



Legislation Details (With Text)

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Effective date: 6/30/2011

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

Sponsors:

Indexes: PGH. CODE ORDINANCES TITLE 04 - PUBLIC PLACES

Code sections:

Attachments: 1. 2011-1830.doc, 2. 2011-1830 VERSION 2.doc

Date	Ver.	Action By	Action	Result
6/30/2011	2	Mayor	Signed by the Mayor	
6/28/2011	1	City Council	AMENDED	Pass
6/28/2011	2	City Council	Passed Finally, As Amended	Pass
6/22/2011	1	Standing Committees	AFFIRMATIVELY RECOMMENDED	Pass
6/21/2011	1	City Council	Waived under Rule 8	Pass
6/21/2011	1	City Council	Read and referred	

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

WHEREAS, the EQT Pittsburgh Three Rivers Regatta (the "Regatta") will include activities planned for July 3-4, 2011 (the "Regatta Activities Period"), and

WHEREAS, the Regatta will attract 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 established four temporary safety zones at various times/dates/locations on the Allegheny, Ohio, and Monongahela Rivers (Temporary U.S. Coast Guard safety zone information attached hereto as Exhibit A); 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 obtain a license from the SEA to further control any docking activities along said property during the Regatta Activities Period; 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 the 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” at the times and locations designated.

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 Period

A. After extensive consultation between City public safety officials and employees and representatives from the U.S. Coast Guard and the Commonwealth Fish and Game Commission, the City hereby creates “Temporary No Docking Zones” (“TNDZ”) along the North Shore of the **Ohio and Allegheny Rivers** to correspond with the dates, times and affected locations designated in four safety zones promulgated by the U.S. Coast Guard on Exhibit A hereto as well as a fifth zone to be used as an immediate mooring relocation zone should relocation be deemed necessary for public safety purposes during the Regatta Activities Period **[and a sixth zone prohibiting overnight mooring on Sunday, July 3, 2011, through the morning of Monday, July 4, 2011:]**

1. **Powerboat, Water Ski, and Anything That Floats No Docking Zone:** spanning from mile marker 0.3 (West edge of Heinz Field) on the Ohio River to mile marker 0.4 (6th Street Bridge) on the Allegheny River from 10 a.m. until 1:30 p.m., 1:55 p.m. until 3:30 p.m., 3:55 p.m. until 6:30 p.m. and 6:55 p.m. until 8:30 p.m. on Sunday, July 3, 2011.
2. **Dragonboat Race No Docking Zone:** spanning from mile marker 0.0 (Heinz Quay) to mile marker 0.3 (Mazeroski Way/Statue) on the Allegheny River from 10 a.m. until 1 p.m. on Monday, July 4, 2011.
3. **Powerboat and Water Ski No Docking Zone:** spanning from mile marker 0.3 (West edge of Heinz Field) on the Ohio River to mile marker 0.4 (6th Street Bridge) on the Allegheny River from 1:55 p.m. until 4:00 p.m., 4:25 p.m. until 6:30 p.m., and 6:55 p.m. until 8:30 p.m. on Monday, July 4, 2011.
4. **Fireworks No Docking Zone:** spanning from mile marker 0.5 on the Ohio River (West edge of Rivers Casino) to mile marker 0.5 on the Allegheny River (Restroom, 330 feet from the Point up -river) from 9 p.m. until 11 p.m. on Monday, July 4, 2011.

5. **Immediate Mooring Relocation No Docking Zone:** spanning from mile marker 0.4 (6th Street Bridge) on the Allegheny River to mile marker 0.5 (7th Street Bridge) on the Allegheny River beginning at 10 a.m. on **[Sunday]**, July 3, 2011 and concluding on 11:59 p.m. on **[Monday]** July 4, 2011.
6. **[No Overnight Docking Zone: spanning from marker 0.3 (West edge of Heinz Field) on the Ohio River to mile marker 0.4 (6th Street Bridge) on the Allegheny River from 8:30 p.m. Sunday, July, 3, 2011 to 10 a.m. on Monday, July 4, 2011.]**

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

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

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

1. “No Docking” signs will be posted along affected Allegheny River docking cleats.
2. Information regarding the TNDZ will also be published online on the City's website, and a copy of this Ordinance with Exhibits shall be posted in the lobby of the City-County building from the time this Ordinance is effective through July 5, 2011.
3. The City will issue a press release to notify the public about the TNDZ.

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

~~E. [D.]~~ Notwithstanding any provision of City Code Chapter 461, Chapter 463, or Chapter 477 to the contrary, the Director of the Department of Public Safety (the “Director”) shall have jurisdiction over docking activities in the TNDZ on July 3, 2011 and July 4, 2011.

~~F. [E.]~~ 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. [F.]~~ Subject to the provisions of this Section, during the designated periods set forth in subsection A herein, 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.
2. 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 described in Section A(5) herein.

~~H.~~ ~~[G.]~~ After 11:59 p.m. on ~~[Monday,]~~ July 4, 2011, 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.~~ ~~[H.]~~ The 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.~~ ~~[I.]~~ 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.~~ ~~[J.]~~ In the event of a mooring relocation where a relocated watercraft is not claimed by 11:59 p.m. on ~~[Monday,]~~ July 4, 2011, 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.~~ ~~[K.]~~ Appeal procedure.

- a. Any person whose boat 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 boat 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 by filing a notice of appeal with the Court of Common Pleas of Allegheny County.
- g. Such notice of appeal must be filed within thirty (30) days of the date of the determination by the Director.

~~M.~~ ~~[L.]~~ In addition to the penalties provided for 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

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 Monday, July 4, 2011, other than Sections 463.05~~H~~~~[G]~~, 463.05~~J~~~~[H]~~, 463.05~~K~~~~[J]~~, 463.05~~L~~~~[K]~~ and 463.05~~M~~~~[L]~~,

which Sections shall expire as of July 30, 2011, or upon conclusion of any appeal pending on said date.

EXHIBITS:

Exhibit A: Coast Guard Safety Zone Information

EXHIBIT A:

*****2011 BOATER INFORMATION*****

THE PORT OF PITTSBURGH

PITTSBURGH THREE RIVERS REGATTA: JULY 3-4, 2011

The following "Notice-To-Boaters" explains the river closures and docking policies during the Pittsburgh Three Rivers Regatta and Fireworks Display. **Sunday, July 3, 2011**

Powerboat, Water Ski, and Anything That Floats Safety Zone: The Coast Guard has established a temporary safety zone from mile marker 0.3 (West edge of Heinz Field) on the Ohio River to mile marker 0.0 (Point State Park) to mile marker 0.4 (6th Street Bridge) on the Allegheny River, extending the entire width of the river from 10:00 am until 1:30 pm, 1:55 pm until 3:30 pm, 3:55 pm until 6:30 pm and 6:55 pm until 8:30 pm. There will be brief breaks from approximately 1:30 pm until 1:55 pm, 3:30 pm until 3:55 pm, and 6:30 pm until 6:55 pm for vessels to pass through the area (no docking).

Monday, July 4, 2011

Dragonboat Race Safety Zone: The Coast Guard has established a temporary safety zone from mile marker 0.0 (Heinz Quay) to mile marker 0.3 (Mazeroski Way/Statue) on the Allegheny River, extending 400 feet from the right descending bank from 10:00 am until 1:00 pm.

Powerboat and Water Ski Safety Zone: The Coast Guard has established a temporary safety zone from mile marker 0.3 (West edge of Heinz Field) on the Ohio River to mile marker 0.0 (Point State Park) to mile marker 0.4 (6th Street Bridge) on the Allegheny River, extending the entire width of the river from 1:55 pm until 4:00 pm, 4:25 pm until 6:30 pm, and 6:55 pm until 8:30 pm. There will be brief breaks from approximately 4:00 pm until 4:25 pm and 6:30 pm until 6:55 pm for marine traffic to pass through the area (no docking).

Fireworks Safety Zone: The Coast Guard has established a temporary safety zone on the Ohio, Monongahela, and Allegheny Rivers from mile marker 0.5 on the Ohio River (West edge of Rivers Casino) to mile marker 0.05 on the Allegheny River (Restroom, 330 feet from the Point up-river) and to mile marker 0.05 on the Monongahela River (Pumphouse, 330 feet from the Point up-river), extending the entire width of the rivers from 9:00 pm until 11:00 pm.

Docking Restrictions for the Pittsburgh Three Rivers Regatta and Fireworks Display Vessels are prohibited from docking, mooring, or anchoring in the yellow, orange, or red areas of the map. Buoys will mark each safety zone while in effect. Please minimize your wake near marinas.

The Coast Guard will announce river closures and openings on VHF-FM Channel 16.