



Legislation Details (With Text)

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Title: Ordinance amending the Pittsburgh Code of Ordinances in order to provide the Director of the Department of Mobility and Infrastructure with necessary authority to accomplish the responsibilities assigned to the Department of Mobility and Infrastructure pursuant to Ordinance 16 of 2017, enacted by City Council on March 14, 2017.

Sponsors:

Indexes: MISCELLANEOUS

Code sections:

Attachments: 1. Summary 2018-0061.docx, 2. 2018-0061 Attachment Code Changes, 3. 2018-0061

Date	Ver.	Action By	Action	Result
2/15/2018	1	Mayor	Signed by the Mayor	
2/13/2018	1	City Council	Passed Finally	Pass
2/7/2018	1	Standing Committee	AFFIRMATIVELY RECOMMENDED	Pass
1/30/2018	1	City Council	Read and referred	

Ordinance amending the Pittsburgh Code of Ordinances in order to provide the Director of the Department of Mobility and Infrastructure with necessary authority to accomplish the responsibilities assigned to the Department of Mobility and Infrastructure pursuant to Ordinance 16 of 2017, enacted by City Council on March 14, 2017.

WHEREAS, the Pittsburgh Code of Ordinances was amended by Ordinances 15, 16, and 17 of 2017 to create a Department of Mobility and Infrastructure in the City of Pittsburgh; and

WHEREAS, Section 118.02 of the Pittsburgh Code of Ordinances provides that “The Director of Mobility and Infrastructure shall have the following powers and duties:

- (a) Oversee development of transportation plans, maps, drawings, surveys, specifications, estimates, and reports; and
- (b) Supervision of transportation projects within the City and on City owned or administered property; and
- (c) Enforcement of City rules, contracts, agreements, and ordinances that relate to the Department of Mobility & Infrastructure; and

- (d) Coordination of work activities with external divisions/bureaus/departments, vendors, contractors, and consultants
- (e) Direction of City transportation planning and participation in regional transportation planning; and
- (f) Managing, coordinating, and staffing major transportation-related projects; and
- (g) Oversees operating and capital budget preparation by developing and prioritizing improvement project requests; and
- (h) Any other duties assigned by the Mayor;” and

WHEREAS, The Pittsburgh Code of Ordinances in various locations currently vests other City Department Directors with portions of the functions listed in Section 118.02; and

WHEREAS, The Council of the City of Pittsburgh now wishes to amend various sections of the Pittsburgh Code of Ordinances in order to provide the Director of the Department of Mobility and Infrastructure with the legal authority to perform the current duties of the position in alignment with Chapter 118.

SEE ATTACHMENT

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

LIST OF REVISIONS TO ORDINANCES

Title One - Administrative:

ARTICLE VII - PROCEDURES,

Section 1: Chapter 161 - Contracts
Sections 161.13, 161.24, 161.32, and 161.42 - *amended*

ARTICLE IX: BOARDS, COMMISSIONS AND AUTHORITIES,

Section 2: Chapter 173 - Commission on Naming Public Properties
Section 173.01 - *amended*

Section 3: Chapter 175 - Art Commission
Section 175.01 - *amended*

Section 4: Chapter 185C - Sustainability Commissions
Section 178C.03 - *amended*

Section 5: Chapter 179D - Commission on City Archives
Section 179D.01 - *amended*

Title Two - Fiscal:

ARTICLE I: ADMINISTRATION

Section 6: Chapter 218 - Capital Budget and Capital Improvement Plan
Section 218.03 - *amended*

Title Four - Public Places and Property:

ARTICLE I: PUBLIC RIGHTS OF WAY

Section 7: Chapter 411 - Jurisdiction
Sections 411.01 and 411.02 - *amended*

Section 8: Chapter 412 - Users of the Public Rights-Of-Way
Sections 412.01, 412.02, and 412.03 - *amended*

Section 9: Chapter 413 - Construction and Repair
Sections 413.01, 413.02, 413.03, and 413.04 - *amended*

Section 10: Chapter 415 - Openings and Excavations
Sections 415.01, 415.02, 415.06, 415.07, 415.08, 415.11, 415.13, and 415.17 - *amended*

Section 11: Chapter 416 - Obstructions
Sections 416.01, 416.07, 416.10, 416.13, 416.16, 416.20, 416.21, 416.23, 416.25, 416.26 and 416.27 - *amended*

Section 12: Chapter 417 - Pavement Protection
Section 417.03 - *amended*

Section 13: Chapter 419 - Regulated Activities
Sections 419.01, 419.05, 419.06 and 419.07 - *amended*

Section 14: Chapter 420 - Uniform Street Naming and Addressing,
Section 420.02 - *amended*

Section 15: Chapter 421 - Street Signs
Sections 421.01 and 421.02 - *amended*

Section 16: Chapter 423 - Unauthorized Roadside and Utility Pole Signs Prohibited
Sections 423.04 and 423.06 - *amended*

ARTICLE II: TELECOMMUNICATIONS

Section 17: Chapter 427 - Telecommunications Systems in the Public Rights-of-Way

Sections 427.01, 427.03 427.04, 427.07, 427.09, 427.10, 427.11, 427.13, 427.14, 427.16 and 427.18 - *amended*

Article V: Malls

Section 18: Chapter 441 - Mall and Mall Transit Streets
Sections 441.02 and 441.04 - *amended*

Article XVII: Motion Pictures

Section 19: Chapter 492.07 - Permit Issuance or Denial
Sections 492.07 and 492.13 - *amended*

Title Five - Traffic:

ARTICLE I: ADMINISTRATION

Section 20: Chapter 503 - Enforcement and Control
Section 503.15 - *amended*

ARTICLE V: OPERATION

Section 21: Chapter 531 - Snow Emergencies
Sections 531.04 and 531.05 - *amended*

ARTICLE VII: PARKING

Section 22: Chapter 546 - Parking Enhancement Districts
Section 546.04 - *amended*

Section 23: Chapter 548 - Valet Parking
Section 548 - *amended*

Title VI - Conduct:

ARTICLE I: REGULATED RIGHTS AND ACTIONS

Section 24: Chapter 601 - Public Order
Section 601.01 - *amended*

Section 25: Chapter 622 - Requirements For Temporary Excavations
Section 622.01 - *amended*

Section 26: Chapter 635 - Dogs, Cats and other Animals
Section 635.03 - *amended*

Title IX - Zoning Code:

ARTICLE V: USE REGULATIONS

Section 27: Chapter 911 - Use Standards
Sections 911.04.A.22, 911.04.A.22A, 911.04.A.24, and 911.04.A.68 - *amended*

ARTICLE VI: DEVELOPMENT STANDARDS:

Section 28: Chapter 914 - Parking Loading and Access
Section 914.05.B - *amended*

Section 29: Chapter 919 - Signs
Section 919.03.H and 919.03.J - *amended*

ARTICLE VII: REVIEW AND ENFORCEMENT:

Section 30: Chapter 922 - Development Review Procedures
Section 922.01.D.3 - *amended*

Title X - Building:

Section 31: Chapter 1002 - Uniform Construction Code Adoption
Section 1002.02 - *amended*

Section 32: Chapter 1003 - Land Operations Control and Stormwater Management
Sections 1003.18 and 1003.21 - *amended*

Section 1. The Pittsburgh Code of Ordinances, Title One: Administrative, Article VII: Procedures, Chapter 161: Contracts, Sections 161.13, 161.24, 161.32, 161.42 is hereby amended as follows:

§ 161.13 - SPECIAL REQUIREMENTS FOR CONTRACTS COMPETITIVELY BID AND MANAGED THROUGH THE PENNDOT ECMS.

(a) The [~~Department of Public Works/Bureau of Transportation and Engineering~~] **Department of Mobility and Infrastructure** shall specially designate those projects for which the City will be receiving funds from or through the Commonwealth of Pennsylvania, Department of Transportation ("PENNDOT") for applicable [~~transportation~~] **infrastructure** projects required to be bid and managed through PENNDOT's Engineering & Construction Management System ("ECMS.") Contracts for projects included in this category shall be deemed "ECMS-designated contracts."

(b) All ECMS-designated contract awards shall be subject to the City's Home Rule Charter and City Code, including those requirements set forth in this Chapter 161, with the exception of the following provisions, which shall take precedence over any inconsistent provisions of this Chapter 161:

1. Advertising shall be undertaken in accordance with the requirements of the City's Home Rule Charter, this Chapter, and ECMS procedures. The advertised bid announcement shall include notice of the time and place of the bid opening.
2. Bidder prequalification and other required pre-bid procedures shall be subject to all EMCS rules and

regulations, which shall be available for inspection on the EMCS website and, upon request with reasonable advance notice, at the [~~Department of Public Works/Bureau of Transportation and Engineering.~~] **Department of Mobility and Infrastructure.**

3. For purposes of this Section only, PENNDOT, through its Contract Award Unit, shall be authorized to receive, open, and pre-award bids on the City's behalf.
4. All competitive bids shall be filed electronically via the ECMS website. For purposes of this Section only, the filing of sealed bids through the ECMS website shall be deemed to constitute sealed filing at the Controller's Office.
5. PENNDOT shall open bids online in real time pursuant to the ECMS system and according to the schedule set forth in the advertised bid announcement. The City Controller or his/her designee and a representative from the Finance Department shall monitor all online bid openings at the Controller's Office at the date/time set forth in the advertised bid announcement. Interested parties may also be present during the opening and bids shall be announced to those present.
6. PENNDOT shall award the subject ECMS-designated contract to the lowest responsible bidder on the City's behalf only after receipt of a "Concurrence to Award" final approval from the City.
7. Each ECMS-designated contract shall be executed electronically by EMCS-authorized representatives of the [~~Department of Public Works~~] **Department of Mobility and Infrastructure** and the Law Department after final receipt of a Signature Authorization Page signed internally by **the Director of Mobility and Infrastructure** [~~Director of Public Works~~], the Director of Finance, approved as to form by the City Solicitor, and countersigned by the City Controller. That signature authorization page shall be attached to each EMCS-designated contract whenever that EMCS-designated contract appears in its hard-copy version.
8. After electronic execution, a hard copy of each ECMS-designated contract shall be filed with the City.

§ 161.24 - ESTIMATED COST; CONSTRUCTION CONTRACTS AND PROFESSIONAL SERVICES CONTRACTS FOR ENGINEERS AND ARCHITECTS.

(b) *Advertising for bids.* The bid specifications for construction contracts and requests for proposals for engineering and architectural contracts or any other publication or notification with respect thereto shall not include any estimated construction costs or design costs for the project; provided, however, potential bidders may be advised of the anticipated cost category of the project as the categories may be developed and determined by the Director of Public Works **or Director of Mobility and Infrastructure.**

(1) **The Department of Mobility and Infrastructure or** the Department of Public Works (**collectively** the "Departments") shall obtain a full and complete estimate of the cost of performance of each contract. The estimate may be made either by **the Departments'** personnel with specific experience and expertise in the type of work involved, or independent consultants with established expertise in the type of work involved. The estimation process, whether conducted by **the Departments'** personnel or independent consultants, shall include a complete scope of work, as well as materials, labor and profit. When available, with respect to materials, including parts and equipment, direct cost inquiries shall be made to at least three (3) manufacturers or suppliers of the materials, parts or equipment required in performance of the contract. The estimate shall be completed not later than the date the bids are opened.

§ 161.32 - CONTRACTING OUT REGULATION AND REVIEW ACT OF 1996.

(c) As used in §§ 161.30, 161.31 and 452.04, inclusive, the following words shall have the following meanings:

REVIEW COMMITTEE. A committee comprised of the following members: The Director of Finance who shall serve as the chair; the Director of Public Works; **the Director of Mobility and Infrastructure**; a representative of labor nominated by the Mayor and confirmed by City Council; Controller of the Office of City Controller and a representative of City Council.

§ 161.42 - CLEAN CONSTRUCTION DIESEL OPERATIONS.

(c) *Required use of ultra-low sulfur diesel fuel and best available retrofit technology; waiver; exemptions.*

(2) A CCDO-covered contractor may apply for a CCDO waiver from the Department of [~~Public Works~~] **Mobility and Infrastructure** for specified equipment or vehicles under conditions set forth in the regulations authorized under subsection (e) herein.

(3) BART will not be required under this Section for non-covered equipment with engines of less than fifty (50) horsepower; construction equipment used for emergency responses and/or vehicles used exclusively for snow removal; and for vehicles with engines using gasoline rather than diesel fuel as further set forth in the regulations authorized under subsection (e) herein.

(d) *Compliance and enforcement.*

(1) In the regulations promulgated pursuant to subsection (e) herein, the Director of [~~Public Works~~] **Mobility and Infrastructure** is authorized to include specific requirements for Contractor reporting of compliance with the BART required in this Section and for on-site inspections by the City.

(2) Each solicitation by the City for a City construction project subject to this Section, each CCDO-covered contract entered into as a result of such Solicitation and each contract between the City and an authorized partner relating to a City construction project shall include provisions authorizing enforcement of the requirements of this Section.

(3) Violations of any of the requirements of this Section as inserted in the applicable contract shall be deemed to be a material breach of that contract, and the City shall have available all remedies resulting from such a breach, including, but not limited to, liquidated damages if set forth therein.

(4) In addition to any applicable contractual remedies for breach, any person who knowingly makes a false statement of material fact to the City with respect to compliance with any of the requirements set forth in this Section shall be subject to a fine of up to three hundred dollars (\$300.00) for each such false statement.

(e) *Regulations.* [~~By March 31, 2016, t~~] The Director of the Department of [~~Public Works~~] **Mobility and Infrastructure** shall promulgate regulations implementing the provisions of this Section. These regulations shall be posted on the City's website, made a part of all solicitations, and incorporated into all applicable CCDO-covered contracts and applicable contracts with authorized partners.

Section 2. The Pittsburgh Code of Ordinances, Title One: Administrative, Article IX: Boards, Commissions and Authorities, Chapter 173: Commission on Naming Public Properties, Section 173.01 is hereby amended as follows:

§ 173.01 - CREATION, ORGANIZATION, QUORUM AND RULES.

- (a) The Commission on Naming Public Properties shall consist of members to be appointed by the Mayor. Members shall hold office during the term for which the Mayor who appoints them has been elected and until their successors are respectively appointed.
- (b) The Commission shall consist of the Director of Public Works or their designee, **the Director of Mobility and Infrastructure or their designee**, the Director of Parks and Recreation or their designee, and the Director of the Department of City Planning or their designee.
- (c) All appointed members shall serve without compensation.
- (d) In case any vacancy occurs, the vacancy shall be filled by the Mayor for the unexpired term.
- (e) A majority of the three (3) appointed members shall constitute a quorum for the transaction of any business or the decision of any matters within their competence or jurisdiction.

Section 3. The Pittsburgh Code of Ordinances, Title One: Administrative, Article IX: Boards, Commissions and Authorities, Chapter 175: Art Commission, Section 175.01 is hereby amended as follows:

§ 175.01 - CREATION, ORGANIZATION, QUORUM AND RULES.

- (a) The City Art Commission shall consist of the various members to be appointed by the Mayor with the advice and consent of Council. Members shall hold office during the term for which the Mayor who appoints them has been elected and until their successors are respectively appointed and qualified.
- (b) The Director of Public Works **and the Director of Mobility and Infrastructure** shall be [a] **ex-officio** members ~~[ex-officio]~~ of the Commission. In addition, the Commission shall consist of one (1) painter, one (1) sculptor and three (3) architects all of whom shall be eminent in their respective professions, and two (2) others, neither of whom shall be a painter, sculptor or architect.

Section 4. The Pittsburgh Code of Ordinances, Title One: Administrative, Article IX: Boards, Commissions and Authorities, Chapter 185C: Sustainability Commissions, Section 178C.03 is hereby amended as follows:

178C.03 - MEMBERSHIP.

The Commission shall consist of eleven (12~~14~~) members. The positions shall be filled as follows:

- (a) One (1) member shall be the Sustainability Coordinator.
- (b) One (1) member shall be the Energy and Utilities Manager.
- (c) One (1) member shall be the Recycling Supervisor.

- (d) One (1) member shall be the Urban Forester.
- (e) One (1) member shall be a member of the Council appointed by the Council President.
- (f) One (1) member shall be a member of the Department of Finance.
- (g) One (1) member shall be a member of the Department of Public Works.
- (h) One (1) member shall be a member of the Bureau of Building Inspection.
- (i) One (1) member shall be from the Department of City Planning.
- (j) One (1) member shall be from the Mayor's Office.
- (k) One (1) member shall be from the Department of Personnel.

(l) One (1) member shall be from the Department of Mobility and Infrastructure

Section 5. The Pittsburgh Code of Ordinances, Title One: Administrative, Article IX: Boards, Commissions and Authorities, Chapter 179D: Commission on City Archives, Section 179D.01 is hereby amended as follows:

§ 179D.01 - DEFINITIONS.

(b) *Departments.* Departments of the City of Pittsburgh that are required to create their own archival plan: Public Works, Finance, City Planning, Public Safety, City Council, Mayor's Office, City Information Systems, Law, Personnel, **Mobility and Infrastructure**.

Section 6. The Pittsburgh Code of Ordinances, Title Two: Fiscal, Article I: Administration, Chapter 218: Capital Budget and Capital Improvement Plan, Section 218.03 is hereby amended as follows:

§ 218.03 - ESTABLISHMENT OF THE CAPITAL PROGRAM FACILITATION COMMITTEE.

(b) *Capital Program Facilitation Committee, the CPFC.* A committee shall be established which shall advise the Mayor and City Council on the selection and prioritization of the capital projects, special revenue projects, and intergovernmental projects, to ensure that the Capital Budget is carried out and that all encumbered funds are expended. The membership of the CPFC shall consist of the following: ten (10) members serving congruently with the duration of their employment, appointment, or elected term:

- (1) CIP Manager, Chair of the Committee;
- (2) Director of the Office of Management and Budget ("OMB"), or his/her representative;
- (3) Director of Public Works, or his/her representative;
- (4) Director of Parks, or his/her representative;
- (5) Director of **Mobility and Infrastructure** [~~the Bureau of Transportation and Engineering~~], or his/her

representative;

(6) Director of City Planning, or his/her representative;

(7) Two (2) Members of City Council, to include the Chair of the Finance and Law Committee and one (1) member appointed by the President of City Council;

(8) The Budget Director of City Council, or his/her representative;

(9) The City Controller, or his/her representative;

Section 7. The Pittsburgh Code of Ordinances, Title Four: Public Places and Property, Article I: Public Rights of Way, Chapter 411: Jurisdiction, Sections 411.01 and 411.02, is hereby amended as follows:

§ 411.01 - ENFORCEMENT BY DIRECTOR OF MOBILITY AND INFRASTRUCTURE~~[PUBLIC WORKS]~~.

All construction, maintenance, repair, use or occupation of public streets, sidewalks or other public ways, bridges, walls, sewers and steps and anything within the public right-of-way shall be under the supervision of the Director of Mobility and Infrastructure ~~[Public Works]~~ and he or she shall be charged with the administration and enforcement of this Article.

§ 411.02 - DEFINITIONS. (a) The following definitions apply in this Article...

(2) CITY. The City of Pittsburgh, a Home Rule Charter municipality of the Commonwealth of Pennsylvania. To the extent that this Article requires filings and/or submittals, "City" shall refer to the Director of the Department of Mobility and Infrastructure ~~[Public Works]~~, or his designee, as the point of contact to which such submittals shall be directed.

(5) DEPARTMENT. The Department of ~~[Public Works]~~ Mobility and Infrastructure

Section 8. The Pittsburgh Code of Ordinances, Title Four: Public Places and Property, Article I: Public Rights of Way, Chapter 412: Users of the Public Rights-Of-Way, Sections 412.01, 412.02, and 412.03 is hereby amended as follows:

§ 412.01 - SINGULAR POINT OF CONTACT.

(a) The Director of the Department of ~~[Public Works]~~ Mobility and Infrastructure, or that Director's designated representative, shall serve as the single point of contact within the City for all persons regulated under this Article.

(b) The Director of the Department of ~~[Public Works]~~ Mobility and Infrastructure shall coordinate all contacts with other City Departments as necessary to facilitate issuance of any and all permits and

registrations required by the Pittsburgh Code of Ordinances.

(c) The Director of the Department of [~~Public Works~~] **Mobility and Infrastructure** shall prepare policies and forms as necessary for the implementation of this Chapter.

§ 412.02 - USE OF RIGHTS-OF-WAY.

(a) No person shall enter upon, over or under, or use or occupy any public street, bridge, sidewalk or other public way for the purpose of providing telecommunications, cable, or information services, public utilities, or other services without first filing a bond, registering and obtaining a permit from the Director of the Department of [~~Public Works~~] **Mobility and Infrastructure**.

(b) The Director of the Department of [~~Public Works~~] **Mobility and Infrastructure** shall assign priorities among competing users of the public rights-of-way according to the order of completed permit applications and shall have the power to prohibit or limit the placement of new or additional equipment within the rights-of-way if there is insufficient space to reasonably accommodate all requests to occupy and use the rights-of-way. In making such decisions, the Director shall strive to the extent possible to accommodate all existing and potential users of the rights-of-way, but shall be guided primarily by considerations of the public interest, the public's need for the particular service, the condition of the rights-of-way, the time of year, the protection of existing equipment in the rights-of-way, and future City plans for public improvements and development projects.

(c) The Director of the Department of [~~Public Works~~] **Mobility and Infrastructure** shall have the authority to establish yearly fees for all rights-of-way, easements or other uses of public property over or under any public streets, bridges, sidewalks or other public ways in the City by persons supplying telephone, electric, light, heat, water, steam, power or any other service, except cable or telecommunications fees which are governed by Chapters 425 - Cable Communications and 427 - Telecommunications Systems in the Public Rights-of-Way, respectively. The fees shall be established by the Director, subject to approval by Council, based on historical, actual costs to the City of maintenance of the public property and estimated prospective costs of maintenance thereof. Costs of maintenance chargeable to such suppliers shall include inter alia all costs to the City for relocation of any and all City facilities located upon, over or under the public property.

(d) Each applicant before starting any work involving any apparatus, device, transmission facilities or means for the supply of telephone, electric, light, heat, water, steam, power or any other service shall submit to the City detailed plans of its proposed construction. All plans shall be subject to City approval before an agreement or a permit is granted.

(e) All construction shall be in conformity with plans and specifications promulgated by the Department of [~~Public Works~~] **Mobility and Infrastructure** and subject to City inspection.

(f) By accepting a permit, a permit holder agrees:

- (1) To remove or relocate at its own expense all installations from the public rights-of-way upon thirty (30) days' written notice from the City requesting the removal; and
- (2) To indemnify and hold harmless the City in connection with any removal or relocation, and for any costs incurred as a result of removal or relocation.

(g) During the permit term, a permit holder may, at its own cost and expense, trim trees in or on the rights-of-way for the safe and reliable operation, use and maintenance of its facilities. All tree trimming must be performed in accordance with standards promulgated by the City, and approved by the City Forester.

§ 412.03 - REGISTRATION REQUIRED.

(a) Each person who uses or otherwise occupies, or seeks to occupy or use, the rights-of-way or any equipment located in the rights-of-way, or who has, or seeks to have, equipment located in rights-of-way shall register with the City Department of [~~Public Works~~] **Mobility and Infrastructure**, such registration to be renewed on an annual basis, and updated or supplemented as necessary to keep such registration current and accurate. The fee for this registration shall be set by the Director of the Department of [~~Public Works~~] **Mobility and Infrastructure**. Any person that presently maintains equipment in the public rights-of-way on the effective date of this Article shall register with the City within ninety (90) days of the effective date of this Article.

(b) The requirements for registration contained in this Article do not apply to service lines within the right-of-way, provided that the service line connects to a main or trunk line which is permitted in accordance with this Article, that the service line provides service to only a single property, and that the service line is owned by the owner of that property.

(c) A permit holder shall request renewal or a new permit by making written application to the Director of the Department of [~~Public Works~~] **Mobility and Infrastructure** not more than ninety (90) days before the expiration of such permit(s).

Section 9. The Pittsburgh Code of Ordinances, Title Four: Public Places and Property, Article I: Public Rights of Way, Chapter 413: Construction and Repair, Sections 413.01, 413.02, 413.03, and 413.04 is hereby amended as follows:

§ 413.01 - STREET BOND AND PERMIT REQUIRED; PLAN APPROVAL.

(a) No person shall construct, repair or lay any pavement on any public street or other public way without first filing a bond and obtaining a permit from the Department of [~~Public Works~~] **Mobility and Infrastructure**.

(b) All construction shall be in conformity with plans and specifications approved by the Department and subject to its inspection.

§ 413.02 - SIDEWALK AND CURB BOND AND PERMIT REQUIRED; WORK APPROVAL.

(a) No person shall construct, reconstruct, repair, cut, alter or grade any sidewalk curb or driveway in the public right-of-way without first obtaining a permit from the Department of [~~Public Works~~] **Mobility and Infrastructure**.

(b) All construction, reconstruction, repair, cutting, alteration or grading shall be done in the manner specified by the Department and subject to its approval.

§ 413.03 - ROADWAYS.

No person shall construct or maintain street roadways not in accordance with the Department of [~~Public Works~~]

Mobility and Infrastructure standards and specifications unless otherwise approved by the Director of [~~Public Works~~] **Mobility and Infrastructure**.

§ 413.04 - RAMPS AT CROSSWALKS.

(a) No person shall install, improve or repair sidewalks, curbs or gutters at a crosswalk without installing a ramp so as to make the transition from street to sidewalk easily negotiable for handicapped persons and for other persons who may have difficulty in making the required step up or down from curb level to street level. The ramp shall be constructed in conformity with City standards and specifications.

(b) The Director of the Department of [~~Public Works~~] **Mobility and Infrastructure** is authorized to waive the requirements for a ramp where the installation would not be feasible due to location or physical construction.

Section 10. The Pittsburgh Code of Ordinances, Title Four: Public Places and Property, Article I: Public Rights of Way, Chapter 415: Openings and Excavations, Sections 415.01, 415.02, 415.06, 415.07, 415.08, 415.11, 415.13, and 415.17 is hereby amended as follows:

§ 415.01 - PERMIT AND BOND REQUIRED.

(a) No person shall open or make any excavation in any street, sidewalk or any public place in the City without first filing a bond and obtaining a permit from the Department of [~~Public Works~~] **Mobility and Infrastructure**.

§ 415.02 - PERMIT FEES; BASIS OF MEASUREMENT.

(b) The basis of measurement of street openings shall be the actual number of square yards of paving or surfacing necessary to completely repair the street surface as opening. A fraction of one-half (1/2) square yard shall be considered as a full square yard, and payment shall be made on this basis. All openings shall be measured by the Department of [~~Public Works~~] **Mobility and Infrastructure** and such measurements shall be final and conclusive.

§ 415.06 - CARE OF EXCAVATED MATERIAL.

All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in the manner as not to endanger those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the Director of [~~Public Works~~] **Mobility and Infrastructure** shall have the authority to require that the permittee haul the excavated material to a storage site and then rehaul it to the trench site at the time of back-filling. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

§ 415.07 - DAMAGE TO EXISTING IMPROVEMENTS.

All damage done to existing improvements during the progress of the excavation work shall be repaired by the

permittee to the satisfaction of the Director of [~~Public Works~~] **Mobility and Infrastructure**. If upon being ordered the permittee fails to furnish the necessary labor and materials for the repairs, the Director shall have the authority to cause necessary labor and materials to be furnished by the City and the cost shall be charged against the permittee, and the permittee shall also be liable on his or its bond therefor.

§ 415.08 - RESTORATION OF SURFACE.

(a) The permittee shall backfill and restore the surface of all streets, broken into or damaged as a result of the excavation work, to its original condition in accordance with the specifications of the Director of [~~Public Works~~] **Mobility and Infrastructure**. The permittee may be required to place a temporary surface over openings made in paved traffic lanes.

§ 415.11 - PRESERVATION OF MONUMENTS.

The permittee shall not disturb any surface monuments or hubs found on the line of excavation work until ordered to do so by the Director of [~~Public Works~~] **Mobility and Infrastructure**.

§ 415.13 - WORK WITHOUT A PERMIT.

(a) *Non-emergency situations.* Except in the case of an emergency, any person who fails to obtain all permits required under this Article before commencing any opening or excavation of a sidewalk is subject to immediate termination of work, and is responsible for the costs of all mitigating and restorative work required by the City. If the Director of the Department of [~~Public Works~~] **Mobility and Infrastructure** determines that allowing the work to proceed is in the best interests of the City, the person performing the opening or excavation must subsequently obtain all required permits, paying triple the normal fees for said permits, pay triple all the other fees required by the Code, deposit with the Department of [~~Public Works~~] **Mobility and Infrastructure** the fees necessary to correct any damage to the rights-of-way and comply with all of the requirements of this Article.

(b) *Emergency situations.* Any person registered under this Article and owning any facilities permitted under this Article may take whatever actions it deems necessary in order to respond fully to an emergency regarding its facilities. The registrant shall immediately notify the City of any such emergency, and shall obtain all required permits at the earliest opportunity. Emergency permits shall be exempt from paying additional fees as penalties, but are subject to all normal fees. The Director of the Department of [~~Public Works~~] **Mobility and Infrastructure** may take whatever action it deems necessary in order to respond to the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.

§ 415.17 - OTHER OBLIGATIONS.

(c) A registrant shall notify the Director of the Department of [~~Public Works~~] **Mobility and Infrastructure** in writing contemporaneously with the transmittal of any petitions, applications, written communications and

reports submitted by such permit holder to the United States Federal Communications Commission, the Pennsylvania Public Utility Commission, or their successor entities, relating to matters affecting both the use of the public rights-of-way being provided in the public rights-of-way. A registrant shall furnish to the Director of the Department of ~~[Public Works]~~ **Mobility and Infrastructure** copies of such documents, upon request.

(h)The Director of the Department of ~~[Public Works]~~ **Mobility and Infrastructure** or his/her designee is hereby authorized to enter into a contract or contracts, and an agreement or agreements, for antenna and telecommunications equipment and services, site management, and providing for the costs thereof. Services shall include but not be limited to the evaluation of antenna space, leasing on rooftops, buildings, and City of Pittsburgh property, rights-of-way, easements or other uses of public property over or under any public streets, bridges, sidewalks or other public ways.

Section 11. The Pittsburgh Code of Ordinances, Title Four: Public Places and Property, Article I: Public Rights of Way, Chapter 416: Obstructions, Sections 416.01, 416.07, 416.10, 416.13, 416.16, 416.20, 416.21, 416.23, 416.25, 416.26, 416.27 is hereby amended as follows:

§ 416.01 - OBSTRUCTION PERMIT REQUIRED.

Prior to any person placing an obstruction in the public right-of-way, a permit must first be obtained from the Director of ~~[Public Works]~~ **Mobility and Infrastructure (“Director”)** or the Director's designee [(“Director ”)]

§ 416.07 - PUBLIC NOTICE; MAJOR STREET OBSTRUCTION.

Set forth below is the process to notify the public of a major street obstruction permit. A permit shall not be issued by the Department of ~~[Public Works]~~ **Mobility and Infrastructure** until the proper notification process is complete.

§ 416.10 - PUBLIC RIGHT-OF-WAY ENCROACHMENTS.

(D) Except for sidewalk cafés (see Section 416.17) no person shall erect, construct, or maintain a permanent bridge, tunnel, vault or other encroachment in any public right-of-way without first obtaining a resolution from Council and permission from the Department of ~~[Public Works]~~ **Mobility and Infrastructure**.

§ 416.13 - LIMITED DURATION STREET AND/OR SIDEWALK BANNERS.

To support public awareness of significant City-wide and neighborhood events, such as non-religious holidays, vehicle and/or pedestrian races, visiting dignitaries, and other non-political, not-for-profit sponsored events, promoting the City and the wellbeing of its citizens, the Director may temporarily permit street and sidewalk banners as defined in this Chapter of the City Code. Banners shall to be hung with the Director's approval and in compliance with all appropriate regulations for the duration of the above-mentioned events and subject to the

following conditions:

(A) The limited duration permit for sidewalk pole banners shall be issued by the City's Department of [~~Public Works~~] **Mobility and Infrastructure**.

(B) Specific placement of pole and street locations shall be designated on the limited duration banner permit and shall not exceed three hundred fifty (350) banners. A list of such locations shall be available at the Department of [~~Public Works~~] **Mobility and Infrastructure**.

(C) Limited duration permit holders shall be required to hang and remove all banners. Banners not removed by the permittee may be subject to removal by the City. All costs associated with cleanup and removal shall be assessed to the limited duration banner permit holder.

§ 416.16 - PERMIT FEES FOR BANNERS, BLOCK PARTY, EXTENSION OF PREMISES.

The Department of [~~Public Works~~] **Mobility and Infrastructure** shall waive the banner fee for any U.S. or official government flag placed in the public right-of-way.

§ 416.20 - APPROVAL PROCESS FOR SIDEWALK CAFÉ, INCLUDING PERMITS AND FEES.

A proprietor wishing to establish a sidewalk café must follow the process described below. Responsibilities of the departments include, but are not limited to, those described. For expediency and to benefit the applicant, each department shall complete its responsibilities within ten (10) days.

A. *Department of [~~Public Works (DPW)~~] **Mobility and Infrastructure (DOMI)**.* At [~~DPW~~] **DOMI**, the proprietor obtains an application form for a permit to encroach on the public right-of-way with a sidewalk café. A checklist of sidewalk café requirements, delineating the steps to be followed in acquiring a sidewalk café permit, is issued to the applicant.

B. *Department of [~~Public Works~~] **Mobility and Infrastructure**.* Applicant returns to [~~DPW~~] **DOMI** with a completed application. As part of the application for a sidewalk café, applicant shall submit a site plan conforming to the specifications in Sections 416.20 and 922.01.d.1. The proposed site plan for the sidewalk café must be attached to the required permit application. Sample plans are available from [~~DPW~~] **DOMI**. The permit fee is due at this time, at one dollar (\$1.00) for each square foot of café area (gross square footage). Also due at this time is a certificate from the proprietor's insurance company, naming the City as co-insured, with minimum amounts of one hundred thousand dollars (\$100,000.00) to three hundred thousand dollars (\$300,000.00)-public liability and fifty thousand dollars (\$50,000.00)-property. [~~DPW~~] **DOMI** issues a printed notice that the application has been accepted but not approved.

C. *Zoning.* [~~DPW~~] **DOMI** sends the applicant to the Zoning counter, with the application, and with [~~DPW's~~] **DOMI's** notice of acceptance. The application is registered and the applicant pays a one-time filing fee at the Zoning counter. Zoning will verify that the applicant has a valid certificate of occupancy for the primary use of the property. A certificate of occupancy for a sidewalk café will not be granted without a valid certificate of occupancy for the primary use.

The Zoning Department reviews the site plan design of the proposed sidewalk café. If disapproved, the applicant is given an opportunity to revise the site plan to meet Zoning's requirements. If the proposed

sidewalk café is to be in an historic district, there will be an additional level of review by the local body that provides historic review for that site. Zoning marks the site plan as approved and directs the applicant to the Department of Permits, Licensing, and Inspection.

D. *Department of Permits, Licensing, and Inspection (PLI)*. PLI checks the applicant's record for violations. Any violations must be rectified before a sidewalk café permit can be issued. No permit can be issued unless the proprietor has a valid occupancy permit for the establishment that the sidewalk café will abut. Upon being cleared of violations and consistent with the requirement for commercial venues, the applicant must submit a site plan, prepared and sealed by a licensed architect or engineer, to PLI's Plan Examiner. This plan must contain the sidewalk café seating layout, aisles, enclosure, ADA requirements, and means of egress, including egress from the main restaurant to the curb. The Plan Examiner will review the site plan for compliance with City Code and for compliance with the Americans with Disabilities Act (ADA). The applicant then pays a one-time fee for the certificate of occupancy for a sidewalk café. PLI will inspect and issue the certificate of occupancy for a sidewalk café, if approved. A copy of the site plan will be given to the applicant to be maintained at the establishment. The applicant will receive a copy of the certificate of occupancy by mail. Upon completion of PLI's process, PLI will forward the sidewalk café application packet, including [DPW's] **DOMI's** notice of acceptance, the certified site plan, and a copy of the certificate of occupancy for a sidewalk café, to [DPW] **DOMI**.

E. *Department of [Public Works] **Mobility and Infrastructure***. A [DPW] **DOMI** representative conducts a field survey to check the accuracy of information submitted in the proprietor's application for a sidewalk café.

F. *City Council*. When it is deemed that the application is completed fully and correctly, the Director of [Public Works] **Mobility and Infrastructure** submits the application to the District Council Person. The completed checklist of sidewalk café requirements is included in the packet provided to the District Council Person. The City Council Member representing the district where the café is proposed shall acknowledge, in writing, having reviewed the application, prior to issuance of the permit.

G. *Department of [Public Works] **Mobility and Infrastructure***. The Director of [Public Works] **Mobility and Infrastructure** notifies the applicant of the City's decision. If approved, the sidewalk café permit is issued by the Department of [Public Works] **Mobility and Infrastructure**. A [DPW] **DOMI** representative demarcates the margins of the approved sidewalk café on the sidewalk.

If the proprietor wishes to change the sidewalk café from the approved site plan, a new application and review process is required.

§ 416.21 - SIDEWALK CAFÉ SITE PLAN.

In furtherance of the intent of this legislation that sidewalk cafés shall enhance the aesthetic appeal and community activity where they are located, especially in historic business districts, the following requirements are placed on the design and operation of sidewalk cafés: ***

- (i) The proprietor shall maintain on-site copies of both the PLI certificate of occupancy for a sidewalk café and the certified site plan. Both shall be presented on request from an enforcement official from Public Safety, [DPW] **DOMI**, PLI, or other authorized representative of the City. The [DPW] **DOMI** sidewalk café permit shall be displayed in the front window, clearly visible from the street.

§ 416.23 - PERMIT REVOCATION AND PENALTIES.

(a) Any person who violates any of the provisions of this article or regulations promulgated hereunder shall be subject to a fine of not less than two hundred dollars (\$200.00) and not more than one thousand dollars (\$1,000.00) for each offense, and each day such a violation continues shall be deemed a separate and distinct offense. The Department of [~~Public Works~~] **Mobility and Infrastructure**, the Department of Permits, Licensing, and Inspection, and the Bureau of Police provide enforcement if the permit holder violates the terms of the permit.

(b) Any sidewalk café or other business activity, including signage, on publicly owned sidewalk in front of a business establishment without a valid permit is subject to removal from the public way by the Department of [~~Public Works~~] **Mobility and Infrastructure**.

(c) In addition to fines and other penalties as provided for herein, three (3) or more violations of any provision of this article or regulations promulgated hereunder within a permit period shall subject the permittee to revocation of the sidewalk café permit by the Department of [~~Public Works~~] **Mobility and Infrastructure**.

§ 416.25 - WORK APPROVAL.

Any persons obtaining a permit pursuant to this Chapter shall be required to do the work in the manner specified by the Department of [~~Public Works~~] **Mobility and Infrastructure** and subject to its approval.

§ 416.26 - USE OF CONSTRUCTIONS WITHIN PUBLIC RIGHT-OF-WAY.

The City shall have the right and power at all times to place on utility poles or any underground system located in the public right-of-way, signs, police and fire communications, street lights, cables, devices and apparatus, and to place, replace, alter, repair or replenish the same, without any cost to the City.

(A) No person or utility company shall use any pole, bridge or underground system within the public right-of-way for any purpose except that which is necessary for pertinent utilities without first obtaining the permission of the Director of [~~Public Works~~] **Mobility and Infrastructure**.

§ 416.27 - EXTENSION OF PREMISE FOR COOKING AND FOODSERVICE PURPOSES.

Definition. As used herein includes any restaurant, grocery store, café, or deli that wishes to use the public sidewalk for the purposes of outdoor cooking and other related food service. Outdoor cooking includes, but is not limited to, outdoor grilling. Related food service includes selling, sampling, and displaying of food cooked/prepared outside of the business premises.

(A) Tables and chairs require a separate sidewalk café permit.

(B) Permit required. No business shall engage in the act of extending [~~their~~] **its** business premise onto the public sidewalk for the purpose of outdoor cooking and other related foodservice without first obtaining a permit from the Department of [~~Public Works (DPW)~~] **Mobility and Infrastructure (DOMI)**. The permit shall be prominently displayed in a visible location from the outside food service operation.

(C) Permit fee. Prior to the issuance of any permit for extension of premises for cooking and food service purposes, the following fees shall be paid: Annual two hundred fifty dollar (\$250.00) fee for the extension of premises cooking on a public sidewalk

(D) Information required for **DOMI** [~~DPW~~] approval. The following information is required to be provided to the Department of **Mobility and Infrastructure** [~~Public Works~~] prior to issuance of a permit:

- (1) A description of the nature of business.
- (2) The name, address, and phone number of the business.
- (3) Contact information of the proprietor including email address and cell telephone number.
- (4) Daily and weekly hours of operation.
- (5) An insurance certificate from the proprietor's insurance company, naming the City as co-insured, with minimum amounts of one hundred thousand dollars (\$100,000.00) to three hundred thousand dollars (\$300,000.00)-public liability and fifty thousand dollars (\$50,000.00) property, and shall further provide that the policy shall not terminate or be cancelled prior to the expiration date of the permit without thirty (30) days' written notice to the Director of the Department of Public Works.
- (6) A notarized consent form from the abutting building owners left and/or right of the building housing the permitted business.

(F) Permitted locations.

- (1) Prior to the business obtaining a permit from the Department of [~~Public Works~~] **Mobility and Infrastructure**, the Department of [~~Public Works~~] **Mobility and Infrastructure** shall review the application for safety and appropriate use of public space.
- (2) The Director of the Department of [~~Public Works~~] **Mobility and Infrastructure** or his/her assign shall compile a list of permitted locations where the presence of cooking and food service on the sidewalk are approved. The Director may consider the width of the sidewalk; the proximity and location of existing street furniture, including, but not limited to, signposts, lamp posts, parking meters, bus shelters, benches, phone booths, and newspaper vending devices; the presence of bus stops, truck loading zones, and taxi stands; pedestrian and vehicular traffic patterns; and other factors he/she deems relevant. The Director may modify the list as he/she deems necessary.

(G) Permit application and duration. Permits shall be valid for a period of one (1) year and may be renewed prior to expiration upon the payment of the permit fee, provided all the requirements of this Chapter are met. The annual permit runs from January through December, at which time the proprietor is required to pay the annual fee of two hundred fifty dollars (\$250.00) at [~~DPW~~] **DOMI**. The annual permit fee shall not be pro-rated if obtained after the first of the year.

(H) Use of public space.

- (1) No merchant shall use the sidewalk to the extent that there is not a free and clear passage less than five (5) feet wide.
- (2) In order to maintain a clear passage of at least five (5) feet wide on the sidewalk, all cookware,

equipment, and other items owned by the business stationed on the public sidewalk should be contained and not interfere in any way with the five (5) feet wide area.

(3) If the business intends to use the public space for outdoor seating in addition to cooking purposes, a new and separate sidewalk café application must be submitted in accordance with all City zoning guidelines for the business' location and all appropriate permits from the Department of ~~[Public Works]~~ **Mobility and Infrastructure**.

(4) The merchant's outdoor equipment and set-up must also include a sanitary receptacle for the purposes of controlling the waste generated from the cooking.

(5) Businesses are not allowed to use or block in any way metered parking, other restricted parking zones, and unloading zones.

(6) Space must adhere to all ADA standards.

(J) Approval process.

(1) When it is deemed that the ~~[DPW]~~ **DOMI** application is completed fully and correctly, the Director of ~~[Public Works]~~ **Mobility and Infrastructure** submits the application to the District Council Person. The City Council Member representing the district where the outdoor cooking or foodservice location is proposed shall, in writing, approve or recommend that the application be forwarded to a formal session of City Council to be discussed by all members.

(2) All other applicable certificates of approval, and a certificate of approval from the **Allegheny** County Health Department must be obtained before operations can commence.

(K) Permit revocation and penalties.

(1) Any person who violates any of the provisions of this article or regulations promulgated hereunder shall be subject to a fine of not less than two hundred dollars (\$200.00) and not more than one thousand dollars (\$1,000.00) for each offense, and each day such a violation continues shall be deemed a separate and distinct offense. The Department of ~~[Public Works]~~ **Mobility and Infrastructure**, the Department of Permits, Licensing, and Inspection, and the Bureau of Police shall provide enforcement if the permit holder violates the terms of the permit. Three (3) or more violations of any provision of this article or regulations promulgated hereunder within a permit period shall subject the permittee to revocation of the permit by the Department of ~~[Public Works]~~ **Mobility and Infrastructure**.

(2) Any outdoor cooking on public space including but not limited to the sidewalk in front of a business establishment without all valid permits and certificates is subject to immediate removal from the public way by the Department of ~~[Public Works]~~ **Mobility and Infrastructure** and City of Pittsburgh Police.

Section 12. The Pittsburgh Code of Ordinances, Title Four: Public Places and Property, Article I: Public Rights of Way, Chapter 417: Pavement Protection, Section 417.03 is hereby amended as follows:

§ 417.03 - WORK BY CITY; ASSESSMENT OF BENEFITS.

In all cases where sidewalk pavements have not been laid on paved streets, or where sidewalk pavements, curbing and boardwalks and steps are not prepared or reconstructed in conformity with the requirements of this Article, by the owners or agents of the abutting or adjoining properties, the Director of ~~[Public Works]~~ **Mobility and Infrastructure** is hereby authorized to cause the construction, reconstruction or repairs to be made at the proper cost and expense of the owners, by the Department of ~~[Public Works]~~ **Mobility and**

Infrastructure, or by contracts duly awarded and entered into in accordance with law. Upon completion of the work and its acceptance by the Director, the amount of the cost and expense of the same shall constitute a debt and municipal claim against the owners, and a lien against the property, in favor of the city.

Section 13. The Pittsburgh Code of Ordinances, Title Four: Public Places and Property, Article I: Public Rights of Way, Chapter 419: Regulated Activities, Sections 419.01, 419.05, 419.06, 419.07 is hereby amended as follows:

§ 419.01 - OBSTRUCTIONS.

Except as may be specified by this Article or by the Director of [~~Public Works~~] **Mobility and Infrastructure**, and with the exception of that portion of the City known as the "Produce District" and bounded on the south by Fifteenth Street, on the north by Twenty-Fourth Street, on the east by Liberty Avenue and on the west by the Allegheny River, in which district merchants may store, display, exhibit and/or sell wares on the sidewalk abutting the merchant's property, no person shall cause, create or maintain any obstruction of any street, sidewalk or other public way. In the case of the exception in the "Produce District", no merchant shall use the sidewalk to the extent that there is not a free and clear passage less than four (4) feet wide.

§ 419.05 - TELEPHONE BOOTHS, TRANSIT SHELTERS, NEWSRACKS, [AND] BICYCLE RACKS AND BICYCLE STATIONS.

(a) *Telephone booths, transit shelters and newsracks.*

(1) No person shall erect, install or maintain a telephone booth, public transit shelter, newsrack or news vending machine on any sidewalk or other public place without first obtaining a permit annually therefore from the Department of [~~Public Works~~] **Mobility and Infrastructure**. No permit shall be issued for a public transit shelter prior to the enactment of authorizing legislation by Council. All telephone booths, transit shelters, newsracks and news vending machines so installed shall be subject to the terms and conditions imposed by the Department of [~~Public Works~~] **Mobility and Infrastructure**. The Director of [~~Public Works~~] **Mobility and Infrastructure** and a City Council representative of the affected district shall review and approve new sites.

(2) No person shall install a public transit shelter without first having provided thirty (30) days' written notice to the owner or owners of the property immediately abutting the easement upon which said shelter shall be located. Said property owner(s) shall file any objections in writing with the Director, Department of [~~Public Works~~] **Mobility and Infrastructure**, within ten (10) days. The Director must consider the objections of abutting property owner(s) when issuing permits for such shelters pursuant to this Chapter.

(3) No permit shall be issued for a public transit shelter which contains an advertising sign without first obtaining approval from the Zoning Administrator regarding the design and location of the shelter and the sign, considering issues including, but not limited to, the location relative to residential properties, storefronts, pedestrian passage, landscape features, safety, the design relative to the design or historic nature of surrounding properties, landscape features, or the character of the surrounding infrastructure.

(b) *Bicycle racks.*

(1) No person shall erect or install a bicycle rack without first obtaining a permit from the Department

of ~~[Public Works]~~ **Mobility and Infrastructure**. ~~[Permit applications shall be submitted to the Director of City Planning or designee.]~~

(6) The Director of ~~[City Planning]~~ **Mobility and Infrastructure** or designee shall acknowledge in writing, upon having reviewed the application, that the suggested bicycle rack placement conforms to the Americans with Disabilities Act (28 C.F.R., pt. 36, App. A) and City of Pittsburgh Bicycle Parking Guidelines. Said acknowledgement and application shall then be submitted to the Director of the Department of **Mobility and Infrastructure** ~~[Public Works]~~ or representative for approval and issuance of a permit.

(7) The **Director of City Planning** or designee shall promulgate regulations governing both the size and construction of bicycle racks and the application process. Prior to the institution of any additional regulations governing bicycle racks, the **Director of City Planning** or designee shall inform the public, the **Department of Public Works** and City Council in writing of the additional regulations and allow for a public comment period of not less than forty-five (45) days prior to implementation of any additional regulations.

(c) *Bike station.*

(1) A "bike station" is a self-service secured bike parking facility at which bicycles are made available to subscribing individuals on a short-term basis.

(2) All bike stations must comply with industry standards including Americans with Disabilities Act (28 C.F.R., pt. 36, App. A), and where applicable, standards set forth in the City of Pittsburgh Bicycle Parking Guidelines.

(3) The Director of ~~[Public Works]~~ **Mobility and Infrastructure** or designee is hereby authorized to enter into one (1) or more operation and maintenance agreement(s) with responsible non-profit organization(s) for the operation and maintenance of the Bike Share Program.

(4) The Director of ~~Public Works~~ **Mobility and Infrastructure** is hereby authorized in accordance with this Chapter to the display or approve the display of sponsor, public information, and public parking and rate signs as defined in Sections 919.03.C(13), 919.03.J, and 919.03.K, on bike share stations located within the public right-of-way and/or on private property. For purposes of this section, "sponsor signs" must meet the following criteria:

- (a) Signs may display the name and logo of the Bike Share Program sponsors but shall otherwise not display advertising signage;
- (b) Signs will not exceed four (4) square feet in display surface per sign;
- (c) There will be a maximum of four (4) sponsor signs or two (2) back-to-back sponsor signs on each bike station; and
- (d) Sign display must be integral to the design of the structure and will not extend more than five (5) inches from the face of the structure.

(5) The Director of ~~[Public Works]~~ **Mobility and Infrastructure** and a City Council representative of

the affected district shall review and approve new bike share station sites located in public domain.

§ 419.06 - DISPLAY OF ADVERTISING SIGNS ON SHELTERS.

Any person to whom the Department of [~~Public Works~~] **Mobility and Infrastructure** has duly issued an annual permit for the erection and maintenance of a public transit shelter in accordance with the provisions of this Chapter may display advertising signs only on the permitted shelter located within the public right-of-way, provided the signs comply with the applicable regulations set forth in Chapter **926** [987] of the Zoning Code. For purposes of this section, "advertising sign" shall have the definition set forth in § **926(12)**[987.01(b)] of the Zoning Code.

§ 419.07 - USE OR OCCUPATION BY PUBLIC UTILITIES.

(a) No public utility shall enter upon, over or under, or use or occupy any public street, bridge, sidewalk or other public way without first filing a bond and obtaining a permit from the Department of [~~Public Works~~] **Mobility and Infrastructure**.

(b) The Director of [~~Public Works~~] **Mobility and Infrastructure** shall have the authority to establish yearly fees for all rights-of-way, easements or other uses of public property over or under any public streets, bridges, sidewalks or other public ways in the City by public utilities supplying electric, light, heat, water, steam, power or any other public utility service. The fees shall be established by Director based on historical costs of maintenance of the public property and estimated prospective costs of maintenance thereof. Costs of maintenance shall include inter alia relocation costs of all utility facilities located upon, over or under the public property.

(c) Each public utility applicant before starting any work involving any apparatus, device, transmission facilities or means for the supply of electric, light, heat, water, steam, power or any other public utility service shall submit to the Department of [~~Public Works~~] **Mobility and Infrastructure** detailed plans of its proposed construction. All plans shall be subject to the approval of the Director of [~~Public Works~~] **Mobility and Infrastructure** before a permit is granted.

(d) All construction shall be in conformity with plans and specifications approved by the Department and subject to its inspection.

(e) By accepting a permit, the permittee agrees:

- (1) To remove or relocate at its own expense all installations from the public street, sidewalk or other public way upon thirty (30) days written notice from the City requesting the removal; and
- (2) To hold the City nonliable for removal or relocation and to indemnify it for any costs incurred as a result of removal or relocation.

Section 14. The Pittsburgh Code of Ordinances, Title Four: Public Places and Property, Article I: Public Rights of Way, Chapter 420: Uniform Street Naming and Addressing, Section 420.02, is hereby amended as follows:

§ 420.02 - DEFINITIONS.

The following definitions shall apply to this chapter: ***

(e) *COMMITTEE* means the City of Pittsburgh Addressing Review Committee, which shall include the Directors, or their designees, from the following departments: Public Safety, Public Works, **Mobility and Infrastructure**, City Planning, the Department of Permits, Licenses and Inspection, Allegheny County Administrative Services and the Office of Emergency Management and Homeland Security.

Section 15. The Pittsburgh Code of Ordinances, Title Four: Public Places and Property, Article I: Public Rights of Way, Chapter 421: Street Signs, Sections 421.01 and 421.02 is hereby amended as follows:

§ 421.01 - PLACEMENT OF SIGNS.

The Director of the Department of [~~Public Works~~] **Mobility and Infrastructure** shall place and maintain, uniform street signs at intersections of every street, avenue, boulevard, way, lane, alley, square or other public thoroughfare in the City upon which any residential, commercial or industrial structure exists.

§ 421.02 - DISCRETIONARY PLACEMENT.

The Director of [~~Public Works~~] **Mobility and Infrastructure** shall exercise discretion in the placement of street signs on public thoroughfares of continuing length so that the street, avenue, boulevard, way, lane, alley or square is marked at intermittent intersections.

Section 16. The Pittsburgh Code of Ordinances, Title Four: Public Places and Property, Article I: Public Rights of Way, Chapter 423: Unauthorized Roadside and Utility Pole Signs Prohibited, Sections 423.04 and 423.06 is hereby amended as follows:

§ 423.04 - REMOVAL OF PROHIBITED SIGNS.

(a) *Removal Procedure.* Any sign found to violate this Chapter may be removed forthwith by the Department of [~~Public Works~~] **Mobility and Infrastructure** employees or by any other City employee duly authorized by the Mayor or the Director of the Department of [~~Public Works~~] **Mobility and Infrastructure**. If the sign is located upon a state or county right-of-way, the City may notify the designated state or county authorities of the pending violation.

(b) *Notice, storage, return.* Upon removal of any sign in violation of this Chapter, a designated employee of the Department of [~~Public Works~~] **Mobility and Infrastructure** shall keep a record of the location from which the sign was removed. Further, a reasonable attempt shall be made to contact the owner by telephone. If such attempt is successful, the owner shall be notified of the removal and of the location where the sign may be retrieved. If telephone contact is not achieved, written notice of the violation and the retrieval location may, but is not required to, be provided. In either case, the Department of [~~Public Works~~] **Mobility and Infrastructure** shall store any removed sign for at least ten (10) days. After expiration of the ten-day period, the City shall be permitted to destroy or discard any sign.

(c) *Persons deemed responsible.* The person(s), organization(s), or business(es) named or promoted on the sign posted in violation of this Chapter shall be deemed the owner responsible for the violation, absent prior

notification to the Director of the Department of [~~Public Works~~] **Mobility and Infrastructure** of another responsible party. Nothing in this Chapter shall be interpreted to make any person, organization, or business liable for any signs posted by persons over whom he/she/it has no control.

§ 423.06 - NOTICE.

The Director of the Department of [~~Public Works~~] **Mobility and Infrastructure** is authorized to send written notices to individuals or organizations the Director believes have violated this Chapter or who may be inclined to do so in the future, including candidates for elected office. The notice may include a copy of this Chapter and intentions of the Director to enforce it.

Section 17. The Pittsburgh Code of Ordinances, Title Four: Public Places and Property, Article II: Telecommunications, Chapter 427: Telecommunications Systems in the Public Rights-of-Way, Sections 427.01, 427.03 427.04, 427.07, 427.09, 427.10, 427.11, 427.13, 427.14, 427.16, 427.18 is hereby amended as follows:

§ 427.01 - RIGHTS-OF-WAY ("ROW") USE AGREEMENT REQUIREMENT.

No person shall construct, operate or continue to operate a telecommunications system which occupies the streets, public ways and public places within the City without having been issued a ROW Use Agreement or licenses by the Director of the Department of [~~Public Works~~] **Mobility and Infrastructure**.

§ 427.03 - DEFINITIONS.

(a) For the purposes of this Chapter and any ROW Use Agreement in accordance herewith, the following terms, phrases, words and their derivations shall have the meaning given herein unless otherwise specifically provided in this Chapter, unless the context clearly indicates otherwise or unless such meaning would be inconsistent with the manifest intent of Council. ***

(2) **APPROVAL AUTHORITY.** The Director of the Department of [~~Public Works~~] **Mobility and Infrastructure**, or his or her designee, who has authority under Chapters 412 - Users of the Public Rights-of-Way, and 427 - Telecommunications Systems in the Public Rights-of-Way, of the City of Pittsburgh Code to administratively issue project permit approvals or enter into ROW Use Agreements on behalf of the interests of the City.

(13) **DIRECTOR.** The Director of the Department of [~~Public Works~~] **Mobility and Infrastructure**.

§ 427.04 - SERVICE OF NOTICE.

All notices required to be given to the City under any provision of this Chapter shall be deemed served when delivered either by mail via the United States Postal Service or by hand in writing to the Director of the Department of [~~Public Works~~] **Mobility and Infrastructure**, or his/her designee during normal business hours.

§ 427.07 - ROW USE AGREEMENT LOCATIONS.

(a) Any ROW Use Agreement issued for a telecommunications system in accordance herewith shall apply only to the location or locations stated on the ROW Use Agreement or licenses.

(b) Nothing in this Chapter shall be construed as a representation, promise or guarantee by the City that any permit or other authorization required under any City law for the construction or installation of a telecommunications system shall be issued.

(c) Co-location.

(1) An application for a new tower-based WCF shall not be approved unless the City finds that the wireless communications equipment planned for the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building. Any applicant proposing construction of a new tower-based WCF outside the rights-of-way shall demonstrate to the satisfaction of the Director of the Department of [~~Public Works~~] **Mobility and Infrastructure**, by written submission that a good faith effort has been made to obtain permission to mount the tower-based WCF antenna on an existing building or structure. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed tower-based WCF site be contacted and that the applicant certifies in writing to the appropriate approval authority, and/or Zoning Administrator, and/or Council, and/or their designee that one (1) or more of the following reasons for not selecting such structure apply:

- (i) The proposed WCF and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at reasonable cost;
- (ii) The proposed WCF and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at reasonable cost;
- (iii) Such existing structure does not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function; and/or
- (iv) A commercially reasonable agreement cannot be reached with the owner(s) of such structure. For purposes of this paragraph, commercially reasonable means terms and pricing that are reasonably consistent with similar wireless facility leases and agreements within a fifty (50) mile radius of the City.

§ 427.09 - POWERS AND DUTIES OF DIRECTOR.

The Director of the Department of [~~Public Works~~] **Mobility and Infrastructure** or his/her designee shall have the following powers and duties:

- (a) Receive and review applications for ROW Use Agreements for any telecommunications system;
- (b) Review and audit all reports and filings submitted by the ROW user to the City pursuant to this Chapter;
- (c) Establish regulations regarding the construction, reconstruction, operation, maintenance, dismantling, testing or use of any telecommunications system established by a ROW Use Agreement;
- (d) Establish fair and reasonable compensation from telecommunications providers, on a competitively

neutral and nondiscriminatory basis, for right-of-way use agreements for the use of public ways and/or rights-of-way on a nondiscriminatory basis consistent with and pursuant to 47 U.S.C.A. § 253 (c) (June 19, 1934, c. 652, Title II, § 253, as added Pub.L. 104-104, Title I, § 101(a), Feb. 8, 1996, 110 Stat. 70.), or as hereinafter amended;

- (e) Subject to City Council approval, establish fees for permits, registration and other administrative fees relating to telecommunications providers herein or throughout the Pittsburgh Code of Ordinances; and
- (f) Verify zoning compliance with the Department of City Planning.

§ 427.10 - BONDS.

(a) All persons submitting a request for a ROW Use Agreement or a renewal thereof to construct or maintain a telecommunications system in accordance herewith shall file with their request bonds solely for the protection of the City with a surety company or trust company or companies as surety or sureties in an amount determined by the Director of Department of ~~[Public Works]~~ **Mobility and Infrastructure** in a form and amount that is acceptable to the City Solicitor, to protect the City from any and all damages or costs suffered or incurred by the City as a result thereof, including, but not limited to, attorney's fees and costs of any action or proceeding, and including the full amount of compensation, indemnification, cost of removal or abandonment of any property or other costs which may be in default, up to the full principal amount of the bond; and the condition shall be a continuing obligation during the entire term of any ROW Use Agreement issued in accordance herewith and thereafter until the ROW user shall have satisfied in full any and all obligations to the City which arise out of or pertain to the ROW Use Agreement for a telecommunications system.

§ 427.11 - CONSIDERATION FOR ROW USE AGREEMENT.

It shall be a term and condition of any ROW Use Agreement issued in accordance herewith that as a part of the consideration supporting the issuance of such ROW Use Agreement and the City's permission thereby to occupy and use the streets of the City, that the ROW user shall pay each year to the City the following charges and ROW Use Agreement fees.

- (a) The fees for telecommunications shall be established by the Director of ~~[Public Works]~~, **Mobility and Infrastructure** subject to approval by City Council, based on fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public ways and/or rights-of-way on a nondiscriminatory basis consistent with and pursuant to 47 U.S.C.A. § 253 (c) (June 19, 1934, c. 652, Title II, § 253, as added Pub.L. 104-104, Title I, § 101(a), Feb. 8, 1996, 110 Stat. 70.), or as hereinafter amended. In particular, any telecommunications system which serves no customers other than itself shall pay charges and ROW Use Agreement fees as follows:

§ 427.13 - UNREGISTERED, ABANDONED AND UNUSABLE EQUIPMENT.

- (b) A ROW user who has determined to discontinue all operations in the City must either:
 - (1) Provide information satisfactory to the Director of the Department of ~~[Public Works]~~ **Mobility and Infrastructure** that the ROW user's obligations for its facilities in the rights-of-way under this Chapter and under other applicable provisions of this Code have been lawfully assumed by another ROW user;

(2) Obtain written permission from the Director of the Department of [~~Public Works~~] **Mobility and Infrastructure** to abandon the facilities in place; or

(3) Submit to the Director of the Department of [~~Public Works~~] **Mobility and Infrastructure** a proposal and instruments for transferring ownership of its facilities to the City, and the City accepts such proposal in writing.

§ 427.14 - INDEMNITY AND INSURANCE.

(c) The Director of the Department of [~~Public Works~~] **Mobility and Infrastructure**, in consultation with the City Solicitor, shall set the type and coverage of insurance required. In setting the amount, the Director shall take into consideration the size and location of the telecommunications system, the financial resources of the ROW user, risk involved to the City and to the general public as well as other salient factors.

§ 427.16 - USE OF STREETS AND POLE ATTACHMENTS.

(a) Before commencing construction of its telecommunications system in, above, over, under, across, through or in any way connected with the streets, public ways or public places of the City, the ROW user shall first obtain the written approval of all appropriate City agencies, including, but not limited to, the Department of [~~Public Works~~] **Mobility and Infrastructure**. Applications for approval shall be made in the form prescribed by the Department of [~~Public Works~~] **Mobility and Infrastructure**.

(g) Nothing in this Chapter or any ROW Use Agreement issued in accordance herewith shall be construed as authorizing the ROW user to erect and maintain new poles in areas serviced by existing poles. The ROW user shall obtain written approval from the Department of [~~Public Works~~] **Mobility and Infrastructure** and other appropriate City agencies before erecting any new poles or underground conduits where none exist.

(i) The ROW user shall keep accurate, complete and current maps and records of its system and facilities which occupy the streets, rights-of-way, public ways and public places within the City and shall furnish, as soon as they are available, two (2) complete copies of the maps and records, in a form approved by the approval authority, to the Department of [~~Public Works~~] **Mobility and Infrastructure**.

(j) The ROW user shall comply with all rules and regulations issued by the Department of [~~Public Works~~] **Mobility and Infrastructure** governing the construction and installation of telecommunications systems. In addition:

§ 427.18 - TRANSFERS AND ASSIGNMENTS.

(a) The ROW user shall not transfer or assign its interest in any ROW Use Agreement issued in accordance herewith without the prior written authorization of the Director of the Department of [~~Public Works~~] **Mobility and Infrastructure**. For purposes of this Section, a merger or consolidation shall be deemed a transfer or assignment.

(b) Nothing in any approval by the Director of the Department of [~~Public Works~~] **Mobility and**

Infrastructure authorizing any transfer or assignment of any ROW Use Agreement issued in accordance herewith shall be construed to waive or release any rights of the City in and to the streets, public ways and public places of the City or as a release of any of the City's police powers.

(c) If the ROW user merges with another entity, changes its name or sells substantially all of its assets, said ROW user shall notify the Director of the Department of ~~[Public Works]~~ **Mobility and Infrastructure** of said event(s) within thirty (30) days of said occurrence.

Section 18. The Pittsburgh Code of Ordinances, Title Four: Public Places and Property, Article V: Malls, Chapter 441: Mall and Mall Transit Streets, Sections 441.02 and 441.04 is hereby amended as follows:

§ 441.02 - VEHICLES PROHIBITED; EXCEPTIONS.

In any mall or mall transit street no person shall operate or park any vehicle on such street, including but not limited to motor vehicles, trucks and motorcycles, other than the following:

- (a) Emergency vehicles;
- (b) Public vehicles and equipment and public utility vehicles and equipment other than for transit or transportation purposes;
- (c) Vehicles and equipment engaged in the construction or maintenance of such street;
- (d) Construction vehicles and equipment between the hours of 10:00 p.m. and 7:00 a.m. only, while used in the construction, repair or demolition of any buildings or structures adjacent to such street, provided a permit has first been obtained from the ~~[Bureau of Building Inspection]~~ **Department of Permits, Licenses, & Inspections** with the approval of the Director of Parks and Recreation and the Director of ~~[Public Works]~~ **Mobility and Infrastructure**;

(g) Permits for any vehicular use of the street other than those permitted herein shall be obtained from the Director of **Mobility and Infrastructure** ~~[the Department in charge of Traffic Engineering]~~. A permit may be granted for such other vehicular use only at times and under conditions as may be reasonably calculated to protect pedestrian traffic and to protect the surface of the street and any structures, fixtures, appurtenances and features thereon.

§ 441.04 - ADMINISTRATION AND ENFORCEMENT.

(a) The administration and enforcement of this Article shall be the joint responsibility of the Department of Parks and Recreation, Department of Public Works and the Department **of Mobility and Infrastructure** ~~[in charge of Traffic Engineering]~~. The directors of the departments is hereby authorized jointly to promulgate regulations concerning the use of mall or mall transit streets and providing for a coordinating agency.

Section 19. The Pittsburgh Code of Ordinances, Title Four: Public Places and Property, Article XVII: Motion Pictures, Chapter 492.07: Permit Issuance or Denial, Sections 492.07 and 492.13 is hereby amended as follows:

§ 492.07 - PERMIT ISSUANCE OR DENIAL.

(g) If applicable, the City Film Permit Office may coordinate with the Department of [~~Public Works~~] **Mobility and Infrastructure** and also issue a short-term encroachment permit for a street closure in conjunction with a film permit.

492.13 - APPEALS.

(a) The film permit applicant or permittee may appeal a permit denial, revocation, or suspension of a permit by the City Film Permit Office. Such appeal shall be filed with the City Film Permit Office not later than five (5) business days after the date written notice of the decision is made. Failure to file timely appeal shall result in a waiver of the right to appeal. Appeals shall be forwarded to the Director of Parks and Recreation, who shall convene the Film Permit Review Board per this Section.

1. The notice of denial or revocation shall state the reasons for such action and the appropriate remedy or cure, if applicable.
2. The notification shall be deemed satisfied when the notice is sent by email or facsimile as listed on the application, or if no number is listed, when notice is placed, postage prepaid in the United States mail addressed to the applicant at the address shown on the film permit application.
3. The Film Permit Review Board shall consist of the Director or his/her representative from each of the following City departments:
 - a. Public Safety;
 - b. Finance;
 - c. Parks and Recreation;
 - d. Permits, License and Inspections;
 - e. Public Works[~~-~~];
 - f. Mobility and Infrastructure**

Section 20. The Pittsburgh Code of Ordinances, Title Five: Traffic, Article I: Administration, Chapter 503: Enforcement and Control, Section 503.15 is hereby amended as follows:

§ 503.15 - UN-MUFFLED COMPRESSION BRAKING PROHIBITED.

(d) The Department of [~~Public Works~~] **Mobility and Infrastructure** shall post at reasonable locations within the boundaries of the City signs indicating "Un-muffled Compression Brakes Prohibited" or substantially similar wording. The Department of [~~Public Works~~] **Mobility and Infrastructure** shall have the authority to post signs pursuant to this section on roads in the city in response to reasonable requests from the community or the City Council. Compression brake signs on City roads shall remain and be maintained and replaced, when necessary, with language consistent with this section.

Section 21. The Pittsburgh Code of Ordinances, Title Five: Traffic, Article V: Operation, Chapter 531: Snow Emergencies, Sections 531.04 and 531.05 as hereby amended as follows:

§ 531.04 - DESIGNATION OF SNOW EMERGENCY ROUTES.

The Director of Public Works, **in consultation with the Director of the Department of Mobility and**

Infrastructure, shall have the power to designate and mark streets as snow emergency routes where entry, use and parking are restricted after a snow emergency has been declared.

§ 531.05 - POSTING SIGNS ON SNOW ROUTES.

The Department of [~~Public Works~~] **Mobility and Infrastructure** is hereby directed to post appropriate signs or markers on the streets designated as snow emergency routes.

Section 22. The Pittsburgh Code of Ordinances, Title Five: Traffic, Article VII: Parking, Chapter 546 Parking Enhancement Districts, Section 546.04 is hereby amended as follows:

§ 546.04 - APPLICATION FOR PARKING ENHANCEMENT DISTRICT.

(c) When the Nighttime Economy Coordinator confirms the completeness of an application, notice of the application and proposed parking enhancement district shall be submitted to the following six (~~[6]~~**7**) parties for the proper implementation of this program: the Zoning Administrator, the Director of Office of Management and Budget, the City Controller, the Director of Finance, the Executive Director of the Public Parking Authority, **The Director of the Department of Mobility and Infrastructure**, and the Director of the Department of Public Works.

Section 23. The Pittsburgh Code of Ordinances, Title Five: Traffic, Article VII: Parking, Chapter 548 Valet Parking, Section 548 is hereby amended as follows:

§ 548.02 - LICENSE.

(b) Applications for valet parking operator licenses shall be made to the Director of [~~Public Works~~] **Mobility and Infrastructure** or his/her designee in a form to be set by the Director. Each valet parking operator license issued shall be for a one-year period only.

(c) The fee for each valet parking operator license shall be two hundred dollars (\$200.00) per year. The renewal of each valet parking operator license shall be one hundred dollars (\$100.00) per year. The fees may be adjusted at the discretion of the Director of [~~Public Works~~] **Mobility and Infrastructure**, who shall annually report such adjustments to Council.

(e) A valet parking license shall be eligible for one (1) to three (3) parking spaces. The actual number of parking spaces shall be determined by the Department of [~~Public Works~~] **Mobility and Infrastructure**.

Section 24. The Pittsburgh Code of Ordinances, Title VI: Conduct, Article I: Regulated Rights and Actions, Chapter 601: Public Order, Section 601.01 is hereby amended as follows:

§ 601.01 - POSTING SIGNS WITHOUT CONSENT; EXCEPTIONS.

(b) The Department of [~~Public Works~~] **Mobility and Infrastructure** is hereby authorized and directed to make rules and regulations for the posting of directional signage within the public right-of-way. The Department is authorized to assess fees and prescribe procedures for the issuance of permits for the erection of the signs. The rules, regulations and fees and any amendments thereto shall be submitted to Council for **its** [~~their~~] approval and become effective after due posting and advertising by the Director of [~~Public Works~~] **Mobility and Infrastructure**.

Section 25. The Pittsburgh Code of Ordinances, Title VI: Conduct, Article I: Regulated Rights and Actions, Chapter 622: Requirements For Temporary Excavations, Section 622.01 is hereby amended as follows:

§ 622.01 - REQUIREMENTS FOR TEMPORARY EXCAVATIONS.

All companies or contractors performing construction related activities in the City that involve sub-grade digging or excavation of City and public streets and right-of-ways requiring the temporary use of a metal or sturdy material plate to cover an exposed hole or area must be licensed and properly registered in the City with the Department of [~~Public Works~~] **Mobility and Infrastructure**, the Bureau of Building Inspection and the Finance Department and any other appropriate City agency.

All excavation and digging and the placement of temporary street covers must comply with all requirements and obligations authorized by the Director of the Department of [~~Public Works~~] **Mobility and Infrastructure**. These requirements will be supplied to all licensed contractors upon their registration. All city, county and state departments and public authorities must also comply with these requirements and will be notified accordingly.

Any plate made of heavy metal or sturdy material that a licensed contractor uses to temporarily cover an excavated work site in the street or any public right of way must visibly display an official excavation permit placard. The Department of [~~Public Works~~] **Mobility and Infrastructure** will supply a uniform adhesive placard that must be completely filled out by the permit holder and placed on each plate used to cover job sites under temporary excavation. The adhesive permit placard will display the proper company or contractors name and their address, excavation permit number, phone and contact person's name.

Licensed contractors performing work pursuant to this Chapter must pay to the City Department of [~~Public Works~~] **Mobility and Infrastructure**, a permit fee of ten dollars (\$10.00) for each and every adhesive placard required to meet Department of [~~Public Works~~] **Mobility and Infrastructure** guidelines for work within the City right-of-ways. This fee will be waived for all public agencies and authorities.

Any violation of the requirements of this Chapter by any contractor performing work described in this Chapter shall be cited by the Department of [~~Public Works~~] **Mobility and Infrastructure**, Bureau of Building Inspection or City police officer and pay a first time fine of three hundred dollars (\$300.00). Second offense shall be assessed a fine of five hundred dollars (\$500.00); and third offense shall be revocation of the contractor's license to work in the City proper.

Section 26. The Pittsburgh Code of Ordinances, Title VI: Conduct, Article I: Regulated Rights and Actions, Chapter 635: Dogs, Cats and other Animals, Section 635.03 is hereby amended as follows:

§ 635.03 - RIDING OR DRIVING PROHIBITED; EXCEPTION.

No person shall ride or drive any animal drawn conveyance on any street or sidewalk within the city, except such as the [~~Superintendent of Police~~] **Chief of Police** may permit in a parade or other special event, or except that the Director of the Department of [~~Public Works~~] **Mobility and Infrastructure** may authorize horse drawn carriages on designated streets in the Central Business District at designated times.

Section 27. The Pittsburgh Code of Ordinances, Title IX: Zoning Code, Article V: Use Regulations, Chapter 911: Use Standards, Sections 911.04.A.22, 911.04.A.22A, 911.04.A.24, 911.04.A.68 is hereby amended as follows:

911.04.A.22 Excavation/Grading/Fill, Major

Excavation, Grading or Fill, Major operations and any temporary or permanent construction or facilities associated with such operation shall be subject to the following standards:

- (a) The proposed operation shall meet all requirements of the Land Operations Ordinance;
- (b) The operation shall be controlled in such a manner as to offer reasonable protection to the neighborhood against possible detrimental impacts, taking into consideration the physical relationship to surrounding properties and access to the site;
- (c) Residential streets shall not be used for routing of vehicles serving the excavation or fill, unless there is no other physical option; and
- (d) A plan shall be prepared and submitted to the Planning Director addressing the number of vehicles that will access the site and the routes the vehicles will travel. The plan and proposed use of any street for incidental trucking operations shall have the approval of the Department of Public Works and the **Department of Mobility and Infrastructure** [~~Bureau of Traffic Engineering~~].

911.04.A.22A Forestry Uses Shall be Subject to the Following Standards:

- (a) Site Plan (Logging Plan) Review will be required as per Section 922.04.
 - (1) Such a plan must be drawn to scale and in addition to information required in Section 922.09 of the Zoning Code depict: the location of trees to be cut and residual stands; the location of all skid roads, skid trails and log landings; the location of any streams or wetlands; the location of curb cuts; the location of public or private easements; the location of any residential structure within fifty (50) feet of the property line.
 - (2) Forestry activities shall be at least fifty (50) feet from property lines.
 - (3) Forestry activities shall be at least one hundred (100) feet from a residential structure.
 - (4) Debris shall not be stored within the previously specified setbacks.
 - (5) Log Landings, skid roads and skid trails as specific forestry activities shall observe previously specified setbacks.
 - (6) Access to haul roads shall be via an approved curb cut.
 - (7) Forestry activities shall not occur between 10:00 p.m. and 7:00 a.m. and may have further

restrictions placed on hours of operation as determined by the Zoning Administrator.

(8) Prior to approval, the Zoning Administrator will require the approval of all haul roads by the Department of **Mobility and Infrastructure**[~~Public Works~~].

(9) Timber harvesting shall not occur on slopes greater than forty (40) percent.

(10) No more than fifty (50) percent of the trees shall be removed on slopes greater than twenty-five (25) percent.

(11) No more than fifty (50) percent of the trees shall be removed within fifty (50) feet of any stream or wetland.

(12) Compliance with Environmental Overlay Districts (906) requirements must be assured.

(13) An approved revegetation plan depicting the planting of specific species by area is required; no invasive species may be employed in that planting plan.

(14) Proof of liability insurance naming the property owner and the City of Pittsburgh as insured or additional insureds with combined coverage of no less than one million dollars (\$1,000,000.00).

(15) Compliance with all applicable City of Pittsburgh, Allegheny County, Commonwealth of Pennsylvania and Federal laws.

911.04.A.24 Freight Terminal

(a) In HC District

Freight Terminals shall be subject to the following standards in the HC District:

(1) Every portion of the property used for Freight Terminal purposes shall be located not closer than two hundred (200) feet to any property in a R or H District, and one hundred (100) feet from any property in a NDI, UNC or LNC District;

(2) Access for motor-freight vehicles shall be by way of streets of adequate width as determined by the Approving Body;

(3) The site shall be fully enclosed with a barrier adequate to insure that no portion of a vehicle shall extend beyond the lot line;

(4) In addition to adequate area within the site for docking, manipulation and maneuver of motor-freight vehicles, a reservoir of parking area for motor-freight vehicles waiting to be loaded or unloaded, shall be provided at the rate of one (1) parking space sufficient to park a motor freight vehicle for every four (4) loading or unloading docks;

(5) The site shall be designed in such a manner as to permit forward movement of all vehicles both upon entering and upon leaving the site; and

(6) The number, location and width of entrances to and exits from the site shall be determined by the Approving Body after recommendations thereon by the Department of Public Works and [~~Bureau of Traffic Engineering~~] **the Department of Mobility and Infrastructure**.

911.04.A.68 Sidewalk Cafe

Sidewalk Cafe uses shall be subject to the following standards:

- (a) The public sidewalk shall be used for tables and chairs only, for use by customers; service equipment shall not be placed on the public sidewalk;
- (b) The use shall be permitted provided that such use is accessory to an existing functioning restaurant which directly abuts the sidewalk or right-of-way to be utilized and is within the same frontage as the restaurant with which it is to be associated;
- (c) The portion of the sidewalk or right-of-way to be used shall be no greater than one-half ($\frac{1}{2}$) of the space measured between the outside face of the curb and the property line. An unobstructed pedestrian passageway of no less than five (5) feet shall be provided between the curb and the cafe area.
- (d) The sidewalk cafe area shall be separated from the designated pedestrian passageway by a removable barrier surrounding the perimeter. The height of the barrier shall be approximately three (3) feet and removed when the cafe is closed. The hole in the sidewalk shall be capped when the barrier is not in place. The barrier shall be of material and design in keeping with the character of the neighborhood;
- (e) No obstruction shall be placed within eighteen (18) inches of the face of any curb, within five (5) feet of any fire exit, fire hydrant, or building corner;
- (f) It shall be determined that the proposed cafe service will in no way endanger the health, safety or welfare of the public or be detrimental to surrounding property values; and
- (g) The Certificate of Occupancy shall not be issued until a sidewalk encroachment document has been approved by the Department of **Mobility and Infrastructure** [~~Public Works~~].

Section 28. The Pittsburgh Code of Ordinances, Title IX: Zoning Code, Article VI: Development Standards, Chapter 914: Parking Loading and Access, Section 914.05.B is hereby amended as follows:

914.05.B Locations and Facilities

1. Bicycle parking shall be provided in a well-lighted area.
2. Bicycle parking shall be at least as conveniently located as the most convenient automobile spaces, other than those spaces for persons with disabilities. Safe and convenient means of ingress and egress to bicycle parking facilities shall be provided. Safe and convenient shall include, but is not limited to stairways, elevators and escalators.
3. Bicycle Parking facilities shall not interfere with accessible paths of travel or accessible parking as required by the Americans with Disabilities Act of 1990.
4. Protected and Unprotected Bicycle Racks shall be located in highly visible areas to minimize theft and vandalism.
5. In cases of structured automobile parking, Protected Bicycle Parking Spaces shall be used.
6. Alternative Locations and facilities. In the event that compliance with Section 914.05.B <https://www.municode.com/library/pa/pittsburgh/codes/code_of_ordinances?

- a. Such alternative facilities shall be well-lighted and secure.
- b. All Bicycle Parking Spaces outside of a building shall be located within a one hundred (100) foot diameter of the primary building entrance.
- c. Bicycle Racks may be placed in the public right-of-way provided that the building owner attains an encroachment permit for the installation of racks in the public right-of-way from the Department of [~~Public Works~~] **Mobility and Infrastructure**.

Section 29. The Pittsburgh Code of Ordinances, Title IX: Zoning Code, Article VI: Development Standards, Chapter 919: Signs, Section 919.03.H and 919.03.J is hereby amended as follows:

919.03.H Holiday Displays

Temporary displays or signs in the nature of decorations, clearly incidental and commonly associated with any national, local or religious holiday, permitted in any district provided:

1. They shall not be displayed for a period of more than ninety (90) consecutive days nor more than ninety (90) days in any one (1) year;
2. They may extend over public right-of-ways provided authorization is supplied by the Director of the Department of [~~Public Works~~] **Mobility and Infrastructure** and the Chief of the Bureau of Building Inspection.

919.03.J Public Information Signs

Public service and information signs of such size and type and in such locations approved by the Director of the Department of [~~Public Works~~] **Mobility and Infrastructure**, intended to satisfy the public need, are permitted in any district, including:

1. Convenience signs identifying location of rest rooms, freight entrances and parking areas;
2. Government signs for the control of traffic and other regulatory purposes;
3. Public transit service signs;
4. Public utility information signs;
5. Safety signs;
6. Signs erected by a public agency in the performance of a public duty;
7. Signs indicating scenic or historic points of interest;
8. Street signs;
9. Trespassing signs;
10. Other directional signs as may be deemed necessary for the preservation of the public safety.

Section 30. The Pittsburgh Code of Ordinances, Title IX: Zoning Code, Article VII: Review and Enforcement, Chapter 922: Development Review Procedures, Section 922.01.D.3 is hereby amended as follows:

922.01.D.3 Documentation and Written Information in Addition to Plans

In addition to the written application and the plans, whenever the nature of the proposed development makes information or documents such as the following relevant, such documents or information shall be provided. The following is a representative list of the types of information or documents that may be requested by the Zoning Administrator:

1. Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person;
2. Certifications from the appropriate agencies that proposed utility systems are, or will be, adequate to handle the proposed development and that all necessary easements have been provided;
3. Detailed description of play apparatus or other recreational facilities to be provided in miniparks;
4. Legal documentation establishing homeowners associations or other legal entities responsible for control over required common areas and facilities;
5. Successful application for a Certificate of Appropriateness as necessary by the Historic Review Commission for properties located in all Local Historic Districts;
6. Successful application for a curb cut permit as required by the Department of [~~Public Works~~] **Mobility and Infrastructure**;
7. Verification from the Department of [~~Public Works~~] **Mobility and Infrastructure** that a street address has been assigned for new construction or for any use of land where a new street address is necessary;
8. Verification that uses of the Zoning Code will meet the performance standards set forth in Chapter 915, 916 and 917. Such verification shall be made by a licensed engineer or other qualified expert unless it is utterly apparent to the Zoning Administrator, from the nature of the proposed development, that such expert verification is unnecessary;
9. Time schedules for the completion of phases in staged development;
10. The environmental impact of a development, including its effect on historically significant or ecologically fragile or important areas, and its impact on pedestrian or traffic safety or congestion.

Section 31. The Pittsburgh Code of Ordinances, Title X: Building, Chapter 1002: Uniform Construction Code Adoption, Section 1002.02 is hereby amended as follows:

§ 1002.02 - CHANGES SPECIFIED.

The Uniform Construction Code adopted by Paragraph 1002.01
<https://www.municode.com/library/pa/pittsburgh/codes/code_of_ordinances?

nodeId=PIZOCO_TITTENBU_CH1002UNCOCOAD_S1002.01ADPU> is hereby changed by the enactment, repeal or amendment of provisions, which charges are on the following pages, with the location in the Code for that page noted by the heading "Change(s) Page(s)."

3404.2.1 [~~Public Works~~] **Mobility and Infrastructure** Approval required. Installation over a public sidewalk requires the approval of the Department of [~~Public Works~~] **Mobility and Infrastructure**.

Section 32. The Pittsburgh Code of Ordinances, Title X: Building, Chapter 1003: Land Operations Control and Stormwater Management, Sections 1003.18 and 1003.21 is hereby amended as follows:

§ 1003.18 - DRAINAGE.

(a) *Accommodation of surface and subsurface water.* Sufficient drainage shall be provided to accommodate surface and subsurface water during any grading operation and after its completion in order to prevent additional water from flowing onto adjacent property or from unduly increasing the load on sewage or drainage facilities. Facilities in the form of pipe-pervious granular layers, buried granular trenches, and the like, shall be provided to control subsurface groundwater flow or pore water pressures as needed to assure stability.

(b) *Preservation of natural drainageways.* Any operation that will change the course, width or elevation of any natural or other drainageway channel in such a manner as to obstruct, interfere with, or change the drainage of such land shall be compensated by an alternative by which run-off or seeping water can be carried to a satisfactory disposal.

(c) *Protection of slope faces.* Adequate provision shall be made to prevent any storm or surface water from damaging the cut face of any excavation or the sloping face of any fill. When necessary for protection of critical areas during construction, diversion ditches or terraces shall be provided.

(d) *Design of drainage facilities.* Drainage facilities shall be of such design as to carry storm and surface waters to the nearest practical street storm drain or natural watercourse, approved by the Department of [~~Public Works~~] **Mobility and Infrastructure** as a safe place to deposit and receive the waters.

(e) *Protection during construction.* Suitable areas shall be utilized for spreading and desilting storm water. Protective vegetation shall be maintained on drainage ways serving as temporary outlets for storm water, during construction and until storm sewers have been completed. Wherever necessary, sediment basins, debris basins, desilting basins or silt traps shall be installed and maintained during construction.

(f) *Sub-drainage facilities.* Adequate sub-drainage shall be provided in connection with any fill to avoid the development of hydrostatic pressures.

1003.21 - TRANSPORTATION OF MATERIAL.

(a) *Approval of the Department of [~~Public Works~~] **Mobility and Infrastructure**.* The proposed use of public

streets or thoroughfares for the transportation of material for disposal or fill purposes shall have the approval of the Department of [~~Public Works~~] **Mobility and Infrastructure**.

(b) *Size and type of vehicles and hours of operation.* The size and type of vehicle used, and the hours of operation shall be as approved by the Department as related to the capacity of streets to be used and traffic volumes thereon.

(c) *Wheel and truck cleaners.* Wheel and truck cleaners shall be required on site at any transport origin and destination point within the city, and all vehicles shall be scraped and cleaned before leaving the site.

(d) *Protection of property during transporting.* The transporter shall take reasonable measures including but not limited to, wetting down or other treatment before leaving the site, to insure that during transit, no material being transported shall blow or spill over upon public or private property.

(e) *Street cleaning.* In the event that earth, dust, powder, mud, sludge or any other debris from the operation involved in the permit accumulates in or on any street, street gutter, catch basin or sewer line, the transporter shall be required to remove the debris immediately upon notification by the city.