

**CITY OF PITTSBURGH**

**Department of Permits, Licenses and Inspections (PLI)**

**CHILD-OCCUPIED FACILITIES BUILT BEFORE 1978**

*Rules and Regulations pursuant to the Pittsburgh City Code, Title VI*

*Effective May 29, 2022*

RULES GOVERNING PROCEDURES OF REGISTRATION AND INSPECTION  
OF CHILD-OCCUPIED FACILITIES BUILT BEFORE 1978

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## I. Applicability

The City of Pittsburgh Department of Permits, Licenses and Inspections (hereinafter "PLI") enforces portions of Title Seven, Title Ten, and portions of Title Six and Title Nine of the Pittsburgh City Code (hereinafter referred to as the "PCC," the "Code," and/or the "City Code"), as amended. PLI's Director is required to promulgate and enforce reasonable rules and regulations necessary to the operation and enforcement of Title Six, Business Licensing (PCC § 701.03(a)(1))<sup>1</sup>. The *Rules and Regulations* herein apply to all business and trade licensing within the jurisdiction of the City of Pittsburgh (also referred to herein as "the City") that are issued and enforced by PLI. Policies and the like not outlined in the PCC, Title Seven and the *Rules and Regulations* herein shall be at the discretion of the License Officer.

### 1. Availability of Rules and Regulations

The License Officer shall ensure that a copy of the *Rules and Regulations* is kept at PLI's office at all times and is available as reference for employees and the public. Licensees are solely responsible for ensuring that they and, if applicable, all of their partners, employees, subcontractors, etc., read, understand, and comply with the *Rules and Regulations* herein.

### 2. Non-Discrimination & Reasonable Accommodations

PLI shall not permit any rules, policy, or action, express or implied, which discriminates on account of race, color, religion, national origin, sex, sexual orientation, gender identity or expression, disability, or any other classification identified in the Pittsburgh Anti-Discrimination Ordinances (PCC Title Six, Article V).

For all rules and regulations articulated herein and all services provided by PLI, applicants and licensees may request reasonable accommodations due to a disability as defined by the Americans with Disabilities Act, as amended, by communicating the need for the accommodation to the License Officer in writing. The License Officer shall respond to the request within three (3) business days. For purposes of making a reasonable accommodation request, the Licenses Officer can be contacted at: 412-255-2979.

## II. Definitions

### A. Definitions and Abbreviations

Applicant. A person applying for to register a child occupied facility with PLI.

Business. The name of the business and, where applicable, the address where the licensed business activity shall take place. Applicants and licensees will also provide

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<sup>1</sup> Citations to the City of Pittsburgh Code of Ordinance will be denoted by the prefix "PCC" followed by the numeric reference.

the type of business—online applicants will be prompted to select the type of business from a list.

Effective Date(s) of Rules and Regulations. The date(s) on which these *Rules and Regulations* and amendments go into force and effect.

Effective Date of License. The first date on which the business license is in effect and licensed business can occur.

Expiration Date. The date on which a license or certification is no longer valid and connected business must cease unless the license is renewed.

Grace Period. A time frame after the expiration date in which a registrant seeking renewal may be delinquent in their registration fees and requirements, but may apply to renew their current registration following satisfactory completion of all renewal requirements. The amount of time of the grace period varies depending on the type of license as defined in the *Rules and Regulations*.

Issuance Date. The date that the license requirements were initially satisfied and the license ready to be printed.

Lapse. A license which has expired and surpassed its allotted grace period. All licensees that allowed their license(s) to lapse are required to apply for a new license and meet all new license requirements at the time of new application.

Legal Entity. The legal name that is connected to a business or person and their associated City of Pittsburgh tax identification number.

Child Occupied Facilities Registration. A listing of active day cares, pre-schools, or kindergarten classrooms in buildings or portions of buildings constructed prior to 1978.

Registrant. The person(s), business(es), or legal entity(ies) responsible for the child-occupied facility and maintain the registration in accordance with these *Rules and Regulations* and the PCC.

Most Recent Issue Date: The date that the license was most recently issued as recorded on the official license document.

“PLI.” Abbreviation for the City of Pittsburgh Department of Permits, Licenses and Inspections

“PCC.” Abbreviation for and reference to the City of Pittsburgh Code of Ordinances (also referred to herein as the “Code” and the “City Code”). This Code of Ordinances is free and available to the public at [www.municode.com](http://www.municode.com).

Revocation. The act of cancelling and closing a license. Revocation of a license is determined by the License Officer.

Suspension. A temporary hold on a license, during which a Licensee may not resume business activity related to the license, including but not necessarily limited to work on permits, until the terms connected to the suspension are satisfied, if applicable. Suspension periods are determined by the License Officer.

### III. Program Administration

#### A. Applications for Child-Occupied Facilities in Pre-1978 Buildings Registration

1. The Director of the Department of Permits, Licenses, and Inspections shall prescribe the manner of submission of all applications, which is set forth in the Pittsburgh City Code and these *Rules and Regulations*.
2. Owners and applicants submitting more than five (5) applications in a calendar year shall submit applications electronically through the online PLI license and permit customer portal known herein as “OneStopPGH” ([onestoppgh.pittsburghpa.gov](http://onestoppgh.pittsburghpa.gov)).
  1. Owners submitting five (5) applications or less annually may submit applications by paper forms at the OneStopPGH customer counter located at 412 Blvd of the Allies during operating business hours.
3. Applicants may only submit PLI-approved forms and not forms of their own creation.
4. Applicants who provide incomplete applications or incorrect fee amounts shall be subject to a hold on the processing of any applications until the transaction or application requirements are met.
5. Incomplete applications submitted and abandoned for 60 days after a final request for requirements will be closed and all fees forfeited.

#### B. Payment Standards

1. Applicants that must submit applications electronically through the online OneStopPGH customer portal per Rule 3, B (2) must also submit payments online via e-check, debit card, or credit card at the time of application.
2. Applicants that may submit applications by paper forms per Rule 3, B (2) (i) must submit payment at the time of application. PLI shall only accept payment in the form of checks, e-checks, money orders and credit and debit cards.
3. Checks and money orders may only be submitted at the OneStopPGH customer counter must be made payable to “Treasurer - City of Pittsburgh.”
4. No more than five (5) application fees may be included in one check or money order.
5. If the full amount for a registration is due, PLI will not accept partial payment(s).
6. Registration will not be processed and/or issued unless all costs associated with the registration, including any late fees, “not sufficient funds” (“NSF”) fees, and any other fees connected to the applicant are paid in full.
7. Funds provided to PLI that are incorrect will be rejected and sent back to the applicant. Applications will not be accepted where fees are incorrect.
8. For each check returned from the bank due to “not sufficient funds (NSF),” applicants will have to pay an associated NSF fee as listed in the fee schedule.

9. Applicants who have had two (2) returned checks due to insufficient funds will be required to provide payment via money order thereafter.
10. PLI shall not accept funds in excess of fee amounts due.
11. PLI shall not accept payments over-the-phone.
12. PLI shall not accept payment in the form of cash.

**C. License Fees**

The pre-1978 child occupied facilities registration and inspection fees shall be set annually in accordance with Chapter 170 of the Pittsburgh City Code.

**D. Files and File Retention**

All pre-1978 child-occupied facility registration form information shall be retained in electronic format for seven years. All inspection report form information indicating violations shall be retained electronically for three years.

**E. Accurate and Complete Information**

All information provided on the registration form shall be accurate and complete. No person shall provide inaccurate information for the registration of a child-occupied facility regulated under the Lead Safety Ordinance or fail to provide the information required for such registration. The registration form shall be signed by the property owner(s) or the owner(s) of the Child-Occupied Facility, where applicable. When the owner is not a natural person, the owner information shall be that of the president, general manager or other chief executive of the organization.

**F. Registration Term and Renewals**

Registration of a pre-1978 child-occupied facility shall be effective for one year from the registration start date. The property owner shall re-register a pre-1978 child-occupied facility with the City, thirty (30) calendar days prior to the expiration of the registration of the child-occupied facility.

**IV. LEAD SAFETY INSPECTIONS**

### **A. Applicability of Inspection Program**

The lead safety inspections required to carry out the child-occupied facilities located in structures built prior to 1978 shall be inspected by a designated inspector for compliance with the City of Pittsburgh lead safety standards.

### **B. Inspection Requests**

Applicants that must submit applications through the OneStopPGH customer portal must also submit inspection requests through the OneStopPGH customer portal within 30 days following issuance of the Child-Occupied Facility Registration permit. Applicants that may submit applications at the OneStopPGH customer counter per Rule 3(B)(2)(i) may call the Inspector assigned to the subject property's ward to request inspection.

### **C. Inspection Scope**

Child-occupied facilities subject to lead-based paint inspections shall include:

1. A visual assessment for bare soil on the lot(s) upon which the building or relevant portion thereof is situated.
2. A visual assessment for deteriorated paint surfaces in the interior, exterior and common areas of the building or relevant portion thereof.
3. Lead dust wipe sampling inside any child-occupied facility, which shall include at minimum, the following elements:
  - i. Dust wipe samples on floors and windowsills and window troughs that have a paint history in at least four rooms, including the entryway/ entry room.

### **D. Inspection Exemptions**

1. Structures or portions of structures built prior to 1978 may be exempt from lead inspections and fees where the Child-Occupied Facility registration applicant provides a report prepared by a professional who is certified by the Pennsylvania Department of Labor and Industry (PA L&I) as a lead risk assessor that the building, or relevant portion thereof, contains no lead-based paint hazards.

### **E. Enforcement**

Under no circumstances will a child-occupied facility inspection be completed without the affirmative consent and presence of either the property owner, responsible agent, facilities or maintenance employee for the owner, or the tenant of the property who is 18 years of age or older. Exceptions to this consent requirement may exist where there is a court order allowing such entry and/or if exigent circumstances.

Subject to the consent requirement described above, all subject child-occupied facilities

shall be inspected a minimum of one time every three years, unless otherwise exempted or reduced in accordance with these Rules and Regulations.

1. A subject child-occupied facility may be scheduled for immediate inspection, subject to the consent requirement described above, under the following circumstances:
    - i. After the registration of the child-occupied facility;
    - ii. Upon receipt of written or verbal complaint from an owner, owner's representative, occupant, or member of the public that the premises is in violation of any property maintenance code standard;
    - iii. Upon receipt of a report or referral from the police department, fire department, public or private school, any public agency, or member of public, for a failure to comply with the lead safety ordinance.
    - iv. Upon evidence of an existing ordinance violation observed by a designated inspector.
- F.** Subject to the consent requirement described above, any subject child-occupied facility that has not passed its inspection shall be inspected at the discretion of the Department of Permits, Licenses, and Inspections until such time that it does pass an inspection.



## **G. Inspector Safety**

If at the time of the scheduled inspection the designated inspector determined that there is reasonable cause to be concerned for their personal safety, the inspector shall leave the premises and notify the Building Code Official immediately. The following list represents examples of items which may cause reasonable concern for the inspector's personal safety:

1. Presence of major health violation(s) which pose threat to inspector's safety (e.g. severe insect or rodent infestation, severe sewage backup).
2. Evidence of structural deficiencies which pose imminent danger.
3. Presence of threatening individuals.
4. Presence of unrestrained and threatening animals.
5. Noncompliance with Center of Disease Control (CDC) safety protocols, where applicable and per the effective CDC rules on the date of the inspection.

## **H. Notice of Violations**

When PLI determines that there has been a violation of any provision of the lead safety ordinance related to child-occupied facilities, PLI will send a Request for Compliance, warning of the failure to comply. Such written notice shall provide with specificity any violation, any corrective actions required, and the right to appeal in accordance with this Chapter. Notice shall be served by the method of service of process set forth in City Code §781.03(e)(3).

In the event that the violation is a serious health and/or safety issue, PLI will accelerate enforcement to more immediate action at the discretion of PLI Code Officials.

## **V. RULE FIVE – RIGHT TO APPEAL**

Registrants and applicants of Child- Occupied Facilities regulated by the Lead Safety Ordinance shall be afforded an appear before the Board of License and Inspection Review. Section 781.08 of the City Code establishes the right of any person aggrieved by any action of the License Officer to appeal such action. City Code §701.15 establishes the Board of License and Inspection Review. City Code §701.16 thereof establishes the following means of appealing issues that arise from enforcement of Business Licensing:

### **Pittsburgh City Code, Title VII**

#### **§701.16 - Right of Appeal**

(a) Any person aggrieved by any action of the License Officer related to the issuance, transfer, renewal, refusal, suspension, revocation, or cancellation of any

City license issued pursuant to this Title shall have the right to appeal to the Board of License and Inspection Review.

(b) Appeals shall be filed in writing in a form and manner prescribed by the License Officer. Each appeal shall be accompanied by a copy of the notice, order, or other official document, which is the subject of the appeal, as applicable. Each appeal shall be filed within thirty (30) days of the date of the action being appealed.

(c) All appeals considered by the Board of License and Inspection Review shall be heard in a public forum at a publicly advertised time as determined by the Board of License and Inspection Review.

(d) The Board of License and Inspection Review shall maintain an official record of all hearings and such hearings shall be conducted in compliance with all applicable laws.

City Code §701.17 establishes actions prohibited during the time of appeal, while City Code §701.18 establishes penalties for violation of any provision of Title 7 (“Business licensing”) as follows:

#### **§ 701.17 - Action Pending Appeal**

Whenever an appeal is filed pursuant to this Chapter or Title X, Chapter 1004, [Section 1004.02](#) is pending, compliance with the order, decision, notice of violation, or license suspension or revocation which is the subject of the appeal shall not be required except where there exists a condition of immediate danger or hazard to health, safety, or welfare which requires immediate compliance.