

ORDINANCE 2009-12

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING, MODIFYING AND CHANGING THE CODE OF THE TOWNSHIP OF LOWER ALLEN, 1997, BY DELETING CHAPTER 80, CONTRACTORS, REGISTRATION OF, IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 80 CONTRACTORS, VERIFICATION OF WORKERS' COMPENSATION INSURANCE WITH APPLICABLE VERIFICATION APPLICATION, ADMINISTRATION AND VIOLATION AND PENALTIES.

BE IT ENACTED AND ORDAINED by the Board of Commissioners ("Board") of Lower Allen Township ("Township") Cumberland County, Pennsylvania, and it is hereby enacted and ordained by the same as follows:

SECTION I

Chapter 80 "Contractors, Registration of," the Code of the Township of Lower Allen, 1997 shall be deleted in its entirety and replaced with the following new Chapter 80 Contractors, Verification of Workers' Compensation Insurance.

80-1. Title

This chapter shall be known and may be cited as the "Lower Allen Township Contractors' Workers' Compensation Insurance Verification Ordinance."

80-2. Definitions; word usage.

- A. The following words, terms and phrases as used in this chapter shall have the meanings given herein except where the context in which the work or phrase is used clearly indicates otherwise. When not inconsistent with the context, words used in the singular include the plural, words used in the plural include the singular, and words used in the present tense include the future. The word "shall" is mandatory.
- B. As used in this chapter, the following terms shall have the meanings indicated:

CONSTRUCTION CONTRACT—An agreement, whether oral or written, to perform work on real property located in whole or in part in this township.

CONTRACTOR—A person authorized or engaged by an owner to improve real property or is responsible for all means, methods, techniques, sequences and procedures and for coordinating all or any portions of the improvement of real property, pursuant to a building permit authorized by the Pennsylvania Construction Code as administered by Lower Allen Township.

IMPROVE—To erect, construct, reconstruct, design, effect, alter, provide professional or skilled services, repair, remodel or demolish any improvement upon, connected with, in or beneath the surface of any real property, to excavate, clear, grade, fill or landscape any real property, to construct driveways and private roadways, curbs and sidewalks, to furnish materials, including trees and shrubbery for any of these purposes, or to perform any labor, services or work upon improvements, pursuant to a building permit authorized by the Pennsylvania Construction Code as administered by Lower Allen Township.

IMPROVEMENT—Includes:

- A. All or any part of a building or structure.

- B. The erection, construction, reconstruction, effect, alteration, repair, remodeling, demolition, excavation, clearing, grading or filling of real property.
- C. Installation, reinstallation, alteration, repair or removal of building equipment or systems, including but not limited to plumbing, heating or air conditioning.

OWNER—A person who has an interest in real property that is improved and who ordered the improvement to be made. The term includes successors in interest of the owner and agents of the owner acting with their authority.

PERSON—A corporation, partnership, business interest, other association, estate, trust, foundation or a natural person.

REAL PROPERTY—Real estate that is improved, including land, leasehold, tenements and hereditaments and improvements placed thereon.

TOWNSHIP—Lower Allen Township, Cumberland County, Pennsylvania.

TOWNSHIP MANAGER—The Manager appointed by the Board of Commissioners of the township.

80-3. Workers' Compensation Insurance Verification.

No building permit will be issued with respect to any improvements until the contractor has first verified workers' compensation insurance with the township. Verification is also required for subcontractors under the supervision of the General Contractor.

80-4. Verification application.

Application for verification shall be made, in writing, and in the form prescribed by the Board of Commissioners and shall contain the following:

- A. Name of contractor.
- B. Business address of contractor.
- C. Business telephone number of contractor.
- D. Type of work of contractor.
- E. Federal or state employer identification number.
- F. If a corporation, name, address, and business telephone number of each officer.
- G. If a partnership, name, address, and business telephone number of each partner.
- H. Proof of workers' compensation insurance or an affidavit that the contractor does not employ individuals and is not required to carry workers' compensation insurance.

80-5. Verification fee; term; renewal.

Every contractor shall pay an annual verification fee of such amount as shall be established by resolution of the Board of Commissioners from time to time. Verification is valid for only one year from January 1 to December 31 and shall be renewed each calendar year.

80-6. Administration.

This chapter shall be administered by the Township Manager or his designee who shall collect the verification fee and maintain records with respect to verification.

80-7. Violations and penalties.

- A. A stop-work order shall be issued to any contractor who violates any of the provisions of this chapter. The stop-work order shall remain in effect until the contractor has complied with the provisions of this chapter.
- B. Any person who violates any of the provisions of this chapter, upon conviction before a District Justice, shall pay a fine or have judgment entered against such person of not less than \$100 or not more than \$600 and, in default of payment of said fine, be imprisoned in the Cumberland County Prison for a period not to exceed 30 days. Each day's violation of any provision of this chapter shall constitute a separate offense.

80-8. Conflict of Laws.

Nothing in this chapter shall be construed to conflict with Act 132 of 2008, "The Home Improvement Consumer Protection Act."

SECTION II

The provisions of this Ordinance, as far as they are the same as those of ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and not as new enactments. The provisions of this Ordinance shall not affect any such suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this Ordinance.

SECTION III

The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provision shall not affect or impair any other remaining sections, clauses or sentences of the same.


SECTION IV

This Ordinance shall take effect immediately.

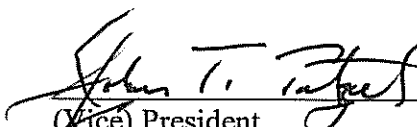
ENACTED AND ORDAINED, into an Ordinance this 29th day of June, 2009, by the Board of Commissioners of Lower Allen Township.

Attest:
(Corporate Seal)

BOARD OF COMMISSIONERS
LOWER ALLEN TOWNSHIP



(Assistant) Secretary



(Vice) President