

**BOROUGH OF HELLERTOWN
ORDINANCE NO.: 849**

**AN ORDINANCE OF THE BOROUGH OF HELLERTOWN, NORTHAMPTON COUNTY
PENNSYLVANIA, AMENDING CHAPTER 140 TO CREAT NEW ARTICLE III
ENTITLED LICENSING AND PERMITTING OF BUSINESSES AND CHAPTER 326-5
ENTITLED APPLICABILITY; REVOCATION; REINSTATEMENT; CHANGE IN
OWNERSHIP OF PREMISES TO PROVIDE FOR THE REVOCATION, SUSPENSION
AND OR NON-RENEWAL OF BUSINESS LICENSES FOR ORDINANCE VIOLATIONS
AND DELINQUENT TAXES AND OR DELINQUENT FEES OWED TO THE BOROUGH
AND TO SET UP AND APPEAL HEARING PROCEDURE FOR ANY REVOCATION,
SUSPENSION OR NON-RENEWAL OF A BUSINESS LICENSE BY THE CODE
ENFORCEMENT OFFICER.**

BE IT ENACTED AND ORDAINED and it is hereby Enacted and Ordained by the Borough Council of the Borough of Hellertown, County of Northampton and Commonwealth of Pennsylvania as follows:

WHEREAS, pursuant to 8 Pa. C.S.A. 1202 the Pennsylvania Borough Code permits the Borough of Hellertown to provide for the prohibition, licensing, and regulation of businesses within the jurisdiction of the Borough of Hellertown and to pass legislation to protect the health, safety and welfare of the Borough and its citizens and residents; and

WHEREAS, the Borough of Hellertown Council deems it to be in the best interest and general welfare of its citizens and residents to regulate the revocation, suspension and non-renewal of any business owner who operates a business while being in violation of Borough ordinance, delinquent in payment of real taxes and or delinquent in paying for fees owed for services provided by the Borough of Hellertown; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOROUGH OF HELLERTOWN AND IT IS ENACTED AND ORDAINED AS FOLLOWS:

1. SECTION 1. Chapter 140 entitled "Businesses, Registration and Licensing" shall be amended by adding new ARTICLE III entitled "LICENSING AND PERMITTING OF BUSINESSES" as follows:

140-15 Definitions.

A. In this Article, the following words will have the meanings here by respectively ascribed thereto.

BUSINESS - For purposes of this article, a business includes any person, entity, corporation or partnership, which has an actual place of business within the Borough or has its mail, delivered to a location within the Borough or a post office box at the Hellertown Post Office.

LICENSE AND PERMIT - The right or privilege incident to the conduct of a business or business activity, which, right or privilege is granted by the Borough of Hellertown, as distinguished from such a right or privilege as the business or business activity might have secured

from any governmental agency, either federal or state.

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.

2. SECTION 2. 140-16 Applicability

The provisions of this Article shall apply to all business licenses and permits required by the Code of Borough Ordinances of the Borough of Hellertown, provided, however, that where any provisions of another ordinance relating to a specific license or permit conflicts with the provisions of this Article, the provisions of Chapter 140 Article III shall govern.

3. SECTION 3. 140-17 Powers and duties of Code Enforcement

140-17. Powers and duties of Code Enforcement Officer.

A. The power and authority to issue any license or permit required by this ordinance is hereby vested in the Code Enforcement Officer. The Code Enforcement Officer is hereby directed and authorized to direct the issuance of licenses and permits following the receipt of business licensee applications subject to the application of such procedure as may be prescribed by the various provisions of this chapter.

4. SECTION 4. 140-18 Applications and Fees

140-18. Application; when fees due and payable; prorating fees.

A. All persons, firms, or corporations engaged in any hereinafter enumerated and defined business in Article III shall, on or before the 15th day of January of each year, following adoption of this subsection, make application for the license or permit by applying in writing to the Borough of Hellertown on forms provided for such purpose and shall, as a required incident in connection with the filing of said application, make payment of the license or permit fee. License or permit fees are herein enumerated shall become due and payable commencing January 1, 2024, and shall be paid not later than January 15 (all payments made after January 15 subject to a \$25.00 late fee) of each year following the adoption of this subsection and shall be paid on an annual basis each year thereafter. Any business created after January 15 of each year that applies for a business license after June 30 of any year, then the amount of the license or permit fee shall be ½ of the amount enumerated as a license or permit fee in the schedule following.

5. SECTION 5. 140-19 Fees. The fee schedule is set forth in Chapter 140-11 and can be modified from time to time by Borough Council Resolution.

6. SECTION 6. 140-20 Duty of Businesses within the Borough to make application and pay fees without Notice.

140-20 Duty to make application and pay fees without notice.

It shall be the duty and obligation of all owners and operators of businesses to make application to the Code Enforcement Officer and to pay the license and permit fees provided in the fee schedule adopted by Resolution of the Borough of Hellertown within the time therein provided for such payment without the necessity or requirement of any form of notice. Allegation of no notice or knowledge of this chapter shall not be accepted as a defense in the prosecution for any violation of this Article.

7. SECTION 7. 140-21 Record Database

140-21 Records to be kept.

The Code Enforcement Officer shall maintain records containing the names and addresses of all applicants for licenses or permits, the character of the license or permit for which an application is made, the date upon which such application is made, the date upon which such application is granted and the date upon which the license or permit fees are paid.

8. SECTION 8. 140-22 Appeals Under Article III

140-22 Appeals under chapter.

Any person aggrieved by the operation of any terms or conditions of this chapter shall have a right to present his appeal to the Hellertown Borough Council to be heard on such appeal, by presenting an appeal in writing to the Borough Council not less than two weeks prior to the date upon which such aggrieved person desires to be heard. The Borough Council shall have the power to review, alter and amend or otherwise change any decision of the Code Enforcement Officer in the granting or refusal to grant any license or permit.

9. SECTION 9. 140-23 Requirements for Issuance of a Business License.

140-23 Prerequisites to issuance of business license.

A. No business license shall be issued until any and all permits required by the Borough of Hellertown have been obtained and provided to the Borough Code Enforcement Officer.

B. No license will be issued to any person in default of any tax or fees due to the Borough of Hellertown or when a property is subject to an ordinance violation.

C. Persons that engage in a business without having first procured a business license in accordance with this Article are subject to penalty and fine.

D. Business licenses may be suspended or revoked or not renewed at any time the by Code Enforcement Officer for failure of a person or entity to comply with the provisions of Article III subject to the person or entities right to appeal the Code Enforcement Officers decision to Borough Council as set forth in Section 140-22.

E. Any person who conducts transactions or engages in any business, trade, profession, or any other activity within the Borough of Hellertown without a business license shall, upon summary conviction before a Magisterial District Judge, be fined not more than \$600.00 for any one

offense, recoverable with costs and restitution, or imprisoned not more than 90 days. Each day of a continuing violation shall be considered a separate offense.

10. SECTION 10. Chapter 326 entitled Licensing of Rental Premises shall be amended by amending Section 326-5 entitled "Revocation of residential rental license" as follows by adding new subsection 326-5E as set forth the underscored language below:

326-5E. Business Registration License.

Any action taken by the Borough to also revoke, suspend or failure to renew the Landlord's business registration license for an ordinance violation, delinquent taxes, and/or other fees owed the Borough shall be covered by Chapter 140 Article III entitled "Licensing and Permitting". A Landlord shall not be permitted to operate a rental business in violation of Chapter 140 Article III.

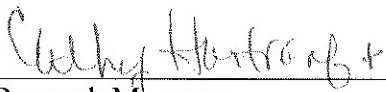
11. SECTION 11: SEVERABILITY. The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Borough that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

12. SECTION 12: REPEALER. Any and all ordinances and/or parts hereon which are inconsistent herewith are hereby and the same repealed.

ENACTED AND ORDAINED this 1st day of May, 2023.

ATTEST:

BOROUGH OF HELLERTOWN


Borough Manager


Thomas Rieger, President Borough Council


MAYOR