

ORDINANCE NO. / OF 2019

AN ORDINANCE OF THE BOROUGH OF LARKSVILLE, LUZERNE COUNTY, PENNSYLVANIA, REPEALING AND REPLACING THE PROVISIONS OF SECTION 238-7 OF CHAPTER 238 OF THE CODE OF THE BOROUGH OF LARKSVILLE, ENTITLED "FOOD HANDLING ESTABLISHMENTS", TO PROVIDE FOR THE CHARGING AND PAYMENT OF MORE CURRENTLY REALISTIC FEE AMOUNTS FOR A HEALTH LICENSE AND A HEALTH INSPECTION.

WHEREAS, Larksville Borough Council has previously enacted Ordinance No. 3 of 1995, wherein it provided, *inter alia*, that in order to preserve "the public health and public safety", establishments handling food must be inspected and licensed, prohibiting the operation of such facilities without such inspection and licensing, established a system of administration and enforcement (including penalties for violations) and provided for the fees to be charged for such inspections and licensing, the said Ordinance now appearing as Chapter 238 of the Code of the Borough of Larksville, entitled "Food Handling Establishments"; and,

WHEREAS, there have been no changes in licensing and/or inspection fees since the adoption of the aforesaid Ordinance in 1995; and,

WHEREAS, the Larksville Borough Council has determined that the costs of administering its licensing system and obtaining qualified inspector(s) have increased substantially over the twenty-four (24) year period of time since the adoption of the aforesaid Ordinance in 1995; and,

WHEREAS, Larksville Borough Council, upon due consideration of its costs and the realities of obtaining the services of qualified inspector(s) has determined that it is necessary and advisable to amend the provisions of Section 238-7 (setting forth fees for inspections and licensing of food handling establishments) of the Code of the Borough of Larksville in the manner hereinafter set forth; and

NOW, THEREFORE, it is hereby ENACTED and ORDAINED by the Borough Council of the Borough of Larksville, Luzerne County, Pennsylvania, as follows:

SECTION 1. The existing provisions of Chapter 238, Section 238-7 of the Code of the Borough of Larksville shall be, and hereby are, repealed in their entirety.

SECTION 2. The aforesaid repealed provisions of Chapter 238, Section 238-7 shall be replaced by the following:

§238-7. Fees.

A. The fee for a health license shall be \$50 while the fee for a health inspection

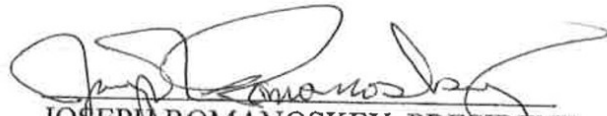
shall be in the sum of \$100. Said fees in the total sum of \$150 shall be due upon the issuance of said health license.

B. Larksville Borough Council shall have the power, by resolution, to revise and/or amend the aforesaid fees, from time to time, as may be deemed necessary by Borough Council.

SECTION 3. The provisions of this Ordinance are hereby declared to be severable. In the event that any one or more of the provisions of this Ordinance shall, for any reason, be held to be unconstitutional, invalid, illegal or unenforceable in any respect, such unconstitutionality, invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein. It is the intention of Larksville Borough Council that this Ordinance would have been adopted had such unconstitutional, invalid, illegal or unenforceable provision or provisions had not been included herein.

SECTION 4. This Ordinance shall take effect immediately upon its final advertisement, passage and enactment by Larksville Borough Council.

ENACTED and ORDAINED at a regular meeting of Larksville Borough Council, this 16 day of July, 2019.


JOSEPH ROMANOSKEY, PRESIDENT
LARKSVILLE BOROUGH COUNCIL

ATTEST:

Melissa Jones
BOROUGH SECRETARY

APPROVED, as having been duly enacted and ordained this 16 day of July, 2019.

JOSEPH ZAWADSKI, MAYOR
LARKSVILLE BOROUGH