



Legislation Details (With Text)

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

**File created:** 7/2/2002      **In control:** Committee on Public Works & Environmental Services

**On agenda:**      **Final action:** 8/2/2002

**Enactment date:** 7/23/2002      **Enactment #:** 24

**Effective date:** 8/1/2002

**Title:** Ordinance amending the Pittsburgh Code, Title Four, Public Places and Property, Article I. Streets and Sidewalks, Chapter 416: Obstructions, Section 416.03 "Street encroachments and major street obstructions; permit required"

**Sponsors:**

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

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
8/2/2002	1	Mayor	Signed by the Mayor	
7/23/2002	1	City Council	Passed Finally	Pass
7/17/2002	1	Committee on Public Works & Environmental Services	AFFIRMATIVELY RECOMMENDED	Pass
7/10/2002	1	Committee on Public Works & Environmental Services	Held in Committee	Pass
7/2/2002	1	City Council	Read and referred	

Presented by Mr. Hertzberg

Ordinance amending the Pittsburgh Code, Title Four, Public Places and Property, Article I. Streets and Sidewalks, Chapter 416: Obstructions, Section 416.03 "Street encroachments and major street obstructions; permit required"

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

**Section 1.** The Pittsburgh Code, Title Four, Public Places and Property, Article I. Streets and Sidewalks, Chapter 416: Obstructions, Section 416.03 "Street encroachments and major street obstructions; permit required" is amended as follows:

- (a) Except as set forth in subsection (e) below, 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. Application therefore shall clearly indicate the purpose and proposed use of the encroachment, shall include a plan identifying the portion of the right-of-way in which the encroachment is requested, and shall include other information as may be required to demonstrate compliance with the Pittsburgh Code and with requirements for encroachments

established by the Director of the Department of Public Works. Once granted, such encroachment and its use shall not be changed, modified or altered without reapplication to Council and the Department. The Director shall notify Council on a weekly basis of all individuals or entities who have made formal application for an encroachment, easement or vacation of a city street or right-of-way.

(b) The City Clerk shall notify the Director of the approval by Council of the resolution authorizing the encroachment permit. However, the Director shall not issue the permit until the applicant has paid the applicable fee, obtained all applicable zoning approvals, submitted proof of insurance in coverages and amounts approved by the Director and supplied such other information as may be required and approved by the Director.

(c) By accepting a permit, the permittee agrees where applicable:

(1) The remove or relocate, at its own expense, all installations from the public street, sidewalk or other public way upon 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 the removal or relocation; and

(Ord. 11-1992, effective 4-21-92; Am. Ord. 19-1998, effective 7-30-98)

(3) To notify abutting and adjoining property owners of the encroachment or obstruction 30 days prior to its installation.

(Ord. 20-1991, effective 6-18-91)

(d) No encroachment of any kind shall be granted to any individual or entity that owes the city any delinquent taxes (including, but not limited to, property taxes on any real property in the city, wage tax, earned income tax, mercantile tax, business privilege tax, institutional privilege tax, occupation tax or amusement tax), that owes the city or Pittsburgh Water and Sewer Authority any delinquent water or sewage charges, or that has any property in the city with any outstanding Bureau of Building Inspection or Housing Court violations. For purposes of this subsection, an entity shall be deemed to be delinquent or in violation either if the named entity is delinquent or in violation or if any individual that owns 50% or more of the entity has a delinquency or violation. The Department of Public Works shall be responsible for the enforcement of this subsection.

(Ord. 25-1998, effective 11-6-98)

(e) A resolution of Council is not required for cafés that meet the specifications described below, and a permit may be obtained from the Department of Public Works without a Council Resolution:

(1) All sidewalk cafés must have removable barriers that encompass the entire café. (Rope & Stanchion)

(2) A minimum of 5 feet of open sidewalk must be maintained for pedestrian traffic.

(3) Insurance must be obtained naming City of Pittsburgh as Co-Insured.

Limits: \$100,000-\$300,000 Public Liability \$50,000 property.

- (4) Applicant must obtain an occupancy permit from zoning.
- (5) Applicant must obtain approval from the Department of Public Works and the City Council Member of the District and Ward the Café is in.
- (6) 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.
- (7) A \$125.00 application fee on all new sidewalk café applications. A \$50.00 renewal fee each year after.