



Text File

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Committee: Committee on Public Works

Status: Passed Finally

Ordinance amending the Pittsburgh Code, Title Four: Public Places and Property, Article I: Public Rights-of-Way, Chapter 416: Obstructions, by adding new definitions and amending permitting requirements for construction activities, encroachments and minor encroachments.

WHEREAS, Pittsburgh Code broadly defines an obstruction as “a partial or complete blockage of the right-of-way;” and

WHEREAS, currently, Chapter 416 of the Pittsburgh Code broadly defines an encroachment as a type of obstruction consisting of “a private improvement, structure or obstruction extending into or located within, upon, above or under any public right-of-way or public easement;” and

WHEREAS, obstructions can range from a bench or bike rack on the sidewalk to an underground vault or foundation; and

WHEREAS, except for sidewalk cafes and ramps approved as part of the One Step Program, any encroachment in any public right-of-way requires a resolution from Council and permission from the Department of Mobility and Infrastructure; and

WHEREAS, the City of Pittsburgh should avoid overly burdensome permitting processes for encroachments that are minor in nature and do not materially interfere with the public’s safety, convenience, use, or enjoyment of the public right-of-way, such as benches, bike racks, and overhead awnings.

SEE ATTACHMENT

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

Section 1. Ordinance amending the Pittsburgh Code, Title Four: Public Places and Property, Article I: Public Rights-of-Way, Chapter 416: Obstructions, by

§ 416.01 - OBSTRUCTION PERMIT REQUIRED.

Prior to any person placing an obstruction, **as defined in §411.02**, in the public right-of-way, a permit **or license** must first be obtained from the Director.

For purposes of this chapter, an obstruction includes but is not limited to:

(a) temporary traffic obstruction activity, as defined in §416.04;

(b) a minor encroachment, as defined in §416.09;

(c) an encroachment, as defined in §416.10;

(d) outdoor dining or retail, including a sidewalk or curb lane café.

(Ord. No. 10-2016, eff. 4-22-16; Ord. No. 2-2018, § 11, eff. 2-15-18)

§ 416.02 - STANDARD OF PERMIT ISSUANCE.

(a) Notwithstanding the authority granted to the Director under Chapter 411 of this Code, the Director shall not issue any permit when any obstruction involved will materially interfere with the flow of traffic, cause a dangerous traffic condition, or if it is found by the Director to be detrimental to the health, welfare or safety of City residents.

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

(1) To remove or relocate at its **permittee's** own expense all ~~installations~~ **obstructions** from the public street, sidewalk or other public way upon five (5) days' written notice from the City requesting the removal; ~~and~~

(2) To not hold the City liable for removal or relocation **of any obstructions** and to indemnify ~~it~~ **the City** for any costs incurred as a result of removal or relocation **of any obstructions**; ~~and~~

(3) To provide notice to the abutting and adjoining property owners of the pending placement of any obstruction(s) unless under emergency conditions, in which case a reasonable attempt shall be made to notify abutting and adjoining property owners and/or tenants prior to the installation of the obstructions;

(4) To restore the right-of-way upon completion of ~~the~~ **any** construction-related activity to specifications set forth by the Director; ~~and~~

(5) To accompany a sidewalk closure with warning signage at the nearest crosswalk(s) indicating the closure. Failure to maintain appropriate signage shall result in a fine per day as outlined in the Department's publicly posted Right-of-Way Fee Schedule, in addition to any additional penalties found in Section 416.23.

(c) Prior to the issuance of any permit or license to obstruct the public-right-of-way, the permittee must pay any and all applicable fees as outlined in the Department's publicly posted Right-of-Way Fee Schedule.

(d) The applicant and all contractors listed on the application must provide a certificate of insurance, naming the City as additionally insured.

(1) The Director, in consultation with the City Solicitor, shall set the type and coverage of insurance required. In determining the insurance requirements, the Director shall take into consideration factors including but not limited to the type of permit or license, the scope of the project, the risk to the City and the general public, as well as other salient factors.

(2) The applicant, if applicable, shall also submit verification that adequate worker's compensation coverage is maintained throughout the permitted activity's term.

(3) The applicant is responsible for making sure that these insurance requirements are maintained throughout the duration of the permit or license.

(e) All permittees and licensees agree to uphold all terms of the permit or license and adhere to the policies and standards laid out in DOMI's Rules and Regulations, ROW Procedures Manual, and other publicly posted policy documents.

(f) For obstructions that require construction activity, the permittee may be required to apply for additional permits from the Department or other City departments.

(Ord. No. 10-2016, eff. 4-22-16; Ord. No. 3-2017, § 2, eff. 1-23-17; Ord. No. 37-2019, § 1, eff. 12-16-19)

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§ 416.03 - CERTIFICATE OF INSURANCE. REQUIREMENTS FOR REPAIR OR MAINTENANCE OF EXISTING ENCROACHMENTS.

A permittee shall procure and maintain insurance in the forms, types, and amounts prescribed by the City Solicitor for the duration of the obstruction permitted activity.

Specific insurance requirements shall be applicable to the permitted activity. In no event will the amount of coverage required for any activity requiring a permit be less than five hundred thousand dollars (\$500,000.00) per occurrence and one million dollars (\$1,000,000.00) in the aggregate, in order to protect the City against claims of third persons for personal injury, wrongful death and property damage and to indemnify the City for damage to City property arising out of the permittee's activities.

The certificate must name the City of Pittsburgh as additional insured on the certificate. Applicant, if applicable, shall also submit verification that adequate worker's compensation insurance coverage is maintained throughout permitted activity's term.

An applicant seeking to replace or repair an existing minor encroachment and encroachments shall be eligible to make such replacement or repair in kind, contingent on the following:

- (1) applicant submits an application to replace or repair the obstruction to the Department; and
- (2) the Director or the Director's designee determines that the request does not constitute a new obstruction.

The Director may request any additional information or documentation deemed necessary to review the request and ensure the encroachment will not unnecessarily interfere with the use and enjoyment of the public right-of-way.

(Ord. No. 10-2016, eff. 4-22-16)

§ 416.04 - CONSTRUCTION MITIGATION PLAN REQUIRED TEMPORARY TRAFFIC OBSTRUCTION.

(a) For purposes of this Chapter, a temporary traffic obstruction includes any activity that interferes with the normal operations of the public right-of-way, including but not limited to, construction or maintenance of private property requiring the use or occupancy of the public-right-of-way, construction or maintenance of utilities, art installations, or other activities in the right-of-way.

(b) When an application for any activity causing a temporary traffic obstruction is submitted, it shall be accompanied by:

(i) A description of the impact to the public's use of the right-of-way including but not limited to restriction or closures of travel lanes, bike lanes, transit stops, street parking, and sidewalks;

(ii) A traffic control plan for the safe and efficient movement of vehicles, cyclists and pedestrians around the work site.

(c) Traffic Control Plan

To establish the uniform, consistent, and appropriate work zone set up, the Director may require the deployment of a traffic control plan consistent with PennDOT regulations and guidance on temporary traffic control and/or require the development of a site-specific Maintenance and Protection of Traffic (MPT) Plan.

(d) Maintenance and Protection of Traffic (MPT) Plan When an application for any construction related obstruction permit is submitted, it shall be accompanied by an Impact Mitigation Plan ("IMP").

The approved plan shall consist of both City developed and applicant proposed measures for reducing construction impacts on neighbors and the community.

~~An IMP~~ A MPT shall include, if applicable, but not be limited to:

- (1) A site plan and complementary drawings which identify: the location of all proposed and existing structures; the location of proposed and existing improvements; existing site conditions such as topography and trees;
 - (2) Screening or fencing of the construction site;
 - (3) Temporary or permanent fences or walls;
 - (4) Implementation of noise-reduction methods;
 - (5) Off-site parking areas for construction personnel;
 - (6) Use of buses or vans to transport construction personnel to/from off-site parking;
 - (7) Location for staging vehicles, loading/off-loading equipment, and receiving deliveries;
 - (8) Implementation of air pollution reduction methods, such as dust control, use of clean fuels, retrofitting equipment to provide additional emissions control as required by City, State or Federal laws;
 - (9) Restricted work hours for unusually disruptive activities;
 - (10) Soil export and regulation of truck and equipment traffic routes and hours of transport;
 - (11) Requirements for meetings, notices and/or other methods of communicating with neighboring property owners;
 - (12) Restoration of City streets and rights-of-way to include cleaning and repair of structural damage;
 - (13) Use of specific equipment or construction methods and practices to reduce impacts to people, property, trees, and/or environmental critical areas: **;** **and**
 - (14) Location of towers or other types of cranes which illustrates swing radius.
- (Ord. No. 10-2016, eff. 4-22-16)

§ 416.05 - STREET OBSTRUCTION PERMIT FOR SEVENTEEN (17) DAYS OR LESS.

Any temporary construction activity or related vehicle, equipment, fence, or other object that is placed, installed or erected in or upon a roadway or sidewalk that would in any manner prevent or restrict public use of or access to a public right-of-way for a period of seventeen (17) consecutive days or less, and does not meet the criteria of a major street obstruction, shall secure a permit from the Director. The permittee, with advice from the Director and other appropriate departments, authorities and/or agencies, shall devise an IMP to mitigate impacts.

(Ord. No. 10-2016, eff. 4-22-16)

§ 416.06 - MAJOR STREET OBSTRUCTIONS FOR EIGHTEEN (18) DAYS OR MORE; PERMIT REQUIRED.

Any temporary construction activity that results in a full road closure, a single lane closure, or the elimination of a significant number of on-street parking spaces, as determined by the Director, for a period of eighteen (18) consecutive days or more is deemed to be a major construction-related project. A permit shall be secured from the Director.

(Ord. No. 10-2016, eff. 4-22-16)

§ 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 Mobility and Infrastructure until the proper notification process is complete.

(A) Applicant shall first provide notice to the Council Member who represents the area where the obstruction will occur (B) At least ten (10) days prior to the start of the major street obstruction, the applicant shall post placards, visible from the public right-of-way, which provide information about the pending obstruction, including: (1) The portion of the roadway that will be closed; (2) The duration of the obstruction; (3) The applicant's contact information; (C) Placards shall be placed every fifty (50) feet along the obstruction site. Applicant must provide proof that placards were placed along the obstruction site before receiving the permit. (D) Prior to the issuance of a major street obstruction permit, the Director shall provide written notice to the City Clerk to be read, received, and filed by City Council as a communication. During City Council's annual recess, the Director may approve major street obstruction permits before the notice is read, received and filed by Council. The notice shall include: (1) Name and address of the permit applicant; (2) Location and purpose for the major street obstruction; (3) Anticipated date and term of the major street obstruction; (E) Once the major street obstruction permit is issued, it is valid for a period of time not to exceed six (6) months from the date of approval. If project work related to the major street obstruction does not commence within six (6) months, the permit shall expire. If work does commence within six (6) months, the permit may be renewed in six-month increments until work is complete.

(Ord. No. 10-2016, eff. 4-22-16; Ord. No. 2-2018, § 11, eff. 2-15-18)

§ 416.08 - EXCLUSIONS.

The provisions of Section 416.07 shall not apply in the event of an emergency, or to any construction project in the public right-of-way by a utility which provides electricity, natural gas, water and/or wastewater, or telecommunication services to the public.

(Ord. No. 10-2016, eff. 4-22-16)

§ 416.09 - ~~PERMIT FEES FOR CONSTRUCTION RELATED STREET OBSTRUCTIONS.~~ **PUBLIC RIGHT-OF-WAY MINOR ENCROACHMENT**

~~(a) Prior to the issuance of any permit, the permittee must pay any and all applicable fees as outlined in the Department's publicly posted Right-of-Way Fee Schedule. (b) For permits with fees tied to dimensions, all measurements shall be rounded up to the nearest whole number, and payment shall be made on this basis.~~

(a) For purposes of this chapter, a minor encroachment means a type of obstruction that is minor in nature, posing little long-term physical impact on public space and which can be removed with relative ease.

(b) No person shall erect or construct a minor encroachment in any public right-of-way without first obtaining permission from the Department.

(c) An application for a minor encroachment shall clearly indicate the purpose and proposed use of the minor encroachment, include a plan identifying the portion of the right-of-way in which the minor encroachment is requested, and include other information as required by the Director to demonstrate compliance with the Pittsburgh Code and Department policies.

(d) Following issuance of a minor encroachment permit, the Department shall notify City Council through a communication.

(e) The Director shall establish and administer policies for the implementation of this Chapter.

(Ord. No. 10-2016, eff. 4-22-16; Ord. No. 37-2019, § 1, eff. 12-16-19)

§ 416.10 - PUBLIC RIGHT-OF-WAY ENCROACHMENTS.

~~(A) The purpose of this Section is to regulate the placement of structures within or upon any public right-of-way or public easement and to establish standards and procedures for the vacation of any public easement or public right-of-way, in order to assure adequate and safe public access to the streets, appropriate utilization of public easements, and for the just disposition of property determined to be unnecessary to meet public needs.~~

~~(B) Encroachment, for the purposes of this Section, means a private improvement, structure or obstruction extending into or located within, upon, above or under any public right-of-way or public easement. Structure means anything constructed or erected with a fixed location below, on or above grade, including, without limitation, foundations, fences, retaining walls, awnings, balconies and canopies.~~

~~(C) Obstruction for the purpose of this Section includes, without limitation:~~

~~(1) A fence, hedge or wall placed nearer than permitted to any public sidewalk or path;~~

~~(2) Any landscaping, structure or fence within the corner sight lines of an intersection that obstructs a vehicle operator's vision or, within its prolongation, within the right-of-way;~~

~~(3) A tree or bush or other plant or a structure of any sort which projects beyond the property line of property abutting the right-of-way of any street, sidewalk, path or alley onto or over the public right-of-way and obstructs the view of traffic, obscures any traffic control device, prevents pedestrian use of any part of a street, sidewalk, path or alley, or otherwise constitutes a hazard to drivers or pedestrians. Without limitation, a dead bough of a tree located on a person's property but overhanging public property constitutes such a hazard;~~

~~(4) Cement, concrete, piping or other material placed in a gutter to aid vehicles in driving over a curb or for any other purpose.~~

~~(D) Except for sidewalk cafés (see Section 416.17), and ramps approved as a part of the One Step Program (see Section 416.11), 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 Mobility and Infrastructure.~~

~~(E) 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 by the Director to demonstrate compliance with the Pittsburgh Code and with requirements for encroachments established by the Director.~~

~~(F) Reserved.~~

~~(G) 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 coverage's and amounts as determined by the City Solicitor, and supply such other information as may be required and approved by the Director.~~

(a) For purposes of this chapter, an encroachment means a type of obstruction that is a permanent structure constructed or erected in a fixed location in the public right-of-way that is structurally or otherwise integral to abutting property and is assumed to be conveyed with any transfer of the abutting property to the original permittee's successors or assigns.

(b) No person shall construct or erect an encroachment in any public right-of-way without first obtaining approval from the Department and City Council.

(c) The Director shall establish and administer policies as necessary for the implementation of this Chapter.

(d) City Council must approve an encroachment by adopting a resolution.

(e) The City Clerk shall notify the Director upon City Council's approval of the resolution authorizing the encroachment.

(f) Upon Department and Council approval of an encroachment application and issuance of a permit, the applicant can begin installation work.

(g) The requirements in this chapter are not retroactive to encroachments approved prior to the effective date of this ordinance.

(Ord. No. 10-2016, eff. 4-22-16; Ord. No. 2-2018, § 11, eff. 2-15-18; Ord. No. 17-2019, § 1, eff. 5-8-19)

§ 416.11 - ONE STEP PROGRAM.

When a person using a wheelchair or scooter or a person with a physical impediment wants to enter a store, just one (1) step in front of the entrance makes it impossible for him or her to offer patronage to the business. However, the Americans with Disabilities Act, which was passed in 1990 and took effect in January 1992, promises the user a right of safe entry to places of public accommodation. The purpose of this Section is to accommodate both property owner and persons with disabilities and to make Pittsburgh accessible to all.

(A)No more than one (1) step or unusable ramp in front of one (1) of the following types of facilities is being replaced by a ramp or sidewalk modification as a way of providing accessibility to persons with disabilities:(1) An indoor recreation and entertainment facility;(2)A restaurant;(3)A retail sales and service facility as defined in Chapter 911 of Title Nine of the Pittsburgh Code at Sections 911.02 and 911.04;(4)A facility providing laundry services as defined in Chapter 911 of Title Nine of the Pittsburgh Code at Sections 911.02 and 911.04;(5)A vehicle/equipment sale or repair facility as defined in Chapter 911 of Title Nine of the Pittsburgh Code at Sections 911.02 and 911.04;(6)A retail nursery;(7)A grocery store;(8)A firearms business establishment as defined in Chapter 911 of Title Nine of the Pittsburgh Code at Sections 911.02 and 911.04;(9)A check cashing facility;(10)A pawn shop.(B)Plans for the One Step Program that encourages changes to the storefront that will follow removal of the step or unusable ramp are compliant with the latest version of the ICC/ANSI A117.1 Code. However, all other guidelines described in this Section will still apply.(C)Special Exception: DPW encroachment fee will be waived when adhering to the One Step Program requirements.(1)By accepting a permit, the permittee agrees where applicable:(a)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(b)To hold the City non-labile for removal or relocation and to indemnify it for any costs incurred as a result of the removal or relocation; and(c)To notify abutting and adjoining property owners of the encroachment or obstruction thirty (30) days prior to its installation.

(Ord. No. 10-2016, eff. 4-22-16)

§ 416.12 - SIDEWALK AND STREET BANNERS.

The Director shall promulgate regulations governing size and construction of street and sidewalk banners and, the application process to place said banners.

Prior to institution of any additional regulation governing street or sidewalk banners the Director shall inform the public and City Council, in writing, of said regulations.

The Director shall consult with and abide by any legal requirements set forth by the City of Pittsburgh's Art Commission.

(Ord. No. 10-2016, eff. 4-22-16)

§ 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 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 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 these locations shall be available at the Department of Mobility and Infrastructure.(C)Limited duration permittees 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 permittee.

The sidewalk banners shall conform in size and construction requirements with banner regulations promulgated by the Director, including, but not limited to, requirements for hanging banners in order to protect the public's safety.

The banners may include announcements of the above-mentioned events and may include commercial sponsor logos to the extent that advertising comprises no more than thirty-three (33) percent of the banner face.

Banners shall not be erected more than thirty (30) days prior to the event and shall be removed within fifteen (15) days of the event. The Director may grant an extension of time for removal in the case of inclement weather or other events that reasonably delay removal.

The permit fee for each banner permitted shall be found in the Department's publicly posted Right-of-Way Fee Schedule. The Department of Mobility and Infrastructure shall waive the banner fee for any U.S. or official government flag placed in the public right-of-way.

Any additional hardware required to hang the banner is the responsibility of the permittee. Any hardware or other fixtures required to hang banners shall be the responsibility of the permittee and shall be approved by the Director prior to installation.

Only with advance permission of the Department shall the permittee leave banner-hanging hardware in place for the permanent use of the City.

(Ord. No. 10-2016, eff. 4-22-16; Ord. No. 2-2018, § 11, eff. 2-15-18; Ord. No. 37-2019, § 1, eff. 12-16-19)

§ 416.14 - EXTENSION OF PREMISES.

The Director shall issue regulations and set permit fees governing the extension of premises for purposes including, but not limited to, sidewalk cafes, outdoor cooking and other related food services, and the setting out of furniture on the sidewalk and cart ways of the City.

(Ord. No. 10-2016, eff. 4-22-16; Ord. No. 37-2019, § 1, eff. 12-16-19)

§ 416.15 - NEIGHBORHOOD BLOCK PARTIES.

Neighborhood block party events are welcomed and encouraged by the City of Pittsburgh as they promote the health and wellbeing of City residents. The Director shall promulgate regulations and set permit fees for the closure of portions of the public right-of-way for neighborhood block parties. Fees for block parties shall be maintained at affordable rates and need not be calculated to recover actual costs to the City.

(Ord. No. 10-2016, eff. 4-22-16; Ord. No. 37-2019, § 1, eff. 12-16-19)

§ 416.16 - RESERVED.

Editor's note- Ord. No. 37-2019, effective Dec. 16, 2019, repealed former § 416.16 which pertained to permit fees for banners, block party, extension of premises, and derived from Ord. No. 10-2016, effective April 22, 2016; and Ord. No. 2-2018, § 11, effective Feb. 15, 2018.

§ 416.17 - CANOPIES, OR PROJECTED SIGNS, AWNINGS BALCONIES.

Any canopy, projected sign, awning, or other building fixtures and/or portions of a structure that projects into the public right-of-way shall be governed by the provisions of the City's Zoning Code of Ordinance. Prior to the issuance of any permit, the permittee must pay any and all applicable fees as outlined in the Department's publicly posted Right-of-Way Fee Schedule.

(Ord. No. 10-2016, eff. 4-22-16; Ord. No. 37-2019, § 1, eff. 12-16-19)

§ 416.18 - SIDEWALK CAFÉS (DEFINITION).

(a)A sidewalk café is defined as an extension of the services of an existing establishment, including, but not limited to, serving food and beverages for consumption within an existing building, to the extent that food and beverages are permitted to be served and consumed at tables placed on the public sidewalk adjacent to and within the confines of the frontage of that portion of the building in which the establishment is situated. A sidewalk café contains readily removable tables and chairs, is enclosed by rope and stanchion, unless some other barrier system is approved by the City as an architectural design element, and shall be otherwise open to the air.(b)The sidewalk café shall be located on the public right-of-way adjoining the property owner's property and in a location where it shall be determined to be appropriate by this Chapter, and all applicable related ordinances.

(Ord. No. 10-2016, eff. 4-22-16)

§ 416.19 - MARKET SQUARE HISTORIC DISTRICT SIDEWALK CAFÉS.

The City of Pittsburgh has designated a certain geographic area in the City of Pittsburgh as the Market Square

Historic District (MSHD) pursuant to Title Eleven, Chapter 1101 of the City Code, in order to facilitate the revitalization of the MSHD, the City of Pittsburgh desires to encourage the establishment of a unique dining experience in the MSHD. Notwithstanding a contrary provision in this Chapter, the following shall apply to any sidewalk café in the MSHD which is located on a public sidewalk of at least fifteen (15) feet measured from the front of the sidewalk café owner's building to the public road.

(a)The sidewalk café shall establish barriers on the sides of the café which border other private property lines, but shall not establish barriers between the front of the café and the public sidewalk. The barriers shall be consistent with the design guidelines detailed in part (f).(b)So long as the sidewalk café complies with all parts of Section 416.25, the sidewalk café may leave in place the furniture and barriers located in the sidewalk café twenty-four (24) hours a day, seven (7) days a week from April 1 until October 31. Outside this period the furniture and barriers must be removed from the sidewalk and placed in storage when the sidewalk café is not open for business.(c)An establishment which operates a sidewalk café shall be permitted to play live or recorded music outside in the sidewalk café between the hours of 10:00 a.m. and 11:00 p.m. so long as the music enhances the café experience and does not exceed fifty-five (55) dB.(d)The owner or tenant of a property which operates a sidewalk café as well as the owner or tenant of an immediate neighbor of a property which operates a sidewalk café shall not place or leave trash or trash receptacles in front of their property between the hours of 7:00 a.m. and 11:59 p.m.(e)Menu boards consistent with design guidelines detailed in part (f) shall be permitted in the sidewalk café No advertising boards, banners or other obstructions shall be permitted in the sidewalk café or in the area of the public sidewalk between the sidewalk café and the public road.(f)Furniture, barriers and menu boards for sidewalk cafés in the MSHD shall conform to the Market Square Historic District Sidewalk Café Design Guidelines as maintained by the Historic Review Commission of the City of Pittsburgh (HRC). An exception to these guidelines must be approved by the HRC.
(Ord. No. 10-2016, eff. 4-22-16)

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

1.A proprietor wishing to establish a sidewalk café with more than four (4) seats 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 Mobility and Infrastructure (DOMI). At 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 based on if for more than four (4) seats.b.Department of Mobility and Infrastructure. Applicant returns to 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 DOMI. The permit fee is due at this time at the cost outlined in the Department's publicly posted Right-of-Way Fee Schedule. Also due at this time is a certificate from the proprietor's insurance company, naming the City as additional insured. The Director of the Department of Mobility and Infrastructure, in consultation with the City Solicitor, shall set the type and coverage of insurance required. In determining the insurance requirements, the Director shall take into consideration factors including, but not limited to, the type of permit, the scope of the project, the risk to the City and to the general public, as well as other salient factors. DOMI issues a printed notice that the application has been accepted but not approved.c.Zoning and Development Review Division

Committee: Committee on Public Works**Status:** Passed Finally

(Zoning). DOMI sends the applicant to the Department of City Planning's Zoning and Development Review Division's Zoning counter, with the application, and with 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. Zoning 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 if required by PLI, 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 DOMI's notice of acceptance, the certified site plan, and a copy of the certificate of occupancy for a sidewalk café, to DOMI.(1)If an applicant possesses outstanding citations issued under this Chapter and related to the premises for which the application is submitted, a permit will not be issued.e.Department of Mobility and Infrastructure. A 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 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.g.Department of Mobility and Infrastructure. The Director of Mobility and Infrastructure notifies the applicant of the City's decision. If approved, the sidewalk café permit is issued by the Department of Mobility and Infrastructure. A 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.

2."A proprietor wishing to establish a sidewalk café with four (4) seats or fewer (must be no more than two (2) seats per table) 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 two (2) days.a.Department of Mobility and Infrastructure (DOMI). At 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 based on if for four (4) seats or fewer (must be no more than two (2) seats per table).b.Department of Mobility and Infrastructure. Applicant returns to 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 for a simplified site plan. The proposed site plan for the sidewalk café must be attached to the required permit application. Sample plans are available from DOMI. The permit fee is due at this time at the cost outlined in the Department's publicly posted Right-of-Way Fee Schedule. Also due at this time is a certificate from the proprietor's insurance company, naming the City as coinsured. The Director of the Department of Mobility and Infrastructure, in consultation with the City Solicitor, shall set the type and coverage of insurance required. In determining the insurance requirements, the Director shall take into consideration factors including, but not limited to, the type of permit, the scope of the project, the risk to the City and to the general public, as well as other salient factors. DOMI issues a printed notice that the application has been accepted but not approved.c.Zoning. DOMI sends the applicant to the Zoning counter, with the application, and with DOMI's notice of acceptance. Zoning will verify that the applicant has a valid certificate of occupancy for the primary use of the property. Applications for sidewalk cafes with four (4) seats or fewer under this subsection shall be exempted from the sidewalk café standards of Title Nine, Zoning Code, Section 911.04.A.68, and shall be treated as permitted-by-right over-the-counter approval so long as the primary use has a valid certificate of occupancy.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 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 DOMI's notice of acceptance, the certified site plan, and a copy of the certificate of occupancy for a sidewalk café, to DOMI.e.Department of Mobility and Infrastructure. A 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 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.g.Department of Mobility and Infrastructure. The Director of Mobility and Infrastructure notifies the applicant of the City's decision. If approved, the sidewalk café permit is issued by the Department of Mobility and Infrastructure. A 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.

(Ord. No. 10-2016, eff. 4-22-16; Ord. No. 2017-14, § 1, eff. 3-14-17; Ord. No. 32-2017, § 1, 7-10-17; Ord. No. 25-2018, § 2, eff. 7-19-18; Ord. No. 37-2019, § 1, eff. 12-16-19; Ord. No. 32-2020, § 1, eff. 10-8-20; Ord. No. 1-2021, § 1, eff. 1-14-21; Ord. No. 9-2021, § 1, eff. 3-18-21)

Editor's note- The provisions of Ord. No. 9-2021, § 1, eff. March 18, 2021, will expire Dec. 31, 2021 unless further renewed by the Council of the City of Pittsburgh.

§ 416.21 - SIDEWALK CAFE SITE PLAN.

In furtherance of the intent of this legislation that sidewalk cafes 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 cafes:

1. Site plans shall include: (a) Size of encroachment onto publicly owned sidewalk. (b) Sidewalks up to ten (10) feet in width shall leave four (4) feet of sidewalk clear of obstructions to allow unimpeded pedestrian and disabled pedestrian traffic, in accordance with Americans with Disability Act (ADA) standards. Sidewalks over ten (10) feet in width shall leave five (5) feet of sidewalk clear of obstructions to allow unimpeded pedestrian and disabled pedestrian traffic, in accordance with the Americans with Disability Act (ADA) standards. 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. (1) Sidewalk cafes with four (4) or fewer seats (must be no more than two (2) seats per table) are exempt from the restriction of obstructions eighteen (18) inches from the face of any curb, so long as there is no parking adjacent. (c) The width of the storefront. A sidewalk cafe is limited to the width of the storefront of the establishment with which the area is associated. The area of ingress and egress is to be shown. (d) Gross square footage. (e) Compliance with Federal accessibility standards, to accommodate persons with disabilities. (f) Compliance with building code standards for egress from the cafe and from the establishment, in case of fire or other emergency. (g) City and other approved obstructions are shown outside the required ADA clear passageway. Obstructions shall include, but not be limited to, light poles, traffic signal poles, fire hydrants, utility structures, bike racks, parking meters, street trees, and street signs. Further, the sidewalk cafe cannot obstruct the clear sight distance for vehicles or access or crossings for the disabled. (h) The seating, table layout, and barrier system, to scale, along with passageway/aisle clearances. 2. Design aspects to be included in the site plan are: (a) Sidewalk cafes shall have a rope and stanchion as an enclosure, unless some other barrier system is approved by the City as an architectural design element. (1) Sidewalk cafes with four (4) or fewer (must be no more than two (2) seats per table) seats shall be exempt from requirements in subsection 2 (a). (b) Sidewalk cafes are comprised of tables for dining. There shall be no standing room. No service equipment is permitted. (c) Furnishings for sidewalk cafes shall consist solely of moveable tables, chairs, and decorative accessories. There shall be at least one (1) table that is ADA compliant. (d) The square footage of the sidewalk cafe area shall determine the number of permitted tables and chairs based on the building code requirements in effect at the time of the initial application. The proprietor is also required to update sidewalk cafe seating to meet building code requirements in effect at the time of annual renewal. (e) If awnings are proposed, they shall be adequately secured and retractable. If umbrellas are proposed, they are to be included in the submitted site plan, and must meet ADA standards for encroachment into the public right-of-way, that is, umbrellas must be totally within the sidewalk cafe area and the edges and prongs must leave the path of travel clear and unobstructed. (f) Sidewalk cafes shall be at the same elevation as the public sidewalk. Paint, carpeting, artificial turf, or other floor coverings of any kind shall not be permitted at any time in the sidewalk cafe area. (g) No signage shall be allowed in any sidewalk cafe, or on the adjacent sidewalk, with the exception that small, lighted menu boards may be permitted. (h) Sidewalk cafe uses shall be subject to Pittsburgh Zoning Code standards, as stated at Pittsburgh City Code Section 911.04.A.68.3. 3. General requirements. (a) A permit to operate a sidewalk cafe shall only be granted to an establishment with a valid retail food license. 4. Operation. (a) Operation shall be during the normal business hours of the permittee, but no earlier than 7:00 a.m. and no later than 2:00 a.m. (b) Furnishings must be kept in a state of good repair and in a clean and safe condition at all times (c) Where rope and stanchion is used as the barrier, furnishings and rope and stanchion must be off the sidewalk

by close of business, but no later than 2:00 a.m. each evening. Rope and stanchion must also be removed at that time.(d)Sidewalk cafe permits are not transferable.(e)Permittees are bound by all applicable rules for alcohol and tobacco consumption, including State statutes and City ordinances.(f)The sidewalk surface in the sidewalk cafe area shall be maintained in good repair.(g)Busing stations, trash receptacles, food preparation stations, cashier stations, and music shall not be permitted in the sidewalk cafe.(h)Sanitary cleaning of the sidewalk cafe dining area before, during, and after food service is required.(i)The proprietor shall maintain on-site copies of both the PLI certificate of occupancy for a sidewalk cafe and the certified site plan. Both shall be presented on request from an enforcement official from Public Safety, DOMI, PLI, or other authorized representative of the City. The DOMI sidewalk cafe permit shall be displayed in the front window, clearly visible from the street.(j) The permittee shall be responsible for keeping all visitors, patrons, employees, and cafe fixtures, including, without limitation, tables and chairs, from occupying or encroaching into the required clear sidewalk space. (Ord. No. 10-2016, eff. 4-22-16; Ord. No. 2017-14, § 1, eff. 3-14-17; Ord. No. 32-2017, § 1, 7-10-17; Ord. No. 2-2018, § 11, eff. 2-15-18)

§ 416.22 - SIDEWALK CAFE PERMIT ANNUAL RENEWAL.

(a)Permits are good for one year from issuance and are renewable annually upon approval by the Department.
(b)If an applicant possesses outstanding citations issued under Sections 416.18 through 416.23 and related to the premises for which the renewal is submitted, a renewal will not be issued.
(Ord. No. 10-2016, eff. 4-22-16; Ord. No. 2017-14, § 1, eff. 3-14-17; Ord. No. 37-2019, § 1, eff. 12-16-19)

§ 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 for each offense as outlined in the Department's publicly posted Right-of-Way Fee Schedule, and each day such a violation continues shall be deemed a separate and distinct offense. The Department of Mobility and Infrastructure, the Department of Permits, Licensing, and Inspection, and the Bureau of Police provide enforcement if the permittee violates the terms of the permit.(b)Any sidewalk cafe 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 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 cafe permit by the Department of Mobility and Infrastructure.
(Ord. No. 10-2016, eff. 4-22-16; Ord. No. 3-2017, § 2, eff. 1-23-17; Ord. No. 2-2018, § 11, eff. 2-15-18; Ord. No. 37-2019, § 1, eff. 12-16-19)

§ 416.24 - EFFECTIVE DATE.

~~This Chapter shall become effective January 1, 2010.~~

This ordinance shall take effect 30 days following the date the Mayor signs the enabling legislation. The Department of Mobility and Infrastructure shall issue rules and regulations to carry out this Chapter within 30 days.

(Ord. No. 10-2016, eff. 4-22-16)

§ 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 Mobility and Infrastructure and subject to its approval.

(Ord. No. 10-2016, eff. 4-22-16; Ord. No. 2-2018, § 11, eff. 2-15-18)

§ 416.26 - RESERVED.

Editor's note- Ord. No. 37-2019, § 1, effective Dec. 16, 2019, repealed former § 416.26, which pertained to use of constructions within public right-of-way, and derived from Ord. No. 10-2016, effective April 22, 2016; Ord. No. 2-2018, § 11, effective Feb. 15, 2018.

§ 416.27 - EXTENSION OF PREMISES FOR OUTDOOR COOKING AND OTHER RELATED FOOD SERVICES.

(A)An establishment including, but not limited to, a restaurant, grocery store, café, or deli shall apply for a permit to use the public sidewalk for the purpose of outdoor cooking and other related food services. Outdoor cooking includes, but is not limited to, outdoor grilling. Related food services include selling, sampling, and displaying food cooked and/or prepared outside of the business premises.(B)Tables and chairs require a separate sidewalk café permit.(C)Permit required. No business shall extend its business premise onto the public sidewalk for the purpose of outdoor cooking and other related food services without first obtaining a permit from the Department of Mobility and Infrastructure. The permit shall be prominently displayed in a location visible from the right-of-way.(D)Permit fee. Prior to the issuance of any permit to extend the premises for cooking and other related food services, the permittee must pay any and all applicable fees as outlined in the Department's publicly posted Right-of-Way Fee Schedule.(E)Information required for DOMI approval. The following information is required to be provided to the Department of Mobility and Infrastructure prior to issuance of a permit:(1)A description of the nature of the 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 additional insured. The Director of the Department of Mobility and Infrastructure, in consultation with the City Solicitor, shall set the type and coverage of insurance required. In determining the insurance requirements, the Director shall take into consideration factors including, but not limited to, the type of permit, the scope of the project, the risk to the City and to the general public, as well as other salient factors. The permittee 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.(6)A notarized consent form from the abutting building owners left and/or right of the building housing the permitted business.(F)Loud noises, speaking devices, signs, goods, smoke, and strong odors.(1)No business, nor any person on their behalf, shall blow a horn, or use any other device, except ring a bell, including any loud speaking radio or sound amplifying system upon any of the streets of the City or upon any private premise in the City where sound or sufficient volume is emitted or produced therefrom to be capable of being plainly heard on the streets, alleys, parks, or other public spaces, for the purpose of attracting attention to any goods, wares, or merchandise which the business proposes to sell.(2)No employee, or other individual on behalf of the business while on the sidewalk or public right-of-way, shall create excessive smoke or strong odors through the preparation of goods that are cooked outdoors.(G)Permitted locations.(1)Prior to the business obtaining a permit, the Department of Mobility and Infrastructure shall review the application for safety and appropriate use of public space.(2)The Director 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 when necessary.

(H) 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 permit fee as outlined in the Department's publicly posted Right-of-Way Fee Schedule. The annual permit fee shall not be pro-rated if obtained after the first of the year.

(I) 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 cafe application must be submitted in accordance with all City zoning guidelines for the business' location and all appropriate permits from the Department of 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.

(7) Notice of any outstanding citations issued under this Chapter to the applicant and related to the premises for which the application is submitted.

(J) Hours of operation. Operation shall be during the normal business hours of the permittee, but no earlier than 10:00 a.m. and no later than 10:00 p.m.

(K) Approval process.

(1) When it is deemed that the DOMI application is completed fully and correctly, the Director of 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.

(3) If an applicant possesses outstanding citations issued under this Chapter and related to the premises for which the application is submitted, a permit will not be issued.

(L) 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 for each offense as outlined in the Department's publicly posted Right-of-Way Fee Schedule, and each day such a violation continues shall be deemed a separate and distinct offense. The Department of Mobility and Infrastructure, the Department of Permits, Licensing, and Inspection, and the Bureau of Police shall provide enforcement if the permittee 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 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 Mobility and Infrastructure and City of Pittsburgh Police.

(Ord. No. 10-2016, eff. 4-22-16; Ord. No. 2017-14, § 1, eff. 3-14-17; Ord. No. 2-2018, § 11, eff. 2-15-18; Ord. No. 37-2019, § 1, eff. 12-16-19)

Editor's note- Ord. No. 37-2019, § 1, effective Dec. 16, 2019, changed the title of § 416.27 from "Extension of

premise for cooking and foodservice purposes" to read as herein set out.

§ 416.28 - COVERED WALKWAYS.

(a) If a permit application seeks closure of a sidewalk that will extend beyond thirty (30) days, the permittee shall erect a covered walkway over the sidewalk. If a covered walkway is not feasible, the permit application must be accompanied by an analysis prepared by an engineer licensed by the Commonwealth of Pennsylvania concluding that a covered walkway is not practicable in the circumstances. The Director, or their designee, shall consider such analysis before making a written determination. (b) All covered walkways, as referenced in this section, shall be in compliance with Chapter 33 of the International Building Code, or otherwise meet the definition of a "covered walkway" found within the most recent version of that code.

(Ord. No. 3-2017, § 2, eff. 1-23-17)

§ 416.29 - OUTSTANDING CITATIONS.

For the purposes of this Chapter, "outstanding citations" shall include only unpaid citations from the Department of Public Works and the Department of Permits, Licenses and Inspections where the opportunity to contest has expired and administrative appeals have been exhausted.

(Ord. No. 2017-14, § 1, eff. 3-14-17)