Legislation Details (With Text)

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Type:	Ordinance	**Status:**	Passed Finally
File created:	3/29/2018	**In control:**	Committee on Land Use and Economic Development
On agenda:	4/3/2018	**Final action:**	7/31/2018
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Effective date:	8/6/2018		

Title: Ordinance amending and supplementing the City of Pittsburgh Code, Title Seven (“Business Licensing”), with regard to license application procedures, licensing requirements and corresponding fees, effective October 1, 2018, except for the Fire Suppression Trade License which will be effective January 1, 2019.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Summary 2018-0336, 2. 2018-0336

Date	Ver.	Action By	Action	Result
8/6/2018	1	Mayor	Signed by the Mayor	
7/31/2018	1	City Council	Passed Finally	Pass
7/25/2018	1	Standing Committees	Affirmatively Recommended	Pass
5/9/2018	1	Committee on Hearings	Post Agenda Held	
4/18/2018	1	Standing Committees	Held for Cablecast Post Agenda	Pass
4/10/2018	1	City Council	Read and referred	
4/3/2018	1	City Council	Not introduced	

Ordinance amending and supplementing the City of Pittsburgh Code, Title Seven (“Business Licensing”), with regard to license application procedures, licensing requirements and corresponding fees, effective October 1, 2018, except for the Fire Suppression Trade License which will be effective January 1, 2019.

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

Section 1. The Pittsburgh Code, Title Seven (“Business Licensing”), is hereby amended and supplemented as follows:

SEE ATTACHMENT

ARTICLE I: - ADMINISTRATION CHAPTER 701: - GENERAL PROVISIONS

§ 701.01 - DEFINITIONS.

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

(a) ***LICENSE OFFICER.*** The 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 Department. Any duty prescribed herein to be performed by the Director may be performed by the Director or other officer or employee of the Department assigned such duty by the 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.

(Ord. No. 29-2014, § 1, eff. 12-22-14) § 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**, as well as the manner of submission of forms.**

(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

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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* ***standing*** ~~*moral character*~~. Each shall be of good **standing** ~~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~~.~~ **, as well as adhering to Standards of Conduct as defined in 701.09.**

C. ***Payment History.*** **Whether the applicant accrued unpaid fee(s) or nonpayment of a returned check required for related or different license(s) issued by the Department of Permits, Licenses and Inspections.**

D. Any other reason expressly provided for in this title.

(2) ~~*Mercantile license.*~~ ***Tax Compliance.*** **Applicants must be current or in a payment plan for all applicable tax obligations for the City of Pittsburgh.** The License Officer shall ascertain from the City ~~Treasurer's~~ **Department of Finance** office whether ~~a~~ required ~~mercantile license~~ **compliance** 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.

(5) ***Maintain Proof of Insurance(s).*** **Each licensee shall maintain general liability insurance, and workers compensation insurance (if applicable). Licensees shall maintain vehicle insurance(s), where vehicles are used to carry on licensed business. Insurances shall include a signed statement that the licensee shall hold harmless the City of Pittsburgh, its officers and employees and shall indemnify the City of Pittsburgh, its officers and employees for any claims or damage to property or injury to persons, which may be occasioned by any activity carried on under the terms of the license. Licensee shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect the licensee and the City from all claims for damage to property or bodily injury, including death which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage for bodily injury for each person, for each occurrence and for property damage per occurrence, as prescribed by the License Officer. Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insured the City of Pittsburgh, its officers and employees, and shall further provide that the policy shall not terminate or be cancelled prior to the expiration date of the permit**

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without thirty (30) days' written notice to the Director of the Department of Permits, Licenses and Inspections.

(Ord. 3-2001, eff. 2-15-01) § 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~~ **assessed by the Department of Permits, Licenses and Inspections and reflected in the** 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. **The License Officer may adopt a refund policy upon the promulgation of rules and regulations where it is deemed applicable by the Department of Permits, Licenses and Inspections.**

(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) Failure to Apply Penalty. Any business or individual that fails to appropriately apply for a license herein Title VII and operates without a license for any period of time will be subject to a penalty fee of an amount prescribed by the License Officer.

(f) ***Fees.*** **License Fees shall be posted by the Department of Permits, Licenses and Inspections each year.** At the discretion of the Director of the Department of Permits, Licenses, and Inspections, the 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 Department of Permits, Licenses, and Inspections.

(Ord. 8-1983, eff. 3-7-83; Ord. 47-1985, eff. 11-25-85; Am. Ord. 45-1997, eff. 1-15-97; Ord. No. 29-2014, § 1, eff. 12-22-14) § 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:

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(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.

(5) *City Tax Compliance.* All applicants must be current in their tax obligations as per City Code §701.04 (a) (3).

(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 **or license** 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~~.~~**, as required by the License Officer.**

(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)~~ **in an amount prescribed in the current fee schedule posted** 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 non-yearly licenses or permits issued under this Title. All yearly licenses or permits issued by the Department of Permits, Licenses, and Inspections (PLI) shall expire three hundred sixty-five (365) days after issuance. This section shall supersede all references to the expiration date and/or time of renewal for yearly PLI-issued licenses elsewhere in this Title. This section shall take effect upon enactment and shall not alter the term of existing licenses.

(Ord. No. 14-2016, § 1, eff. 6-6-16) § 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~~ **at** the **discretion of the** License Officer**, based on the severity and/or frequency including and not limited to** ~~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 - BOARD OF LICENSE AND INSPECTION REVIEW.

(a) A Board of License and Inspection Review, consisting of five (5) members appointed by the Mayor and approved by City Council, shall be empaneled to hear and adjudicate appeals related to this Title or as otherwise set forward in this Code.

(b) The members of the Board of License and Inspection Review shall serve three-year terms.

(c) All appointees and sitting Board members shall be residents of the City of Pittsburgh, and at least two (2) members shall have experience working with community advocacy groups or community development corporations, and at least one (1) member shall have two (2) or more years' experience working in business licensing and building code inspections.

(d) The Board of License and Inspection Review shall adopt and maintain rules of procedure not inconsistent with the provisions of this Code or applicable law and shall make such rules of procedure available to the public.

(e) The Board of License and Inspection Review shall, by a majority vote, affirm, modify, reverse, vacate, or revoke the

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notice, order, or action from which an appeal is taken.

(f) Each decision of the Board of License and Inspection Review shall be made in writing and shall be available for public review.

(Ord. No. 29-2015, § 1, eff. 8-11-15)

Editor's note- Ord. No. 29-2015, § 1, effective Aug. 11, 2015, renumbered previous §§ 701.15 and 701.16 as §§ 701.16 and 701.18. § 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.

(Ord. No. 29-2015, § 1, eff. 8-11-15)

Editor's note- See § 701.15 editor's note. § 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.

(Ord. No. 29-2015, § 1, eff. 8-11-15) § 701.18 - PENALTY.

(a) Whoever violates any provision of Title 7 Business Licensing shall be punished as provided in Section 101.09 of Title 1 Administrative.

(b) Administrative penalty fee ~~of sixty-one dollars ($61.00)~~ shall be charged on all late filings for license permits under this Title **as prescribed in the fee schedule posted**.

(Ord. 42-1990, eff. 1-1-91; Ord. No. 29-2015, § 1, eff. 8-11-15)

Editor's note- See § 701.15 editor's note. ARTICLE III: - SALES BUSINESSES CHAPTER 713: - PAWNBROKERS

§ 713.01 - LICENSE REQUIRED.

No person shall use, exercise or carry on the trade or business of pawnbroker within the City without first obtaining a license from the License Officer. § 713.02 - DEFINITIONS.

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

(a) ***PAWNBROKER.*** Any person who:

(1) Engages in the business of lending money on the deposit or pledge of personal property, other than choses in action, securities or written evidence of indebtedness; or

(2) Purchases personal property with an express or implied agreement or understanding to sell it back at a subsequent time at a stipulated price; or

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(3) Lends money upon goods, wares or merchandise pledged, stored or deposited as collateral security.

(b) ***PLEDGE.*** Articles deposited with a pawnbroker as security for a loan in the course of his or her business.

(c) ***PLEDGOR.*** The person who obtains a loan from a pawnbroker and delivers a pledge into the possession of a pawnbroker, unless the person discloses that he or she is or was acting or another in which case a "pledgor" means the disclosed principal. § 713.03 - RECORDS TO BE KEPT.

Each pawnbroker shall keep a book legibly written in the English language in which shall be recorded:

(a) A full and accurate description of all articles purchased or pledged.

(b) The time of purchase or pledge.

(c) The time within which the purchased or pledged article is to be redeemed.

(d) The amount of money lent or paid thereof. § 713.04 - DAILY REPORT TO POLICE.

All pawnbrokers before 12:00 noon of every business day shall report to the Superintendent of Police a description of all articles received in the course of pawnbroking during the previous business day, together with the number of tickets and a description of the persons making the transactions. § 713.05 - MEMORANDUM OF INFORMATION TO PLEDGER.

Every pawnbroker shall at the time of making or receiving any article in pawn, deliver to the pledgor a memorandum signed by him or her containing:

(a) The date.

(b) The amount of the loan.

(c) The rate of interest and storage charges.

(d) The time within which the article is to be redeemed.

(e) A description of the article pledged. § 713.06 - PROHIBITED BUSINESS HOURS.

A pawnbroker shall not transact business on Sunday nor on any other day between 9:00 p.m. and 7:00 a.m. § 713.07 - PROHIBITED TRANSACTIONS.

A pawnbroker shall not accept a pledge from a person under eighteen (18) years of age nor from any intoxicated person or known thief. § 713.08 - REVOCATION FOR CONVICTION OF CERTAIN CRIMES.

In addition to reasons specified in § 701.14, if any pawnbroker is convicted of robbery, burglary, larceny, receiving stolen goods or any other crime involving the unlawful obtaining of personal property, the License Officer shall immediately revoke his or her license. § 713.09 - LICENSE FEE.

The fee for the issuance of a pawnbroker's license shall ~~be four hundred seventy-eight dollars ($478.00) per year~~ due **annually as prescribed by the fee schedule posted by the Department of Permits, Licenses and Inspections and is valid for a period of 365 days from the date of issuance.** ~~on or before January 31 of the current year.~~

(Ord. 42-1990, eff. 1-1-91) CHAPTER 715: - JUNK DEALERS

§ 715.01 - LICENSE REQUIRED.

No person shall carry on the business of buying or selling and dealing in junk, rope, scrap, iron, copper, brass or other materials commonly referred to as junk without first obtaining a license from the License Officer. § 715.02 - RECORDS TO BE KEPT.

Every junk dealer shall keep a book legibly written in English at the time of acquiring articles in the course of

business which book shall contain:

(a) A full and accurate description of the article purchased.

(b) The name and address of the person selling an article.

(c) The name and address of any person buying an article. § 715.03 - DAILY REPORT TO POLICE.

Every junk dealer, before 12:00 noon of every business day shall report to the Superintendent of Police the information required by § 715.02 for all articles received during the previous business day. § 715.04 - PERIOD OF RETENTION OF ARTICLES RECEIVED.

All licensees shall keep and retain on their premises all articles or junk in the original form, shape or condition in which they were received for a minimum period of forty-eight (48) hours after receipt. § 715.05 - PROHIBITED TRANSACTIONS.

No licensee shall receive or purchase articles from a person under eighteen (18) years of age nor from an intoxicated person or known thief. § 715.06 - PROHIBITED BUSINESS HOURS.

A junk dealer shall not transact any business on any day between 9:00 p.m. and 7:00 a.m. § 715.07 - REVOCATION FOR CONVICTION OF CERTAIN CRIMES.

In addition to reasons specified in § 701.14, if any junk dealer is convicted of robbery, burglary, larceny, receiving stolen goods or any other crime involving the taking of personal property, the License Officer shall immediately revoke his or her license. § 715.08 - LICENSE FEE.

The fee for the issuance of a junk dealer's license shall be ~~two hundred fifty dollars ($250.00) per year~~ due **annually as prescribed by the fee schedule posted by the Department of Permits, Licenses and Inspections and is valid for a period of 365 days from the date of issuance.** ~~on or before March 31 of the current year.~~

(Ord. 42-1990, eff. 1-1-91) CHAPTER 717: - ANTIQUE OR SECOND HAND DEALERS

§ 717.01 - LICENSE REQUIRED.

No person shall engage in the business of being an antique or second hand dealer without first obtaining a license from the License Officer. § 717.02 - DEFINITIONS.

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

(a) ***SECOND HAND DEALER*** or ***ANTIQUE DEALER.*** Any person who either wholly or partly engages or operates the trade or business of buying and selling used goods such as antiques, precious stones, metals and jewelry, tools, electrical devices, fixtures, appliances, second hand cars, automobile accessories or tires, household goods, firearms and bric-a-brac.

(b) The foregoing enumeration of articles, goods and property shall not be deemed to be exclusive or all inclusive. ***SECOND HAND ARTICLES*** or ***GOODS*** for the purpose of this Chapter are any articles or goods that are purchased, salvaged or received from any person. § 717.03 - RECORDS TO BE KEPT.

Every second hand and antique dealer shall keep a book legibly written in the English language at the time of acquiring articles in the course of business which book shall contain:

(a) An accurate description of the article purchased.

(b) The name and address of the person selling an article

(c) The name and address of person buying an article. § 717.04 - WEEKLY REPORTS TO POLICE.

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Every second hand and antique dealer shall furnish by 12:00 noon Monday to the Superintendent of Police the information specified in § 717.03 for the previous business week. § 717.05 - PERIOD OF RETENTION OF PURCHASED ARTICLES.

No second hand or antique dealer shall sell or dispose of in any way until thirty (30) days after purchase any of the following second hand articles or goods: antiques, precious stones, jewelry, watches, old gold, platinum, silver or other precious metals, or any similar articles or things. No second hand or antique dealer shall sell or dispose of in any way any other second hand article or goods until seven (7) days after purchase of the same. § 717.06 - PROHIBITED TRANSACTIONS.

No second hand or antique dealer shall purchase any article from any person under eighteen (18) years of age nor from any intoxicated person or known thief. § 717.07 - REVOCATION FOR CONVICTION OF CERTAIN CRIMES.

In addition to reasons specified in § 701.14, if any second hand or antique dealer is convicted of robbery, burglary, larceny, receiving stolen goods or any other crime involving the unlawful obtaining of personal property the License Officer shall immediately revoke his or her license. § 717.08 - LICENSE FEE.

The fee for the issuance of a second hand or antique dealer's license shall be ~~two hundred fifty dollars ($250.00) per year~~ due **annually as prescribed by the fee schedule posted by the Department of Permits, Licenses and Inspections and is valid for a period of 365 days from the date of issuance**. ~~on or before February 28 of the current year.~~

(Ord. 42-1990, eff. 1-1-91) CHAPTER 719: - VENDORS AND PEDDLERS[1]

Footnotes:
--- **(1)** ---
Editor's note- Ordinance 26-2000, effective November 3, 2000, repealed Ch. 719 in its entirety and replaced it with a new Ch. 719 as set out below. Subsequently, Am. Ord. 31-2002, § 1, effective Nov. 4, 2002, amended Ch. 719, in its entirety, to read as herein set out. See also the Code Comparative Table.

§ 719.01 - LICENSE REQUIRED.

No person shall engage in the business of being a vendor or peddler without first obtaining a license from the License Officer.

(Ord. 31-2002, § 1, eff. 11-4-02) § 719.02 - DEFINITIONS AND EXCEPTIONS.

(a) ***PEDDLER*** as used herein includes any person, whether a resident of the City of Pittsburgh or not, traveling by foot from place to place, from house to house, or from street to street, carrying on their person goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products, or provisions offering and exposing the same for sale, or making sales and delivering articles to purchasers. It is further provided that one who solicits orders for delivery at a later date is deemed a peddler and subject to the provisions of this chapter.

(b) ***VENDOR*** as used herein includes any person, whether a resident of the City of Pittsburgh or not who, without traveling from place to place, sells or offers for sale goods, wares, merchandise, meats, fish, vegetables, fruits, farm products, or provisions from an approved vending unit at an approved vendor location.

(c) VENDOR EMPLOYEE - an employee without partial ownership of the business working at a licensed establishment. Workers compensation insurance is required to cover any vendor employee during the license period.

(d) ***VENDOR/SPORTS AND ENTERTAINMENT FACILITIES (S&E)*** as used herein includes any person, whether a resident of the City of Pittsburgh or not who, without traveling from place to place, sells or offers for sale goods, wares, merchandise, meats, fish, vegetables, fruits, farm products, or provisions from an approved vending unit at an approved vendor location located within the boundaries set forth in Section 719.05C(c)(2) of property owned by the Stadium Authority of the City of Pittsburgh for the operation and management of Heinz Field and PNC Park or of

the property owned by the Sports and Exhibition Authority of Pittsburgh and Allegheny County for the operation and management of the Consol Energy Center and the David L. Lawrence Convention Center or of any other property used by professional sports franchises in which the Sports and Exhibition Authority of the City of Pittsburgh, or Allegheny County has a financial or proprietary interest; and property owned and operated by the University of Pittsburgh known as the John M. and Gertrude E. Peterson Event Center; and property owned and operated by Duquesne University known as A.J. Palumbo Center.

~~(d) ***STATIONARY VEHICULAR VENDOR*** as used herein includes any person, whether a resident of the City of Pittsburgh or not, who sells or offers for sale goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products, or provisions from an approved vending vehicle at a specific and permitted vehicular vendor location.~~

(e) STATIONARY VENDOR as used herein includes any person, whether a resident of the City of Pittsburgh or not, who sells or offers for sale goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products, or provisions from an approved vending station.

(f) ***MOBILE VEHICULAR VENDOR*** as used herein includes any person, whether a resident of the City of Pittsburgh or not who, sells or offers for sale goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products, or provisions from an approved vending vehicle that shall not remain at any one (1) location for a period greater than four (4) hours.

g) ***BLOCKFACE.*** As defined by the ~~Bureau of Building Inspection~~**Department of Permits, Licenses and Inspection**, means that portion of the sidewalk which directly fronts any street or thoroughfare and shall be understood to apply to both sides so that each street or thoroughfare shall contain two (2) blockfaces.

(Ord. 31-2002, § 1, eff. 11-4-02; Ord. No. 61-2015, § 1, eff. 12-18-15) § 719.03 - INFORMATION REQUIRED.

In addition to information required under Section 701.08, the following information is required:

(a) A description of the nature of the business and goods to be bought, sold or rented and the name, address and phone number of the applicant.

(b) ~~If employed, the name, address and phone number of the employer, together with the credentials establishing the exact relationship.~~ **The name and contact information for all employees employed by vendor for the licensing period. The vendor must pay a fee for each vendor employee listed.**

(c) The duration and hours of operation for which the right to do business is requested.

(d) A description of any vehicle used and its license number.

(e) Proof of registration for city business taxes and clearance that all taxes are paid.

(f) Evidence that all required health licenses have been obtained.

(g) ~~The location or alternate locations for which application for permit has been made~~. **Selection of an approved vending location.**

(h) A signed statement that the permittee shall hold harmless the City of Pittsburgh, its officers and employees and shall indemnify the City of Pittsburgh, its officers and employees for any claims or damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the ~~permit~~**license**. ~~Permitee~~ **Licensee** shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect permittee and the City from all claims for damage to property or bodily injury, including death which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of ~~not less than fifty thousand dollars ($50,000.00)~~ for bodily injury for each person, ~~one hundred thousand dollars ($100,000.00)~~ for each occurrence and ~~not less than one hundred thousand dollars ($100,000.00)~~ for property damage per occurrence~~.~~**, as prescribed by the License Officer. Vendors with employees are required to obtain workers compensation insurance. Vendors that use vehicles are required to obtain vehicle insurance.** Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insured the City of Pittsburgh, its officers and employees, and shall further provide that the policy shall not terminate or be cancelled prior to the expiration date of the permit

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without thirty (30) days' written notice to the ~~Chief of the Bureau of Building Inspection.~~ **Director of the Department of Permits, Licenses and Inspections.** Before conducting business at the location permitted by the Director, permittee shall name as an additional insured on the policies of insurance hereinabove required the owner of the property abutting the space between the prolongations of the boundary lines of the location which run perpendicular to the curbline to the property line of the same side of the street.

(Ord. 31-2002, § 1, eff. 11-4-02) § 719.04 - LOUD NOISES, SPEAKING DEVICES, SIGNS, GOODS, SMOKE, STRONG ODORS AND DISPOSAL OF TRASH.

(a) No vendor, peddler, vehicular vendor, nor any person on his or her behalf, shall blow a horn, or use any device, except a ring of a bell, including any loud speaking radio or sound amplifying system upon any of the streets, alleys, parks or other public places of the City or upon any private premises in the City where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which the licensee proposes to sell.

(b) Vendors and vehicular vendors shall be permitted signs attached to their vehicle or vending unit in compliance with the then existing zoning ordinance regulating same. At present, signs measuring up to two (2) feet by two (2) feet are permitted within the zoning ordinance. Signs may not be placed on walls or on the public right-of-way.

(c) Vendors and vehicular vendors shall only be permitted to sell goods that can be contained on, in or under their vehicle or vending unit. The vehicle or vending unit shall be capable of mobility at all times. The size of the vending unit shall not be larger than eleven (11) feet high, twenty-four (24) feet long and eight (8) feet wide except as provided for in subsection (f).

(d) All vendors, peddlers, and vehicular vendors shall comply with all applicable Allegheny County Health Department regulations regarding smoke and odor control, **and all food safety rules and regulations**.

(e) The Director of the Department of Public Works or his/her assign, upon approval from the Council of the City of Pittsburgh, shall review and approve each vehicle or vending unit to be used by each permitted vendor and vehicular vendor prior to the authorization and issuance of each vending permit by the Chief of the Bureau of Building Inspection or his/her assign. A picture and the size of each vehicle or vending unit must be provided to the Director of the Department of Public Works or his/her assign during the application process.

(f) Vendors and vehicular vendors may apply to the Department of Public Works for an exception to the vending unit size constraints enumerated in subsection (c).

(g) All vendors and vehicular vendors shall be accompanied by a metal or rigid plastic trash container(s) with a thirty-gallon combined minimum capacity if the vendor is selling a product that generates trash. In addition, vendors shall also be responsible for maintaining and cleaning a twenty-five (25) foot perimeter surrounding the designated location of the vending unit or vehicle.

(Ord. 31-2002, § 1, eff. 11-4-02; Ord. No. 61-2015, § 1, eff. 12-18-15; Ord. No. 30-2016, § 1, eff. 11-1-16) § 719.05A - PERMITTED LOCATIONS.

(a) Based upon sites reviewed and approved by the Council of the City of Pittsburgh, the Director of the Department of Public Works or his/her assign shall compile a list of permitted locations where the presence of vending units on the sidewalk, park or trail would be compatible with the public interest in use of parks, waterway shores, trails and street and sidewalk areas as public right-of-way. The Director may consider the width of the sidewalk; the proximity and location of existing street furniture, including but not limited to signposts, lamp posts, parking meters, bus shelters, benches, phone booths, and newspaper vending devices; the presence of bus stops, truck loading zones, and taxi stands; pedestrian and vehicular traffic patterns; and other factors he/she deems relevant. The Director may modify the list as he/she deems necessary. The list shall also include a description of goods and merchandise that may and may not be sold or rented at a particular vending location. If a Council Ordinance adopting a vending site or sites pursuant to Section 719.09 specifies a description of the goods and merchandise to be sold or rented at a particular site, the Director is bound to follow the Ordinance relative to the goods and merchandise at the particular site.

(b) No permitted location shall be used by a vendor selling an item like or similar to the primary items sold by another

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non-vendor business within one hundred (100) feet of the permitted location, unless otherwise permitted by the non-vendor business.

(c) At the promulgation of City Council, ~~the~~ ~~Bureau~~ ~~of~~ ~~Building~~ ~~Inspection~~ **Department of Permits, Licenses and Inspections**, or at the urging of community or business organizations, vendor districts, areas within a particular and contiguous geographic area, may be established in which the particulars of this ordinance may be lifted or amended by Council resolution. At the time vendor districts are established representatives of merchants, community groups, and vendors will be called upon in order to give input regarding appropriate vending activities.

(d) Vendors shall not park any vehicles for the purpose of vending, or place any materials in on-street metered parking spaces.

(e) Mobile vehicular vendors may park their vehicles in on-street metered parking spaces for the purpose of vending, or place any materials in on-street metered parking spaces if they pay the meters. Additionally, if the mobile vehicular vendor takes up more than one (1) metered spot at a time (in areas without multi-space meters), they must pay all meters occupied by their mobile vending vehicle. The vendor must follow all laws regarding metered parking and parking area time limits.

(f) Mobile vehicular vendors locating on private property, such as privately owned parking lots, do not need to obtain a mobile vending permit under this Section. However, these vehicular vendors must follow all other applicable laws to operate a business, including, but not limited to, securing an occupancy permit.

(g) Mobile vehicular vendors may not locate in Market Square, on Grandview Avenue, Shiloh Street and Virginia Avenue from Wyoming to Maple Terrace, or directly adjacent to Schenley Plaza, unless otherwise allowed through a permitted event.

(Ord. 31-2002, § 1, eff. 11-4-02; Ord. 24-2003, eff. 8-4-03; Ord. No. 61-2015, § 1, eff. 12-18-15; Ord. No. 13-2016, § 1, eff. 6-6-16) § 719.05B - ~~PERMIT~~**LICENSE** APPLICATION AND DURATION.

(a) ~~Permits~~ **Licenses** shall be available year-round and valid for a period of one (1) year from the date of purchase and/or execution and may be renewed prior to expiration upon the payment of the ~~permit~~ **license** fee, provided all the requirements of this Chapter are met.

(b) The ~~Chief~~ ~~of~~ ~~the~~ ~~Bureau~~ ~~of~~ ~~Building~~ ~~Inspection~~ **Director of the Department of Permits, Licenses and Inspections** or his/her assign will issue ~~permits~~**licenses** to the applicant pending the appropriate approvals from the Council of the City of Pittsburgh and the Department of Public Works. Following adoption of an ordinance by Council that adds a site or sites, the Director of the Department of Public Works **or the Director of the Department of Permits, Licenses and Inspections or** his/her assign, shall announce the availability of the site or sites by public advertisement and communication to those involved in the business of street and sidewalk vending. In cases where there is more than one (1) prospective **licensee** ~~permittee~~ seeking to vend exclusively at a particular location, the Director of the Department ~~of Public Works~~**Permits, Licenses and Inspections,** or his/her assign, will hold a lottery to determine who will be allowed to hold the exclusive right to be the permittee at the particular location. The applicant or his/her assigns shall have the right to be present at the holding of the lottery and shall be appropriately informed of the site, time and date of the lottery.

(c) ~~Permittees~~ **Licensees** located at a specific location may renew ~~permits~~**licenses** for that specific location unless determined by the ~~Chief~~ ~~of~~ ~~the~~ ~~Bureau~~ ~~of~~ ~~Building~~ ~~Inspection~~ **Director of Permits, Licenses and Inspections**, or his/her assign to be violators of a section of this ordinance, in which case the right to renew this Vending ~~Permit~~ **License** will be suspended.

(d) Vendors who have been operating at a particular location prior to the adoption of this ordinance shall be provided an opportunity for first preference to continue their operation provided that they have been in compliance with all previous regulations and obligations and City Council designates the location as a permitted site.

(e) The Director of the Department of ~~Public Works~~ **Permits, Licenses, and Inspections** is authorized to promulgate at his/her discretion additional regulatory guidelines in order to effectuate this ordinance.

(f) The ~~permit~~**license** should include information encouraging the use of:

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i. Sustainable and environmentally friendly practices, including the use of energy-efficient vehicles;

ii. Charitable components to the business or operation;

iii. School nutrition programs or healthy food choices;

iv. Programs for children or the homeless;

v. Other socially responsible practices and programs;

vi. Routes that provide access to underserved neighborhoods of the City;

vii. Vendors should aim to make trucks as handicap accessible as possible.

(Ord. 31-2002, § 1, eff. 11-4-02; Ord. 24-2003, eff. 8-4-03; Ord. No. 61-2015, § 1, eff. 12-18-15) § 719.05C - USE OF STREETS, PARKS AND TRAILS.

(a) No peddler shall remain more than fifteen (15) minutes in one (1) location. Upon the expiration of the fifteen (15) minutes, the peddler must begin moving to a location at least two hundred fifty (250) feet from the first location. No peddler shall be permitted to operate between the hours of 8:00 p.m. and 8:00 a.m. in residential districts. No vendor or vehicular vendor shall be permitted in residential districts, unless otherwise allowed through a permitted event. In commercial districts, no vendor, peddler or vehicular vendor shall be permitted to operate between the hours of 12:00 a.m. and 7:00 a.m.

(b) Community groups, business associations and similar organizations may vend on the public right-of-way during the hours and within the perimeters of a permitted special event with the approval of the appropriate City of Pittsburgh departments and personnel including the ~~Bureau of Building Inspection~~ **Department of Permits Licenses and Inspections** and the special events coordinator of the City of Pittsburgh.

(c) No peddler, whether licensed or not, shall use any public place to sell wares or in any other way obstruct, interfere with or prevent the free flow of pedestrian or vehicular traffic in the Central Business District, except during the hours of a City of Pittsburgh permitted special event; and no peddler shall operate on any public right-of-way within the boundaries set forth in subsection (2) below or within any property owned by the Sports and Exhibition Authority of Pittsburgh and Allegheny County for the operation and management of Heinz Field, PNC Park, **PPG Paints Arena** ~~the Mellon Arena~~ and the David L. Lawrence Convention Center and of any other property used by professional sports franchises in which the Sports and Exhibition Authority of the City of Pittsburgh, or Allegheny County has a financial or proprietary interest. No peddler shall operate within the boundaries set forth in subsection (2) below of the property owned and operated by the University of Pittsburgh known as the John M. & Gertrude E. Peterson Event Center and property owned and operated by Duquesne University known as the A.J. Palumbo Center.

(1) Vendors and vending activity on any public right-of-way within the boundaries set forth in subsection (2) below or within any property owned by the Sports and Exhibition Authority of Pittsburgh and Allegheny County for the operation and management of Heinz Field, PNC Park, **PPG Paints Arena** ~~the Mellon Arena~~, and the David L. Lawrence Convention Center or on any other property used by professional sports franchises in which the Sports and Exhibition Authority of the City of Pittsburgh, or Allegheny County has a financial or proprietary interest; and on property owned and operated by the University of Pittsburgh known as the John M. & Gertrude E. Peterson Event Center; and property owned and operated by Duquesne University known as A.J. Palumbo Center must be approved through agreement with the appropriate Authority or its designated management company.

(2) Maps, depicting the boundaries, set forth below, relative to the facilities in subsection (c) above, shall, upon request, be provided to any individual who applies for a vendor's or peddler's license.

MAP 1-HEINZ FIELD:

Northern boundary - Reedsdale Street

Southern boundary - North Shore Drive

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Eastern boundary - Art Rooney Avenue

Western boundary - Allegheny Avenue

MAP 2-PNC PARK:

Northern boundary - General Robinson Boulevard

Southern boundary - Allegheny River

Eastern boundary - 6 th Street/Federal Street

Western boundary - Mazeroski Way

MAP 3-~~MELLON ARENA~~**PPG PAINTS ARENA**:

Northern boundary - Bedford Avenue

Southern boundary - Fifth Avenue

Eastern boundary - Pride Street and Crawford Street

Western boundary - Washington Place

MAP 4-DAVID L. LAWRENCE CONVENTION CENTER:

Northern boundary - Allegheny River

Southern boundary - Penn Avenue

Eastern boundary - 11 th Street

Western boundary - 9 th Street

MAP 5-PETERSON EVENT CENTER:

Northern boundary - Univ. of Pittsburgh Property Line

Southern boundary - Terrace Street

Eastern boundary - Univ. of Pittsburgh Property Line

Western boundary - Sutherland Street

MAP 6-A.J. PALUMBO CENTER:

Northern boundary - Forbes Avenue

Southern boundary - Duquesne Univ. Property Line

Eastern boundary - Stevenson Street

Western boundary - Duquesne Univ. Property Line

(Due to developmental changes, the maps and boundary descriptions set forth above may be substituted to more accurately reflect the areas in question.)

(d) Reserved.

(e) Vendors, peddlers, and vehicular vendors shall obtain a license that shall be valid for one (1) year from the ~~Bureau of~~

~~Building~~ ~~Inspection~~ **Department of Permits Licenses and Inspections**. The badge**, license,** or sticker shall be attached in a conspicuous location to the vendor's apparel or vehicle and visible to police officers, building inspectors and the public as required by Section 701.09(b)(2) and (3).

(f) No vendor shall be permitted to dispose of any debris or waste products generated from the operation of their business into City owned and maintained trash receptacles.

(g) A mobile vehicular vendor may not operate within a City park except at the following approved locations during normal park operating hours:

(1) Schenley Park:

(a) The Bob O'Connor Golf Course.

(b) Flagstaff Hill.

(c) The Schenley Oval.

(2) Frick Park:

(a) Tennis court parking lot.

(b) Frick Environmental Center.

(Ord. 31-2002, § 1, eff. 11-4-02; Ord. No. 5-2012, §§ 1, 2, eff. 3-15-12; Ord. No. 61-2015, § 1, eff. 12-18-15; Ord. No. 4-2016, § 1, eff. 2-11-16; Memo of 3-23-17) § 719.06 - LICENSING ADDITIONAL EMPLOYEES.

Vendors **shall reflect additional employees on their license. Vendors** with additional employees shall be responsible for employees' violations of this Chapter and the rules and regulations.

(Ord. 31-2002, § 1, eff. 11-4-02; Ord. No. 61-2015, § 1, eff. 12-18-15) § 719.07 - SEVERABILITY.

The provisions of this Chapter shall be severable and, if any of the provisions hereof shall be held to be invalid or unenforceable, the remaining provisions of this Chapter shall remain in effect.

(Ord. 31-2002, § 1, eff. 11-4-02) § 719.08 - FEES FOR VENDOR'S, VEHICULAR VENDOR'S OR PEDDLER'S LICENSE.

The fees for a vendor's, vehicular vendor's ~~or~~ peddler's license**, or licenses for additional employees shall be due annually as prescribed by the fee schedule posted by the Department of Permits, Licenses and Inspections.** ~~shall be as follows:~~

~~*Vendor ..... $500.00~~

~~*Vendor/S&E ..... 1,000.00~~

~~*Stationary vehicular vendor ..... 1,000.00~~

~~*- approved vendors located within an authorized Business Improvement District (BID) shall pay an additional $100.00 annual fee to the appropriate local BID oversight committee.~~

~~Mobile vehicular vendor ..... 1,200.00~~

~~Peddlers ..... 250.00~~

~~License for additional employee~~

(Ord. 31-2002, § 1, eff. 11-4-02; Ord. No. 61-2015, § 1, eff. 12-18-15) § 719.09 - STREET AND SIDEWALK VENDING SITE DESIGNATION COMMITTEE.

(a) The Council of the City of Pittsburgh hereby establishes a seven (7) member committee to be titled the "Street and

Sidewalk Vending Site Designation Committee" to be composed of the following members or their designees:

- An appointee of the Mayor.
- The Director of the Department of Public Works.
- The Director of the Department of City Planning.
- The Director of the Public Parking Authority.
- The Director of the Department of Parks, Recreation and Youth Policy.
- Two (2) individuals selected by the President of City Council who are licensed vendors under Section 719.01 above.

(b) The ~~Chief of the Bureau of Building Inspection~~ **Director of the Department of Permits, Licenses and Inspections** shall act as scheduler of Committee meetings. The Director of the Department of Public Works or a designee shall maintain the official record and record and verify all communications to the Committee from the general public.

(c) The activities of the Committee shall include, but not be limited to, the following:

(i) Prepare for public advertising and general notification to the community a formal announcement that City Council is requesting recommendations for specific vending and vehicular vending locations within the boundaries of the City of Pittsburgh from the general public and those directly involved in the business of street and sidewalk vending. The public notice shall reference where members of the public can obtain a copy of Council's Ordinance on street and sidewalk vending.

(ii) The Committee shall compile a list of all recommendations for vending and vehicular vending sites and submit to City Council, a report including exact locations and the Committee's evaluation of site appropriateness. When any vending district is proposed the Committee shall organize a meeting with representatives of local merchants, community organizations and vendors to seek advisory input regarding vendor activities.

(iii) City Council shall conduct a formal cablecast Public Hearing to inform the general public and the vending community of this report and to solicit testimony regarding the appropriateness of each location.

(d) City Council shall adopt an ordinance specifically listing each site where street and sidewalk vending shall be permitted by licensed vendors pursuant to the guidelines and requirements of the new Ordinance establishing sidewalk and street vending opportunities in the City of Pittsburgh.

(e) The Committee shall conduct biannual meetings, as scheduled by the ~~Chief of the Bureau of Building Inspection~~ **Director of the Department of Permits, Licenses and Inspections** or a designee, to evaluate additional recommendations for specific vending and vehicular vending locations within the boundaries of the City of Pittsburgh. The ~~Bureau of Building Inspection~~ **Department of Permits, Licenses and Inspections** shall advertise the dates of the biannual meetings requesting applications for site nominations be submitted no later than thirty (30) days prior to the scheduled meetings of the Committee. These additional recommendations shall be addressed in accordance with the procedures set forth in this Resolution.

(f) City Council may accept, reject or modify any sites recommended by the Committee. City Council may, without any review, recommendation or report on a site or sites from the Committee, add a site or sites, at any time by adoption of an ordinance specifying the additional site or sites, subject however to the ability of the Director of the Department of Public Works to modify or reject such site or sites if not compatible with the public interest considering the factors specified in Section 719.05A(a) above.

(Ord. 31-2002, § 1, eff. 11-4-02; Ord. 24-2003, eff. 8-4-03) § 719.10 - LISTS OF SITES APPROVED BY COUNCIL.

City Council has approved the following sites as locations for street and sidewalk vending:

Corner of Forbes Ave. and Bigelow Blvd.

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Corner of Forbes Ave. and Bigelow Blvd.

Fifth and Desota (side of graduate school of public health).

Fifth and Desota (side of graduate school of public health).

Corner of Ohara and Desota (north and south).

Corner of Ohara and Desota (north and south).

Corner of Fifth and Craig (PNC side).

Corner of Fifth and Craig (PNC side).

University of Pittsburgh Mobile District at Bigelow Blvd.

University of Pittsburgh Mobile District at Bigelow Blvd.

University of Pittsburgh Mobile District at Bigelow Blvd.

University of Pittsburgh Mobile District at Bigelow Blvd.

Bigelow Blvd NR Forbes Ave. (½ block up).

Bigelow Blvd NR Forbes Ave. (½ block up).

Margaret Morrison/Carnegie Mellon University Mobile District.

Margaret Morrison/Carnegie Mellon University Mobile District.

Margaret Morrison/Carnegie Mellon University Mobile District.

Margaret Morrison/Carnegie Mellon University Mobile District.

Margaret Morrison/Carnegie Mellon University Mobile District.

Margaret Morrison/Carnegie Mellon University Mobile District.

Tech St. and Margaret Morrison St.

5513 Walnut St.

CCB - Grant and Fourth.

CCB - Grant and Forbes.

Market Square (clock/stage).

Market Square (1st base).

Market Square (2nd base) This site is designated as a produce stand.

Market Square (3rd base).

Mellon Square Park - WM. Penn Pl.

Mellon Square Park - WM. Penn Pl.

Corner of Wood St. and Fifth Ave.

"T" Station - Wood St.

"T" Station - Stanwix St.

"T" Station - Fifth and Grant.

Ft. Duquesne Blvd. - Corners of 6th (bridge side).

Ft. Duquesne Blvd. - Corners of 6th (bridge side).

Ft. Duquesne Blvd. - Corners of 6th (DT side).

Ft. Duquesne Blvd. - Corners of 6th (DT side).

Ft. Duquesne Blvd. - Corners of 7th (bridge side).

Ft. Duquesne Blvd. - Corners of 7th (bridge side).

Ft. Duquesne Blvd. - Corners of 7th (DT side).

Ft. Duquesne Blvd. - Corners of 7th (DT side).

Gateway Center (Old Navy - Penn and Stanwix).

7th and Penn - Opposite Katz Plaza.

4503 Penn Ave. (in front of St. Mary's Cemetery).

North St. Clair @ Bunker Hill (next to City tennis courts).

West Park, West Ohio (tennis courts).

East Park - Circle Flowerbed (Cedar and E North).

Brookline Blvd. and West Liberty.

Brookline Memorial Park.

Tony Dorsett and Reedsdale (formerly Martindale and Merchant).

Tony Dorsett and Reedsdale (formerly Martindale and Merchant).

Tony Dorsett and Reedsdale (formerly Martindale and Merchant).

Tony Dorsett and Gen Robinson (formerly Martindale and Gen Robinson).

Tony Dorsett and Gen Robinson (formerly Martindale and Gen Robinson).

Tony Dorsett and Gen Robinson (formerly Martindale and Gen Robinson).

Tony Dorsett and Gen Robinson (formerly Martindale and Gen Robinson).

East side of Sandusky and West General Robinson Street.

Bunker Hill at Highland Park entrance.

Tony Dorsett Drive between Reedsdale and West General Robinson.

Tony Dorsett Drive between North Shore Drive and West General Robinson.

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Southwest corner of Allegheny Avenue and Ridge in north side.

Northwest corner of Tenth Street at Penn Avenue.

Corner of Allegheny Avenue at Western Avenue.

Mellon Park at Parking Lot near entrance.

At or near 1860 Centre Avenue, across from the Hill House.

Mellon Park Playground/parking lot.

North Shore: NE corner of North Shore Drive & Scotland Avenue.

Fineview Baseball Field Parking Area at Jay Street.

North Shore: SE corner of Casino Drive & Sprout Way.

SW corner of Morrow Park & Baum Blvd @ S. Aiken.

SE corner of Grant & Forbes.

SW corner of Grant & Fifth.

Penn Avenue and Sheridan Square, NW and SW corners.

N. Highland Avenue and Broad Street, NW and NE corners.

N. Highland Avenue and Penn Avenue, NW and NE corners.

2161 Centre Avenue.

Herron Street and Centre Avenue, NE corner.

(Ord. 24-2003, eff. 8-4-03; Ord. No. 13-2005, § 1, eff. 5-3-05; Ord. No. 23-2008, § 1, eff. 12-1-08; Ord. No. 24-2008, § 1, eff. 12-1-08; Ord. No. 25-2008, § 1, eff. 12-1-08; Ord. No. 6-2010, § 1, eff. 4-1-10; Ord. No. 34-2010, § 1, eff. 10-22-10; Ord. No. 35-2010, § 1, eff. 10-22-10; Ord. No. 48-2010, § 1, eff. 1-6-11; Ord. No. 15-2011, § 1, eff. 8-11-11; Ord. No. 28-2011, § 1, eff. 12-22-11; Ord. No. 10-2013, § 1, eff. 3-21-13; Ord. No. 25-2013, § 1, eff. 10-3-13; Ord. No. 29-2017, § 1, eff. 6-23-17) § 719.11 - PENALTIES.

Any person violating any provision of this Chapter shall, upon conviction thereof, be subject to a penalty up to the maximum amount provided by Section 101.09 of the Pittsburgh Code of Ordinances.

(Ord. No. 61-2015, § 1, eff. 12-18-15) CHAPTER 721: - TRANSIENT MERCHANTS

§ 721.01 - LICENSE REQUIRED.

No person shall engage in any business within the City on a transient basis without first obtaining a license from the License Officer. § 721.02 - DEFINITION AND EXCEPTION.

(a) ***TRANSIENT MERCHANT.*** Any person who occupies a room, apartment, store, shop or building for the exhibition or sale of goods, wares or merchandise with the intention of remaining less than one hundred (100) days.

(b) This definition does not apply to farmers selling their own produce. § 721.03 - ADDITIONAL INFORMATION.

In addition to the information required under § 701.08, the following information is required:

(a) A brief description of the nature of the business and goods to be bought or sold.

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(b) If employed, the name and address of the employer, together with the credentials establishing the exact relationship.

(c) The length of time the right to do business is requested.

(d) A description of any vehicle used and its license number. ~~§ 721.04 - BOND REQUIRED FOR FUTURE DELIVERY; FORFEITURE.~~

~~Where a transient merchant contracts to deliver at a future date and the purchaser pays for goods before delivery, before an applicant is issued a license, he or she shall post with the License Officer for four (4) months from the date of the last sale an approved surety bond of one thousand dollars ($1,000.00) conditioned on compliance and delivery. Bond forfeiture shall not occur where the licensee proves nondelivery was the result of a strike, calamity or other extraordinary condition beyond his or her control.~~ § 721.05 - LICENSE FEE.

The fee for a transient merchant license shall be **due annually as prescribed by the fee schedule posted by the Department of Permits, Licenses and Inspections.** ~~five hundred thirty-eight dollars ($538.00) per month or fraction thereof.~~

(Ord. 42-1990, eff. 1-1-91) CHAPTER 723: - TRADE FAIRS

§ 723.01 - LICENSE REQUIRED.

No person shall conduct a trade fair within the City without first obtaining a license from the License Officer. § 723.02 - DEFINITION.

TRADE FAIR. Any exhibition at which goods, merchandise or services are sold and in which at least ten persons participate who deal in the type of goods, merchandise or service exhibited. The term does not include any exhibition at which there is extended an offer to buy goods, merchandise or services from the public at large, nor any exhibition where there are no direct sales and where orders are taken for future delivery of goods and merchandise to wholesale or retail dealers. § 723.03 - QUALIFICATIONS AND APPLICATION.

(a) The applicant shall either be a ~~City resident~~ **person** or business who deals in the goods, merchandise or services to be exhibited, or the owner of the premises upon which the trade fair is to be held.

(b) Application shall be filed at least two (2) weeks prior to the opening of the trade fair. The application shall state the names, addresses and businesses of all persons who are to participate in the trade fair, the site and any other pertinent information requested by the License Officer. § 723.04 - OTHER LICENSES NOT REQUIRED.

With respect to the activities licensed under this Chapter, any person listed in the application as a participant shall not be required to comply with Chapters 717 and 721. § 723.05 - LICENSE FEE.

The fee for a trade fair license shall be **due for each respective fair as prescribed by the fee schedule posted by the Department of Permits, Licenses and Inspections.** ~~five hundred thirty-eight dollars ($538.00) per fair.~~

(Ord. 42-1990, eff. 1-1-91) CHAPTER 725: - CLOSING-OUT, DAMAGED GOODS AND DEFUNCT BUSINESS SALES

Act 217 of July 31, 1963, P.L. 410 as amended (53 P.S. § 4471-1 *et seq.*) sets forth the Commonwealth law regulating and requiring the licensing of fire, bankruptcy and closing-out sales CHAPTER 726: - RESELLING OF TICKETS AT HEINZ FIELD AND PNC PARK

§ 726.01 - RESALE OF TICKETS WITHOUT LICENSE UNLAWFUL.

(a) A person may not sell or offer for sale any ticket for admission to any event at Heinz Field or PNC Park on a public street, sidewalk, public right-of-way, or any other City or publicly owned property, except in the Reselling Zone

created in [section] 726.06 of this chapter, without first obtaining a license from ~~the Bureau of Building Inspection ("Bureau").~~ **Department of Permits, Licenses and Inspections ("PLI").** The licensee shall carry the license at all times while engaging in the business of ticket sales, and shall if requested to do so by a law enforcement officer, permit the officer to examine and review the license. Each day's operation of such business without a license shall constitute a separate offense. Each refusal to permit a law enforcement officer to examine and review the license shall constitute a separate offense.

(b) By accepting a license, a licensee shall be deemed to have consented to the scanning of any tickets in the licensee's possession by a representative of the sponsor of a subject event to ensure the validity and integrity of any such tickets.

(Ord. No. 14-2005, § 1, eff. 5-3-05) § 726.02 - RESELLING LICENSE.

(a) An applicant for a license shall file an application with the ~~Bureau~~ **Department of Permits, Licenses and Inspections** for ~~a quarterly or~~ **an** annual license in such form as may be prescribed by the ~~Bureau~~ **Department**. The applicant shall ~~furnish two (2) photographs~~ **provide a valid government photo identification upon application** ~~of the proposed licensee, taken within thirty (30) days preceding the date of application, of a size and make designated by~~ **to** the ~~Bureau~~ **Department.**, ~~and a copy of such photograph shall be made part of the license.~~ **Licensees must carry a valid government identification while operating this business license and make same present to a City official upon request.**

~~(b) In the event of loss of a license, the licensee shall file with the Bureau a signed and sworn affidavit that the license was lost, or in the case of theft, a copy of the theft report submitted to an appropriate law enforcement agency, and upon payment of fifty dollars ($50.00) shall receive a replacement license which shall expire on the same date as the original license. All terms and conditions relating to application for an original license, as set forth in sub-paragraph (a) above shall apply to a replacement license. During the period from the time of loss or theft of a license until issuance of a replacement license, the licensee shall not engage in the business of ticket reselling. Each and every violation of this prohibition shall constitute a separate offense.~~

~~(c) A license or replacement license shall be non-transferable, and any violation of this prohibition shall constitute a separate offense, and a basis for revocation of the license.~~

(d) A licensee shall operate and conduct business in full compliance with all statutes, ordinances and regulations governing the resale of tickets, and any violation thereof shall constitute a separate violation of this ordinance.

(Ord. No. 14-2005, § 1, eff. 5-3-05) § 726.03 - TICKET SALES ON PUBLIC PROPERTY.

A person may not sell or offer for sale a ticket for admission to any event at Heinz Field or PNC Park on a public street, sidewalk, public right-of-way, or any other City or publicly owned property within the City of Pittsburgh, except in accordance with the following provisions:

(a) Tickets may not be offered for sale or sold within the area described in the map referred to in Section 726.06 of this chapter, except in the Reselling Zone created in Section 726.06 of this chapter.

(b) Tickets may not be offered for sale or sold on sidewalks where passage is restricted by construction.

(c) Tickets may not be offered for sale or sold within fifteen (15) feet of a bus stop marked by an appropriate sign or signs.

(d) Tickets may be offered for sale or sold only from a public sidewalk, except sales to or from a passenger vehicle provided that neither buyer nor seller is in violation of any statute, ordinance or regulation relating to traffic and operation of a motor vehicle in any public right-of-way.

(e) Tickets may not be offered for sale or sold to occupants of vehicles in traffic.

(f) Tickets may not be offered for sale or sold in any manner that blocks, obstructs or restricts the passage of pedestrians or vehicles in the lawful use of the sidewalks, streets, highways or other public rights-of-way, ingress or egress to or from an abutting property, or interferes with the operation of any display stand of a person licensed as a vendor pursuant to Chapter 719 of this title.

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(g) Ticket sellers shall not use a display stand, table, booth, chair or sign other than a hand-held sign for the sale or offering for sale of tickets.

(Ord. No. 14-2005, § 1, eff. 5-3-05) § 726.04 - TICKET RESELLING LICENSE FEES.

(a) The initial license fees for engaging in the trade or business of reselling tickets shall **be due as prescribed by the fee schedule posted by the Department of Permits, Licenses and Inspections.** ~~be two hundred dollars ($200.00) for a quarterly license and five hundred dollars ($500.00) for an annual license. A quarterly license shall be valid for three (3) months from the date of issuance, and an~~ **An** annual license shall be valid for a period of one (1) year from the date of issuance. All license fees are payable to the ~~Bureau~~ **the Department of Permits, Licenses and Inspections** at the time of application.

(b) In the first calendar year succeeding the effective date of this chapter and in subsequent calendar years thereafter, the ~~Chief of the Bureau ("Chief")~~ **Director of the Department of Permits, Licenses and Inspections,** is authorized to alter such fees and the replacement license fee provided for in Section 726.02(b) of this chapter as circumstances may warrant.

(Ord. No. 14-2005, § 1, eff. 5-3-05) § 726.05 - REVOCATION OF LICENSE.

(a) The ~~Chief~~ **License Director** may revoke a license for any violation of this chapter, but shall revoke the license of any licensee who has committed three (3) violations within the term of the license or if the licensee has failed to pay any civil fine imposed for violations of this chapter within fifteen (15) days of imposition of the fine.

(b) A person whose license has been revoked may request a hearing to contest the revocation. The hearing shall be held before the ~~Chief or his/her designee~~. **Licenses and Inspection Review Board as per Pittsburgh City Code §701.15.** The request shall be filed in writing **to the Licenses and Inspection Review Board** ~~with the Chief~~ within ~~ten (10)~~ **thirty (30)** days of the date of notice of revocation. ~~The hearing shall be held within ten (10) days of the request for a hearing, unless the persons whose license has been revoked requests a delay, which the Chief or his/her designee may refuse to grant, or a delay is otherwise warranted in the interests of justice. At the hearing, all testimony shall be under oath, and a decision shall be rendered within fifteen (15) business days following the end of the hearing.~~

(c) If the revocation is affirmed, the revocation shall be effective immediately, subject to any rights of appeal available to the licensee. If the person whose license has been revoked fails to request a hearing within ~~ten(10)~~ **thirty (30)** days of notice of revocation, the revocation shall be effective at the end of the ten-day period.

(Ord. No. 14-2005, § 1, eff. 5-3-05) § 726.06 - RESELLING ZONE.

Tickets shall not be offered for sale or sold within the area described in that certain Map ("Map") incorporated herein by reference and made a part hereof, which Map shall be available for public inspection in the office of the City Clerk, 5th Floor, City-County Building, 414 Grant Street, Pittsburgh, PA 15219, except in the Reselling Zone hereby created. The Reselling Zone shall be located at the northeastern corner of Dorsett Way and North Shore Drive, and consist of an area approximately twenty-three (23) feet by thirty (30) feet. The Reselling Zone shall be identified by appropriate signage, and signage which may include for the protection of the public, information such as, but not limited to, the validity of tickets and the maximum price at which tickets may be sold. Placement and size of signage shall be subject to the approval of the Zoning Administrator in accordance with the applicable provisions of Title IX of this Code.

(Ord. No. 14-2005, § 1, eff. 5-3-05) § 726.07 - PENALTIES.

(a) Any person attempting to resell a ticket outside the Reselling Zone shall first be warned and instructed to move back into the Zone. If the person again attempts to resell outside the Zone, the person shall be punished as provided in Section 101.09(a), Title I-Administrative of this Code, except that the fine shall be five hundred dollars ($500.00). A citation in such amount shall be issued to the person at the time of the prohibited conduct.

(b) If after issuance of the citation provided for in sub-paragraph (a) above, the person again attempts to resell tickets outside the Zone, such conduct is hereby deemed a public nuisance, punishable as a misdemeanor of the second degree pursuant to applicable provisions of the Pennsylvania Crimes Code.

(c) Any person charged pursuant to the provisions of sub-paragraphs (a) or (b) above who is thereafter charged within the term of his/her license or thereafter at any time, whether licensed or not, is hereby deemed a public nuisance, punishable as a misdemeanor of the second degree pursuant to the applicable provisions of the Pennsylvania Crimes Code.

(Ord. No. 14-2005, § 1, eff. 5-3-05) ARTICLE V: - TRADE OCCUPATIONS CHAPTER 741: - ~~WARM AIR HEATING~~ **MECHANICAL TRADE LICENSE** ~~CONTRACTORS~~

§ 741.01 - LICENSE REQUIRED.

No person shall act, engage, advertise or otherwise represent to be a ~~warm air heating~~ **mechanical trade license** ~~contractor~~ without first obtaining a license from the License Officer. § 741.02 - WRITTEN EXAMINATION.

(a) The License Officer shall accept approved competent certification testing programs, pursuant to Section 701.03 (a)(1). New applicants shall provide proof that they passed a standardized certification test administered. Based on test results, the License Officer shall issue a license indicating the classification and certification obtained by the applicant. Equivalent certification from states other than Pennsylvania shall be accepted as proof of compliance upon review and determination of equivalence by the License Officer.

~~(a) A written examination shall be given by the License Officer to insure an applicant comprehends the City mechanical regulations.~~

~~(b) The fee for the examination shall be sixty dollars ($60.00), which, if passed, shall be credited to the license fee.~~

(Ord. 8-1983, eff. 3-7-83) § 741.03 - QUALIFICATIONS OF APPLICANT.

In addition to qualifications enumerated in § 701.04 for all applicants for licenses, an applicant for a ~~warm air heating~~ **mechanical trade** ~~contractor~~ license shall:

(a) Be eighteen (18) years of age or over ~~and able to read and speak the English language~~;

(b) Possess a minimum four (4) years **of a combination of education and** experience **as evaluated by the License Officer.** ~~In warm air heating or be a graduate mechanical engineer; and~~

1. Education must include a degree or certification of attainment in mechanical systems.

2. Experience must be accompanied with a statement from an employer or licensed Mechanical contractor regarding experience.

(c) Pass an examination in accordance with § 741.02.

(Ord. 8-1983, eff. 3-7-83)

§ 741.04 - RENEWAL

(a) Renewal applicants shall annually provide proof of valid certification, proof of continuing education requirements in accordance with Section 741.05 and the applicable fee specified in the fee schedule prior to issuance of license.

§ 741.05 - CONTINUING EDUCATION REQUIREMENTS.

License holders shall be required to complete eight (8) hours, annually, of continuing education credits to be eligible for license renewal. License holders, who allow their license to lapse and subsequently renew, shall be required to provide at least eight (8) contact hours of continuing education units within the past twelve (12) months to be eligible for license renewal. License holders shall be required to report the names of the training

activities, the date(s) of the training, who provided the training and the number of contact hours for each training activity.

~~§ 741.04 - LICENSE IS PROPERTY OF BUSINESS EMPLOYER.~~

~~A license issued to an authorized representative of a business organization shall be considered the property of the organization, and if employment of the individual licensee is terminated, the employer shall so advise the License Officer and shall have another employee examined for the license at the next examination period without additional cost.~~

~~(Ord. 12-1991, eff. 4-29-91) § 741.05 - WORK PERMITS LIMITED.~~

~~Any licensee shall not apply for work permits for more than one (1) person or business organization.~~

~~(Ord. 12-1991, eff. 4-29-91)~~ § 741.06 - SUSPENSION AND REVOCATION.

The License holder shall be subject to provisions of 701.14(a). ~~The license may be suspended for thirty (30) days if a notice of violation of the Building Code has not been abated in the time specified. Revocation shall be as required in § 701.14(b).~~

(Ord. 12-1991, eff. 4-29-91) § 741.07 - LICENSE FEE.

The fee for an initial **or renewal** ~~warm air heating~~ **of a Mechanical** contractor license shall be **of an amount as prescribed by the fee schedule posted by the Department of Permits, Licenses and Inspections.** ~~two hundred thirty-nine dollars ($239.00) and the fee for an annual renewal thereof shall be one hundred seventy-nine dollars ($179.00), if renewed within thirty (30) days of expiration, otherwise the initial fee is to be paid without re-examination.~~ It is the responsibility of the licensee to make payment without notice from the License Officer.

(Ord. 46-1991, eff. 12-20-91)

741.08 - INSURANCE EXCEPTION

Mechanical Trade Licensees shall be exempt from §701.04 (a) (5) at the time of application, but are required to provide proof of insurance(s) that complies with §701.04 (a) for any permitted work under Title X.

(Ord. 46-1991, eff. 12-20-91) CHAPTER 745: - POWER ENGINEERS **TRADE LICENSES**

§ 745.01 - LICENSE REQUIRED; EXCEP- TIONS.

No person shall control or operate pipes, boilers, stationary or locomotive engines, or any other containers, tanks or vessels under pressure of water, liquid, gas or steam without first obtaining a license from the License Officer. However, the following are excepted from licensing requirements:

(a) Pipes, containers, tanks or vessels used in the transportation of water, liquid, gas or steam;

(b) Hot water tanks used for domestic service as defined in the Mechanical Code;

(c) Portable compressor operators; and

(d) All vessels defined as low pressure in the Mechanical Code or any vessel of fifteen (15) pounds per square inch or less of pressure.

(Ord. 8-1983, eff. 3-7-83) § 745.02 - TESTING OF APPLICANTS.

(a) The License Officer shall approve competent certification testing programs, pursuant to Section 701.03(a)(1), to conduct qualification examinations for power engineers.

(b) New applicants shall provide proof that they passed a standardized certification test administered by an approved testing program~~, pursuant to this section~~. Based on test results, the License Officer shall issue a license indicating the classification and certification obtained by the applicant. Equivalent certification from states other than Pennsylvania

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shall be accepted as proof of compliance.

(Ord. 8-1983, eff. 3-7-83; Ord. 42-1990, eff. 1-1-91; Am. Ord. 5-2000, eff. 3-29-00) § 745.03 - QUALIFICATIONS OF APPLICANT.

In addition to the qualifications enumerated in § 701.04 for all applicants for licenses, an applicant for a power engineer license, or any classification thereof shall:

(a) Be eighteen (18) years of age or over ~~and able to read and speak the English language;~~

(b) Pass a test in accordance with § 745.02 or qualify under § 745.06.

(Ord. 8-1983, eff. 3-7-83; Am. Ord. 5-2000, eff. 3-29-00) § 745.04 - RENEWAL AND RECLASSIFICA- TION.

(a) Renewal applicants shall annually provide proof of valid certification, proof of continuing education requirements in accordance with Section 745.05 and the applicable fee specified in Section 745.09 prior to issuance of license.

(b) Applicants applying for a higher classification shall provide proof that they passed a test in accordance with the standards set forth in Section 745.02.

(Am. Ord. 5-2000, eff. 3-29-00) § 745.05 - CONTINUING EDUCATION REQUIREMENTS

License holders shall be required to complete eight (8) hours, annually, of continuing education units to be eligible for license renewal. License holders, who allow their license to lapse and subsequently renew, shall be required to provide at least eight (8) contact hours of continuing education units within the past twelve (12) months to be eligible for license renewal. License holders shall be required to report the names of the training activities, the date(s) of the training, who provided the training and the number of contact hours for each training activity.

~~License holders shall be required to accumulate 0.8 continuing education units (C.E.U.'s) or eight (8) contact hours, annually, to be eligible for license renewal. License holders, who allow their license to lapse and subsequently renew, shall not be exempt from the continuing education requirements during the lapse. License holders shall be required to report the names of the training activities, the date(s) of the training, who provided the training and the number of contact hours for each training activity.~~

(Am. Ord. 5-2000, eff. 3-29-00) § 745.06 - CURRENT LICENSE HOLDER.

Applicants, who attained a valid license prior to the effective date of this Chapter, shall:

(a) Be eligible to renew licenses, annually, without reexamination pursuant to Section 745.02;

(b) Renew license within twelve (12) months of the effective date of this Chapter or license shall lapse and all sections of this Chapter shall be applicable; and

(c) Comply with Section 745.05 to be eligible for subsequent renewals.

(Am. Ord. 5-2000, eff. 3-29-00) § 745.07 - ONLY LICENSEES TO OPERATE EQUIPMENT.

No owner, lessee or agent thereof, of any pipes, containers, boilers, stationary or locomotive engines, tanks or other vessels within the scope of this Chapter, or any person acting for the owner, lessee or agent shall permit any unlicensed person to operate or control the equipment. No unlicensed person shall operate or control the equipment. The licensed person in charge of or operating the aforesaid equipment shall be located on the same premises where the equipment is located during the operation or control.

(Ord. 8-1983, eff. 3-7-83; Am. Ord. 5-2000, eff. 3-29-00) § 745.08 - SUSPENSION OR REVOCATION.

The licensee is subject to the provisions of 701.14 (a). ~~The License Officer upon investigation shall suspend the license of any licensee who is incompetent, has been guilty of negligence, has endangered life or property or willfully violated any provision of this Chapter. Revocation shall be as required in § 701.14(b).~~

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(Ord. 8-1983, eff. 3-7-83; Am. Ord. 5-2000, eff. 3-29-00) § 745.09 - LICENSE FEE.

The annual fee for a Power Engineer **Trade** License shall be **an amount as prescribed by the License Officer** ~~sixty-two dollars ($62.00) payable on or before March 31 st for the current year.~~ The licensee shall be subject to the renewal penalty set forth in Section 701.07(d). It is the responsibility of the licensee to make payment without notice from the License Officer.

§ 745.10 - INSURANCE EXCEPTION

Power Engineers shall be exempt from Pittsburgh City Code §§701.04 (a) (5) and 701.04 (2).
(Ord. 46-1991, eff. 12-20-91; Am. Ord. 5-2000, eff. 3-29-00) CHAPTER 747: - ELECTRICAL ~~CONTRACTORS~~
TRADE LICENSE

§ 747.01 - LICENSE REQUIRED.

No person shall act, engage, advertise or otherwise represent to be an electrical ~~contractor~~ **licensee** (registered electrician) without first obtaining a license from the License Officer.

(Ord. 8-1983, eff. 3-7-83) § 747.02 - WRITTEN EXAMINATION.

(a) ~~A written examination shall be given by the License Officer to insure an applicant comprehends the City wiring regulations.~~ **The License Officer shall accept approved competent certification testing programs, pursuant to Section 701.03(a)(1), to conduct qualification examinations. New applicants shall provide proof that they passed a standardized certification test administered. Based on test results, the License Officer shall issue a license indicating the classification and certification obtained by the applicant. Equivalent certification from states other than Pennsylvania shall be accepted as proof of compliance upon review and determination of equivalence by the License Officer. Applicants must apply for a license within twelve (12) months of passing the exam defined in this section or be subject to the rules of §747.05.**

~~(b) The fee for the examination shall be sixty dollars ($60.00), which, if passed, shall be credited to the license fee.~~ § 747.03 - QUALIFICATIONS OF APPLICANT.

In addition to qualifications enumerated in § 701.04 for all applicants for licenses, an applicant for an electrical ~~contractor's~~ license shall:

(a) Be eighteen (18) years of age or older ~~and able to read and speak the English language;~~

(b) Pass a test in accordance with § 747.02 above;

(c) Possess a minimum six (6) years of a combination of experience and education as evaluated by the License Officer, conforming to the following:

1. Education includes a degree or certification of attainment in Electrical Wiring or related field from an accredited school or apprenticeship program.

2. Any experience must be accompanied with a statement from an employer or licensed electrician regarding experience.

~~(c) Meet the additional qualifications of either subsection (c)(1), (2), (3) or (4) below:~~

(1) *"E" License-Registered Electrician.*

A. Possess two (2) years experience working full time with an electrician licensed by the city. A notarized statement of experience from the licensed person shall accompany application.

B. Be a graduate with a certificate of attainment in electrical wiring from an accredited school.

(2) *"E" License-Registered Electrician.*

A. Possess ten years experience working full time as a registered electrician in any other state or municipality, or possess ten years experience working full time with an electrician registered in the city.

B. Certification of the licensing by the state or municipality shall accompany the application, or a notarized statement from the Pittsburgh licensed electrician shall accompany application.

(3) *"F" License-Furnace Installer.*

A. Possess a warm air heating license as provided for in Chapter 741 of this Title.

(4) *"S" License-Signal System Installer.*

A. Possess two (2) years experience working full time installing the systems. A notarized statement of experience shall accompany the application.

B. Be a graduate with a certificate of attainment from an accredited school.

(Ord. 8-1983, eff. 3-7-83) § 747.04 - WORK PERMITS LIMITED. **RENEWAL**

Any licensee shall not apply for work permits for more than one (1) person or business organization.

(a) Renewal applicants shall annually provide proof of valid certification, proof of continuing education requirements in accordance with §747.05 and the applicable fee specified in the fee schedule prior to issuance of license.

§ 747.05 - CONTINUING EDUCATION REQUIREMENTS.

License holders shall be required to complete eight (8) hours, annually, of continuing education credits to be eligible for license renewal. License holders, who allow their license to lapse and subsequently renew, shall be required to provide at least eight (8) contact hours of continuing education units within the past twelve (12) months to be eligible for license renewal. License holders shall be required to report the names of the training activities, the date(s) of the training, who provided the training and the number of contact hours for each training activity.

(Ord. 8-1983, eff. 3-7-83) § 747.**065** - SUSPENSION OR REVOCATION.

The License holder shall be subject to provisions of 701.14(a). The license may be suspended for thirty (30) days if a notice of violation of the Building Code has not been abated in the time specified. Revocation shall be as required in § 701.14(b) of this Title.

(Ord. 8-1983, eff. 3-7-83) § 747.**076** - LICENSE FEE.

The fee for the initial electrical contractor license shall be two hundred thirty-nine dollars ($239.00) and the fee for the annual renewal thereof shall be one hundred seventy-nine dollars ($179.00), if renewed within thirty (30) days of expiration, otherwise the initial fee is to be paid without re-examination. **prescribed in the fee schedule.** It is the responsibility of the licensee to make payment without notice from the License Officer.

(Ord. 46-1991, eff. 12-20-91)

747.08 - INSURANCE EXCEPTION.

Licensees shall be exempt from §701.04 (a) (5) at the time of application, but are required to provide proof of insurance(s) that complies with §701.04 (a) for any permitted work under Title X.CHAPTER 749: - SIGN CONTRACTORS

§ 749.01 - LICENSE REQUIRED.

No person, firm or corporation shall engage in the business of erecting, altering, repairing and/or maintaining ground signs, wall signs, projecting signs, roof signs, post signs or any signs requiring a permit as provided for in Title 10, The Building Code, without first obtaining a license from the License Officer.

(Ord. 8-1983, eff. 3-7-83) § 749.02 - QUALIFICATIONS.

The applicant shall meet all the qualifications enumerated in §701.04 for all license applicants.

(Ord. 8-1983, eff. 3-7-83) ~~§ 749.03 - LIABILITY INSURANCE.~~

~~The applicant for registration shall file with the License Officer a certificate of standard from Contractors Public Liability Insurance covering personal injury with limits not less than two hundred fifty thousand dollars ($250,000.00).~~

(Ord. 8-1983, eff. 3-7-83) § 749.**03**4 - ISSUANCE OF LICENSE.

Upon compliance with provisions of §§ 701.04 and 749.03, and payment of the fee stipulated in 749.08, the License Officer shall issue a license to conduct the business ~~of outdoor advertising.~~ **erecting signs.**

(Ord. 8-1983, eff. 3-7-83) § 749.**04**~~5~~ - RENEWAL.

Registration may be renewed for a period of one (1) year upon application and payment of fee specified in **the fee schedule** ~~§ 749.08~~, provided the liability insurance is kept in force for the ensuing year.

(Ord. 8-1983, eff. 3-7-83) ~~§ 749.06 - WORK PERMITS LIMITED.~~

~~Any licensee shall not apply for work permits for more than one (1) person or business organization.~~

(Ord. 8-1983, eff. 3-7-83) § 749.0**5**~~7~~ - SUSPENSION AND REVOCATION.

~~The license may be suspended for thirty (30) days if a notice of violation of the Building Code has not been abated in the time specified. Revocation shall be as required in § 701.14(b).~~ **The License holder shall be subject to provisions of §701.14(a).**

(Ord. 8-1983, eff. 3-7-83) § 749.**06**~~8~~ - LICENSE FEE.

The fee for initial registration for the outdoor advertising license shall be **of an amount posted by the Department of Permits, Licenses and Inspections** ~~two hundred thirty-nine dollars ($239.00), and the fee for the annual renewal thereof shall be one hundred seventy-nine dollars ($179.00), if renewed within thirty (30) days of expiration~~, otherwise the initial fee is to be paid without re-examination. It is the responsibility of the licensee to make payments without notice from the License Officer.

(Ord. 46-1991, eff. 12-20-91) CHAPTER 751: - GENERAL CONTRACTOR REGISTRATION

§ 751.01 - REGISTRATION REQUIRED.

No person shall engage in~~, advertise or otherwise represent to engage in~~ any activity regulated by Title 10, Building, of the Pittsburgh Code, including those activities requiring a permit ~~and those activities such as roofing, window replacement and concrete work on grade~~, without first obtaining a general contractor registration from the License Officer. The persons shall include individuals, proprietorships, partnerships and corporations. The provisions of Chapter 701 are also incorporated herein.

(Ord. 43-1992, eff. 12-4-92) § 751.02 - EXCEPTIONS.

A general contractor registration shall not be required for the following:

(a) Persons who have obtained licenses under Chapters 741 (~~Warm Air Heating~~ **Mechanical**), 743 (Welders), 745 (Stationary Engineers), 747 (Electrical ~~Contractors~~) **754 (Fire Suppression)** and 740 (Sign Contractors) for work which requires that license.

(b) Owner(s) of single-or two-family dwellings who personally perform work upon the dwelling, provided that the owner (s) occupy or, upon completion of the activity which would require the general contractor registration, shall occupy the dwelling.

(c) Governmental entities for work upon premises owned by that governmental entity and performed by the employees of that governmental entity.

(d) Work subject to the Pennsylvania Home Improvement Contractor (HIC) registration requirements.

(Ord. 43-1992, eff. 12-4-92) § 751.03 - QUALIFICATIONS.

In addition to the qualifications enumerated in § 701.04 generally, an applicant for a general contractor registration shall:

(a) Be eighteen (18) years of age or older ~~and be able to read and speak the English language;~~

~~(b) Provide proof of and maintain general liability insurance in coverage prescribed by the License Officer; and~~

~~(c) Provide proof of and maintain a registration for all applicable City taxes.~~

(Ord. 43-1992, eff. 12-4-92) § 751.04 - DUTIES.

(a) All work shall be performed by a registered contractor in accordance with Title 10, Building, of the Pittsburgh Code.

(b) Each registered contractor shall maintain records of the locations at which waste generated in the course of its activities is disposed and shall, upon request of the License Officer or his or her representative, make such records available for inspection.

(Ord. 43-1992, eff. 12-4-92) § 751.05 - SUSPENSION **AND REVOCATION** ~~FOR FAILURE TO ABATE VIOLATIONS.~~

The License holder shall be subject to provisions of 701.14(a). ~~A registration may be suspended for thirty (30) days if a notice of violation of the Building Code has not been abated in the time specified.~~

(Ord. 43-1992, eff. 12-4-92) § 751.06 - FEE.

The annual fee for a general contractor registration shall be ~~sixty dollars ($60.00). An additional sixty dollars ($60.00) processing fee shall be assessed for contractors who fail to timely register as required by this Chapter.~~ **of an amount as prescribed by the fee schedule posted by the Department of Permits, Licenses and Inspections. It is the responsibility of the licensee to make payment without notice from the License Officer.**

(Ord. 43-1992, eff. 12-4-92) § 751.07 - ~~ANNUAL~~ RENEWAL.

Registration shall be renewed annually by the registrant without notice from the License Officer **for a fee as prescribed in the fee schedule.** ~~The annual expiration date of each registration shall be December 31.~~

(Ord. 43-1992, eff. 12-4-92)

CHAPTER 752 - FIRE SUPRESSION TRADE LICENSE

§752.01 - LICENSE REQUIRED

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No person, firm or corporation will engage in any fire suppression work regulated in Title X and involving fire suppression systems without first obtaining a license under this chapter.

§ 752.02 - WRITTEN EXAMINATION

(a) The License Officer shall accept approved competent certification testing programs, pursuant to Section 701.03 (a)(1), to conduct qualification examinations. New applicants shall provide proof that they passed a standardized certification test administered. Based on test results, the License Officer shall issue a license indicating the classification and certification obtained by the applicant, if applicable. Equivalent certification from states other than Pennsylvania shall be accepted as proof of compliance upon review and determination of equivalence by the License Officer.

§752.03 - QUALIFICATIONS OF APPLICANTS

In addition to the qualifications enumerated in Section 701.04 for all applicants for licenses, an applicant for a fire suppression trade license shall:

- **(a) Be 18 years of age or older;**
- **(b) pass a test in accordance with Section 752.02 above;**
- **(c) Possess a minimum six (6) years of a combination of experience and education as evaluated by the License Officer, conforming to the following:**

  1. Education includes a degree or certification of attainment in fire suppression systems.

  2. Experience must be accompanied with a statement from an employer or licensed fire suppression tradesperson regarding experience.

§752.04 - RENEWAL

Renewal applicants shall provide proof of valid certification, proof of continuing education requirements in accordance with §752.05 and the applicable fees specified in the fee schedule prior to issuance of the license.

§752.05 - CONTINUING EDUCATION REQUIREMENT

License holders shall be required to complete eight (8) hours, annually, to be eligible for license renewal. License holders, who allow their license to lapse and subsequently renew, shall be required to provide at least eight (8) contact hours of continuing education units within the past twelve (12) months to be eligible for license renewal. License holders shall be required to report the names of the training activities, the date(s) of the training, who provided the training and the number of contact hours for each training activity.

§752.06 - SUSPENSION OR REVOCATION

The License holder shall be subject to provisions of 701.14(a).

§752.07 - FEE

The fee for fire suppression trade licenses shall be prescribed in the fee schedule. It is the responsibility of the

licensee to make payment without notice from the License Officer.

§752.08 - INSURANCE EXCEPTION

Fire Suppression Trade Licenses shall be exempt from §701(a)(5) at the time of application, but are required to provide proof of insurance(s) that comply with the §701.04(a) provisions for any permitted work under Title X.

CHAPTER 763: - PARKING LOTS

§ 763.01 - LICENSE REQUIRED.

No operator shall conduct any commercial parking place without obtaining an annual license registration for each parking place from the License Officer. § 763.02 - DEFINITIONS.

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

(a) ***COMMERCIAL PARKING PLACE*** or ***PARKING PLACE.*** Any place within the city, whether wholly or partially enclosed or open, at which motor vehicles are parked or stored for any period of time in return for a consideration, but not including:

(1) Any parking area or garage to the extent that it is provided or leased to occupants of a residence on the same or other premises for use only in connection with and as accessory to, the occupancy of such residence. However, §§ 763.03(e) and 763.04(e) through (k) shall not be applicable to parking areas or garages which lease at least eighty (80) percent of the spaces to residents.

(2) Any parking area or garage operated exclusively by an owner or lessee of a hotel, tourist court or trailer park, to the extent that the parking area or garage is provided to guests or tenants of such hotel, tourist court or trailer park for no additional consideration.

(b) ***OPERATOR.*** Any person conducting the operation of a nonresidential parking place, parking place or receiving the consideration paid for the parking or storage of motor vehicles at the parking place.

(c) ***CONSIDERATION.*** Consideration received upon an express or implied contract or under lease or otherwise, whether or not separately stated, and whether or not paid, provided or allowed by the person on whose behalf the motor vehicle is parked or stored or by some other person. Parking by an employee for a fee in a parking lot owned or operated by or for his or her employer at the employee's regular place of business shall not be considered parking or storing a motor vehicle for consideration for purposes of complying with § 763.04(e) through (k). For purposes of this provision, a parking lot may be operated for the benefit of more than one (1) employer so long as spaces are not offered to nonemployees of those employers. In order for lots operated solely for the benefit of an employer or employers to qualify for the exemption under this provision, all employers affected shall execute a form to be provided by the License Officer acknowledging that they are aware that their employees shall not be afforded the protections guaranteed by this Chapter and they agree that the protection of their employees in the employee lots is a matter which shall be determined between them and the operators of the lots.

(d) ***MOTOR VEHICLE.*** Any self-propelled device in, upon or by which any person or property is or may be transported or drawn.

(e) ***UNIFORMED GARAGE PERSONNEL.*** Security officers who are:

(1) In good physical condition;

(2) Have not been convicted for committing a felony or misdemeanor;

(3) Wear a badge and cap and a uniform issued by their employer; and

(4) Have received training which includes but is not limited to patrol techniques, civil and criminal law with respect to citizen arrests and restraint and fire prevention. Successful completion of CPR and First Aid is optional but it

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is recommended that one (1) employee per shift have received the training.

(f) ***PERIMETER.*** The outside area of a structure which affords access by any means.

(g) ***INTERIOR.*** Each opening or area which allows access within a structure, that includes, but is not limited to parking floors, stairwells and entryways.

(h) ***REVENUE CONTROL EQUIPMENT.*** Electro-mechanical devices which monitor and count the number of vehicles admitted to and leaving a commercial parking place or parking place.

(1) Type A shall be of the type that has entrance and exit gate arms: synchronized ticket dispenser; fee commuter inclusive of printer and fee indicator and counters. This equipment shall have the capability of recording the date and time that a vehicle enters and leaves a commercial parking place, the amount of consideration and parking tax collected by an operator and meets the specifications of the License Officer.

(2) Type B shall be of the type that counts every vehicle that enters and leaves a commercial parking lot and shall include a count module and computer; and shall meet the specifications of the License Officer.

(i) ***GROSS PARKING REVENUES.*** For purposes of Section 763.03(f) gross parking revenues shall mean the amount of consideration received by an operator for a parking transaction less the amount of tax paid to the Treasurer for that transaction.

(k) ***NONRESIDENTIAL PARKING PLACE.*** Any Place within the City, whether wholly or partially enclosed or open, at which motor vehicles are parked or stored, for any period of time, whether or not consideration is paid or received, but not including:

(1) Public streets;

(2) Any parking area or garage to the extent that is provided or leased to occupants or a resident on the same or other premises for use only in connection with and as accessory to, the occupancy of such a residence: and

(3) Any loading dock or loading area and any area necessary for the utilization of any loading dock or loading area.

(l) ***GATELESS HONOR BOX LOT.*** A non-residential parking place as defined in § 763.02(k), without gates, chains, fences or other physical barriers across all entrances/exits. An Honor Box Lot provides a system that is designed to allow the payment of money in exchange for a designated parking space without the need for a continuous on-site parking lot attendant.

In the event that the "Honor Box" system is not fully functional, the non-residential parking place shall not be defined as a "Gateless Honor Box Lot."

(m) ***24-HOUR ACCESSORY USE LOT.A parking lot that is used for the employees, customers or visitors to a business that is open twenty-four (24) hours per day for at least five (5) out of seven (7) days of the week.***

(Ord. 37-1983, eff. 12-31-83; Ord. 25-1985, eff. 6-20-85; Ord. 26-1984, eff. 12-5-84; Am. Ord. 41-1997, eff. 12-31-97; Am. Ord. 16-2000, eff. 6-21-00; Ord. 7-2002, § 2, eff. 3-28-02; Ord. 36-2002, § 1, eff. 12-16-02) § 763.03 - REQUIREMENTS FOR LICENSE.

In addition to the information required by § 701.08, the applicant, prior to license issuance or renewal, shall provide:

~~(a) A certificate of insurance showing that the applicant has procured, for the calendar year involved, public liability insurance covering the parking place with limits of not less than one hundred thousand dollars ($100,000.00) for personal injuries and not less than twenty-five thousand dollars ($25,000.00) for property damage;~~

(~~b~~**a**) For commercial parking places which consist entirely of open lots rather than buildings, a sketch or plot plan showing the location, size of driveways, entrances and exits and their proximity to sidewalk and structures, the character of curbing, fencing, walls or other enclosures surrounding the lot, the locations where signs are to be posted and the character and size thereof, the location, type and intensity of all lighting, and other pertinent information as may be required by the License Officer. The License Officer may not require the sketch or plot plan in applications for license renewal where no changes in the plan or law have occurred since the issuance of the prior license; § 763.04(e) shall not be applicable to lots which are used exclusively during business hours for employee or

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business visitor parking and for which business visitors pay no fee for parking;

~~(c) Proof of compliance with the City zoning laws;~~

(~~d~~**b**) Proof of **good standing with regard to** ~~payment in full of~~ the parking tax imposed by Chapter 249 of the Fiscal Title; and

(**ec**) For commercial parking places which consist of buildings, a sketch or plan showing the location and types of all television cameras and monitors and a separate written description as to the number of uniformed security personnel per shift who shall be employed or retained for surveillance provided for in § 763.04(f). The License Officer may not require the sketch or plot plan or written description in applications for license renewal where no changes in the plan, description or law have occurred since the issuance of the prior license. This provision and § 763.04(f) through (k) shall not be applicable to commercial parking places consisting of buildings which are used exclusively during business hours for employee or business visitor parking and for which business visitors pay no fee for parking.

(~~f~~**d**) A certificate ~~issued by the license officer~~**by the licensee** certifying that a time ~~stamping~~**keeping** mechanism has been installed and is operating satisfactorily shall be required before a license shall be issued for any parking facility where the charge for parking is measured by the duration of time that a vehicle is parked or stored at a nonresidential parking place or parking place.

(~~g~~**e**) If it is determined by the Treasurer, or his agents, that any commercial parking place has consistently underreported gross revenues and tax to the Treasurer, then upon written notification by the Treasurer, the License Officer may require either type A or B Revenue Control Equipment as a requirement for licensing of that commercial parking place.

(Ord. 37-1983, eff. 12-31-83; Am. Ord. 41-1997, eff. 12-31-97) § 763.04 - SAFETY REQUIREMENTS.

The operator shall maintain each parking place in a condition so as not to constitute a hazard to the patrons thereof or the motor vehicles parked therein, and shall also comply with the following requirements:

(a) Parking and driving areas shall be of smooth and compact surfacing.

(b) Parking places located on open lots shall be properly enclosed or maintained with bumper protection for sidewalks and adjacent property.

(c) Entrances and exits to and from parking places shall be plainly marked and so situated as to avoid obstructing traffic on the abutting street and to prevent interference with or obstruction of pedestrian traffic on the sidewalk.

(d) Reasonable effort shall be made to keep the parking area free and clear of all debris.

(e) All open lots shall be lit so that all spaces may be observed from the adjoining public streets, alleys or walkways or, if the open lot is one (1) that is not observable in the regular course from adjoining public streets, alleys or walkways, it shall comply with the licensing and safety requirements for enclosed parking lots applicable to that particular open lot.

(f) There shall be surveillance of all areas of all enclosed parking garages in which attendants do not park all of the vehicles for the entire period that the parking garage is in operation. The surveillance shall include at a minimum, uniformed garage personnel to patrol each area of the parking garage at least one (1) time every thirty (30) minutes, unless the person is detained for security reasons, as verified by Detex or comparable equipment or methodology. No person who is responsible for collecting money or parking cars shall be responsible for surveillance.

The areas to be patrolled shall include the perimeter as well as interior of the garage. Copies of the surveillance records shall be submitted monthly to the License Officer or his or her designee and shall be kept for a period of three (3) years for inspection by the License Officer.

(g) On and after January 1, 1985, the lighting in every part of all enclosed parking garages in which attendants do not park all vehicles shall be consistent with the standards set forth in the City of Pittsburgh Lighting Code, Title 12 Lighting Code, Chapter 1201 Lighting Code, Section 1201.07 Required Calculations for Lighting Installations, Table 7(E) and (F) Recommended Maintained Illuminance and Luminance Values.

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(h) All access to enclosed parking garages shall be through secured entrances during all hours of operation. The access may be secured by alarm and/or lock and key, or closed-circuit TV, or verifiable uniformed security patrols at a minimum of at least once every fifteen (15) minutes.

(i) All enclosed parking garages in which attendants do not park all of the vehicles shall be in compliance with BOCA regulations, and in particular fire suppression equipment and emergency alarms/phones for elevators.

Within six (6) months of the effective date of this subsection, the structures shall have emergency phones installed on all parking levels, or panic buzzers/alarms zoned to a central station which is staffed at all times, or comparable equipment. The equipment will be strategically located, visibly marked and accessible to the handicapped.

(j) All enclosed parking garages with three (3) or more floors shall provide escort service for all customers who request the service. Escort service shall be available during all hours of operation, by an employee readily identifiable as a representative of the garage.

(k) All enclosed parking garages which provide escort service shall post a sign at all entrances clearly defining the service. A patron should wait no longer than fifteen (15) minutes for an escort.

(Ord. 37-1983, eff. 12-31-83; Ord. 26-1984, eff. 12-5-84; Ord. No. 9-2014, § 1, eff. 4-2-14) § 763.05 - PROHIBITED CONDUCT.

(a) No operator shall permit any motor vehicle brought to any commercial parking place or any parking lot to be parked on a street or sidewalk.

(b) No operator shall permit any merchant or vendor to use a commercial parking lot to distribute or sell any goods, service or merchandise.

(c) No operator shall allow any revenue control equipment required by this Chapter to be disabled or rendered inoperable entirely or in part by any switch, button or other means. In the event that any revenue control equipment becomes disabled or inoperable entirely or in part, the operator shall immediately take action to have such equipment repaired, and shall immediately notify the License Officer of the location of the equipment, date and time that the equipment malfunction began, the nature of the malfunction and the action taken to effect its repair. Upon completion of the repairs to the equipment, the operator shall immediately notify the License Officer of the date and time that the equipment was restored to full operation.

(d) No operator shall exceed the capacity of a commercial parking lot as stated on the license application.

(Am. Ord. 41-1997, eff. 12-31-97) § 763.06 - POSTING RATES.

(a) Every operator shall post and maintain, in a conspicuous place at each entrance to each parking place, a sign showing the schedule of rates to be charged on an hourly, daily, Sunday, holiday, event and special basis and weekly, monthly and yearly leases, which corresponds to those rates stated in the operator's application; the operator's name and address, and the City license registration number all printed in letters three (3) inches high with half inch strokes as to be readily readable by prospective patrons.

(b) Once the operator posts a new schedule of rates, the operator must file a supplement to the license application within ten (10) business days to the Licensing Department.

(Am. Ord. 15-2000, eff. 6-21-00) § 763.07 - REVOCATION FOR DELINQUENT PARKING TAX.

In addition to reasons specified in § 701.14, the License Officer may revoke any license for delinquency in the payment of the City parking tax imposed by Chapter 249 of the Fiscal Title, upon written notice of the delinquency from the City Treasurer. § 763.08 - ~~DISABLED~~ **ACCESSIBLE** PARKING.

~~(a) Every commercial place in excess of fifty (50) cars which does not have attendant parking shall have one (1) parking space designated as "Disabled Parking" and for each one hundred (100) parking spaces over fifty (50), there shall be additional disabled parking space.~~

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~~(b) Each parking space for the disabled shall be seventeen (17) by seventeen (17) by nineteen and one-half (19½) feet and shall be located in the commercial parking place in areas that are most accessible to garage entrances and exits that serve the handicapped.~~

Disabled accessible parking shall conform to the requirements of Pittsburgh City Code, Article VI, Developmental Standards, § 914.06 ("Parking for Persons with Disabilities") and PA Uniform Construction Code provisions at the time of construction.

(Ord. 18-1984, eff. 6-29-84) § 763.09 - LICENSE FEES.

The fee for any parking lot license registration or renewal thereof shall be ~~fifty dollars ($50.00) per year plus forty-two cents ($0.42) per parking space per year due on or before October 31, 1998, and each year thereafter.~~ **of an amount as prescribed by the Department of Permits, Licenses, and Inspections. It is the responsibility of the licensee to make payment without notice from the License Officer.**

(Ord. 42-1990, eff. 1-1-91; Am. Ord. 41-1997, eff. 12-31-97) **§ 763.10 - SUSPENSION AND REVOCATION.**

The License holder shall be subject to provisions of 701.14(a).~~§ 763.10~~ 763.11 - RESERVED FOR FUTURE LEGISLATION. § 763.12 - **LIMITED TOWING LICENSING-** NONCONSENSUAL TOWING OF VEHICLES FROM NONRESIDENTIAL PARKING PLACES.

(a) In order for the operator of a Nonresidential Parking Place to remove or have removed a motor vehicle without the prior consent or authorization of the owner or operator of the vehicle under the authority of 75 Pennsylvania Consolidated Statutes annotated Section 3353(c), at the time the motor vehicle entered the Nonresidential Parking Place the operator must have been in full compliance with the Department of Transportation regulations set forth in Pennsylvania Code Sections 217.1, *et seq.* as to public notice signs, sign placement, sign size, nighttime visibility or other regulations promulgated hereafter. Any person violating this paragraph ~~(a) is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than fifteen dollars ($15.00) per violation.~~ **is subject to the revocation and suspension provisions of 701.14(a).**

(b) In order for the Operator of a Nonresidential Parking Place to remove or have removed a motor vehicle without the prior consent or authorization of the owner or operator of the vehicle under the authority of 75 Pennsylvania Consolidated Statues Annotated Section 3353(c), at the time the motor vehicle entered the Nonresidential Parking Place the Operator must have a valid Nonresidential Parking Place Insignia for the Nonresidential Parking Place issued by the License Officer. The License Officer shall not issue a Nonresidential Parking Place Insignia **or license** for any Nonresidential Parking Place until the ~~Bureau of Building Inspection~~**Department of Permits, Licenses and Inspections** has inspected the Nonresidential Parking Place and determined that it is in full compliance with the Pennsylvania Code's regulations on public notice signs, sign placement, sign size, nighttime visibility or other regulations promulgated hereafter. Additionally, the License Officer shall ensure that the Nonresidential Parking Place is in full compliance with subsection (d) of this Section before issuing a Nonresidential Parking Place Insignia.

Except for Gateless Honor Box Lots as defined in Section 763.02(l) and 24 Hour Accessory Use Lots as defined in Section 763.02(m), the failure to use barricades as required in subsection (d) shall be grounds for revocation of the Nonresidential Parking Place Insignia. The restoration of the Parking Insignia **or License** after revocation for noncompliance with any part of this Section shall be two hundred fifty dollars ($250.00) for the first offense within the licensing year and five hundred dollars ($500.00) for each subsequent offense within the licensing year. The License Officer shall provide the necessary rules, regulations and procedures for obtaining Nonresidential Parking Place Insignia **or License**. The annual fee for this License is **shall be of an amount as prescribed in the fee schedule posted by the Department of Permits, Licenses and Inspections. It is the responsibility of the Licensee to make payment without notice from the License Officer.** ~~one hundred dollars ($103.00)~~

(c) This Section shall not apply to motor vehicles that are classified as "abandoned vehicles" pursuant to the definition set forth in 75 Pa. C.S. § 102.

(d) In order for the owner/operator of a Nonresidential Parking Place to obtain an annual **Towing Authorization** license (pursuant to subsection b) to allow the towing of vehicles from the Nonresidential Parking Place, the owner/operator

of the Nonresidential Parking Place shall be required to place a physical barrier (such as a chain or fence) across all entrances/exits to the Nonresidential Parking Place, so as to prevent unauthorized vehicles from parking on the lot of the Nonresidential Parking Place when the lot is not in operation for use by customers. If the owner/operator of Nonresidential Parking Place does not supply an adequate barrier to prevent unauthorized vehicles from accessing the lot or if the owner/operator of the lot fails to utilize such barriers, then no towing from the lot will be authorized. The owner/operator of the lot shall be fined one thousand dollars ($1,000.00) for each occurrence of an unauthorized vehicle being towed, when the owner/operator of the Nonresidential Parking Place failed to adequately barricade the lot, so as to prevent the unauthorized parking. This subsection (d) shall not apply to Gateless Honor Box Lots or to 24 Hour Accessory Use Lots.

(e) Tow truck operators are required to immediately notify the Police Bureau's Index Department regarding the make, model and license plate of each towed vehicle, as well as the location of the stored vehicle and fees for recovery.

(f) Owners/operators of Nonresidential Parking Places shall face suspension of their valid Nonresidential Parking Place Insignia for any failure to fully comply with amendments to this section.

(g) Enforcement of this Section 763.12 shall be by the Police Department.

(Ord. 16-2000, eff. 6-21-00; Ord. 7-2002, § 1, eff. 3-28-02; Am. Ord. 20-2002, § 1, eff. 6-4-02; Ord. 36-2002, § 2, eff. 12-16-02) CHAPTER 764: - TOWING BUSINESS LICENSING; TOW TRUCK OPERATOR LICENSING; LICENSING TO ENGAGE IN NONCONSENUAL TOWING[2]

§ 764.01 - DEFINITIONS.

(a) ***AUTOMOBILE CLUB*** means a legal entity that, in consideration of dues, assessments, or periodic payments of money, provides assistance to members or subscribers in matters relating to motor travel or the operation, use or maintenance of a motor vehicle by supplying or arranging for emergency road service including disabled vehicle roadside assistance and towing services, approved auto repair services, and auto travel planning services including map and tour information services, accommodations reservations and motor vehicle insurance products and services. The term does not include a tow of a vehicle initiated by a police officer investigating a traffic accident incident or a crime that involves the vehicle.

(b) ***CITY OF PITTSBURGH TOW BUSINESS LICENSE*** means a license issued by the Director of Public Safety, pursuant to this Chapter, to a Tow Business that engages in Non-consensual Tow operations within the City of Pittsburgh. Licenses may be issued for the following:

(1) License to Perform Non-Consensual Tows.

(2) Licenses may be issued to other Tow Businesses, such as Tow Businesses engaging solely in consensual tows if the Tow Business elects to pay the fees and obtain a license for such purposes as demonstrating to customers that they are in compliance with the City of Pittsburgh's requirements pertaining to insurance, licensure and criminal record checks of employees.

(3) Salvors exempted - Salvors who do not otherwise perform Non-consensual Tows are exempt from the requirements of licensure under this Chapter.

(c) ***CITY OF PITTSBURGH TOW TRUCK OPERATOR LICENSE*** means a license, in the form of a photo identification badge, issued by the Director of Public Safety to an individual Tow Truck Operator who works for or owns a Tow Business that has obtained a City of Pittsburgh Towing License.

(d) ***CONSENSUAL TOW*** means any tow of a vehicle initiated by the owner or operator of the vehicle or by a person who has lawful possession, custody or control of the vehicle. The term includes any tow of a vehicle initiated by or through an automobile club serving or assisting the owner, the operator or a passenger in, the vehicle.

(e) ***LICENSE OFFICER*** means the Director of Public Safety for the City of Pittsburgh or the Director of Public Safety for the City of Pittsburgh's designee.

(f) ***NON-CONSENSUAL TOW*** (also known as a trespass tow) is the towing of a vehicle improperly parked or trespassing on private property at the request of the property owner, or the property owner's authorized agent without prior consent or authorization by the owner or operator of the vehicle.

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(g) ***OTHER TOW TRUCK BUSINESS EMPLOYEE*** means any owner, agent or employee who in any way assists in the operation of a tow business operation and who may come in contact with members of the public whose vehicles have been non-consensually towed. Such persons include, but are not limited to, any clerks who take payment from the public, any lot attendants or non-driver helpers who assist the Tow Truck Operator.

(h) ***OWNER*** means a person, other than a lienholder, having the property right in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

(i) ***SALVOR*** means a person or business who has been duly licensed by the Commonwealth of Pennsylvania to engage in the business of acquiring abandoned vehicles for the purpose of taking apart, recycling, selling, rebuilding or exchanging the vehicles or parts thereof.

(j) ***TOW BUSINESS*** means a legally established business engaged in, or offering the services of wrecker or towing services, whereby motor vehicles are or may be towed or otherwise removed from one (1) place to another by the use of a motor vehicle specifically adapted to and designed for that purpose.

(k) ***TOW TRUCK OPERATOR*** means the driver or operator of any tow truck.

(l) ***TOW TRUCK*** otherwise known as a "wrecker" means any motor vehicle used for the purpose of towing or removing disabled, abandoned or wrecked vehicles.

(Ord. No. 8-2010, § 1, eff. 4-30-10; Ord. No. 72-2015, § 1, eff. 12-28-15) § 764.02 - LICENSING OF TOW BUSINESSES AND TOW TRUCK OPERATORS ENGAGED IN TOWING WITHIN THE CITY OF PITTSBURGH.

(a) No Tow Business or Tow Truck Operator may engage in a Non-consensual Tow within the City of Pittsburgh without having first obtained a City of Pittsburgh Towing License or a City of Pittsburgh Tow Operator License from the License Officer.

(b) Any Tow Business or Tow Truck Operator that performs only Consensual Tows in the City of Pittsburgh may elect, as a means of demonstrating to their customers that they are in compliance with the City's insurance and background check requirements, but will not be required, to a obtain a City of Pittsburgh Tow Business License or a City of Pittsburgh Tow Truck Operator License.

(Ord. No. 8-2010, § 1, eff. 4-30-10) § 764.03 - QUALIFICATIONS OF APPLICANT BUSINESS.

The Applicant Business must be a Tow Business that performs regular or occasional towing service within the political boundaries of the City of Pittsburgh. A license may be issued without regard to whether or not the Towing Business is physically headquartered within the boundaries of the City of Pittsburgh. The applicant business must meet the license application requirements as more fully set forth elsewhere in this chapter.

(Ord. No. 8-2010, § 1, eff. 4-30-10) § 764.04 - LICENSE APPLICATION REQUIREMENTS.

The Tow Business owner(s) shall provide the following information to the License Officer upon application for the Tow Business License:

(a) Pennsylvania tax identification number;

(b) Name of the business entity, street address, telephone number and e-mail address of the primary place of business;

(c) Name, address, telephone number and email of the principal owner(s) of the business;

(d) A telephone number where the principal owner(s) can be reached in the event of an emergency;

(e) Vehicle Identification Number (VIN), make, model year, and towing weight capacity of all tow vehicles owned, operated or otherwise controlled by the businesses;

(f) A certificate of insurance, naming the City of Pittsburgh as the "Certificate Holder." The certificate of insurance shall evidence the following coverages, which shall be in amounts currently required by the City of Pittsburgh's Towing Contractor;

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(i) General liability insurance ("occurrence" based policy);

(ii) Automotive Liability;

(iii) Garage Keeper's Insurance;

(iv) Motor Truck Cargo (including "on-hook" coverage);

(v) Workers' Compensation Insurance that meets Pennsylvania statutory requirements;

(vi) The License Officer must be provided notice in the event of cancellation or non-renewal of any of the above policies of insurance. The License Officer must also be provided notice regarding any changes, amendments or endorsements in the above policies. A copy of all new or amended policies must be provided to the license officer within fifteen (15) days of the issuance of any new policies or amendments to any existing policies.

(g) The name, address and a photocopy of a valid driver's license for each person employed or contracted by the Tow Business as an Tow Truck Operator;

(h) The name, address and photocopy of a valid driver's license or non-driver's identification for each "Other Tow Truck Business Employee" who may come into contact with the public;

(i) The license applicant must have be able to demonstrate to the satisfaction of the Director of Public Safety that the Tow Business has a secure impound facility in which to store any vehicles that are non-consensually towed. The minimum requirements are that an impound lot must be fenced with a minimum of six (6) feet fencing, lighted and equipped with a lock or alternatively that the vehicles be stored in an enclosed building.

(j) Copies of forms to be used in order to secure the written consent of the property owner or agent for each vehicle to be towed (The written consent form the private property owner or owner's agent must include a written signature that is manually affixed to a hardcopy document that provides a description of each vehicle to be tow. The description shall include, at minimum: the make, the color and plate number of each vehicle to be towed.

(k) Proof that the Tow Operator engaging in Non-consensual Towing has the capability to provide electronic notification to the City of Pittsburgh Police Bureau, information relative to all vehicles that have been non-consensually towed from locations within the City of Pittsburgh. The electronic notification shall include: the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the Tow Business through electronic notification via an Internet-based centralized and multi-jurisdictional electronic repository. The electronic report must be made within one (1) hour of the deposit of the vehicle at its storage point. Transmission by facsimile or telecopier does not constitute electronic notification to the City of Pittsburgh Bureau of Police.

(Ord. No. 8-2010, § 1, eff. 4-30-10) § 764.05 - LICENSE AMENDMENTS.

In the event that the information provided by the Tow Business or the Tow Truck Operator applicant changes during the term of the license, the Tow Business or the Tow Truck Operator applicant shall file all necessary amendments to the license application with the License Officer within fifteen (15) calendar days of the occurrence of the change of information provided on the application. Such information that must be updated shall include but not be limited to: address, phone number, termination of insurance or changes in insurance policies, information pertaining to towing equipment, information relative to the addition of new employees or information relative to a employee's termination of employment, information relative to criminal conviction of Tow Truck Operators or Tow Business owners/operators or other Tow Truck Business Employees and any license suspension or revocations relative to Tow Truck Operators.

(Ord. No. 8-2010, § 1, eff. 4-30-10) § 764.06 - DISPLAY OF BUSINESS LICENSE NUMBER.

(a) The Tow Business licensee shall post the address of its primary place of business in a conspicuous location, such as on a sign placed on the exterior of the Tow Truck.

(b) All vehicles utilized by the Tow Business for the towing of vehicles shall display in a conspicuous place on both sides of the Tow Truck the Tow Business license number. The license number shall be not less than three (3) inches in

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height and boldface lettering (e.g., PGH TOW LIC. TB12345).

(c) Each Tow Truck utilized by the duly licensed Tow Business shall affix to the Tow Truck's front windshield, next to the vehicle state inspection stickers, a sticker indicating the year the license was issued. The reverse side shall indicate the name of the Tow Business and the VIN number. The License Officer shall write in this information and initial it prior to issuance to the applicant.

(d) The License Officer shall issue a windshield sticker for each vehicle the applicant lists on the license application. The sticker shall be renewed annually and color coded for that given year.

(Ord. No. 8-2010, § 1, eff. 4-30-10) § 764.07 - LICENSE FEES FOR TOW BUSINESS APPLICANTS.

(a) The fee for a new City of Pittsburgh Tow Business license shall be one hundred dollars ($100.00).

(b) The fee for renewal of the City of Pittsburgh Tow Business license shall be fifty dollars ($50.00).

(c) The fee for a replacement of a City of Pittsburgh Tow Business License shall be seventy-five dollars ($75.00) (A sworn statement must be provided to the license officer with a satisfactory explanation regarding the loss of the original Tow Business License.)

(d) The fee for an annual sticker to be affixed to a Tow Truck shall be ten dollars ($10.00) per vehicle.

(e) The fee for a replacement sticker shall be ten dollars ($10.00). (A sworn statement must be provided to the license officer with a satisfactory explanation regarding the loss of the original annual sticker.)

(f) There shall be no fee to amend the City of Pittsburgh Tow Business license provided that no additional Tow Truck Operators or new wreckers are added.

(g) If a license is revoked by the License Officer, the Tow Business shall pay the same fee as a new Tow Business License applicant, once the Tow Business is eligible for reinstatement.

(Ord. No. 8-2010, § 1, eff. 4-30-10) § 764.08 - TERM OF TOW BUSINESS LICENSE.

The term for a City of Pittsburgh Tow Business Licenses is the later of November 1st of the prior year of licensure or the actual date of license issuance by the License Officer. All licenses shall expire on December 31st of the applicable license year.

(Ord. No. 8-2010, § 1, eff. 4-30-10) § 764.09 - RENEWAL OF LICENSE.

The City of Pittsburgh Tow Business License shall be renewed annually. The applicable renewal period is November first (1st) through December thirty-first (31st) during normal business hours. The sticker for the new year may be applied upon receipt.

(Ord. No. 8-2010, § 1, eff. 4-30-10) § 764.10 - EXCEPTIONS.

Tow Trucks transporting vehicles through the City of Pittsburgh on interstate highways traversing the City are exempted from this ordinance. In no case can this exemption apply if the non-consensual tow originates from within the in the City of Pittsburgh.

(Ord. No. 8-2010, § 1, eff. 4-30-10) § 764.11 - EMEGENCY WAIVER.

In the event of an emergency, the Director of Public Safety or the Director's designee can waive all tow license requirements for a period of time in which an emergency exists and that would require additional tow vehicles to be utilized during said emergency.

(a) Notice of such a waiver must be submitted to the City Clerk in writing. The City Clerk shall immediately present the waiver request to the City Council.

(b) Approval of the Director's waiver is requires approval by the majority of Council. Approval can be effectuated by the Council with a signed interim approval or by vote at the legislative or standing committee meetings of Council.

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(c) Said waiver would be in effect for a period of not more than seven (7) days.

(d) If the waiver extension is required beyond seven (7) days, the Director of Public Safety or Director's designee shall request an extension, in writing from the Council of the City of Pittsburgh. The continuation of the waiver can be renewed for a period of not more than five (5) days. Additional continuing waivers can be requested by the Director of Public Safety or designee for additional periods of not more than five (5) days.

(Ord. No. 8-2010, § 1, eff. 4-30-10) § 764.12 - TOW TRUCK OPERATOR LICENSE REQUIRED.

Any person operating a Tow Truck owned or controlled by duly licensed Tow Business that is engaged in Non-consensual Towing or Salvor towing within the City of Pittsburgh shall obtain a tow vehicle operator's license from the License Officer.

(Ord. No. 8-2010, § 1, eff. 4-30-10) § 764.13 - LICENSE APPLICATION REQUIREMENTS.

To obtain a City of Pittsburgh Tow Truck Operator license the applicant shall provide the following information to the license officer:

(a) a valid driver's license. The License Officer shall make facsimile (digitally or photocopy) to be maintained on file with the License Officer;

(b) name of the Tow Business the applicant is employed or contracted by;

(c) a notarized verification by the Tow Business licensee that the Tow Truck Operator applicant is an employee or contractor of a duly licensed Tow Business and is authorized to be a Tow Vehicle operator for said Tow Business and is covered by the Tow Business' insurance;

(d) in the event that the Tow Truck Operator and Tow Business owner is one in the same, proof that the Tow Truck Operator has also obtained a City of Pittsburgh Tow Business License from the License Officer is required.

(Ord. No. 8-2010, § 1, eff. 4-30-10) § 764.14 - TERM OF TOW OPERATOR LICENSE.

The term for a City of Pittsburgh Tow Operator License is later of November 1st of the prior year of licensure or the actual date of license issuance by the License Officer. All licenses shall expire on December 31st of the applicable license year. In the event that the Tow Truck Operator's state issued driver's license is revoked or restricted, the City of Pittsburgh licensed Tow Truck Operator License shall immediately surrender the City of Pittsburgh Tow Truck operator license to License Officer.

(Ord. No. 8-2010, § 1, eff. 4-30-10) § 764.15 - LICENSE RENEWAL.

The license shall be renewed annually. The license renewal period is November first (1st) through December thirty-first (31st) during normal business hours.

(Ord. No. 8-2010, § 1, eff. 4-30-10) § 764.16 - TOW TRUCK OPERATOR LICENSE.

The License Officer shall issue to a qualified applicant a license that:

(a) is five (5) inches by five (5) inches;

(b) contains a photograph of the face of the applicant not less than three (3) inches by three (3) inches;

(c) bears the license number of the applicant;

(d) lists the name of the applicant as it appears on the applicant's driver's license;

(e) lists the name of the tow business for whom the applicant is an employee or contractor;

(f) gives the year in which the applicant's Tow Truck Operator License is valid.

(Ord. No. 8-2010, § 1, eff. 4-30-10) § 764.17 - DISPLAY OF TOW TRUCK OPERATOR LICENSE.

The City of Pittsburgh Tow Truck Operator license, photo identification badge, must be in the possession of the Tow

Truck Operator at all times while operating a Tow Vehicle.

(Ord. No. 8-2010, § 1, eff. 4-30-10) § 764.18 - LICENSE FEES FOR INDIVIDUAL TOW TRUCK OPERATORS AND OTHER TOW BUSINESS EMPLOYEES.

(a) The fee for a new Tow Truck Operator license identification badge/an identification badge for any Other Tow Business Employee shall be twenty-five dollars ($25.00).

(b) The fee for renewal of a City of Pittsburgh Tow Truck Operator License shall be ten dollars ($10.00).

(c) The fee for a replacement of a City of Pittsburgh Tow Truck Operator License shall be ten dollars ($10.00) (A sworn statement must be provided to the license officer with a satisfactory explanation regarding the loss of the original Tow Truck Operator License.)

(d) If a license is revoked by the License Officer, the Tow Truck Operator shall pay the same fee as a new Tow Truck Operator License applicant, once the Tow Truck Operator is eligible for reinstatement.

(e) If a Tow Truck Operator license expires prior to renewal, the operator shall submit an initial application and shall be assed an initial application fee.

(Ord. No. 8-2010, § 1, eff. 4-30-10) § 764.19 - ELECTRONIC REPORTING FEES.

An administrative fee of ten dollars ($10.00) per vehicle towed may be collected by the Tow Business, of which five dollars ($5.00) shall be remitted to the electronic repository, as described and required by Section 764.21(d), to recover the cost for electronic notification service as it may be changed from time to time.

(Ord. No. 8-2010, § 1, eff. 4-30-10) § 764.20 - PENALTY AND FINES.

(a) Anyone who is found to be operating a Tow Business that engages in non-consensual towing within the City of Pittsburgh without the required Tow Business license shall pay a fine of five hundred dollars ($500.00) per each violation and is ineligible to obtain a City of Pittsburgh Towing License for a period of one (1) year from the conviction of this offense.

(b) Anyone who is found to be operating a Tow Business that engages in non-consensual towing within the City of Pittsburgh, within the same period of time in which a license would be in effect if it had been obtained, without the required Tow Business license shall pay a fine of one thousand dollars ($1,000.00) for each subsequent offense after the first documented offense.

(c) Anyone who is found to be operating a Tow Truck that engages in non-consensual towing within the City of Pittsburgh without displaying a valid operator license shall be fined fifty dollars ($50.00)

(d) Anyone who is found to be operating a Tow Truck that engages in a second or later offense of non-consensual towing without displaying a valid City of Pittsburgh Tow Truck Operator License within the City of Pittsburgh, within the same period of time in which a license would be in effect if it had been obtained, shall be fined one hundred dollars ($100.00) for each subsequent offense after a first documented offense.

(e) Anyone who is found to be operating a Tow Truck that engages in non-consensual towing within the City of Pittsburgh, without a City of Pittsburgh Tow Truck Operator's license shall be fined two hundred fifty dollars ($250.00) and shall be ineligible from obtaining a City of Pittsburgh Tow Truck Operator license from the License Officer for a period of one (1) year from the offense.

(f) Anyone who is found to be operating a tow vehicle, that engages in non-consensual towing within the City of Pittsburgh for a second or later offense, without a City of Pittsburgh Tow Truck Operator's License within the same period of time in which a license would be in effect if it had been obtained, shall be fined two hundred fifty dollars ($250.00) and shall be ineligible from obtaining a City of Pittsburgh Tow Truck Operator License from the License Officer for a period of one (1) year from conviction of the offense.

(Ord. No. 8-2010, § 1, eff. 4-30-10) § 764.21 - REQUIREMENT FOR A VALID NON-CONSENSUAL TOW.

In order to have a valid non-consensual towing of a motor vehicle from private property the following requirements

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must be met:

(a) The Tow Truck Operator must first obtain the written consent of the private property owner or the owner's agent for each vehicle to be towed. The written consent should have the date and time of the request for the tow. The written consent from the private property owner or owner's agent must include a written signature that is manually affixed to a hardcopy document that provides a description of each vehicle to be tow. The description, at minimum, shall include: the make, the color and plate number of each vehicle to be towed.

(b) The lot from which any vehicles are non-consensually towed must be in compliance with all applicable signage requirements as set forth in the Pennsylvania Motor Vehicle Code, 75 Pa. C.S. § 101, et seq. and with all applicable City of Pittsburgh Code provisions.

(c) If the owner/operator of the vehicle to be towed is present or arrives at the scene prior to the vehicle being connected to or loaded onto a tow truck and the owner/operator offers to immediately remove the vehicle in question from the private property, the Tow Truck Operator may not proceed to remove such vehicle. If the Tow truck Operator proceeds to remove the vehicle, the Non-consensual Tow will be deemed to have been a non-valid, Non-consensual Tow.

(d) The Tow Operator removing a motor vehicle at the request of a private lot owner or a private lot owner's agent shall report by electronic notification to the City of Pittsburgh Police Bureau, the fact that the vehicle was removed and its present storage place, together with a description of the vehicle, the vehicle identification number and the tag number. The report shall be made by the Tow Business through electronic notification via an Internet-based centralized and multi-jurisdictional electronic repository. The electronic report must be made within one (1) hour of the deposit of the vehicle at its storage point. Transmission by facsimile or telecopier does not constitute electronic notification to the City of Pittsburgh Bureau of Police.

(Ord. No. 8-2010, § 1, eff. 4-30-10) § 764.22 - LOSS OF LICENSE TO PERFORM NON-CONSENSUAL TOWING.

The License Officer may revoke the license of any towing business if the towing business or where applicable, one (1) of its officers, principals, directors, employees, or stockholders owning more than ten (10) percent of the outstanding stock of the corporation has during the term of license, unless another applicable time period is stated:

(a) Violated any City of Pittsburgh Ordinance that pertains to towing;

(b) Made a false or misleading statement of fact or omission of a material fact to the City of Pittsburgh in connection with the application, inspection, or renewal of a license to perform non-consensual towing;

(c) Subcontracted any towing work to any persons or entities who are not licensed to perform non-consensual towing in the City of Pittsburgh;

(d) Been found bankrupt, insolvent, or in receivership (this subsection shall not apply to any finding of bankruptcy, insolvency or receivership that is applicable only to an employee who is not also an officer, principal, director or stockholder owning more than ten (10) percent of the outstanding stock of the corporation);

(e) Been the subject of two (2) or more substantiated complaints within any twelve-month period from citizens about the tow business/tow truck operator's non-consensual towing services, including but not limited to complaints about charging illegal rates for towing or storage, or for the refusal to release a vehicle in a timely manner after the presentation of sufficient proof of ownership and the payment of authorized charges;

(f) Had any insurance that is required by the Commonwealth of Pennsylvania or by the City of Pittsburgh cancelled or non-renewed.

(g) Been convicted of driving under the influence of alcohol, narcotics, or dangerous drugs during the term of license or during the five-year period proceeding the term of license;

(h) Been convicted of any sexual offense involving another human being, at any time;

(i) Had his or her driver's license suspended or revoked;

(j) Been convicted of any crime involving theft, fraud or dishonesty, (including any violations of the Act of Nov. 24, 1998 (P.L. 874, No. 110), known as the Motor Vehicle Chop Shop and Illegally Obtained and Altered Property

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Act) at any time during the term of license or during the during the five-year period proceeding the term of license;

(k) Failed to store any vehicles that have been non-consensually towed in a secure impound lot;

(l) Been convicted of any felony involving the operation of a tow vehicle, or been adjudged to have operated a tow vehicle in a grossly negligent manner or in a manner showing a reckless disregard for life or property at any time during the term of license or during the five-year period proceeding the term of license;

(m) Engaged in the non-consensual towing of a motor vehicle from private property without having obtained the written consent of the private property owner or the owner's agent for each vehicle to be towed. (The written consent from the private property owner or owner's agent must include the date and time of each request for the removal of a vehicle. It must also include a written signature that is manually affixed to a hardcopy document that provides a description of each vehicle to be towed. The description shall, at minimum, include: the make, the color and plate number of each vehicle to be towed);

(n) Charged a towing fee in excess of what is authorized by Pittsburgh City Code or charging a daily impound/storage fee in excess of what is authorized by Pittsburgh City Code, charging a fee for storage for any day in which the tow business's lot was not open for a period of, at least, four (4) hours to allow the vehicle owners or authorized representatives to retrieve their vehicles from the impound lot;

(o) Failed to provide copies of towing paperwork evidencing the lot owner or the lot owner's agent's signature along with any other required paperwork to the License Officer or the License Officer's designee within forty-eight (48) hours from the time of request;

(p) Failed to electronically report a non-consensually towed vehicle as described in Section 764.21(d) or failed to remit, in a timely manner, any fees due the City of Pittsburgh or to an electronic repository that stores and electronically posts information about towed vehicles;

(q) Otherwise, in the course of towing operations, imperiled the safety of the public and documentation/information of such imperiling of the public safety has been presented to the License Officer.

(Ord. No. 8-2010, § 1, eff. 4-30-10; Ord. No. 72-2015, § 1, eff. 12-28-15) § 764.23 - PROCEDURE FOR LOSS OF TOWING LICENSE.

(a) If the Tow Business or Tow Truck Operator is in violation of any of the provisions of this ordinance the License Officer or the License Officer's designee will provide ten (10) days' written notice of intent to terminate the City of Pittsburgh Tow Business License/Tow Truck Operator License. The written notice shall provide the reasons for termination and set forth information pertaining to appeal of the termination. The Tow Business/Tow Truck Operator shall have thirty (30) days from the date of mailing in which to request a hearing in writing. If the Tow Business/Operator requests a hearing in writing, then the License Officer shall schedule a hearing within thirty (30) days of the request for a hearing.

(b) In the event of imminent threat to public safety, the License Officer may immediately revoke a City of Pittsburgh Tow Business License or Tow Truck Operator license. Notice of revocation in the event of imminent threat to public safety will take effect from date of the Public Safety Director's signing-off on a Notice of Revocation of the applicable license. The written notice shall provide the reasons for termination and set forth information pertaining to appeal of the termination. The Tow Business or the Tow Truck Operator shall have thirty (30) days from the date of mailing in which to request a hearing in writing. If hearing is requested in writing, then the License Officer shall schedule a hearing within thirty (30) days of the date of request.

(Ord. No. 8-2010, § 1, eff. 4-30-10) ~~§ 764.24 - HEARING BOARD PERTAINING TO THE REVOCATION OF NON-CONSENSUAL TOWING LICENSES.~~

~~A hearing board shall be formed to adjudicate appeals pertaining to the revocation of City of Pittsburgh Tow Licenses~~

~~(a) Composition of Hearing Board: The hearing board shall consist of three (3) persons:~~

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(1) The Chief of Police or the Chief of Police's designee

(2) The City Solicitor or the City Solicitor's designee

(3) A citizen appointed by the Mayor and approved by Council or alternatively, the President of Council or the President of Council's designee.

(b) Term of Third Member of Hearing Board. A citizen of the City of Pittsburgh Appointed by the Mayor and approved by Council or alternatively the President of City Council or the President of City Council's designee. If a citizen is appointed for the third position on the board, the term of the citizen member of the hearing board shall be for three (3) years. If the mayor fails to make a new appointment for the citizen representative on the board, the term of the incumbent member shall continue until: (1) the mayor appoints a different person for the position (2) citizen member resigns; (3) citizen ceases to be a resident of the City of Pittsburgh; (4) the citizen fails to appear for a scheduled hearing.

(c) City Council President or Council President Designee as Third Member of Hearing Board. If the citizen member of the hearing board resigns, ceases to be a resident of the City of Pittsburgh or fails to appear for a scheduled hearing, the President of City Council or the President of Council's designee will fill the third position on the board until the Mayor makes a new appointment that is approved by Council.

(d) All decisions of the hearing board shall be in writing and shall be final.

(Ord. No. 8-2010, § 1, eff. 4-30-10) § 764.25 - FAILURE TO RETURN TOW BUSINESS OR TOW TRUCK OPERATOR LICENSES.

City of Pittsburgh Tow Business and Tow Truck Operator licenses remain the property of the City of Pittsburgh.

(a) Failure to return a revoked, expired or improperly issued City of Pittsburgh Tow Business License, within forty-eight (48) hours of a request by of the License Officer or the License Officer's designee shall result in a five hundred dollar ($500.00) fine. Any business or individual who fails to return a City of Pittsburgh Tow Business License may be barred from further issuance of a license, under this Chapter, for a period of three (3) years.

(b) Failure to return a revoked, expired or improperly issued City of Pittsburgh Tow Truck Operator's License, within forty-eight (48) hours of a request by of the Director of Public Safety or the Director of Public Safety's designee shall result in a one hundred dollar ($100.00) fine. Any Tow Truck Operator who fails to return a City of Pittsburgh Tow Truck Operator's License may be barred from further issuance of a City of Pittsburgh Tow Truck Operator's license for a period of one (1) year.

(c) Any Tow Business or Tow Truck Operator who wishes to appeal the denial of an application for a new City of Pittsburgh Tow Business License or Tow Truck Operator License may appeal the denial to the Hearing Board that adjudicates matters pertaining to the revocation of the applicable licenses.

(Ord. No. 8-2010, § 1, eff. 4-30-10) CHAPTER 765: - COMMERCIAL HAULING OF MUNICIPAL WASTE

§ 765.01 - LICENSE REQUIRED.

No person shall collect, dispose of or sell municipal waste, recyclable materials or leaf waste from any residence or commercial, institutional or municipal establishment without first obtaining a license from the License Officer unless otherwise provided in § 765.08. Before issuing a license under this section, the License Officer may at his or her discretion require proof that the person seeking to obtain a license has met any of the state, county or federal requirements for the collection, disposal or selling of municipal waste, recyclable materials or leaf waste. The City and the vehicles that it uses to collect municipal waste, recyclable materials and leaf waste shall not be subject to the requirements of this Chapter.

(Ord. 37-1990, eff. 12-28-90) § 765.02 - DEFINITIONS.

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

(a) ***COLLECT.*** To accumulate, gather, call for and obtain, or otherwise take in or accept municipal waste, recyclable materials or leaf waste at any premises other than a recycling facility, transfer station, resource recovery facility or

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landfill.

The definitions provided in Chapter 619 of the Code shall also apply to the provisions of this Chapter.

(Ord. 37-1990, eff. 12-28-90) § 765.03 - INFORMATION REQUIRED.

In addition to the information required by § 701.08, the following information is required from each licensee:

(a) The districts from which collections are to be made;

(b) The places to which collections are to be taken for disposal;

(c) If recyclable materials are collected, the markets to which they are marketed; and

(d) If leaf waste is collected, the facility or site to which the leaf waste is taken for composting or marketing.

(Ord. 34-1991, eff. 10-29-91) § 765.04 - REGISTRATION NUMBER; PLACARD FOR VEHICLE.

All collectors of municipal waste, recyclable materials or leaf waste shall be assigned a registration number by the License Officer. The License Officer shall promulgate regulations governing the size and placement of placards, of their means to display the registration number, name and address of the collector, addresses where conveyances used in the hauling of materials are stored and other pertinent information.

(Ord. 34-1991, eff. 10-29-91) § 765.05 - COLLECTION PRACTICES.

Persons who collect municipal waste, recyclable materials or leaf waste shall:

(a) Make collections and disposals in an orderly manner, complying with all health and safety laws and ordinances, and the orders of the License Officer;

(b) Ensure that no municipal waste, recyclable materials or leaf waste are dropped or scattered on the streets or premises from which collections are made;

(c) Keep collection receptacles and vehicles in good repair and properly covered at all times as air and as water-tight as is reasonably possible;

(d) Make collections in business or commercial districts only at times and places as shall not interfere with the traffic movement; and

(e) Dispose of all municipal waste collected in the City only at a landfill cited in the Allegheny County Solid Waste Management Plan-1990 or any subsequent revisions thereto.

(f) [*Reserved.*]

(Ord. 37-1990, eff. 12-28-90; Am. Ord. 19-1995, eff. 8-14-95; Ord. No. 5-2011, § 1, eff. 3-9-11) § 765.06 - REPORTS REQUIRED.

Except as otherwise provided in § 765.08, each licensee shall file with the License Officer on a quarterly basis a report stating aggregate amount of materials collected, whether municipal waste, recyclable materials or leaf waste are collected and the approximate quarterly tonnage of each plus other pertinent information prescribed by the License Officer. If recyclable materials are collected, the approximate monthly tonnage for each category of recyclable materials shall be separately stated. Any company owning more than one (1) vehicle for which a license has been issued may file a single report aggregating the information for all of its vehicles. The report shall be filed quarterly reflecting any changes.

(Ord. 34-1991, eff. 10-29-91) § 765.07 - LICENSE FEE.

Except as otherwise provided in § 765.08, the fee for a commercial license to collect municipal waste for each twelve-month period beginning on September 30 shall be three hundred fifty-eight dollars ($358.00) per vehicle due on or before the first day of the twelve-month period. Except as otherwise provided in § 765.08, the fee for a license to collect recyclable materials for each twelve-month period beginning on September 30 shall be one hundred eighty dollars ($180.00) per vehicle due on or before the first day of the twelve-month period. Except as otherwise provided in § 765.08, the fee for a license to collect leaf waste materials for each twelve-month period beginning September 30 shall be

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one hundred eighty dollars ($180.00) per business and a charge of ten dollars ($10.00) per vehicle for each vehicle in excess of two (2) vehicles. A late fee of sixty-one dollars ($61.00) shall be added to any fee (other than a fee for an initial license) that is paid after September 30. Vehicles that have both a license to collect municipal waste and a license to collect recyclable materials or leaf waste shall only be required to pay the fee for the municipal waste license.

(Ord. 34-1991, eff. 10-29-91) § 765.08 - EXEMPTIONS.

(a) *Residences.* Persons that collect municipal waste, recyclable materials or leaf waste generated solely at residences with less than four (4) units that the persons own or occupy shall not be required to obtain a license, pay a license fee or file reports pursuant to this Chapter. Persons that collect municipal waste, recyclable materials or leaf waste generated only at residences with four (4) or more units that such persons own or occupy shall not be required to pay a license fee.

(b) *Commercial, institutional or municipal establishments.* Persons that collect municipal waste, recyclable materials or leaf waste generated solely at commercial, institutional or municipal establishments that such persons own, operate or occupy shall not be required to pay a license fee.

(c) *Charitable or nonprofit institutions.* Persons that collect only recyclable materials solely for charitable or nonprofit institutions at no charge and return any proceeds from the sale of recyclable materials to the charitable or nonprofit institution shall not be required to pay a license fee.

(d) *Demolition and construction contractors.* The License Officer is authorized to issue regulations exempting demolition and construction contractors from the requirements to obtain a license and to pay a license fee.

(Ord. 37-1990, eff. 12-28-90) § 765.09 - PENALTIES FOR VIOLATIONS; ENFORCEMENT.

Any person violating the provisions of this Chapter shall be fined up to five thousand dollars ($5,000.00) per violation plus court costs. Each day on which collection without a permit is made or on which reports are not filed in accordance with this Chapter shall constitute a separate violation. The License Officer and the Director of the Department of Environmental Services and their designated representatives are hereby authorized to enforce the provisions of this Chapter and any regulations issued hereunder and to issue citations for any violations thereof.

(Ord. 37-1990, eff. 12-28-90) CHAPTER 767: - BED AND BREAKFAST ESTABLISHMENTS

§ 767.01 - LICENSE REQUIRED.

No person shall own or operate a "bed and breakfast" as defined in § 903.02(b) of the Pittsburgh City Code, within the City without first obtaining a license from the License Officer.

(Ord. 7-1993, eff. 4-16-93) § 767.02 - INFORMATION REQUIRED.

In addition to the information required by § 701.08, the applicant shall provide the License Officer with the full name and address of the owner(s) and the resident operator if different than the owner.

(Ord. 7-1993, eff. 4-16-93) § 767.03 - TERM OF LICENSE.

A license issued under the provisions of this Chapter shall be valid for a term of one (1) year from the date of issuance and shall be renewed yearly.

(Ord. 7-1993, eff. 4-16-93) § 767.04 - LICENSE FEE.

The annual fee for issuance of a bed and breakfast license shall be **distinguished between an applicable establishment with three dwelling bedrooms or less, as compared to an establishment with four dwelling bedrooms or more, by respective amount(s) as prescribed by the fee schedule posted by the Department of Permits, Licenses and Inspections**.

~~(a) One hundred fifteen dollars ($115.00) for each bed and breakfast establishment described in § 909.06(b)(35)A. of the Pittsburgh City Code; or~~

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~~(b) Three hundred forty-eight dollars ($348.00) for each bed and breakfast establishment described in § 993.01(a)(52)A. of the Pittsburgh City Code.~~

(Ord. 7-1993, eff. 4-16-93) § 767.05 - **SUSPENSION AND REVOCATION.**

The License holder shall be subject to provisions of 701.14(a). ~~PENALTIES FOR VIOLATIONS.~~

~~Violation of any provision of this Chapter or conditions, rules or regulations duly applied in connection with bed and breakfast licensure or occupancy shall result in the suspension of the license by the Licensing Officer for a period of one (1) year from the date of the violation.~~

(Ord. 7-1993, passed 4-16-93) CHAPTER 769: - JANITORIAL, BUILDING MAINTENANCE AND SECURITY CONTRACTORS

§ 769.01 - TITLE AND PURPOSE.

(a) Protection of displaced contract workers. This Chapter shall be known as "The Protection of Displaced Contract Workers Ordinance."

(b) The purpose of this Ordinance is to require that all contractors awarded contracts for the performance of janitorial, security and/or building maintenance (including stationary engineers and window washers), within the City of Pittsburgh in Commercial Office or Residential Buildings, University Complexes, or other Complexes over one hundred thousand (100,000) square feet retain certain non-supervisory employees of the previous contractor for a one hundred eighty-day transition employment period during which period retained employees may not be terminated except for cause, and to require that such employees be provided with various other job security protections.

(Ord. 22-2004, § 1, eff. 11-30-04) § 769.02 - DEFINITIONS.

The following definitions shall apply throughout this Chapter:

(1) ***AWARDING AUTHORITY.*** "Awarding authority" means any person that awards or otherwise enters into contracts for security, janitorial, or building maintenance services performed within the City of Pittsburgh, including any subcontracts for these services.

(2) ***CONTRACTOR.*** "Contractor" means any person that enters into a service contract with the awarding authority and who employs five (5) or more persons at the work site.

(3) ***EMPLOYEE.*** "Employee" means any person employed to provide service pursuant to a service contract. "Employee" does not include a person who is (a) a managerial, supervisory, or confidential employee, including those employees who would so be defined under the Fair Labor Standards Act; or (b) is employed less than fifteen (15) hours a week.

(4) ***PERSON.*** "Person" means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity that may employ individuals or enter into other contracts.

(5) ***SERVICE CONTRACT.*** "Service contract" means a contract let to a contractor by the awarding authority for the furnishing of security, janitorial, and/or building maintenance (including stationary engineers and window washers).

(6) ***SUCCESSORSHIP SERVICE CONTRACT.*** "Successorship service contract" means a service contract with the awarding authority where the services to be performed have previously been rendered to the awarding authority as part of the same program or at the same facility under another substantially similar service contract that recently has been terminated or has ended within the previous thirty (30) days.

(Ord. 22-2004, § 1, eff. 11-30-04) § 769.03 - TRANSITION EMPLOYMENT PERIOD.

All service contracts to be performed within the City of Pittsburgh shall impose the following obligations on the contractor.

(1) The awarding authority shall give an advance notice to a service contractor, and to any collective bargaining representative of any of the service contractor employees performing work under the contract, that the service contractor's contract will be terminated and will provide the identity, address and telephone number of the successor contractor or contractors. Notice shall be given as much as reasonably practicable in the circumstances and in no event less than thirty (30) days.

(2) Where the awarding authority has given notice to a service contractor that a service contract has been terminated or ended, the terminated or ending contractor shall, within three (3) days after receipt of such notice, provide to the successor contractor, the name, date of hire, and employment occupation classification of each employee employed at the site or sites covered by the predecessor contractor at the time of receiving said notice.

(3) On that date said contract ends, the terminated or ending contractor shall update the information previously provided to make it current to the actual termination date.

(4) If the terminated contractor has not learned the identity of the successor contractor, if any, the terminated contractor shall provide such information to the awarding authority who shall be responsible for providing such information to the successor contractor as soon as that contractor has been selected.

(5) A successor contractor or sub-contractor shall retain, for a one hundred eighty-day transition employment period, all employees who have been employed by the terminated contractor or its sub-contractor at the site or sites covered by the contract for at least the eight (8) months immediately preceding the date the predecessor contract is terminated.

(6) The successor contractor or sub-contractor shall hand deliver a written offer of employment to each employee as required by this section in the employee's native language or another language in which the employee is literate. Such offer shall state the time within which the employee must accept such offer but in no case may that time be less than ten (10) days from the date of the offer and in no case may the tenth day occur any later than five (5) days prior to the expiration of the predecessor contract.

The written offer required by this Section shall be substantially in the form attached to this Ordinance in language appropriate to each employee.

(7) If at any time a successor contractor determines that fewer employees are required to perform the new service contract than were required by the terminated contractor, the successor contractor shall be required to retain employees by seniority within each job classification.

(8) During such a one hundred eighty (180) day period, the successor contractor shall maintain a preferential hiring list of employees eligible for retention under Section 769.04, not retained by the successor contractor from which the successor contractor shall hire additional employees.

(9) Except as provided under subsection (7) of this section, during such one hundred eighty (180) day period, the successor contractor shall not discharge without cause an employee retained pursuant to this Chapter. Cause shall be based only on the performance or conduct of the particular employee.

(10) This statute shall not supercede the provisions of any collective bargaining agreement.

(Ord. 22-2004, § 1, eff. 11-30-04) § 769.04 - ENFORCEMENT.

(1) An employee who has been displaced or terminated in violation of this Chapter by a successor contractor may bring an action in a Court of competent jurisdiction against the successor and may be awarded:

(a) back pay, including the value of benefits, for each day during which the violation continues, which shall be calculated at a rate of compensation not less than the higher of:

(1) the average regular rate of pay received by the employee, during the last year of the employee's employment in the same job classification times average hours worked per work day over the past four (4) months or

(2) the final regular rate of pay received by the employees at the time of termination times the average hours worked per work day over the past four (4) months; and

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(b) reinstatement to his or her former position at no less than the last wage rate, with benefits and hours worked per work day, that the employee received.

(2) If the employee is the prevailing party in any such legal action, the court shall award reasonable attorney's fees and costs to the employee as part of the costs recoverable.

(3) This section shall not be construed to limit an employee's right to bring a common law cause of action for wrongful termination.

(4) Each day a violation continues shall constitute a separate violation.

(5) Any contractor who violates this Chapter shall pay penalties per employee per day of a violation of up to one hundred dollars ($100.00) to two hundred dollars ($200.00) per day.

(Ord. 22-2004, § 1, eff. 11-30-04) § 769.05 - LICENSE REQUIRED; FEE; REVOCATION.

(a) No person shall engage in the business of a "Contractor" (as defined in Section 769.01) within the City without first obtaining a license from the License Officer in the Bureau of Building Inspection.

(b) The annual fee for a Janitorial, Building Maintenance and Security Contractor shall be $60.00.

(c) Every person required to procure a license under this Section shall as a condition to the receipt or retention of said license:

(1) refrain from violating any provision of Chapter 769 of the Pittsburgh Code entitled Janitorial, Building Maintenance and Security Contractors.

(2) The Bureau of Building Inspection shall refrain from issuing or shall revoke, the business license of any person, who under color of such license intends to operate, or is operating, in violation of the provisions of Section 769.03, and shall take all steps necessary to terminated the business operations of any business establishment that has violated any of the provisions of this Ordinance.

(Ord. 22-2004, § 1, eff. 11-30-04) § 769.06 - NOTICE TO DISPLACED WORKERS.

All employees working for a contractor which is displaced by a successor contractor under this statute shall be provided with a written notice explaining in detail rights under this statute. A copy of the required Notice is attached to this Ordinance as Appendix A.

(Ord. 22-2004, § 1, eff. 11-30-04)

Note- Exhibit A is not set out herein, but is on file and available for inspection in the offices of the City Clerk. § 769.07 - EFFECTIVE DATE.

This ordinance shall take effect immediately.

(Ord. 22-2004, § 1, eff. 11-30-04) ARTICLE IX: - AMUSEMENT BUSINESSES CHAPTER 771: - AMUSEMENT PLACES AND **AMUSEMENT** PRODUCERS

§ 771.01 - LICENSE REQUIRED.

No person shall conduct a place of amusement or be a producer of amusements without obtaining a license from the License Officer. § 771.02 - DEFINITIONS.

As used in this Chapter, certain words and terms are defined as follows:

(a) ***AMUSEMENT.*** All manner and forms of entertainment including: theatrical or operatic performances, concerts, moving picture shows, and all forms of entertainment at fair grounds and amusement parks; athletic contests including wrestling matches, boxing and sparring exhibitions, football, basketball and baseball games, billiards, pool, skating, golfing, tennis, hockey, swimming, and all other forms of diversion, sport or recreation or pastime, shows, exhibitions, contests, displays and games, and all other methods of obtaining admission charges, donations,

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contributions or monetary charges of any character from the general public or a limited or selected number thereof, directly or indirectly, in return for other than tangible property, or specific personal or professional service. Scholastic events such as athletic contests and plays where the participants are not adults are excluded from the definition of amusement.

(b) ***PLACE OF AMUSEMENT.*** Any place, indoors or outdoors within the City where the general public or a limited or selected number thereof may, upon payment of an established price, attend or engage in any amusement as herein defined, and other like places.

(c) ***PRODUCER.*** Any person who conducts, stages or produces an amusement at any place of amusement where the general public or a limited or selected number thereof may attend or engage in any amusement.

(d) ***SEASON SCHEDULE.*** A contractual commitment under which a producer arranges to use a place of amusement for a series of the same type of amusement within a year.

(Am. Ord. 21-1995, eff. 10-2-95) § 771.03 - INFORMATION **AND QUALIFICATIONS OF APPLICANT** REQUIRED.

In addition to the information required by § 701.08, the applicant shall **provide as required by the License Officer**:

(a) State the anticipated hours of operation;

(b) State the type of amusement being conducted;

(c) State the number of people expected to attend where applicable; and

(d) File the application at least three (3) days before its effective date.

(e) Places of Amusement only shall provide a valid certificate of occupancy.

§ 771.04 - LICENSE FEES FOR PLACES AND PRODUCERS OF AMUSEMENT.

(a) (1) The annual base license fee for places of amusement and producers of amusement with a capacity of less than five hundred (500) persons shall pay an annual fee of **an amount as prescribed by the fee schedule posted by the Department of Permits, Licenses and Inspections for a license which expires 365 days from the date of issuance.** ~~of fifty-four dollars ($54.00), due on or before January 1, of the current year.~~

(2) The annual base license fee for places of amusement and producers of amusement with a capacity of over five hundred (500) persons shall **be of an amount as prescribed by the fee schedule posted by the Department of Permits, Licenses and Inspections for a license which expires 365 days from the date of issuance.** ~~pay a quarterly fee of four hundred ninety-two dollars ($492.00).~~

~~(3) For those places of amusement which are established after January 1st of a year or for a producer of amusement who produces only after January 1st of a particular year and who had not anticipated producing in the City of Pittsburgh that particular year, the annual fee shall be due within thirty (30) days from the date of establishing a place of amusement or producing amusement.~~

(b) All other places and producers of amusement (except for those on a season schedule) shall pay for each day such amusement is produced, a license fee of **an amount as prescribed by the fee schedule posted by the Department of Permits, Licenses and Inspections for a license which expires upon completion of the event.** ~~of twenty-eight dollars ($28.00).~~

(Ord. 21-1995, eff. 10-2-95) ~~§ 771.05 - LICENSE FEES FOR PRODUCERS ON A SEASON SCHEDULE.~~

~~Any producer of amusement who does not own or operate the places where such amusements take place, whether licensed or not, shall pay the following base license fee:~~

~~(a) Producers of amusements on a season schedule shall pay four hundred fifteen dollars ($415.00) per month in the season schedule.~~

(Ord. 42-1990, eff. 1-1-91; Am. Ord. 21-1995, eff. 10-2-95) § 771.06 - ~~LIABILITY FOR FAILURE OF PRODUCER TO~~

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~~PAY FEE.~~ **SUSPENSION AND REVOCATION.**

The License holder shall be subject to provisions of §701.14(a).

~~If any producer fails to pay the license fees provided for in § 771.05, the owner or operator of the place where such amusements were conducted shall be liable for license fees.~~ § 771.07 - ADDITIONAL FEES FOR SPECIALLY DETAILED POLICE.

(a) For the purpose of this section only, License Officer shall mean the Director of the Department of Public Safety or his/her delegate, or other appropriate administration designee.

(b) Where the License Officer determines that police officers shall be specially detailed to any event licensed under this Chapter, the owner or operator of a place of amusement or producer of the event shall pay the police so detailed. The License Officer shall consider the following factors to determine the need for specially detailed police:

(1) The estimated number of persons attending an event;

(2) The type of amusement being engaged in;

(3) The traffic situation at the particular place of amusement; and

(4) Past experience in similar types of events.

(c) The License Officer shall collect additional fees after the event licensed has occurred unless the owner, operator or producer operates on a season schedule.

(d) A producer of a nonseason scheduled event shall be required to deposit a fee in advance of the scheduled event to cover the estimated cost of police protection. Where the deposit is more than the cost of specified police protection, a refund shall be made upon application to the License Officer. The License Officer shall bill the applicable person for any underpayment for special police protection.

(e) For amusements which are licensed by the State Athletic Commission (boxing, kick boxing and wrestling), the producer is required to have City paramedics and a City ambulance specially detailed to the event and, in such cases, the producer must present sufficient evidence (that the producer obtained City paramedics and an ambulance) before obtaining a permit. The producer is responsible for the cost of City paramedics and an ambulance covering the event. Off-duty City paramedics and a back-up ambulance shall be used so that Emergency Medical Services provided to the City of Pittsburgh residents will not be diminished.

(Am. Ord. 21-1995, eff. 10-2-95) CHAPTER 773: - RESERVED

[*This Chapter containing regulations concerning Sunday Activities was repealed by Ordinance 25-1995, effective 10-12-95]* CHAPTER 775: - CARNIVALS AND STREET FAIRS

§ 775.01 - ~~LICENSE~~ **PERMIT** REQUIRED.

No person shall conduct a carnival or street fair without first obtaining a ~~license~~ **permit** from the **City's Special Events Office.** ~~License Officer.~~ § 775.02 - DEFINITION.

As used in this Chapter, "carnival or street fair" means the temporary setting up and maintaining of a place, indoors or outdoors in the open or under canvas, for public amusement or entertainment, at which merchandise or any commodity is disposed of by sale, auction, or any other manner, or when mechanical devices of any character are set up, maintained or operated for the enjoyment of the public and for the use of which a fee is charged. § 775.03 - INFORMATION REQUIRED.

In addition to the information required by § 701.08, the following information is required:

(a) Proposed date and place of carnival;

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(b) Organization, society or club, for whose benefit the carnival or street fair is being conducted.

(c) The nature of structures and devices to be used and the entertainment to be given or permitted. § 775.04 - DUTIES OF LICENSEE.

Any licensee shall:

(a) Close the carnival or street fair not later than 12:00 midnight; and

(b) Take any action reasonably required to prevent the use of loud or noisy devices or activities and the occurrence of disorder. § 775.05 - LICENSE FEE.

The fee for a street fair or carnival license shall be thirty-one dollars ($31.00) per day. § 775.06 - ADDITIONAL FEES FOR SPECIALLY DETAILED POLICE.

The provisions of § 771.07 shall be applicable to this Chapter for conducting any street fair or carnival, and the licensee is liable for fees for specially detailed police. CHAPTER 777: - MECHANICAL AMUSEMENT DEVICES

§ 777.01 - LICENSE REQUIRED; EXCEPTION.

(a) No proprietor shall set up, allow to be set-up, establish or cause to be set up or established, exhibit, display or maintain on the premises of a business establishment within the city, for the purpose of gaining advantage or profit, any mechanical or electronic device, machine or apparatus of any kind for the playing of games or otherwise used for the purpose of amusement or entertainment by the insertion therein of any currency or a coin or any other metal disc, slug or token **or other form of payment to operate the machine**, without first obtaining a license from the License Officer. A license fee shall be paid for each machine. This provision shall be applicable to proprietors who charge fees for the use of pool tables on their premises although such pool tables do not operate through the insertion of currency, coin, metal disc, slug or token**, or any other form of payment to operate the machine.**

(b) This Chapter is not applicable to devices, machines or apparatus where the cost, price or consideration for playing one (1) game is less than five cents ($0.05)**.**

(c) Upon the payment of the license fee provided by this Chapter, and if the application fully complies with this Chapter, the City of Pittsburgh License Officer shall issue a placard setting forth the number of machines/devices licensed by the City. Said placard shall be displayed in a clearly observable and readable location at the place where the machines/devices are installed and used. All placards issued by the City for video and mechanical amusement devices, shall clearly state that the video or mechanical amusement devices are for amusement purposes only, that they are not gambling devices and that only games and not money may be won on the machines/devices.

(Ord. 21-1988, eff. 11-2-88; Am. Ord. 26-1995, eff. 10-18-95; Am. Ord. 28-1999, eff. 11-5-99) § 777.02 - DEFINITIONS.

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

(a) ***BUSINESS ESTABLISHMENT.*** Any retail, manufacturing, wholesale, institutional, educational, religious, governmental or other nonresidential establishment, whether or not in operation.

(b) ***PROPRIETOR.*** The person who owns the business establishment and controls the ingress and egress of the business establishment in which any mechanical or electronic device is placed for the use, patronage or recreation of the public or of persons in or about the place.

(c) ~~***ELECTRO MECHANICAL***~~ ***GAMBLING DEVICE.*** Any electronic amusement device which:

(1) Is activated by the insertion or exchange of consideration such as a coin, **metal disc, slug or** token**,** ~~or~~ currency **or any other form of payment**; and

(2) Is a game of chance not requiring any skill or manual dexterity in order to receive a reward as extra playing credits; and

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(3) Has the ability to, or be converted to knockdown or eliminate playing credits; and

(4) Is a similar type, brand or model of an electro mechanical video display device which simulates the game of poker utilizing the rules that govern the card game of poker; or simulates slot machines consisting of rolling wheels stopping on numbers, foods, fruits, X's and O's, animals or other items which offer a winning line combination of the forementioned; or simulates the game of bingo; or any other type of games of chance used in casino style gambling.

(d) **MECHNICAL DEVICE - A gaming device requiring skill or mechanical dexterity and the insertion of currency, coin, metal disc, slug or token, or any other form of payment to operate the machine.** ***AMUSEMENT ARCADE.*** ~~Any location where six (6) or more mechanical devices are licensed under this Chapter, or any location licensed by the Pennsylvania Liquor Control Board where eight (8) or more mechanical devices are licensed under this Chapter, provided such location is not a nonconforming use under the Zoning Code. Such mechanical devices shall not include juke boxes.~~

(Ord. 3-1986, eff. 3-19-86; Ord. 38-1993, eff. 12-31-93; Am. Ord. 26-1995, eff. 10-18-95) § 777.03 - INFORMATION REQUIRED.

In addition to the information required in § 701.08, the following information is required:

(a) *Premises.*

(1) Name and address of premises owner; and

(2) Name, address and telephone number of business establishment owner or proprietor where machines are to be installed and used, and lease term if applicable.

(b) *Devices.*

(1) Name, address and telephone number of owner of each device:

A. A list provided by the device owner on ~~January 1 and July 1 of~~ **at least** each year of the names and locations of each mechanical device and jukebox located within the city.

B. If the owner is a corporate entity or partnership, name, address and telephone number of each individual owning in excess of five (5) percent of the corporate entity or partnership, and each individual lending in excess of five hundred dollars ($500.00) to the corporate entity or partnership.

(2) The type and fee for each machine, video or mechanical device, pool table, juke box or apparatus pursuant to this Chapter to be located on the premises.

(c) *Certification.*

(1) A certification by the applicant, owner and proprietor, that the facts set forth in the application are true and correct to the applicant's, owner's and proprietor's personal knowledge, information or belief, and that any false statements therein are made subject to the penalties of the Crimes Code, 18 Pa.C.S. §4904, relating to unsworn falsification to authorities; and

(2) That applicant, owner and proprietor, have been provided a copy of this Chapter and that the applicant, owner and proprietor have read and agree to be bound by all terms and provisions hereof; and

(3) That the City of Pittsburgh shall notify the appropriate law enforcement officials of the use or possession of per se, modified or other illegal gambling devices, whether or not such devices are licensed; and

(4) That the City of Pittsburgh shall immediately revoke each license of any applicant, owner or proprietor for any device illegally used or possessed, either per se or as modified, in violation of the Crimes Code of the Commonwealth of Pennsylvania; and

(5) That the illegal use or possession of any unlawful gambling device, either per se or as modified, may result in criminal prosecution by the City of Pittsburgh or any other law enforcement officials; and

(6) That the City of Pittsburgh intends to prosecute the illegal possession or use of unlawful gambling devices and that no employee or agent of the City of Pittsburgh may promise, suggest or insinuate, either expressly or by

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implication, that the applicant, owner or proprietor, who either illegally possesses or uses a per se, modified or other illegal gambling devices, shall not be prosecuted for a violation of the Crimes Code of the Commonwealth of Pennsylvania.

(Ord. 21-1988, eff. 11-2-88; Am. Ord. 28-1999, eff. 11-5-99) § 777.04 - PROHIBITED DEVICES.

(a) Nothing in this Chapter shall authorize, license or permit any gambling devices, or any mechanism that has been judicially determined to be a gambling device, or that is in any way contrary to present or future law.

~~(b) No person shall permit any mechanical or other means of amusement to be located on the premises of any amusement arcade if such amusement device shows any specified anatomical area or specified sexual activity as set forth in zoning § 903.02(s).~~

(Ord. 38-1993, eff. 12-31-93; Am. Ord. 26-1995, eff. 10-18-95) § 777.05 - LICENSE FEES.

(a) The annual fee for the issuance of a license to maintain a mechanical or electronic amusement device that is not a ride or a juke box or an electro mechanical gambling device shall be ~~two hundred nine dollars ($209.00).~~ **of an amount as prescribed by the fee schedule posted by the Department of Permits, Licenses and Inspections.**

(b) The annual fee for a juke box shall be **of an amount as prescribed by the fee schedule posted by the Department of Permits, Licenses and Inspections**. ~~one hundred eighty dollars ($180.00).~~

(c) Licenses shall be obtained and posted prior to or simultaneous with establishing or maintaining a mechanical or electronic device. The license term shall be ~~from January 1 through December 31~~**365 days from the date of issuance**. A late fee ~~of fifty dollars ($50.00)~~ shall be assessed for each ~~machine~~ **license that is not renewed prior to the expiration thereof.** ~~on the premises if the license is not obtained prior to January 1 of each year, or prior to or simultaneous with the first date establishing or maintaining the mechanical or electronic device.~~

(d) The annual fee for **a**~~an electro mechanical~~ gambling device as described in § 777.02(c) shall be **of an amount as prescribed by the fee schedule posted by the Department of Permits, Licenses and Inspections.** ~~three hundred fifty dollars ($350.00).~~

(e) The annual license fee for proprietors with places containing pool or billiard tables shall be **of an amount as prescribed by the fee schedule posted by the Department of Permits, Licenses and Inspections.** ~~one hundred forty-two dollars ($142.00) per table. This fee shall be due on or before January 1.~~

~~(f) The quarterly license fee for amusement arcades containing six (6) or more licensed mechanical or electronic amusement devices shall be seven hundred forty-six dollars ($746.00). This fee shall be due on or before January 1, April 1, July 1, and October 1 of the current year.~~

(Ord. 16-1991, eff. 5-1-91; Ord. 46-1991, eff. 12-20-91; Ord. 38-1993, eff. 12-31-93; Am. Ord. 26-1995, eff. 10-18-95; Am. Ord. 31-1995, eff. 11-17-95; Am. Ord. 41-1995, eff. 12-31-95; Am. Ord. 43-1995, eff. 1-1-96; Am. Ord. 24-1996, eff. 7-26-96; Am. Ord. 28-1999, eff. 11-5-99) § 777.06 - RESPONSIBILITY.

(a) The responsibility to insure that each premise containing the devices is licensed shall be joint and severable. Where the owner of the premise or the proprietor of the business establishment fails to acquire the proper license, the owner of the device shall bear the responsibility to either acquire the proper license or remove the device.

(b) The owner of each device shall prominently display on each device through a decal or other method, their company name and business address.

(c) The licensee, upon applying for and being granted such license, thereby permits all City Inspectors the right to inspect the premises for violation of any law, statute or ordinance.

(Ord. 3-1986, eff. 3-19-86) § 777.07 - REVOCATION, DEBARMENT AND CONTRABAND DECLARATION.

(a) In the event an owner of a device, or person listed pursuant to § 777.03(b)(1)B., or owner of the premises, or applicant/proprietor of the business establishment is convicted of having a mechanical or electronic device that is in violation of any gambling laws of Pennsylvania, the License Officer shall revoke each City license which had been issued to such person and each City license for machines owned by such person. In addition, the person shall be

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debarred for three (3) years from being eligible for the City license.

(b) In the event a mechanical device in a business establishment is found in a court of law to be in violation of any gambling laws of Pennsylvania, any mechanical device found on the premises for a period of three (3) years shall be declared contraband and shall be confiscated by the License Officer.

(c) The Licensing Officer shall not issue a **Gambling** ~~Mechanical~~ ~~Amusement~~ Device License to any applicant, owner or proprietor, who:

~~(1) Is not a citizen of the United States of America;~~

(~~2~~**1**) Is not twenty-one (21) years of age;

(~~3~~**2**) Has been found guilty of or accepted Accelerated Rehabilitative Disposition, for possessing or using a video or mechanical amusement device in violation of the Crimes Code of the Commonwealth of Pennsylvania, within three (3) years of the date of application.

(Ord. 21-1988, eff. 11-2-88; Am. Ord. 28-1999, eff. 11-5-99 § 777.08 - SEVERABILITY.

If a final decision of a court of competent jurisdiction holds any provision or wording of this Chapter, or the application of the provision or wording to other circumstances illegal or unconstitutional, the remainder shall remain in full force and effect. The intent is that the provisions of this Chapter shall be severable and that this Chapter would have been adopted if any such illegal or unconstitutional provisions or wording had not been included.

§ 777.09 - REVOCATION AND SUSPENSION

Licensees shall be subject to the provisions of §701.14(a).

(Ord. 38-1993, eff. 12-31-93; Am. Ord. 26-1995, eff. 10-18-95) ~~CHAPTER 779: - PUBLIC DANCE HALLS AND DANCES~~

~~§ 779.01 - ENFORCEMENT OF STATUTES.~~

~~The License Officer shall enforce and administer the provisions of the Act of May 16, 1919, P.L. 193. (53 P.S. 4731 *et seq*.) relative to licensing and regulating public dances and dance halls. § 779.02 - LICENSE FEES.~~

~~The fee for a dance hall is one hundred three dollars ($103.00) per year. The fee for holding a public dance is twenty-six dollars ($26.00) per dance.~~

~~(Ord. 42-1990, eff. 1-1-91)~~

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