



Borough of Downingtown
 Code Enforcement Office
 4 W. Lancaster Avenue Downingtown, PA 19335
 610-269-8755 www.downingtown.org

BOROUGH OF DOWNINGTOWN CONTRACTOR REGISTRATION APPLICATION

A **Certificate of Insurance** naming the Borough of Downingtown as the Certificate Holder is required per Borough Code: §121-9.

The **annual fee is \$50.00**. Please make checks payable to the Borough of Downingtown. Forms may be submitted via regular mail, email (dlaamney@downingtown.org) or fax (610.269.1580)

JOB SITE LOCATION: _____

NAME _____

COMPANY NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE NO _____ FAX NO _____

EMAIL ADDRESS _____

PA HIC # _____ Number of years company above has been in business _____

Has your license or registration been revoked or denied by any municipality within the last 2 years?

Have you any outstanding civil or criminal judgments pertaining to your work as a contractor?

If you answered "yes" to any of these questions, please explain on back of this application.

I hereby swear and affirm that the above statements are true and correct; any false statement will be prosecuted in accordance with Pennsylvania Criminal Code, Title 18, Sect. 4904, and that all work will be done as described and will comply with all Codes & Ordinances as adopted by the Borough of Downingtown and Contractor's License Ordinance Chapter 121. I certify that a copy of the Ordinance has been received upon the filling of this application.

Name (please print) _____

Signature _____ Date _____

For Borough Use Only			
Copy of Insurance Policies as required	<input type="radio"/> Yes	<input type="radio"/> No	HIC Status:
Annual License/Registration Fee - \$50 (set by Council)	<input type="radio"/> Yes	<input type="radio"/> No	
Date Rec'd:	Approval Date:	Denial Date:	
Codes Official Signature:			Date:
License No.:	Account No.:		

Chapter 121

CONTRACTORS, LICENSING OF

GENERAL REFERENCES

Board of Administrative Appeals — See Ch. 4. Uniform construction codes — See Ch. 120.
Building construction — See Ch. 109. Plumbing standards — See Ch. 215.

§ 121-1. Purpose.

The Borough Council finds it to be in the best interest of the residents of the Borough of Downingtown, Chester County, Pennsylvania, that persons or firms engaging in construction, repairs, remodeling, rehabilitation or demolition and acting as general contractors, mechanical contractors, plumbing contractors, electrical contractors, fire prevention contractors, specialty contractors, home improvement contractors or subcontractors, roofing contractors, painting contractors, paving contractors or tree surgeons, who may be prime contractors or subcontractors, shall be required to obtain a license from the Borough for such purpose, to the end that only responsible and qualified persons shall be permitted to engage in such businesses in the Borough of Downingtown.

§ 121-2. Compliance required.

No person or firm may engage in or solicit any construction, building repairs, remodeling, rehabilitation or demolition business or hold themselves out to the public as doing such business or any such business set forth in § 121-1 hereof in the Borough of Downingtown, except in compliance with the applicable provisions of this chapter. No person or firm may engage in any trade or practice or other act prohibited by any provision of this chapter in the Borough of Downingtown, and any person or firm who willfully participates in a prohibited act or violation of this chapter is subject to the penalties set forth herein. The provisions of this chapter may not be waived by agreement.

§ 121-3. License limitations.

- A. A license issued pursuant to this chapter may not be construed to authorize the licensee to perform any particular type of work or engage in any type of business which is reserved for qualified licensees under provisions of state or other local law, nor shall any license or authority other than as issued or permitted pursuant to this chapter authorize engaging in construction, building, repairs, remodeling, rehabilitation or home improvements in the Borough of Downingtown.
- B. A license issued under this chapter does not supersede the requirements of any other ordinance of the Borough of Downingtown.

§ 121-4. Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated:

BOROUGH — The Borough of Downingtown, Chester County, Pennsylvania.

CODE ENFORCEMENT OFFICER — The Code Enforcement Officer of the Borough of Downingtown.

CONTRACT — An agreement, whether oral or written and whether contained in one or more documents, between a contractor and an owner or another contractor for the performance of work, including all labor, services and materials to be furnished and performed hereunder.

CONTRACTOR — Any person, other than a bona fide employee of the owner, who undertakes or offers to work, whether or not such a person is licensed or subject to the licensing requirements of this chapter and whether or not such person is a prime contractor or subcontractor with respect to the owner.

LICENSE YEAR — The twelve-month period beginning the first day of July of each year.

OWNER — Any property owner, tenant or other person who orders, contracts for or purchases the services of a contractor, subcontractor, specialty contractor or home improvement contractor, or the person entitled to the work of such, pursuant to a contract.

PERSON — Any individual, partnership, corporation, trust, association, owner, contractor, salesman or other legal entity.

§ 121-5. Duty and authority of Code Enforcement Officer.

It is the duty of the Code Enforcement Officer to administer and provide for the enforcement of all provisions of this chapter and, specifically, to issue licenses to all applicants who shall be duly qualified and who comply with the provisions of this chapter and to refuse licenses or suspend or revoke licenses issued to persons who do not so qualify or so comply. The Code Enforcement Officer is authorized to issue a license upon receipt of a proper application, the furnishing of a certificate of insurance as required by this chapter and the payment of the required license fee.

§ 121-6. Application for license; decal; renewal; temporary parking placard.

- A. For the license year beginning July 1, 1990, and for each license year thereafter, every person desiring to continue to engage in or hereafter to begin to engage in the business of acting as a contractor in the Borough shall, on or before the first day of July of the license year or prior to commencing business in such license year, make application for a license to act as a contractor in the Borough. Such license shall be obtained by the completion of an application form furnished by the Code Enforcement Officer, the payment of a license fee and satisfactory

proof of insurance as set forth hereafter in this chapter. Each application for a license shall be signed by the applicant, if a natural person, and, in the case of an association or partnership, by a member or partner thereof and, in the case of a corporation, by an officer thereof.

- B. Each successful applicant shall be issued a license in the form of a wallet-size card. Every licensed contractor, while actually acting as a contractor in the Borough, shall carry said license card with him and shall display it to the Code Enforcement Officer or his representatives upon demand to do so.
- C. A decal, to be supplied by the Code Enforcement Officer, indicating that the contractor is currently licensed shall be affixed to all trucks or cars used by the contractor in the course of his work in the Borough. The decal shall be located on the vehicle in accordance with the instructions of the Code Enforcement Officer.
- D. All contractors' licenses shall expire at 12:00 midnight on June 30 of each license year, unless the license is revoked or suspended prior thereto under the terms of this chapter. A person with an unexpired license which has not been revoked or suspended during the current license year who makes application for a license for the following license year need not complete an application form, but must only remit the required license fee. If said contractor qualifies for licensing and renewal under the terms of this chapter, his license shall be renewed for the following license year. Any person acting in the capacity of contractor in the Borough must secure a license under the terms of this chapter for each license year during which he carries on such business.
- E. Any licensed contractor who finds it necessary to park his vehicle at a metered parking space during construction may apply to the Code Enforcement Officer for a temporary parking placard.

§ 121-7. Issuance or denial of license; application information.

- A. When an application has been filed with the Code Enforcement Officer in proper form, the Code Enforcement Officer must, within a period of 30 days from the date following the date the application is received, issue or refuse to issue the appropriate contractor's license to the applicant. If issuance of a license is denied, the Code Enforcement Officer shall mail to the unsuccessful applicant a written statement setting forth the reason or reasons for the denial within the aforesaid thirty-day period, along with a refund of the application fee.
- B. The application for a license shall be a printed form provided by the Borough, and the application shall require a written answer to all questions contained thereon. Failure to answer all questions on the application form shall mean the applicant is not entitled to consideration of his application for a license. The application form shall be signed by the applicant under oath. The questions and information

requested on the application form shall include, but shall not be limited to, the following:

- (1) The names of owners, partners, directors and officers of the applicant and the business address and trade names of the applicant.
- (2) A statement as to whether or not any municipalities have refused to issue or have revoked any similar contractor's license of the applicant within two years previous to the date of the application. In the event that there has been such a denial or revocation, the applicant must explain, in writing, the reasons for such denial or revocation.
- (3) A waiver by the applicant that he agrees that the information in the application shall be available to the public for inspection.
- (4) A listing of all convictions within two years prior to the date of the application for any crimes or offenses under any federal or state criminal statute or common law criminal offense or for violation of any municipal ordinance, so long as such convictions were for crimes or offenses related to the applicant's work or contracts as a contractor. The term "conviction" shall include guilty pleas and pleas of nolo contendere. If any such convictions exist, the applicant shall give, in writing, the caption, court and term number of the proceeding leading to the conviction. The applicant shall also explain, in writing, the nature of the conviction.
- (5) A listing of all unsatisfied civil judgments in any jurisdiction against the applicant, if such civil judgments involved lawsuits in which it was alleged that the applicant failed to complete or improperly performed a contract as defined in this chapter. The applicant shall give, in writing, the caption, court and term number of the civil action upon which any such judgments were entered and shall explain, in writing, the nature of all such civil judgments.

§ 121-8. Fees.

At the time of application for a new license or for the renewal of a current license, the applicant shall pay to the Code Enforcement Officer a license application fee, payable to the Borough of Downingtown, as set forth in the Borough Schedule of Fees,¹ as adopted by resolution and amended from time to time.

§ 121-9. Insurance.

- A. No contractor's license shall be issued unless the applicant files a certificate of insurance with the Borough at the time of license application. The certificate of insurance shall contain a provision that

1. Editor's Note: The Borough Schedule of Fees is on file in the Borough offices.

coverages afforded under the policy will not be canceled until at least 15 days' prior written notice of such cancellation has been given to the Borough. The certificate of insurance must show evidence of policies of insurance maintained at the expense of the applicant for comprehensive general liability or manufacturer's and contractor's liability, each of which must have a single occurrence and aggregate limit of at least \$100,000. The contractor is also required to maintain property damage, bodily injury, products liability and completed operations insurance, each of which must have a single occurrence and aggregate limit of at least \$100,000.

- B. Blasting and demolition insurance shall also be required for blasting and demolition contractors. The reasonable limits of such insurance shall be determined by the Borough at the time of the application, based on the nature and extent of the applicant's proposed operations.
- C. Underground explosion and/or collapse insurance shall be required for excavating contractors.
- D. All types and limits of insurance for which certificates are presented at the time of application and based upon which a license is issued shall be maintained throughout the license year or the license will be suspended or revoked as hereinafter set forth in this chapter.

§ 121-10. Exemptions.

- A. The provisions of this chapter shall not apply to the official transactions of any authorized representative of the government of the United States, any state or commonwealth of the United States, any political subdivision of any state or commonwealth or any agency or instrumentality of the foregoing governments.
- B. No contractor's license shall be required by any person when acting in a particular capacity or particular type of transaction, as follows:
 - (1) A person who performs labor or services for a contractor for wages or salary.
 - (2) A person who is required by other state or local law to attain standards of competency or experience and who must obtain licensing under such other state or local law as a prerequisite to engaging in a craft or profession and who is acting exclusively within the scope of such craft or profession for which he is currently licensed, pursuant to such other law.

§ 121-11. Notification to Borough of certain changes.

Every licensed contractor shall, within 10 days after a change in ownership, directors, officers, management, address or trade name, notify the Borough of such change.

§ 121-12. Grounds for denial of license.

No license shall be issued or renewed under the following circumstances:

- A. If the applicant falsely answers or refuses to answer any question or questions on the application form.
- B. If the applicant has been refused a similar contractor's license or has had a similar contractor's license revoked or suspended by the Borough of Downingtown or any other municipality within two years prior to the date of application for issuance or renewal, and if the refusal, revocation or suspension by the other municipality was due to failure to comply with that municipality's building codes.
- C. If the applicant has been convicted, within two years prior to the date of the application, of any crimes or offenses under any federal or state criminal statute or common law criminal offense or for violation of any municipal ordinance, so long as such convictions were for crimes or offenses related to the applicant's work as a contractor. The term "conviction" shall include guilty pleas and pleas of nolo contendere.
- D. If an unsatisfied civil judgment against the applicant exists in any court in any jurisdiction without adequate agreement to make satisfaction, and if the record of such court shows that such judgment was entered because of the applicant's failure to complete a contract, as defined in this chapter, or if such judgment was entered because of the applicant's failure to properly perform a contract, as defined in this chapter.

§ 121-13. Grounds for suspension or revocation of license.

Licenses may be suspended or revoked for any one or more of the following acts or omissions:

- A. Fraud or misrepresentation in obtaining a license or a renewal thereof.
- B. Violation of this chapter or any other applicable code, ordinance or statute governing the work performed.
- C. Filing of voluntary petition in bankruptcy.
- D. Fraud or misrepresentation in obtaining or performing a contract for the performance of which a license is required under this chapter.
- E. Unjustified failure to perform a contract for the performance of which a license is required under this chapter.
- F. If a licensed contractor does business through any person who is subject to the licensing requirements of this chapter and who is not licensed as required by this chapter.

§ 121-14. Prohibited acts.

The following acts of a licensed contractor are prohibited:

- A. Abandonment or willful failure to perform without justification any contract or project engaged in or undertaken by a contractor or willful deviation from or disregard of plans or specifications in any material respect without obtaining the consent of the owner, in writing, and without providing the Borough with notification of such changes.
- B. Making any substantial misrepresentation on the procurement of a contract or making any false promise of a character likely to influence or induce the execution of such contract.
- C. Any fraud in the execution of or in the material alteration of any contract, mortgage, promissory note or other document incident to a contractual transaction.
- D. Preparing and/or accepting any mortgage, promissory note or other evidence of indebtedness in connection with a contractual transaction with knowledge that said indebtedness is a greater monetary obligation than the consideration for the work to be performed.
- E. Directly or indirectly publishing any advertisement relating to work or services which contains an assertion, representation or statement of fact which is false, deceptive or misleading, provided that any advertisement which is subject to and fails to comply with the existing rules, regulations or guidelines of the Federal Trade Commission shall be deemed false, deceptive or misleading under the terms of this chapter, or, by any means, advertising or purporting to offer the general public any work or service with the intent not to accept contracts for the particular work or at the price which is advertised or offered to the public.

§ 121-15. Violations and penalties.

- A. Any person who shall knowingly and willfully engage in building construction, repairs, remodeling, rehabilitation or demolition without obtaining a license as required by this chapter and who is not otherwise exempted from said licensing requirements and any person who continues in business as a contractor after revocation or during suspension of said license shall be punished by a fine not to exceed \$600 for each separate violation and, in default of payment thereof, be imprisoned for a term not to exceed 30 days.
- B. Any person who knowingly and willfully violates any provision of this chapter, in addition to any administrative penalty otherwise applicable thereto, upon conviction thereof by a court of competent jurisdiction of this commonwealth, shall be punished by a fine not to exceed \$600 for each separate violation and, in default of payment thereof, be imprisoned for a term not to exceed 30 days.

§ 121-16. Appeals.

Any applicant whose application for a license has been denied or any licensed contractor whose license has been revoked or suspended under the provisions of this chapter shall be entitled to request a hearing before the Administrative Board of Appeals, within 30 days of the notice of rejection or revocation, to appeal the decision of the Code Enforcement Officer.