

**AN ORDINANCE OF THE BOROUGH OF WEST PITTSTON  
AMENDING SECTIONS 58-2 AND 58-5 OF THE CODE OF  
WEST PITTSTON BOROUGH FURTHER DEFINING THE  
TERM CONTRACTOR AND INCREASING THE  
CONTRACTOR REGISTRATION FEES**

The Council of the Borough of West Pittston enacts and ordains as follows:

It is the intention of this Ordinance to amend certain presently existing sections of the Code of the Borough of West Pittston and any applicable ordinances or resolutions only to the extent of the provisions hereinafter set forth in order to change certain fees and to further define the term "contractor":

**ARTICLE I            DEFINITIONS**

Section 58-2 of the Code of West Pittston Borough shall be amended to define further the term of contractor as follows:

**CONTRACTOR**- Any person, other than a bona fide employee of the owner, who undertakes or offers to perform construction, repair, reroofing, remodeling, rehabilitation, demolition, paving and any other residential or nonresidential improvements, construction or demolition work in the borough, whether as a general contractor, subcontractor, specialty contractor or home improvement contractor with respect to the owner. Further, the term, contractor, is the person or entity, as hereinafter defined, who or which has taken or will take the primary responsibility for the undertaking to be performed in the Borough.

**ARTICLE II            CONTRACTOR REGISTRATION FEES**

Section 58-5 of the Code of the Borough of West Pittston shall be amended to read as follows:

At the time for application of a new registration or for the renewal of a current registration, the contractor shall pay the municipality a registration fee of \$150.00.

**ARTICLE III            REPEALER**

All Ordinances, Code Sections or Resolutions, or parts of Ordinances, Code Sections, or Resolutions inconsistent with this Ordinance be and the same are hereby repealed. Except as otherwise provided herein the said Ordinances, Code Sections, Resolutions referred to herein as being amended shall remain in full force and effect.

**ARTICLE IV      EFFECTIVE DATE**

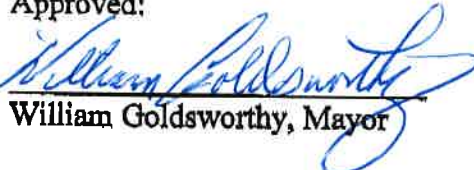
This Ordinance shall be effective retroactively to January 1, 2007 or the earliest date subsequent to January 1, 2007 permitted by law.

Passed at the regular meeting of West Pittston Borough Council on this 2<sup>ND</sup> day of January, 2007.

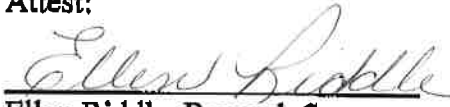
  
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Brian Thornton, President

  
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Peter Musinski, Vice-President

Approved:

  
\_\_\_\_\_  
William Goldsworthy, Mayor

Attest:

  
\_\_\_\_\_  
Ellen Riddle, Borough Secretary

## Chapter 58 CONTRACTORS

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| <p>§ 58-1. Registration required.</p> <p>§ 58-2. Definitions.</p> <p>§ 58-3. Registration application; display; renewal.</p> <p>§ 58-4. Exceptions.</p> | <p>§ 58-5. Fees.</p> <p>§ 58-6. Revocation of registration; disclaimer of liability.</p> <p>§ 58-7. Violations and penalties.</p> |
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**[HISTORY: Adopted by the Borough Council of the Borough of West Pittston 3-2-1993 as Ord. No. 486. Amendments noted where applicable.]**

### GENERAL REFERENCES

**Building construction — See Ch. 50.**

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#### **§ 58-1. Registration required.**

- A. From the effective date of this chapter, no contractor shall begin any work in the Borough of West Pittston or otherwise act as a contractor in the borough without first registering with the municipality and paying the applicable fees and receiving a certificate of registration.

#### **§ 58-2. Definitions.**

- A. Application of terms. The terms defined shall be used to interpret all the applicable provisions of this chapter.
- B. Meaning. Unless otherwise expressly stated, the following terms shall for the purpose of this chapter, have the meanings indicated in this section:
- C. Terms not defined. When terms are not defined they shall have their ordinary accepted meanings or such meanings as the context may imply.

**CERTIFICATE OF REGISTRATION** — That document or card issued by the municipality which indicates that a contractor has complied with the requirements of this chapter and registered with the Borough of West Pittston.

**CONTRACTOR** — Any person, other than a bona fide employee of the owner, who undertakes or offers to perform construction, repair, reroofing, remodeling, rehabilitation, demolition, paving and any other residential or nonresidential construction or demolition work in the borough, whether as a general contractor, subcontractor, specialty contractor or home improvement contractor with respect to the owner.

**MUNICIPALITY** — The Borough of West Pittston, Luzerne County, Pennsylvania.

**PERSON** — Any individual, partnership, limited partnership, firm, corporation, association, trust or other legally recognized entity.

**REGISTRATION YEAR** — The twelve-month period beginning the first day of January of each year.

**§ 58-3. Registration application; display; renewal.**

- A. For the registration year beginning January 1, 1993, and for 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 municipality shall, on or before the first day of January of the registration year or prior to commencing business in such registration year, make application for a registration to act as a contractor in the municipality. Such application shall be made by the contractor to the municipality and accompanied by the payment of a registration fee as hereinafter set forth in this chapter. Each application for registration must be signed by the 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 authorized officer thereof.
- B. Every registered contractor, while actually acting as a contractor in the municipality, shall carry said registration with him and shall display it upon demand to do so.
- C. All contractors' registration shall expire at 12:00 midnight on December 31 of each registration year unless the registration is revoked or suspended prior thereto under the terms of this chapter. A person with an unexpired registration which has not been revoked or suspended during the current registration year, who makes application for registration for the following registration year, need not complete an application form if the information supplied on the previous year's registration application is the same but must only submit the required registration fee; and if he qualifies for registration and renewal under the terms of this chapter, his registration shall be renewed for the following registration year, and he will be issued a new registration for the following registration year. Any contractor carrying on the business of a contractor in the borough must secure a registration under the terms of this chapter for each registration year during which he carries on such business.

**§ 58-4. Exceptions.**

No contractor's registration shall be required by any person who performs labor or services for a contractor for wages or salary.

**§ 58-5. Fees.**

At the time of application for a new registration or for the renewal of a current registration, the applicant shall pay to the municipality a registration fee, as set forth in the municipality's

schedule of fees, as adopted and amended from time to time by the West Pittston Borough Council.<sup>1</sup>

**§ 58-6. Revocation of registration; disclaimer of liability.**

- A. The municipality may revoke any registration issued under the provisions of this chapter under the following circumstances:
- (1) If the contractor falsely answered any question or questions contained on an application for registration or renewal of registration previously submitted.
  - (2) If the contractor violates any of the terms or provisions of this chapter.
  - (3) If the contractor violates any condition or requirement of a building permit, sewer construction permit or highway permit issued by the borough.
  - (4) If the contractor fails to comply with an order, demand or requirement lawfully made by the municipality under the authority of this chapter or any other borough ordinance.
- B. The Borough of West Pittston, by virtue of granting a registration to any contractor, does not warrant or make any representation regarding the quality of any of the workmanship performed by said contractor or as to the character, reputation or ability of any contractor. The borough does not assume any liability for the quality of any contractor's workmanship or lack thereof. Furthermore, the borough will not be held liable for any failure on its part to investigate any of the facts that may be falsely stated in any application presented by any contractor receiving a registration by the borough. The contractor will indemnify and save harmless the municipality and its officials, officers, servants and employees from any and all damages caused by any negligence in his work.

**§ 58-7. Violations and penalties.<sup>2</sup>**

In addition to refusal or revocation of a registration as provided under this chapter, any person as defined in this chapter or any officer, agency, servant or employee thereof who shall fail, neglect or refuse to comply with any of the terms or provisions of this chapter shall, upon conviction thereof before a District Justice, be sentenced to pay a fine or penalty of not exceeding six hundred dollars (\$600.) and costs of prosecution for each offense, to be collected as like fines or penalties and costs are now by law collectible or, in default of payment of such fine and costs, shall be imprisoned for not more than thirty (30) days. The fine or penalty imposed by this section shall be in addition to any other penalty imposed by this chapter or authorized by law. Each day's failure to comply with any such provision or requirement of this chapter or any order shall constitute a separate offense.

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<sup>1</sup> Editor's Note: The schedule of fees is on file in the borough offices.

<sup>2</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.