



## Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Passed Finally

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**Title:** An Ordinance amending the Pittsburgh City Code, Title IV, Public Places and Property, Chapter 463: Regulated Activities by adding an annual temporary Section 463.05, entitled "Temporary No Docking Zones During Regatta Activities Periods."

**Sponsors:** Darlene M. Harris

**Indexes:** PGH. CODE ORDINANCES TITLE 04 - PUBLIC PLACES

**Code sections:**

**Attachments:** 1. 2012-0527.doc

Date	Ver.	Action By	Action	Result
7/3/2012	1	Mayor	Signed by the Mayor	
7/2/2012	1	City Council	Passed Finally	Pass
6/27/2012	1	Standing Committee	AFFIRMATIVELY RECOMMENDED	Pass
6/26/2012	1	City Council	Read and referred	
6/26/2012	1	City Council	Waived under Rule 8	Pass

An Ordinance amending the Pittsburgh City Code, Title IV, Public Places and Property, Chapter 463: Regulated Activities by adding an annual temporary Section 463.05, entitled "Temporary No Docking Zones During Regatta Activities Periods."

WHEREAS, the EQT Pittsburgh Three Rivers Regatta (the "Regatta") historically includes certain boating activities planned each summer (a "Regatta Activities Period"), and

WHEREAS, the Regatta attracts many boaters and spectators to the Pittsburgh region; and

WHEREAS, in order to protect boaters, spectators, and participating craft from the hazards associated with the Regatta, the U.S. Coast Guard has the authority to establish various temporary safety zones at various times/dates/locations on the Allegheny, Ohio, and Monongahela Rivers; and

WHEREAS, although the Coast Guard and Pennsylvania Fish and Boat Commission have jurisdiction over navigation on the rivers, the City has jurisdiction over docking occurring on City-owned or controlled property; and

WHEREAS, the City currently holds riparian rights to certain property owned by the Sports and Exhibition Authority of Pittsburgh and Allegheny County "(SEA)" located along the Allegheny River and will cooperate with the SEA to control docking activities and emergency access along said property during Regatta Activities

Periods; and

WHEREAS, it is in the best interest of the City, its residents, and the general public to further regulate the docking of boats at certain locations/times during each annual Regatta Activities Period in order to ensure the public health, safety and welfare of all residents, visitors, and participants; and

WHEREAS, City Council now wishes to promulgate legislation to authorize the creation of "Temporary No Docking Zones" during each annual Regatta Activities Period.

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

**Section 1.** The Pittsburgh City Code is hereby amended by adding Section 463.05, which shall read as follows:

**§ 463.05 Temporary No Docking Zones During Regatta Activities Periods**

A. The Director of the Department of Public Safety (the "Director") is authorized to create annual "Temporary No Docking Zones" ("TNDZ") along the North Shore of the Ohio and Allegheny Rivers in accordance with the safety zones promulgated by the U.S. Coast Guard as well an additional zone to be used as an immediate mooring relocation zone should relocation be deemed necessary for public safety purposes during all Regatta Activities Periods. The Director or his/her designee will issue Regatta Docking Regulations (the "Regulations") detailing the duration of each annual Regatta Activities Period and the creation of all TNDZ, which Regulations will be published to the public as set forth in Section 463.05(D)(2). The Regulations will be issued no later than five (5) days prior to the commencement of any annual Regatta Activities Period.

B. The TNDZ apply to all "watercraft" as defined in Section 606.02 of the City Code.

C. In establishing these TNDZ, the City will take into consideration the number of private pleasure watercraft expected in Pittsburgh during any Regatta Activities Period and security plans for the Regatta.

D. The City shall cause the notice of the TNDZ to be published annually as follows:

1. "No Docking" signs will be posted along affected Allegheny River and/or other affected docking cleats under the ownership or control of the City.

2. Information regarding the duration of each Regatta Activities Period and applicable TNDZ will also be published online on the City's website, and a copy of this Ordinance with annual Regulations shall be posted in the lobby of the City-County building from the date of issuance of the Regulations through the subject Regatta Activities Period.

3. The City will issue a press release to notify the public about the applicable TNDZ.

Distribution of information regarding the U.S. Coast Guard Safety Zones will also be coordinated with designated representatives of "Boat Pittsburgh," Heinz Field, Regatta organizers, and River Rescue Unit officers.

E. Notwithstanding any provision of City Code Chapter 461, Chapter 463, or Chapter 477 to the contrary, the Director shall have jurisdiction over docking activities in the TNDZ throughout each annual Regatta

Activities Period.

F. The Director or any police officer of the City of Pittsburgh ("police officer") that may be assigned to such duty by the Chief of Police is authorized and empowered to enforce the provisions of this Section 463.05.

G. Subject to the provisions of this Section, during the designated periods set forth in the Regulations, the Director or any police officer may order the relocation of any watercraft illegally docked at a TNDZ or otherwise determined to be a safety hazard to ensure the public safety of boaters, spectators, or Regatta participants:

- a. Upon confirmation by the U.S. Coast Guard of a safety zone violation that requires relocation of a docked watercraft, the Director or a police officer shall first order the owner or operator to relocate the watercraft, if the owner or operator is aboard the watercraft, or in the immediate vicinity of the watercraft.
- b. In the event that the person fails to relocate a docked watercraft as ordered by the Director of the Department of Public Safety or any police officer, or if the owner or operator is not found in the immediate vicinity of the watercraft, the Director may relocate the watercraft or have the watercraft relocated to the Immediate Mooring Relocation No Docking Zone.

H. After 11:59 p.m. on the final day of each annual Regatta Activities Period, any unclaimed watercraft remaining at the Immediate Mooring Relocation No Docking Zone will be relocated to the City's River Rescue Unit, with a location at mile 0.4, right descending bank, Allegheny River below the Roberto Clemente Bridge.

I. The annual Immediate Mooring Relocation No Docking Zone and City's River Rescue Unit locations will be posted on "No docking signage" posted along the Allegheny River per the provisions set forth herein.

J. Any relocated watercraft shall be released to its lawful owner or person entitled to possession upon a showing of adequate evidence of a right to its possession. Evidence shall include valid registration and picture identification.

K. In the event of a mooring relocation where a relocated watercraft is not claimed by 11:59 p.m. on the final day of each annual Regatta Activities Period, a "Notice of Relocation" shall be given via certified mail as soon as reasonably practicable to the boat's owner if the name and address of the owner can be ascertained with reasonable diligence.

L. Appeal procedure.

- a. Any person whose watercraft is relocated pursuant to this Chapter 463.05 may request a hearing within ten (10) days of the date of mailing of the notice of the relocation.
- b. The formal notice of appeal shall set out reasons why the watercraft should not have been relocated and shall be a writing filed with the Director.
- c. The Director shall notify the affected person (the "appellant") within five (5) days of the receipt of the appeal.
- d. The hearing shall be held within fifteen (15) days of the receipt of said appeal unless

otherwise agreed to by the Director and appellant.

- e. The cause of the relocation shall be established by a preponderance of the evidence.
- f. Upon receipt of a decision by the Director, the appellant may appeal the determination as permitted by applicable law.
- g. Such notice of appeal must be filed within thirty (30) days of the date of the determination by the Director.

M. In addition to the watercraft relocation authorized in this Section 463.05, violation of this Section is further punishable as provided in Title One, Article I, Chapter 101, §101.09. Each day that the violation continues shall constitute a separate violation.

## ***Section 2      Sunset Provision; Annual Renewal***

Section 463.05 shall be revoked in its entirety and all of its provisions shall cease to apply as of 11:59 p.m. on the last day of each annual Regatta Activities Period, other than Sections 463.05H, 463.05J, 463.05K, 463.05L, and 463.05M, which Sections shall expire thirty (30) days after the last day of each annual Regatta Activities Period, or upon conclusion of any appeal pending on said date. The provisions of this Chapter shall thereafter temporarily renew upon the issuance of annual Regulations by the Director.