



Text File

Introduced: 2/10/2004

Bill No: 2004-0073, Version: 4

Committee: Committee on Finance & Budget

Status: Passed Finally

Presented by Mr. Hertzberg

AS AMENDED

Ordinance amending the Pittsburgh Code, Title Four, Public Places and Property, Article IX, Parks, Playgrounds and Special Events by adding a new Chapter 471 entitled Permitting of Special Events.

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

Section 1. Amending the Pittsburgh Code, Title Four, Public Places and Property, Article IX, Parks, Playgrounds and Special Events by adding a new Chapter 471 entitled Permitting of Special Events, as follows:

Section 471.01 Purpose.

Freedom of speech and association are among those precious rights guaranteed and protected by the United States and Pennsylvania Constitutions. The law gives the City the ability to balance those rights with its interests in protecting its citizens and preserving City and public property. As a municipal government, the City may enact content-neutral restrictions on the time, place, and manner of such expression in order to promote such significant government interests. The purpose of this Ordinance is to set forth the circumstances under which the City will regulate First Amendment Activity. The City also has an interest in regulating Activity not protected by the First Amendment to ensure that City resources are deployed effectively and proposed events are appropriately scheduled. This Chapter is also intended to address such events. This Chapter is not intended to control the permitting of picnic shelters, ballfields, and park facilities, which are addressed in Chapter 477.

Section 471.02 Definitions.

As used in this Chapter, certain terms are defined as follows:

- (a) Applicant. "Applicant" refers to the person or group sponsoring or organizing an Event and applying for an Event permit required under this Chapter.
- (b) Athletic Competition. "Athletic Competition" means an event involving sports, games, or exercises which is reasonably anticipated to obstruct the normal flow of traffic on a public property or otherwise limit public access to public property. Examples include but are not limited to the Great Race, Grand Prix Rally, and Marathon.

- (c) "Block party." A "block party" means an annual one-day outdoor public event organized by the residents of a neighborhood or city block and held upon a city right-of-way for social or entertainment purposes. For purposes of this Chapter, it shall be limited to R-1 residential districts as defined in the Zoning Code.
- (d) Business day. "Business Day" refers to normal City of Pittsburgh work hours occurring Monday through Friday, excluding holidays.
- (e) CCB. "CCB" refers to the City-County Building located at 414 Grant Street, Pittsburgh, PA 15219.
- (f) Chief of Police. "Chief of Police" means the Chief of the Bureau of Police of the City of Pittsburgh. For purposes of this Chapter, the Chief may authorize a designated Assistant Chief or Commander to serve in his/her place.
- (g) City. "City" means the City of Pittsburgh.
- (h) Community Event. A "Community Event" is an annual one-day community or neighborhood event organized for the purpose of celebrating community arts, recreation or culture or to commemorate a holiday, seasonal, or special day to the community.
- (i) Cost Recovery. "Cost recovery" refers to administrative and departmental costs charged by the City to an applicant in conjunction with an Event permitted under this Chapter.
- (j) Event Permit. "Event Permit" means any written authorization issued as required by this Chapter that authorizes the performance of a specified act or acts on a street or other City property.
- (k) First Amendment Activity. "First Amendment Activity" includes all expressive and associative activity that is protected by the United States and Pennsylvania Constitutions, including speech, press, assembly, and/or the right to petition. For purposes of this Chapter, commercial advertising that is regulated by the Zoning Ordinance or elsewhere in the City Code is excluded from this definition.
- (l) Lobby. "Lobby" refers to the first-floor interior lobby area of the CCB.

- (m) Parade. "Parade" for purposes of this Chapter means a march, procession, organized movement, or motorcade consisting of persons, vehicles, or a combination thereof that is 1) held with an intent to attract attention; 2) takes place upon streets within the City or on streets within a City park; and 3) interferes or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic or does not comply with normal and usual traffic, regulations or controls.
- (n) Participant. "Participant" in a Special Event refers to those individuals, including but not limited to the Applicant, who take part in the activities of the Special Event by invitation of the Applicant.
- (o) Park Shelter. "Park shelter" refers to a shelter located within a City park.
- (p) Person. "Person" means any person, firm, partnership, association, corporation, society, company, or organization of any kind.
- (q) Portico. "Portico" refers to the outside area of the front of the CCB abutting Grant Street.
- (r) Public Assembly. "Public Assembly" means a group activity including but not limited to a demonstration, march, meeting, parade, protest, rally, or vigil which involves the expression of opinions or grievances of persons for a common purpose as a result of prior planning and which interferes or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic upon the streets, parks, sidewalks, or other public grounds within the City or does not comply with normal and usual traffic, regulations or controls; or which occupies any public area open to the general public to the exclusion of others.
- (s) Public Safety Services. "Public Safety Services" are those services provided by the Bureau of Police, the Fire Department or the Department of Emergency Medical Services.
- (t) Sidewalk. "Sidewalk" is any area or way set aside or open to the general public for the purpose of pedestrian traffic, whether or not it is paved.
- (u) Special Event. "Special Event" refers to:
 - a. A Special Event shall include but not be limited to a parade, public assembly, performance, meeting, contest, exhibit, athletic competition or presentation, community event, block party, or ceremony, and which event is to be held:
 - 1. wholly or partially on property owned or maintained by the City which is (i) designated by the City for First Amendment Activity or (ii) in a traditional public forum;

2. on a street or sidewalk located within the City and will likely result in the obstruction of such streets or sidewalks or will likely compromise the ability of the City to respond to a public safety emergency; or
 3. on any other property, but requires for its successful execution the provision and coordination of City services to a degree over and above that which the City routinely provides.
- b. The definition of "Special Event" is not intended to include:
1. an activity held solely on private property and which does not otherwise require for its successful execution the provision and coordination of City services to a degree equal to and/or over and above that which the City routinely provides;
 2. programmed activities provided or managed by the City, i.e. recreational and senior center programs;
 3. any event that would otherwise fall within the definition of a Special Event held in a city park but which involves fewer than 25 people at the same time within a circumscribed 100-foot radius and does not interfere with regular use of the park by the general public (but the provisions of Chapter 477 may still apply);
 4. First Amendment Activity on City streets or sidewalks (including those in parks) that will not likely result in the obstruction of City streets or sidewalks nor compromise the ability of the City to respond to a public safety emergency; or
 5. permitting of Sports Fields, Sports Facilities, or Park Shelters, Recreation or Senior Centers, or usages otherwise governed by Chapter 477 of the Code.
- (v) Sports Fields. "Sports Fields" refers to City-owned and or permitted fields for the purpose of playing baseball, football, soccer or other sports.
- (w) Sports Facility. "Sports Facility" refers to City-owned facilities associated with sports activities including but not limited to ice skating rinks, concession stands, pools and pool houses.
- (x) Street. "Street" is any paved or unpaved road, thoroughfare, avenue, boulevard, parkway, drive, or other public way set aside or open for purposes of vehicular traffic, including any

berm, shoulder or median strip thereof.

Section 471.03 Special Event Permit - When Required.

- (a) No person shall conduct any Special Event as defined herein unless an Event Permit is issued pursuant to this Ordinance.
- (b) No person shall be required to obtain an Event Permit from the City of Pittsburgh to engage in First Amendment Activity on streets or sidewalks unless such Activity will likely result in the obstruction of City streets and/or sidewalks or will likely compromise the ability of the City to respond to a public safety emergency.
- (c) In the event that a person determines that his/her activity is not a Special Event, but still wishes to obtain an Event Permit for an Event to be held on City property, such person shall follow the Special Event Permit Application regulations set forth in Section 471.04.
- (d) If a person holds a Special Event without a permit as required hereunder, the persons participating shall be required to disperse at the discretion of once the police direct them to do so. If a person involved in the activity believes that a permit is not required, he or she may take an immediate appeal as set forth in the regulations required pursuant to Section 471.04.

Section 471.04 Special Event Permit Application.

The Mayor shall issue or cause appropriate departments to issue regulations for the issuance of Special Event Permits. Such regulations must at minimum meet the following criteria:

- (a) Permits for First Amendment Activity shall be (i) issued on a content-neutral basis to the extent required by law; (ii) evaluated no later than two business days from the receipt of a completed permit application where such First Amendment Activity is intended to respond to current events and depends for its value on a timely response; (iii) shall contain only such restrictions on time, place, and manner that are reasonably related to the City's significant interests and (iv) and shall be issued for an application fee that reflects the cost of evaluation and scheduling the event. No permit application fee shall be assessed for First Amendment Activity on the Portico of the CCB.
- (b) Permits for all other Special Events (including First Amendment Activity not responding to current events) shall (i) be issued for an application fee that reflects the cost of evaluating and scheduling the event; (ii) shall be submitted to the Mayor's Office at least fourteen (14) business days and not more than one hundred eighty (180) business days before the date and time at which the Event is proposed to commence and (iii) shall be evaluated within seven (7) business days of receipt by City of a completed application or as otherwise set forth in the administrative regulations that shall be promulgated to implement this Chapter. For Events requested at least forty-five (45) days ahead, the Mayor's designee reserves the right to respond within fourteen (14)

business days.

(c) All permit fees (both permit application fees and cost recovery fees as defined herein and further explained in Section 471.06) shall be set forth in written regulations, which shall be available in hard copy form via request to the Mayor's Office and on the City internet site at www.city.pittsburgh.pa.us <<http://www.city.pittsburgh.pa.us>>.

(d) The permit application fee and cost recovery fees as defined herein and further explained in Section 471.06 shall, for any Parade, not be greater than the amount below:

- i) Parade lasting no more than 2 hours on a weekday: \$500
- ii) Parade lasting no more than 2 hours on a weekend or City Holiday: \$1,000
- iii) Parade lasting over 2 hours on a weekday: \$2,000
- iv) Parade lasting over 2 hours on a weekend or City holiday: \$3,000
- v) Veterans Day Parade: \$0

The length of time of a Parade shall be determined from when the procession begins until it ends and without regard to the length of time required for road closures.

(e) Include specifications for addressing conflicting requests for Special Events.

(f) Include an appeals process to address permit denial.

Section 471.05. Other Permitted Activity.

Sports Fields, Sports Facilities, and Park Shelters and other permits for park facilities: permits for the use of such fields and facilities shall be issued in accordance with City Code Chapter 477 and the regulations issued by the Director of the Department of Public Works (or such other department designated by the Mayor.) Such regulations shall be (i) published annually on the City internet site at www.city.pittsburgh.pa.us <<http://www.city.pittsburgh.pa.us>> and available in hard copy form.

Section 471.06 Cost Recovery

(a) The City shall require the payment of cost recovery fees for the cost of providing the services of public safety and public works for Special Events as set forth in written regulations and Sections 471.06(c) and (d) herein but only if (a) such costs reflect actual costs or a percentage thereof; and (b) do not include costs associated with protecting First Amendment Activity from actual or threatened harm.

(b) All sponsors of Special Events shall work in good faith with the City to achieve the least expensive alternative available consistent with the purpose of the proposed Special Event.

(c) Unless the Special Event falls within subsection (d) herein, sponsors of Special Events shall all be required to pay all or an equally-applied percentage of full cost recovery for city services pursuant to

promulgated regulations. Any such fees shall be approved by City Council.

(d) The City shall assume the first \$750.00 of all costs associated with First Amendment Activity, Parades, community events and block parties. Thereafter, the City and the Special Event sponsor shall equally split any additional costs for City services, with Parades being subject to the maximum fees set forth in Section 471.04 above. In the event that a sponsor of a First Amendment Activity can evidence indigency, no application fee or cost recovery charges or costs under subparagraphs (e) and (f) below shall be assessed. To evidence indigency, the sponsor of a Special Event shall submit a notarized affidavit certifying that:

- i the costs to be imposed exceed the available resources of the sponsor/organization and the sponsor/organization does not reasonably foresee such funds becoming available within a reasonable period after the Event; and
- ii the sponsor is not charging participation fees or other admittance fees to the general public for the Special Event and has no other sponsor that is underwriting costs.

(e) In addition to costs otherwise set forth in this Chapter or in the Regulations, the City shall also charge Special Event sponsors for all services specifically requested in writing by such sponsor, including but not limited to requests for public safety or public works personnel and/or for the use of City equipment.

(f) Where the presence of Emergency Medical Services is necessary, requested or utilized, the Chief of the Department of Public Safety or his/her designee shall have full authority to require an Event sponsor to employ such number of uniformed paramedics as may be designed by the Chief or his/her designee at the rates determined for extra work under the terms and conditions of the collective bargaining agreement in existence between the City and the Fraternal Association of Professional Paramedics.

(g) All sponsors of Special Events and the City shall work in good faith to obtain an estimate of the total cost recovery amount at least ten (10) days before the Special Event is to begin. Payment in full of this estimated cost recovery amount must be made to the City at least four (4) days before the Special Event is to begin or the permit will be revoked. No more that 60 days after the conclusion of the Special Event, the City shall issue an invoice or a refund for the difference between the estimate and the actual cost recovery.

Section 471.07 Prohibition of Direct Payments.

Special Event sponsors are prohibited from making direct payments to City employees for Public Safety, Public

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Works or other City services. All City employees shall instead receive compensation through the City payroll for any assistance with Special Events.

Section 471.08 Revocation of Permit.

The Mayor or a Director designated by the Mayor shall have the authority to revoke an Event Permit instantly upon violation of the conditions or standards for issuance as set forth in this Chapter.

Section 471.09 Severability.

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter.

Section 2. This amendment to the Pittsburgh Code, Title Six-Conduct, Article I Regulated Rights and Actions, adding Chapter 471 Permitting of Special Events shall be effective November 15, 2004.

NOTE: I do hereby certify that the foregoing Ordinance duly engrossed and certified, was delivered by me to the Mayor for his approval or disapproval and that the Mayor failed to approve or disapprove the same, whereupon it became law without his approval, under the provisions of the Act of the Assembly in such case made and provided.

**Linda M. Johnson-Wasler
Clerk of Council**