

**CITY OF JOHNSTOWN, PENNSYLVANIA
ORDINANCE NO. 5347**

BILL No. 22 OF 2022

Introduced in Council: November 9, 2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA REQUIRING THE REGISTRATION OF BUSINESSES OPERATING WITHIN THE CITY OF JOHNSTOWN AND THE PAYMENT OF REGISTRATION FEES FOR THE SAME, AND FURTHER ADDRESSING DEFINITIONS, APPLICABILITY, ONE-TIME WAIVER OF SAID FEES, ADMINISTRATION, ENFORCEMENT, AND PENALTIES THE ORDINANCE, PROVIDING FOR A ONE TIME WAIVER OF THE REGISTRATION FEE, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE ORDINANCE, SETTING FORTH VIOLATIONS AND PENALTIES

WHEREAS, City Council has determined it to be in the best interest of the City of Johnstown to create a registry of all businesses within the City of Johnstown to further assist the City in providing the required services of the City and enforcing the existing laws of the City; and

WHEREAS, City Council has deemed it necessary and appropriate, for purposes of establish and maintaining said registry, to require businesses or occupations to be registered with the City, to require submission of registration information on annual basis, and to imposed an annual fee for such registrations.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the City Council of the City of Johnstown, Cambria County, Pennsylvania, as follows:

Section 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 Johnstown, Cambria County, Pennsylvania, is required to register and pay an annual business registration fee for the privilege of doing business in the City.

Section 2. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meaning and be defined as set forth below:

BUSINESS

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

An organization that is determined by the Internal Revenue Service to be exempt from federal income taxes under 26 U.S.C. § 501(c)(3), (4), (6), (7), (8), (10) or (19).

CHARITABLE PURPOSE

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

The City of Johnstown, Cambria County, Pennsylvania.

PERSON

Any individual, firm, partnership, LLP, LLC, cooperative nonprofit 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.

OFFICIAL REGISTRATION DEPARTMENT

For the purposes of this Ordinance, the Official Registration Department of the City is the Finance Department of the City of Johnstown.

Section 3. Purpose.

The business registration required by this chapter is for the purpose of establishing a database of businesses operating within the City.

Section 4. Business Registration Fee

- A. The required business registration as established from time to time by City Council shall be paid for each business subject hereto upon the adoption of this chapter, at the time a person opens a business in the City of Johnstown, upon the change of ownership of a business located in the City of Johnstown, or upon the change of location of a business within the City of Johnstown. 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 chapter 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 chapter becomes effective, until such time as a change of location or change of ownership of the business occurs, however registration for said businesses is

still required as of the relevant effective date. Upon either occurrence, the relevant fee will be required to file a corrected business registration form.

Section 5. Date and Method of Registration.

- A. The owner, agent or legal representative of each business subject to this chapter shall register the business within 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 chapter.
- B. Registration shall be on the form attached hereto¹, as may be modified from time to time by resolution of City Council, which shall contain the last five digits of the social security number and/or the full federal employer identification number (FEIN) for those businesses located within the City, the business name as reported on the business's or owner's 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 Official Registration Department that information provided on the initial business registration form filed with the City remains accurate. Notices will be issued annually by the Official Registration Department to all businesses registered to confirm the information. Confirmations are due by January 31 of each year.

Section 6. Exemptions; Charitable Organizations

- A. No person or business shall be exempt from the requirements of the chapter 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 chapter 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 chapter.
- B. A charitable organization shall be deemed a business subject to this chapter and the business registration fee.
- C. Units of federal, state, county or City government, including the School District of Johnstown, located within the City of Johnstown, are exempt from the requirements of this chapter.

Section 7. False Applications Unlawful

It shall be unlawful for any person or business subject to the provisions of this chapter 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 chapter.

Section 8. Administration.

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

Section 9. Appeals.

- A. If a person or business fails to register a business or to furnish the information required by this chapter to the Official Registration Department, the Official Registration Department 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 Official Registration Department 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 City Manager, or his/her designee, by filing a written notice of appeal within 10 days after the day of written notification to the person or business. The City Manager and/or designee will review the matter and provide a written response regarding such appeal to the person or business filing regarding the final disposition of said matter.

Section 10. Delinquent Payment.

For nonpayment of all or any part of the business registration fee, the Official Registration Department shall levy and collect a late penalty of 5% 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 60 days after its due date, the Official Registration Department shall report it to the City Solicitor for appropriate legal action.

Section 11. Violations and Penalties.

Any person violating any provision of this chapter shall be deemed guilty of an offense and shall be subject to a fine of up to \$100 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 12. Severability.

In the event any provision, section, sentence, clause or part of this chapter 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 chapter, it being the intent of the City of Johnstown that the remainder of the chapter shall be and shall remain in full force and effect.

Section 13. 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 Johnstown code or ordinance.

Section 14. Nonexclusive Remedies.

The penalty and collection provisions of this chapter 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 proposes of this chapter. The remedies and procedures provided in this chapter 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 Johnstown code or ordinance, whether or not such other code or ordinance is referenced in this chapter, 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 chapter.

Section 2. Any/all provisions of City Ordinances, regulations, and/or Resolutions inconsistent with this Ordinance are likewise repealed to the extent of such inconsistency.

Section 3. This Ordinance shall be effective upon adoption however the registration requirements and related provisions addressed herein, shall be effective and applicable as of January 1, 2023.

ORDAINED and ENACTED by the City Council of the City of Johnstown, County of Cambria, the Commonwealth of Pennsylvania on this **14th** day of December 2022.

PASSED FINALLY IN COUNCIL: December 14, 2022

By the following vote:

Yeas: Mr. Arnone, Mayor Janakovic, Mr. Britt, Rev. King, Mrs. Mock, Ms. Huchel, Mr. Capriotti

Nays:


Absent:



Frank Janakovic, Mayor
Michael Capriotti, Deputy Mayor

ATTEST:

I do hereby certify that the following is a true and correct copy of Ordinance No. **5347** as the same was adopted by the City Council of the City of Johnstown, Pennsylvania.



Ethan Imhoff, City Manager