

BOROUGH OF WEST EASTON
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 818

AN ORDINANCE PROVIDING FOR THE LICENSING OR RE-LICENSING OF ALL BUSINESSES, WHETHER PERMANENT OR TRANSIENT, OPERATING WITHIN THE BOROUGH OF WEST EASTON; ESTABLISHING THE TIME PERIODS BY WHICH THE SAME BE ACCOMPLISHED; ESTABLISHING THE FEES FOR THE SAME; AND PROVIDING FOR PENALTIES FOR THE VIOLATION OF ANY OF THE TERMS OF SAID ORDINANCE.

WHEREAS, the Borough of West Easton has had a Business Privilege License Fee of \$20.00; and

WHEREAS, the Borough of West Easton has been unable to locate the original ordinance ordaining and creating said license fee; and

WHEREAS, the Borough of West Easton wishes to confirm the existence of the license fee through the advertisement and passage of this Ordinance.

NOW, THEREFORE, this 13th day of August, 2007, be it ordained and enacted, and it is hereby ordained and enacted, as follows:

Section 1. In this Ordinance, the following words shall have the meanings hereby respectively ascribed thereto:

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A. Business: For purposes of this part, a business includes any person, entity, corporation or partnership which has an actual place of business or does business within the Borough or has its mail delivered to a location within the Borough, including transient businesses which either operate upon the streets of the Borough or sell or solicit sales by visiting residences or other customers within the Borough or contractors who perform construction, alterations, repairs or demolition within the Borough.

B. Person: Any individual, partnership, corporation, association, limited liability company, limited liability partnership, unincorporated association, firm, enterprise or any other entity whatsoever which is recognized by law as being subject to the rights and duties of a person.

In this Ordinance, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

Section 2. In order that the Borough may best perform its services for the benefit of the community and the businesses therein, a centralized registry of all businesses is hereby established. Every person who shall first commence to engage in or conduct any business within the Borough, at any time after the first day of January of any year, shall license such business prior to the commencement of such business and pay the full license fee of \$20.00. Provided, when such initial licensing shall take place in the month of December of any year, such license also shall be applicable for the calendar year ensuing. Provided, further, every person who shall continue to engage in or conduct any business within the Borough, at any time after the first day of January of

any year, shall have re-licensed said business no later than the 1st day of March of said year and shall pay the full re-license fee of \$20.00. The initial licensing or subsequent licensing of a business shall be upon a form furnished by the Borough and the person shall pay the license or re-license fee, as the case may be, at the time of the licensing or re-licensing. Such fees shall be payable to the Borough of West Easton for deposit into the general fund and for the general use of the Borough. The failure of any person to license or re-license a business in complete compliance with the terms herein provided shall be deemed to constitute a violation of said terms, and the Borough shall take such remedies as may be available to it pursuant to law to prosecute such a violation.

Any person who is delinquent in the payment of the full license fee at the time of a subsequent licensing shall not be licensed until any and all delinquent fees have been paid in full and any delinquent fees can be prosecuted pursuant to this Ordinance.

Section 3. When any person licensed under this part shall change his place of business within the Borough, shall remove such business to a place outside the Borough, shall discontinue such business, or shall transfer the business to any person, he shall furnish the information of such change, removal, discontinuance or transfer, as the case may be, within ten days after the same to the Borough Secretary so that the register of businesses may be changed accordingly.

Section 4. Upon any change of ownership of any business which shall have been registered under this part, the new owner thereof, within ten days after the acquisition thereof, shall furnish such information to the Borough Secretary so that the register of businesses may be changed accordingly.

Section 5. In the event that any business should fail to pay the license fee by the 1st day of March, or with respect to those businesses commencing operation during the calendar year fail to pay such fee within 30 days of the commencement of such business, a late fee of 10% shall be added to the license fee.

Any person, firm or corporation who shall violate any of the provisions of this Ordinance or any resolutions or regulations made in pursuance thereof, shall, upon conviction thereof by a District Magistrate, be subject to a fine of not less than \$250.00 or not more than \$1,000.00, together with the costs of prosecution, for any single violation and, in default of such fine and costs, shall be imprisoned for a period of not more than 30 days. Every violator of the provisions of this Ordinance shall be deemed guilty of a separate offense for each and every day such a violation shall continue and shall be subject to penalties imposed by this part for each and every such separate offense. The Borough may take any other action permitted by law to collect the outstanding Business Privilege License Fee, including any civil action or use of a collection agency to collect any unpaid fees.

Section 6. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 7. This Ordinance shall become effective immediately upon passage.

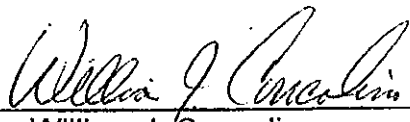
Section 8. The license fees for the initial licensing and for the re-licensing shall be established by resolution adopted by Borough Council and shall remain in effect until changed by the same procedure as aforementioned.

BOROUGH OF WEST EASTON

ATTEST:


Jeffrey R. Zetlemoyer, Secretary

By:


William J. Concolino,
President of Borough Council

APPROVED this 13th day of August, 2007.

ATTEST:


Jeffrey R. Zetlemoyer, Secretary

 (SEAL)
Gerald W. Gross, Mayor

CERTIFICATION

I, **PETER C. LAYMAN, ESQUIRE**, Solicitor to the Borough of West Easton, do hereby certify that the foregoing Ordinance No. 818, providing for the licensing or re-licensing of all businesses, whether permanent or transient, operating within the borough of West Easton; establishing the time periods by which the same be accomplished; establishing the fees for the same; and providing for penalties for the violation of any of the terms of said Ordinance, is a true and correct copy of the Ordinance that will be considered and acted upon on August 13, 2007, at a public meeting with the West Easton Borough Council.



Peter C. Layman, Esquire
Solicitor to Borough of West Easton

Dated: August 2, 2007