



Legislation Details (With Text)

File #: 2014-1015 **Version:** 1
Type: Ordinance **Status:** Passed Finally
File created: 11/10/2014 **In control:** Committee on Finance and Law
On agenda: **Final action:** 12/9/2014
Enactment date: 12/9/2014 **Enactment #:** 29
Effective date: 12/17/2014

Title: Ordinance amending the Pittsburgh City Code, Title Seven, Business Licensing, Chapter 701 General Provisions to reflect the renaming and reorganization of the former Bureau of Building Inspection to the Department of Permits, Licenses, and Inspections.

Sponsors:

Indexes: PGH. CODE ORDINANCES TITLE 07 - BUSINESS LICENSING

Code sections:

Attachments: 1. 2014-1015.rtf

Date	Ver.	Action By	Action	Result
12/18/2014	1	Mayor	Signed by the Mayor	
12/9/2014	1	City Council	Passed Finally	Pass
12/3/2014	1	Standing Committees	AFFIRMATIVELY RECOMMENDED	Pass
11/19/2014	1	Standing Committees	Held in Committee	Pass
11/10/2014	1	City Council	Read and referred	

Ordinance amending the Pittsburgh City Code, Title Seven, Business Licensing, Chapter 701 General Provisions to reflect the renaming and reorganization of the former Bureau of Building Inspection to the Department of Permits, Licenses, and Inspections.

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1.

CHAPTER 701: - GENERAL PROVISIONS

§ 701.01 - DEFINITIONS.

As used in this Title, certain terms are defined as follows:

- (a) **LICENSE OFFICER.** The ~~Superintendent of the Bureau of Building Inspection~~**Director of the Department of Permits, Licenses, and Inspections** who is hereby empowered to delegate any authority granted him or her or any other officer or employee of the ~~Bureau~~**Department**. Any duty prescribed herein to be performed by the ~~Superintendent~~**Director** may be performed by the ~~Superintendent~~**Director** or other officer or employee of the ~~Bureau~~**Department** assigned such duty by the ~~Superintendent~~**Director**.
- (b) **INSIGNIA.** Any tag, plate, badge, emblem, sticker or any other similar device which may be required for any use in connection with any license.

(c) **LICENSEE.** A license holder for any use or period of time of any special privilege granted relevant to any provision of this Title.

§ 701.02 - LICENSE APPLICABILITY AND SCOPE.

(a) *Compliance required.* No person, either directly or indirectly, shall conduct any business or nonprofit enterprise or use in connection therewith any vehicle, premises, machine or device, in whole or in part, for which a license is required by any law or ordinance, without first obtaining the license and keeping it in effect at all times as required by law or ordinance. No person under eighteen (18) years of age shall be entitled to a license.

(b) *Special sales.* This Business Licensing Title applies to all business in the nature of special sales for which a license is required by any law or ordinance and no person, either directly or indirectly, shall conduct any sale except in conformity with the provisions of this Title.

(1) *One act constitutes doing business.* For the purpose of this Title, any person shall be deemed to be in business or engaging in nonprofit enterprise, and thus subject to the requirements of subsections (a) and (b) hereof, when he does one (1) act of:

- A. Selling any goods or services;
- B. Soliciting business or offering goods or services for sale or hire; or
- C. Acquiring or using any vehicle or any premises for business purposes in the city.

(2) *Agents responsible for obtaining license.* The agents or other representatives of nonresidents who are doing business in the City shall be personally responsible for the compliance of their principals and of the businesses they represent with this Title.

(3) *Separate license for branch establishments.* A license shall be obtained in the manner prescribed herein for each branch establishment or location of the business engaged in, as if each branch establishment or location were a separate business, except for warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this Title.

(4) *Nonprofit and charitable enterprises.* Nonprofit and charitable enterprises shall obtain a license and pay all fees or other charges therefor unless specifically exempt therefrom. When a nonprofit or charitable organization is specifically exempt from the payment of license fees, it shall apply to the License Officer for an "Exempt Mercantile License" who on approval thereof shall issue the license.

§ 701.03 - DUTIES OF LICENSE OFFICER.

(a) *Duties.* The License Officer shall collect all license fees and issue all licenses in the name of the City to all persons qualified under the provisions of this Title and shall do the following:

(1) *Make rules.* Promulgate and enforce all reasonable rules and regulations necessary to the operation and enforcement of this Title.

(2) *Adopt forms.* Adopt all forms and prescribe the information to be given therein.

(3) *Require affidavits.* Require applicants to submit all affidavits and oaths necessary to the administration of this Title.

(4) *Obtain endorsement.* Submit all applications, in proper cases, to interested City officials for their endorsements thereon as to compliance by the applicant with all laws, ordinances or regulations which they have the duty of enforcing.

(5) *Investigate.* Investigate and determine the eligibility of any applicant for a license as prescribed herein.

- (6) *Examine records.* Examine the books and records of any applicant or licensee when reasonably necessary to the administration and enforcement of this Title.
- (7) *Give notice.* Notify any applicant of the acceptance or rejection of his or her application and deliver written reasons for denial at the applicant's request.
- (b) *Information confidential.* The License Officer shall keep all information furnished or obtained under the authority of this Title in strict confidence. The information shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known except to the persons charged with the administration of this Title.

§ 701.04 - QUALIFICATION OF APPLICANTS.

- (a) *General standards to be applied.* The general standards herein set out relative to the qualifications of every applicant for a City license shall be considered and applied by the License Officer.
 - (1) *Good moral character.* Each shall be of good moral character. In making the determination, the License Officer shall consider only:
 - A. *Reserved.*
 - B. *License history.* The license history of the applicant; whether the person, in previously operating in this or another state under a license has had a license revoked or suspended and the reasons thereof.
 - (2) *Mercantile license.* The License Officer shall ascertain from the City Treasurer's office whether a required mercantile license has been obtained.
 - (3) *No City obligations.* Each applicant shall not be in default under the provisions of this Title nor indebted nor obligated in any manner to the City except for current taxes.
 - (4) *Compliance with building and zoning laws.* Each applicant shall certify to his or her knowledge that he or she is not in violation of any City building or zoning laws.

§ 701.05 - LICENSE ISSUANCE PROCEDURE.

License issuance procedure shall be as is provided in Chapter 107 of Title One-Administrative.

§ 701.06 - LICENSED PREMISES.

The License Officer shall not issue a license if it is determined that the licensed activity at the proposed location:

- (a) Will be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (b) If the proposed use will be injurious to the use and enjoyment of other property in the immediate vicinity of the proposed use.
- (c) If the premises are not of a nature and type that are suitable for the licensed activity.

§ 701.07 - LICENSE FEE.

License fees shall be in the amounts established in the applicable sections of this Title.

- (a) *Adjustment.* The License Officer shall require an increase in fee when the status of a licensee changes to place him or her in a classification imposing the increase in fee.

- (b) *Rebate*. No rebate or refund of any license fee or part thereof shall be made for any reason except if the fee or any part thereof was collected through an error.
- (c) *Employees*. Employees of the city, required to hold a license as provided for in this Title, shall have their license renewed annually without fee. Licenses issued without fee shall be valid only for the City employment and shall not be valid for any other purposes. The employee's supervisor shall provide a written statement to the License Officer stating the requirement for the employee to hold the license.
- (d) *Renewal penalty*. A renewal penalty of fifty dollars (\$50.00) shall be assessed for each license not renewed by the due date.
- (e) At the discretion of the ~~Chief of the Bureau of Building Inspection~~ **Director of the Department of Permits, Licenses, and Inspections**, the ~~Bureau of Building Inspection~~ **Department of Permits, Licenses, and Inspections** is authorized to increase fees not to exceed three (3) percent annually for Title 7 and Title 10 permits and fees associated with the operation of the ~~Bureau of Building Inspection~~ **Department of Permits, Licenses, and Inspections**.

§ 701.08 - LICENSE INFORMATION.

Each license issued shall state upon its face:

- (a) The name of the licensee and any other name under which the business is to be conducted.
- (b) The kind and address of each business so licensed.
- (c) The amount of license fee.
- (d) The dates of issuance and expiration.
- (e) Other information as the License Officer determines is necessary.

§ 701.09 - DUTIES OF LICENSEE.

- (a) *General standards of conduct*. Every licensee under this Title shall:
 - (1) *Permit inspection*. Permit all reasonable inspections of his or her business and examinations of his or her books by public authorities authorized by law.
 - (2) *Comply with governing law*. Ascertain and at all times comply with all laws, ordinances and regulations applicable to the licensed business.
 - (3) *Operate properly*. Avoid all forbidden, improper or unnecessary practices or conditions which do or may affect the public health, morals or welfare.
 - (4) *Cease business*. Refrain from operating the licensed businesses on premises after license expiration and during any period of revocation or suspension.
- (b) *Display of license and insignia*. Every licensee under this Title shall:
 - (1) *Premises*. Post and maintain the license or insignia upon the licensed premises in a place where it may easily be seen at all times by interested parties.
 - (2) *Vehicles*. Affix any insignia delivered for use in connection with a licensed activity involving a vehicle in a prominent place on the outside thereof.
 - (3) *Persons*. Carry the license on his or her person when he or she has no licensed business premises.
 - (4) *Machines*. Affix any insignia delivered for use in connection therewith upon the outside of any coin, vending or other business machine or device, so that it may be easily seen at all times by interested

parties.

- (5) *Inoperative licenses, special permits and insignia.* Not allow any license, permit or insignia to remain posted, displayed or used, after the period for which it was issued has expired; or when it has been suspended or revoked, or for any reason become ineffective. The licensee shall promptly return the inoperative license, special permit or insignia to the License Officer.
- (6) *Unlawful possession.* Not loan, sell, give or assign, to any other person to use or display, or to destroy, damage or remove, or to have in his or her possession, except as authorized by the License Officer or by law, any license, or insignia which has been issued to the licensee.
- (c) *New location desired.* A licensee shall have the right to change the location of the licensed business provided he or she shall:
 - (1) *Approval of license officer.* Obtain written permission from the License Officer for change of location.
 - (2) *Payment of fee.* Pay a removal fee of five dollars (\$5.00) to the License Officer.
- (d) *Keep records.* Keep all records and books necessary to the computation of his or her license fee and to the enforcement of this Title. The License Officer shall make his or her own determination as to the requirements of a financial statement for any business where the licensee has failed to keep books and records as required herein.

§ 701.10 - TRANSFER OF LICENSE.

A license is not transferable to another person, and is not otherwise transferable except as may be expressly provided elsewhere in this Title.

§ 701.11 - TERM OF LICENSE.

The License Officer shall have the authority to establish the license year or term for any license issued under this Title.

§ 701.12 - ENFORCEMENT AND INSPECTIONS.

- (a) *Inspections.* The following persons hereinafter called "inspectors" are authorized to conduct inspections in the manner prescribed herein:
 - (1) *License Officer.* The License Officer shall make all investigations necessary to the enforcement of this Title.
 - (2) *Authorized officials.* The License Officer shall have the authority to order the inspection of licensees, their businesses and premises, by all City officials having duties to perform with reference to licensees or businesses.
 - (3) *Police Officers.* All police officers shall inspect and examine businesses located within their respective jurisdictions to enforce compliance with this Title.
- (b) *Authority of inspectors.* All inspectors shall have the authority to enter premises to inspect for violation of any provision of this Title. Persons inspecting licensees, their businesses or premises as herein authorized shall report all violations of this Title or of other laws or ordinances to the License Officer and shall submit other reports as the License Officer may require.

§ 701.13 - LIABILITY FOR FEES.

When a person knowingly allows another person who has not obtained a license to use his or her premises for an activity requiring a license under this Title, the person who allowed his premises to be so used shall be liable for any applicable fees required herein.

§ 701.14 - LICENSE REVOCATION OR SUSPENSION.

- (a) Any license issued pursuant to the provisions of this Title may be revoked or suspended by the License Officer for any of the following reasons:
- (1) Fraud, misrepresentation or false statement contained in the license application.
 - (2) Fraud, misrepresentation or false statement made in the course of carrying on the business.
 - (3) Violation of any provision of this Title or rules or regulations duly made in accordance therewith.
 - (4) Conviction of any crime or misdemeanor involving moral turpitude.
 - (5) Conducting the business or using any vehicle, premises, machine or other device in connection therewith in an unlawful manner or in such a manner as to constitute a breach of peace or a menace to the health, safety or general welfare of the public.
 - (6) Obstruction of or denial of entry for authorized inspections.
 - (7) Violation of any City building or zoning laws, or rules or regulations duly made in accordance therewith.
- (b) The License Officer shall revoke the license of any licensee whose license was suspended twice within any one (1) year's period of time and no new license or reinstatement or renewal shall be approved or issued for one (1) year from the revocation date.

§ 701.15 - RIGHT OF APPEAL.

- (a) Any person aggrieved by any action of the License Officer may request a hearing before the License Officer within ten days following the effective date of any action complained thereof. The appeal shall set out a copy of the order or decision appealed from and shall include a statement of the facts forming the basis of the appeal.
- (b) A copy of the appeal shall be filed by the appellant with the License Officer at the time of filing. The License Officer shall notify the aggrieved party of the date and place of hearing within five (5) days of receipt of the appeal, and the hearing shall be held within fifteen (15) days from date of appeal.

§ 701.16 - PENALTY.

- (a) Whoever violates any provision of Title Seven-Business Licensing shall be punished as provided in § 101.09 of Title One Administrative.
- (b) Administrative penalty fee of sixty-one dollars (\$61.00) shall be charged on all late filings for license permits under this Title.