

ORDINANCE NO. 2005-06

AN ORDINANCE REQUIRING REGISTRATION OF BUSINESSES  
OPERATING WITHIN CLARKS SUMMIT BOROUGH,  
LACKAWANNA COUNTY, PENNSYLVANIA

FOR THE PURPOSE OF PROCURING ACCURATE INFORMATION AND  
REFERENCE TO THE OPERATION OF BUSINESS, COORDINATION OF  
EMERGENCY SERVICES AND COLLECTION OF APPLICABLE TAXES.

WHEREAS, the Borough Code and Act February 1, 1966, Section 1201, et. seq., General Powers and Section 3001, Real Estate Registry, Authorized the Borough of Clarks Summit to make such regulations as may be necessary for the health, safety, morals, general welfare and safety of the Borough, including registry of real estate as well as the businesses operating within the municipal boundaries;

WHEREAS, the Clarks Summit Borough Police Department as well as the Borough offices and its tax collection agents, require accurate and timely registration of businesses established within Clarks Summit Borough in order to provide emergency and municipal services, as well as to collect taxes as allowed by law,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that a Business Registry shall be established within the Borough of Clarks Summit registering and identifying all entities transacting business within Clarks Summit Borough boundaries.

**SECTION 100 – LEGISLATIVE INTENT**

This Ordinance is adopted and intended to require the registry of businesses within the Borough of Clarks Summit, Lackawanna County, Pennsylvania to insure the delivery of timely emergency and municipal services, as well as the collection of lawful taxes by imposing certain regulations and registration requirements on businesses operating within the Borough in order to provide for the health, safety and welfare of its residents, as well as the timely collection of revenues.

**SECTION 101 – DEFINITIONS**

A. **Business.** Any natural person, partnership, association, corporation or other business entity conducting business within Clarks Summit Borough by selling good or services, soliciting or taking orders for any goods, wares or merchandise from either a fixed location within the Borough of Clarks Summit or by engaging in such endeavor from a non-fixed location for a period greater than a temporary or seasonal use, i.e. more than 180 consecutive days.

**SECTION 102 – REGISTRATION REQUIRED**

For the purpose of procuring accurate information in reference to the ownership and operating of businesses within the Borough of Clarks Summit, a Business Registry is hereby established requiring every entity defined herein as a business to register said business as hereinafter provided with the Borough of Clarks Summit.

A. **Registration.** Registration of a business operating within Clarks Summit Borough shall be on forms provided by the Municipality and available at the Municipal building. The registration forms shall be completed and signed by the applicant and shall be filed at the Municipal building to confirm the name of the owner and owners thereof and the specific location of said business.

B. **The Borough Manager.** The Borough Manager and/or Borough Secretary or designated Borough Official, under the direction of Borough Council, shall create and maintain a Business Registry identifying all businesses operating within the Borough of Clarks Summit as well as their specific location of the same and the names of the owner or owners in addition to contact information.

C. **Duties of Business Owners.** It shall be the duty of all business owners within Clarks Summit Borough to fully register said business and furnish Clarks Summit Borough's designated representative in charge of the Business Registry, at the municipal building, with information to register their business as mandated by this Ordinance. no later than January 31 of every year. Every subsequent purchaser, devisee or other business owner, must register within one month after acquiring said business, and furnish Clarks Summit Borough's designated representative in charge of the Business Registry, at the municipal building, with information to register their business as mandated by this Ordinance. Further, any newly established business shall register with the Borough of Clarks Summit within sixty (60) days of commencing business within the Borough boundaries.

D. The Business Registry information shall be provided to Clarks Summit Borough Police Department and the Clarks Summit Borough Fire Department, the Borough Manager, Borough Secretary and/or Designated Borough Official, as well as the Borough's designated Tax Collection Agents to insure prompt and safe delivery of emergency services, as well as collection of lawful tax levies.

#### **SECTION 103 – REGISTRATION FEE**

The fee for processing the business registration and maintaining the Business Registry in order to insure prompt emergent police and fire services as well as collection of lawful taxes shall be Twenty-Five Dollars (\$25.00) per registration which represents the reasonable and necessary costs of processing the registration and maintaining the Business Registry.

#### **SECTION 104 – PENALTIES**

Any person who shall violate any of the provisions of this Ordinance by failing to register their business shall, upon conviction thereof, be sentenced to pay a fine of not less than Twenty-Five Dollars (\$25.00), nor more than Three Hundred Dollars (\$300.00), plus costs, and, on failure to pay such fine and costs, to imprisonment for not more than ten (10) days. Each day of continuance of a violation of any provision of the Ordinance shall constitute a separate offense.

#### **SECTION 105 – REPEALS**

This Ordinance repeals any prior Ordinance governing business registration within Clarks Summit Borough in its entirety.

Enacted as an Ordinance this \_\_\_\_\_ of \_\_\_\_\_, 2005.

COUNCIL OF CLARKS SUMMIT BOROUGH

By: \_\_\_\_\_

Donald H. Moyer, III Council President

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November 2, 2005

**APPROVED:**

Approved this 2nd day of November, 2005:

Wesley W. Dunn, Sr.  
Mayor, Borough of Clarks Summit

**ATTEST:**

Adopted at a Borough of Clarks Summit Special Council Meeting conducted on Wednesday,  
November 2nd, 2005.

Barbara R. Grabfelder  
Borough Manager/Secretary

SEAL