

ORDINANCE NO. 2063

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, TO REQUIRE CONTRACTORS PERFORMING HOME IMPROVEMENT CONTRACTS TO DEMONSTRATE REGISTRATION WITH THE COMMONWEALTH OF PENNSYLVANIA PRIOR TO PERFORMING SAID CONTRACTS IN THE BOROUGH OF POTTSTOWN; PROVIDING FOR DEFINITION OF TERMS; DECLARING THE PROVISIONS OF THIS ORDINANCE TO BE SEVERABLE AND TO REPEAL ANY INCONSISTENT ORDINANCES.

BACKGROUND

A. The Burgess and Town Council of the Borough of Pottstown finds that it is in the best interest of Pottstown to amend the Code of Ordinances of the Borough of Pottstown, as amended, to include a requirement that contractors performing Home Improvement Contracts show they are registered with the Commonwealth of Pennsylvania, as provided by Act 132, prior to performing said contracts in Pottstown.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Burgess and Town Council of the Borough of Pottstown, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1. PURPOSE AND INTENT.

The purpose and intent of this ordinance is to ensure that Contractors who perform Home Improvement Contracts in the Borough of Pottstown are registered with the Commonwealth of Pennsylvania

as required by State Law, and, therefore, maintain liability insurance as required by the Commonwealth of Pennsylvania.

**SECTION 2. DEFINITIONS; REFERENCE TO STATE LAW.**

The terms "Contractor" and "Home Improvement Contract" as used in this ordinance shall have the same definition as those terms have in the Pennsylvania Home Improvement Consumer Protection Act, Act of October 17, 2008, P.L., 1645 No. 132, as amended.

**SECTION 3. REQUIREMENTS FOR CONTRACTORS PERFORMING HOME IMPROVEMENT CONTRACTS.**

All contractors who seek to perform Home Improvement Contracts in the Borough of Pottstown shall, prior to receiving a building or other permit from the Code Enforcement Office for any Home Improvement Contract in the Borough, provide proof to the Code Enforcement Office that said contractor is registered with the Commonwealth of Pennsylvania, as required by the Act of October 17, 2008, P.L. 1645, No. 132, as amended, known as the Home Improvement Consumer Protection Act. No contractor performing a Home Improvement Contract in the Borough of Pottstown shall be required to register with the Borough, obtain a license from the Borough, or pay a fee to the Borough to meet the requirements of this Ordinance.

**SECTION 4. VIOLATIONS AND PENALTIES.**

Any person, firm or corporation violating Section 2 of this Ordinance, upon conviction in a summary proceeding by a District

Justice, shall be sentenced to pay a fine to the Borough of Pottstown of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), plus costs of prosecution.

**SECTION 5.**            **SEVERABILITY.**

The provisions of this ordinance are declared to be severable. If this ordinance or any section is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this ordinance or the Code of the Borough of Pottstown, as amended.

**SECTION 6.**            **REPEALER.**

Any and all other ordinances contained in the Code of Ordinances of the Borough of Pottstown, as amended, and specifically Part 5, Borough Contracting/Licensing, of Chapter 13, License, Permits and General Business Regulations, of the Code of Ordinances of the Borough of Pottstown, as amended, to the extent preempted by Act 132, are hereby repealed to the extent of their preemption or inconsistency.

**SECTION 7.**            **EFFECTIVE DATE.**

This ordinance shall become effective immediately upon enactment.

ENACTED and ORDAINED this 13<sup>TH</sup> day of July, 2009.

BURGESS AND TOWN COUNCIL  
OF THE BOROUGH OF POTTSTOWN

BY: Mark S. [Signature]

ATTEST: Virginia L. Hakack

Approved this 13<sup>TH</sup> day of  
July, A.D., 2009.

Shawn V Thomas  
Mayor