



Text File

Introduced: 8/24/2009

Bill No: 2009-1708, Version: 4

Committee: Committee on Public Safety
Services

Status: Passed Finally

Ordinance amending the Pittsburgh City Code, Title VI, Conduct, Article I: Regulated Rights and Actions, by adding Chapter 607A, titled "Prohibitions on Use of Obstruction Equipment and Possession of Certain Items with Intent to Defeat Lawful Dispersal Orders."

WHEREAS, in the course of performing their public safety duties, City police officers have been exposed to and/or have become aware of various objects and extreme measures that have been and are currently being used by individuals to obstruct the public's ability to freely move about on streets, sidewalks, and in or out of buildings as well as to inhibit free movement of emergency response equipment; and

WHEREAS, City Council hereby finds that the use of such objects that allow persons to affix themselves to other objects or persons with the intent to avoid lawful removal poses a serious threat to the health, safety, welfare and security of the public; and

WHEREAS, City Council also finds that the use of certain items for the purpose of avoiding lawful removal is likewise a serious threat to the health, safety, welfare and security of the public and its public safety employees . ~~police force~~ .

Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:Section 1. The Pittsburgh City Code is hereby amended by adding Chapter 607A, titled "Prohibitions on Use of Obstruction Equipment and Possession of Certain Items with Intent to Defeat Lawful Dispersal Orders."

Chapter 607A Prohibitions on Use of Obstruction Equipment and Possession of Certain Items with Intent to Defeat Lawful Dispersal Orders

Section 607A.01 Prohibition on Inhibiting Access to Streets, Sidewalks and Public Buildings

(a) No person, other than governmental employees in the performance of their official duties, shall possess any tool, object, instrument or other article adapted, designed, or intended to be used for:

- 1) obstructing the public's ability to freely move about on streets, sidewalks, or buildings to which the public or a substantial group of the public has access; or
- 2) inhibiting emergency response equipment from being moved without impediment or delay,

where such person has the ~~[intent]~~ purpose to use the tool, object, instrument or other article by itself or in combination with other objects to:

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1) obstruct the public's ability to freely move about on streets, sidewalks, or buildings to which the public or a substantial group of the public has access **except where such obstruction is in place via a legal permit or for the purpose of promoting public safety, such as barriers erected to protect the worksite of a public utility company;** or

2) for inhibiting emergency response equipment from being moved without impediment or delay.

(b) Definition.

~~The prohibited~~ **Prohibited** tools, objects, instruments, or other articles shall include but not be limited to sections of pipe or containers filled with or wrapped in weighted material such as concrete and/or containing handcuffs, chains, carabiners, padlocks, or other locking devices.

Section 607A.02 Prohibition on Possession of Certain Items with Intent to Defeat Lawful Dispersal Orders.

(a) No person shall possess any items in the following categories:

1) noxious **and/or toxic** substances;

2) ~~"contraband weapon, accessories and/or ammunition" as defined in Section 607.02 of the Pittsburgh City Code;~~ :

~~2 3)~~ filtered gas masks or similar device designed to filter all air breathed and that would protect the respiratory tract and face against irritating, noxious or poisonous gases; or

~~3 4)~~ any projectile launcher or other device that is commonly used for the purpose of launching, hurling, or throwing any object, liquid, or material or other substance

with the ~~[intent]~~ **purpose** to use any of the said aforementioned items for the purpose of defeating lawful removal upon receipt of official crowd dispersal orders. ~~[For the purpose of this Section, "noxious substance" includes but is not limited to animal or human waste, animal or human blood, rotten eggs, acid, gasoline, manufactured gases or sprays, and alcohol.]~~—

(b) Definition.

For the purpose of this Section, "noxious substance" includes but is not limited to animal or human waste, animal or human blood, rotten eggs, acid, gasoline, manufactured gases or sprays, and alcohol.

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Section 607A.03 Penalty

Any person found in violation of any section of this chapter shall be subject to a fine not to exceed Three hundred dollars (\$300) and costs for each offense, and in default for payment thereof, may be imprisoned for not more than thirty (30) days. Each day of a continuing violation shall constitute a separate and distinct offense.

Section 607A.04 Severability

The provisions of this chapter shall be severable and, if any of the provisions shall be held to be invalid or unenforceable, the remaining provisions of this chapter shall remain in effect.

607A.05 Sunset Provision

This Ordinance is meant to serve solely in concert with the Pittsburgh Summit/G20 in the City of Pittsburgh and shall be revoked in its entirety and all of its provisions shall cease to apply as of midnight on Wednesday, September 30, 2009.