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Title: Ordinance amending the Pittsburgh City Code, Title Seven: Business Licensing, Article III Chapters 721 & 723, Article IX and Title Ten: Building, Chapters 1004, Sections 103.5.1 to simplify legacy license types.

Sponsors:

Indexes: PGH. CODE ORDINANCES TITLE 07 - BUSINESS LICENSING

Code sections:

Attachments: 1. 2022-0290 Cover Letter-Legislation Letter - 2022 PLI License Simplification, 2. Summary 2022-0290

Date	Ver.	Action By	Action	Result
5/14/2022	1	Mayor	Signed by the Mayor	
5/10/2022	1	City Council	Passed Finally	Pass
5/4/2022	1	Standing Committee	Affirmatively Recommended	Pass
4/26/2022	1	City Council	Read and referred	

Ordinance amending the Pittsburgh City Code, Title Seven: Business Licensing, Article III Chapters 721 & 723, Article IX and Title Ten: Building, Chapters 1004, Sections 103.5.1 to simplify legacy license types.

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

Section 1. Ordinance amending the Pittsburgh Code, Title Seven: Business Licensing, Article III, Chapter 721 & 723 is hereby amended as follows:

~~CHAPTER 721: TRANSIENT MERCHANTS~~ **RESERVED**

~~§ 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.~~

~~(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 RESERVED~~

~~Editor's note(s) Ord. No. 27-2018, § 1, effective Aug. 6, 2018, repealed former § 721.04 which pertained to bond required for future delivery; forfeiture.~~

~~§ 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.

(Ord. 42-1990, eff. 1-1-91; Ord. No. 27-2018, § 1, eff. 8-6-18)

CHAPTER 723: TRADE FAIRS RESERVED

§ 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 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.

(Ord. No. 27-2018, § 1, eff. 8-6-18)

§ 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.

(Ord. 42-1990, eff. 1-1-91; Ord. No. 27-2018, § 1, eff. 8-6-18)

Section 2. Ordinance amending the Pittsburgh Code, Title Seven: Business Licensing, Article IX is hereby amended as follows:

ARTICLE IX: AMUSEMENT BUSINESSES RESERVED

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, 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 Section 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.

(Ord. No. 27-2018, § 1, eff. 8-6-18)

Editor's note(s) Ord. No. 27-2018, § 1, effective Aug. 6, 2018, changed the title of § 771.03 from "Information Required" to read as herein set out.

§ 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.

(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 three hundred sixty-five (365) days from the date of issuance.

(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.

(Ord. 21-1995, eff. 10-2-95; Ord. No. 27-2018, § 1, eff. 8-6-18)

§ 771.05 RESERVED.

Editor's note(s) Ord. No. 27-2018, § 1, effective Aug. 6, 2018, repealed former § 771.05 which pertained to license fees for producers on a season schedule, and derived from Ord. No. 42-1990, effective Jan. 1, 1991; and Am. Ord. No. 21-1995, effective Oct. 2, 1995.

§ 771.06 SUSPENSION AND REVOCATION.

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

(Ord. No. 27-2018, § 1, eff. 8-6-18)

Editor's note(s) Ord. No. 27-2018, § 1, effective Aug. 6, 2018, changed the title of § 771.06 from "Liability for Failure of Producer to Pay Fee" to read as herein set out.

§ 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 PERMIT REQUIRED.

No person shall conduct a carnival or street fair without first obtaining a permit from the City's Special Events Office.

(Ord. No. 27-2018, § 1, eff. 8-6-18)

Editor's note(s) Ord. No. 27-2018, § 1, effective Aug. 6, 2018, changed the title of § 775.01 from "License Required" to read as herein set out.

§ 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;

- (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; Ord. No. 27-2018, § 1, eff. 8-6-18)

§ 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) **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, 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
 - (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) **MECHANICAL 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.

(Ord. 3-1986, eff. 3-19-86; Ord. 38-1993, eff. 12-31-93; Am. Ord. 26-1995, eff. 10-18-95; Ord. No. 27-2018, § 1, eff. 8-6-18)

§ 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 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 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; Ord. No. 27-2018, § 1, eff. 8-6-18)

§ 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; Ord. No. 27-2018, § 1, eff. 8-6-18)

§ 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 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.

(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 three hundred sixty-five (365) days from the date of issuance. A late fee shall be assessed for each license that is not renewed prior to the expiration thereof.

(d) The annual fee for a gambling device as described in Section 777.02(c) shall be of an amount as prescribed by the fee schedule posted by the Department of Permits, Licenses and Inspections.

(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.

(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; Ord. No. 27-2018, § 1, eff. 8-6-18)

§ 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 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 Device License to any applicant, owner or proprietor, who:

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

(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; Ord. No. 27-2018, § 1, eff. 8-6-18)

§ 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.

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

§ 777.09 REVOCATION AND SUSPENSION.

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

(Ord. No. 27-2018, § 1, eff. 8-6-18)

Section 3. Ordinance amending the Pittsburgh Code, Title Ten: Building, Chapter 1004.02, Section 1003.5.1, is hereby amended as follows:

§ 1004.02 CHANGES SPECIFIED.

Subsection 103.5: Add new sections 103.5.1 and 103.5.1(a):

103.5.1 Sign Maintenance Certification: The owner or user of any sign requiring a permit as defined in the applicable building codes enforced by PLI shall pay an annual fee for maintenance and inspection. The fee for maintenance and inspection shall cover a period of three hundred sixty-five (365) days from the date of issuance of the maintenance certificate. Any subsequent payment not paid by the deadline shall be deemed late and subject to the penalties and enforcement as set forth in Subsection 106.4 of this code. Sign Maintenance Certifications are to be obtained within six (6) months of any issued Certificate of Occupancy including approved sign (s). Signs erected without a permit will require a valid permitting, occupancy and subsequent Sign Maintenance Certification as defined in the applicable Codes defined in 1004.02 102.3.

103.5.1(a) Additional Penalty for Non-Payment or Late Payment. If a maintenance and inspection fee has not been paid for by the owner or user of a sign in compliance with the foregoing provision, the code official shall have authority to require the owner of the property on which the sign is located to remove such sign or pay the maintenance and inspection fee required for late payment. If any portion of a sign is left standing after removal of any for lack of a Certificate of Occupancy, and may continue to be issued a Sign Maintenance Certificate, until the sign is modified or replaced, falls into disrepair, or upon failure to renew the annual Sign Maintenance Certificate. At which time the modified or new sign must be brought into compliance with all standard sign requirements. other portion thereof, payment of the maintenance and inspection fee shall be required.

103.5.1 (b) Signs that have been issued a sign maintenance certificate for a period of 10 consecutive years or more are exempt from penalty