

**TOWNSHIP OF UPPER NAZARETH
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 168

AN ORDINANCE

**ESTABLISHING THE ISSUANCE OF A BUSINESS REGISTRATION
CERTIFICATE FOR BUSINESSES, HOME OCCUPATIONS AND NO-
IMPACT HOME-BASED BUSINESSES WITHIN THE TOWNSHIP OF
UPPER NAZARETH, PROVIDING FOR DEFINITIONS, ISSUANCE,
AND ENFORCEMENT.**

BE IT ENACTED AND ORDAINED, and hereby ordained and enacted by the authority of Upper Nazareth Township through its supervisors, under the Act of Assembly of July 13, 2987, P.L. 330, No. 60, Section 1, et seq., and as set forth in 53 P.S. (66529), as follows:

SECTION 1. The Board of Supervisors finds it in the best interest of the residents of Upper Nazareth Township, Northampton County, Pennsylvania, that all persons or firms that engage in any business, home occupation, or no-impact home-based business as defined below in Upper Nazareth Township, are required to register and obtain a Business Registration Certificate from Upper Nazareth Township for such purpose, so that Upper Nazareth Township is informed as to what businesses are in the Township and the extent of such business. No Business Registration Certificate shall be required of any political, charitable, or religious establishment.

SECTION 2. As used in this Ordinance, the following definitions shall apply:

BUSINESS: The term "business" means any trade, profession, vocation, service, construction, communication or commercial activity, or making sales to persons or rendering services for or attributable to any office or location in Upper Nazareth Township, whether for gain or profit or otherwise.

HOME OCCUPATION: A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building that meets all of the Home Occupation requirements of Section 403 of the Upper Nazareth Township Zoning Ordinance.

NO-IMPACT HOME-BASED BUSINESS: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following PA MPC requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stock piling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, and/or electrical/electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

SECTION 3. After the effective date of this Ordinance, any person, firm, association, or corporation desiring to conduct or continue to conduct any business, home occupation or no-impact home-based business within Upper Nazareth Township shall file with the Upper Nazareth Township Zoning Officer or his designee an application for a certificate to operate a business within Upper Nazareth Township. Upon the filing of a properly completed application and upon payment of the fee, if applicable, and after review by the Zoning Officer, a Business Registration Certificate shall be issued to the applicant to commence or continue the business designated in said application if the business complies with the terms of this Ordinance. In cases where more than one place of business is conducted within Upper Nazareth Township, a separate Business Registration

Certificate shall be required and issued for each place of business with a separate fee for each Certificate being issued. The issued Business Registration Certificate shall be conspicuously posted in the place of business for which such certificate is issued.

SECTION 4. Business Registration Certificate fees may be amended annually within the Fee Schedule Resolution by the Board of Supervisors. A fee in the amount of \$35.00 shall be paid to secure a Business Registration Certificate for a business or home occupation as defined above; there shall be no fee for the issuance of a Business Registration Certificate for a no-impact home-based business. There shall be no pro rata discount in the application fee for engaging in business for less than the registration year. The certificate or certificates shall be effective until June 30 of the year in which issued. Business Registration Certificates not renewed within thirty (30) days after the due date shall, in addition to the yearly renewal fee, pay a late fee of \$25.00 which may be amended annually by the Fee Schedule Resolution of the Upper Nazareth Township Board of Supervisors.

SECTION 5. The Township Zoning Officer or his designee is charged with the duty of collecting and receiving the Business Registration Certificate fees imposed by this Ordinance. It shall be his duty to keep a record showing the amount received, from whom received, and the date of such receipt. The Board of Supervisors is hereby empowered to prescribe, adopt or promulgate rules or regulations relating to any matter pertaining to the administration and enforcement of this Ordinance and are charged with enforcing the provisions of this Ordinance and any rules and/or regulations promulgated pursuant hereto. Any information as requested by the Township Zoning Officer shall be submitted by the applicant at the time of application.

SECTION 6. No Business Registration Certificate shall be transferred by the holder to any other person, business, or entity. The Business Registration Certificate holder shall notify the Township prior to any termination of the business for which the Business Registration Certificate was issued, and no part of the Business Registration Certificate fee shall be refunded.

SECTION 7. In the event of any noncompliance with the provisions of this Ordinance after a Business Registration Certificate has been issued, the same may be revoked by order of the Upper Nazareth Township Zoning Officer until the noncompliance has been corrected as determined by the Zoning Officer. In the event of revocation, the Business Registration Certificate fee will not be refunded.

SECTION 8. If any person, firm, corporation, or occupant makes any false or untrue statement on any application required by this Ordinance or a person authorized to file the application fails or refuses to file a Business

Registration Certificate Application as required by this Ordinance, or a person otherwise fails or refuses to comply with this Ordinance is in violation of this Ordinance.

SECTION 9. Any person, firm, corporation, or occupant who shall violate or fail, neglect or refuse to comply with any of the provisions of this Ordinance, shall, upon conviction thereof in a Summary Proceeding brought before a District Justice in the same manner provided for the enforcement of Summary Offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not to exceed \$300.00, plus the cost of prosecution. For the purpose of this Ordinance, every day that a business operates without a Business Registration Certificate shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute an offense.

SECTION 10. The provisions of this Ordinance are severable and in the event that any provision is held invalid, void, illegal, or unconstitutional by any Court, it is the intent of the Governing Body that such determination by the Court shall not affect or render void the remaining provisions of this Ordinance. It is the declared intent of the Governing Body that this Ordinance would have been enacted if any provision subsequently declared to be void, invalid, illegal or unconstitutional had not been included at the time of enactment.

SECTION 11. This Ordinance shall become effective July 1, 2015.

DULY ORDAINED AND ENACTED this 15 day of April, 2015.

UPPER NAZARETH TOWNSHIP

ATTEST:

BY: Michael Rinker
MICHAEL RINKER, Chairman

Jana Rinker
, Secretary