

BUSINESS REGULATION AND TAXATION CODE

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ARTICLE 301

PAWNBROKERS, SECOND HAND DEALERS AND PRECIOUS METAL DEALERS

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301.01 DEFINITIONS (15422 §1 12/20/17; 15534 §1 4/17/19)

A. In this section, the following definitions shall apply:

1. Pawnbroker:

- a. Any person who engages in the business of lending money on the deposit or pledge of personal property; or
- b. Purchases personal property with an express or implied agreement or understanding to sell it back at a subsequent time at a stipulated price; or
- c. Lends money upon goods, wares or merchandise pledged, stored or deposited as collateral security.

2. Pledge: An item of property or an article deposited with the pawnbroker as security in exchange for a loan in the course of the pawnbroker's business.

3. Pledger: The person who obtains a loan from a pawnbroker in exchange for the pledge, thus giving the pledge into the possession of the pawnbroker.

4. Pawn Ticket: The card, document or other record furnished to the pledger by the pawnbroker at the time the loan is granted in exchange for the pledge.

5. Receipt: The card, document or other record furnished to the customer at the time an item of personal property is purchased, traded or otherwise obtained (except for items obtained as a pledge from a pledger.)

6. Second Hand Dealer: An individual operating a store, shop or other business, whether or not at a permanent location, for the purpose of purchasing, trading, selling or otherwise obtaining and/or liquidating previously owned articles and moveable property. This definition shall not apply to those organizations that operate "not for profit" and obtain items of personal property only via donation.

7. Precious Metal Dealer: An individual operating a store, shop or other business, whether or not at a permanent location, for the purpose of purchasing, trading, selling or otherwise obtaining and/or liquidating previously owned articles of personal property containing precious metals, including, but not limited to platinum, gold, silver and their alloys.

301.02 PAWNBROKERS (15422 §1 12/20/17; 15534 §1 4/17/19)

A. Permits:

1. No person shall act as a pawnbroker prior to obtaining a Pawnbroker's Permit issued by the City of Allentown. No Pawnbroker's Permit shall be issued by the City of Allentown until the person has been properly licensed by the Commonwealth as required by the Pawnbrokers Licensing Act, 63 P.S. §§ 281-1- 281-32.

2. Pawnbroker's Permits shall be obtained annually from the Bureau of Police for a fee of \$100.00 and is in addition to the Business License Fee set under Article 313, Section 313.03 of the Codified Ordinances.

3. Permits shall require photograph, fingerprinting and criminal history checks to be completed by the Bureau of Police.

B. General Requirements:

1. No pawnbroker may purchase an article of personal property from, receive a pledge of personal property from or exchange personal property with a customer or pledger who is under the age of 18 years.

2. No pawnbroker may purchase an article of personal property from, receive a pledge of personal property from or exchange personal property with a customer or pledger without first obtaining the following:

a. A digital photograph of the customer/pledger taken at the time of the transaction;

b. Valid identification from the customer/pledger, consisting of at least one of the following:

- (i) A valid identification document, containing a photograph issued by any State or Federal government agency;
- (ii) A valid motor vehicle operator's license containing a photograph issued by any state;
- (iii) A valid military identification card containing a photograph.

3. Every pawnbroker shall issue a pawn ticket to every customer delivering a pledge of personal property to the pawnbroker.

C. Reports to the Police

1. Every pawnbroker shall use a secure, internet-accessible electronic inventory tracking system, as designated by the Bureau of Police. Each pawnbroker shall maintain on its premises a computer which is capable of securely and confidentially uploading all required tracking information as specified by the Bureau of Police, via the internet to an entity designated by the Bureau of Police. No later than the end of each business day, every pawnbroker must upload, in the manner specified by the Bureau of Police, the required tracking information for all articles of personal property purchased, pledged, traded or otherwise obtained during the course of the business day.

a. Required Tracking information includes but is not limited to:

- (i) Digital photograph of the customer / pledger
- (ii) Digital photograph of the pledge(s) / purchased item(s)
- (iii) Name of customer / pledger
- (iv) Address of customer / pledger
- (v) Phone number of customer / pledger
- (vi) Photo identification information for the customer / pledger
- (vii) Birth date of the customer / pledger
- (viii) Name of employee conducting the transaction

2. The Bureau of Police shall issue regulations designating the form and content of pawn tickets, receipts, the internet-accessible electronic inventory tracking system to be used by each pawnbroker and the required tracking information to be recorded for each transaction. The entity chosen by the Bureau of Police to administer the electronic tracking system shall ensure that all data remain secure and confidential by providing to each pawnbroker login security protocols which meet current industry standards and shall employ state of the art technology to protect the data from all forms of unauthorized access and malicious intrusion.

D. Holding Period

1. Every pawnbroker shall keep, for a period of not less than 90 days from the date of receipt and in a suitable location for safekeeping, any article of personal property that was received as a pledge; provided that any person who presents adequate identification (as set forth above) to demonstrate that he/she is the person named on the pawn ticket as the pledger/owner of the article of personal property may redeem or otherwise retrieve the article of personal property prior to the expiration of the 90 day holding period.

2. Every pawnbroker shall keep, for a period of not less than 15 days from the date of receipt and in a suitable location for safekeeping, any article of personal property that was purchased, traded or otherwise obtained (in some way other than as a pledge) from an individual.

3. During the holding period, any article of personal property received as a pledge, purchased, traded or otherwise obtained shall be segregated from the pawnbroker's other inventory to ensure that it is not placed in an area or section where articles of personal property are offered for sale.

4. Articles of personal property retained during the holding period may not be altered in any way.

E. Inspection by Police

1. The pawnbroker shall allow any City of Allentown police officer to inspect any article of personal property held in inventory or retained pursuant to the holding period described above, without requiring such police officer to present a warrant or other order issued by the Court.

2. If the police officer has a reasonable belief that any article of personal property was obtained by the pawnbroker from anyone other than the rightful owner of said article of personal property, then the officer may direct the pawnbroker to hold the article of personal property until ownership may be determined.

3. If the police officer has probable cause to believe that an article of personal property was obtained by the pawnbroker from anyone other than the rightful owner of said article of personal property, then the officer may, without a warrant or other order issued by the Court, seize and take into custody the article of personal property to be safeguarded at a location maintained by the Bureau of Police. When an article of personal property is seized and taken into custody by a police officer, that officer shall provide the pawnbroker with a receipt that describes the said article, identifies the officer by name and badge number and the case/incident number assigned to the investigation that the said article of personal property is related to. The pawnbroker shall also then be notified of any and all Court proceedings related to the said investigation.

301.03 SECOND HAND DEALERS (15534 §1 4/17/19)

A. Permits:

1. No person shall act as a second hand dealer prior to obtaining a Second Hand Dealer's Permit issued by the City of Allentown, or securing "exempt" status as detailed below under subsection 3(a). Second hand dealers shall comply with the Junk and Secondhand Registration Law, 53 P.S. §§ 4431-4433, and the Brass and Bronze Cemetery Vase, Receptacle or Markers Secondhand Purchase Law, 53 P.S. §§ 4441-4445, as amended.

2. Second Hand Dealer's Permits shall be obtained annually from the Bureau of Police for a fee of \$100.00 and is in addition to the Business License Fee set under Article 313, Section 313.03 of the Codified Ordinances.

3. Permits shall require photograph, fingerprinting and criminal history checks to be completed by the Bureau of Police.

a. Exempt Status:

1. Second Hand Dealers who deal exclusively in the following items are exempt, and will not have to comply with Sections A, B, C, or D of Article 301.03, (relating to Second Hand Dealers):

- (i) Automobiles
- (ii) Firearms
- (iii) Clothing
- (iv) Books
- (v) Record Stores

2. Second Hand Dealers who deal in specific items other than those detailed in subsection 1 (above), may seek, via the Chief of Police or his / her designee, exempt status related to this section. Those Second Hand Dealers who are granted exempt status will not have to comply with Sections A, B, C, or D of Article 301.03, (relating to Second Hand Dealers) during that calendar year.

3. Second Hand Dealers must seek exempt status annually, and exemption during one calendar year is not a guarantee of exempt status in future calendar years.

4. Exempt status will be considered based on the following criteria:

- (i) The specific type(s) of items being bought / sold by the Second Hand Dealer, and the frequency with which those specific type(s) of items are reported stolen; and / or the likelihood that they would be reported stolen; and / or utilized nefariously by those persons engaged in criminal activity.

- (ii) The variety of item(s) being bought / sold by the Second Hand Dealer, and the uniqueness of said items.
- (iii) The dollar value of the individual item(s) being bought / sold by the Second Hand Dealer.
- (iv) A request for exempt status must be submitted in writing, to the Chief of Police or his / her designee within (15) calendar days of receipt of the Article 301 invoice, and must provide specific information related to subsection 4 (above), with an explanation of why exempt status is being sought.

5. Appeal to City Council; Notice and Hearing

- (i) Any Second Hand Dealer aggrieved by the Chief of Police or his / her designee as it relates to a denial of "Exempt Status" shall have the right of appeal to City Council. An appeal shall be taken by filing with Council, within (15) calendar days after notice of denial has been mailed to the Second Hand Dealer, a written statement setting forth fully the grounds for such appeal. City Council shall set a time and place for a hearing on such appeal and notice of the hearing shall be mailed to the appellant. The decision of the City Council on such an appeal shall be final and may be appealed pursuant to the provisions of local agency law.

B. General Requirements:

1. No second hand dealer may purchase an article of personal property from or exchange personal property with a customer who is under the age of 18 years.

2. No second hand dealer may purchase an article of personal property from or exchange personal property with a customer without first obtaining the following:

- a. A digital photograph of the customer taken at the time of the transaction;
- b. Valid identification from the customer, consisting of at least one of the following:
 - (i) A valid identification document, containing a photograph issued by any State or Federal government agency;
 - (ii) A valid motor vehicle operator's license containing a photograph issued by any state;
 - (iii) A valid military identification card containing a photograph.

C. Reports to the Police

1. Every second hand dealer shall use a secure, internet-accessible electronic inventory tracking system, as designated by the Bureau of Police. Each second hand dealer shall maintain on its premises a computer which is capable of securely and confidentially uploading all required tracking information as specified by the Bureau of Police, via the internet to an entity designated by the Bureau of Police. No later than the end of each business day, every second hand dealer must upload, in the manner specified by the Bureau of Police, the required tracking information for all articles of personal property purchased, traded or otherwise obtained during the course of the business day.

- a. Required Tracking information includes but is not limited to:
 - (i) Digital photograph of the customer
 - (ii) Digital photograph of the purchased item(s)
 - (iii) Name of customer
 - (iv) Address of customer
 - (v) Phone number of customer
 - (vi) Identification card information for the customer

- (vii) Birth date of the customer
- (viii) Name of employee conducting the transaction

2. The Bureau of Police shall issue regulations designating the form and content of receipts, the internet-accessible electronic inventory tracking system to be used by each second hand dealer and the required tracking information to be recorded for each transaction. The entity chosen by the Bureau of Police to administer the electronic tracking system shall ensure that all data remain secure and confidential by providing to each second hand dealer login security protocols which meet current industry standards and shall employ state of the art technology to protect the data from all forms of unauthorized access and malicious intrusion.

D. Holding Period

1. Every second hand dealer shall keep for a period of not less than 15 days from the date of receipt and in a suitable location for safekeeping, any article of personal property that was purchased, traded or otherwise obtained by an individual.

2. During the holding period, any article of personal property purchased, traded or otherwise obtained shall be segregated from the second hand dealer's other inventory to ensure that it is not placed in an area or section where articles of personal property are offered for sale.

3. Articles of personal property retained during the holding period may not be altered in any way.

E. Inspection by the Police

1. The second hand dealer shall allow any City of Allentown police officer to inspect any article of personal property held in inventory or retained pursuant to the holding period described above, without requiring such police officer to present a warrant or other order issued by the Court.

2. If the police officer has a reasonable belief that any article of personal property was obtained by the second hand dealer from anyone other than the rightful owner of said article of personal property, then the officer may direct the second hand dealer to hold the article of personal property until ownership may be determined.

3. If the police officer has probable cause to believe that an article of personal property was obtained by the second hand dealer from anyone other than the rightful owner of said article of personal property, then the officer may, without a warrant or other order issued by the Court, seize and take into custody the article of personal property to be safeguarded at a location maintained by the Bureau of Police. When an article of personal property is seized and taken into custody by a police officer, that officer shall provide the second hand dealer with a receipt that describes the said article, identifies the officer by name and badge number and the case/incident number assigned to the investigation that the said article of personal property is related to. The second hand dealer shall also then be notified of any and all Court proceedings related to the said investigation.

301.04 PRECIOUS METAL DEALERS (15422 §1 12/20/17; 15534 §1 4/17/19)

A. Permits:

1. No person shall act as a precious metal dealer prior to obtaining a Precious Metal Dealer's Permit issued by the City of Allentown. Precious metal dealers shall comply with the Purchase and Sale of Precious Metals Law, 73 P.S. §§ 1931-1942, as amended.
2. Precious Metal Dealer's Permits shall be obtained annually from the Bureau of Police for a fee of \$100.00 and is in addition to the Business License Fee set under Article 313, Section 313.03 of the Codified Ordinances.
3. Permits shall require photograph, fingerprinting and criminal history checks to be completed by the Bureau of Police.

B. General Requirements:

1. No precious metal dealer may purchase an article of personal property from, or exchange personal property with a customer who is under the age of 18 years.

2. No precious metal dealer may purchase an article of personal property, or exchange personal property with a customer without first obtaining the following:

- a. A digital photograph of the customer taken at the time of the transaction;
- b. Valid identification from the customer/pledger, consisting of at least one of the following:
 - (i) A valid identification document, containing a photograph issued by any State or Federal government agency;
 - (ii) A valid motor vehicle operator's license containing a photograph issued by any state;
 - (iii) A valid military identification card containing a photograph

C. Reports to the Police

1. Every precious metal dealer shall use a secure, internet-accessible electronic inventory tracking system, as designated by the Bureau of Police. Each precious metal dealer shall maintain on its premises a computer which is capable of securely and confidentially uploading all required tracking information as specified by the Bureau of Police, via the internet to an entity designated by the Bureau of Police. No later than the end of each business day, every pawnbroker must upload, in the manner specified by the Bureau of Police, the required tracking information for all articles of personal property purchased, traded or otherwise obtained during the course of the business day.

a. Required Tracking information includes but is not limited to:

- (i) Digital photograph of the customer
- (ii) Digital photograph of the purchased item(s)
- (iii) Name of customer
- (iv) Address of customer
- (v) Phone number of customer
- (vi) Identification card information for the customer
- (vii) Birth date of the customer
- (viii) Name of employee conducting the transaction

2. The Bureau of Police shall issue regulations designating the form and content of, receipts, the internet-accessible electronic inventory tracking system to be used by each precious metal dealer and the required tracking information to be recorded for each transaction. The entity chosen by the Bureau of Police to administer the electronic tracking system shall ensure that all data remain secure and confidential by providing to each precious metal dealer login security protocols which meet current industry standards and shall employ state of the art technology to protect the data from all forms of unauthorized access and malicious intrusion.

D. Holding Period

1. Every precious metal dealer shall keep for a period of not less than 15 days from the date of receipt and in a suitable location for safekeeping, any article of personal property that was purchased, traded or otherwise obtained by an individual.

2. During the holding period, any article of personal property received purchased, traded or otherwise obtained shall be segregated from the precious metal dealer's other inventory to ensure that it is not placed in an area or section where articles of personal property are offered for sale.

3. Articles of personal property retained during the holding period may not be altered in any way.

E. Inspection by the Police

1. The precious metal dealer shall allow any City of Allentown police officer to inspect any article of personal property held in inventory or retained pursuant to the holding period described above, without requiring such police officer to present a warrant or other order issued by the Court.

2. If the police officer has a reasonable belief that any article of personal property was obtained by the precious metal dealer from anyone other than the rightful owner of said article of personal property, then the officer may direct the precious metal dealer to hold the article of personal property until ownership may be determined.

3. If the police officer has probable cause to believe that an article of personal property was obtained by the precious metal dealer from anyone other than the rightful owner of said article of personal property, then the officer may, without a warrant or other order issued by the Court, seize and take into custody the article of personal property to be safeguarded at a location maintained by the Bureau of Police. When an article of personal property is seized and taken into custody by a police officer, that officer shall provide the precious metal dealer with a receipt that describes the said article, identifies the officer by name and badge number and the case/incident number assigned to the investigation that the said article of personal property is related to. The precious metal dealer shall also then be notified of any and all Court proceedings related to the said investigation.

301.99 PENALTY

Any person violating the provisions of this Article shall be fined not less than One hundred (\$100.00) Dollars but not more than Five Hundred (\$500.00) Dollars or imprisoned not more than ninety (90) days or both. Any business violating the provisions of this Article may be subject to a suspension or revocation of its Business License as it relates to Article 313. (11995 § 1 2/21/73; 14091 § 1 6/6/03; 15534 §1 4/17/19)

ARTICLE 303 TAXICABS

- 303.01 Definitions
- 303.02 Certificate of Public Convenience and Necessity
- 303.03 Solicitation, Acceptance and Discharge of Passengers
- 303.04 Taxicab Stands
- 303.05 Enforcement by Police
- 303.06 Revocation of License
- 303.99 Penalty

CROSS REFERENCES

- Reg of Vehicles for Hire - See 3rd Class §2602 (53 P.S. (§37602)
- Taxicab Driver's License - See Bus. & Tax 315; Taxicab License and Tax - See Bus. & Tax 325
- Vehicle Stopping and Parking - See Traffic - 531

303.01 DEFINITIONS

The following words and phrases when used in this article shall have the meaning as set forth herein:

1. **Certificate** shall mean a certificate of public convenience and necessity issued by the Public Utility Commission, authorizing the holder thereof to conduct a taxicab business in the City.
2. **Holder** shall mean a person to whom a certificate of public convenience and necessity has been issued.
3. **Open stand** shall mean a public place alongside the curb of a street or elsewhere in the City which has been designated by the Council as reserved exclusively for the use of taxicabs.
4. **Person** shall include an individual, a corporation or other legal entity, a partnership and any unincorporated association.
5. **Taxicab** shall mean a motor vehicle regularly engaged in the business of carrying passengers for hire and not operated on a fixed route.
6. **Taximeter** shall mean a meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based. (8610 §1 4/1/58)

303.02 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the City without first having obtained a certificate of public convenience and necessity from the Public Utilities Commission. (8610 §2 4/1/58)

303.03 SOLICITATION, ACCEPTANCE AND DISCHARGE OF PASSENGERS

A. Solicitation of Passengers by Driver

No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curb side thereof. The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public street, except that, when necessary, a driver may be absent from his taxicab for not more than ten consecutive minutes. Nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicles.

B. Prohibited Solicitation

No driver shall solicit patronage in a loud or annoying tone or voice or by sign of in any manner annoy any person or obstruct the movement of any person, or follow any person for the purpose of soliciting patronage.

C. Receipt and Discharge of Passengers on Sidewalk Only

Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall pull up to the right-hand sidewalk as nearly as possible or, in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers, except upon one-way streets, where passengers may be discharged at either the right or left-hand sidewalk, or side of the roadway, in the absence of a sidewalk.

D. Cruising

No driver shall cruise in search of passengers except in such areas and at such times as shall be designated by Council. Such areas and times shall only be designated when Council finds that taxicab cruising would not congest traffic or be dangerous to pedestrians and other vehicles.

E. Additional Passengers

No driver shall permit any other person to occupy or ride in his taxicab, unless the person first employing the taxicab shall consent to the acceptance of additional passengers. No charge shall be made for an additional passenger except when the additional passenger rides beyond the previous passenger's destination and then only for the additional distance so traveled.

F. Refusal to Carry Orderly Passengers Prohibited

No driver shall refuse to convey any orderly person, upon request, provisions of this article to do so.

G. Prohibitions of Drivers

It shall be a violation of this article for any driver of a taxicab to solicit business for any hotel, or to attempt to divert patronage from one hotel to another. Neither shall such driver engage in selling intoxicating liquors, or solicit business for any house of ill repute, or use his vehicle for any purpose other than the transporting of passengers. (8610 §3 4/1/58)

303.04 TAXICAB STANDS

A. Council is authorized and empowered to establish open stands in such places upon the streets of the City as it deems necessary for the use of taxicabs operated in the City. Council shall not create an open stand without taking into consideration the need for such stands by the companies and convenience to the general public. Council shall prescribe the number of cabs that shall occupy such open stands. Council shall not create an open stand in front of any place of business where the abutting property owners object to the same or where such stand would tend to create a traffic hazard.

B. Open stands shall be used by the different driver on a first come, first served basis. The driver shall pull onto the open stand from the rear and shall advance forward as the cabs ahead pull off. Drivers shall stay within five (5') feet of their cabs. They shall not solicit passengers or engage in loud or boisterous talk while at an open stand. Nothing in this article shall be construed as preventing a passenger from boarding the cab of his choice that is parked at open stands. (8610 §4 4/1/58)

303.05 ENFORCEMENT BY POLICE

The Police Department is given the authority and is instructed to watch and observe the conduct of holders and drivers operating under this article. Upon discovering a violation of the provision of this article, the Police Department shall report the same to Council, which will order or take appropriate action. (8610 §5 4/1/58)

303.06 REVOCATION OF LICENSE

The Chief of Police has the authority to revoke the license of a taxicab driver for the violation of this article. (8610 §6 4/1/58)

303.99 PENALTY

Any person violating the provisions of this article shall be fined not more than Three Hundred (\$300.00) Dollars or imprisoned not more than ninety (90) days or both. (11995 §1 2/21/73)

ARTICLE 305 TAXICAB DRIVER'S LICENSE

- 305.01 Driver's License Required
- 305.02 Qualifications and Application
- 305.03 Photograph to be Attached to License; Display
- 305.04 Fingerprints
- 305.05 Fee for Driver's License
- 305.06 Revocation
- 305.99 Penalty

CROSS REFERENCES

- Passenger Solicitation and Acceptance - See Bus. & Tax 313.03
 - Taxicab Tax - See Bus. & Tax 325.05 et seq.
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305.01 DRIVER'S LICENSE REQUIRED

No person shall drive a taxicab, and no person shall permit anyone to drive a taxicab, within the City without such driver having first obtained and paid for and having in force and effect a driver's license under the provisions of this article. (4613 §2 5/14/41)

305.02 QUALIFICATIONS AND APPLICATION

Each applicant for a taxicab driver's license must comply with the following to the satisfaction of the Chief of Police:

- A. Must first have obtained a Pennsylvania State operator's driving license. (12757 §1 3/4/87)
- B. Be eighteen (18) years of age or over. (12757 §1 3/4/87)

C. Fill out an application provided by the Chief of Police giving his/her full name, address, age, color, height, color of eyes and hair, place of birth, length of residence in the City, whether they are a citizen, have been convicted of a felony or misdemeanor, whether previously licensed by the State and whether their license has been revoked and for what cause. (12757 §1 3/4/87)

305.03 PHOTOGRAPH TO BE ATTACHED TO LICENSE; DISPLAY

Each individual, upon application for a taxicab driver's license, will be photographed by the Bureau of Identification, and two prints will be made of each picture. One shall be attached to the license in such a manner that it cannot be removed and another substituted without detection. The license, bearing the photograph, shall be displayed in a conspicuous place in the cab so that the picture and reading thereon may be easily seen by the occupants or passengers in the cab. No person shall remove a photograph from the license granted by the Police Department and substitute another thereon. (4613 §4 and §8 5/14/41)

305.04 FINGERPRINTS

Each individual shall file, with their application for a taxicab driver's license, impressions of their fingers of their right and left hand. Such impressions shall be placed upon forms furnished by the Chief of Police, the impressions to be taken under the supervision of the Chief of Police or someone designated by him. The second print of the photograph mentioned in Section 315.03 is to be attached to the form bearing the fingerprint impressions and filed in the Bureau of Identification in the Bureau of Police. (12757 §4 3/4/87)

305.05 FEE FOR DRIVER'S LICENSE

At the time of application, the applicant shall pay a fee established in accordance with the requirements of the Administrative Information Manual (AIM). This fee shall defray the costs of photographing and fingerprinting the licensee. The license will be valid for a period of two (2) years from the date of issuance. The fee for a renewal license shall be established in accordance with the requirements of the Administrative Information Manual (AIM). (12757 §3 3/4/87)

305.06 REVOCATION

The Chief of Police has the authority to revoke a taxicab driver's license for any violation of City ordinances. (4613 §8 5/14/41)

305.99 PENALTY

Any person violating the provisions of this article shall be fined not more than Three Hundred (\$300.00) Dollars or imprisoned not more than ninety (90) days or both.

ARTICLE 307 SOLICITORS AND CANVASSERS

- 307.01 License Required; Exceptions
- 307.02 Canvasser and Solicitor Defined (15318 §1 10/05/16)

- 307.03 License Application
- 307.04 Application Investigation; Disapproval of License Issuance
- 307.05 License Fee; Determination and Exceptions
- 307.06 License Card Issuance and Contents
- 307.07 Exhibition of License
- 307.08 Police to Enforce
- 307.09 Records to Reflect Violations
- 307.10 License Revocation; Notice and Hearing
- 307.11 Appeal to Council; Notice and Hearing
- 307.12 Expiration of License
- 307.13 Severability
- 307.99 Penalty

307.01 LICENSE REQUIRED; EXCEPTIONS

No solicitor as defined in Section 307.02 shall engage in the business of soliciting within the corporate limits of the City without first obtaining a license therefor in compliance with the provisions of this Article, except: (15318 §1 10/05/16)

1. Members or employees of firms possessing a Business Privilege License issued by the City pursuant to Article 333; (12766 §1 5/6/87)

2. Salesmen, manufacturers' representatives and agents, etc., selling goods to retail, wholesale, professional or industrial establishments. (12766 §1 5/6/87)

No solicitor shall engage in the business of soliciting or canvassing before 9:00 A.M. or after 7:00 P.M. (12766 §1 5/6/87; 15318 §1 10/05/16)

307.02 CANVASSER OR SOLICITOR DEFINED

"Canvasser" means any individual, whether a resident of the City or not, who engages in the practice of going from dwelling unit to dwelling unit to conduct surveys for research purposes, to make analyses, to take opinion polls, to compile rating data, to obtain or seek contributions for any person, organization or cause connected with or in support of the canvasser's message or mission, to advance religious or political causes and proselytizing with regard thereto, to seek votes in any public election to disseminate non-commercial economic, political, religious or cultural information, or to conduct any similar work which, by its nature, involves door-to-door activity, including the distribution of circulars. (15318 §1 10/05/16)

"Solicitor" means any individual, whether a resident of the City or not, traveling, from place to place, from house to house, or from street to street, selling or taking or attempting to take orders for sale of goods, wares and merchandise, books, magazines and periodicals, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such an individual has, carries or exposes for sale the subject of such sale, or a sample of the subject of

such sale or whether he is collecting advance payments on such sales or not. "Solicitor" includes any person who, for themselves, or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop or any other place within the City for the sole purpose of exhibiting samples and taking orders for future delivery. "Solicitor" also includes any person who for themselves or for another person, firm or corporation, employs the telephone followed by a personal call for the sole purpose of attaining a signed order or contract or to deliver goods. (11525 §2 12/3/68; 15318 §1 10/05/16)

307.03 LICENSE APPLICATION

A. Applicants for a Solicitor license under this article shall file with the Department of Finance an application, in writing in duplicate, with the non-refundable application fee required by Section 307.05 to pay for the cost of the Application Investigation under Section 307.04 on a form to be furnished by the Finance Department officer, which shall give the following information: (15318 §1 10/05/16)

1. The name and a description of the applicant;
2. The permanent home address and full local address of the applicant;
3. The motor vehicle registration, if any, and Social Security number
4. A brief description of the nature of the business and the goods or services to be sold or furnished;
5. If employed, the name and address of the employer, together with credentials establishing the exact relationship;
6. The length of time for which the right to do business is desired;
7. The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery;
8. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor;
9. A statement as to whether the customer is to receive a signed receipt if a down payment is made.

B. At the time of filing the application, the applicant shall submit copies of the receipt, contract and other forms that attend the sales transaction. (15318 §1 10/05/16)

C. Any person, firm, corporation or organization subject to the provisions of this article may designate in writing one of his or its officers or employees to file the applications required herein. (11525 §3 12/3/68; 12689 §2 12/18/85; 15318 §1 10/05/16))

D. EXEMPTION: The provisions of this section shall not apply to canvassers, as defined in Section 307.02. (15318 §1 10/05/16)

At the time of filing the application, the applicant shall submit copies of the receipt, contract and other forms that attend the sales transaction.

Any person, firm, corporation or organization subject to the provisions of this article may designate in writing one of his or its officers or employees to file the applications required herein. (11525 §3 12/3/68; 12689 §2 12/18/85)

307.04 APPLICATION INVESTIGATION; DISAPPROVAL OF LICENSE ISSUANCE

A. Upon receipt of an application and the non-refundable application fee required under Section 307.05, the original shall be referred to the Chief of Police or his designee, who shall cause such investigation of the applicant's business and moral character to be made as the Chief or his designee deems necessary for the protection of the public good. (15318 §1 10/05/16)

B. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police or his designee shall endorse on the application a disapproval and reasons for the same, and return the application to the Department of Finance, who shall notify the applicant that the application is disapproved and that no license will be issued. (12689 §2 12/18/85; 15318 §1 10/05/16)

C. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police or his designee shall endorse on the application an approval, return the application to the Department of Finance, shall, upon payment of the prescribed license fee, issue a license to the applicant. The license shall contain the signature and seal of the issuing officer and shall show the name, photograph, business name and address, the date of issuance and expiration, license number and phone number for verification. The Finance Department officer shall keep a permanent record of all licenses issued. (11525 §4 12/3/68; 12689 §2 12/18/85; (15318 §1 10/05/16)

307.05 LICENSE APPLICATION FEES; DETERMINATION AND EXCEPTIONS (15318 §1 10/05/16)

A. The application fee which shall be charged by the Department of Finance for such license shall be Fifty (\$50.00) Dollars per calendar year and shall be non-refundable. (12689 §1 12/18/85; 15318 §1 10/05/16)

B. None of the application fees provided for by this Article shall be so applied as to occasion an undue burden upon interstate commerce. In any case where an application fee is believed by an applicant for license to place an undue burden upon such commerce, he may apply to the Department of Finance for an adjustment of the fee so that it shall not be discriminatory, unreasonable, or unfair as to such commerce. Such application may be made before, at, or within six (6) months after payment of the prescribed application fee. The applicant shall, by affidavit and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the Finance Department officer may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The Finance Department officer shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of fact from which he shall determine whether the fee fixed by this Article is unfair, unreasonable or discriminatory as to the applicant's business and shall fix as the application fee for the applicant, an amount that is fair, reasonable and non-discriminatory, or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the officer shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as prescribed by subsection (a) hereof. Should the Finance Department officer determine the gross sales measure of the fee to be the fair basis, he may require the applicant to submit, either at the time of termination of applicant's business in the City of Allentown or at the end of each three-month period, a sworn statement of the gross sales and pay the amount of fee therefor, provided that no additional fee during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual application fee as prescribed in subsection (a) hereof. (12689 §1 12/18/85; 15318 §1 10/05/16)

C. EXEMPTION: The provisions of this section shall not apply to: (15318 §1 10/05/16)

(1) Canvassers, as defined in Section 307.02.; or (15318 §1 10/05/16)

(2) any member of a chartered non-profit charitable service or youth organization. (12689 §1 12/18/85; 15318 §1 10/05/16)

307.06 LICENSE CARD ISSUANCE AND CONTENTS

The Department of Finance shall issue to each licensee at the time of delivery of his license a card which shall contain the words "Licensed Solicitor", the period for which the license is issued and the number of the license. The card shall, during the time such license is engaged in soliciting, be carried constantly by the licensee. (11525 §6 12/3/68) (12689 §2 12/18/85; 15318 §1 10/05/16)

307.07 EXHIBITION OF LICENSE

Solicitors are required to exhibit their licenses at the request of any citizen. (11525 §7 12/3/68; 15318 §1 10/05/16)

307.08 POLICE TO ENFORCE

It shall be the duty of any police officer of the City to require any person seen soliciting, and who is not known by such officer to be duly licensed, to produce his solicitor's license and to enforce the provisions of this article against any person found to be violating the same. (11525 §8 12/3/68; 15318 §1 10/05/16)

307.09 RECORDS TO REFLECT VIOLATIONS

The Chief of Police shall report to the Department of Finance all convictions for violations of this article and the Finance Department Officer shall maintain a record for each license issued and record the reports of violation therein. (11525 §9 12/3/68) (12689 §2 12/18/85; 15318 §1 10/05/16)

307.10 LICENSE REVOCATION; NOTICE AND HEARING

A. Licenses issued under the provisions of this article may be revoked by the Chief of Police or his designee; after notice and hearing, for any of the following causes: (15318 §1 10/05/16

1. Fraud, misrepresentation, or false statement contained in the application for license;
2. Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor; (15318 §1 10/05/16
3. Any violation of the provisions of this article;
4. Conviction of any crime or misdemeanor involving moral turpitude; or,
5. Conducting the business of soliciting, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public. (15318 §1 10/05/16

B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. The notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for hearing. (11525 §10 12/3/68) (12689 §2 12/18/85)

307.11 APPEAL TO COUNCIL; NOTICE AND HEARING

Any person aggrieved by the action of the Chief of Police or the Department of Finance in the denial of a license as provided in Section 307.04, the action of the Department of Finance in the assessing of the fee as provided in Section 307.05(c) or the revocation of a license by the Police Chief or his designee under Section 307.10 shall have the right of appeal to Council. An appeal shall be taken by filing with Council, within fourteen days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. Council shall set a time and place for a hearing on such appeal and notice of the hearing shall be given to the appellant in the same manner as provided in Section 307.10 for notice of hearing on revocation. The decision and order of Council on such appeal shall be final and conclusive and may be appealed pursuant to the provisions of the Local Agency Law. (11525 §11 12/3/68) (12689 §2 12/18/85; 15318 §1 10/05/16)

307.12 EXPIRATION OF LICENSE

All annual licenses issued under the provisions of this article shall expire on December 31 in the year of issue. (11525 §12 12/3/68)

307.13 SEVERABILITY

The provisions of this article are declared to be severable and if any section, sentence, clause or phrase of this article shall, for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this article, but they shall remain in effect, it being the legislative intent that this article shall stand notwithstanding the invalidity of any part. (11525 §14 12/3/68)

307.99 PENALTY

Any person violating any of the provisions of this article shall, upon conviction thereof, be fined not more than Three Hundred (\$300.00) Dollars or imprisoned not more than ninety (90) days, or both. (11525 §13 12/3/68)

ARTICLE 309 TRANSPORTATION OF HOUSEHOLD GOODS

- 309.01 Notification Required
- 309.02 Notification Application
- 309.03 Notification Issuance: Contents and Fee
- 309.99 Penalty

CROSS REFERENCES

Power to License - See 3rd Class §2601 - (53 P.S. §37601)

309.01 NOTIFICATION REQUIRED

No person or persons, firm or corporation, shall move or cause to be moved, from any place within the City to another place within or beyond the limits thereof, any household goods in bulk, without first notifying the Police Department. (12693 §1 1/15/86)

309.02 NOTIFICATION APPLICATION

Any of the aforesaid person or persons, firm or corporation covered in Section 320.01 shall notify the Police Department setting forth: the name and address of the applicant; the names of the owners or reputed owners of the property to be moved; and the address and location from which the property is to be removed and the new address or location of the place to which the property is to be moved. Any no parking signs issued for the date of the move shall cost Five (\$5) Dollars each. (12693 §2 1/15/86; 14108 §1 8/7/03)

309.03 NOTIFICATION ISSUANCE; CONTENTS AND FEE

The Police Department shall upon application being made as provided for in Section 309.02 issue a permit for which a charge of Three (\$3) Dollars shall be made, setting forth the name of the permittee as well as the name or names of the owners of the goods to be moved and the address from which the goods are to be moved and the address to which the goods are to be delivered. This permit shall be signed by the police officer in charge at that time. (12693 §2 1/15/86; 14108 §1 8/7/03)

309.99 PENALTY

Any person violating the provisions of this article or furnishing false information to the Police Department, or using false names or addresses, shall be fined not more than One Hundred (\$100.00) Dollars or imprisoned not more than ten (10) days, or both. (11550 §4 12/31/68; 14108 §1 8/7/03)

ARTICLE 311 SPECIAL EVENTS

- 311.01 Authorization
- 311.02 Permit Required
- 311.03 Permit Applications
- 311.04 Advertising for Private Profit Prohibited
- 311.05 Permit Issuance and Denial Standards
- 311.06 Compliance with Ordinances, Regulations, Conditions
- 311.07 Notice of Permit Issuance
- 311.08 Revocation of Permit
- 311.09 Special Events Services
- 311.10 Special Services Fee
- 311.11 Waiver of Fees
- 311.12 Prohibited Acts
- 311.095 Public Safety Services Right of First Refusal
- 311.99 Penalty

CROSS REFERENCES

- Power to prohibit street obstructions - See 53 P.S. §37403(16)
- Power to regulate parades - See Motor Vehicle Code, 75 Pa.C.S. §6109(3)

The first regulations were passed by City Council and signed by the Mayor on September 22, 1995 in Ordinance 13352 and amended by 13393 which established exemptions for veteran's groups.

311.01 AUTHORIZATION

Under and subject to the provisions of this article, it is lawful to hold special events such as exhibits, fairs, athletic events, parades, concerts, block parties, church events or conventions in the City of Allentown. (13352 §1 9/22/95)

311.02 PERMIT REQUIRED

All special events such as exhibits, fairs, athletic events, parades, concerts, block parties, church events or conventions, occupying, marching or assembling upon any street or public area of the City are permitted only after a permit for the holding thereof has been granted by the Mayor or his designee. (13352 §1 9/22/95)

311.03 PERMIT APPLICATIONS

A. Applications for special events shall be made to the Mayor or his designee at least ten working days before the date selected for the holding of such special event and shall be made on official forms furnished by the City for that purpose. The Mayor or his designee may exercise discretion in considering any application not made at least ten working days in advance.

B. The application for such permit shall state the names and addresses of the officers of the group or organization desiring to hold the special event, the name of the individual who shall be in charge thereof, the purpose of the special event, the date and time of the special event, the streets or public areas upon which the special event shall be held and any other such information as the Mayor or his designee deems necessary. Such special event shall not be held at any other time or on any other streets or public area other than those specified in the permit application.

C. Applications for special events permits shall be accompanied by a fee. The exact fee shall be established by the Mayor and adopted by Administrative Regulation (AIM) in such amount as he may determine to be sufficient to cover the administrative cost of processing the permit. (13352 §1 9/22/95)

311.04 ADVERTISING FOR PRIVATE PROFIT PROHIBITED

No permit shall be issued authorizing the conduct of a special event which the Mayor or his designee finds is proposed to be held for the sole purpose of advertising any product, goods, wares, merchandise or commercial event, and is designed to be held purely for private profit. (13352 §1 9/22/95)

311.05 PERMIT ISSUANCE AND DENIAL STANDARDS

A. Standards for issuance. The Mayor or his designee shall issue a special events permit conditioned upon the applicant's written agreement to comply with the terms of such permit unless the Mayor or his designee finds any of the following:

1. The time, size and location of the special event will disrupt to an unreasonable extent the movement of traffic or the public peace;
2. The special event is of a size or nature that the diversion of so great a number of police officers of the City that reasonable police protection would be denied to the City;
3. Such special event will interfere with another special event for which a permit has already been issued.

B. Standards for denial. The Mayor or his designee shall deny an application for a special events permit and notify the applicant of such denial where:

1. The Mayor or his designee makes any finding contrary to the findings required to be made for the issuance of a permit;
2. The information contained in the application is to be found to be false or nonexistent in any material detail;
3. The applicant refuses to agree to abide by or comply with all conditions of the permit. (13352 §1 9/22/95)

311.06 COMPLIANCE WITH ORDINANCES, REGULATIONS, CONDITIONS

Any special event shall be subject to all City Ordinances and resolutions, such as those pertaining to noise and sound devices, and to any regulations which may be prescribed by the Mayor or his designee as applicable to such special events and to any other conditions imposed by the Mayor or his designee in the permit. Failure to comply with any City Ordinance, resolution or regulation, any condition imposed in the permit or any applicable State or Federal law shall result in the immediate revocation of the permit and suspension of the special event. (13352 §1 9/22/95)

311.07 NOTICE OF PERMIT ISSUANCE

Immediately upon the granting of a permit for a special event, the Mayor or his designee shall send a copy thereof to the following individuals:

1. Chief of Police
2. Fire Chief
3. Director of Public Works
4. Director of Administration and Finance.
5. Director of Community Development

(13352 §1 9/22/95)

311.08 REVOCATION OF PERMIT

Any permit for a special event issued pursuant to this article may be summarily revoked by the Mayor or his designee at anytime when by reason of disaster, public calamity, riot or other emergency, the Mayor or his designee deems that the safety of the public, including the participants in the event, or property requires such revocation. Notice of such action revoking a permit shall be delivered in writing to the permittee by United States Mail. (13352 §1 9/22/95)

311.09 SPECIAL EVENTS SERVICES

A. Whenever a special event, including but not limited to, exhibits, fairs, athletic events, parades, concerts, block parties, church events or conventions, requires any permit under the provisions of any City of Allentown Ordinance, the Chief of Police may, when necessary to protect the peace and public safety as a condition of issuance of the permit, require that patrol or security officers or equipment be provided.

311.095 PUBLIC SAFETY SERVICES RIGHT OF FIRST REFUSAL

As a condition of any lease, license or permit for the use of City property for large gathering that may require emergency medical stand-by services, Allentown Emergency Medical Services (EMS) shall have the right of first refusal to provide such services. (14965 §1 3/21/11)

B. The number of patrol or security officers or equipment provided are subject to approval by the Chief of Police, based on an evaluation of the number of people involved in the event, the area of the City to be covered by the event and the location of the event.

C. Whenever patrol or security officers or equipment shall be provided by the Police Department, the applicant for permit shall deposit with the City security, in a form acceptable to the Director of Administration and Finance, or cash in an amount sufficient to guarantee payment for the cost of providing special police services.

D. Whenever a person holding an event not requiring a permit requests special police services, the provisions of this section shall apply. (13352 §1 9/22/95)

311.10 SPECIAL SERVICES FEE

A. Upon application to hold a special event, a request for public safety services shall be made at which time an estimate will be given as to the cost to provide such services. These estimates will be given by the Bureau providing the service to the Police Department who will then notify the applicant. A deposit for these services will be required prior to the event and services being provided. After the event is complete and a true cost of services has been calculated, the applicant will be notified of the remaining balance due. The request for emergency medical stand-by services shall be made directly with Allentown EMS and the reimbursement for services will be handled directly with that Bureau. The total amount charged will not exceed the cost of providing the public safety service. (13393 §1 4/18/96 §1 14873 §1 3/21/11)
)

B. For purposes of this ordinance, "*special police services*" include but are not limited to patrol or security officers or equipment for special events.

C. For purposes of this ordinance, "*special administrative services*" include but are not limited to, providing barricades, traffic cones, signs, or clean-up for special events. (13352 §1 9/22/95)

311.11 WAIVER OF FEES

A. Permit fees and special services fees shall be waived for government agencies, veterans' organizations and City-supported events upon application therefore. (13393 §1 4/18/96)

B. Where the total cost of special services provided are less than or equal to the sum of One Hundred (\$100.00) Dollars, a deduction of One Hundred (\$100.00) Dollars may be made for special administrative services. (13352 §1 9/22/95; 13393 §1 4/18/96)

311.12 PROHIBITED ACTS

No person shall knowingly join or participate in any special event conducted under a permit from the Mayor or his designee in violation of any of the terms of such permit, nor knowingly participate in any such special event without the consent or over the objection of the permittee, nor in any manner interfere with its progress or orderly conduct. (13352 §1 9/22/95)

311.99 PENALTY

Whoever violates any provision of this article shall, upon conviction thereof, be fined not more than six hundred dollars (\$600.00) and costs of prosecution, and in default of payment thereof, shall be imprisoned for not more than thirty (30) days. In the case of a permittee's violation of any provisions of this article, the individual designated upon the permit as the responsible party shall be considered the violator. (13352 §1 9/22/95)

ARTICLE 313 BUSINESS LICENSE

- 313.01 License Required
 - 313.02 Application
 - 313.03 Fee
 - 313.04 Posting License
 - 313.05 Expiration of License
 - 313.99 Penalty
-

313.01 LICENSE REQUIRED

Any person desiring to conduct, transact, or engage in any business, trade, profession or other activity within the City shall obtain a Business License. (13383 §1 3/7/96)

313.02 APPLICATION

Applicants for license under this Article shall file with the Department of Administration and Finance an application, on a form to be furnished by the Department. To be considered completed, a license fee shall accompany the application. (13383 §1 3/7/96)

313.03 FEE

The license fee, which shall be collected by the Department of Administration and Finance, shall be set by Administrative Regulation. (13383 §1 3/7/96)

313.04 POSTING LICENSE

The license shall be conspicuously posted in the place of business for which the license is issued. In cases where more than one business location exists, a separate license or copy thereof shall be issued for posting. (13383 §1 3/7/96)

313.05 EXPIRATION OF LICENSE

For the year beginning October 1, 1996, a license issued under the provisions of this Article shall be valid for a fifteen (15) month period and shall expire on December 31, 1997.

Hereafter, all licenses issued under the provisions of this Article shall be issued on an annual basis, expiring on December 31 of the year of issue. (13383 §1 3/7/96)

313.99 PENALTY

Any person who conducts, transacts or engages in any business, trade, profession or other activity within the City without a valid Business License shall, upon summary conviction before any Lehigh County District Justice be fined not more than Five Hundred (\$500.00) Dollars for any one offense, recoverable with costs and restitution, or imprisoned not more than ninety (90) days, if the amount of such fine and costs are not paid. Each day of a continuing violation shall be considered a separate offense. (13383 §1 3/7/96; 14404 §2 7/28/06)

ARTICLE 314 BUSINESS RENTALS

- 314.01 Purpose
- 314.02 Business Rentals
- 314.99 Penalty

314.01 PURPOSE

The purpose of this legislation is to enable the City to gain compliance with codes.

314.02 BUSINESS RENTALS

Any landlord must provide, to the City, a list of the business that works out of said rental property to the Department of Finance.

314.99 PENALTY

Any landlord or property owner who violates the provisions of this Ordinance shall be subject to a fine of not more than Six Hundred (\$600) Dollars for each and every offense. (14256 §1 1/20/05)

ARTICLE 320 Appropriate Mental Health Services

- 320.01 Definitions

- 320.02 Conversion Therapy Prohibited
- 320.03 Penalty
- 320.04 Enforcement: Investigation of Complaints of Violation, Notice and Hearing
- 320.05 Appropriate Mental Health Services Appeals Board

320.01 Definitions

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Article, except when the context clearly indicates a different meaning:

Conversion therapy means any practices or treatments that seek to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to reduce or eliminate sexual or romantic attractions or feelings toward individuals of the same gender. Conversion therapy does not include counseling that:

- a) Provides assistance to a person undergoing gender transition; or
- b) Provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, if such counseling does not seek to change an individual's sexual orientation or gender identity.

Mental health professional means an individual who is licensed, certified or otherwise authorized to administer or provide professional mental health care or counseling under the act of March 23, 1972 (P.L.136, No.52), known as the Professional Psychologists Practice Act, the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act, the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act.

Minor means a person less than eighteen (18) years of age.

320.02 Conversion Therapy Prohibited

A person who is licensed by the State of Pennsylvania to provide professional counseling, or who performs counseling as part of his or her professional training under Chapters 16, 25, 41, 47, 48, or 49 of Title 49 of the Pennsylvania Code, as such chapters may be amended, including, but not limited to, medical practitioners, osteopathic practitioners, psychologists, social workers, marriage and family therapists, and professionals counselors, may not engage in conversion therapy with a minor.

320.03 Penalty

The penalty for a violation of [320B] Section 320.02 shall be revocation of the licensee's business license, after notice and hearing.

320.04 Enforcement: Investigation of Complaints of Violation, Notice and Hearing

(a) There is hereby established a Complaint Administrator to investigate complaints for the violation of Section 320.02 of this Ordinance. A Licensed Mental Health Professional shall be nominated by the Mayor and confirmed by City Council to serve in this capacity.

(b) Neither the Complaint Administrator nor the Appropriate Mental Health Services Appeals Board, established under Section 320.05 of this Ordinance, shall have the ability to compel the production of records or any materials that are made confidential by federal or state law or that are protected from disclosure by a lawful privilege, unless a valid waiver of the privilege is made.

(c) The Complaint Administrator and the Appropriate Mental Health Services Appeals Board, established under Section 320.05 of this Ordinance, shall not divulge confidential or privileged information that is disclosed during the Enforcement process under this Section 320.04 to anyone outside the Enforcement process.

(d) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing conducted by an appeals board. The notice shall be mailed, postage prepaid, to the licensee at the licensee's last known address at least five days prior to the date set for hearing.

320.05 Appropriate Mental Health Services Appeals Board

- (a) There is hereby established a Appropriate Mental Health Services Appeals Board.
- i. The Appropriate Mental Health Services Appeals Board shall consist of five (5) members - a member of City Council, the Health Director or designee, a Licensed Mental Health Professional, and two private citizens nominated by the Mayor and confirmed by the City Council.
- ii. The initial terms of the members of the Board of Appeals are as follows:
Licensed Mental Health Professional 4 years
Health Director or designee - 3 years
Private citizen - 3 years
Member of City Council- 2 years
Private Citizen 2 years
- iii. After the initial terms have expired, members of the Appeals Board shall be appointed for terms of four (4) years.
- iv. After all members have been appointed, the Appropriate Mental Health Services Appeals Board shall hold an organizational meeting within thirty (30) days to appoint a Chair and Vice-Chair.
- v. Thereafter, an organizational meeting shall be held annually.
- (b) It shall be the responsibility of the Appropriate Mental Health Services Appeals Board to hold hearings to review all appeals of the revocation of a business license.
- (c) Hearings shall occur at monthly public meetings. Monthly meetings may be cancelled if there are no pending appeals as of ten (10) days prior to the scheduled meeting.
- i. All hearings for appeals of determinations of licenses shall occur within forty- five (45) days of the date of service of the appeal.
- ii. Notice of the date, time and place of the hearing shall be served upon the Appellant and the Bureau of Health.
- (d) The Appropriate Mental Health Services Appeals Board of Appeals shall issue its decision to either grant or deny the appeal within five (5) business days of the date of the hearing. Notice of the decision shall be served upon the Appellant and the Bureau of Health.
- (e) Failure to hold an appeal hearing and/ or issue a decision within the allotted time shall result in the appeal being granted.
- (f) All hearings shall be conducted pursuant to the requirements of the Local Agency Law (Subchapter B of Chapter 5 and Subchapter B of Chapter 7 of Title 2 of the Pennsylvania Consolidated Statutes).
- i. At its first and annual organizational meetings, the Appropriate Mental Health Services Appeals Board shall decide whether to engage stenographic services to record hearings for the ensuing year.
- ii. An appellant has the right to retain the services of a court reporter or stenographer for the hearing at the appellant's sole cost should such service not be provided by the Appropriate Mental Health Services Appeals Board.
- (g) Any Appellant whose appeal is denied by the Appropriate Mental Health Services Appeals Board may continue to remain open during a pendency of appeal with the Lehigh County Court of Common Pleas.