business address and trade name of the applicant;
- (b) A statement as to whether or not any municipalities have refused to issue or have revoked any similar contractor's licenses of the applicant within three (3) years prior to the date of the application. In the event there has been such a denial or revocation, the applicant must

explain in writing the reasons for such denial or revocation and applicant shall execute such authorizations and consents as required by the building inspector to enable the building inspector to investigate the reasons for such denial or revocation;

(c) Listing of all jobs performed within the preceding three (3) month period, but a minimum listing of the last ten (10) jobs performed by the contractor along with a statement of the location of the jobs and the names, addresses and telephone numbers of the party or parties which contracted with the applicant for said jobs;

(d) A listing of all arrests and convictions within three (3) years prior to the date of the application of any crimes or offenses under any federal or state criminal statute or common law criminal offense or for violation of any municipal ordinance if such arrest and convictions were for crimes or offenses related to the work or contracts of the applicant as a contractor. The term "conviction" shall include summary convictions, guilty pleas and pleas of nolo contendere. If any such conviction exists, the applicant shall give in writing the caption, court and term number of the proceeding. Applicant shall also explain in writing the nature of the conviction and shall execute such authorizations and consents as reasonably required by the building inspector to investigate said arrest or conviction.

## **ARTICLE X - NOTIFICATION OF CHANGES**

### **Section 10.01.**

Every contractor and licensee shall, within ten (10) days after a change in ownership, directors, officers, shareholders, management, address or trade name notify the building inspector of such change in writing.

## **ARTICLE XI - REFUSAL TO ISSUE OR RENEWAL LICENSE**

### **Section 11.01.**

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

(a) If the applicant falsely answered any questions or questions contained on the application form or otherwise provided false or misleading information to the Borough in connection with the application;

(b) If the applicant has been convicted within three (3) years prior to the date of application for any crime or offenses under any federal or state criminal statute or common law criminal offense or for violation of any municipal ordinance if such conviction(s) were for crimes or offenses related to the work of the applicant as a contractor. The term "conviction" shall include summary convictions, guilty pleas and pleas of nolo contendere.

## **ARTICLE XII - REVOCATION OF LICENSE**

### Section 12.01.

The building inspector 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 on an application for licensing or renewal of licensing previously submitted to the building inspector or otherwise provided false or misleading information to the Borough in connection with the application for licensing or renewal of licensing;

(b) If the licensee fails to maintain during the license year the policies of insurance required under the provisions of this Ordinance;

(c) The licensee violates any of the terms or provisions of the building code of the Borough or any terms or provisions of this Ordinance;

(d) The licensee violates any condition or requirement of a building permit, sewer construction permit, highway permit or demolition permit issued by the Borough;

(e) If the licensee 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 building inspector of any such change;

(f) If the licensee does any business through a person subject to the licensing requirements of this Ordinance who is not licensed as required by this Ordinance;

(g) If the licensee conducts a contractor's business in the Borough under any name other than that under which contractor is licensed;

(h) Licensee fails to comply with an order, demand or requirement lawfully made by the Borough under the authority of this Ordinance or any other Borough Ordinance.

### **ARTICLE XIII - ADMINISTRATION**

#### Section 13.01.

The building inspector of the Borough or his authorized representatives shall administer and enforce the provisions of this Ordinance.

### **ARTICLE XIV - SEVERABILITY**

#### Section 14.01.

In the event any provision, section, or part of this Ordinance or the application of any of the provisions hereof shall be judicially determined to be invalid, such invalidity shall not effect or impair any of the remaining provisions, sections, or parts of this Ordinance. It is the intent of the Borough that such remaining provisions, sections and parts of this Ordinance shall be and shall remain in full force and effect as if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included in this Ordinance.

### **ARTICLE XV - CONFLICTING ORDINANCES**

#### Section 15.01.

Whenever the requirements of this Ordinance are in conflict with the requirements of other Ordinances of the Borough, the most restrictive and those imposing the highest standards shall govern.

### **ARTICLE XVI - ENFORCEMENT**

#### Section 16.01.

Any person required to obtain an annual license or renewal license under the provisions of this Ordinance who fails to obtain the said license or otherwise violates a provision or fails

to comply with the requirements of this Ordinance shall be subject upon summary conviction for each violation to a fine of not less than One Thousand (\$1,000.00) Dollars, plus costs of prosecution and in default of payment of such fine and cost shall be subject to imprisonment not exceeding thirty (30) days.

Section 16.02.

Each violation of any of the provisions of this Ordinance and each day that a violation shall continue shall constitute a separate offense and shall be punishable and subject to the fines set forth in Section 16.01 as a separate offense.

Section 16.03.

Fines and costs imposed under the provisions of this Ordinance shall be enforceable and recoverable by the Borough in the manner provided under then applicable law.

Section 16.04.

The imposition of the penalties herein prescribed shall not preclude the Borough from initiating appropriate actions or proceedings at law or in equity to effect the purposes of this Ordinance or to enjoin violations of provisions of this Ordinance.

**ARTICLE XVII - DECLARATION OF PURPOSE**

Section 17.01.

It is necessary in order to promote the public health, safety, morals and the general welfare of the residents of the Borough that contractors performing work within the Borough be responsible and qualified persons and be subject to the licensing requirements of this Ordinance.

**ARTICLE XVIII - REPEALER**

Section 18.01.

All Ordinances or parts of Ordinances inconsistent with this Ordinance shall be and the same are hereby expressly repealed.

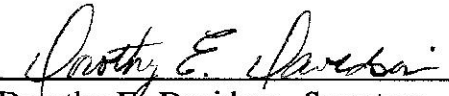
**ARTICLE XIX - EFFECTIVE DATE**

Section 19.01.


This Ordinance shall be effective immediately upon adoption.

ORDAINED and ENACTED this 1<sup>st</sup> day of February, 1994.

ATTEST:

  
Dorothy E. Davidson, Secretary

**COUNCIL FOR THE BOROUGH OF  
LANGHORNE MANOR**

By:   
Francis J. Farmer, President

Approved this 1<sup>st</sup> day of February, 1994.

  
Gerald Seader, Mayor