

FILE OF THE CITY CLERK

ADMINISTRATION ORDINANCE NO. 4 - 2016

ADMINISTRATION BILL NO. 3 - 2016

INTRODUCED – MARCH 22, 2016

ADOPTED BY COUNCIL – APRIL 12, 2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA AMENDING CHAPTER 114 OF THE CODE OF THE CITY OF LANCASTER REMOVING THE REQUIREMENT THAT BUSINESSES OPERATING WITHIN THE CITY OF LANCASTER REGISTER THE BUSINESS ON AN ANNUAL BASIS AND PAY AN ANNUAL REGISTRATION FEE AND TO MAKE OTHER MINOR CHANGES TO THE CODE; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.

WHEREAS, Section 2601.1 of the Third Class City Code (the Act of June 23rd, 1931 P.L. 932, No. 317, as reenacted and amended June 28th, 1951 P.L. 662, No.164 as reenacted and amended by Act 22 of 2014, SB 497, PN 1703) authorizes City Council to require businesses or occupations to submit to an annual registration with the City and provide for an annual fee for such registration not to exceed \$100.00; and

WHEREAS, the City established a City Revitalization and Improvement Zone in accordance with Act 52 of 2013 pursuant to which all businesses within the said City Revitalization and Improvement Zone are required to annually report certain information to the Commonwealth of Pennsylvania for the previous calendar year; and

WHEREAS, City Council has determined it to be in the best interest of the City of Lancaster to create a registry of all businesses within the City of Lancaster to further assist the City in providing the services required of the City, enforcing its existing laws, and assisting the City Revitalization and Improvement Zone Authority in fulfilling its obligations under Act 52 of 2013.

THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the City, Lancaster County, Pennsylvania, as follows:

SECTION 1. The Code of the City of Lancaster, Chapter 114-Business Registration, be and hereby is amended as set forth on the redlined version of said Chapter 114 attached hereto and incorporated herein as Exhibit “A”.

SECTION 2. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

SECTION 3. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the City of Lancaster that the remainder of the Ordinances shall be and shall remain in full force and effect.

SECTION 4. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this 12th day of April, 2016, by the Council of the City of Lancaster, Lancaster County, Pennsylvania, in lawful session duly assembled.

ATTEST:

CITY OF LANCASTER

Bernard W. Harris, Jr., City Clerk

By: _____
J. Richard Gray, Mayor

EXHIBIT A

CHAPTER 114 BUSINESS REGISTRATION

Section 114-1. Registration Required.

Every person or business engaged or intending to engage in any calling, business, occupation or profession by maintaining a business location, in whole or in part, within the limits of the City of Lancaster, Lancaster County, Pennsylvania, is required to register and pay a business registration fee to operate a business in the City.

Section 114-2. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meaning ascribed herein:

“*Business*” means a calling, occupation, profession, or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly. Business shall include charitable organizations and organizations performing a charitable purpose.

“*Charitable Organization*” means an organization that is determined by the Internal Revenue Service to be exempt from Federal income taxes under 26 U.S.C. section 501 (c) (3), (4), (6), (7), (8), (10) or (19).

“*Charitable Purpose*” means a benevolent, philanthropic, patriotic, or eleemosynary purpose which does not result in personal gain to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization.

“*City*” means the City of Lancaster, Lancaster County, Pennsylvania.

“*Registration Official*” means a person designated by the City to administer the provisions of this Ordinance.

“*Person*” means any individual, firm, partnership, LLP, LLC, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principal.

Section 114-3. Purpose.

The business registration required by this ordinance is for the purpose of establishing a database of businesses operating within the City, and assisting the City of Lancaster Revitalization and Improvement Zone Authority in performing its functions.

Section 114-4. Business Registration Fee.

A. The required business registration fee of \$35.00 shall be paid for each business subject hereto upon the adoption of this Ordinance, at the time a Person opens a business in the City of Lancaster, upon the change of ownership of a business located in the City of Lancaster, or upon the change of location of a business within the City of Lancaster. This fee may be amended from time to time by resolution of the City Council.

B. A separate registration shall be required for each place of business and for each business conducted at one address. The registration fee will not be prorated if a business is registered during the year. No refund shall be made for a business that is discontinued. Businesses operating within the City on the date this Ordinance becomes effective may submit a single registration form listing the address of each business operating under the same corporate name.

C. The City will waive the initial business registration fee for all businesses operating within the City on the date this Ordinance becomes effective, until such time as a change of location or change of ownership of the business occurs. Upon either occurrence a \$35.00 fee will be required to file a corrected business registration form.

Section 114-5. Date and Method of Registration.

A. The owner, agent or legal representative of each business subject to this Ordinance shall register the business within fifteen (15) days of opening a business, of an ownership change of an existing business or a location change of an existing business subject to this Ordinance.

B. Registration shall be on the form attached hereto, as may be modified from time to time by Resolution of City Council, which shall contain the Social Security Number and/or the Federal Employer's Identification Number (FEIN) for those businesses located within the City Revitalization and Improvement Zone (CRIZ), or for those businesses not located in the CRIZ the last five digits of the Owner's Social Security Number for those businesses that cannot provide a FEIN, the business name as reported on the businesses or owners Pennsylvania income tax return, and all information about the applicant and the business deemed necessary for the City to accomplish the purposes set forth above.

C. All businesses shall be required to annually report to the Registration Official that information provided on the initial business registration form filed with the City remains accurate. Notices will be issued annually by the Registration Official to all businesses registered to confirm the information. Confirmations are due by January 31 of each year.

Section 114-6. Exemptions; Charitable Organizations.

A. No person or business shall be exempt from the requirements of the Ordinance by reason of the lack of an established place of business within the City, unless exempted by State or Federal law. No person or business shall be exempt from this Ordinance by reason of the payment of any other registration or license fee, unless exempted by State law, and no person shall be relieved of liability for payment of any other tax or fee by reason of application of this ordinance.

A Charitable Organization shall be deemed a business subject to this Ordinance and the business registration fee.

Units of Federal, State, County or City government, including the School District of Lancaster, located within the City of Lancaster are exempt from the requirements of this Ordinance.

Section 114-7. False Applications Unlawful.

It shall be unlawful for any person or business subject to the provisions of this ordinance to submit a false registration for a business, or to give or file, or direct the giving or filing of, any false information with respect to the registration required by this ordinance.

Section 114-8. Administration.

The Registration Official shall administer the provisions of this Article, administrate registrations, make or initiate investigations to insure compliance, report violations to the City solicitor, assist in prosecution of violators, produce forms, make reasonable regulations relating to the administration of this Ordinance, and perform such other duties as may be duly assigned.

Section 114-9. Appeals.

A. If a person or business fails to register a business or to furnish the information required by this Ordinance to the Registration Official, the Registration Official shall examine such records of the business or any other available records as may be appropriate, and conduct such investigations and statistical surveys as the Registration Official may deem appropriate to assess any penalties as provided herein.

B. Any findings or penalties resulting from an inspection or investigation may be appealed to the Director of Economic Development and Neighborhood Revitalization, or his/her appointed representative, by filing a written notice of appeal within ten (10) days after of the day of written notification to the person or business.

Section 114-10. Delinquent Payment.

A. For non-payment of all or any part of the business registration fee, the Registration Official shall levy and collect a late penalty of five (5%) percent of the fee for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any fee remains

unpaid for sixty (60) days after its due date, the Registration Official shall report it to the Director of Economic Development and Neighborhood Revitalization for appropriate legal action.

Section 114-11. Confidentiality.

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the Registration Official, any City public official, City employee or City contracted professional to divulge or make known in any manner any personal or proprietary information set forth or disclosed in any application or report required under this Ordinance. Nothing in this section shall be construed to prohibit the publication of statistics, so classified as to prevent the identification of particular reports. Aggregate registration data may be shared with other public officials or employees of the City in the performance of their duties, whether or not those duties relate to enforcement of this Ordinance.

Section 114-12. Violations and Penalties.

Any person violating any provision of this Ordinance shall be deemed guilty of an offense and shall be subject to a fine of up to \$100.00 upon conviction. Each month of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for fees, penalties and costs provided for herein. In addition the City may pursue any of the remedies available to it in law or in equity to mandate compliance with the terms hereof.

Section 114-13. Severability.

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the City of Lancaster that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 114-14. Compliance with Other Legislation.

In no instance shall the registration of a business and the payment of registration fees be construed to exonerate the owner, local agent or other responsible party from responsibility for compliance with any other City of Lancaster Code or Ordinance.

Section 114-15. Nonexclusive Remedies.

The penalty and collection provisions of this Ordinance shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the City as may be deemed appropriate for carrying out the purposes of this Ordinance. The remedies and procedures provided in this Ordinance for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the City in the case of a violation of any other City of Lancaster Code or Ordinance, whether or not such other code or ordinance is referenced in this Article, and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Article.