



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed Finally
File created: 9/17/2021 **In control:** Committee on Public Works
On agenda: 9/21/2021 **Final action:** 10/5/2021
Enactment date: 10/5/2021 **Enactment #:** 35

Effective date:

Title: Ordinance amending the Pittsburgh Code of Ordinances at Title Four: Public Places and Property, Article I, Chapter 417 to expand the definition of sidewalk and curb maintenance, to add language relative to violations, and to update language relative to work by the city.

Sponsors:

Indexes: PGH. CODE ORDINANCES TITLE 04 - PUBLIC PLACES

Code sections:

Attachments: 1. 2021-1891 Cover Letter-Chapter417_ProposedCodeChanges_JE Revisions Letter, Letterhead, 2. Summary 2021-1891

Date	Ver.	Action By	Action	Result
10/11/2021	1	Mayor	Signed by the Mayor	
10/5/2021	1	City Council	Passed Finally	Pass
9/29/2021	1	Standing Committee	Affirmatively Recommended	Pass
9/21/2021	1	City Council	Read and referred	

Ordinance amending the Pittsburgh Code of Ordinances at Title Four: Public Places and Property, Article I, Chapter 417 to expand the definition of sidewalk and curb maintenance, to add language relative to violations, and to update language relative to work by the city.

The Council of the City of Pittsburgh hereby enacts:

Section 1.

CHAPTER 417: - PAVEMENT PROTECTION

§ 417.01 - INJURY TO PAVEMENTS.

- (a) No person shall walk upon or drive any vehicle upon or injure any newly laid street or sidewalk pavement while the same is guarded by a warning sign or barricade, or knowingly injure any soft or newly laid pavement.
- (b) No person shall operate, park, load or unload on any street any vehicles or equipment in the manner as to mark, stain or damage the surface of the street or any structures, fixtures, appurtenances and features thereon, by any means including but not limited to wheel marks, oil drippings and excess weight.

§ 417.02 - SIDEWALK AND CURB MAINTENANCE.

[It shall be the duty of all owners of property abutting or adjoining streets to maintain all sidewalk pavements and curbing in proper and safe condition.]

- (a) **It shall be the duty of the property owner abutting or adjoining the public right-of-way to provide for the continuing care, maintenance, repair, and replacement of all sidewalk pavements and curbing installed in the right-of-way abutting or adjoining their property.**
- (b) **All sidewalks and curbs shall be kept in a proper state of repair, be free from hazardous conditions, and maintained in accordance with applicable laws, rules, guidelines, and policies.**
- (c) **All sidewalks and curbs shall be constructed in accordance with specifications and regulations as established by the Department of Mobility and Infrastructure.**
- (d) **The property owner must obtain a permit for any sidewalk repairs or construction as required by § 413.02.**

~~§ 417.02.A - CITY TREE ROOT SIDEWALK DAMAGE CLAIMS AND COMPENSATION.~~

~~(a) In the event that a tree that has been installed by the City and/or the installation has been otherwise been sanctioned by the City, and should cause damage to the sidewalk and/or curb, the abutting property owner may file a claim for damages with the City's Department of Law in accordance with Department of Law procedures.~~

~~(b) Upon verification of the claim, the City Solicitor shall provide compensation to the abutting property owner (s) [at] eight dollars (\$8.00) per square foot.~~

~~(a) Compensation for claims provided by this ordinance is not retroactive to claims received by the Law Department prior to the effective date of the ordinance. The effective date of this amendment is January 1, 2015.~~

~~(e) Every four (4) years, beginning on January 1, 2015, the City Solicitor shall adjust the amount of compensation provided for sidewalk damage claims based upon the United States Department of Labor's Bureau of Labor Statistics, Consumer Price Index ("CPI") for Pittsburgh. The percentage of increase/decrease in the Pittsburgh CPI shall be the percent of the increase/decrease in compensation provided.~~

~~(d) The City Solicitor shall provide notice to the City Clerk of any adjustment made to the amount provided for sidewalk damage claims. The City Clerk shall present said communication from the City Solicitor to the Council to be read, received and filed.~~

~~(Ord. No. 39-2014, § 1, 12-31-2014; Ord. No. 10-2015, § 1, 3-18-2015)]~~

§ 417.02.A - VIOLATIONS.

- (a) **If the property owner fails to comply with § 417.02, the Director shall provide written notice indicating a violation of § 417.02 and directing compliance. This notice shall provide the owner with a minimum of 30 days from the date of service to comply or request an extension or continuance from the Director.**
- (b) **Service of the notice shall be made in accordance with § 101.11.**

- (c) **If the property owner fails to comply with subsection (a), the Director may (1) seek penalties under § 101.09 or (2) seek collection of any costs and expenses for any work ordered by the Director pursuant to § 417.03.**
- (d) **If the property owner fails to pay for costs and expenses ordered by the Director pursuant to § 417.039(b) within 30 days after receipt of notice from the Department, the amount of the cost and expenses may constitute a debt and municipal claim against the owner, and a lien may be assessed against the property in favor of the City.**

§ 417.02.B. - SIDEWALK OR CURB DAMAGE CLAIMS.

(a) In the event that a tree that has been installed by the City and/or the installation has been otherwise been sanctioned by the City, and should cause damage to the sidewalk and/or curb, the abutting property owner may file a claim for damages with the City's Department of Law in accordance with Department of Law procedures.

(1) Upon verification of the claim, the City Solicitor shall provide compensation to the abutting property owner(s) [at] eight dollars (\$8.00) per square foot.

(a) Compensation for claims provided by this ordinance is not retroactive to claims received by the Law Department prior to the effective date of the ordinance. The effective date of this amendment is January 1, 2015.

(b) Every four (4) years, beginning on January 1, 2015, the City Solicitor shall adjust the amount of compensation provided for sidewalk damage claims based upon the United States Department of Labor's Bureau of Labor Statistics, Consumer Price Index ("CPI") for Pittsburgh. The percentage of increase/decrease in the Pittsburgh CPI shall be the percent of the increase/decrease in compensation provided.

(c) The City Solicitor shall provide notice to the City Clerk of any adjustment made to the amount provided for sidewalk damage claims. The City Clerk shall present said communication from the City Solicitor to the Council to be read, received and filed.

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§ 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 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 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.
(Ord. No. 2-2018, § 12, eff. 2-15-18)]~~

- (a) **In all cases where the property owner has not constructed sidewalks and curbs on all**

streets abutting the right-of-way with the exception of alleys, the Director may order work to be done by the property owner.

- (b) **In all cases where the property owner has not constructed sidewalks and curbs on all streets abutting the right-of-way with the exception of alleys, the Director may order work to be done by or on behalf of the City, and the procedures outlined in § 417.02.A for collection of the costs and expenses shall apply.**