Legislation Details (With Text)

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On agenda:	1/4/2017	**Final action:**	1/17/2017
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Effective date:	1/23/2017		
Title:	An Ordinance supplementing the Pittsburgh City Code, Title 4: Public Place and Property, Article I: Public Rights-Of-Way, Chapter 415: Openings and Excavations by adding language to require posted notices for sidewalk closures, and Chapter 416: Obstructions, by adding language regarding covered walkways.		
Sponsors:	Dan Gilman		
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Attachments:			

Date	Ver.	Action By	Action	Result
1/23/2017	2	Mayor	Signed by the Mayor	
1/17/2017	2	City Council	Passed Finally	Pass
1/11/2017	2	Standing Committees	AFFIRMATIVELY RECOMMENDED	Pass
1/11/2017	2	Standing Committees	AMENDED BY SUBSTITUTE	Pass
12/21/2016	1	Standing Committees	Held in Committee	Pass
12/13/2016	1	City Council	Read and referred	

An Ordinance supplementing the Pittsburgh City Code, Title 4: Public Place and Property, Article I: Public Rights-Of-Way, Chapter 415: Openings and Excavations by adding language to require posted notices for sidewalk closures, and Chapter 416: Obstructions, by adding language regarding covered walkways.

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

Section 1. The Pittsburgh City Code, Title 4: Public Places and Property, Article I: Public Rights-Of-Way, Chapter 415: Openings and Excavations, is hereby supplemented as follows:

415.05 - PROTECTIVE MEASURES.

(a) The permittee shall erect the fence, railing or barriers about the site of the excavation work as shall prevent danger to persons using the street or sidewalks, and protective barriers shall be maintained until the work shall be completed or the danger removed. At twilight there shall be placed upon the place of excavation and upon any excavated materials or structures or other obstructions to streets suitable and sufficient warning devices which shall be kept burning throughout the night during the maintenance of the construction. The permittee shall inspect barriers and other protective devices every eighteen (18) hours. It shall be unlawful for anyone to remove or tear down the fence or railing or other protective barriers or any lights provided there for the

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protection of the public.

(b) Any sidewalk closure must be accompanied with warning signage at the nearest crosswalk indicating the closure. Failure to maintain appropriate signage shall result in a fine of one-hundred dollars ($100.00) per day, in addition to any additional penalties found in Section 415.14.

(c) If a permit application seeks closure of a sidewalk that will extend beyond 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.

(d) 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.

415.14 - REVOCATION OF PERMITS.

(a) The City reserves its right, as provided herein, to revoke any permit, without refunding any fees already tendered, in the event a registrant fails to comply with the terms and conditions of any City Code ordinance, rule or regulation, or any condition of the permit.

(b) If the City determines that the registrant has failed to comply with a term or condition of any statute, ordinance, article, rule, regulation, or any condition of the permit, the City shall make a written demand upon the registrant to remedy such failure. The demand shall state that continued failure to comply may be cause for revocation of the permit.

(c) Within twenty-four (24) hours of receiving notification of failure to comply, the registrant shall provide the City with an accepted plan for correction of such failure. Registrant's failure to so contact the City, or the registrant's failure to submit or implement an acceptable plan shall be cause for immediate revocation of the permit.

(d) If a permit is revoked, the registrant shall reimburse the City for the City's reasonable costs, including mitigating and restorative measures and reasonable attorneys' fees incurred in connection with such revocation.

Section 2. The Pittsburgh City Code, Title 4: Public Places and Property, Article I: Public Rights-Of-Way, Chapter 416: Obstructions, is hereby supplemented as follows:

416.02 - STANDARD OF PERMIT ISSUANCE.

The Director shall not issue any permit when any obstruction involved will unnecessarily 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) By accepting a permit, the permittee agrees, where applicable:

(1) To remove or relocate at its own expense all installations from the public street, sidewalk or

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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 and to indemnify it for any costs incurred as a result of removal or relocation; 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) Upon completion of the construction related activity the permittee agrees to restore any public rights-of-way damaged by the construction-related activity to specifications set forth by the Director;

(5) To accompany a sidewalk closure with warning signage at the nearest crosswalk indicating the closure. Failure to maintain appropriate signage shall result in a fine of one-hundred dollars ($100.00) per day, in addition to any additional penalties found in Section 416.23.

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 of not less than two hundred dollars ($200.00) and not more than one thousand dollars ($1,000.00) for each offense, and each day such a violation continues shall be deemed a separate and distinct offense. The Department of Public Works, the Department of Permits, Licensing, and Inspection, and the Bureau of Police provide enforcement if the permit holder violates the terms of the permit.

(b) Any sidewalk café 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 Public Works.

(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 café permit by the Department of Public Works.

416.28 Covered Walkways

(a) If a permit application seeks closure of a sidewalk that will extend beyond 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.

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