



## Legislation Details (With Text)

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<b>Enactment date:</b>	12/10/2019	<b>Enactment #:</b>	37
<b>Effective date:</b>	12/16/2019		
<b>Title:</b>	Ordinance amending the Pittsburgh Code of Ordinances at Title Four: Public Places and Property, Article I, Chapters 411, 412, 415, 416 and 419; Title Four: Public Places and Property, Article II, Chapter 427; and Title Five: Traffic, Article VII, Chapter 548 to clarify the jurisdiction of the Director of the Department of Mobility and Infrastructure and to update language relative to the Department's maintenance of the use of the right-of-way, especially involving permits and fees.		
<b>Sponsors:</b>			
<b>Indexes:</b>	PGH. CODE ORDINANCES TITLE 04 - PUBLIC PLACES		
<b>Code sections:</b>			
<b>Attachments:</b>	1. Summary 2019-2291, 2. 2019-2291		

Date	Ver.	Action By	Action	Result
12/16/2019	1	Mayor	Signed by the Mayor	
12/10/2019	1	City Council	Passed Finally	Pass
12/4/2019	1	Standing Committee	Affirmatively Recommended	Pass
11/25/2019	1	City Council	Read and referred	
11/12/2019	1	City Council	Not introduced	

Ordinance amending the Pittsburgh Code of Ordinances at Title Four: Public Places and Property, Article I, Chapters 411, 412, 415, 416 and 419; Title Four: Public Places and Property, Article II, Chapter 427; and Title Five: Traffic, Article VII, Chapter 548 to clarify the jurisdiction of the Director of the Department of Mobility and Infrastructure and to update language relative to the Department's maintenance of the use of the right-of-way, especially involving permits and fees.

Whereas, the Director of the Department of Mobility and Infrastructure ("DOMI") has the authority to supervise all construction, maintenance, repair, use, or occupation of public streets, sidewalks or other public ways, bridges, walls, sewers, steps, and anything within the public right-of-way, and to administer and enforce relevant articles of Pittsburgh's Code of Ordinances; and,

Whereas, Title Four, Articles I and II, and Title Five, Article VII, outline procedures, requirements, and fees for work in, use of, and occupation of the right-of-way, but have not been updated to reflect changes in the City's and DOMI's policies and procedures; and,

Whereas, Title Four, Article I must be updated to clarify the jurisdictional powers and duties of the Director of the Department of Mobility and Infrastructure to enable the Department to enhance public safety and ensure the public good; and,

Whereas, Title Four, Articles I and II, and Title Five, Article VII, must be updated to remove references to specific permit fees in order to allow instead for all fees to be publicly posted in the Right-of-Way Fee Schedule and updated annually, subject to Council approval; therefore,

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

**Section 1.** Ordinance amending the Pittsburgh Code of Ordinances at Title Four: Public Places and Property, Article I, Chapters 411, 412, 415, 416 and 419; Title Four: Public Places and Property, Article II, Chapter 427; and Title Five: Traffic, Article VII, Chapter 548 to clarify the jurisdiction of the Director of the Department of Mobility and Infrastructure and to update language relative to the Department's maintenance of the use of the right-of-way, especially involving permits.

Article I: Public [~~Rights-of-Way~~] **Right-of-Way**

CHAPTER 411: - JURISDICTION

## SEE ATTACHMENT

§ 411.01 - ENFORCEMENT BY DIRECTOR OF MOBILITY AND INFRASTRUCTURE.

**(a)** All construction, maintenance, repair, use, or occupation of public streets, sidewalks, or other public ways, bridges, walls, sewers, ~~and~~ steps, and anything within the public right-of-way shall be under the supervision of the Director of Mobility and Infrastructure. ~~[and he or she]~~

**(b) The Director shall be charged with the administration and enforcement of this Article. This includes, but is not limited to:**

**(1) The Director shall have the sole discretion to assign priorities among competing requests for use of the right-of-way, generally according to the order of completed permit applications or to the highest and best use of the right-of-way as identified by the Director. The Director will have the power to prohibit or limit the placement or use of new or additional equipment within the right-of-way if there is insufficient space to reasonably accommodate all requests to occupy and use the right-of-way. In making these decisions, the Director shall strive, to the extent possible, to accommodate all existing and potential users of the right-of-way, but shall be guided primarily, but not exclusively, by considerations of the public interest, safety, and convenience, the condition of the right-of-way, the time of year, the protection of existing equipment in the right-of-way, and future City plans for public improvements and development projects.**

**(2) The Director shall have the authority to establish yearly fees and fines for all permits, licenses, easements, or other uses within the public right-of-way, except for cable or telecommunications fees that are governed respectively by Chapter 425, Cable Communications, and Chapter 427, Telecommunications Systems in the Public Rights-of-Way or for other exclusions mandated by law. The Director will establish the fees, subject to approval by Council, based on but not limited to the actual costs to the City of administration and maintenance of the public property, estimated prospective costs of maintenance thereof, public inconvenience, and other actual or reasonably anticipated costs to the City. Costs of maintenance shall include but is not limited to all costs to the City for relocation of any and all City facilities located upon, over, or under the public property.**

**(3) The Director shall establish and administer policies as necessary for the implementation of this Article, including, but not limited to, operating procedures, permits, forms, rules, and regulations, to ensure the management of the right-of way for the public good. These policies shall be filed with the City Clerk and publicly posted, pursuant to Section 111.01 (b) of the City Code. Additionally, fees and their associated permits and licenses will be updated annually in the City's Right-of-Way Fee Schedule pursuant to Section 170.01 and will be publicly posted.**

**(4) The Director shall have the right to revoke any permit, without refunding fees, under the following circumstances:**

**(a) a permittee fails to comply with the terms and conditions of any City ordinance, rule, regulation, or condition of that permit,**

**(b) a permittee misrepresents any fact in the permit application;**

**(c) the condition or use of the right-of-way changes;**

**(d) the permitted activity negatively impacts public safety or the operations of the right-of-way;**

**(e) the use of the right-of-way is required for the public good.**

(Ord. No. 2-2018, § 7, eff. 2-15-18)

#### § 411.02 - DEFINITIONS.

(a) The following definitions apply in this Article. References hereafter referred to as "sections" are, unless otherwise specified, references to sections of this Article. Defined terms remain defined terms whether or not capitalized. Words used in the present tense include the future tense, words in the single number include the plural number, words in the plural number include the singular, reference to a masculine gender shall include the feminine. The words "shall" and "will" are mandatory, and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

(1) *BOND*. A bond, cash, certified funds, or irrevocable letter of credit posted to ensure proper and complete major construction and/or restoration of the ~~[rights-of-way]~~ **right-of-way**, or, as the context requires, a bond posted to ensure the availability of sufficient funds to remove a registrant's equipment upon abandonment or other termination of a registrant's privilege to have equipment located in ~~[rights-of-way]~~ **the right-of-way**.

(2) *CITY*. The City of Pittsburgh, a Home Rule Charter municipality of the Commonwealth of Pennsylvania. To the extent that this Article requires filings and/or submittals, "City" shall refer to the Director of the Department of Mobility and Infrastructure [,] or ~~[his]~~ designee [,] as the point of contact to which these submittals shall be directed.

(3) *CODE*. The Pittsburgh Code of Ordinances.

~~[(4) CONSTRUCTION PERMIT. The document that must be obtained before a person may permit construction in a right-of-way. ]~~

~~[(5)]~~ (4) *DEPARTMENT*. The Department of Mobility and Infrastructure.

**(5) DIRECTOR. The Director of the Department of Mobility and Infrastructure or designee.**

(6) *EMERGENCY*. A condition that poses a clear and immediate danger to life or health, or significant loss of property.

(7) *EQUIPMENT*. Tangible property located in the ~~[rights-of-way]~~ **right-of-way** used to deliver services.

(8) *IN OR WITHIN*. When used in conjunction with ~~[rights-of-way]~~ **right-of-way**, means over, above, in, within, on or under [a] **the** right-of-way.

**(9) LICENSE. Official authorization from the Department of Mobility and Infrastructure allowing for an activity, special use, or occupancy of the right-of-way for a period of time.**

**(10) OBSTRUCTION. A partial or complete blockage of the right-of-way.**

**(11) PERMIT. Official authorization from the Department of Mobility and Infrastructure allowing work in, an encroachment into, or occupation of the right-of-way.**

**(13) PERMITTEE. Any person who receives a permit from the Department of Mobility and Infrastructure.**

~~[(9)]~~ **(14) PERSON**. Any individual, corporate person, business association, or other business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity that has placed or seeks to have placed or otherwise positioned equipment or personal property located in the ~~[rights-of-way]~~ **right-of-way**.

~~[(10)]~~ **(15) PERSONAL PROPERTY**. Tangible property located in the ~~[rights-of-way]~~ **right-of-way** other than equipment.

~~[(11)]~~ **(16) PROBATION**. The provisional status of a person that has not complied with the conditions of this Article.

~~[(12)]~~ **(17) PROBATIONARY PERIOD**. One (1) year from the date that a person has been notified in writing of ~~[his placement]~~ **being placed** on probation ~~[status]~~.

~~[(13)]~~ **(18) REGISTRANT**. Any person, or its officers, agencies, employees, contractors, sureties, and assigns, who has registered with the City pursuant to this Article.

~~[(14)]~~ **(19) RESTORE OR RESTORATION**. The process by which [a] **the** right-of-way is [returned] **brought** to **the City standard**. ~~[a state that is as good or better than its condition before construction.]~~

~~[(15)]~~ **(20) [RIGHTS-OF-WAY] RIGHT-OF-WAY**. The surface and space above and below any real property in which the City has an interest in law or equity, including, but not limited to, any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, parkway, swale, river, tunnel, viaduct, bridge, park, or any other place, area, or real property, other than real property owned in fee by the City.

~~[(16)]~~ **SWALE AREA**. The portion of the rights-of-way located between a private property line and the street curb or the edge of a paved road, including, but not limited to, sidewalks, bikeways, and driveways.]

**(21) RIGHT-OF-WAY FEE SCHEDULE. A publicly posted schedule of all fees, including, but not limited to, permit application fees, fines, and bonds, charged by the Department of Mobility & Infrastructure.**

**(22) SERVICE PROVIDER. Any person providing a service including, but not limited to, telecommunications, cable, or information services, utilities, mobility or transportation services.**

~~[(17)]~~ **(23) UNDERGROUND EQUIPMENT**. All equipment that is located wholly or partially underneath ~~[rights-of-way]~~ **the right-of-way**.

(Ord. 21-2000, eff. 7-21-00; Ord. 21-2004, § 15, eff. 12-2-04; Ord. No. 24-2006, § 1(9), eff. 12-4-06; Ord. No. 67-2015, § 1, eff. 12-28-15; Ord. No. 2-2018, § 7, eff. 2-15-18)

§ 411.03 - RESERVATION OF REGULATORY AND POLICE POWERS.

The City, by granting a permit[, or] registering a person does not surrender or to any extent, waive, impair, lessen, or lose the lawful powers and rights that are now or hereafter [are] **will be** vested in the City, under the constitution and statutes of the Commonwealth of Pennsylvania and under the Pittsburgh Home Rule Charter, pertaining to regulation or use of the [~~rights-of-way~~] **right-of-way**.

(Ord. 21-2000, eff. 7-21-00)

§ 411.04 - CONFLICT WITH POLICE POWERS.

Any conflict between the provisions of a registration or of a [~~construction~~] **right-of-way** permit or other permit and any other present or future lawful exercise of the City's regulatory or police powers shall be resolved in favor of the latter.

(Ord. 21-2000, eff. 7-21-00)

CHAPTER 412: - USERS OF THE PUBLIC [~~RIGHTS-OF-WAY~~] **RIGHT-OF-WAY**

§ 412.01 - SINGLE POINT OF CONTACT.

(a) The Director of the Department of Mobility and Infrastructure [~~, or that Director's designated representative,~~] shall serve as the single point of contact within the City for all persons regulated under this Article.

(b) The Director [~~of the Department of Mobility and Infrastructure~~] shall coordinate all contacts with other City departments as necessary to facilitate issuance of any and all permits and registrations required by the [~~Pittsburgh~~] Code [~~of Ordinances~~].

~~[(c) The Director of the Department of Mobility and Infrastructure shall prepare policies and forms as necessary for the implementation of this Chapter. Said policies, rules, and regulations shall be filed with the City Clerk and posted to the City's website, pursuant to Section 111.01(b) of the City Code.]~~

(Ord. 21-2000, eff. 7-21-00; Ord. 21-2004, § 16, eff. 12-2-04; Ord. No. 68-2015, § 1, eff. 12-28-15; Ord. No. 2-2018, § 8, eff. 2-15-18; Ord. No. 23-2018, § 1, eff. 7-12-18; Ord. No. 42-2018, § 3, eff. 11-9-18)

Editor's note- Ord. No. 23-2018, § 1, adopted July 2, 2018, effective July 12, 2018, changed the title of § 412.01 from "Singular point of contact" to read as herein set out.

§ 412.02 - USE OF [~~RIGHTS-OF-WAY~~] THE **RIGHT-OF-WAY**.

(a) No person, **including a service provider or utility company**, shall **work in, encroach into, or occupy the right-of-way** [~~enter upon, over or under, or use or occupy any public street, bridge, sidewalk or other public way for the purpose of providing telecommunications, cable, or information services, public utilities, mobility or transportation services, or other services~~] without first [~~filing a bond, registering and/or~~] obtaining a permit **or license from the Department, or receiving a waiver in writing of those requirements** from the Director [~~of the Department of Mobility and Infrastructure~~].

~~[(b) The Director of the Department of Mobility and Infrastructure shall have the sole discretion to assign priorities among competing users of the public rights-of-way, generally according to the order of~~

completed permit applications. The Director will have the power to prohibit or limit the placement or use of new or additional equipment within the rights-of-way if there is insufficient space to reasonably accommodate all requests to occupy and use the rights-of-way. In making such decisions, the Director shall strive, to the extent possible, to accommodate all existing and potential users of the rights-of-way, but shall be guided primarily, but not exclusively, by considerations of the public interest, the public's need for the particular service, the condition of the rights-of-way, the time of year, the protection of existing equipment in the rights-of-way, and future City plans for public improvements and development projects.

(c) The Director of the Department of Mobility and Infrastructure shall have the authority to establish yearly fees for all rights-of-way, easements or other uses of public property over or under any public streets, bridges, sidewalks or other public ways in the City by persons supplying telephone, electric, light, heat, water, steam, power, mobility or transportation services, or any other service, except cable or telecommunications fees which are governed by Chapters 425, Cable Communications, and 427, Telecommunications Systems in the Public Rights-of-Way, respectively. The fees shall be established by the Director, subject to approval by Council, based on historical, actual costs to the City of maintenance of the public property, estimated prospective costs of maintenance thereof, and other actual or reasonably anticipated costs to the City. Costs of maintenance chargeable to such suppliers shall include inter alia all costs to the City for relocation of any and all City facilities located upon, over or under the public property.]

[(d)] **(b)** [Each applicant b] **Before** starting any work involving any apparatus, device, transmission facilities or means for the supply of telephone, electric, light, heat, water, steam, power, mobility or transportation service, or any other service, **a permit applicant** shall submit to the City detailed plans of its proposed construction or service. All plans shall be subject to City approval before an agreement or a permit is granted.

[(e)] **(c)** All construction and/or service provided shall be in conformity with plans and specifications promulgated by the Department [of Mobility and Infrastructure] and subject to City inspection.

[(f)] **(d)** By accepting a permit, a [permit holder] **permittee** agrees:

(1) To remove or relocate at its own expense all installations and/or services from the [public rights-of-way] **right-of-way** upon thirty (30) days' written notice from the City requesting the removal; [and]

(2) To indemnify and hold harmless the City in connection with any removal or relocation, and for any costs incurred as a result of removal or relocation[.];

**(3) Where specified by the permit, to provide advance notice to the abutting property owners of the pending permitted work in, encroachment into, or occupation of the right-of-way unless under emergency conditions. In emergency cases a reasonable attempt shall be made to notify abutting property owners prior to starting the permitted work; and**

**(4) To abide by all conditions of the permit.**

[(g)] **(e)** During the permit term, a [permit holder] **permittee or the registrant doing work for the permittee** may, at its own cost and expense, trim trees in or on the [rights-of-way] **right-of-way** for the safe and reliable operation, use and maintenance of its facilities. All tree trimming must be performed in accordance with standards promulgated by the City[.] and approved in advance by the City Forester.

**(f) The City shall have the right and power at all times to place signs, police and fire**

**communications, street lights, cables, devices, and apparatus on utility poles or any underground system located in the right-of-way, and to place, replace, alter, repair, or replenish the same, without any cost to the City.**

(Ord. 21-2000, eff. 7-21-00; Ord. 21-2004, § 16, eff. 12-2-04; Ord. No. 68-2015, § 1, eff. 12-28-15; Ord. No. 2-2018, § 8, eff. 2-15-18; Ord. No. 23-2018, § 1, eff. 7-12-18)

(no change to § 412.03)

#### § 412.04 - NO CONSTRUCTION OR SERVICE PROVISION WITHOUT REGISTRATION.

No person may perform construction of any kind or **be a service provider as defined in Section 411.02** [ ~~provide a service such as those described in Section 412.02(a)~~] in the **right-of-way** [ ~~rights-of-way~~] without first registering with the City. No permits for construction or provision of a service **as defined in Section 411.02** [ ~~such as those described in Section 412.02(a)~~] will be issued to any person until all registration requirements have been met.

(Ord. 21-2000, eff. 7-21-00; Ord. No. 23-2018, § 1, eff. 7-12-18)

**Editor's note-** Ord. No. 23-2018, § 1, adopted July 2, 2018, effective July 12, 2018, changed the title of § 412.04 from "No construction without registration" to read as herein set out.

(no change to rest of Ch. 412)

### CHAPTER 415: - OPENINGS AND EXCAVATIONS

#### § 415.01 - PERMIT AND BOND REQUIRED.

(a) No person shall open or make any excavation in any street, sidewalk or any public place the City without first filing a bond and obtaining a permit from the Department of Mobility and Infrastructure.

(b) [A bond shall be provided in the amount of seventy-five thousand dollars (\$75,000.00) for an indefinite number of openings; twenty thousand dollars (\$20,000.00) on concrete streets (up to one hundred sixty (160) square yards) for each opening; and ten thousand dollars (\$10,000.00) on asphalt streets (up to seventy-five (75) square yards) for each opening. Such bond shall remain in effect for two (2) years after the permanent resurfacing of each such opening.] **The Director, in consultation with the City Solicitor, shall set the required bond amount dependent on the amount and cost of work to be performed. The permittee must pay any and all applicable fees as outlined in the Department's publicly posted Right-of-Way Fee Schedule.**

(c) No permit shall be granted unless the applicant has paid to the City any moneys [then] due the City for prior openings made or for any loss, damage or expense in any manner occasioned by or arising from any work under prior permits.

(Ord. 27-1985, eff. 7-17-85; Am. Ord. 31-1998, eff. 12-31-98; Am. Ord. 9-2000, eff. 4-19-00; Ord. No. 2-2018, § 10, eff. 2-15-18)

#### § 415.02 - PERMIT FEES [~~;- BASIS OF MEASUREMENT~~].

(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.** [following fees shall be paid for

every period of fourteen (14) days that there is an opening or excavation in any street:

<i>Concrete Roadways or Concrete Foundation</i>	
<i>Square Yards</i>	<i>Fee</i>
3 or less	\$ 80.00
Over 3 to 50	160.00
Over 50 to 100	320.00
Over 100	320.00 plus \$2.00/square yard

If excavation is temporarily filled in and left uncompleted for a period of thirty (30) days or more, the permittee must continue to renew the permit until the restoration is completed. The fee for such renewal shall be no less than one hundred dollars (\$100.00).

<i>Sidewalks or Dirt Roadway</i>	
<i>Lineal Feet</i>	<i>Fee</i>
20 or less	\$30.00
Over 20	\$1 per lineal ft.

Fees shall be reviewed annually by the Director and adjusted as necessary to reflect actual costs to the City. Notice of such adjustments shall be provided to City Council.]

(b) [The basis of measurement of street openings shall be the actual number of square yards of paving or surfacing necessary to completely repair the street surface as opening.] **For permits with fees tied to dimensions, all measurements shall be rounded up to the nearest whole number**, [A fraction of one-half ( $\frac{1}{2}$ ) square yard shall be considered as a full square yard] and payment shall be made on this basis. [All openings shall be measured by the Department of Mobility and Infrastructure and such measurements shall be final and conclusive.]

(Ord. 27-1985, eff. 7-17-85; Ord. 33-1990, eff. 12-18-90; Am. Ord. 31-1998, eff. 12-31-98; Ord. 21-2004, § 17, eff. 12-2-04; Ord. No. 2-2018, § 10, eff. 2-15-18)

(no change to § 415.03 - 415.04)

#### § 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 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 **as outlined in the Department's publicly posted Right-of-Way Fee Schedule**, 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 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] **this** 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.

(Ord. 27-1985, eff. 7-17-85; Ord. No. 3-2017, § 1, eff. 1-23-17)

(no change to rest of Chapter 415)

## CHAPTER 416: - OBSTRUCTIONS

(no change to § 416.01)

### § 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 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) **To restore the right-of-way** [U]pon 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 **as outlined in the Department's publicly posted Right-of-Way Fee Schedule**, in addition to any additional penalties found in Section 416.23.

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

(no change to § 416.03 - 416.08)

### § 416.09 - PERMIT FEES FOR CONSTRUCTION-RELATED STREET OBSTRUCTIONS.

(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.**

[for minor street obstruction, the following fees shall be:

	TYPE OF MAJOR STREET OBSTRUCTION	FEES
(a)	Temporary barricade, each 15-day period:	\$6.00 per 200 square foot of space per day with a minimum fee of \$90.00 up to a maximum fee of \$1,800.00/per month.
(b)	Walkway, each 15-day period (uncovered):	\$1.00 per lineal foot. \$30.00 minimum fee.
(c)	Cutting curb (no permit shall be issued for curb cut in excess of 36 feet.)	
	Residential:	\$75.00
	Non-residential:	\$15.00 per lineal foot with a minimum fee of \$75.00.
(d)	Erecting, replacing and/or relocating utility pole and/or anchors:	\$50.00 plus an additional \$100.00 per pole or anchor if old pole is not removed within 60 days.
(e)	Erection of scaffold over roadways and sidewalks, each 30-day period:	
	Residential:	\$100.00
	Non-residential:	\$0.50 per linear foot times the number of stories with a minimum fee of \$100.00.
(f)	Repairing or reconstruction of sidewalk:	
	Residential:	\$30.00 flat fee.
	Non-residential:	\$1.00 per linear foot with a minimum fee of \$30.00.
(g)	Temporary bridge, 15 days:	\$150.00
(h)	Temporary placement of machinery or equipment in roadway for each 15-day period:	\$5.00 per day, per piece of machinery or equipment.
		Minimum fee of \$75.00
(i)	Staging area:	\$5.00 per 200 square foot area of street space per day.
(j)	Temporary Dumpsters:	
	Commercial:	\$100.00 per month (no weekly rate).
	Residential:	\$25.00 per week.
	Permanent Dumpsters:	\$375.00 per year.

]

**(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.**

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

(no change to § 416.10 - 416.12)

§ 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 ~~[to]~~ 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 ~~[such]~~ **these** locations shall be available at the Department of Mobility and Infrastructure.

(C) Limited duration ~~[permit holders]~~ **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 ~~[permit holder]~~ **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 ~~[said]~~ 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 ~~[such]~~ advertising comprises no more than thirty-three (33) percent of the banner face.

~~[Said to]~~ **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.** ~~[ten dollars (\$10.00) per banner]~~ **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 ~~[event sponsor]~~ **permittee**. Any ~~[such]~~ hardware or other fixtures required to hang banners shall be the responsibility of the ~~[event sponsor]~~ **permittee** and shall **be** approved by the Director prior to installation.

**Only with advance permission of the Department shall** If the ~~[permit holder]~~ **permittee** ~~[agrees to]~~ leave banner-hanging hardware in place, ~~valued up to fifty dollars (\$50.00) per set,~~ for the permanent use of the City~~], the value of such hardware shall be deducted from the permit fee].~~

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

§ 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,** ~~[the commercial display of merchandise]~~ and the setting out of furniture on the sidewalk and cart~~]~~ ways of the

City.

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

§ 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 ~~[rights-of-way]~~ **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)

§ 416.16 - ~~[PERMIT FEES FOR BANNERS, BLOCK PARTY, EXTENSION OF PREMISES.]~~ **RESERVED**

~~[(a) Pole banners:~~

~~1-5 banners ..... \$150.00  
6-10 banners ..... 375.00  
11-20 banners ..... 900.00  
21-30 banners ..... 1,552.50~~

~~(b) Banners over streets:~~

~~1-5 banners ..... 150.00  
6-10 banners ..... 375.00  
11-20 banners ..... 900.00  
21-30 banners ..... 1,552.50  
6 months to 1 year ..... 150.00 per month~~

~~Festivals:~~

~~For for-profit organizations ..... 100.00  
Neighborhood organizations for self-installed banners ..... 10.00~~

~~(c) Block party obstruction permit ..... 25.00~~

~~(d) Extension of premises ..... 25.00 per year~~

~~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.~~

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

§ 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.** ~~[The Director shall assess a one-time initial permit fee for one hundred and fifty dollars (\$150.00)]~~

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

(no change to § 416.18 - § 416.19)

§ 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.** ~~[, at one dollar (\$1.00) for each square foot of café area (gross square footage)]~~ Also due at this time is a certificate from the proprietor's insurance company, naming the City as **additional insured**~~[co-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.** ~~[, with minimum amounts of one hundred thousand dollars (\$100,000.00) to three hundred thousand dollars (\$300,000.00) public liability and fifty thousand dollars (\$50,000.00) property.]~~ DOMI issues a printed notice that the application has been accepted but not approved.

c. *Zoning and Development Review Division (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, 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. The City Council Member representing the district where the café is proposed shall acknowledge, in writing, having reviewed the application, prior to issuance of the permit.

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 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 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.** ~~[, at one dollar (\$1.00) for each square foot of café area (gross square footage)]~~ 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.** ~~[, with minimum amounts of one hundred thousand dollars (\$100,000.00) to three hundred thousand dollars (\$300,000.00) public liability and fifty thousand dollars (\$50,000.00) property.]~~ 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. The City Council Member representing the district where the café is proposed shall acknowledge, in writing, having reviewed the application, prior to issuance of the permit.

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)

(no change to § 416.21)

## § 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.** ~~[The annual permit runs from January through December, at which time the proprietor is required to pay the annual renewal fee of twenty-five dollars (\$25.00) at DPW-]~~

(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)

#### § 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 **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 ~~[permit holder]~~ **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)

(no change to § 416.24 - 416.25)

#### § 416.26 - ~~[USE OF CONSTRUCTIONS WITHIN PUBLIC RIGHT-OF-WAY.]~~ **RESERVED**

~~[The City shall have the right and power at all times to place on utility poles or any underground system located in the public right-of-way, signs, police and fire communications, street lights, cables, devices and apparatus, and to place, replace, alter, repair or replenish the same, without any cost to the City.]~~

~~(A) No person or utility company shall use any pole, bridge or underground system within the public right-of-way for any purpose except that which is necessary for pertinent utilities without first obtaining the permission of the Director of Mobility and Infrastructure.~~

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

#### § 416.27 - EXTENSION OF PREMISES FOR **OUTDOOR** COOKING AND **OTHER RELATED** FOOD SERVICES ~~[PURPOSES]~~.

~~(A) [Definition. As used herein]~~ **An establishment including, but not limited to, a** ~~[includes any]~~ restaurant, grocery store, café, or deli **shall apply for a permit** ~~[that wishes]~~ to use the public sidewalk for the purpose[s] of outdoor cooking and other related food services. Outdoor cooking includes, but is not limited to, outdoor grilling. Related food services include[s] selling, sampling, and displaying ~~[of]~~ food cooked **and/or** prepared outside of the business premises.

~~([A])~~**(B)** Tables and chairs require a separate sidewalk café permit.



~~([B]C)~~ Permit required. No business shall ~~[engage in the act of]~~ extend~~[ing]~~ 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 ~~[(DOMI)]~~. The permit shall be prominently displayed in a ~~[visible]~~ location **visible from the right-of-way**~~[from the outside food service operation]~~.

~~([C]D)~~ Permit fee. Prior to the issuance of any permit ~~[for]~~ **to extend the** ~~[extension of]~~ premises for cooking and **other related** food services~~[purposes]~~, **the permittee must pay any and all applicable fees as outlined in the Department's publicly posted Right-of-Way Fee Schedule.** ~~[the following fees shall be paid: Annual two hundred fifty dollar (\$250.00) fee for the extension of premises cooking on a public sidewalk]~~

~~([D]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**~~[co-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.** ~~[, with minimum amounts of one hundred thousand dollars (\$100,000.00) to three hundred thousand dollars (\$300,000.00) public liability and fifty thousand dollars (\$50,000.00) property, and]~~ **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. ~~[of the Department of Public Works.]~~
- (6) A notarized consent form from the abutting building owners left and/or right of the building housing the permitted business.

~~([E]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.

~~([F]G)~~ Permitted locations.

- (1) Prior to the business obtaining a permit ~~[from the Department of Mobility and Infrastructure]~~

], the Department of Mobility and Infrastructure shall review the application for safety and appropriate use of public space.

(2) The Director [~~of the Department of Mobility and Infrastructure or his/her assign~~] 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 [as he/she deems] **when** necessary.

(~~[G]~~**[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.** [~~of two hundred fifty dollars (\$250.00) at DOMI.~~] The annual permit fee shall not be pro-rated if obtained after the first of the year.

(~~[H]~~**[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.

(~~[I]~~**[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.

(~~[J]~~**[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.

(~~[K]~~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 [~~of not less than two hundred dollars (\$200.00) and not more than one thousand dollars (\$1,000.00)~~] 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 [~~permit holder~~] **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)

## CHAPTER 419: - REGULATED ACTIVITIES

(no change to § 419.01 - 419.04)

### § 419.05 - TELEPHONE BOOTHS, TRANSIT SHELTERS, NEWSRACKS, [AND] BICYCLE RACKS AND BICYCLE STATIONS.

(a) *Telephone booths, transit shelters and newsracks.*

(1) No person shall erect, install or maintain a telephone booth, public transit shelter, newsrack or news vending machine on any sidewalk or other public place without first obtaining a permit annually therefore from the Department [~~of Mobility and Infrastructure~~]. No permit shall be issued for a public transit shelter prior to the enactment of authorizing legislation by Council. All telephone booths, transit shelters, newsracks and news vending machines so installed shall be subject to the terms and conditions imposed by the Department [~~of Mobility and Infrastructure~~]. The Director [~~of Mobility and Infrastructure~~] and a City Council representative of the affected district shall review and approve new sites.

(2) No person shall install a public transit shelter without first having provided thirty (30) days' written notice to the owner or owners of the property immediately abutting the easement upon which [~~said~~] **the** shelter shall be located. [~~Said~~] **The abutting** property owner(s) shall file any objections in writing with the Director [~~, Department of Mobility and Infrastructure,~~] within ten (10) days. The Director must consider the objections of abutting property owner(s) when issuing permits for [~~such~~] **public transit** shelters pursuant to this Chapter.

(3) No permit shall be issued for a public transit shelter ~~[which]~~ **that** contains an advertising sign without first obtaining approval from the Zoning Administrator regarding the design and location of the shelter and the sign, considering issues including, but not limited to, the location relative to residential properties, storefronts, pedestrian passage, landscape features, safety, the design relative to the design or historic nature of surrounding properties, landscape features, or the character of the surrounding infrastructure.

(b) *Bicycle racks.*

(1) No person shall erect or install a bicycle rack without first obtaining a permit from the Department ~~[of Mobility and Infrastructure]~~.

(2) All bicycle racks must comply with the standards set forth in the City of Pittsburgh Bicycle Parking Guidelines.

(3) A minimum of five (5) feet of open unobstructed sidewalk must be maintained for pedestrian traffic and must remain available when bicycles are attached to the bicycle rack.

(4) All new bicycle rack applications require a permit fee as outlined in the Department's publicly posted Right-of-Way Fee Schedule. ~~[twenty-five dollar (\$25.00) permit fee is required for all new bicycle rack applications.]~~

(5) Multiple bicycle racks may be approved on a single application so long as all rack locations have been submitted. If additional bicycle racks are added at a later date, a new permit application identifying their location must be completed.

(6) The Director ~~[of Mobility and Infrastructure or designee]~~ shall acknowledge in writing, upon having reviewed the application, that the suggested bicycle rack placement conforms to the Americans with Disabilities Act (28 C.F.R., pt. 36, App. A) and City of Pittsburgh Bicycle Parking Guidelines. Said acknowledgement and application shall then be submitted to the Director ~~[of the Department of Mobility and Infrastructure or representative]~~ for approval and issuance of a permit.

(7) The Director of City Planning or designee shall promulgate regulations governing both the size and construction of bicycle racks and the application process. Prior to the institution of any additional regulations governing bicycle racks, the Director of City Planning or designee shall inform the public, the Department of Public Works, and City Council in writing of the additional regulations and allow for a public comment period of not less than forty-five (45) days prior to implementation of any additional regulations.

(c) *Bike station.*

(1) A "bike station" is a self-service secured bike parking facility at which bicycles are made available to subscribing individuals on a short-term basis.

(2) All bike stations must comply with industry standards including Americans with Disabilities Act (28 C.F.R., pt. 36, App. A), and where applicable, standards set forth in the City of Pittsburgh Bicycle Parking Guidelines.

(3) The Director ~~[of Mobility and Infrastructure or designee]~~ is hereby authorized to enter into one (1) or more operation and maintenance agreement(s) with responsible non-profit organization(s) for the operation and maintenance of the Bike Share Program.

(4) The Director ~~[of Mobility and Infrastructure]~~ is hereby authorized in accordance with this

Chapter to the display or approve the display of sponsor, public information, and public parking and rate signs as defined in Sections 919.03.C(13), 919.03.J, and 919.03.K, on bike share stations located within the public right-of-way and/or on private property. For purposes of this Section, "sponsor signs" must meet the following criteria:

- (a) Signs may display the name and logo of the Bike Share Program sponsors but shall otherwise not display advertising signage;
- (b) Signs will not exceed four (4) square feet in display surface per sign;
- (c) There will be a maximum of four (4) sponsor signs or two (2) back-to-back sponsor signs on each bike station; and
- (d) Sign display must be integral to the design of the structure and will not extend more than five (5) inches from the face of the structure.

(5) The Director [of Mobility and Infrastructure] and a City Council representative of the affected district shall review and approve new bike share station sites located in public domain.

(Ord. 15-1998, eff. 7-6-98; Ord. No. 2-2009, § 1, eff. 2-16-09; Ord. No. 26-2013, § 1, eff. 10-22-13; Ord. No. 2-2018, § 13, eff. 2-15-18)

(no change to rest of Ch. 419)

#### CHAPTER 427: - TELECOMMUNICATIONS SYSTEMS IN THE **RIGHT-OF-WAY** [~~PUBLIC RIGHTS-OF-WAY~~]<sup>[4]</sup>

(no change to § 427.01 - 427.13)

#### § 427.14 - INDEMNITY AND INSURANCE.

(a) The City shall not at any time be liable for any injury or damage occurring to any person or property from any cause whatsoever, including damages from the City's negligent omissions, if any, arising from the use, operation or condition of the **right-of-way** [ROW] user's telecommunications system.

(b) The **right-of-way** [ROW] user shall indemnify, save and hold harmless and defend the City from all liens; charges; claims, including, but not limited to, libel, slander, invasion of privacy and unauthorized use of any trademark, trade name or service mark; demands; suits; actions; fines; penalties; losses; costs, including, but not limited to, reasonable legal fees and court costs; judgments; injuries; liabilities or damages, in law or equity, of any and every kind and nature whatsoever, including damages caused by or arising out of any act of negligent omission of the City, its officers, servants, agents, employees or contractors, or otherwise, arising out of or in any way connected with the installation, operation, maintenance or condition of the **right-of-way** [ROW] user's telecommunications system.

(c) 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**, [~~setting the amount,~~] the Director shall take into consideration **factors including, but not limited to**, the size and location of the telecommunications system, [~~the financial resources of the ROW user,~~] risk involved to the City and to the general public, as well as other salient factors.

(Ord. No. 71-2015, § 1, eff. 12-28-15; Ord. No. 2-2018, § 17, eff. 2-15-18)

## TITLE FIVE

### CHAPTER 548: - VALET PARKING

○

(no change to § 548.01)

#### § 548.02 - LICENSE.

- (a) No valet parking service is permitted unless a license allowing ~~[such]~~ **this** activity has been issued pursuant to this Chapter. A separate license is required for each valet parking service location.
- (b) Applications for valet parking operator licenses shall be made to the Director of Mobility and Infrastructure ~~[or his/her designee]~~ in a form to be set by the Director. Each valet parking operator license issued shall be for a one-year period only.
- (c) Fees. **The licensee must pay any and all applicable fees as outlined in the Department's publicly posted Right-of-Way Fee Schedule.**
  - ~~[1. The fee for each valet parking operator license shall be two hundred dollars (\$200.00) per year.~~
  - ~~2. The renewal of each valet parking operator license shall be one hundred dollars (\$100.00) per year.~~
  - ~~3. The fee for each high occupancy valet parking operator license shall be four hundred dollars (\$400.00) per year.~~
  - ~~4. The renewal of each high occupancy valet parking operator license shall be two hundred dollars (\$200.00) per year.~~
  - ~~5. The fees may be adjusted at the discretion of the Director of Mobility and Infrastructure, who shall annually report such adjustments to Council.]~~
- (d) Valet parking operator licenses shall be nontransferable.
- (e) Eligible spaces.
  - 1. A valet parking license shall be eligible for one (1) to three (3) parking spaces.
  - 2. A high occupancy valet parking license shall be eligible for six (6) parking spaces and shall not exceed the length of the frontage of the business establishment being serviced.
  - 3. The actual number of parking spaces shall be determined by the Department of Mobility and Infrastructure.
- (f) A valet parking operator license shall not be issued without proof that the valet parking operator has **an insurance certificate from the proprietor's insurance company, naming the City as additional insured.** ~~[the required insurance, in a minimum amount of five hundred thousand dollars (\$500,000.00) public liability, one hundred thousand dollars (\$100,000.00) property damage, one hundred thousand dollars (\$100,000.00) legal liability, and one hundred thousand dollars (\$100,000.00) garage keeper liability for the duration of the licensing issuance period.]~~ **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 risk to the City and to the general public, as well as other salient factors.**

(Ord. No. 17-2013, § 1, eff. 7-18-13; Ord. No. 25-2014, § 1, eff. 12-9-14; Ord. No. 2-2018, § 23, eff. 2-15-18; Ord. No. 36-2018, § 1, eff. 9-20-18)

(no change to rest of Ch. 548)