

**BOROUGH OF LILLY  
COUNTY OF CAMBRIA  
STATE OF PENNSYLVANIA**

**ORDINANCE NO. 2005-3**

AN ORDINANCE OF THE BOROUGH OF LILLY REGULATING THE LICENSING OF CONTRACTORS AND SUBCONTRACTORS DOING BUSINESS IN THE BOROUGH OF LILLY; PROVIDING FOR REGISTRATION, FEES AND VEHICULAR IDENTIFICATION; REQUIRING COMPLIANCE WITH ALL RELEVANT CODES AND ORDINANCES; PROVIDING PENALTIES FOR VIOLATIONS AND AN APPEAL PROCEDURE AND RESERVING THE RIGHTS OF INJUNCTION AND ABATEMENT.

**SECTION 1. SHORT TITLE**

This Ordinance shall be known as the Borough of Lilly Contractor's and Subcontractor's Registration Ordinance.

**SECTION 2. INTENT AND PURPOSE**

In order to promote the public safety and the general welfare of the citizens of the Borough of Lilly by ensuring that all contractors and subcontractors doing business in the Borough of Lilly are aware of the rules and regulations governing the construction, alterations and/or repair of buildings and structures in the Borough of Lilly, including site preparation, excavation and paving, it is the intent of this Ordinance to require the yearly licensing of contractors.

**SECTION 3. DEFINITIONS**

As used in this Ordinance, the following terms shall have the meanings indicated:

A. Building - A structure having a roof supported by columns or walls for the shelter of persons, animals, chattels or property.

B. Building Permit - An official document or certificate issued by the Borough of Lilly, or its agent(s), authorizing the construction of a specific building or structure or the performance of a specific activity.

C. Contractor - Any person, partnership, corporation or any other entity engaged in the business of constructing, altering or repairing any building or structure or engaged in the transport and set up of a prefabricated structure delivered to a site in the Borough of Lilly or engaged in site preparation, excavation or paving for a fee.

D. Doing Business - Engaging in the construction, alteration or repair of any building or structure in the Borough of Lilly for which a building permit is required under the Ordinances of the Borough of Lilly or engaging in site preparation, excavation or paving in the Borough of Lilly.

E. Prefabricated - Construction materials or assembled units fabricated prior to erection or installation in a building or structure.

F. Registration Forms - The form prepared by the Council of the Borough of Lilly for obtaining information about the contractor.

G. Repeated Violations - Shall mean more than one (1) infraction of the Ordinances of the Borough of Lilly which has not been corrected after due notice has been given by the Council of the Borough of Lilly, or its agent(s).

H. Structure - Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

I. Subcontractor - A Contractor. The term shall not include an employee of a contractor or subcontractor.

#### **SECTION 4. REGISTRATION**

From and after the effective date of this Ordinance, it shall be unlawful for a contractor or subcontractor doing business in the Borough of Lilly to construct, alter or repair any building or structure, perform site preparation, excavation or paving, unless the contractor or subcontractor has registered with the Borough of Lilly and has paid the required registration or renewal fee.

#### **SECTION 5. FEE**

The fee for the registration shall be an amount established from time to time by resolution of the Council of the Borough of Lilly. All registrations shall be for the calendar year or such portion thereof as shall remain after registration. There shall be no reduction in the fee for registration after the beginning of any calendar year. The registration shall expire on the 31st day of December of each year.

#### **SECTION 6. INFORMATION TO BE SUPPLIED**

The contractor or subcontractor shall supply such information as shall be required to complete the registration form attached hereto and made a part hereof as it may be amended from time to time by the Council of the Borough of Lilly.

#### **SECTION 7. DECAL**

At the time of registration and payment of the registration/renewal fee, the contractor or subcontractor shall be issued two (2) decals, which decals shall be prominently displayed on all vehicles used by the contractor or subcontractor during the registration year in the Borough of Lilly. The fee for decals in excess of two (2) shall be in accordance with the fee resolution then in effect.

## **SECTION 8. REGULATION**

It shall be the duty of all contractors and subcontractors to comply with all codes and ordinances relating to the construction, alteration and repair of all buildings and structures located within the Borough of Lilly, and all site preparation, excavation and paving in the Borough of Lilly, and all laws or ordinances pertaining to or regulating the activities engaged in.

## **SECTION 9. REVOCATION**

Any contractor's or subcontractor's registration may be revoked by the Borough of Lilly for repeated violations of any ordinances related to the construction, alteration or repair of any building or structure within the Borough of Lilly, or to site preparation, excavation or paving, or any laws ordinances pertaining to or regulating the activities engaged in. Such revocation may be in addition to any fine imposed for violating this Ordinance.

## **SECTION 10. APPEAL**

Any contractor or subcontractor whose registration has been revoked by the Secretary of the Borough of Lilly shall have the right of appeal to the Council of the Borough of Lilly within thirty (30) days after notice of the revocation.

## **SECTION 11. PENALTY**

Any person who violates any provision of this Ordinance shall be guilty of an offense, and, upon conviction thereof before the Magisterial District Judge, shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) and costs of prosecution and, in default of the payment of such fine and costs, shall be imprisoned in the county jail for a period of not more than

thirty (30) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

## **SECTION 12. ABATEMENT OF VIOIATION**

The imposition of the penalties herein prescribed shall not preclude the Council of the Borough of Lilly from instituting appropriate action to restrain, by injunction, the unlawful construction, alteration or repair of a building or structure or site preparation, excavation or paving in the Borough of Lilly or to abate the penalty for any violation.

## **SECTION 13. SEVERABILITY**

If any sentence, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any other remaining provisions, sentences, clauses or sections of this Ordinance. It is hereby declared as the intent of the Council of the Borough of Lilly that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentences, clauses or sections thereof not been included herein.

## **SECTION 14. CONFLICT**

Any ordinances or any part of any ordinance which specifically conflicts with this Ordinance are hereby repealed insofar as the same affects this Ordinance.

## **SECTION 15. EFFECTVE DATE**

This Ordinance shall be effective immediately.

ORDAINED AND ENACTED, this 2<sup>nd</sup> day of August, 2005.

**BOROUGH OF LILLY:**

John Neznoski  
President of Council

John Hides  
Mayor

ATTEST:

Karl A. Sawinski  
Secretary

Gerald P. Neugebauer, Jr.  
Borough Solicitor

Gerald P. Neugebauer, Jr., Esquire, Solicitor  
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