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Title: Ordinance Supplementing the Pittsburgh Code at Title Two, Fiscal; Article VII, Business Related Taxes, by adding Chapter 259, Excise Tax on Outdoor Advertising Transactions

Sponsors: Darlene M. Harris, Natalia Rudiak, Patrick Dowd

Indexes: PGH. CODE ORDINANCES TITLE 02 - FISCAL

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| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------|-----------------------------------|--------|
| 12/3/2012 | 1 | Mayor | Returned Unsigned | |
| 11/27/2012 | 1 | City Council | Passed Finally | Pass |
| 11/19/2012 | 1 | Standing Committee | AFFIRMATIVELY RECOMMENDED | Pass |
| 11/13/2012 | 1 | Committee on Hearings | Public Hearing Held | |
| 9/19/2012 | 1 | Standing Committee | Held for Cablecast Public Hearing | Pass |
| 9/19/2012 | 1 | Standing Committee | Held for Cablecast Post Agenda | Pass |
| 9/11/2012 | 1 | City Council | | |

Ordinance Supplementing the Pittsburgh Code at Title Two, Fiscal; Article VII, Business Related Taxes, by adding Chapter 259, Excise Tax on Outdoor Advertising Transactions

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh Code, Title Two Fiscal; Article VII, Business Related Taxes, is hereby supplemented by adding Chapter 259, Excise Tax on Outdoor Advertising Transactions, which shall read as follows:

CHAPTER 259. EXCISE TAX ON OUTDOOR ADVERTISING TRANSACTIONS

§ 259.01. Definitions.

In this Chapter the following words and phrases shall have the meanings given to them in this Section unless the context clearly requires otherwise:

- (a) **Accessory Sign.** A sign which directs attention to information, identification, or advertisements strictly

incidental to a lawful use of the premises on which it is located. This includes signs or devices indicating the business transacted, services rendered, goods sold, or produced on the premises; and name or emblem of a person, firm, institution, organization or activity occupying the premises.

- (b) **Non-Accessory Sign.** A sign which directs attention to a business, industry, profession, commodity, service organization, activity, institution, business, product or entertainment neither sold, located nor offered upon the property where the sign is situated.
- (c) **Outdoor Advertising Sign.** A non-accessory sign, but excluding: advertising matter displayed on operative currently registered motor vehicles or on pedestrians; accessory advertising matter displayed on newsstands; information required by law or ordinance to be placed on structures; notice to the public that a property is for sale or rent; a sign owned and sponsored by a community, civic or charitable organization; a sign identifying a company performing on-site construction; and On-Site Public Art.
- (d) **On-site Public Art.** Artwork such as a painting or mural that is permanent (i.e. lasting the life of the building); original; created specifically for the site; and is not primarily intended to advertise a product or service.
- (e) **Outdoor Advertising Sign Company.** The owner or operator of a structure used to display an outdoor advertising sign.
- (f) **Sign.** A name, identification, description, emblem, display, or device which is affixed to, or printed on, or represented directly or indirectly upon a building, structure, or parcel of land; which is illuminated or non-illuminated; visible or intended to be visible from any public place; and, which directs attention to a person, place, product, institution, business, organization, activity or service. Signs also include any permanently installed or situate merchandise, including any banner, pennant, placard or temporary sign, with the exception of window displays and national flags.
- (g) **Sign Support Structure.** Any column, upright, brace or construction situate upon the ground, a building or another structure the purpose of which is to support a sign or sign message.
- (h) **Purchase Price.** The full consideration paid or delivered or promised to be paid to an Outdoor Advertising Sign Company for the installation, placement or maintenance of, or license to place, an outdoor advertising sign on any building, parcel or Sign Support Structure. The Purchase Price shall not include the price paid to the owner of the real property in consideration for the erection of a Sign Support Structure.

§ 259.02. Imposition and Rate of the Excise Tax.

- (1) There is hereby imposed an excise tax on the purchase, rental or licensing of space on any building, parcel or Sign Support Structure located in the City for the purpose of installing, placing or maintaining an Outdoor Advertising Sign.
- (2) The excise tax shall be collected by an Outdoor Advertising Sign Company at the time the Purchase Price is paid, and shall be remitted by the Outdoor Advertising Company to the City in accordance with rules and regulations to be promulgated by the Treasurer.
- (3) The rate of tax shall be ten percent (10%) of the Purchase Price.

§ 259.03. Reports, Returns, Payment and Collection of Tax.

(1) All taxes collected by any Outdoor Advertising Sign Company in accordance with this Chapter shall constitute a trust fund for the City and such trust shall be enforceable against such person and any person receiving any part of such fund without consideration, or knowing that the Outdoor Advertising Sign Company is committing a breach of trust; provided, however, that any person receiving payment of a lawful obligation of the Outdoor Advertising Sign Company from such fund shall be presumed to have received the same in good faith and without any knowledge of the breach of trust.

(2) Every Outdoor Advertising Sign Company shall collect the tax imposed by this Chapter from the renter or purchaser of advertising space at the time the space is rented or purchased, and shall pay it over to the City as provided hereinafter. An Outdoor Advertising Sign Company, if it fails to collect the tax or pay it to the City when due, shall be liable to the City for the payment of the tax, including penalties and interest as provided in Chapter 209, Section 209.04.

(3) Every report and return shall be made upon a form furnished by the Treasurer.

(4) Every Outdoor Advertising Sign Company shall transmit to the Treasurer, on or before the fifteenth (15th) day of each month, a return for the month preceding the month in which the return is made, which return shall report the amount of consideration received for the transactions during the month for which the return is made, the amount of tax due from the Outdoor Advertising Sign Company for that month, and such other information as the Treasurer may require.

(5) Every Outdoor Advertising Sign Company, at the time of filing every return required by this Section, shall compute and pay to the Treasurer the taxes shown as due on the return for the period for which the return is made.

(6) Every Outdoor Advertising Sign Company shall maintain records, which shall be made available to the Treasurer upon its request, which shall include, but not be limited to, the number of advertising transactions on a daily or weekly basis, the rate(s) charged for each transaction, the consideration received from all transactions during the month for which each return is made, as well as such other information as the Treasurer may require.

(7) If an Outdoor Advertising Sign Company enters the business of renting or selling advertising space subsequent to the effective date of this Chapter, the first return shall be filed on the fifteenth (15th) day of the first month subsequent thereto. The first return and tax payment due shall be for all transactions occurring during the preceding month based upon the actual taxable transactions during the preceding month.

(8) The Treasurer is authorized to promulgate rules and regulations governing the collection, administration and enforcement of the provisions of this Chapter.

Section 2. This ordinance is enacted under the authority of the Act of December 31, 1965, P.L. 1257, as amended, known as the Local Tax Enabling Act. The tax shall become effective January 1, 2013.

NOTE: I do hereby certify that the foregoing resolution duly engrossed and certified, was delivered by me to the Mayor for his approval or disapproval and that the Mayor failed to approve or disapprove the same, whereupon it became a law without his approval under the provisions of the Act of Assembly in such case made and provided. Linda M. Johnson-Wasler, City Clerk

