



Legislation Details (With Text)

File #: 2004-0808 **Version:** 3

Type: Ordinance **Status:** Passed Finally

File created: 11/8/2004 **In control:** Committee on Finance & Budget

On agenda: **Final action:** 12/2/2004

Enactment date: 12/2/2004 **Enactment #:** 21

Effective date: 12/10/2004

Title: ORDINANCE AMENDING THE PITTSBURGH CITY CODE PURSUANT TO ORDINANCE NO. 10 OF 2004, ENACTED BY CITY COUNCIL ON JUNE 29, 2004, ADOPTING THE ACT 47 FINANCIAL RECOVERY PLAN FOR THE CITY OF PITTSBURGH DATED JUNE 11, 2004, PURSUANT TO THE MUNICIPALITIES FINANCIAL RECOVERY ACT, ACT OF JULY 10, 1987, P.L. 246, NO. 47., SECTION 101 et seq., AS AMENDED, 53 P.S. SECTION 11701.11 et seq.

Sponsors:

Indexes: ACT 47 RECOVERY PLAN

Code sections:

Attachments: 1. 2004-0808.doc, 2. 2004-0808 v2.doc, 3. 2004-0808 v-3.doc

Date	Ver.	Action By	Action	Result
12/10/2004	3	Mayor	Signed by the Mayor	
12/2/2004	3	City Council	Passed Finally, As Amended	Pass
11/30/2004	2	City Council	AMENDED	Pass
11/23/2004	1	Committee on Finance & Budget	AMENDED	Pass
11/23/2004	2	Committee on Finance & Budget	Affirmatively Recommended as Amended	Pass
11/22/2004	1	Committee on Hearings	Public Hearing Held	
11/10/2004	1	Committee on Finance & Budget	Held for Cablecast Public Hearing	Pass
11/8/2004	1	City Council	Waived under Rule 8	Pass
11/8/2004	1	City Council	Read and referred	Pass

Presented by Mr. Hertzberg

AS AMENDED

ORDINANCE AMENDING THE PITTSBURGH CITY CODE PURSUANT TO ORDINANCE NO. 10 OF 2004, ENACTED BY CITY COUNCIL ON JUNE 29, 2004, ADOPTING THE ACT 47 FINANCIAL RECOVERY PLAN FOR THE CITY OF PITTSBURGH **DATED JUNE 11, 2004**, PURSUANT TO THE MUNICIPALITIES FINANCIAL RECOVERY ACT, ACT OF JULY 10, 1987, P.L. 246, NO. 47., SECTION 101 *et seq.*, AS AMENDED, 53 P.S. SECTION 11701.11 *et seq.*

WHEREAS, on November 7, 2003, the City filed an application to be declared a distressed municipality pursuant to the authority of the Municipalities Financial Recovery Act, Act of July 10, 1987, P.L. 246, No. 47,

Section 101 *et seq.*, as amended, 53 P.S. 11701.11 *et seq.* ("Act 47").

WHEREAS, on December 29, 2003, the Secretary of the Commonwealth's Department of Community and Economic Development (the "Secretary"), Dennis Yablonsky, declared the City to be a distressed municipality; and

WHEREAS, after the subsequent issuance of a Request for Proposals seeking candidates to serve as Coordinator for the City's financial recovery, the Secretary appointed a joint team of Eckert Seamans Cherin & Mellott, LLC, and Public Financial Management (jointly referred to hereinafter as "the Coordinator") to oversee the City's economic recovery; and

WHEREAS, after receiving comments from the public as well as City officials on a preliminary Financial Recovery Plan, on June 11, 2004, the Coordinator filed a final Act 47 Recovery Plan for the City's review and approval; and

WHEREAS, on June 29, 2004, City Council enacted Ordinance 10 of 2004 adopting the Act 47 Recovery Plan (the "Plan") proposed by the Coordinator; and

WHEREAS, Ordinance No. 10 of 2004 authorizes and instructs the City Clerk and City Solicitor to prepare for adoption any necessary related ordinances, resolutions, agreements and other documents and revisions to ordinances, resolutions, agreements and other documents necessary to implement the Recovery Plan; and

WHEREAS, the Recovery Plan requires that the City shall enact such new ordinances and shall adopt such new resolutions and other official actions, and repeal, amend or interpret such current ordinances, resolutions or other official actions, and take all other actions required, to accomplish the initiatives set forth in the Recovery Plan; and

WHEREAS, the City desires to address all changes to the Code precipitated by Act 47, as a single subject of legislation, in one Omnibus Ordinance, and also to include therein certain corrections;

NOW THEREFORE,

BE IT ENACTED BY THE COUNCIL OF THE CITY OF PITTSBURGH that the following revisions to Titles One through Six of the Pittsburgh Code of Ordinances are hereby adopted:

SEE ATTACHMENT

LIST OF REVISIONS TO ORDINANCES

This Ordinance No. __ of 2004, Sections 1 - 30

Title One - Administrative:

ARTICLE III - ORGANIZATION:

Section 1:	Chapter 111 - Departments Generally	14
	Section 111.01(a) - <i>amended</i>	
Section 2:	Chapter 119 - Department of Public Works	16

Section 3:	Section 119.02 - <i>amended</i> Chapter 120 - Department of Engineering and Construction -- <i>repealed</i>	18
Section 4:	Chapter 127 - Department of General Services Section 127.02 - <i>amended</i>	19

ARTICLE VII - PROCEDURES:

Section 5:	Chapter 161 - Contracts: Section 161, subsections .01, .02, .03, .04 <i>amended</i> , .05 <i>repealed</i> , .06 <i>amended</i> , .10 <i>repealed</i> , .11, .12 <i>amended</i> , .13, .15 <i>repealed</i> , .16 <i>amended</i> , .20, .21 <i>repealed</i> , .24, .26, .28 <i>amended</i> , .30, .30.1, .31, .32, .33 <i>amended</i> , .34 <i>relocated</i> as Chapter 177A and <i>amended</i>	20
Section 6:	Chapter 170 - Fees Section 170.02 - <i>amended</i>	44

ARTICLE IX - BOARDS, COMMISSIONS AND AUTHORITIES:

Section 7:	Chapter 177A - Equal Opportunity Review Commission - <i>relocated, formerly Chapter 161, section 161.34, and amended</i>	46
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ARTICLE XI - PERSONNEL:

Section 8:	Chapter 181 - General provisions Section 181.01 - <i>amended</i>	51
Section 9:	Chapter 182 - Job Sharing: Sections 182.01, 182.03, 182.07 - <i>amended</i>	52
Section 10:	Chapter 183 - Holidays: Section 183.01 - <i>amended</i>	54
Section 11:	Chapter 185 - Vacations: Sections 185.02, 185.03 and 185.05 - <i>amended</i> , 185.08 - <i>repealed</i>	55
Section 12:	Chapter 187 - Sick Leave Sections 187.01 and 187.02 - <i>amended</i> , 187.04 - <i>repealed</i> , 187.06 <i>amended</i>	58
Section 13:	Chapter 191 - Retirement and Severance Pay Sections 191.01 and 191.05 - <i>amended</i>	61
Section 14:	Chapter 192 - Pensions Sections 192.01, 192.23 and 192.26 - <i>amended</i>	63

TITLE FOUR - PUBLIC PLACES AND PROPERTY

ARTICLE I - STREETS AND SIDEWALKS

Section 15:	<u>Chapter 411 - Jurisdiction</u> Section 411.02 - <i>amended</i>	69
Section 16:	<u>Chapter 412 - Users of the Public Rights-of-Way:</u> Sections 412.01, 412.02 and 412.03 - <i>amended</i>	72
Section 17:	<u>Chapter 415 - Openings and Excavations</u> Sections 415.02, and 415.17 - <i>amended</i>	75
Section 18:	<u>Chapter 416 - Obstructions</u> Sections 416.02 and 416.04 - <i>amended</i>	78
Section 19:	<u>Chapter 427 - Private Communications Systems</u> (<i>now Telecommunications Systems</i>) <i>All sections amended except 427.05, 427.14, 427.16, and 427.17</i>	82

ARTICLE VII - CITY REALTY

Section 20:	<u>Chapter 452 - Acquisition of City Property</u> Section 452.01 - <i>amended</i>	91
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ARTICLE XI - PARKS AND PLAYGROUNDS

Section 21:	<u>Chapter 480 - Playground Safety</u> Sections 480.01 and 480.02 - <i>amended</i>	92
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ARTICLE XIII - TREES

Section 22:	<u>Chapter 481 - Jurisdiction</u> Section 481.01 - <i>amended</i>	95
Section 23:	<u>Chapter 483 - Care and Maintenance</u> Sections 483.02, 483.03, 483.04, 483.05, and 483.06 - <i>amended</i>	96
Section 24:	<u>Chapter 485 - Protection</u> Section 485.01 - <i>amended</i>	99
Section 25:	<u>Chapter 487 - Pittsburgh Shade Tree Commission</u> Section 487.04 - <i>amended</i>	100

TITLE FIVE - TRAFFIC

ARTICLE III - TOWING

Section 26:	<u>Chapter 523</u> - Tow Pounds Section 523.04 - <i>amended</i>	102
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TITLE VI - CONDUCT

ARTICLE 1 - REGULATED RIGHTS AND ACTIONS

Section 27:	<u>Chapter 609</u> - Weeds and Grass Section 609.04 - <i>amended</i>	103
Section 28:	<u>Chapter 611</u> - Alarms Sections 611.01, 611.02, 611.05, 611.06, 611.07 and 611.08 - <i>amended</i> ; 611.07A - <i>new</i>	104
Section 29:	<u>Chapter 619</u> - Refuse Collection and Recycling Section 619, subsections .01, .02, .03, .04, .05, .06, .07, .10, .and 13 - <i>amended</i>	110

ARTICLE III - DOGS, CATS AND OTHER ANIMALS

Section 30:	<u>Chapter 633</u> - Dogs and Cats Sections 633.16, 633.17 - <i>repealed</i>	124
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LIST OF RESOLUTIONS ADDITIONALLY IMPLEMENTING THE ACT 47 PLAN:

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Resolution No. ____ of 2004: Authorizing a revised schedule of fees for City swimming pools and other recreational facilities.	126
Resolution No. ____ of 2004: Authorizing and adopting a yard debris fee schedule for 2005.	129
Resolution No. ____ of 2004: Amending resolution no. 145 of 2001, eff. March 28, 2001, which amended resolution no. 69 of 2001, eff. February 28, 2001, which amended resolution no. 844 of 1989, eff. October 27,	130

1989, which amended resolution no. 564 of 1989, eff. July 17, 1989, authorizing implementation of an Employee Tuition Reimbursement Program, to reduce such reimbursement to fifty percent (50%) of tuition costs.

COMPLETE LISTING OF THE CHAPTERS OF THE PITTSBURGH CODE OF ORDINANCES TITLES ONE - SIX

TITLE ONE: ADMINISTRATIVE

ARTICLE I: GENERAL PROVISIONS

Chapter

- 101. Definitions and Construction
- 103. Official Standards
- 105. Permits and Licenses Generally

ARTICLE III: ORGANIZATION

- 111. Departments Generally (*amendment*)
- 113. Mayor
- 116. Department of Public Safety
- 119. Department of Public Works (*amendment*)
- 120. Department of Engineering and Construction (*repealed*)
- 121. Department of Finance
- 123. Department of City Controller
- 125. Department of Law
- 127. Department of General Services (*amendment*)
- 135. Department of City Planning
- 139. Department of Parks and Recreation
- 140. Department of Aging
- 145. Department of Personnel and Civil Service Commission

ARTICLE V: LEGISLATIVE

- 151. Council
- 153. City Clerk
- 155. Municipal Record

ARTICLE VII: PROCEDURES

- 160. Investigations of Police Conduct
- 161. Contracts (*amendments*)

- 163. Claims Settlement
- 165. Sale of City Personalty
- 167. Payrolls
- 169. Warrants and Checks
- 170. Fees (*amendment*)
- 171. Department of Public Safety Training Exercises

ARTICLE IX: BOARDS, COMMISSIONS

- 172 Private Sector Commission on Cost Control
- 173 Commission on Naming Public Properties
- 174 Vacant Property Review Committee
- 175 Art Commission
- 176 Comprehensive Municipal Pension Trust Fund
- 177 Economic Development Commission
- 177A Equal Opportunity Review Commission (*relocated from Chapter 161*)
- 178 Community Advisory Boards
- 179 Authorities and Library

ARTICLE XI: PERSONNEL

- 180 Personnel Administration
- 181 General Provisions (*amendment*)
- 182 Job Sharing (*amendment*)
- 183 Holidays (*amendment*)
- 184 Additional Authorization for Employment in Bureau of Police
- 185 Vacations (*amendment*)
- 187 Sick Leave (*amendment*)
- 188 Personal Leave
- 189 Leaves of Absence
- 191 Retirement and Severance Pay (*amendment*)
- 192 Pensions (*amendment*)
- 193 Bonds and Insurance
- 195 Political or Public Office

- 199 Performance Evaluation Program

TITLE TWO: FISCAL

ARTICLE I: ADMINISTRATION

Chapter

- 201 City Treasurer
- 203 Payment and Refunds
- 205 Delinquent Tax Land Sales
- 207 Delinquent Tax and Water Liens
- 209 Violations, Fines, Interest and Penalties
- 211 Tax Collection Suits
- 213 Investment and Divestment
- 215 Fire Loss Claims

ARTICLE III: DEPOSITORIES

- 221. Contracts
- 223. Financial Procedure

ARTICLE V: SPECIAL FUNDS

- 231. Special Trust Fund
- 233. Sinking Fund Commission

ARTICLE VII: BUSINESS REALTED TAXES

- 241. Amusement Tax
- 243. Business Privilege Tax
- 245. Earned Income Tax
- 246. Home Rule Tax
- 247. Institution and Service Privilege Tax
- 249. Mercantile License Fees and Tax
- 251. Occupation Privilege Tax
- 253. Parking Tax
- 255. Realty Transfer Tax
- 256. Home Rule Realty Transfer Tax

ARTICLE IX: PROPERTY TAXES

- 261. Personal Property Tax
- 263. Real Property Tax and Exemption
- 265. Exemptions for Residential Improvements
- 267. Exemptions for Industrial and Commercial Improvements

TITLE THREE: WATER

ARTICLE I: ADMINISTRATION

Chapter

- 301. Definitions
- 303. Water Exoneration Hearing Board
- 305. Water Fund

ARTICLE III: WATER DISTRIBUTION

- 311. Control and Connections
- 313. Water Meters
- 315. Use Regulations
- 317. Waste of Water
- 319. Backflow and Cross Connections

ARTICLE V: RATES, CHARGES AND USES

- 331. Usage Rates
- 332. Unmetered Water Rates
- 333. Special Charges and Uses

ARTICLE VII: ASSESSMENT, BILLING AND EXONERATIONS

- 341. Assessment and Billing Procedure
- 343. Estimates and Appeals
- 345. Delinquent Accounts
- 347. Time Extensions

TITLE FOUR: PUBLIC PLACES AND PROPERTY

ARTICLE I: PUBLIC RIGHTS OF WAY

- Ch. 411. Jurisdiction (*amendment*)
- Ch. 412. Users of the Public Rights-of-Way (*amendment*)
- Ch. 413. Construction and Repair
- Ch. 415. Openings and Excavations (*amendment*)
- Ch. 416. Obstructions (*amendment*)
- Ch. 417. Pavement Protection
- Ch. 419. Regulated Activities
- Ch. 421. Street Signs
- Ch. 423. Unauthorized Roadside and Utility Pole Signs
Prohibited

ARTICLE II: **TELE**COMMUNICATIONS

- Ch. 425. Cable Communications
- Ch. 427. [~~Private~~] **Telec**[~~E~~]ommunications Systems (*amendment*)

ARTICLE III: SEWERS

- Ch. 431. Usage and Connections

ARTICLE V: MALLS

- Ch. 441. Mall and Mall Transit Streets

ARTICLE VII: CITY REALTY

- Ch. 451. Leases
- Ch. 452. Acquisitions of City Property (*amendment*)
- Ch. 453. Urban Homesteading

ARTICLE IX: WHARVES

- Ch. 461. Jurisdiction
- Ch. 463. Regulated Activities
- Ch. 465. Fees and Leases

ARTICLE XI: PARKS AND PLAYGROUNDS

- Ch. 471. Jurisdiction
- Ch. 473. Use Regulations
- Ch. 475. Group Activity
- Ch. 477. Permits and Fees
- Ch. 479. Zoological Park Commission
- Ch. 480. Playground Safety (*amendment*)

ARTICLE XIII: TREES

- Ch. 481 Jurisdiction (*amendment*)
- Ch. 483. Care and Maintenance (*amendment*)
- Ch. 485. Protection (*amendment*)
- Ch. 487. Pittsburgh Shade Tree Commission (*amendment*)

TITLE FIVE: TRAFFIC

ARTICLE I: ADMINISTRATION

Chapters:

- 501. Definitions
- 503. Enforcement and Control

ARTICLE III: TOWING

- 521. Scofflaws
- 523 Towpounds (*amendment*)
- 525. Towing Charges

ARTICLE V: OPERATION

- 531. Snow Emergencies

ARTICLE VI: PARKING

- 541. General Parking Regulations
- 543. Parking Meters
- 545. Off-Street Parking

- 547. Transit Vehicles and Taxicabs
- 549. Residential Parking Permit Program

TITLE SIX: CONDUCT

ARTICLE I: REGULATED RIGHTS AND ACTIONS

- 601. Public Order
- 602. Solicitation
- 603. Parades and Crowds
- 604. Curfew
- 605. Safety
- 606. River Safety and Boating
- 607. Firearms, Ammunition and Other Weapons
- 608. Youth Offender Work Corps
- 609. Weeds and Grass (*amendment*)
- 611. Alarms (*amendment*)
- 613. Obscene and Sexual Materials
- 615. Public Nuisances
- 616. Damaging, Defacing and Interfering With Property
- 617. Smoking Pollution Control
- 619. Refuse Collection and Recycling (*amendment*)
- 620. Graffiti Abatement
- 621. Regulation of Pay Telephone
- 622. Requirements for Temporary Excavations

ARTICLE III: DOGS, CATS AND OTHER ANIMALS

- 631. Animal Bites
- 633. Dogs and Cats (*amendment*)
- 634. *Kennels and Catterie*
- 635. *Other Animals and Fowls*
- 636. *Wild Animals*

ARTICLE V: ~~DISCRIMINATION~~DISCRIMINATION

- ~~651. Findings and Policy~~
- ~~653. Human Relations Commission~~
- ~~655. Executive Director; Enforcement Procedure~~
- ~~657. City Contracts~~
- ~~659. Unlawful Practices~~

ARTICLE VI: ~~CITIZEN POLICE REVIEW BOARD~~

- ~~661. Finding and Policy~~
- ~~662. Citizen Police Review Board~~

Section 1.

Title One—Administrative, Article III, Organization, Chapter 111—Departments Generally, Section 111.01—Establishment; Rules and Regulations; Organization and Control, is hereby amended by deletion of the Department of Engineering and Construction, as follows, **per Act 47 Plan Initiative EC01:**

~~TITLE ONE: ADMINISTRATIVE~~

~~ARTICLE III: ORGANIZATION~~

~~CHAPTER 111: DEPARTMENTS GENERALLY~~

~~§ 111.01 Establishment; rules and regulations; organization and control~~ *amended*

~~§ 111.02 Deputy directors; designation; powers and duties; revocation~~

~~§ 111.01 ESTABLISHMENT; RULES AND REGULATIONS:~~ **~~ORGANIZATION AND CONTROL.~~**

(a) Establishment. The following executive departments are hereby established:

~~(1) Department of Public Safety.~~

~~[(2) Department of Engineering and Construction.]~~

(2) ~~[(3)]~~ Department of Public Works.

(3) ~~[(4)]~~ Department of Finance.

(4) ~~[(5)]~~ Department of City Controller.

(5) ~~[(6)]~~ Department of Law.

(6) ~~[(7)]~~ Department of General Services.

(7) ~~[(8)]~~ Department of City Planning.

(8) ~~(9)~~ Department of Parks and Recreation.

(9) ~~[(10)]~~ Department of Personnel and Civil Service.

(10) ~~[(11)]~~ Police Bureau.

(11) ~~[(12)]~~ Fire Bureau.

(12) ~~[(13)]~~ Emergency Medical Services Bureau.

(13)~~[(14)]~~ Communications Bureau (Department of Public Safety).

(14) ~~[(15)]~~ Bureau of Building Inspection.

Section 2.

Title One - Administrative, Article III - Organization, Chapter 119 - Department of Public Works, Section 119.02, is hereby amended to transfer to the Director of the Department of Public Works the powers and duties formerly assigned to the Director of the Department of Engineering and Construction **per Act 47 Plan Initiative EC01:**

TITLE ONE: ADMINISTRATIVE

ARTICLE III: ORGANIZATION

CHAPTER 119: DEPARTMENT OF PUBLIC WORKS

§ 119.01 Director as head

§ 119.02 Powers and duties of Director - *amended*

§ 119.02 POWERS AND DUTIES OF DIRECTOR.

- (a) The planning, improvement, resurfacing, repair, cleaning and sprinkling, maintenance and lighting of streets, sidewalks and all other public ways;
- (b) The repair and maintenance and the operation of bridges and viaducts, drains, ditches, sewers, public squares and structures of every kind by City forces for public use;
- (c) Be responsible for helping City residents maintain a clean and healthful environment;
- (d) Provide:
 - (1) For the collection and disposition of all residential solid waste;
 - (2) The Animal Control Program;
 - (3) The Environmental Control Program; and
 - (4) Such other services as may be required to fulfill the purposes of the department;
- (e) The Director of Public Works and employees so designated by the Director are authorized to enforce all Code provisions relating to animals, refuse, and noxious weeds and grass;

(f) Be primarily responsible for the management, planning, engineering and construction of all major capital construction programs:

(g) The making and preserving of all surveys, maps, plans, drawings, estimates for public work and engineering;

(h) Traffic control maintenance and traffic/transportation planning; and

{(f)}(i) Perform any other duties assigned by the Mayor.

Section 3.

Title One Administration, Article III, Organization, Chapter 120, Department of Engineering and Construction, is hereby repealed in its entirety per **Act 47 Plan Initiatives EC01-EC05:**

TITLE ONE: ADMINISTRATIVE

ARTICLE III: ORGANIZATION

CHAPTER 120: DEPARTMENT OF ENGINEERING AND CONSTRUCTION -*repealed*

§ 120.01 Director as head - *repealed*

§ 120.02 Powers and duties of Director - *repealed*

~~{§ 120.01 DIRECTOR AS HEAD.}~~

~~{The Department of Engineering and Construction shall be under the charge of a Director, who shall be the head thereof.}~~

~~{§ 120.02 POWERS AND DUTIES OF DIRECTOR.}~~

~~{The Director of Engineering and Construction shall have the following powers and duties:~~

- ~~(a) Be primarily responsible for the engineering and construction of all major capital construction programs;~~
- ~~(b) The making and preservation of all surveys, maps, plans, drawings, estimates for public work and engineering; and~~
- ~~(c) Perform any other duties assigned by the Mayor.}~~

Section 4.

Title One - Administrative, Article III - Organization, Chapter 127 - Department of General Services, Section 127.02 - Powers and Duties of Director, is hereby amended per **Act 47 Plan Initiative IG04:**

TITLE ONE: ADMINISTRATIVE

ARTICLE III: ORGANIZATION

CHAPTER 127: DEPARTMENT OF GENERAL SERVICES

Section

- § 127.01 Director as head
- § 127.02 Powers and duties of Director - *amended*

§ 127.02 POWERS AND DUTIES OF DIRECTOR.

- (a) The Director of General Services or his/her designee shall have the direction, control and administration of the purchase and supply of all personal property required for the proper conduct of City business.
- (b) All other City departments shall obtain the necessary personal property by requisition to the Department of General Services or its designee, and not by direct purchase. The manner and form of the requisition may be prescribed by resolution, or, in absence thereof, by standing rule of the Department of General Services.
- (c) The Director of General Services shall be responsible for the maintenance and custodial functions for city-owned property.
- (d) The Director of General Services shall perform any other duties assigned by the Mayor.

Section 5.

Title One - Administrative, Article VII - Procedures, Chapter 161 - Contracts, is hereby amended as follows pursuant to **Act 47 Plan Initiatives IG02, IG04, IG09, WF06, WF08 and WF11:**

TITLE ONE: ADMINISTRATIVE

ARTICLE VII: PROCEDURES

CHAPTER 161: CONTRACTS

Section

- § 161.01 Authorized by resolution or ordinance; maximum amount and account. - *amended*
- § 161.02 Competitive bidding; exceptions *amended*
- § 161.03 Advertising contracts exceeding \$10,000.00 - *amended*
- § 161.04 No advertising contracts the Councilmanic amount or less; comparison prices - *amended*
- § 161.05 Specifications - *amended*
- § 161.06 Bid filing and opening - *amended*
- § 161.07 Public building contracts exceeding \$2,500.00; separate bids
- § 161.08 Supplies contracts; item award.

- § 161.09 Executing contracts exceeding the Councilmanic amount; counter-signature and account
- § 161.10 Executing contracts of the Councilmanic amount or less; bond and purchase order - *repealed*
- § 161.11 Filing - *amended*
- § 161.12 Bid and performance bonds - *amended*
- § 161.13 Bonds on small contracts - *repealed*
- § 161.15 Contracts exceeding \$5,000.00; performance and labor and material bond - *repealed*
- § 161.16 Required provisions in contracts - *amended*
- § 161.17 Contract interest of City officials, officers and employees.
- § 161.20 Fuel purchases - *repealed*
- § 161.21 Acquisition and disposition of animals and plants at the Zoo, Aviary and Phipps Conservatory - *repealed*
- § 161.22 Debarment from bidding on and participating in City contracts.
- § 161.23 Public work contracts.
- § 161.24 Estimated cost; construction contracts and professional services contracts for engineers and architects - *amended*
- § 161.25 Capital budget.
- § 161.26 Employee benefit administration - *amended*
- § 161.27 Reports on City Council grants.
- § 161.28 Notification of Council of emergency and maintenance contracts - *amended*
- § 161.29 Payment of City Council grants.
- § 161.30 Contracting out - *amended*
- § 161.30.1 Requiring contractors and employers of employees hired to staff hospitality operations to be signatory to collective bargaining agreements where the City of Pittsburgh has a financial or proprietary interest
- § 161.31 Review Committee and recommendation - *amended*
- § 161.32 Contracting Out Regulation and Review Act of 1996 - *amended*
- § 161.33 Required provisions in certain construction contracts
- § 161.34 Equal Opportunity Review Commission - *deleted from this Chapter and relocated to Title One - Administrative, Article IX - Boards, Commissions and Authorities, as a new Chapter 177A - Equal Opportunity Review Commission.*
- § 161.35 Pittsburgh Living Wage

CHAPTER 161: CONTRACTS

§ 161.01 ~~[AUTHORIZED BY RESOLUTION OR ORDINANCE; MAXIMUM AMOUNT AND ACCOUNT]~~ ADOPTION OF COUNTY PROCEDURE; REVIEW BY CITY COUNCIL.

Every contract relating to City affairs shall be authorized by ordinance or resolution and shall be let in the manner prescribed by City Council. ~~[except as otherwise provided in any intergovernmental cooperation agreement entered into between the City and the County of Allegheny. Such intergovernmental cooperation agreement shall be subject to City Council approval.]~~ Except in the case of contracts for the purchase of a general material, supplies and equipment, or for general maintenance and services, such ordinance or resolution shall designate the maximum amount authorized for such contract, and the account from which payment shall be made. ~~[All capital, operating, maintenance, and professional service contracts and change orders let by the County of Allegheny on behalf of the City shall be subject to notification to the Council of the City of Pittsburgh prior to or contemporaneously with the execution of the agreement.]~~ The City will enter into such intergovernmental cooperation agreement that shall be necessary to comply

with the provisions of Act 47 regarding joint purchasing on the City's behalf. Such intergovernmental cooperation agreement shall be presented to City Council for its approval,

§ 161.02 COMPETITIVE BIDDING; EXCEPTIONS.

(a) All contracts shall be awarded to the lowest responsible bidder pursuant to competitive bidding except:

(1) Contracts let in cases of emergency as set forth in Section 161.28 below;

(2) Those made for improvements, repairs and maintenance of any kind made or provided by the City through its own employees; provided, that this exception shall not apply to construction materials used in a street and bridge improvement;

(3) Those where the unique types, models or pieces of new equipment, articles, apparatus, appliances, vehicles or parts thereof, are patented and manufactured products or copyrighted products, insofar as their essential function is concerned;

(4) Those made for public utility service under tariffs on file with the Pennsylvania Public Utility Commission;

(5) Those made with another political subdivision or a county, the Commonwealth of Pennsylvania, the United States Government, any agency of the Commonwealth or the United States Government, or any authority, including the sale, leasing or loan of supplies or materials by the Commonwealth or the United States Government or their agencies, but the price thereof shall not be in excess of that fixed by the Commonwealth, the United States Government, or their agencies.

(6) Those for personal or professional services;

(7) Those involving client services provided by not-for-profit agencies;

(8) Those involving the purchase of milk;

(9) Purchases through intergovernmental or cooperative purchasing plans.

~~[1]—For purchases at public sale or pursuant to tariffs on file with the Pennsylvania Public Utility Commission;~~

~~(2)—For personal or professional services;~~

~~(3)—With political subdivisions, the Commonwealth, the United States government or any quasi-public agency or authority or with any agencies or authorities of such government bodies; and~~

~~(4)—For purchases of personal property where, by reason of patents or copyrights, the required type of item is available from only one (1) seller.~~

~~(5)—For concession and similar transactions involving the sale of products or rendition of services in~~

~~which the City pays no funds to the contractor but rather receives money in the form of a royalty or other financial return, in which case such contract shall be awarded to the highest responsible bidder after competitive bidding.]~~

(b) The term "lowest responsible bidder" means the bidder submitting the lowest bid who has:

(1) The ability to perform the contract in accordance with the City's specifications in a timely and workmanlike manner;

(2) Demonstrated a commitment to the ideal of equal opportunity for all citizens in its own employment practices as well as its use of vendors and subcontractors; and

(3) No history of fraudulent or irresponsible behavior in previous dealings with the city.

(4) Not obtained any goods or products offered for sale, lease, rental or consignment to the City which were made under sweatshop conditions, as defined in § 161.02(d) of this Chapter.

(c) The term "highest responsible bidder" means the bidder submitting the highest bid who has:

(1) The ability to perform the contract in accordance with the City's specifications in a timely and workmanlike manner;

(2) Demonstrated a commitment to the ideal of equal opportunity for all citizens in its own employment practices as well as its use of vendors and subcontractors; and

(3) No history of fraudulent or irresponsible behavior in previous dealings with the city.

(d) The City in all contracts requiring competitive bidding shall have the right to reject any and all bids whether expressly so stated in the bid specifications or not.

(e) Goods and products are not made in sweatshop conditions if all of the following conditions apply in the manufacturing facility in which the goods are made:

(1) *Wages and benefits.* The manufacturer or employer must pay wages which enable its workers to meet their basic needs for food, shelter, clothing and medical care. The manufacturer or employer also must provide all benefits required by law in their country and must compensate workers for overtime.

(2) *Hours of work.* Workers must not be required to work more than forty-eight (48) hours per week, or less if the law of the country in which the manufacturer or employer is located sets a shorter work week.

(3) *Worker's rights.* Workers must have the right to speak up about and/or protest conditions in the factories they work in without fear of retaliation and must have the right to form and join unions of their own choosing without fear of retaliation.

(4) *Health and safety.* The manufacturer or employer provides a safe and healthy working environment.

(5) *Treatment of workers.* No worker may be subjected to physical, sexual or verbal harassment. No worker may be discriminated against in employment in any way on the basis of sex, race, religion, age, disability, sexual orientation, national origin, political opinion or social or ethnic origin.

(6) *Child labor.* The manufacturer or employer must not employ anybody younger than the legal age for children to work in the country in which the factory is located, and, regardless of the legal age, must not employ anybody younger than the age of 15.

(7) *Forced labor.* The manufacturer or employer does not use forced labor of any kind, i.e., prison labor, indentured labor, or bonded labor.

§ 161.03 ADVERTISING CONTRACTS EXCEEDING ~~[\$10,000]~~ \$30,000.

Contracts which are subject to competitive bidding and which involve an amount in excess of ~~[ten]~~ thirty thousand dollars ~~[(~~\$10,000.00~~)]~~ (\$30,000.00) shall be awarded only after proposals therefor have been invited by advertisement. ~~[at least one (1) time in the official newspapers of the City not less than five (5) days prior to the opening of bids. Ten thousand dollars (\$10,000.00) shall hereinafter be called "the Councilmanic amount".]~~

§ 161.04 ~~[NO ADVERTISING CONTRACTS THE COUNCILMANIC AMOUNT OR LESS; COMPARISON PRICES.]~~ QUOTATION PROCEDURE FOR PURCHASES OF \$30,000.00 OR LESS

~~[Contracts which are subject to competitive bidding and which involve an amount not exceeding the Councilmanic amount shall be awarded without advertising but only after the Director of General Services has obtained oral or letter bids or has proceeded by comparison of specific prices as set forth in the seller's literature.]~~

(a) All contracts for the purchase or rental of materials, supplies, furnishings, equipment, or other personal property and non-professional services where the amount thereof is thirty thousand dollars (\$30,000.00) or less, may be awarded without advertising for bids. In such cases where the estimated cost is between ten thousand dollars (\$10,000.00) and thirty thousand dollars (\$30,000.00), the Purchasing Officer will solicit quotations from at least three (3) vendors.

(b) The Purchasing Officer may use discretion to negotiate with proposed suppliers in order to get the lowest quotations for the goods and services to be purchased or rented.

(c) In accordance with the policies, practices, and procedures set forth in applicable rules and regulations, the Purchasing Officer shall keep a record of all quotations received, setting forth the dates thereof, the persons who submitted the quotations, and the awards made thereon.

§ 161.05 SPECIFICATIONS.

~~[(a) — Except as provided in any other ordinance or resolution all bids shall be made in accordance with specifications prepared by the director of the department requiring the~~

~~contract and except in the case of oral bids, on forms prepared by the director. —]~~

~~(a)[(b)] The specifications for E[e]very contract shall comply with County of Allegheny and Commonwealth of Pennsylvania laws, ordinances, and regulations pertaining to the contain a provision stating the prevailing minimum wage rates as shall have been determined by the Secretary of Labor and Industry shall be paid to the workers employed in the performance of any contract for public work subject to the — Pennsylvania Prevailing Wage Act approved of August 15, 1961, P.L. 987, Act No. 442, as amended, approved August 15, 1961 (Act No. 442), as amended August 9, 1963, P.L. 653, [(Act] No. 342 [)], 43 P.S. § 165-1 et seq. (West 1992 & Supp. 2004) and the Regulations issued pursuant thereto.~~

~~(b)[(e)] The specifications for every contract relating to the purchase, lease, rental or consignment of any goods or products shall contain a provision stating that the contractor certifies that none of their goods or products were made under sweatshop conditions as defined in § 161.02([d]e).~~

§ 161.06 BID FILING AND OPENING.

All bids shall be filed in a \ul secure6, sealed format [envelopes] with the City Controller and opened publicly by the City Controller or his or her designee [any director of any department of the city.] unless otherwise provided in the contract authorization ordinance or resolution, at the time and place designated in the notice to bidders. Bids shall be announced to the persons present.

§ 161.07 PUBLIC BUILDING CONTRACTS EXCEEDING \$2,500; SEPARATE BIDS.

When the entire cost of any contract for the erection, construction and alteration of any public building is in excess of two thousand five hundred dollars (\$2,500.00), separate specifications shall be prepared for the plumbing, heating, ventilating and electrical work; and separate bids shall be received upon each such branch of the work. The contract for each branch shall be awarded to the lowest responsible bidder for each branch.

[§ 161.10 EXECUTING CONTRACTS OF THE COUNCILMANIC AMOUNT OR LESS; BOND AND PURCHASE ORDER.]

~~[Contracts involving an amount of the Councilmanic amount or less may consist only of the bond of the successful bidder and the written acceptance or purchase order of the Director of the Department of General Services.]~~

§ 161.11 FILING.

Copies of all City contracts shall be filed with the City Controller, the Mayor or his/her designee, and the City Solicitor. [and the department executing the contract.]

§ 161.12 BID AND PERFORMANCE BONDS.

~~[(a) *Bid bond.* Except as otherwise provided in § 161.13, bids for contracts shall be accompanied by a bid bond in the following circumstances, as follows:~~

~~(1) — In an amount not less than ten (10) percent nor more than fifty (50) percent of the bid as security in the case of contracts for the furnishing of materials, equipment, supplies or services where the amount of the contract is two hundred thousand dollars (\$200,000.00) or more;~~

~~(2) — In an amount not less than fifty (50) percent of the bid in the case of bids for construction work where the amount of the contract is two hundred thousand dollars (\$200,000.00) or more;~~

~~(3) — In an amount not less than fifty (50) percent of the bid in the case of bids for demolition.~~

Provided, however, that the Director of the Department of General Services may, in his or her discretion, accept bids to furnish construction materials, equipment, supplies, services, construction, demolition without bond but with security for such bids in the form of a certified check of the bidder payable to the City or in the form of a letter of credit, in the amounts set forth above for bid bonds.

~~(b) *Performance bond.* Except as otherwise provided herein, or in §§ 161.13 and 161.15, the contractor for any contract shall, when the contract is let, execute and deliver a performance bond in an amount not less than fifty (50) percent of the bid (cost of the contract), in the case of a contract for construction or demolition work, or a performance bond in an amount not less than ten (10) percent nor more than fifty (50) percent of the bid (cost of the contract) in the case of any other contract, with one (1) or more surety companies legally authorized to do business in the Commonwealth of Pennsylvania as sureties thereon; provided, however that the Director of the Department of General Services may, in his or her discretion, advertise for bids to furnish materials, equipment, supplies, demolition, construction and services without bond but with security for performance in the form of a certified check of the bidder (contractor) payable to the City or an irrevocable letter of credit payable to the City in amounts set forth above in lieu of the performance bond. When the contract is let, the bid bond provided for in subsection (a) hereof may become the performance bond if it provides that if the bidder shall enter into the contract in case the contract shall be awarded to the bidder, the bidder (contractor) will well and faithfully perform and fulfill the contract in all its parts and will indemnify and save harmless the City from all liens, claims, charges, losses, costs, demands and damages of every kind. The director of the appropriate department requiring the contract or the Director of the Department of General Services, may, if he or she deems it necessary for the security of the city, require a performance bond or other security in excess of the percentages set forth herein, but not more than one hundred (100) percent of the bid (cost of the contract) in case of a contract for construction or demolition work, or not more than fifty (50) percent of the bid (cost of the contract) in the case of any other contract.~~

~~(c) *Long term contracts; performance bond.* Unless otherwise provided in the contract specifications, where a long term service contract covering a period of two (2) years or more is let, the contractor shall give the initial performance bond or security provided for in subsection (b) hereof, and shall thereafter during the life of the contract keep the bond in effect. The required amount of the bond, including the bond for the first year, shall be based upon the actual yearly cost of the contract if known, or if not known, upon the estimated yearly cost thereof as estimated by the director of the appropriate department. The performance bond for second and subsequent years shall be given at least sixty (60) days prior to the beginning of the contract year to which it is applicable.~~

~~(d) *Contracts for materials, equipment and supplies and service contracts; reduction in performance security.* In the case of contracts for materials, equipment and supplies or service contracts where the City holds a performance bond or certified checks or a letter of credit as security for performance, the Director of the~~

Department of General Services may establish procedures for the reduction in the amount of the security over the term of the contract; provided, however, that at no time shall the amount of the security for performance be less than ten (10) percent of the cost of the contract.]

(a) Bid Bond. The Purchasing Officer may require, after consultation with supervisory personnel, that bids be accompanied by a cashier's check or money order, in an amount not exceeding five percent (5%) of the bid, by a bond with corporate surety in an amount not exceeding five percent (5%) of the amount bid, or by an irrevocable letter of credit in such form as previously approved by the County issued by a bank or other financial institution duly recognized and authorized to do business in the Commonwealth of Pennsylvania.

(b) Performance Bond. The successful bidder may be required to furnish a bond with suitable reasonable requirements guaranteeing performance of the contract, with sufficient surety in the amount of one hundred percent (100%) of the amount of the contract, within 3[9]0 days after the contract has been awarded, unless the Purchasing Officer shall prescribe a shorter period or unless the Purchasing Officer shall waive the bond requirement in the bid specification. Upon failure to furnish any required bond within such time, the previous award shall be void and the contract may be awarded to the next lowest responsible bidder meeting the specifications.

[§ 161.13 BONDS ON SMALL CONTRACTS.]

[Where contracts for materials, equipment and supplies involve an amount of one hundred thousand dollars (\$100,000.00) or less, no performance bonds shall be required. For all other contracts involving an amount of one hundred thousand dollars (\$100,000.00) or less, the Director of the Department of General Services shall have the discretion to determine whether performance bonds shall be required.]

[§ 161.15 CONTRACTS EXCEEDING \$5,000; PERFORMANCE AND LABOR AND MATERIAL BOND.]

(a)—Before any contract exceeding five thousand dollars (\$5,000.00) for the construction, reconstruction, alteration or repair of any public building or other public work or public improvement, including highway work, is awarded to any prime contractor, the contractor shall furnish the following financial security; which shall become binding upon the awarding of the contract to the contractor:

(1)—Any financial security acceptable to and approved by the Director of the Department of General Services, including, but not limited to, federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in lending institutions, equal to one hundred (100) percent of the contract amount, conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract. The financial security shall be solely for the protection of the city.

(2)—Any financial security acceptable to and approved by the Director of the Department of General Services, including, but not limited to, federal or Commonwealth chartered lending institution letters of credit and restrictive or escrow accounts in such lending institutions, equal to one hundred (100) percent of the contract amount. The financial security shall be solely for the protection of claimants supplying labor or materials to the prime contractor to whom the contract was awarded, or to

any of his or her subcontractors, in the prosecution of the work provided for in the contract, and shall be conditioned for the prompt payment of all material furnished or labor supplied or performed in the prosecution of the work. "Labor or materials", shall include public utility services and reasonable rentals of equipment, but only for periods when the equipment rented is actually used at the site.

(b) — Any bond or other financial security shall be executed by one (1) or more surety companies or federal or Commonwealth chartered lending institutions, chosen by the party posting the financial security and acceptable to the Director of the Department of General Services, legally authorized to do business in the Commonwealth.

(c) — A duplicate copy of each financial security, including bonds shall be filed with the city.

(d) — Subject to the provisions of subsection (d)(1) hereof, any claimant who has performed labor or furnished material in the prosecution of the work provided for in any contract for which financial security has been given, pursuant to the provisions of subsection (a) hereof, and who has not been paid in full therefor before the expiration of ninety (90) days after the day on which the claimant performed the last of the labor or furnished the last of the materials for which he or she claims payment, may bring an action on the financial security in his or her own name, in assumpsit, to recover any amount due him or her for the labor or material and may prosecute the action to final judgment and have execution on the judgment.

(1) — Any claimant who has a direct contractual relationship with any subcontractor of the prime contractor who have such financial security but has no contractual relationship, express or implied, with the prime contractor may bring an action on the financial security only if he or she has given written notice to the contractor within ninety (90) days from the date on which the claimant performed the last of the labor or furnished the last of the materials for which he or she claims payment, stating with substantial accuracy the amount claimed and the name of the person for whom the work was performed or to whom the material was furnished.

(e) — Notice shall be served by registered or certified mail, postage prepaid, in an envelope addressed to the contractor at any place where his or her office is regularly maintained for the transaction of business or served in any manner in which legal process may be served in the manner now or hereafter provided by law for the service of a summons, except that the service need not be made by a public officer.

(f) — The City shall furnish a certified copy of any financial security and the contract for which the security was given to any person who makes an application for such copy and who submits an affidavit stating that:

(1) — He or she has furnished material or performed labor, for the completion of the work provided for in the contract, and that he or she has not been fully paid for such labor or material;

(2) — He or she is a defendant in an action brought on the financial security; or

(3) — He or she is surety to financial security on which an action has been brought.

(g) — A certified copy of any financial security and of the contract for which the security was given shall constitute prima facie evidence of the contents, execution and delivery of the original or such security and contract.

~~(h) — Every action on financial security as provided in subsection (d) hereof shall be brought in accordance with the provisions of Section 7(a) and (b) of Act No. 385 of the General Assembly, approved December 20, 1967 (8 P.S. Sec. 197).~~

~~(i) — No City representative, in issuing an invitation for bids, shall require that any security specified in this section be furnished by a particular surety company or through a particular agent or broker.~~

~~Any person who violates the provisions of this subsection may be subject to punishment in accordance with Section 8(b) of Act No. 385 approved December 20, 1967 (8 P.S. Sec. 198).]~~

§ 161.16 REQUIRED PROVISIONS IN CONTRACTS.

(a) *Charter and liability limit.* Every contract shall contain a clause that it is subject to the provisions of the Charter, and that the liability of the City thereunder is limited to the amounts which have been or may be, from time o time, appropriated therefor.

(b) *Workers' compensation and occupational disease acts.* Every contract which pertains to the performance of work involving the employment of labor shall contain a clause that the contractor has accepted the provisions of the Workers' Compensation and Occupational Disease Acts, as amended and supplemented, insofar as the work covered by the contract is concerned, and that the contractor has insured its liability thereunder in accordance with the terms of such Acts or has duly filed a proper certificate of exemption from insurance with the Pennsylvania Department of Labor and Industry.

(c) *Human relations ordinance.* Every contract shall contain a clause requiring the contractor to comply with the Human Relations Ordinance provisions specified in Chapters 651 to 659 of the Conduct Title and to require the contractor to include a similar clause in all subcontracts.

(d) *Compliance with laws.* Every contract shall contain a clause that the contractor shall fully obey and comply with all laws, ordinances, resolutions and administrative regulations duly made in accordance therewith, which are applicable to the work done under such contract.

(e) Every contract shall contain a provision stating the contractor shall pay at least the applicable prevailing wages as shall have been determined by the Secretary of Labor and Industry to the workers employed in the performance of any contract for public work subject to the Pennsylvania Prevailing Wage Act approved August 15, 1961, **P.L. 987**, [(Aet] No. 442[)], as amended August 9, 1963, **P.L. 653**, [(Aet] No. 342[)], **43 P.S. § 165-1 et seq. (West 1992 & Supp. 2004)**, and the regulations issued pursuant thereto. Every contract shall contain a provision stating there may be withheld from any sums due to the contractor or subcontractor so much as may be necessary to pay the workers employed in the performance of any contract for public work subject to the Pennsylvania Prevailing Wage Act approved August 15, 1961, **P.L. 987**, [(Aet] No. 442[)], as amended August 9, 1963, **P.L. 653**, [(Aet] No. 342[)], **43 P.S. § 165-1 et seq. (West 1992 & Supp. 2004)**, and the regulations issued pursuant thereto the difference between the wages required by the contract to be paid and the wages actually paid to such employees, and the City Controller may make such payments directly to the appropriate workers.

The prevailing minimum wages for each craft classification of workers needed to perform the public work contract subject to the Pennsylvania Prevailing Wage Act approved August 15, 1961 **P.L. 987**, [(Aet] No. 442[)], as amended August 9, 1963, **P.L. 653**, [(Aet] No. 342[)], **43 P.S. § 165-1 et seq. (West 1992 & Supp. 2004)**, and the regulations issued pursuant thereto shall be incorporated into and made a part of the contract.

Every contract shall contain a provision stating the contractor shall require all subcontractors to comply with and be bound by all provisions of this section as if they, themselves, were contractors.

Every contract shall contain a clause that requires a contractor to comply with § 197.08(c).

(f) Where contracts are entered into pursuant to oral bids or comparison of prices, as provided in § 161.04, they shall be deemed to contain the foregoing provisions.

(g) Every contract for the purchase, lease, rental or taking on consignment of goods or products shall contain a provision stating that the contractor certifies that none of their goods or products were made under sweatshop conditions as defined in § 161.02([d] e) of this Chapter.

[§ 161.20 FUEL PURCHASES.]

~~[(a) — The Director of the Department of General Services shall advertise once each year in two (2) daily newspapers published in the City for sealed proposals from fuel vendors to act as suppliers of fuel for the City's fleet of vehicles for the following year. The proposals shall be filed in the office of the Controller and shall be opened publicly by the Director at the time and place designated in the published notice.~~

~~(b) — The Director shall be authorized to enter into an agreement or agreements, incorporating the terms and provisions as the Director and the City Solicitor may require, with each of the fuel vendors which is ready, willing and able to supply fuel to the City throughout the following year on an as-needed basis, and which demonstrates an ability to meet all requirements and specifications imposed by the city.~~

~~(c) — On each occasion when it shall become necessary for the City to purchase fuel for its fleet of vehicles, the Director or his or her authorized representative, shall contact each of the fuel vendors with which the City has entered into an agreement for the current year, to secure a quote of a firm price for the immediate purchase. The Director shall then purchase fuel from that vendor, or vendors, which quotes the lowest current price.]~~

[§ 161.21 ACQUISITION AND DISPOSITION OF ANIMALS AND PLANTS AT THE ZOO, AVIARY AND PHIPPS CONSERVATORY.]

~~[(a) *Authority of Directors of the Zoo, Aviary and Phipps Conservatory.* The Directors of the Pittsburgh Zoo, the Pittsburgh Aviary and the Phipps Conservatory are authorized to acquire and dispose of animals and plants by purchase, sale, loan, trade and donation at their respective institutions.~~

~~(b) *Rules and regulations.* The Directors shall formulate rules and regulations governing acquisition and disposition methods as may be deemed proper and expedient for such purpose. The rules and regulations shall be approved by the Mayor.]~~

§ 161.24 ESTIMATED COST; CONSTRUCTION CONTRACTS AND PROFESSIONAL SERVICES CONTRACTS FOR ENGINEERS AND ARCHITECTS.

(a) *Authorization by Council.* Authorization to contract shall be received pursuant to § 161.01. The authorization shall make reference to a cost range for the project if the authorization is requested prior to bids being received.

(b) *Advertising for bids.* The bid specifications for construction contracts and requests for proposals for engineering and architectural contracts or any other publication or notification with respect thereto shall not include any estimated construction costs or design costs for the project; provided, however, potential bidders may be advised of the anticipated cost category of the project as the categories may be developed and determined by the Director of **Public Works**.~~[Engineering and Construction.]~~

The Director of the department requiring the project shall concur in the plans and specifications prior to the advertising for bids thereon.

(c) *Confidentiality.* No person, whether an employee of the City or otherwise, shall disclose, reveal, divulge, communicate or deliver, directly or indirectly, any information relating to the estimated construction cost of the project, to any other person who has not been designated by the Director of the department preparing or requiring such information to receive the information.

(1) Any officer or employee of the City who violates the provisions of this subsection shall be subject to disciplinary action.

(2) Any non-city employee who violates the provisions of this subsection shall be subject to a fine of five hundred dollars (\$500.00) and, additionally, shall be barred from receiving or participating in any City contract, directly or indirectly, for a period of three (3) years. Procedure for debarment shall be in accordance with the provisions of § 161.22(e).

(d) *Acceptance of bids.*

(1) The Department of **Public Works** ~~[Engineering and Construction]~~ (the "Department") shall obtain a full and complete estimate of the cost of performance of each contract. The estimate may be made either by Department personnel with specific experience and expertise in the type of work involved, or independent consultants with established expertise in the type of work involved. The estimation process, whether conducted by Department personnel or independent consultants, shall include a complete scope of work, as well as materials, labor and profit. When available, with respect to materials, including parts and equipment, direct cost inquiries shall be made to at least three (3) manufacturers or suppliers of the materials, parts or equipment required in performance of the contract. The estimate shall be completed not later than the date the bids are opened.

(2) If all bids shall exceed one hundred ten (110) percent of the estimated cost, all bids shall be rejected unless otherwise approved by Council. If bids are rejected, the project shall be rebid and the bids evaluated according to the provisions of this section, with the estimate referred to in subsection (d) (1) hereof not being changed. If bids are rejected for a second time, upon the third bid, the contract may be awarded to the lowest responsible bidder.

§ 161.26 EMPLOYEE BENEFIT ADMINISTRATION.

The Director of the Department of Finance (the "Director") shall be authorized to enter into an agreement or agreements **approved by Council** ~~or contract or contracts~~ incorporating the terms and provisions as the Director and the City Solicitor may require, with health care providers and/or insurance companies from time to time to provide City employees with benefit coverage, including, but not limited to, health, dental, vision, life, short term and long term disability insurance, accidental death and dismemberment insurance, and any other benefit either negotiated or agreed to by the City. All costs

associated with the benefits shall be chargeable to and payable from those code accounts designated by the Director. **Any and all agreements and plans for health care benefits shall comply with the Act 47 Plan.**

A. ~~[Any changes which would require a mandatory employee contribution towards non-union health insurance or other benefit or an increase or decrease in such employee contribution, co-pay or other significant change of the benefit must be submitted to City Council for approval.]~~

§ 161.28 NOTIFICATION OF COUNCIL OF EMERGENCY AND MAINTENANCE CONTRACTS.

Prior to a request for bids on all emergency and maintenance contracts exceeding [~~twenty-five (\$25,000.00)~~] **thirty** thousand dollars **(\$30,000.00)**, or prior to authorizing work to be performed using an existing [B] **services** contract exceeding [five (\$25,000.00)] ~~thirty~~ thousand dollars **(\$30,000.00)**. Council shall be notified in writing by the department director requesting services of the specific project. Council shall also be provided with a list of names and addresses of all bidders by the Director of General Services on all emergency and maintenance contracts exceeding [~~twenty-five (\$25,000.00)~~] **thirty** thousand dollars **(\$30,000.00)**.

§ 161.30 CONTRACTING OUT.

This section shall not apply to those services which are contracted out in accordance with the Act 47 Recovery Plan.

(a) The Agency shall prepare a specific written statement of the services proposed to be the subject of the outside contract, including the specific quantity and standard of quality of the subject services. The Agency shall solicit competitive sealed bids for Contracting Out based upon this statement. The date and time specified by the Agency on which it will accept sealed bids shall be the same for all bidders. The statement shall be a public record, shall be filed with the Agency and in the City Clerk's Office and shall be transmitted to the Review Committee for review pursuant to § 161.31. The term of any Outside Contract shall not exceed five years. No amendment to an Outside Contract shall be valid if it has the purpose or effect of avoiding any requirement of this section.

(b) For each position in which a bidder will employ any person pursuant to the Outside Contract and for which the duties are substantially similar to the duties performed by an Agency employee or employees, the statement required by division (a) shall include a statement of the minimum wage rate to be paid for the position, which rate shall be the lesser of the entry level grade or classification under which the comparable Agency employee is paid, or 75% of the prevailing wage rate as established by the Pennsylvania Department of Labor and Industry. Every bid for an Outside Contract and every Outside Contract shall include provisions specifically establishing the wage rate for each such position, which shall not be less than said minimum wage rate as defined above. Every such bid and contract shall also include provisions for the contractor to pay not less than a percentage, comparable to 80% of the percentage paid by the Agency for Agency employees, of the costs of health insurance plans for every employee employed for not less than 34 hours per week pursuant to such contract. Such health insurance plans shall satisfy the requirements of, and shall provide coverage to the employee and the employee's spouse and dependent children, where applicable. Each contractor shall submit quarterly payroll records to the Agency, listing the name, address, social security number, hours worked and the hourly wage paid for each employee in the previous quarter.

(c) Each Outside Contract may contain provisions requiring the contractor to offer available employee positions pursuant to the contract to qualified Agency employees of the Agency whose employment is terminated because of the Outside Contract and who satisfy the hiring criteria of the contractor. Unless otherwise directed by the Agency, the contractor shall determine the number of employees necessary for efficient performance of the contract and may elect to employ more or fewer employees than the agency or predecessor contractor employed in connection with performance of the work. Every such contract shall also contain provisions requiring the contractor to comply with a policy of nondiscrimination and equal opportunity for all persons. Pursuant to the Pittsburgh Code and the Mayor's Directive, all contracts must be evaluated and reviewed by the [Agency's Office of] Equal Opportunity Review Commission.

(d) The Agency shall prepare a comprehensive written estimate of the costs of Agency's employees' providing the subject services in the most cost effective manner. The estimate shall include all direct and indirect costs of regular Agency employees' providing the subject services, including but not limited to, pension, insurance and other employee benefit costs. A copy of the estimate shall be provided to all employee organizations affected by the proposed contract. For the purpose of this estimate, any employee organization may, at any time before the final day for the Agency to receive sealed bids pursuant to division (a), propose amendments to any relevant collective bargaining agreement to which it is a party. Any such amendments shall take effect only if necessary to reduce the cost estimate pursuant to this division below the contract cost pursuant to division (e). Such estimate shall remain confidential until after the final day for the Agency to receive sealed bids for the privatization contract pursuant to division (a), at which time the estimate shall become a public record, shall be filed with the Agency and in the City Clerk's Office and shall be transmitted to the Review Committee for review pursuant to § 161.31.

(e) After soliciting and receiving bids, the Agency shall publicly designate the bidder to which it proposes to award the contract. The Agency shall prepare a comprehensive written analysis of the contract cost based upon the designated bid, specifically including the costs of transition from public to private operation, of additional unemployment and retirement benefits, if any and of monitoring and otherwise administering contract performance. If the designated bidder proposes to perform any or all of the contract outside the boundaries of the Agency, said contract cost shall be increased by the amount of wage tax revenue, if any, which will be lost to the Agency by the corresponding elimination of Agency employees, as determined by the Department of Finance to the extent that it is able to do so. In the event the designated bidder proposes to perform any or all of the contract within the boundaries of the Agency, said contract cost shall be decreased by the amount of wage tax revenue, if any, which shall be gained by the Agency by the corresponding hire of additional Agency employees, as determined by the Department of Finance to the extent it is able to do so.

(f) The head of the Agency shall certify in writing to the Review Committee that:

(1) The Agency has complied with all provisions of this section and of all other applicable laws;

(2) The quality of the services to be provided by the designated bidder is likely to satisfy the quality requirements of the statement prepared pursuant to division (a), and to equal or exceed the quality of services which could be provided by regular agency employees pursuant to division (d);

(3) The contract cost pursuant to division (e) will be less than the estimated cost pursuant to division (d), taking into account all comparable types of costs;

(4) The designated bidder and its supervisory employees, while in the employ of said designated bidder, have no adjudicated record of substantial or repeated willful noncompliance with any relevant federal, state or city regulatory statute including, but not limited to, statutes concerning labor relations, occupational safety and health, nondiscrimination, environmental protection and conflicts of interest; and

(5) The proposed outside contract is otherwise in the public interest.

(g) In the event a collective bargaining agreement between any labor organization and the Agency contains provisions addressing the issue of privatization and/or sub-contracting, the more restrictive language, be it in the ordinance or in the collective bargaining agreement, shall take precedence.

(h) The provisions of this section and § 161.31 shall not apply to Exempt Contracts or Professional Service Contracts.

(i) A copy of the proposed outside contract shall accompany the certificate transmitted to the Review Committee.

Cross references: Definitions, see § 161.32

§ 161.31 REVIEW COMMITTEE AND RECOMMENDATION.

This section shall not apply to those services which are contracted out in accordance with the Act 47 Recovery Plan.

(a) An Agency shall not make any Outside Contract and no such contract shall be valid, if, within thirty (30) days after receiving the certificates required by § 161.30, the Review Committee notifies the Agency of its objection. Such objection shall be in writing and shall state specifically the Review Committee's finding that the Agency has failed to comply with one (1) or more requirements of § 161.30, including that the Review Committee finds incorrect, based on independent review of all the relevant facts, any of the findings required by division (f) of § 161.30.

(b) For the purpose of reviewing the Agency's compliance and certificate pursuant to said § 161.30, the Review Committee may require the cooperation of witnesses and the production of books, papers and other records relating to such review.

(c) The Review Committee may propose and adopt regulations and prescribe forms to carry out the provisions of this section and § 161.30.

(d) The decision of the Review Committee pursuant to § 161.30 shall be final and binding on the Agency, unless;

(1) The Review Committee thereafter in writing withdraws the objection, stating the specific reasons, based upon a revised certificate by the Agency and upon the Review Committee's review thereof; or,

(2) The Agency does not concur with the written objection of the Review Committee.

(e) In instances when the Agency does not concur with the written objection of the Review

Committee, the Agency will submit to binding arbitration before the Board of Mediation, Department of Labor & Industry. The decision of said arbitration panel shall be final and binding on all parties.

Cross references: Definitions, see § 161.32

§ 161.32 CONTRACTING OUT REGULATION AND REVIEW ACT OF 1996.

This section shall not apply to those services which are contracted out in accordance with the Act 47 Plan.

(a) *Title.* This section shall be known as the "Contracting Out Regulation and Review Act of 1996."

(b) Legislative findings.

(1) The Council hereby finds and declares that using outside contractors to provide public services formerly provided by City employees does not necessarily promote the public interest. Council further finds that the City employs nearly four thousand five hundred (4,500) City residents; many of these workers being highly trained, experienced and capable professionals whose work product compares favorably with industry standards.

(2) To ensure that taxpayers of the City receive high quality public services at competitive prices, with due regard for the taxpayers of the City and the needs of public and private workers, Council finds it necessary to regulate the contracting out in accordance with §§ 160.30 and 161.31 inclusive.

(c) As used in §§ 161.30, 161.31 and 452.04, inclusive, the following words shall have the following meanings:

AGENCY. An office, department, bureau, division, board, commission or other office or officer in the administrative branch of city.

COMMUNITY-BASED ORGANIZATION. A private, non-profit entity whose principal offices are located in the city; an organization whose revenues are exempt from taxation under 501(c)(3) of the United States Internal Revenue Code; and a group whose mission includes the enhancement of educational, recreation, social, employment, safety, community development, or other goal deemed appropriate by the city.

CONTRACTING OUT. An agreement or combination or series of agreements by which a nongovernmental person or entity agrees with an agency to provide services, valued at one hundred thousand dollars (\$100,000.00) or more, which are substantially similar to, and in lieu of, services theretofore provided, in whole or in part, by City employees of an agency.

DEPENDENT. The spouse and children of an employee if such persons would qualify for dependent status under the Internal Revenue Code.

EXEMPT CONTRACTS. Any agreement or combination of series of agreements by which a nongovernmental person or entity currently provides services to the agency, regardless of the value of said agreement or agreements and the subsequent rebidding and awarding of same.

PROFESSIONAL SERVICE CONTRACTS. An agreement as defined by the Code of Ordinances.

REVIEW COMMITTEE. A committee comprised of the following members: The Director of the Office of Management and Budget who shall serve as the chair; the Director of General Services; a representative of labor nominated by the Mayor and confirmed by City Council; Controller of the Office of City Controller and a representative of City Council.

§ 161.33 REQUIRED PROVISIONS IN CERTAIN CONSTRUCTION CONTRACTS.

~~[This section shall not apply to those services which are contracted out in accordance with the Act 47 Plan.]~~

(a) Definitions. Unless the context otherwise requires, the following terms shall have these meanings:

(1) *Non-City funds*- Those funds received directly or indirectly from the state or federal government by the City, and, which in accordance with congressional regulation, the City may expend or administer in connection with construction projects subject to this Chapter.

(2) *Apprentice*- A worker who is a trainee and who is individually registered in a bona fide apprenticeship program with the United States Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training.

(3) *City funds*- Shall include, but not be limited to, General Fund revenues, grants, donations, and capital bond proceeds. It will also include the value of real estate taxes abated, or deferred incremental tax, which would otherwise be due to the City. It will also include land assembly, infrastructure, and any other items of value provided by the City.

(4) *City Resident*- Any person whose domicile lies within the City of Pittsburgh.

(5) *Construction Contract*- Any agreement for the erection, repair, alteration or demolition of any building, structure, bridge, roadway or other improvement to real property which is funded, in whole or in part, by City funds or value.

(6) *Construction Project or Projects*- The work performed pursuant to a construction contract.

(7) *Construction Site*- The geographical location where the erection, repair, alteration or demolition described in the construction contract is performed.

(8) *Covered Contract*- Any construction contract for two hundred thousand dollars (\$200,000.00) or more to which the City is a party and which is funded in whole or in part by City funds or value, or funded in whole or in part by Non-City Funds, or funded in whole or in part by a combination of City funds or value and non-City funds.

(9) *Developer/Contractor*- Any party performing or bidding on a Construction Contract.

(10) *Domicile*- The legal residence of an individual or place of that individual's fixed and permanent home. For purposes of this Chapter, domicile does not include any temporary living quarters to which business or other reasons have called the individual.

(11) *Employee Work Hours*- All work hours devoted to all tasks customarily performed on a construction site, whether or not such tasks are, in fact, performed on the construction site, and hours performed by persons filling apprenticeship on-the-job training positions pursuant to this Chapter.

(12) *Subcontractor*- A third party engaged by the developer/contractor, prime or general contractor to perform all or part of the work included in the construction contract.

(13) *Trainee*- A worker who is not eligible for an apprenticeship program and is certified as having no previous experience or skills used in a particular craft or occupation, but who has demonstrated an interest in acquiring the same and has agreed to enter into an approved on-site and/or off-site training program.

(14) *Value*- Investment, other than cash, which significantly contributes to the total value of the construction project, such as real estate tax deferments, discounts, infrastructure, etc.

(b) *Residency requirement*. For each Covered Contract, the worker hours shall be performed in accordance with the requirements specified below:

(1) Thirty-five (35) percent of all Employee Work Hours performed under Covered Contracts shall be performed by City Residents.

(2) The Employee Work Hours of non-Pennsylvania residents to be employed on a contract shall be excluded from the determination of total Employee Work Hours to be performed on the contract and from the calculation of the residency percentage based thereon.

(3) For purposes of this Chapter, Employee Work Hours shall include work performed by persons filling apprenticeship and on-the-job training positions.

(4) In order to ensure compliance with this Chapter, the provisions of this Section shall be included by each City Department or Authority in all Covered Contracts and subcontracts with any private corporation or individual(s).

(c) *Applicability and implementation*.

(1) In determining the total Employee Work Hours to be furnished at the construction site, there shall be included the number of hours devoted to all tasks customarily performed on a construction site, whether or not such tasks are, in fact, performed on the construction site.

(2) The developer/contractor shall designate a principal officer of its firm to be responsible for administering the residency requirement and equal opportunity goals provisions detailed in this Chapter. This officer shall meet regularly, or as may be required with the designee of the Equal Opportunity Review Commission (EORC) to ensure compliance with the residency requirement and encourage the equal opportunity goals set forth herein. Included in this obligation is the requirement that each developer/contractor and subcontractor keep and maintain records for all trainees so that separate payroll amounts and descriptions of payments and training progress, together with all benefits, are

recorded separately.

(3) After bids are received for a particular Covered Contract, subject to the provisions of subsection (b) and prior to the award of such a contract, the apparent lowest responsible bidder and the known principal subcontractors will be required to attend a pre-award conference with the EORC. The purpose of the pre-award conference will be to evaluate the developer/contractor's plan to comply with the residency provisions and equal employment opportunity goals of this Chapter, and its past performance with respect to equal employment opportunity practices.

(4) The covered developer/contractors, and each subcontractor whose contract(s) exceeds twenty-five thousand dollars (\$25,000.00), shall complete and submit a work force table. This document shall identify the estimated work force requirements for the duration of the job, broken down by trade and month. This document shall be revised as required, but not less than once a month. A developer/contractor's failure to provide this document, or the furnishing of substantially false or misleading information in this document, shall be considered non-compliance with the terms of this Chapter.

(5) The developer/contractor must submit to the EORC their weekly payroll records for all crafts covered under the contract provisions. In addition, a monthly cumulative summary of the project work force must be provided on a craft-by-craft basis, and the individuals comprising the workforce must be identified as to their minority or non-minority status, gender and residence.

(6) The developer/contractor shall, on the last working day of each month, submit to the EORC a written narrative describing its efforts to ensure compliance with this Chapter. This report will include an appraisal as to the effectiveness of the developer/contractor's program and will specify those factors and conditions which impede, restrict or account for less than complete success of the program.

(7) The developer/contractor shall permit the EORC to have access to weekly payroll records for all employees covered under the Covered Contract.

(8) The developer/contractor shall continually monitor personnel activities to ensure that the provisions of this Chapter are being met.

(d) *Applicability to subcontractors.*

(1) Each developer/contractor subject to the provisions of this Chapter shall be responsible for the performance of its subcontractors in the implementation of the provisions of this Chapter during the performance of a Covered Contract. Whenever a developer/contractor subcontracts a portion of the work on a Covered Contract project, the developer/contractor shall bind the subcontractor the obligations contained in this Chapter to the full extent as if the subcontractor was the developer/contractor. Furthermore, the developer/contractor must include a provision in all contracts with subcontractors to ensure compliance with all conditions included herein.

(2) A developer/contractor to whom this Chapter is applicable shall submit copies of this Chapter to all subcontractors and shall make compliance with it a specification of all bids. The developer/contractor shall provide, in any request for bids by a subcontractor, that the subcontractor's submissions of a bid shall constitute agreement that the subcontractor will comply with the requirements

of this Chapter.

(e) *Collective Bargaining Units.*

(1) The ability to establish the residency requirement of this Chapter may be subject to certain laws limiting the City's ability to interfere with commerce, federal laws, decrees governing union hiring and union contracts governing seniority and referrals. Except as permitted by law, it is not the intent of this Chapter to alter any collective bargaining agreements between the developer/contractor, subcontractors and labor unions.

(2) Each developer/contractor or subcontractor will notify the EORC whenever she/he has reason to believe that any union that which has a hiring hall or referral arrangement or an apprenticeship program engages in such referral, membership, admission or other practices that will substantially impede the contractor in her/his efforts to meet the residency requirements under this Chapter.

3) The developer/contractor shall submit to the EORC copies of the Collective Bargaining Agreement covering workers to be employed on the project and copies of such bargaining agreements of each subcontractor.

(f) State and Federal Requirements. The successful developer/contractors and any subcontractors subject to the provisions of this Chapter shall comply with any and all applicable federal or state requirements pertaining to construction/public works contracts, including, but not limited to, laws governing prevailing wages, equal opportunity and employment, benefits, worker's compensation and federal labor laws.

Section 6.

Title One - Administrative, Article VII - Procedures, Chapter 170 - Fees, Section 170.02, Fees for Emergency Medical Services, is hereby amended as follows per **Act 47 Plan Initiative EM02**:

TITLE ONE: ADMINISTRATIVE

ARTICLE VII: PROCEDURES

CHAPTER 170: FEES

- § 170.01 Fee determination and collection
- § 170.02 Fees for emergency medical services - *amended*
- § 170.03 Contribution rate for 911 System
- § 170.04 Fees for civil service examination

§ 170.05 Fees for City court

§ 170.02 FEES FOR EMERGENCY MEDICAL SERVICES.

(a) ~~[A charge of \$75 per call for 1979 or other amount as the Director of the Bureau of Emergency Medical Services may in subsequent years determine to be commensurate with the cost of rendering the services, is hereby imposed upon nonresidents of the city for emergency ambulance services rendered by the Bureau of Emergency Medical Services within the city to nonresidents thereof. Any nonresident recipient of the services who fails to pay the charge within 30 days after filing thereof shall be in violation of this section.]~~

The following fees shall be assessed by the Bureau of Emergency Medical Services:

<u>Basic Life Support Base Charge:</u>	<u>\$500.00</u>
<u>Advanced Life Support-1 Base Charge:</u>	<u>\$650.00</u>
<u>Advanced Life Support-2 Base Charge:</u>	<u>\$700.00</u>
<u>Patient Loaded Mile</u>	<u>\$10.00 per mile</u>

The fees may be adjusted from time to time at the discretion of the Chief of the Bureau of Emergency Medical Services who shall annually report such adjustments to Council. All fees shall be commensurate with the cost of providing said emergency medical services and shall be computed in accordance with generally recognized industry standards.

(b) The Bureau is hereby authorized to promulgate appropriate regulations for the billing and collection of the aforesaid charge; provided, however, that nothing herein shall require payment prior to and conditioned upon, the rendering of services and transportation by the Bureau. **The City is committed to providing emergency medical services to all of its residents regardless of ability to pay.**

(c) ~~[When the Bureau renders ambulance and life support services to residents of the city it shall inquire whether such resident is covered by any private or public health insurance plan and; if the resident has coverage, the Bureau shall make further inquiry to obtain any information it requires in order to maintain accurate records and/or submit bills to the insurance carrier. Failure to respond to such inquiries within 30 days shall be a violation of this section punishable by a fine of up to \$300; provided, however, that nothing herein shall require city residents to make any payment or provide any insurance information prior to the rendering of services or transportation by the Bureau.]~~

When the Bureau renders ambulance and life support services, it shall inquire if the patient (whether a resident or non-resident of the City) is covered by any private or public health insurance plan. If the patient has coverage, the Bureau shall make further inquiry to obtain any information it requires in order to maintain accurate records and/or submit bills to the insurance carrier. Failure to respond to such inquiries within 30 days shall be a violation of this section punishable by a fine of up to \$300; provided, however, that nothing herein shall require a patient to make any payment or provide any insurance information prior to the rendering of services or transportation by the Bureau. Residents and non-residents shall be billed directly for any balance amounts still owing for services rendered after any applicable payment by an insurance company is made.

Section 7.

Title One - Administrative, Article IX - Boards, Commissions and Authorities, is amended by inserting a new Chapter 177A - Equal Opportunity Review Commission, formerly located in Title One - Administrative, Article VII - Procedures, Chapter 161 - Contracts, as Section 161.34 - Equal Opportunity Review Commission. This amendment is necessitated by the amendments to Chapter 161 required by the **Act 47 Plan Initiatives IG02, IG04, IG05, IG07 and IG09.**

TITLE ONE: ADMINISTRATIVE

ARTICLE IX: BOARDS, COMMISSIONS AND AUTHORITIES

Ch. 172: Private Sector Commission on Cost Control

Ch. 173: Commission on Naming Public Properties

Ch. 174: Vacant Property Review Committee

Ch. 175: Art Commission

Ch. 176: Comprehensive Municipal Pension Trust Fund

Ch. 177: Economic Development Commission

Ch. 177A: Equal Opportunity Review Commission - *relocated; formerly Title One - Administrative, Article VII - Procedures, Chapter 161- Contracts, Section 161.34*

Ch. 178: Community Advisory Boards

Ch. 179: Authorities and Library

CHAPTER 177A: EQUAL OPPORTUNITY REVIEW COMMISSION.

Section

<u>§ 177A.01</u>	<u>Purpose and Authority</u> - <i>amended</i>
<u>§ 177A.02</u>	<u>Equal Employment Opportunity Practice and Goals</u>
<u>§ 177A.03</u>	<u>Creation and Organization</u>
<u>§ 177A.04</u>	<u>Responsibilities of the EORC</u> - <i>amended</i>
<u>§ 177A.05</u>	<u>Compliance Review Process</u>
<u>§ 177A.06</u>	<u>Determination of Good Faith Efforts</u> - <i>amended</i>
<u>§ 177A.07</u>	<u>Sanctions</u>

§ 177A.01 PURPOSE AND AUTHORITY.

This Chapter shall not apply to those services which are contracted out in accordance with the Act 47 Plan.

The purpose and authority of the Equal Opportunity Review Commission (EORC) shall be to review and approve all applicable construction contracts for compliance with [this] **Chapter 161 of the Pittsburgh Code of Ordinances**, as well as contractor's compliance with City of Pittsburgh's policies regarding minority and women business enterprise opportunities, and employment opportunities for minorities and women in municipal government and covered construction and other contracts with the City of Pittsburgh and its Authorities.

§ 177A.02 EQUAL EMPLOYMENT OPPORTUNITY PRACTICE AND GOALS.

The City of Pittsburgh is committed to the ideal of providing all citizens an equal opportunity to participate in City employment opportunities. In order to ensure that there are opportunities for historically disadvantaged minority groups and women to participate as employees on Covered Contracts, and consistent with the City's current equal employment opportunity practice and goals, the EORC will review contracts to include an evaluation of a developer/contractor's employment of minority groups and women, encouraging goals of twenty-five (25) percent and ten (10) percent, respectively.

§ 177.03 **CREATION AND ORGANIZATION.**

- (a) The Equal Opportunity Review Commission shall consist of eleven (11) members who are residents of the City and shall be appointed by the Mayor subject to the approval of Council.
- (b) Six (6) members shall serve two-year terms and five (5) members shall serve four-year terms, with the terms of the individual members determined by lot.
- (c) Their successors shall be appointed on the expiration of their respective terms and appointments to fill a vacancy shall be for the unexpired portion of the term.
- (d) All appointed members shall serve without compensation except for reimbursement of approved expense.
- (e) The Commission shall have the power to adopt its own rules of procedure not inconsistent with any law or ordinance.

§ 177.04 **RESPONSIBILITIES OF THE EORC.**

With respect to the provisions discussed in [~~this~~] Chapter **161**, the EORC shall gather all information necessary to make a determination of the adequacy of an apparent low bidder's plan to attain the residency requirements and equal employment opportunity goals established in this Chapter.

The EORC will be responsible for monitoring compliance with the provisions of this Chapter and the contract provisions established in accordance therewith.

The EORC shall further promulgate regulations to permit the coordination of purchasing between the City and County consistent with the spirit and intent of this Chapter.

§ 177.05 **COMPLIANCE REVIEW PROCESS.**

- (a) In the event of a developer/contractor's failure to meet the requirements of this Chapter, the EORC shall take the following steps:
 - (1) Issue a written Alert Notice to a developer/contractor and to appropriate unions whenever, in the EORC's opinion, the developer/contractor is not in compliance with the provisions of this Chapter or the rules and regulations issued pursuant thereto.

(2) If the Alert Notice is not satisfied within three (3) working days by a correction of the violation(s), the EORC shall follow up the Alert Notice by issuing a written Violation Notice. Upon the issuance of such notice, the developer/contractor will have seven (7) working days to correct the violation. If the violation has not been corrected within that period, the EORC may recommend actions to be taken by the City of Pittsburgh including the sanctions identified below.

(b) Either or both notices described above may be rescinded by the EORC if the developer/contractor meets its obligations under this Chapter or if it presents a satisfactory explanation, in writing, as to why such compliance is impractical or impossible.

§ 177.06 DETERMINATION OF GOOD FAITH EFFORTS.

(a) In the event of failure by a developer/contractor to meet the residency requirements of [this] Chapter **161 of the City Code of Ordinances**, the developer/contractor shall be given an opportunity to demonstrate that every good faith effort has been made to meet these requirements. In a proceeding in which such good faith is an issue, all the actions of the developer/contractor in seeking to comply with the requirements shall be reviewed and evaluated by the EORC in light of the criteria set forth below. Compliance with these conditions shall be monitored by the EORC.

(b) A developer/contractor's good faith efforts with regard to City Resident work force requirements shall be measured by:

(1) The developer/contractor's effort to actively solicit City Residents as members of the work force to be employed in connection with the Covered Contract and to solicit subcontractors employing City Residents.

(2) The developer/contractor's efforts to notify the EORC of opportunities for City Resident participation in proposed projects. The developer/contractor shall place notifications in area publications, including minority publications, and shall also notify nonprofit and community organizations regarding such employment opportunities.

(3) The consideration given by the developer/contractor for employment as journeymen, trainees, advanced trainees and apprentices to persons referred by any training source approved by the Department of Personnel.

(4) The size of the developer/contractor's work force.

§ 177.07 SANCTIONS.

(a) The City shall have the power to impose sanctions upon contractors and subcontractors found to be in non-compliance with the residency requirements set forth in this Chapter. Such sanctions shall include, but not be limited to:

(1) Suspension of payments,

(2) Termination of the contract,

- (3) Recovery by the City of a percentage of the contract award price as liquidated damages,
 - (4) Denial of right to participate in future projects for up to three (3) years,
 - (5) Require the developer/contractor to comply with the terms of this Chapter through appropriate legal action,
 - (6) Notify the City Controller to withhold payments under any contract or grant, which may be due or owing to the developer/contractor,
 - (7) Require the developer/contractor to enforce his obligations under his contract with contractors and subcontractors by litigation at law or in equity, whichever is appropriate,
 - (8) Take all other actions available at law or in equity for the breach of this agreement or any act of irresponsibility by the contractor which the City may take into account in evaluating future bids by that contractor within the parameters of the laws of the State of Pennsylvania.
- (b) When work is completed, in the event that the City has determined that a contractor or subcontractor has not complied with the requirements of this Chapter concerning the work hours performed by City Residents or has failed to report in the manner as required by this Chapter, the City will thereby be damaged in the failure to provide the benefit of demonstrable employment to City Residents to the degree required in this Chapter.
- (1) In such case of noncompliance, a percentage of the base bid price for the contract shall be surrendered by the contractor to the City in payment for each percentage of shortfall toward the resident employment requirement of this Chapter. The formula shall be determined by the EORC.
 - (2) Refusal to report the residency of employees entirely and correctly shall result in the surrender of the entire liquidated damages as if no Pittsburgh resident were employed. Any monies received by the City on account of liquidated damages shall be used to provide training, work experience and summer employment for Pittsburgh City Residents.
- (c) The use of any or all of the above remedies shall rest within the discretion of the EORC with the advice and approval of the City Solicitor.

Section 8.

Title One - Administrative, Article XI - Personnel Administration, Chapter 181 - General Provisions, is amended as follows **per Act 47 Plan Initiatives WF08, WF11, WF12, WF16, WF17, WF18 and WF19:**

TITLE ONE: ADMINISTRATIVE

ARTICLE XI: PERSONNEL ADMINISTRATION

CHAPTER 181: GENERAL PROVISIONS

Section

- § 181.01 Collective bargaining agreements - *amended*
- § 181.02 Residency required; exceptions
- § 181.03 U.S. citizenship required for police officer position
- § 181.04 Temporary transfer of employees
- § 181.05 Allowance for travel expenses
- § 181.06 Allowance for use of private vehicles
- § 181.07 Department head's approval for travel
- § 181.08 Payment of travel and vehicle expenses
- § 181.09 Advance of expenses
- § 181.10 Attendance allowance

§ 181.01 COLLECTIVE BARGAINING AGREEMENTS/NON-UNION EMPLOYEES.

(a) Nothing in the Code shall be deemed to supersede or affect the terms and provisions of any collective bargaining agreement in effect now or in the future.

(b) The benefits described in this Article shall apply only to full-time non-union employees. The benefits described in this Article shall not apply to temporary per diem or part-time employees, nor to any other employees employed on a basis of less than two thousand (2000) hours per year.

Section 9

Title One - Administrative, Article XI - Personnel Administration, Chapter 182 - Job Sharing, is amended as follows **per Act 47 Plan Initiatives WF 16, WF17 and WF18:**

TITLE ONE: ADMINISTRATIVE

ARTICLE XI: PERSONNEL ADMINISTRATION

CHAPTER 182: JOB SHARING

Section

- § 182.01 General provisions - *amended*
- § 182.02 Insurance benefits
- § 182.03 Vacation - *amended*
- § 182.04 Personal leave
- § 182.05 Holidays
- § 182.06 Bereavement
- § 182.07 Sick leave - *amended*
- § 182.08 Regulations
- § 182.09 Status

§ 182.01 GENERAL PROVISIONS.

Nonunion employees in the noncareer service may be eligible for job sharing with the permission of the department head.

- (a) Job sharing shall consist of two (2) employees with the same title who split the duties, salary and benefits of a single nonunion, full-time, noncareer service position as described in this Chapter.
- (b) Each employee in a shared position shall work one-half (1/2) of the hours of a full-time position, which shall be scheduled according to the needs of the department, and shall be paid the hourly rate of the full-time position for the hours worked.
- (c) Employees who wish to share a position shall present a written request to their department head which outlines how the job is to be shared, proposes a work schedule, explains how the employees shall communicate with one (1) another regarding their shared responsibilities and demonstrates that both employees are eligible for the position.
- (d) The department head has the authority to grant or deny requests for job sharing and there is no appeal from the director's final decision.
- (e) If one (1) of the employees in a shared position should voluntarily or involuntarily leave the position, then the head of the department shall determine whether to:

- (1) Continue the position as a shared position; or

- (2) Continue the position as a nonshared regular full-time position.

If the department head determines to continue the position as a nonshared full-time position, he or she shall first offer the full-time position to the employee remaining in the shared position.

- (f) The following positions are not eligible for job sharing:

- (1) Department heads; and

- (2) Bureau Chiefs in the Department of Public Safety.

(g) Employees commencing shared positions after June 30, 2004, shall be treated in all respects as part-time employees. All references in this Chapter to shared positions shall apply only to employees commencing shared positions on or before June 30, 2004.

§ 182.03 VACATION.

Each employee in a shared non-union full-time position, who commenced employment in the shared position prior to June 30, 2004, shall be entitled to vacation with pay in 2005 as follows: [after one calendar year from his or her beginning date and shall accrue vacation time beginning in the first full pay period after the employee begins work in the shared position and in each subsequent calendar year thereafter. After the first year of such service, each employee in a shared position shall be entitled to the number of days of vacation as determined by the number of years of service completed at any time in that calendar year]. Vacation entitlement shall be as follows:]

<i>Service Years</i>	<i>Vacation Days</i>
1 through 4	5
5 through 9	7
10 [through 14] <u>or more</u>	10
[or more]	13

Each employee shall accrue vacation time beginning in the first full pay period after the employee begins work in the shared position and in each subsequent calendar year thereafter. After the first year of such service, each employee in a shared position shall be entitled to the number of days of vacation as determined by the number of years of service completed at any time in that calendar year.

§ 182.07 [SICK LEAVE.] SICKNESS AND ACCIDENT PLAN

[Each employee in a shared position shall accrue, on January 1 of each calendar year, five (5) days of sick leave with pay to be used for periods of illness. Unused sick leave may be accumulated for a period not exceeding 112 days.
(Ord. 5-1992, eff. 2-25-92)]

(a) Application: The Sickness and Accident Plan implemented by the City shall apply to employees in a shared position who commenced employment in the shared position prior to June 30, 2004.

(b) Any City employee having a bank of accumulated sick days shall not accrue additional sick days after June 30, 2004.

(c) All sick days accrued prior to June 30, 2004, shall be used before any other compensated leave days due to illness may be used.

(d) Payment of unused sick days accrued prior to June 30, 2004, shall be paid, upon retirement only, at one hundred percent (100%).

Section 10.

Title One - Administrative, Article XI - Personnel Administration, Chapter 183 - Holidays, Section 183.01, Holidays Designated, is amended to read as follows pursuant to **Act 47 Plan Initiative WF16**:

TITLE ONE: ADMINISTRATIVE

ARTICLE XI: PERSONNEL ADMINISTRATION

CHAPTER 183: HOLIDAYS

Section

- § 183.01 Holidays designated - *amended*
- § 183.02 Compensatory time off
- § 183.03 Holidays falling on Saturdays and Sundays
- § 183.04 Holiday falling during vacation period

§ 183.01 HOLIDAYS DESIGNATED.

Except as otherwise provided in collective bargaining agreements, all City employees shall be entitled to the following holidays or equal time off duty with pay. The holidays shall be:

New Year's Day
Martin Luther King's Birthday
Good Friday
Memorial Day
Independence Day
Labor Day

~~[General Election Day]~~
Veterans' Day
Thanksgiving Day
The day after Thanksgiving Day
Christmas Day

Section 11.

Title One - Administrative, Article XI - Personnel Administration, Chapter 185 - Vacations, is hereby amended as follows **per Act 47 Plan Initiatives WF12, WF18 and WF19**:

TITLE ONE: ADMINISTRATIVE

ARTICLE XI: PERSONNEL ADMINISTRATION

CHAPTER 185: VACATIONS

Section

- § 185.01 Entitlement and accrual
- § 185.02 Proration - *amended*
- § 185.03 Duration - *amended*
- § 185.04 Scheduling
- § 185.05 Use - *amended*
- § 185.06 Death
- § 185.07 Termination
- § 185.08 Transition - *repealed*

§ 185.02 PRORATION.

(a) Vacation time will be accrued in each pay period in which the employee is compensated in full. No vacation time will be accrued for any pay period in which the employee is compensated for less than fifty-five (55) percent of the pay period. A prorated amount of vacation time will be accrued for any pay period in which the employee is compensated for between fifty-five (55) percent and one hundred (100) percent of the pay period.

(b) Compensated time shall include time spent at work, on vacation, unworked holidays, personal leave, sick leave, military leave, bereavement leave, jury duty, worker's compensation and short term disability leave. Compensated time shall not include time spent absent without pay, absent without leave, on suspension or ~~on~~ during long term absence from work ~~[disability]~~ due to non-work related disabilities.

§ 185.03 DURATION.

(a) Except where otherwise provided by a collective bargaining agreement, vacation entitlement for full time employees shall be based on years of completed service as follows:

Years of City Service	Approx. Days Accumulated Per Pay Period	Accumulated Entitlement (Days per Year)
0 through 4	.38	10
5 through 9	.58	15
10[through 14] or more	.77	20
[15 or more]	[-.96]	[25]

(b) Since the number of days accumulated per pay period will not multiply to give an employee the exact number of vacation days to which he or she is entitled in each year, an adjustment will be made during the last pay period of each year to ensure that no employee receives more or less vacation time than he or she would be entitled to under the provisions of this section.

(c) Once an employee has completed his or her first year as a City employee, vacation will be awarded as if the employee's anniversary date were January 1st.

§ 185.05 USE.

Each employee shall use the vacation to which he or she is entitled hereunder within two (2) years from the date on which it was accrued. Vacation time not used in accordance with this section shall be lost.~~[This section shall not apply to vacation accrued under § 185.0 below, or to vacation accrued under the vacation plan set forth in this Chapter prior to 1998.]~~

~~[§ 185.08 TRANSITION.]~~

~~[Employees who were hired by the City prior to the establishment of the vacation system described herein shall be moved into the new plan as follows:~~

~~(a) In 1998 the employee must use any vacation days earned due to employment in 1997. Such days, if not used by December 31, 1998, shall be lost.~~

~~(b) From January 1, 1998 through June 30, 1998 such employees shall continue to earn vacation under the vacation plan that was in effect in 1997. Specifically, for days compensated between January 1, 1998 and June 30, 1998 inclusive, the employee shall earn credit toward vacation days which shall be granted if the employee actually works one (1) day in 1999. Under the provisions of this paragraph, an employee can earn a maximum of one-half (1/2) of the days of vacation he or she would be entitled to based on his or her years of service as set forth in § 185.02 above. For the purpose of calculating vacation entitlement under this paragraph only, the City shall use the employee's length of service on December 31, 1998. Days of vacation earned under the provisions of this paragraph shall be used in 1999 or lost.~~

~~(c) If an employee is compensated for less than seventy-one (71) days from January 1, 1998 through June 31, 1998, inclusive, then he or she shall earn no vacation under the provisions of this subsection. Vacation earned under the provisions of this subsection shall be prorated if an employee is compensated for more than seventy-one (71) days but less than one hundred thirty (130) days between January 1,~~

~~1998 and June 30, 1998, inclusive.]~~

Section 12.

Title One - Administrative, Article XI - Personnel Administration, Chapter 187 - Sick Leave, is amended to read as follows **per Act 47 Plan Initiative WF17**:

TITLE ONE: ADMINISTRATIVE

ARTICLE XI: PERSONNEL ADMINISTRATION

CHAPTER 187: ~~[SICK LEAVE]~~ SICKNESS AND ACCIDENT PLAN

Section

- § 187.01 Entitlement and maximum amount - *amended*
- § 187.02 Report of illness; certification - *amended*
- § 187.03 Maximum accumulation
- § 187.04 Extension - *repealed*
- § 187.05 Monthly reports
- § 187.06 Applicability - *amended*

§ 187.01 ~~[ENTITLEMENT AND MAXIMUM AMOUNT.]~~ APPLICATION OF SICKNESS AND ACCIDENT PLAN; ENTITLEMENT AND MAXIMUM AMOUNT.

(a) *Application* ~~[Any regular City employee hired prior to January 1, 1982 and who does not elect to be covered by the City's Sickness and Accident Insurance and § 188.02 of this Code shall be entitled, in each calendar year, to sick leave with pay for the periods of his illness, but not exceeding the amount as follows:]~~

<i>[Days Employed]</i>	<i>Maximum Days Sick Leave]</i>
[—200 to 224	5]
[—225 or more	14]

Except where otherwise provided by a collective bargaining agreement, the City's Sickness and Accident Plan shall apply to all full-time employees, regardless of date of hire.

(b) Any City employee having a bank of accumulated sick days shall not accrue additional sick days after June 30, 2004.

(c) Employees shall be required to use any previously accumulated sick days before other leave may be used due to a non-work related illness or injury.

(d) Payment of unused sick days accrued prior to June 30, 2004, shall be paid, upon retirement only, at one hundred percent (100%).

~~[(b)]~~**(e)** The head of the employee's department shall be satisfied that the absence of the employee is caused by actual illness and does not result from misconduct. Inability to work resulting from **the employee's physician's restriction based on** pregnancy **and/or childbirth** shall be **covered as** ~~[deemed]~~ sickness under the terms of this Chapter.

§ 187.02 REPORT OF ILLNESS; CERTIFICATION.

- (a) Each employee requiring sick leave with pay shall report his or her illness as promptly as is possible in the circumstances, and upon returning to work shall certify in writing that he or she was sick or disabled to a degree requiring his absence.
- (b) Where absence is in excess of three (3) consecutive days, sick leave shall be granted to an employee only upon presentation of a signed certification from the attending physician or practitioner upon a form provided by or acceptable to the **employee's** department **Director or department Director's designee.**
- (c) Where the absence is three (3) days or less, the employee shall submit his or her own certificate and is not required to submit a certification from a physician or under the seal of a notary public.
- (d) The falsification of any sick leave affidavit by any employee, including civil service employees, shall constitute grounds for suspension or dismissal of the employee.

~~[§ 187.04 EXTENSION.]~~

~~[In special cases and for adequate reasons, Council may extend the sick leave with pay of any City employee upon the request and the recommendation of the head of the department in which the employee is employed.]~~

§ 187.06 APPLICABILITY.

~~[Sections 187.01 through 187.04]~~ **The benefits described in this Chapter shall apply only to full-time employees. The benefits described in this Chapter** shall not apply to temporary per diem **or part-time** employees, **or to any employees** employed on a basis of less than two ~~[hundred forty (240) days]~~ **thousand (2000) hours** per year nor to those who are absent from their employment by reason of military service.

Section 13

Title One - Administrative, Article XI - Personnel Administration, Chapter 191 - Retirement and Severance Pay, is amended to read as follows **per Act 47 Plan Initiative WF17**:

TITLE ONE: ADMINISTRATIVE

ARTICLE XI: PERSONNEL ADMINISTRATION

CHAPTER 191: RETIREMENT AND SEVERANCE PAY

Section

- § 191.01 Severance pay upon retirement - *amended*
- § 191.02 Calculation of rate of pay
- § 191.03 Eligibility
- § 191.04 Death
- § 191.05 Calculation of severance pay - *amended*
- § 191.06 Compulsory retirement
- § 191.07 Military buy back in old and new Municipal Pension Fund
- § 191.08 Police Pension Fund
- § 191.09 Retiree life insurance; payment
- § 191.10 Police Pension Fund service increment

§ 191.01 SEVERANCE PAY UPON RETIREMENT.

Any regular City employee may receive severance pay upon retirement including disability retirement equal to the rate of pay for the number of sick days he or she **accrued prior to June 30, 2004**, [has accumulated] up to and including 112 days. The total amount shall be paid in one (1) lump sum. [~~Each employee who qualifies for sick leave benefits under Chapter 187 shall accrue the entire annual entitlement of sick leave days effective January 1 of each calendar year for the purposes of severance pay upon retirement.~~]

§ 191.05 CALCULATION OF SEVERANCE PAY.

- (a) Effective January 1, 1976, any regular City employee retiring on or after January 1, 1975, shall receive severance pay upon retirement, including early retirement or disability retirement, equal to the rate of pay for the number of days the employee has accumulated up to and including 112 days.
- (b) Any employee who takes an early retirement shall be entitled to that fraction of the employee's accumulation in which years of service for pension purposes is the numerator and twenty (20) is the denominator.
- (c) The total amount shall be paid in one (1) lump sum.
- (d) [~~Each employee who qualifies for sick leave benefits under Chapter 187 shall accrue the entire annual entitlement of sick leave days effective January 1 of each calendar year for the purpose of severance pay upon retirement.~~]
 - (1) The rate of pay for accumulated sick leave days shall be calculated on the basis of a five-

day work week for salaried employees or eight (8) times the standard hourly wage rate for hourly employees at the rate of pay in effect for the permanent position held on the date of retirement.

(2) An employee shall have the required length of service for retirement, including early retirement, or be eligible for disability retirement at the time of terminating City employment in order to be eligible for severance pay for accumulated sick leave days.

(3) Any regular employee who, while eligible for retirement, dies while still employed is ineligible for severance pay for his or her accumulated sick leave days.

(4) Retirement eligibility, including early retirement and disability retirement, shall be determined pursuant to the applicable pension plans in effect for City employees as of January 1, 1975.

Section 14.

Title One - Administrative, Article XI - Personnel, Chapter 192 - Pensions, is hereby amended per **Act 47 Plan Initiatives PE01, PE02 and PE03:**

TITLE ONE: ADMINISTRATIVE

ARTICLE XI: PERSONNEL

CHAPTER 192: PENSIONS

General provisions

192.01 Definitions - amended

Municipal Benefit Plan No. 2

- 192.20 Municipal Benefit Plan No. 2
- 192.21 Establishment of Municipal Benefit Plan No. 2
- 192.22 Membership
- 192.23 Contributions by members - *amended*
- 192.24 Contributions by the City
- 192.25 Credited service
- 192.26 Pension allowance - *amended*
- 192.27 Death benefits
- 192.28 Payment of benefits

Firemen's Benefit Plan No. 2

- 192.30 Firemen's Benefit Plan No. 2
- 192.31 Establishment of Firemen's Benefit Plan No. 2
- 192.32 Membership
- 192.33 Classification and monthly payments; cost-of-living allowance

Policemen's Benefit Plan No. 2

- 192.40 Policemen's Benefit Plan No. 2
- 192.41 Establishment of Policemen's Benefit Plan No. 2
- 192.42 Membership
- 192.43 Pension payments; amounts; time

General Provisions

§ 192.01 Definitions.

The following terms shall have the following respective meanings for the purpose of this chapter unless a different meaning is plainly required by the context.

- (a) **ACCUMULATED CONTRIBUTIONS.** The sum of a member's contributions to the respective benefit plan.
- (b) **AVERAGE MONTHLY EARNINGS.** The average of the last forty-eight (48) consecutive months of the contributory earnings during employment by the City immediately preceding retirement or termination of service.

(c) **BENEFIT PLAN.** That portion of a pension plan granted or bargained for which deals specifically with the retirement annuity and benefit coverage provided by the pension plan, including, but not limited to, the types of coverage, the eligibility for and entitlement to retirement annuities and benefits, and the amount of retirement annuities and benefits.

(d) **BENEFIT PLAN NO. 1 or BENEFIT PLAN NO. 1.** The benefit plan established under the following statutory provisions which provide benefits for members employed by the City, the Bureau of Police or the Bureau of Fire prior to January 1, 1988.

Municipal Benefit Plan No. 1--Act of May 28, 1915, P.L. 596, as amended, 53 P.S.

Policemen's Benefit Plan No. 1--Act of April 5, 1917, P.L. 39, as amended, 53 P.S. Sec. 23642 et seq.

Firemen's Benefit Plan No. 1--Act of May 25, 1933, P.L. 1050, as amended, 53 P.S. Sec. 23601 et seq.

(e) **BENEFICIARY.** The person or persons last designated in writing by a member to receive his or her accumulated contributions at the time of his or her death.

(f) **BOARD.** The Board of Managers established for each of the pension plans pursuant to the following Acts:

Municipal Pension Plan--Act of May 28, 1915, P.L. 596, as amended, 53 P.S. Sec. 23581 et seq.

Policemen's Pension Plan--Act of April 5, 1917, P.L. 39, as amended, 53 P.S. Sec. 23642 et seq.

Firemen's Pension Plan--Act of May 25, 1933, P.L. 1050, as amended, 53 P.S. Sec. 23601 et seq.

(g) **CITY.** The City of Pittsburgh and any agency or authority created by the City of Pittsburgh, or created by the City of Pittsburgh jointly with other cities or with another political subdivision or created by another political subdivision and joined by the City, except where the agency or authority has in effect its own pension or retirement plan maintained without reference to the provisions of any benefit plan referenced hereunder, in which case the pension or retirement plan shall be exclusive and the agency's or authority's employees shall not be entitled to any rights under a plan benefit.

(h) **COMPREHENSIVE MUNICIPAL; PENSION TRUST FUND or COMPREHENSIVE FUND.** The fund established by the City under Ordinance 25 of 1986 and pursuant to the requirements of Act 205 of 1984, P.S. 1005, 53 P.S. Sec. 895.101 et seq.

(i) **INTEREST.** Interest shall be simple, at a rate of five (5) percent per annum, payable only to employees of the City who, as of June 30, 2004, are eligible for Interest hereunder. It shall be calculated from the date of withholding, or in the case of direct payments, from the date that payment is made, to the month within which the Municipal Pension Board takes final action approving the refund of the member's contributions.

(j) **MUNICIPAL BENEFIT PLAN NO. 2 or BENEFIT PLAN NO. 2.** The benefit plan established pursuant to the provisions of this chapter to provide retirement benefits to eligible employees employed after December 31, 1987.

(k) **MUNICIPAL PENSION PLAN.** The pension plan in which the City provides retirement benefits to eligible members under the terms Municipal Benefit Plan No. 1 and Municipal Benefit Plan No. 2.

(l) **PENSION PLAN.** The various aspects of the relationship between a municipality and its employees with respect to the retirement coverage provided by a municipality to the employees.

(m) **PENSIONER.** Any employee who has terminated service under one (1) of the pension plans and is receiving or has filed an application to receive pension benefits pursuant to the benefit plan in which he was a member.

(n) **POLICEMEN'S BENEFIT PLAN NO. 1.** The benefit plan established under Act of April 5, 1917, P.L. 39, as amended by statute, resolution or ordinance to provide retirement benefits to members employed prior to January 1, 1988.

(o) **POLICEMEN'S BENEFIT PLAN NO. 2.** The benefit plan established pursuant to the provisions of this chapter for the purpose of providing retirement benefits to those members employed by the Bureau of Police after December 31, 1987 or those individuals who were employed by the Bureau of Police prior to January 1, 1988 who have irrevocably elected to cease membership under the Policemen's Benefit Plan No. 1 and commences membership under Policemen's Benefit Plan No. 2.

(p) **POLICEMEN'S PENSION PLAN.** The plan by which the City provides retirement benefits to members under the terms of the Policemen's Benefit Plan No. 1 and Policemen's Benefit Plan No. 2.

(q) **TIER 1 AND TIER 2.** Tier 1 refers to the class of employees who became members of Municipal Benefit Plan No. 1 prior to January 1, 1975. Tier 2 refers to employees who became members January 1, 1975 until December 31, 1987.

(r) **TOTAL AND PERMANENT DISABILITY.** Permanent incapacity due to bodily injury or disease which for period of at least six (6) consecutive months has rendered the member unable to perform the duties for which he or she was employed. Proof of total and permanent disability shall consist of the sworn statement of three (3) practicing physicians who have been designated by the Board that the member is in a permanent condition of health which would totally disable him or her from performing the duties of his or her position or office.

§ 192.23 CONTRIBUTIONS BY MEMBERS

(a) Effective January 1, 2005, the membership contribution for Benefit Plan No. 1 and Benefit Plan No. 2 shall be five percent (5%) of the member's salary or wages (known hereafter as the "Applicable Member Contribution.") Except as bargained for under applicable law, the membership contribution for Benefit Plan No. 2 shall be four (4) percent of his or her salary or wages and five (5) percent of his or her salary or wages for Benefit Plan No. 1 (known hereafter as the "Applicable Member Contribution"). In no event shall the total member contribution exceed fifty (50) percent of the normal cost of the pension plan, expressed as a percentage of covered payroll, as reported in the most recent actuarial valuation report of the pension plan.

(b) The City shall cause to be deducted the required member contributions from each payroll and shall promptly send the amounts deducted to the comprehensive fund.

(c) Payment of the amount of contribution herein mentioned shall be discontinued at the time the member retires, terminates service, attains age sixty-five (65) with twenty (20) or more years of credited service, dies or becomes totally and permanently disabled.

(d) Each person who becomes an employee of the City after having been employed by the City in the Bureau of Fire or the Bureau

of Police, and who is not entitled to retirement benefits for service under another retirement system and who desires to have the service credited under this Benefit Plan No. 2, shall be required to pay to the municipal pension plan an amount equal to four (4) percent of the total salary or wages received by him or her for each month of service before January, 2002 and the Applicable Member Contribution thereafter for which he or she wishes to receive credit together with interest at the rate earned by the comprehensive fund during the period of employment. The amount shall be deducted from the monthly salary or wages of the member over a period of two (2) years or in the manner and period as the Board may determine. Upon full payment of the amount due, the member shall receive full credit for the period of service. If any member shall be injured while in the actual performance of duty before he or she shall have made full contribution for past service, so long as the disability continues, he or she shall be eligible for pension under this Benefit Plan No. 2, but any amount which he or she shall not yet have paid

to the municipal pension plan as a contribution for past services under this section at the date of his or her injury shall be paid, if the Board, in its discretion, shall so determine, in monthly amounts as the Board may determine, which amounts shall be deducted from his or her pension as and when monthly payments thereof shall be made.

(e) Any member may purchase full credit toward his or her pension for each year of service with an agency or authority prior to the time the agency or authority joined the municipal pension plan upon his or her producing proof satisfactory to the Board of the number of years of service and upon his or her making back payments together with the interest at the rate earned by the comprehensive fund during the period of employment as if he or she had been a member of this Benefit Plan No. 2 at the time of the service. The amount due may be paid in a lump sum or by installments, as may be agreed upon by the member and the Board. If the employee is retired under this Benefit Plan No. 2 before the payments have been completed, his or her pension shall be reduced by an amount equivalent to the unpaid balance of the amount due.

(f) If a member of either Benefit Plan No. 1 or Benefit Plan No. 2 terminates service before he or she is eligible to receive a pension, his or her accumulated contributions shall be refunded in full, **and for members hired before June 30, 2004, shall be refunded** with Interest.

(g) Any former employee who has received a refund of his or her accumulated contributions and who shall reenter the service of the City, shall be eligible to receive credit for all previously credited service by restoring to the municipal pension plan the total accumulated contributions withdrawn plus interest and shall pay an additional amount of interest equal to interest calculated on the entire amount paid at the time of separation at the rate earned by the comprehensive or other applicable fund from the period in which the former employee separated service until his or her return to service.

(h) Any pensioner who had less than twenty (20) years credited service or who had elected to receive an early reduced pension and who returns to service on or after the effective date of this Benefit Plan No. 2 shall start contributing at four (4) percent of his or her salary or wages until January 1, 2002 and the Applicable Member Contribution thereafter and shall be entitled to have his or her subsequent retirement pension be determined on the basis of his or her total service history by restoring to the municipal pension plan the total of the amount received in pension payments plus interest at the rate earned by the comprehensive or other applicable fund from the period in which the former employee separated service until his or her return to service.

(i) School crossing guards who are members of this Benefit Plan No. 2 shall be given an opportunity to contribute full member contributions for the months of June, July and August of each year in which they are covered under this plan and thereby receive credit for these months for purposes of both benefit calculations and average monthly earnings.

§ 192.26 PENSION ALLOWANCE.

(a) The amount of the monthly pension shall be calculated by multiplying the amount determined in subsection (a)(1) by the fraction determined in subsection (a)(2) and if applicable, by adding a service increment in accordance with subsection (a)(3) and where applicable by applying the reductions determined in subsection (a)(4) and (5).

(1) Fifty (50) percent of the member's average monthly earnings.

(2) The ratio that the member's years of credited service (years and completed months to two (2) decimals) up to a maximum of twenty (20) is to twenty (20).

(3) A service increment which shall be one (1) percent of the member's average monthly earnings for each full year of credited service in excess of twenty (20) and rendered prior to age sixty-five (65). The increment shall be limited to a maximum of one hundred dollars (\$100.00) per month.

(4) Pensions for members who were employees who **either (a) terminated employment on or before December 31, 2001, or (b) become employees after June 30, 2004,** shall be reduced upon his or her attainment of age sixty-five (65) by an amount equal to fifty (50) percent of the primary insurance amount paid or payable to him under the Federal Social Security Act and subject to the following provisions:

A. The eligibility of such member for the old-age insurance benefit and the amount of the benefit upon which the reduction in his or her pension shall be based shall be determined by the Board in accordance with the provisions of the Federal Social Security Act, 42 U.S.C. Sections 301 et seq., in effect at the date his or her pension payment begins, except that in determining the eligibility and the amount only wages or compensation for services covered by this Benefit Plan No. 2 shall be included.

B. Whenever the amount of the reduction from the pension shall have been once determined, it shall remain fixed for the duration of the pension except that any decrease in the old-age insurance benefit under the Federal Social Security Act, 42 U.S.C. Sections 301 et seq., shall result in a corresponding decrease in the amount of the reduction from the pension.

C. The reduction shall not be more than one-half (1/2) of the pension to which the member is otherwise entitled under the provisions of this Benefit Plan No. 2.

(5) The member's pension shall be reduced for any periodic payments to him or her or on his or her behalf pursuant to worker's compensation laws on account of his or her employment with the City, provided, however, that the pension benefit will be limited so that, when added to the monthly worker's compensation benefit, the sum will not exceed the regular monthly earnings of the member at the time

of disablement.

(b) The amount of any monthly pension of a member who terminates service prior to age sixty (60) shall be either of the following as the member may elect at the time of termination of services:

(1) A deferred pension, commencing on attainment of age sixty (60), computed under the provisions of subsection (a) hereof based only on credited service and average monthly earnings to the date of early retirement; or

(2) A reduced pension, commencing prior to age sixty (60), equal to the deferred pension to which the member would have been eligible had he or she so elected, reduced one-half of one (0.5) percent for each month that the commencement of the pension precedes the month of the member's attainment of age sixty (60).

(c) The amount of any monthly pension for a disability retirement for a member who sustains the disability in the actual performance of duty regardless of length of service or incurs a disability outside the performance of his or her duties but after eight (8) years of credited service shall be determined in accordance with subsection (a) hereof based upon subsection (c)(1) or (2) below, whichever is applicable:

(1) If total and permanent disability is incurred prior to age sixty (60), the member's average monthly earnings shall be determined at the date of disability and credited service shall be determined as though the member had attained age sixty (60) and completed the greater of his or her actual credited service or the lesser of twenty (20) years of credited service or the number of years of credited service he or she would have completed had he or she continued to receive credit for service until age sixty (60); or

(2) If total and permanent disability is incurred on or after age sixty (60), the member's average monthly earnings and actual credited service shall be determined at the date of disability.

(d) The amount of any pension to a member who has terminated service after attaining age forty (40) with at least eight (8) years of service shall be either of the following as the member may elect in his application for pension provided that the member continues to make member contributions until age fifty (50):

(1) A deferred pension, after attainment of age sixty (60), computed under the provisions of subsection (a) hereof but based on credited service and monthly earnings to the date of termination.

(2) An early pension, commencing prior to age sixty (60), but after attainment of age fifty (50), determined in accordance with the provisions of subsection (1) above, reduced one-half of one (0.5) percent for each month that the commencement of the regular pension precedes the month of the member's attainment of age sixty (60).

(e) Specifically excluded from this Benefit Plan No. 2 are any benefits provided under section 11 of Benefit Plan No. 1 for the payment of supplementary medical insurance premiums.

(f) The provision of 192.26(a)(4) above will not apply to the computation of pensions for members of Municipal Plan No. 2 who are City employees on or after January 1, 2002 and retire on or after such date.

(g) Members of Municipal Benefit Plan No. 1 who are City employees on or after January 1, 2002 and retire thereafter may irrevocably elect to have their pensions calculated without the social security offset currently applicable to Municipal Benefit No. 1 but subject to the reductions provided for in § 192.26(a)(5). The election of this benefit change must be made between November 1 and December 1, 2001.

(h) Members of either Municipal Benefit Plan No 1 or No 2 who were City employees who terminated employment with the city before January 1, 2002 may irrevocably elect to have their pensions calculated without the social security offset but only if they make such election within thirty (30) days of the final passage of this legislation and they are:

(1) Former employees that did not at the time of termination have sufficient years of service nor achieve age fifty (50) and are either currently making payments sufficient to purchase time and age or, within thirty (30) days of the passage of this legislation, make binding commitments to make such payments; and,

(2) Former employees who achieved the requisite time and age but have not yet taken a pension and, or

(3) Members of the fund who have made no election to date.

Section 15

Title Four - Public Places and Property, Article I - Public Rights of Way, Chapter 411 - Jurisdiction, Section 411.02(a)(3), is amended by removing the Director of the Department of General Services as the point of contact and adding the Director of the Department of Public Works as follows, pursuant to **Act 47 Plan Initiative PW07**:

TITLE FOUR: PUBLIC PLACES AND PROPERTY

ARTICLE I - PUBLIC RIGHTS OF WAY

CHAPTER 411: JURISDICTION

Section

- § 411.01 Enforcement by Director of Public Works.
- § 411.02 Definitions - *amended*
- § 411.03 Reservation of Regulatory and Police Powers.
- § 411.04 Conflicts with Police Powers.

§ 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, 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.
- (2) **BUREAU.** The Bureau of Telecommunications, Department of General Services.
- (3) **CITY.** The City of Pittsburgh, a [~~municipal corporation~~] **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 [~~General Services~~] **Public Works**, or his designee, as the point of contact to which such submittals shall be directed.
- (4) **CODE.** The PITTSBURGH CODE OF ORDINANCES.
- (5) **CONSTRUCTION PERMIT.** The document that must be obtained before a person may permit construction in a right-of-way.
- (6) **DEPARTMENT .** The Department of Public Works.
- (7) **EMERGENCY.** A condition that poses a clear and immediate danger to life or health, or significant loss of property.
- (8) **EQUIPMENT.** Tangible property located in the rights-of-way used to deliver services.
- (9) **IN.** When used in conjunction with rights-of-way, means over, above, in, within, on or under a right-of-way.
- (10) **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.

(11) **PERSONAL PROPERTY.** Tangible property located in the rights-of-way other than equipment.

(12) **PROBATION.** The provisional status of a person that has not complied with the conditions of this Article.

(13) **PROBATIONARY PERIOD.** One (1) year from the date that a person has been notified in writing of his placement on probation status.

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

(15) **RESTORE OR RESTORATION.** The process by which a right-of-way is returned to a state that is as good or better as its condition before construction.

(16) **RIGHTS-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.

(17) **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.

(18) **UNDERGROUND EQUIPMENT.** All equipment that is located wholly or partially underneath rights-of-way.

Section 16.

Title Four - Public Places and Property, Article I - Public Rights of Way, Chapter 412 - Users of the Public Rights-of-Way, Section 412.02 - Use of Rights of Way, is amended for clarification purposes and Section 412.01 - Singular Point of Contact, and Section 412.03 - Registration Required, are amended by deleting references to the Director of the Department of General Services and adding the Director of the Department of Public Works as the point of contact pursuant to **Act 47 Plan Initiative PW07:**

TITLE FOUR: PUBLIC PLACES AND PROPERTY

ARTICLE I - PUBLIC RIGHTS OF WAY

CHAPTER 412: USERS OF THE PUBLIC RIGHTS-OF-WAY

Section

§ 412.01 Singular point of contact - *amended*

- § 412.02 Use of rights-of-way - *amended*
- § 412.03 Registration required - *amended*
- § 412.04 No construction without registration.
- § 412.05 Registration information.
- § 412.06 Reporting obligations.
- § 412.07 Mapping data.
- § 412.08 Unregistered, abandoned and unusable equipment.
- § 412.09 Vehicles and equipment.

§ 412.01 SINGULAR POINT OF CONTACT.

- (a) The Director of the Department of [~~General Services~~] **Public Works**, 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 [~~General Services~~] **Public Works** shall coordinate all contacts with other City Departments as necessary to facilitate issuance of any and all permits required by the Pittsburgh Code of Ordinances.
- (c) The Director of the Department of [~~General Services~~] **Public Works** shall prepare policies and forms as necessary for the implementation of this Chapter.

§ 412.02 USE OF RIGHTS-OF-WAY.

- (a) No person shall enter upon, over or under, or use or occupy any public street, bridge, sidewalk or other public way for the purpose of providing telecommunications services or public utilities without first filing a bond and obtaining a permit from the Director of the Department of Public Works.
- (b) The Director of the Department of Public Works shall assign priorities among competing users of the public rights-of-way according to the order of completed permit applications and shall have the power to prohibit or limit the placement 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 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 Public Works 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 telecommunications, electric, light, heat, water, steam, power or any other service. The fees shall be established by the Director, subject to approval by Council, based on historical costs **to the City** of maintenance of the public property and estimated prospective costs of maintenance thereof. Costs of maintenance **chargeable to such suppliers** shall include inter alia **all** [~~relocation~~] costs **to the City for relocation** of **any and all** **City** [~~utility~~] facilities located upon, over or under the public property.

- (d) Each applicant before starting any work involving any apparatus, device, transmission facilities or means for the supply of telecommunications, electric, light, heat, water, steam, power or any other service shall submit to the City detailed plans of its proposed construction. All plans shall be subject to City approval before a permit is granted.
- (e) All construction shall be in conformity with plans and specifications promulgated by the Department of Public Works and subject to City inspection.
- (f) By accepting a permit, a permit holder agrees:
 - (1) To remove or relocate at its own expense all installations from the public rights-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.
- (g) During the permit term, a permit holder may, at its own cost and expense, trim trees in or on the rights-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.

§ 412.03 REGISTRATION REQUIRED.

- (a) Each person who uses or otherwise occupies, or seeks to occupy or use, the rights-of-way or any equipment located in the rights-of-way, or who has, or seeks to have, equipment located in rights-of-way shall register with the City **Department of Public Works**, such registration to be renewed on an annual basis, and updated or supplemented as necessary to keep such registration current and accurate. Any person that presently maintains equipment in the public rights-of-way on the effective date of this Article shall register with the City within ninety (90) days of the effective date of this Article.
- (b) The requirements for registration contained in this Article do not apply to service lines within the right-of-way, provided that the service line connects to a main or trunk line which is permitted in accordance with this Article, that the service line provides service to only a single property, and that the service line is owned by the owner of that property.
- (c) A permit holder shall request renewal or a new permit by making written application to the Director of the Department of [~~General Services~~] **Public Works** not more than ninety (90) days before the expiration of such permit(s).

~~§ 412.04 NO CONSTRUCTION WITHOUT REGISTRATION.~~

~~No person may perform construction of any kind in the rights-of-way without first registering with the City. No permits for construction will be issued to any person until all registration requirements have been met.~~

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

~~§ 412.05 REGISTRATION INFORMATION.~~

- ~~(a) At the time of registration, the applicant shall provide the City with the following information;~~

or shall notify the City that the following information is included in the applicant's application for a use agreement or its existing franchise with the City. The applicant shall inform the City of any changes to the information within fifteen (15) days:

- (1) Its name, address, and, if applicable, electronic mail address; and telephone and facsimile numbers.
- (2) The name of a local representative, the representative's address and, if applicable, electronic mail address; and telephone and facsimile numbers of same, including information that will enable the City to contact the local representative, or other appropriate official, in the case of emergency.
- (3) A certificate of insurance:
 - A. Verifying that an insurance policy has been issued to the applicant by an insurance company licensed to do business in the Commonwealth of Pennsylvania in an amount and form acceptable to the City;
 - B. Verifying that the applicant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the applicant's use and occupancy of the rights-of-way, including, but not limited to, protection against liability arising from completed operations, damage to underground equipment, and collapse of property;
 - C. Naming the City as an additional insured for whom defense will be provided as to all such coverages;
 - D. Requiring that the City be notified not less than sixty (60) days in advance of cancellation of the policy; or
- (4) In lieu of the certificate of insurance required under (3) herein, proof of self-insuring status that demonstrates adequate financial resources to defend and cover claims.
- (5) If the applicant is a corporation, written evidence that it is authorized to do business in the Commonwealth of Pennsylvania, as recorded and certified by the Pennsylvania Secretary of State.
- (6) A copy of the applicant's certificate of authority from the Pennsylvania Public Utility Commission, if required.
- (7) Proof that the applicant has posted all the required bonds or provided proof of adequate financial resources to defend and cover claims.

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

§ 412.06 REPORTING OBLIGATIONS.

(a) Each applicant shall, at the time of registration, file a construction and major maintenance plan, to the extent it is known or otherwise devised, with the City. Such plan shall be submitted using a format designated by the City and shall contain the information determined by the City to be necessary to facilitate the coordination and reduction in frequency of construction activities in rights-of-way. To the extent that the plan changes, each permit holder shall use its best efforts to update the plan on an annual basis, or December 1 of each year. The plan shall include, but not be limited to:

- (1) The specific locations and the beginning and ending dates of all known planned

construction to be commenced during the next calendar year; and

(2) The tentative locations and beginning and ending dates for all construction contemplated for the five (5) years beginning with the next calendar year.

(b) Each permit holder shall maintain records of the location of its equipment in the rights-of-way, if available, and such other records as the City may reasonably require. Each permit holder shall annually cause an audit to be performed, at its sole expense, or otherwise certify that the records that are on file with the City are accurate and complete.

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

§ 412.07 MAPPING DATA.

(a) Each registrant shall use its best efforts to provide to the City within a reasonable time a true and accurate copy of information indicating the horizontal and vertical location of all equipment that it currently owns or controls in the rights-of-way. Each registrant also shall use its best efforts to make this information available in electronic format.

(b) Within thirty (30) days of the acquisition or construction of additional equipment or any relocation, abandonment, or disuse of existing equipment, a permit holder shall supplement its mapping information with "as-built" submissions. Each permit holder shall use its best efforts to make this information available in electronic format.

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

§ 412.08 UNREGISTERED, ABANDONED AND UNUSABLE EQUIPMENT.

(a) One hundred eighty (180) days after the passage of the ordinance adopting this Article, any equipment in a right-of-way that is owned or otherwise under the control of a person who has not registered with the City shall be deemed a nuisance.

(b) A registrant who has determined to discontinue all operations in the City must either:

(1) Provide information satisfactory to the City official that the registrant's obligations for its facilities in the rights-of-way under this Chapter and under other applicable provisions of this Code have been lawfully assumed by another registrant;

(2) Obtain written permission from the City official to abandon the facilities in place; or

(3) Submit to the City official a proposal and instruments for transferring ownership of its facilities to the City, and the City accepts such proposal in writing.

(c) Facilities of a registrant who fails to comply with this Article shall be deemed to be abandoned. Abandoned facilities shall be deemed to constitute a nuisance.

(d) In dealing with unregistered, abandoned or unusable equipment deemed to be a nuisance, the City may exercise any remedies or rights it has at law or in equity, including, but not limited to:

(1) ~~Abating the nuisance and seeking reimbursement from the registrant for the cost of abatement; or~~

(2) ~~Taking possession of the facilities and using them as deemed to be in the City's best interests, including, but not limited to, upgrading, reusing, sale or lease.~~

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

~~§ 412.09 Vehicles and equipment.~~

~~Any person working within the City right-of-way must have their company or personal name displayed on each piece of equipment and/or vehicle.~~

~~Initials or abbreviations are only acceptable if they are a part of their registered name. The display of their name may be on a temporary magnetic sign. This display must be in English and legible from twenty five (25) feet away. Any person not receiving compensation for their work will be subject to a warning and no fine will be implemented.~~

~~(Ord. No. 4-2000, eff. 3-29-00)~~

~~CHAPTER 413: CONSTRUCTION AND REPAIR~~

~~Section~~

~~§ 413.01 Street bond and permit required; plan approval~~

~~§ 413.02 Sidewalk and curb bond and permit required; work approval~~

~~§ 413.03 Roadways~~

~~§ 413.04 Ramps at crosswalks~~

~~§ 413.01 STREET BOND AND PERMIT REQUIRED; PLAN APPROVAL.~~

~~(a) No person shall construct, repair or lay any pavement on any public street or other public way without first filing a bond and obtaining a permit from the Department of Public Works.~~

~~(b) All construction shall be in conformity with plans and specifications approved by the Department and subject to its inspection.~~

~~§ 413.02 SIDEWALK AND CURB BOND AND PERMIT REQUIRED; WORK APPROVAL.~~

~~(a) No person shall construct, reconstruct, repair, cut, alter or grade any sidewalk curb or driveway in the public right-of-way without first obtaining a permit from the Department of Public Works.~~

~~(b) All construction, reconstruction, repair, cutting, alteration or grading shall be done in the manner specified by the Department and subject to its approval.~~

~~§ 413.03 ROADWAYS.~~

~~No person shall construct or maintain street roadways not in accordance with the Department of Public Works standards and specifications unless otherwise approved by the Director of Public Works.~~

~~§ 413.04 RAMPS AT CROSSWALKS.~~

~~(a) No person shall install, improve or repair sidewalks, curbs or gutters at a crosswalk without installing a ramp so as to make the transition from street to sidewalk easily negotiable for handicapped persons and for other persons who may have difficulty in making the required step up or down from curb level to street level. The ramp shall be constructed in conformity with City standards and specifications.~~

~~(b) The Director of the Department of Public Works is authorized to waive the requirements for a ramp where the installation would not be feasible due to location or physical construction.~~

~~(Ord. 32-1979, eff. 1-31-79)~~

Section 17

Title Four – Public Places and Property, Article I – Public Rights of Way, Chapter 415 – Openings and Excavations, Section 415.02 – Permit Fees; Basis of Measurement, is amended as follows by increasing the fees pursuant to **Act 47 Plan Initiative PW07** and Section 415.17(c) – Other Obligations, is amended by adding the Director of the Department of Public Works pursuant to **Act 47 Plan Initiative PW07, IG06 and GS06**:

~~TITLE FOUR: PUBLIC PLACES AND PROPERTY~~

~~ARTICLE I PUBLIC RIGHTS OF WAY~~

~~CHAPTER 415: OPENINGS AND EXCAVATIONS~~

~~Section~~

- ~~§ 415.01 Permit and bond required.~~
- ~~§ 415.02 Permit fees; basis of measurement— *amended*~~
- ~~§ 415.03 Protection of traffic.~~
- ~~§ 415.04 Sidewalk excavations.~~
- ~~§ 415.05 Protective measures.~~
- ~~§ 415.06 Care of excavated material.~~
- ~~§ 415.07 Damage to existing improvements.~~
- ~~§ 415.08 Restoration of surface.~~
- ~~§ 415.09 Clean-up.~~
- ~~§ 415.10 Prompt completion of work.~~
- ~~§ 415.11 Preservation of monuments.~~
- ~~§ 415.12 Chapter not applicable to City work.~~
- ~~§ 415.13 Work without a permit.~~
- ~~§ 415.14 Revocation of permits.~~
- ~~§ 415.15 Probationary status.~~
- ~~§ 415.16 Non-exclusive remedy.~~
- ~~§ 415.17 Other obligations—amended~~

~~§ 415.02 PERMIT FEES; BASIS OF MEASUREMENT.~~

- (a) Prior to the issuance of any permit the following fees shall be paid for every period of fourteen (14) days that there is an opening or excavation in any street:

Concrete Roadways or Concrete Foundation

<i>Square Yards</i>	<i>Fee</i>
3 or less	\$ [77.25] <u>\$80.00</u>
Over 3 to 50	\$[155.00] <u>\$160.00</u>
Over 50 to 100	\$[310.00] <u>\$320.00</u>
Over 100	\$[310.00] <u>\$320.00</u> 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 [an additional permit of] one hundred dollars (\$100.00). [shall be required.]

Sidewalks or Dirt Roadway

<i>Lineal Feet</i>	<i>Fee</i>
--------------------	------------

20 or less	\$[26.00] <u>\$30.00</u>	=====
Over 20	\$1.00 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. A fraction of one-half (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 Public Works and such measurements shall be final and conclusive.

§ 415.17 OTHER OBLIGATIONS.

(a) Obtaining a permit does not relieve a registrant of its duty to obtain all other necessary authorizations and to pay all fees and/or charges required by other city, county, state, or federal rules, laws or regulations.

(b) A registrant shall comply with all requirements of local, state, and federal laws.

(c) A registrant shall notify the Directors of the Departments of General Services **and Public Works** in writing contemporaneously with the transmittal of any petitions, applications, written communications and reports submitted by such permit holder to the United States Federal Communications Commission, the Pennsylvania Public Utility Commission, or their successor entities, relating to matters affecting both the use of the public rights-of-way being provided in the public rights-of-way. A registrant shall furnish to the Directors of the Departments of General Services **and Public Works** copies of such documents, upon request.

(d) A registrant shall perform all work in conformance with all applicable codes, established rules and regulations, and industry standards, and is responsible for all construction performed pursuant to its permit, regardless of who performs the construction.

(e) Except in the case of an emergency, and with the approval of the City, no construction may be performed during periods of extreme weather or where conditions are otherwise unreasonable for work permitted under this Article.

(f) A permit holder shall not interfere with the natural free and clear passage of water through gutters or other waterways.

(g) All persons registering under this Article shall belong to the "One Call" system, pursuant to 73 P.S. §176, et seq., as amended, or such other line location system recognized by the City.

The Director of General Services **or his/her designee** is hereby authorized to enter into a contract or contracts, and an agreement or agreements, for antenna and telecommunications equipment and services, site management, and providing for the costs thereof. Services shall include but not be limited to the evaluation of antenna space, leasing on rooftops, buildings, and City of Pittsburgh property and

~~rights-of-way.~~

Section 18.

~~Title Four—Public Places and Property, Article I—Public Rights of Way, Chapter 416—Obstructions, Section 416.02—Permit Fee for Minor Street Obstructions, and Section 416.04—Permit Fee for Major Street Encroachments and Major Street Obstructions, are amended by an increase in the amount of the fees, pursuant to Act 47 Plan Initiative PW07 as follows:~~

TITLE FOUR: PUBLIC PLACES AND PROPERTY

ARTICLE I

CHAPTER 416: OBSTRUCTIONS

~~§ 416.01 Minor street obstructions; permit required~~

~~§ 416.02 Permit fee for minor street obstructions— *amended*~~

~~§ 416.03 Street encroachments and major street obstructions; permit required~~

~~§ 416.04 Permit fee for street encroachments and major street obstructions— *amended*~~

~~§ 416.05 Standards of permit issuance~~

~~§ 416.06 Work approval~~

~~§ 416.07 Use of construction within public right-of-way~~

~~§ 416.01 MINOR STREET OBSTRUCTIONS; PERMIT REQUIRED.~~

(a) ~~Except for emergencies, no person shall erect barricades or scaffolds, cover or uncover walkways, erect or relocate utility poles on sidewalks or roadways or temporary bridges or make any curb cuts or lay or repair a sidewalk without first obtaining a permit from the Department of Public Works.~~

(b) ~~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 hold the City nonliable for removal or relocation and to indemnify it for any costs incurred as a result of removal or relocation; and~~

(3) ~~To notify abutting and adjoining property owners of the obstruction five (5) days prior to its installation, unless under emergency conditions, in which case a reasonable attempt shall be made to notify abutting and adjoining property owners prior to the installation of the obstructions.~~

(c) ~~Over the street banners. Over the street banners are appropriate for the promotion of cultural and civic events of general public interest. Over the street banners shall be permitted in commercial or industrial zoned areas. The Director of Public Works shall issue permits for banners to not-for-profit organizations and/or governmental entities including city-based authorities.~~

The content of the banner shall contain information informing the general public of a specific event or function sponsored by a non-profit or governmental entity.

Event sponsor logos or similar endorsements are permitted and are limited to not more than thirty-three (33) percent of the banner sign face.

Permits shall not be issued for political, commercial or profit-making purposes.

Over the street banners may be in place not more than thirty-five (35) days prior to an advertised event; and, must be removed within seven (7) days after the advertised event.

(d) Over the sidewalk banners. Over the sidewalk banners are appropriate for the advancement of public art; the identification of neighborhoods, commercial districts or institutions and the promotion of cultural and civic events of general public interest. Over the sidewalk banners shall be permitted in commercial or industrial zoned areas. Permits for banners shall be issued to not-for-profit, civic associations or governmental organizations.

(e) Regulations. The Director of Department of Public Works shall promulgate regulations governing size and construction of street and sidewalk banners, application process. Prior to institution of any additional regulation governing street or sidewalk banners the Director shall inform the public and City Council in writing of said regulations and allow for a public comment period of not less than forty-five (45) days prior to implementation of any regulation.

(Ord. 37-1993, eff. 12-31-93; Ord. 12-2002, § 1, eff. 5-7-02)

§ 416.02 PERMIT FEE FOR MINOR STREET OBSTRUCTIONS.

Prior to the issuance of any permit for minor street obstruction, the following fees shall be paid:

<i>Type of Minor Street Obstruction</i>	<i>Fees</i>
(a) Temporary barricade, each 15-day period	\$[5] <u>\$6</u> per 200 square foot of space per day; minimum charge \$[75] <u>\$180</u> include a maximum charge of \$[1,500] <u>\$3,000</u> /month
(b) Walkway, each 15-day period (uncovered)	\$[30] <u>\$1.00 lineal ft.</u> <u>\$30.00 minimum</u>
(c) Cutting curb (no permit shall be issued for curb cut excess of 36 feet	<u>\$ 75 Residential</u> <u>\$[10] \$15</u> per lineal foot for nonresidential, minimum charge \$75
(d) Erecting, replacing and/or relocating utility pole and/or anchors	\$ 50 plus an additional \$100 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	\$ 100 Residential \$ 0.50 per linear foot times the number of

stories for nonresidential, minimum charge \$ 100.

- (f) Repairing or reconstruction of sidewalk \$ ~~[20]~~ Residential
\$ ~~[0.50]~~ **\$1.00** per linear foot nonresidential,
minimum charge \$~~[20]~~ **\$30**
- (g) Temporary bridge, 15 days \$ 150
- (h) Temporary placement of machinery or
equipment in roadway, each 15-day period \$ 5 per day, per piece of machinery or equipment, minimum
charge \$75
- (i) Staging area \$ 5 per 200 square foot
area of street space per day
- (j) Dumpsters \$ ~~[100]~~ per month
Temporary **\$100 per month for commercial**
\$25 per week for residential
Permanent \$ ~~[350]~~ **\$375** per year
- (k) Pole banners
1-5 banners \$ 150
6-10 banners \$ 375
11-20 banners \$ 900
21--30 banners \$1,552.50
31--40 banners \$2,277.20
6 months to 1 year \$150.00 per month
- (l) Banner across street
1--5 banners \$150
6--10 banners \$375
11--20 banners \$900
21--30 banners \$1,552.50
31--40 banners \$2,277.20
6 months to 1 year \$150 per month
- (m) Festivals \$100 for-profit organization
- (n) Canopies, or projected signs, awnings,
according to the provisions of the Zoning Ordinance
and an initial permit fee \$ ~~[75]~~ **\$125**
- (o) Block party obstruction permit \$25
- The fee charged to neighborhood organizations
for self-installed banners shall be \$10.00.

The Department of Public Works shall waive the banner fee for any U.S. or official government flag placed in the public right-of-way.

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.

§ 416.04 PERMIT FEE FOR STREET ENCROACHMENTS AND MAJOR STREET OBSTRUCTIONS.

No resolution shall be submitted until a fee of one hundred [~~twenty-five~~] **fifty** dollars (\$~~125.00~~] **\$150.00**) is paid for the preparation and advertisement of such resolution, in addition, the following fees shall be paid prior to the issuance of a permit:

<i>Type of Street or Right-of-Way Encroachment</i>	<i>Fees</i>
(a) Permanent bridge	\$2,500. No annual charge for bridges constructed before December 31, 1991. Bridges constructed or replaced on or after January 1, 1992 -- \$2,500 for the year of construction, \$1,000 for each year post-construction.
(b) Tunnel	\$ 100 per linear foot
(c) House	\$ 50
(d) Step, porch, walkway	\$ 50
(e) Garage	\$ 100
(f) Tiebacks	\$ 50
(g) Wall	\$ 500
(h) Ramp	\$ 5 per square foot for non-residential properties
(i) Vault and service pad for utilities	\$ 500

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.

Section 19.

Title Four - Public Places and Property, Article II - Communications, Chapter 427 - Private Communications Systems, is hereby amended as follows by updating the subject matter to "Telecommunications", making certain editorial changes, and allowing for the changes required by the **Act 47 Plan Initiative GS06**:

TITLE FOUR: PUBLIC PLACES AND PROPERTY

ARTICLE II: TELECOMMUNICATIONS

CHAPTER 427: [PRIVATE] TELECOMMUNICATIONS SYSTEMS IN THE PUBLIC RIGHTS-OF-WAY

Section

- § 427.01 License requirement - *amended*
- § 427.02 Purpose - *amended*
- § 427.03 Definitions - *amended*
- § 427.04 Service of notice - *amended*
- § 427.05 No liability or warranty
- § 427.06 Length of license - *amended*
- § 427.07 License locations - *amended*
- § 427.08 Technical standards - *amended*
- § 427.09 Powers and duties of Director - *amended*
- § 427.10 Bonds - *amended*
- § 427.11 Consideration for license - *amended*
- § 427.12 Payment and audit of charges and license fees - *amended*
- § 427.13 Indemnity and insurance - *amended*
- § 427.14 Police powers
- § 427.15 Use of streets and pole attachments - *amended*
- § 427.16 Use of conduits by city.
- § 427.17 Transfers and assignments

§ 427.01 LICENSE REQUIREMENT

No person shall construct, operate or continue to operate a [private] ~~private communications~~**telecommunications** system which occupies the streets, public ways and public places within the City without having been issued a license or licenses by the Director of the Department of General Services.

427.02 PURPOSE

~~The purpose of this Chapter is to:~~

- ~~(a) Regulate the erection, construction, reconstruction, installation, operation, maintenance, dismantling, testing, repair and use of a [private] ~~private communications~~**telecommunications** system in, upon, along, across, above, over, under or in any manner connected with the streets, public ways or public places within the corporate limits of the city, as now or in the future may exist; and~~
- ~~(b) Provide the City with appropriate consideration for occupation and use of the City's rights-of-way for a [private] ~~private communications~~**telecommunications** system; and~~
- ~~(c) Provide the City with appropriate consideration for acquisition and maintenance of the City's rights-of-way when used for commercial purposes; and~~
- ~~(d) Provide the City with appropriate consideration for the cost of regulation imposed by this Chapter on a [private]~~private communications~~**telecommunications** system.~~

§ 427.03 DEFINITIONS

~~(a) For the purposes of this Chapter and any license in accordance herewith, the following terms, phrases, words and their derivations shall have the meaning given herein unless otherwise specifically provided in this Chapter, unless the context clearly indicates otherwise or unless such meaning would be inconsistent with the manifest intent of Council.~~

~~(1) **CABLE COMMUNICATIONS SYSTEM.** A nonbroadcast facility consisting of a set of transmission paths with associated signal generation, reception and control equipment, under common ownership and control, which distributes or is designed to distribute to Subscribers the signals of one (1) or more television broadcast stations and is franchised by the City in accordance with Chapter 425 of the Pittsburgh Code of Ordinances.~~

~~(2) **CBD.** Central Business District, specifically that portion of the City of Pittsburgh bordered by the Allegheny River on the north, the Monongahela River on the south, Interstate 579, Bigelow Boulevard, Crawford Street, Fifth Avenue and the Liberty Bridge on the east, and the Ohio River on the west; or as otherwise defined by the Department of City Planning of the city.~~

~~(3) **CITY.** City of Pittsburgh, a home-rule charter municipality of the second class, situated in the County of Allegheny, in the Commonwealth of Pennsylvania.~~

~~(4) **CUSTOMER.** A person who for a charge or payment of a fee receives, sends or uses any signal or service provided, collected or distributed by a [private] private communications telecommunications system licensed by the city.~~

~~(5) **FCC.** The United States Federal Communications Commission or its legally appointed successor.~~

~~(6) **LICENSE.** The privilege granted by the City by which the City authorizes a person to erect, construct, reconstruct, operate, dismantle, test, use and maintain a private communications system that occupies the streets, public ways or public places within the city. Any license issued in accordance herewith shall be a nonexclusive license.~~

~~(7) **LICENSEE.** The person or its legal successor in interest who is issued a license or licenses in accordance with the provisions of this Chapter for the erection, construction, reconstruction, operation, maintenance, dismantling, testing, repair and use of a private communications telecommunications system in the city.~~

~~(8) **LOCAL ACCESS TRANSPORT AREA (LATA).** The geographic area [and communications system] and communications system in which the City is located and in which [Atlantic Pennsylvania]Bell Atlantic-PennsylvaniaBell Atlantic-PennsylvaniaVerizon Communications and any other telecommunications companies are authorized by the Commonwealth of Pennsylvania Public Utilities Commission [of Pennsylvania] of Pennsylvania to provide local exchange access telecommunications services.~~

~~(9) [**PRIVATE TELECOMMUNICATIONS SYSTEM.** Any communications equipment or facilities, not part of the LATA or part of a cable communications system Franchised by the City, that in any manner is connected with the streets, public ways or public places within the corporate limits of the City, as now or in the future may exist.~~

~~(10) **PUBLIC WAY(S).** The surface, the air above the surface, and the area below the surface within any public right-of-way and any street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge,~~

tunnel, park, parkway, lane, square, viaduct, waterway or other public right-of-way including public utility easements or rights-of-way in which the City has jurisdiction; and any other public ground or water within belonging to the City.

(11) **STREET**. Any area established for vehicular or public access use or the entire width between the boundary lines of every way publicly maintained when any part thereof is open for public purposes. **STREET** includes, but is not limited to, highway, avenue, road, alley, right-of-way, lane, boulevard, concourse, bridge, tunnel, parks, parkways, waterways, docks, overheads, wharves and piers.

—(12) **TOTAL LOCAL GROSS REVENUES**. All cash, credits or property of any kind or nature reported as revenue items on licensee's audited income statements arising from or attributable to the sale or exchange of [private] **private communications**~~telecommunications~~ services by the licensee within the City or in any way derived from the operation of its [private] **private communications**~~telecommunications~~ system, including, but not limited to, any interconnection between its system in the City and any system whatsoever. This sum shall be the basis for computing the fee imposed pursuant to this Chapter. The sum shall not include any bad debts, deposits, promotional or vendor discounts or credits nor sales, service, occupation or other excise tax to the extent that such taxes are charged separately from normal service charges and are remitted by the licensee directly to the taxing authority.

§ 427.04 SERVICE OF NOTICE

All notices required to be given to the City under any provision of this Chapter shall be deemed served when delivered by hand in writing to the [Superintendent] **Superintendent**~~Director~~ of the [Bureau] **Bureau of Cable Communications**~~Department of General Services~~, or **his/her designee** [to any adult **adult person**~~personnel~~ in charge of the Bureau of Cable **C**~~ommunications~~] during normal business hours.

§ 427.06 LENGTH OF LICENSE

(a) Any annual license issued by the City in accordance herewith shall be a nonexclusive license for the use of the streets, public ways or public places within the City as specified in the license for the erection, construction, reconstruction, operation, maintenance, dismantling, testing and use of a [private] **telecommunications** system.

(b) Any license issued by the City may be renewable annually upon establishment by the licensee to the satisfaction of the City that the licensee is in compliance with this Chapter, all applicable federal, state and local ordinances and regulations and the space occupied is not needed for a public purpose.

§ 427.07 LICENSE LOCATIONS

(a) Any license issued for a [private] **telecommunications** system in accordance herewith shall apply only to the location or locations stated on the license or licenses.

(b) Nothing in this Chapter shall be construed as a representation, promise or guarantee by the City that any permit or other authorization required under any City law for the construction or installation of a [private] **private communications**~~telecommunications~~ system shall be issued.

§ 427.08 TECHNICAL STANDARDS

All technical standards governing construction, reconstruction, installation, operation, testing,

~~use, maintenance and dismantling of a [private] private communications~~**telecommunications** system provided for herein shall be in accordance with all applicable FCC and other federal, state and local laws and regulations, including but not limited to, the most recent editions of the National Electrical Code and the National Electrical Safety Code.

~~§ 427.09 POWERS AND DUTIES OF [SUPERINTENDENT]~~ **SUPERINTENDENT**~~DIRECTOR~~
The ~~[Superintendent]~~ Superintendent~~Director~~ of the ~~[Bureau]~~ Bureau of Cable Communications ~~Department of~~ [Cable Communications] **General Services or his/her designee** shall have the following powers and duties:

(a) Receive and review applications for licenses for any ~~[private] private communications~~**telecommunications** system;

(b) Review and audit all reports and filings submitted by the licensee to the City pursuant to this Chapter; and

(c) Submit regulations regarding the construction, reconstruction, operation, maintenance, dismantling, testing or use of any ~~[private] private communications~~**telecommunications** system established by license in accordance herewith to the Director of the Department of General Services for promulgation.

~~§ 427.10 BONDS~~

(a) All persons submitting a request for a license to construct a ~~[private communications]~~**private communications**~~telecommunications~~ system in accordance herewith shall file with their request bonds solely for the protection of the City with a surety company or trust company or companies as surety or sureties in an amount determined by the Director of Public Works~~General Services~~ to protect the City from any and all damages or costs suffered or incurred by the City as a result thereof, including, but not limited to, attorney's fees and costs of any action or proceeding, and including the full amount of compensation, indemnification, cost of removal or abandonment of any property or other costs which may be in default, up to the full principal amount of the bond; and the condition shall be a continuing obligation during the entire term of any license issued in accordance herewith and thereafter until the licensee shall have satisfied in full any and all obligations to the City which arise out of or pertain to the license for a ~~[private] private communications~~**tele**~~private communications~~**communications** system.

(b) None of the provisions of this section, nor any bond accepted by the City pursuant hereto, nor any damages recovered by the City thereunder shall be construed to excuse the faithful performance by or limit the liability of the licensee under this Chapter or any license issued in accordance herewith or for damages either to the full amount of the bond or otherwise.

~~§ 427.11 [COMPENSATION] COMPENSATION~~**CONSIDERATION** FOR LICENSE

It shall be a term and condition of any license issued in accordance herewith that as a part of the consideration supporting the issuance of such license and the City's permission thereby to occupy and use the streets of the ~~c~~City, that the licensee shall pay each year to the City the following charges and license fees:

(a) Any ~~[private] private communications~~**tele**~~private communications~~**communications**

system which serves no customers other than itself shall pay charges and license fees in the amount of one dollar (\$1.00) per linear foot for each diameter inch or less of underground conduit or wire or each .250 diameter inch or less of aerial wire per annum. In no event shall the fee be less than two hundred fifty dollars (\$250.00) per annum. **as follows:**

(1) **One dollar and ninety cents (\$1.90)** per linear foot for each diameter inch or less of underground conduit or wire or each .250 diameter inch or less of aerial wire situated outside of the "CBD."

(2) **Two dollars and twenty-five cents (\$2.25)** per linear foot for each diameter inch or less of underground conduit or wire or each .250 diameter inch or less of aerial wire situated inside of the "CBD."

(3) In no event shall the fee be less than **five hundred dollars (\$500.00)** per annum.

(b) Any [private] ~~private communications~~**telecommunications** system that serves customers within the City shall pay annually five (5) percent of the annual total local gross revenues derived from the customers.

(c) Any cable communications system or part thereof located in the City right-of-way and not ~~F~~franchised by the City in accordance with Chapter 425 shall obtain a license under this Chapter. The license shall be granted for the sole purpose of providing cable television signals to customers located in an adjoining municipality. The charges and license fees stated in subsection (a) hereof shall not apply provided that such adjoining municipality imposes no compensation and license fee requirements on any cable communications system or part thereof, ~~F~~franchised by the City in accordance with Chapter 425, which may be located in the adjoining municipality.

(d) Commencing January 1, 1998, and annually thereafter, the license charge shall be calculated by multiplying the previous year's license fee by the percentage change from the previous year in the National Consumer Price Index ("Index"), published by the United State Department of Labor. In the event that such Index ceases to be published, the Director of the Department of General Services may select another measure of general price changes in the United States. By December 1, 1997, and each December 1 thereafter, the Department of General Services shall notify each Licensee of the revised license charges to be effective on the following January 1. Every license agreement shall reflect the schedule of charges specified herein and the annual adjustments thereto.

§ 427.12 PAYMENT AND AUDIT OF CHARGES AND LICENSE FEES

(a) The annual charges and license fees provided for in § 427.11(a) shall be payable annually or on before February 1 of each calendar year.

(b) The annual charges and license fees provided for in § 427.11(b) shall be assessed quarterly for the preceding quarter, as of March 31, June 30, September 30 and December 31 of each year.

(1) — Each quarterly payment shall be payable and reportable no less than thirty (30) days after the relevant assessment date.

(2) — Each payment shall be accompanied by a report from the licensee in a form approved by the [Superintendent] **Superintendent**~~Director~~ and the City Treasurer showing the basis for the computation and other relevant data as may be required by the [Superintendent] **Superintendent**~~Director~~ or the City Treasurer.

(3) — Each of the reports shall contain a notarized verification by the chief financial officer of the licensee and the reports shall be verified annually, within ninety (90) days of the close of business of the last day of the calendar year, by a certified public accountant selected by the City at the expense of the licensee.

(4) — Failure to comply strictly with this section shall be deemed to be a violation of this Chapter and shall subject the licensee to all penalties and remedies, both legal and equitable which are available to the city.

(c) — The acceptance of any payment required hereunder by the City shall not be construed as an acknowledgment that the amount paid is the correct amount due, nor shall the acceptance of payment be construed as a release of any claim which the City may have for additional sums due and payable.

(1) — All fee payments shall be subject to audit by the City Treasurer and assessment or refund if the payment is found to be in error.

— (2) — In the event that audit results in an assessment by and an additional payment to the city, additional payment shall be subject to interest at the rate of six (6) percent per year and to a penalty of six (6) percent per year, which shall be due and payable immediately.

(d) — Nothing in this Chapter shall be construed to limit the liability of the licensee for all applicable federal, state and local taxes.

§ 427.13 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 licensee's [private] **private** ~~communications~~**telecommunications** system.

(b) — The licensee 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 licensee's [private] private communications~~~~tele~~private communications~~communications~~ system.

(c) — The Director of [Public Works] ~~Public Works~~~~General Services~~, in consultation with the City Solicitor, shall set the type and coverage of insurance required. In setting the amount, the Director shall take into consideration the size and location of the [private] ~~private communications~~~~tele~~private communications~~communications~~ system, the financial resources of the licensee, risk involved to the City and to the general public as well as other salient factors.

§ 427.15 — USE OF STREETS AND POLE ATTACHMENTS

(a) — ~~Before commencing construction of its [private] private communications~~~~tele~~private communications~~communications~~ system in, above, over, under, across, through or in any way connected with the streets, public ways or public places of the city, the licensee shall first obtain the written approval of all appropriate City agencies, including, but not limited to, the Bureau of Cable Communications~~Department of General Services~~. Applications for approval shall be made in the form prescribed by the ~~Department of General Services~~. [Bureau of Cable Communications~~Bureau~~ of Cable ~~Communications~~.]

(b) — Upon obtaining written approval, the licensee shall give the [Bureau of Cable Communications~~Bureau~~ of Cable ~~Communications~~ and the] appropriate agency written notice within a reasonable time of proposed construction, but in no event shall the notice be given less than ten (10) days before the commencement.

(c) — Any person who submits a request for a license in accordance herewith shall include therein proposed agreements for the use of existing utility poles and conduits, if applicable, with the owner(s) of the facilities to be used or affected by the construction of the proposed [private] ~~private communication~~~~tele~~private communications~~communications~~ system, which agreements shall become effective on the date of execution of the license issued in accordance herewith in the event that the person is issued a license.

(d) — It shall be unlawful for the licensee or any other person to open or otherwise disturb the surface of any street, sidewalk, driveway, public way or other public place for any purpose whatsoever without obtaining approval to do so after proceeding in the manner prescribed in subsections (a) and (b) hereof. Violation of this section shall subject the licensee to all penalties and remedies prescribed therein and to all other remedies, legal or equitable, which are available to the city.

(e) — The licensee shall restore any street or sidewalk it has disturbed in accordance with the provisions of Article I (Streets and Sidewalks) of Title Four Public Places and Property, and shall, at its own cost and expense, restore and replace any other property disturbed, damaged or in any way injured by or on accounts of its activities to as good as the condition such property was in immediately prior to the disturbance, damage or injury or pay the fair market value of the property to its owner.

(f) — The licensee shall, at its own cost and expense, protect, support, temporarily disconnect,

relocate in the same street or other public place, or remove from the street or other public place, any of its property when required to do so by the City because of street or other public excavation, construction, repair, regrading or grading; traffic conditions; installation of sewers, drains, water pipes, City owned power or signal lines or tracks; vacation or relocation of streets or any other type of structure or improvement of a public agency, or any other type of improvement necessary for the public health, safety or welfare.

(g) Nothing in this Chapter or any license issued in accordance herewith shall be construed as authorizing the licensee to erect and maintain new poles in areas serviced by existing poles. The licensee shall obtain written approval from the [Bureau of Cable Communications **Bureau of Cable Communications**] **Department of General Services** and other appropriate City agencies before erecting any new poles or underground conduits where none exist.

(h) The licensee shall maintain all wires, conduits, cables and other real and personal property and facilities in good condition, order and repair.

(i) The licensee shall keep accurate, complete and current maps and records of its system and facilities which occupy the streets, public ways and public places within the City and shall furnish, as soon as they are available, two (2) complete copies of the maps and records to the Department of General Services., [Bureau of Cable Communications **Bureau of Cable Communications**].

(j) The licensee shall comply with all rules and regulations issued by the Department of General Services governing the construction and installation of [private] **private communications**~~tele~~private communications**communications** systems. In addition:

(1) All aerial cables and wires shall be installed parallel with existing telephone and electric utility wires; and

(2) Multiple aerial configurations shall be in parallel arrangement and bundled, in accordance with engineering and safety considerations; and

(3) All underground installations shall be in the appropriate size and type conduit or other enclosures approved by the [Superintendent] Superintendent **Director**; and

(4) All installations shall be underground in those areas of the City where both telephone and electric utilities' facilities are underground at the time of the installation of the licensee's [private] **private communications**~~tele~~private communications**communications** system.

A. In areas where both telephone and electric utilities' facilities are above ground at the time of the installation of the licensee's [private] **private communications**~~tele~~private communications**communications** system, the licensee may install its system above ground on existing utility poles only, upon the condition that at such time as those facilities are placed underground by the telephone and electric utility companies, the licensee shall likewise place its facilities underground at its sole cost and expense.

~~(5) — The licensee upon reasonable notice by the City shall temporarily or permanently remove, adjust, raise or lower its facilities within the right of way when the City determines that the action is needed for public use of the right of way including but not limited to the passage of nonstandard vehicles.~~

~~(6) — The licensee shall obtain the written permission of the owner including the City of any tree or other vegetation before it trims or prunes the same.~~

Section 20

~~Title Four – Public Places and Property, Article VII – City Realty, Chapter 452 – Acquisition of City Property, Section 452.01 Advertisement of City Property, is hereby amended by deleting subsection (f) in its entirety to eliminate the authority of the Director of the Department of Finance to enter into agreements to advertise City property on the Bureau of Cable Communications Government Access Channel per Act 47 Plan Initiative GS08:~~

TITLE FOUR: PUBLIC PLACES AND PROPERTY

ARTICLE VII: CITY REALTY

CHAPTER 452: ACQUISITION OF CITY PROPERTY

~~§ 452.01 Advertisement of City property – *amended*~~

~~§ 452.02 Council's legislative process for real estate transactions~~

~~§ 452.03 Hand money~~

~~§ 452.04 Sale of recreational facilities~~

§ 452.01 ADVERTISEMENT OF CITY PROPERTY

~~[(f)] The Director is authorized to enter into agreements to advertise marketable properties via the Bureau of Cable Communications Government Access Channel.]~~

(f) [(g)] At the discretion of the Director **of the Department of Finance**, a City of Pittsburgh "For Sale" sign shall be affixed to marketable properties in a manner as to make the sign extremely difficult to remove. The sign shall be of sufficient size and placed in a location easily seen from the nearest abutting street. The telephone number for the Real Estate Division shall appear in large type on the sign. The sign shall be placed on the property on or before the date the property is deemed for sale and shall remain affixed to the property for a minimal of thirty (30) days.

(g) [(h)] The Director shall periodically list (monthly or quarterly) City properties for sale in the local newspapers at the Director's discretion. The listing shall appear in a large visible ad.

(h) [(i)] All parties bidding on or objecting to the sale of the property shall list, in writing, their intentions of the use of the property to be purchased at the time hand money is to be placed or when they object to the sale of the property.

(i) [(j)] The Director of Finance is authorized to enter into agreements with participating members of the

Realtors Association of Metropolitan Pittsburgh to market selected City-owned properties.

Section 21.

Title Four - Public Places and Property, Article XI - Parks and Playgrounds, Chapter 480 - Playground Safety, is hereby amended by deleting references to the Department of Engineering and Construction as follows, **per Act 47 Plan Initiative EC01**:

TITLE FOUR: PUBLIC PLACES AND PROPERTY

ARTICLE XI: PARKS AND PLAYGROUNDS

CHAPTER 480: PLAYGROUND SAFETY

Section

§ 480.01 Playground safety assessment - *amended*

§ 480.02 Comprehensive Playground Safety Program - *amended*

§ 480.01 PLAYGROUND SAFETY ASSESSMENT.

(a) *Comprehensive audit and hazard analysis.* The Department of Public Works, in consultation with the Department of Parks and Recreation, [~~and the Department of Engineering and Construction~~] shall conduct a Comprehensive Audit and Hazard Analysis of each and every play area and piece of play equipment designed, constructed, owned, operated or maintained by the City or its agents. The Comprehensive Audit and Hazard Analysis shall be performed as described in "Evaluating and Improving Playground Safety: A Playground Inventory and Assessment System". (Morrison and DeFrancesco, 1993). The Department of Public Works, in consultation with the Department of Parks and Recreation [~~and the Department of Engineering and Construction~~], shall report the results of the Comprehensive Audit and Hazard Analysis to the Mayor and Council within six (6) months of the effective date of this section, and shall conduct a Comprehensive Audit and Hazard Analysis and report to the Mayor and Council every five (5) years thereafter.

(b) *Comprehensive Playground Safety Program.* The Department of Public Works, in consultation with the Department of Parks and Recreation [~~and the Department of Engineering and Construction~~] shall develop a Comprehensive Playground Safety Program based on the results of the Comprehensive Audit and Hazard Analysis and devised in accordance with § 480.02 and "Evaluating and Improving Playground Safety: A Playground Inventory and Assessment System" (Morrison and DeFrancesco, 1993).

par § 480.02 COMPREHENSIVE PLAYGROUND SAFETY PROGRAM.

(a) *Comprehensive Playground Safety Program.* Within one (1) year of the effective date of this section, the Department of Public Works, in consultation with the Department of Parks and Recreation [

and the Department of Engineering and Construction], shall develop a Comprehensive Playground Safety Program which shall include, but not be limited to, the items below. This Comprehensive Playground Safety Program shall be submitted to the Mayor and Council within thirty (30) days of its completion.

(b) *Immediate repair, replacement or removal of major hazards.* The Department of Public Works, in consultation with the Department of Parks and Recreation [~~and the Department of Engineering and Construction~~], shall immediately repair, replace or remove any and all equipment presenting major hazards as identified by the Comprehensive Audit and Hazard Analysis. Equipment that presents major hazards includes, but is not limited to, entanglement hazards, entrapment hazards, hard-hitting swings, and unstable equipment. The Department shall submit to Council for its review a list of playground equipment it intends to remove prior to the time of removal.

(c) *Installation of safety surfacing in existing playgrounds.*

(1) Fall hazards created by inadequate surfaces on play areas shall be addressed expeditiously. Inadequate surfaces include, but are not limited to, surfaces consisting of asphalt, cement, grass and hard dirt. The Department of Public Works, in consultation with the Department of Parks and Recreation [~~and the Department of Engineering and Construction~~], shall establish a timetable for the installation of protective safety surfacing to be placed under and around each piece of playground equipment and each play structure in accordance with at least the national safety standards established in the United States Consumer Product Safety Commission "Handbook for Public Playground Safety" (CPSC, 1991). This timetable for the installation of protective safety surfacing shall be submitted to the Mayor and Council within one (1) year of the effective date of this section.

(2) The Department of Public Works, in consultation with the Department of Parks and Recreation [~~and the Department of Engineering and Construction~~], shall conduct and complete within six (6) months of the effective date of this section, a study calculating the feasibility and cost effectiveness of installing and maintaining loose-fill surfacing materials, including, but not limited to, sand, uniform wood chips, wood mulch, and pea gravel as described in Appendix D of the United States Consumer Product Safety Commission's "Handbook for Public Playground Safety" (CPSC, 1991). While rubber matting is the preferable safety surface because it provides both protection from falls and accessibility to children and adults with disabilities, the study shall determine the feasibility of installing loose-fill safety surfacing until economic conditions permit installation of rubber matting surfacing in each and every public play area in the city.

(d) Less serious hazards in existing playgrounds. The Department of Public Works, in consultation with the Department of Parks and Recreation [~~and the Department of Engineering and Construction~~], shall establish a timetable for the removal, repair or replacement of any and all equipment presenting hazards classified as less serious as identified by the Comprehensive Audit and Hazard Analysis. The timetable shall ensure that the less serious hazards are systematically addressed.

(e) New or renovated playgrounds. Any new playground or play area designed, constructed, owned, operated or maintained by the City or its agents, or any single unit or play structure that undergoes renovation in an existing playground or play area shall conform to at least the safety and design specifications of the United States Consumer Product Safety Commission's "Handbook for Public Playground Safety" (CPSC, 1991) and the height specifications established in Section 4.1.5 of the Consumer Federation of America report entitled "Report and Model Law on Public Play Equipment and Areas" (Morrison and Fise, 1992). If the playground or play area will be used by more than one (1) age group the lower height requirement shall apply. Any new playground or play area designed, constructed,

owned, operated or maintained by the City or its agents, or any existing playground or play area that undergoes renovation shall include the installation of safety surfacing under and around all the playground equipment, that at least conforms to the safety and design specifications of the United States Consumer Product Safety Commission's "Handbook for Public Playground Safety" (CPSC, 1991).

(f) Inspection and maintenance. The Department of Public Works, in consultation with the Department of Parks and Recreation [~~and the Department of Engineering and Construction~~], shall develop a plan and implement a regular schedule of inspection and maintenance conducted by trained personnel, including prompt repair or removal of hazards, for each play area and piece of play equipment owned, designed, constructed, operated or maintained by the City or its agents. The schedule shall be based at least upon the safety and design specifications found in the United States Consumer Product Safety Commission's "Handbook for Public Playground Safety" (CPSC, 1991), the recommendations of the playground equipment manufacturers/designers, and the level of use and type of equipment. This plan and schedule shall be submitted to the Mayor and Council within one (1) year of the effective date of this section, and every year thereafter.

Section 22.

Title Four - Public Places and Property, Article XIII - Trees, Chapter 481 - Jurisdiction, is amended to reflect that City Shade Trees are under the jurisdiction of the Department of Public Works.

TITLE FOUR: PUBLIC PLACES AND PROPERTY

ARTICLE XIII: TREES

CHAPTER 481: JURISDICTION

Section

§ 481.01 Jurisdiction - *amended*

§ 481.01 JURISDICTION.

The Department of [~~Parks and Recreation~~] **Public Works** shall have exclusive custody and control of, and the power to plant, set out, remove, protect and care for trees and shrubs in any public street, parkway or other public place in the city.

Section 23.

Title Four - Public Places and Property, Article XIII - Trees, Chapter 483 - Care and Maintenance, is hereby amended by substituting the Department of Public Works, which has jurisdiction over City-owned trees, for the Department of Parks and Recreation as follows:

TITLE FOUR: PUBLIC PLACES AND PROPERTY

ARTICLE XIII: TREES

CHAPTER 483: CARE AND MAINTENANCE

Section

- § 483.01 Advertisements or notices
- § 483.02 Planting permit and approval *-amended*
- § 483.03 Removals and trimming *- amended*
- § 483.04 Removal or pruning when endangering safety *- amended*
- § 483.05 Open space around base *- amended*
- § 483.06 Removal and replacement program *- amended*

§ 483.02 PLANTING PERMIT AND APPROVAL.

No person shall plant any tree or shrub in any public street or other public place without having first obtained a permit therefor. Applications for such permits shall be made to the Department of [~~Parks and Recreation~~] **Public Works** shrubs to be so planted shall be placed subject to the directions and approval of the Department.

§ 483.03 REMOVALS AND TRIMMING.

- (a) No person shall remove or cut down any tree or shrub in any public street or other public place without having first obtained a permit therefor. Application for the permit shall be made to the Department of [~~Parks and Recreation~~] **Public Works** and done in accordance with plans and specification issued by the Department. The Director is authorized to issue annual permits to those companies regularly engaged in the business of cutting or trimming trees and to issue rules for their conduct.
- (b) Whenever the limbs, branches or other tree parts on private property extend over or into any public street so as to interfere with its free and unintercepted use or obstruct a street light or interfere with fire alarm wires, the Department of [~~Parks and Recreation~~] **Public Works** may give notice to the owner, agent or occupant of such property to trim trees within the time specified in the notice, which shall not be less than ten (10) days.
- (c) If the owner, agent or occupant who is served with notice fails to comply with the terms of the notice within the time prescribed, the Department may trim or detach any limbs, branches or other tree parts. Upon completion of the work required to be done under the terms of this section the owners of the

premises upon which the work was done shall be billed for the work performed by the city.

§ 483.04 REMOVAL OR PRUNING WHEN ENDANGERING SAFETY.

- (a) Whenever the Department of ~~[Parks and Recreation]~~ **Public Works** determines that any tree on any private premises in the City is in danger of falling in or across any public street, or is a danger to public safety because of decay or lack of proper support, the Department may notify the owner or other person in control of the property where any tree is located that it is the duty of such person to remove, prune or cut down the tree or part in accordance with directions of the Department.
- (b) If the affected owner does not comply with directions of the Department, the Department may cause the required work to be done, thereafter rendering a bill to the affected owner for costs of services and materials resulting from such work.

§ 483.05 OPEN SPACE AROUND BASE.

There shall be maintained about the base of the trunk of each tree or shrub in City streets four (4) square feet of open ground for a tree of six (6) inches in diameter and for every three (3) inches of increase of at least one (1) square foot of open ground. Where any tree in or upon any public place is surrounded at the base of its trunk by ground which is not open, or by open ground of less quantity or measurement than required by this section, it shall be the duty of the Department of ~~[Parks and Recreation]~~ **Public Works** to notify the owner of the property on or in front of which any tree may be, to remove within a time fixed in the notice, so much of the cement, brick or other covering as may be necessary to give the space of open ground required herein. If the person notified fails to remove the covering by the time fixed, the Department may perform the work and charge the person notified for the work done.

§ 483.06 REMOVAL AND REPLACEMENT PROGRAM.

The Director of ~~[Parks and Recreation]~~ **Public Works** shall administer a program providing for the removal and replacement of City trees as follows:

- (a) A property owner may make a request in writing to the Forestry Division stating that it wants a certain tree to be considered for removal and the reasons to justify its removal.
- (b) The Forestry Division will investigate a removal request and determine whether the tree has peculiar characteristics such that removal of the tree is unwarranted.
- (c) Upon the Forestry Division's authorization of tree removal, the property owner shall be notified that the tree may be removed as long as the property owner agrees to pay the costs of removal as well as the cost of a new tree and its planting at an alternative location. The Forestry Department shall provide an estimate of the costs to be incurred by the property owner.
- (d) Upon agreement by the property owner to assume costs related to tree removal and replacement, the Forestry Department shall determine a location for the replacement tree by working cooperatively with property owners desiring a City tree or determine a location in the City parks or public thoroughfares.

Section 24.

Title Four - Public Places and Property, Article XIII - Trees, Chapter 485 - Protection, is hereby amended by substituting the Department of Public Works, which has jurisdiction over City-owned trees, for the Department of Parks and Recreation as follows:

TITLE FOUR: PUBLIC PLACES AND PROPERTY

ARTICLE III: TREES

CHAPTER 485: PROTECTION

- § 485.01 Damage; collection of repair expenses - *amended*
- § 485.02 Excavations
- § 485.03 Building operations
- § 485.04 Electrical wiring
- § 485.05 Gas or other substances deleterious to tree life
- § 485.06 Brine water, oil, liquid dye or other deleterious liquids
- § 485.07 Control of animals

§ 485.01 DAMAGE; COLLECTION OF REPAIR EXPENSES.

No person shall injure any tree or shrub planted in any public place. In the event of accidental damage to or destruction of any tree or shrub a report shall be made within forty-eight (48) hours to the Department of [~~Parks and Recreation~~] **Public Works**. Repair or replanting necessitated by the damage or destruction may be done by the Department and the expense of the repairs or replanting shall be collected from the persons responsible for the damage.

Section 25.

Title Four - Public Places and Property, Article XIII - Trees, Chapter 487 - Shade Tree Commission, Section 487.04 - Commission Members, is hereby amended by deleting reference to the Department of Engineering and Construction and substituting a second member of the Department of Public Works as follows **per Act 47 Plan Initiative EC01**:

TITLE FOUR: PUBLIC PLACES AND PROPERTY

ARTICLE XIII: TREES

CHAPTER 487: SHADE TREE COMMISSION

Section

- § 487.01 Legislative findings
- § 487.02 Declaration of policy
- § 487.03 Establishment of Commission
- § 487.04 Commission members - *amended*
- § 487.05 Meetings and Chair
- § 487.06 Powers and duties of Commission

§ 487.04 COMMISSION MEMBERS.

- (a) The Commission shall consist of eighteen (18) members. A majority of the members of the Commission shall be residents of the City and shall serve for a term of four (4) years. Commission members shall serve without compensation.
- (b) The members of the Commission shall be appointed by the Mayor and confirmed by Council and shall include the following:
 - (1) A certified arborist;
 - (2) A representative from a nursery or landscaping company;
 - (3) A representative from the Western Pennsylvania Conservancy;
 - (4) A representative from a corporate utility;
 - (5) A representative from a community based organization;
 - (6) A representative from a neighborhood merchant or business organization;
 - (7) A representative from the forestry division of the City's Department of Public Works;
 - (8) A representative from the City's Department of Parks & Recreation;
 - (9) A **second** representative from the City's Department of **Public Works who concentrates in engineering and/or construction issues** [~~Engineering and Construction;~~]
 - (10) A representative from the Parks Conservancy;
 - (11) A corporate community leader;
 - (12) A representative of the philanthropic community;
 - (13) A representative from the Board of Realtors;
 - (14) A representative of the Penn State Agricultural Extension Program;
 - (15) A representative of an environmental advocacy organization;

(16) Three (3) to be appointed from the community at large.

Section 26.

Title Five - Traffic, Article III - Towing, Chapter 523 - Tow Pounds, Section 523.04 - Private Towers, is hereby amended to clarify the applicable Director and Chief involved in decision-making as follows:

TITLE FIVE: TRAFFIC

ARTICLE III: TOWING

CHAPTER 523: TOW POUNDS

Section

- § 523.01 Authority to establish
- § 523.02 Towing authority
- § 523.03 Records
- § 523.04 Private towers - *amended*
- § 523.05 Release of vehicle; storage fee; hearings
- § 523.06 Payment under protest
- § 523.07 Protest hearing

§ 523.04 PRIVATE TOWERS.

The Mayor and the [~~Director of Supplies~~] **Director of the Department of General Services** are authorized to solicit bids and to enter into annual contracts with one (1) or more reputable private towers to tow to designated pounds, vehicles illegally parked, wrecked, abandoned or seized within the city, when such towing services are authorized by the **Chief** [~~Superintendent~~] of Police.

Section 27

Title Six - Conduct, Article I - Regulated Rights and Actions, Chapter 609 - Weeds and Grass, is hereby amended in accordance with the proposed enhancements of fines and fees set forth in pages 6 and 194 of **the Act 47 Plan**:

TITLE SIX - CONDUCT

ARTICLE I - REGULATED RIGHTS AND ACTIONS

CHAPTER 609: WEEDS AND GRASS

Section

- § 609.01 Duty to destroy noxious weeds, mow grass and remove refuse
- § 609.02 Noncompliance a nuisance
- § 609.03 Compliance notice to owner or occupant
- § 609.04 Failure to comply; remedy by city - *amended*
- § 609.05 Legal proceedings to force compliance
- § 609.06 Costs a lien
- § 609.07 Violation and penalty

§ 609.04 FAILURE TO COMPLY; REMEDY BY CITY.

In the event of failure of the owner or occupant of the real estate to cut and destroy noxious weeds or to mow grass and other weeds or to remove the same or other debris within five (5) days after being notified to do so, ~~[the City may have the work done and bill the owner or occupant for the cost thereof]~~ **the Department of Public Works is authorized to abate the conditions by causing the removal of the noxious weeds or grass and other weeds. The City shall immediately thereafter be entitled to recover the costs of such removal from the owner, lessee or occupant in an action at law in the Court of Common Pleas, and when the suit, with statement of claim, with description of the premises, is filed by the City, the prothonotary shall index it upon the judgment docket, and the City shall have a lien for the amount of the claim against the premises. Such lien for the recovery of the costs to the City of abating the unlawful accumulation of noxious weeds, grass and other weeds shall be in addition to any fine or penalty imposed under section 609.07 of this Chapter for any violation of this Chapter.**

Section 28.

Title Six - Conduct, Article I - Regulated Rights and Actions, Chapter 611 - Alarms, is hereby amended to clarify where permits are issued, that the Chief of Police has the authority to revoke or suspend permits, and to raise false burglar alarm penalty fees and eliminate exemptions for certain institutions and adding a new Section 611.07A False Alarm Penalty (Fire Alarms) as follows per ***Act 47 Initiative PD09***:

TITLE SIX: CONDUCT

ARTICLE I - REGULATED RIGHTS AND ACTIONS

CHAPTER 611: ALARMS

Section

- § 611.01 Definitions - *amended*
- § 611.02 Permits required - *amended*
- § 611.03 System requirements
- § 611.04 Repeated false alarms
- § 611.05 Revocation of permit - *amended*
- § 611.06 Permit fees - *amended*
- § 611.07 False alarm penalty (Burglar Alarms) - *amended*
- § 611.07A False alarm penalty (Fire Alarms) - *new*
- § 611.08 Failure to post or obtain permit penalty - *amended*

§ 611.01 DEFINITIONS.

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

- (a) **ALARM SYSTEMS.** Any device designed for the detection of an unauthorized entry on the premises, unlawful act or any emergency, that when activated transmits a signal, either visual, audible or both, or causes to be transmitted a signal.
- (b) **OPERATIVE ALARM SYSTEMS. Also called Burglar alarms.** Any device designed for the detection of any unauthorized entry on the premises, unlawful act or any emergency that alerts a private security or guard organization, who then alerts the proper municipal authority or which directly alerts a municipal organization of its commission or occurrence and when actuated gives a signal, either visual, audible or both, or transmits or causes to be transmitted a signal.
- (c) **LOCAL ALARM.** A system that gives a signal, either visual, audible or both, on the exterior portion of the property, but such signal does not leave that structure by wire or radio wave to a control receiving location.
- (d) **FALSE ALARM.** Any alarm signal that alerts a municipal organization, which is not the result of an actual or threatened emergency requiring their immediate response. False alarms shall include, but not be limited to, negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; signals which are purposely or accidentally activated to summon police, fire, emergency or EMS services in nonemergency situations and alarm signals for which the actual cause is not determined.
- (e) **MULTI-PURPOSE ALARM.** A system capable of alerting municipal or other organizations of a variety of emergencies, including but not limited to, unlawful intrusions, fire hazards, medical emergencies or any other dangerous condition.

§ 611.02 PERMITS REQUIRED.

~~[No person shall install, have installed, or, use or possess an alarm system without obtaining a permit~~

from the Director of Public Safety.]

(a) **No person shall install, reinstall, have installed, or alter the installation of an alarm system without obtaining an Installation Permit from the Bureau of Building Inspection.**

(b) **No person shall use or possess an alarm system without obtaining and annually renewing an Alarm Permit (fire, burglar, or multi-purpose as applicable) with the Bureau of Police Alarm Permit Section.**

§ 611.05 REVOCATION OF PERMIT.

The [~~Superintendent of Police~~] **Chief of Police or his/her designee** may revoke or suspend any permit issued to this Chapter if he/**she** determines:

- (a) The application for the permit contains a statement of material fact which is false;
- (b) The **permittee** [~~licensee~~] has failed to comply with the provisions of this Chapter;
- (c) An alarm system is negligently maintained or used. More than five (5) false alarms within a one (1) year period from the first false alarm shall be conclusive evidence of negligent maintenance or use.

§ 611.06 PERMIT FEES.

- (a) The fee for a burglar alarm system **permit** [~~license~~] shall be twenty-five dollars (\$25.00) for residential properties each one (1) year period and seventy-five dollars (\$75.00) for commercial properties each one (1) year period.
- (b) The fee for a fire alarm system **permit** [~~license~~] shall be fifty dollars (\$50.00) for residential and one hundred dollars (\$100.00) for commercial properties each one (1) year period.
- (c) The fee for a multi-purpose alarm system **permit** [~~strike license~~] shall be fifty dollars (\$50.00) for residential and one hundred dollars (\$100.00) for commercial properties each one (1) year period.
- (d) The [~~Director of the Department of Public Safety~~] **Chief of Police or his/her designee** shall have the authority to determine **the classification of** residential and commercial properties and to establish a **permit** [~~license~~] period.
- (e) All alarm installation persons or **entities** shall notify the City **Department of Public Safety Alarm Permit Section** within seven (7) working days of installation of any alarm system within the city. **Such notice shall list the owner's name and address, the type of alarm and the date of installation.**
- (f) There shall be no permit fee charged to the property owner who is the sole occupant of a single family residence who is age seventy-five (75) or older before January 1 of any given year, and who is eligible to participate in the City of Pittsburgh Senior Citizens Property Tax Relief Program set forth in Pittsburgh Code Sections 263.21 through 263.25.

(g) The Bureau of Building Inspection shall issue permits relating to the installation of the following systems:

(1)	<u>Burglar alarms: electrical permit \$35 (excludes one and two family dwellings).</u>		
(2)	<u>Fire alarms:</u>	<u>Charge Method</u>	<u>Fee</u>
	<u>Outlets</u>	<u>1-20</u>	<u>\$31.00</u>
		<u>1-100</u>	<u>\$52.00</u>
	<u>Each additional 100 add</u>		<u>\$41.00</u>
	<u>Fixtures</u>	<u>1-20</u>	<u>\$31.00</u>
	<u>1-100</u>	<u>\$52.00</u>	
	<u>Each additional 100 add</u>		<u>\$41.00</u>
	<u>Protective Signaling System (fire protection System):Each system (plus Fixture/outlet fee) Microfilm/Plan fee (per sheet)</u>		
			<u>\$35.00</u>
			<u>\$2.50</u>

(h) The Alarm Permit fees set forth in this Section may be adjusted from time to time at the discretion of the Chief of Police or his/her designee, who shall annually report such adjustments to Council. The Installation Permit fees set forth in this Section may be adjusted from time to time at the discretion of the Chief of the Bureau of Building Inspection, who shall annually report such adjustments to Council. All permit fees shall be commensurate with the cost of providing said services.

§ 611.07 FALSE ALARM PENALTY (BURGLAR ALARMS).

(a) For the **first two (2)** [~~four (4)~~] false **burglar** alarms which occur from each alarm system, there shall be no charge. For each false **burglar** alarm thereafter the permit holder shall pay a fee as follows:

[TABLE INSET:]

[False Alarm Fee	
Residential burglar	\$15
Commercial burglar	\$50
Residential fire	75
Commercial fire	350]

<u>Third Response</u>	<u>\$50</u>
<u>Fourth Response</u>	<u>\$100</u>

<u>Fifth Response</u>	<u>\$150</u>
<u>Sixth Response</u>	<u>\$200</u>
<u>Seventh Response</u>	<u>\$250</u>
<u>Eighth Response</u>	<u>\$300</u>
<u>Response in excess of eight, each</u>	<u>\$500</u>

(b) There shall be a ninety-day grace period in the collection of false alarm penalty fees for any new installation of an alarm system, where the owner can show that the City was notified of such installation as required by this Chapter and that an A[a]larm P[p]ermit was obtained within seven (7) days of the installation.

~~[(c) There shall be an exemption from the false alarm penalty fee for institutions with the primary purpose of educating and caring for children and youth with severe emotional disturbances or intellectual handicaps and for non-profit, federal IRS Section 501(c)(3) tax exempt charitable institutions or organizations which do not receive an excess of revenues over expenses. However, nothing in this Code shall be construed to provide an exemption from this section for colleges, universities, institutes of higher education, hospitals, nursing homes or boarding homes.]~~

§ 611.07A FALSE ALARM PENALTY (FIRE ALARMS).

(a) For the first four (4) false fire alarms which occur from each alarm system, there shall be no charge. For each false fire alarm thereafter the permit holder (residential or commercial) shall pay a fee as follows:

Residential fire	\$75.00
Commercial fire	\$350.00

(b) There shall be a ninety-day grace period in the collection of false fire alarm penalty fees for any new installation of an alarm system, where the owner can show that the City was notified of such installation as required by this Chapter and that an Alarm Permit was obtained within seven (7) days of the installation.

~~[(c) There shall be an exemption from the false alarm penalty fee for institutions with the primary purpose of educating and caring for children and youth with severe emotional disturbances or intellectual handicaps and for non-profit, federal IRS Section 501(c)(3) tax exempt charitable institutions or organizations which do not receive an excess of revenues over expenses. However, nothing in this Code shall be construed to provide an exemption from this section for colleges, universities, institutes of higher education, hospitals, nursing homes or boarding homes.]~~

§ 611.08 FAILURE TO POST OR OBTAIN PERMIT PENALTY.

(a) Any alarm system owner **who** ~~[that]~~ fails to obtain or to post **his/her** ~~[their]~~ permit or permit number, as required by this Chapter, shall be subject to a fine in the amount of ~~[two hundred fifty~~

dollars (\$250.00).] **three hundred and fifty dollars (\$350.00).**

(b) Any alarm system installation person or entity who fails to notify the Department of Public Safety Alarm Permit Section of the installation of a permit as required by Section 611.06(e) shall be subject to a fine in the amount of three hundred and fifty dollars (\$350.00).

Section 29

Title Six - Conduct, Article I - Regulated Rights and Actions, Chapter 619 - Refuse Collection and Recycling, is amended in order to make clarifications and changes to facilitate the requirements of **Act 47 Plan Initiatives PW01, PW02, PW03, PW04 and PW05:**

TITLE SIX: CONDUCT

ARTICLE I - REGULATED RIGHTS AND ACTIONS

CHAPTER 619: REFUSE COLLECTION AND RECYCLING

Section

- § 619.01 Definitions - *amended*
- § 619.02 Municipal waste to be collected by City - amended
- § 619.03 Municipal waste storage, collection and receptacles - *amended*
- § 619.04 Accumulation of municipal waste - *amended*
- § 619.05 Separation of recyclable materials from municipal waste - *amended*
- § 619.06 Collection of recyclable materials - *amended*
- § 619.07 Ownership of recyclable materials - *amended*
- § 619.08 Collection of recyclable materials by unauthorized persons
- § 619.09 Disposition of recyclable materials following collection
- § 619.10 City procurement of recycled products - *amended*
- § 619.11 Leaf waste
- § 619.12 Household hazardous wastes, tires and lead acid batteries
- § 619.13 Administration and enforcement - *amended*
- § 619.14 Violation and penalty
- § 619.15 Incentives
- § 619.16 Administrative review

§ 619.01 DEFINITIONS.

The following words and phrases used throughout this Chapter shall have the following meanings:

- (a) **ALUMINUM.** Empty aluminum beverage or food cans.

(b) **BULKY RUBBISH.** All municipal waste that is too large to fit in or too heavy to be transported in a closed thirty-~~two~~ five (35) gallon container or a sealed box or plastic bag, or that is bundled in a size greater than three (3) feet.

(c) **CHARITABLE or NONPROFIT INSTITUTIONS.** Any institutional establishments exempt from federal taxation under Section 501 of the Internal Revenue Code or any other organization that operates primarily for a social, literary, religious, civic or other charitable purpose, including churches, libraries, civic and community organizations, counseling and family centers, care-taking facilities and services for the poor.

(d) **COLLECTOR.** The entity or entities authorized by the City to collect municipal waste, recyclable materials and/or leaf waste from single-family dwellings or small apartment building [residences], or authorized by [residences] the owners, operators or residents of multi-family dwellings or of commercial, municipal and institutional establishments, ~~[that]~~ which do not receive collection services from the City, to collect materials from those residences dwellings or establishments.

(e) **COMMERCIAL ESTABLISHMENT.** Any establishment engaged in nonmanufacturing or nonprocessing business, including but not limited to stores, markets, office buildings, restaurants, shopping centers, theaters, lunchroom facilities and offices associated with manufacturing or processing business. ~~[This term shall also include any multi-family dwellings of six (6) units or more, including but not limited to apartments, condominiums and cooperatives.]~~

(f) **COMMUNITY ACTIVITIES.** Events that are sponsored by public or private agencies or individuals that include but are not limited to fairs, bazaars, socials, picnics, performances and organized sporting events attended by two hundred (200) or more individuals per day.

(g) CONTAINER. A portable device in which waste is held for storage or transportation

~~[(g)]~~ **(h) CORRUGATED CARDBOARD or CORRUGATED PAPER. Cardboard that is composed of an inner fluting of material (corrugating medium) and one or two outer liners of material (linerboard).**

~~[(g) CORRUGATED PAPER. A structural paper material with an inner core shaped in rigid furrows and ridges.]~~

~~[(h)]~~ **(i) DEMOLITION and CONSTRUCTION WASTE.** Waste resulting from the construction or demolition of buildings and other structures, including, but not limited to, wood, plaster, metals, asphaltic substances, bricks, block and unsegregated concrete. The term also includes dredging waste. The term does not include the following if they are separate from other waste and are used as clean fill:

- (1) Uncontaminated soil, rock, stone, gravel, unused brick and block and concrete; or
- (2) Waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material.

~~[(+)]~~ **(j)** **HAZARDOUS WASTES.** Those wastes defined as hazardous under the Pennsylvania Solid Waste Management Act, 35 P.S. 6018.103, as amended.

~~[(+)]~~ **(k)** **HIGH GRADE OFFICE PAPER.** Any bond, copier, letterhead or mimeograph paper sold as "white ledger" paper, and computer paper.

~~(k)~~ **(l)** **HOUSEHOLD HAZARDOUS WASTES.** Any waste generated at residences that would be considered a hazardous waste as defined above but for the fact that it is produced in quantities smaller than those regulated under the Pennsylvania Solid Waste Management Act, 35 P.S. 6018.103, as amended.

~~[(+)]~~ **(m)** **INSTITUTIONAL ESTABLISHMENT.** Any establishment that serves groups of people including, but not limited to, hospitals, clinics, colleges, universities, public or private elementary or secondary schools, charitable institutions, nursing homes, youth homes, orphanages, convents, student housing, rehabilitation centers and day care centers.

~~[(M)]~~ **(n)** **LEAD ACID BATTERIES.** Includes but is not limited to automotive, truck and industrial batteries that contain lead.

~~[(+)]~~ **(o)** **LEAF WASTE.** Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

(p) MIXED PAPER. All magazines and catalogs, junk mail, telephone books, paperboard including cereal boxes and clean paper. Expressly excluded from mixed paper are newsprint, napkins or paper towels. Rubber bands, metals (e.g. Compact Discs) and plastics (credit cards) must be removed.

(q) MULTI-FAMILY DWELLING. A building or a part of a building, designed, intended, or used as an apartment house, apartment hotel, tenement house, condominium, cooperative, single-room occupancy hotel, or other use in which there are more than five (5) dwelling units and/or where, in the case of a multi-tenant or condominium building, or complex of buildings, the building manager, owner, condominium association, or other management entity, arranges for storage of Municipal Waste in a container greater than a single 35-gallon container. In such case, the building or complex of buildings as a whole, and not the individual units thereof, shall be considered a multi-family dwelling.

~~[(+)]~~ **(r)** **MUNICIPAL ESTABLISHMENT.** Any establishment owned or operated by a local government or county government, local government or county government authority, state government or agency, or federal government or agency.

~~[(+)]~~ **(s)** **MUNICIPAL WASTE.** Any garbage, rubbish, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility. The term does not include source-separated recyclable materials and source-separated leaf wastes, or any materials that meet the definition **set forth herein** of residual or hazardous waste.

(t) NEWSPRINT. All Number 8 "news grade" paper (special de-ink quality), which includes any

glossy and/or color inserts contained in the Sunday paper. Expressly excluded from this definition of "newsprint" are magazines, junk mail, packaging paper, cardboard, telephone books, catalogs and other miscellaneous paper products.

[(+)] (u) **PERSON.** Any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, federal government or agency, state institution or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

(v) **PLASTIC CONTAINERS.** Clean empty plastic bottles, jugs or jars, numbers 1, 2, 3, 4, and 5, only, made of polyethylene - teraphthalate (PET), high density polyethylene (HDPE), polyvinylchloride (PVC), low-density polyethylene (LDPE) and/or polypropylene (PP).

[(+)] (w) **RECYCLABLE MATERIALS.** Those materials designated by ordinance, resolution or in the Waste R[f] regulations issued by the Department of Environmental Services to be collected under the City's recycling program.

[(s)] (x) **RECYCLING.** The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics and other materials which would otherwise be disposed or processed as municipal waste, or the mechanized separation and treatment of municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

[(+)] (y) **RECYCLING FACILITY.** A facility employing a technology that is a process that separates or classifies recyclable materials and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term RECYCLING FACILITY shall not mean transfer stations or landfills for solid waste nor composting facilities or resource recovery facilities.

[u] ~~**RESIDENCES.** Any occupied single or multi-family dwellings, consisting of five (5) units or less, but excluding any parts of buildings, in which dwellings are located, that are occupied by commercial, institutional or municipal establishments.]~~

[(+)] (z) **RESIDUAL WASTE.** Any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and any sludge from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility, provided that it is not hazardous waste.

(aa) **SINGLE FAMILY DWELLING.** A building designed as, or intended for, or used as, a residence for a single family but excluding any parts of buildings, in which dwellings are located, that are also occupied by commercial, institutional or municipal establishments.

(bb) **SMALL APARTMENT BUILDING.** A building or a part of a building, designed, intended, or used as an apartment house, apartment hotel, tenement house, condominium, cooperative, single room occupancy hotel, or other residential use in which there are fewer than 6 dwelling units and/or the residents store and place at the curb municipal waste generated by them in single containers of not greater than 35-gallon capacity.

[(w)] (cc) **SPECIAL HANDLING WASTE.** Municipal waste that requires the application of special storage, collection, transportation, processing or disposal techniques due to the quantity of material

generated or its unique physical, chemical or biological characteristics. The term includes sewage sludge, infectious waste, chemotherapeutic waste and ash residue from a municipal waste incineration facility.

(dd) STORAGE. The containment of any waste on a temporary basis in such a manner as not to constitute disposal of the waste.

[(x)] (ee) APPLIANCE. The meaning set forth in Title VI of the Clean Air Act entitled "Stratospheric Ozone Protection" which generally refers to any device which contains and uses refrigerant which is subject to use and disposal regulations promulgated pursuant to the Clean Air Act Amendments of 1990. (Clean Air Act, Secs. 601, 608, 42 U.S.C. Secs. 7671, 7671g). **This term includes, but is not limited to, refrigerators, dehumidifiers, air-conditioners, freezers, chillers and water-coolers.**

(ff) WASTE REGULATIONS. Regulations promulgated by the Director of the Department of Public Works in accordance with Section 111.01(b) of this Code.

(gg) YARD WASTE. Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material.

§ 619.02 MUNICIPAL WASTE COLLECTED BY CITY.

(a) Single family dwellings and small apartment buildings.

Except as otherwise provided in this section **or the Act 47 Recovery Plan**, the Department of Public Works/**Environmental Services** shall ~~either collect or contract for the collection of~~ municipal waste from [residences] **single family dwellings and small apartment buildings.**

The Director of the Department of Public Works is hereby authorized and directed to [implement a refuse pick-up program] **establish Waste Regulations** which will provide **include provisions** for **the timely collection of municipal waste by the City or by the collector** [within forty-eight (48) hours before, during and/or within forty-eight (48) hours after the Fourth of July holiday in areas where collection is scheduled for that holiday. This special pickup shall not interrupt service in areas where collection is scheduled the day following the Fourth of July holiday] **after public or national holidays.**

(b) Charitable or nonprofit institutions, municipal establishments and community activities organized by institutions and establishments.

The Director of the Department of Public Works/**Environmental Services** is hereby authorized, at his or her discretion, **either (i) to enter into agreements and to establish a fee schedule [to collect] for the collection by the City or by a contractor, of municipal waste, or (ii) not to collect** municipal waste from charitable or nonprofit institutions and municipal establishments and from community activities organized by institutions and establishments. **In exercising such discretion the Director shall take into consideration the City's need to remain competitive with private industry engaged in refuse collection as well as the cost to the City of administration of this Chapter. Council shall approve by resolution the initial fee schedule. The Director shall issue regulations listing such fees and shall update them as necessary. The Director shall provide a thirty-day notice of any changes in the fee or collection schedule to all persons affected by this article.**

(c) Commercial establishments and multi-family dwellings.

Except as otherwise provided in this section, the **Director of the** Department of Public Works **/Environmental Services** is hereby authorized, ~~[and directed]~~ **at his or her discretion, either (i) to enter into agreements and to establish a fee schedule [to collect] for the collection, by the City or by a contractor, of non-recyclable municipal waste, or (ii) not to collect [to establish and implement a fee schedule for the collection of] non-recyclable municipal waste from commercial establishments and/or multi-family dwellings** in the City. In fixing the fees the director shall take into consideration the City's need to remain competitive with private industry engaged in refuse collection as well as the cost of administration of this ~~[article]~~ **Chapter**. Council shall approve~~d~~ by resolution the initial fee schedule. ~~[as well as any changes made to the schedule at any time thereafter .]~~ The Director shall issue regulations listing such fees and shall update them as necessary. The Director shall provide a thirty-day notice of any changes in the fee **or collection** schedule to all persons affected by this article.

([b]d) Appliances for collection by the City:

It shall be the duty of the Department of **Public Works/Environmental Services** to provide for directly or indirectly the collection and disposal of appliances from ~~[residences]~~ **single family dwellings or small apartment buildings**, including refrigerators, freezers, air conditioners, dehumidifiers and water coolers. The Director of the Department of Environmental Services is hereby authorized ~~[and directed]~~ to revise existing rules and regulations, and/or make reasonable rules and regulations, and/or enter into contract or contracts for the recovery and/or recycling and/or reclamation of any appliance containing refrigerant as required by the Clean Air Act Amendments of 1990. Act of November 15, 1990, Pub. L. 101-549, Title VI, Sec. 608, 104 Stat. 2660 (1990).

([e]e) Material not collected by the City:

The Department shall not collect any waste that does not meet the definition of municipal waste (including but not limited to hazardous or residual waste) unless otherwise provided in this Chapter. The Department shall also not collect the following materials to the extent that they may be classified as municipal waste:

- (1) Demolition and construction wastes;
- (2) Human or animal fecal matter;
- (3) Sewage treatment residue;
- (4) Special handling wastes (except to the extent that special handling wastes may be appliances subject to § 619.02([b]d));
- (5) Trees or parts of trees that have not been bundled in a size three (3) feet in length or less;
- (6) Tires and lead acid batteries (unless otherwise provided by the Department **in Waste Regulations**);
- (7) Household hazardous wastes (except under a program established pursuant to § 619.12,

and except to the extent that household hazardous wastes may be appliances subject to § 619.02 ([b]d)); or

(8) Bulky rubbish that the Director determines is too large or too heavy to be handled by the City's municipal waste collectors in the City's municipal waste collection vehicles, **provided that the Director may collect a maximum of three (3) bulky rubbish items as scheduled by the Department of Public Works/Environmental Services and set forth in the Waste Regulations** .

Minimal amounts of the above wastes may be collected at the discretion of the Director.

((d)f) **Storage and collection of municipal waste not collected by the City:**

(1) No person shall place or cause to be placed for collection by the Department any materials other than those permitted under subsection (a) hereof or pursuant to a program established under § 619.11.

((e)) (2) Every person generating waste other than waste permitted for collection by the Department under this section shall, upon written request from the Director, file within five (5) days of receipt of the notice, a sworn **written** statement giving the name and address of the collector who is collecting and disposing of the waste and the annual tonnage of the municipal waste and any other waste collected from their premises. No person shall permit the collection or disposal of waste by any collector who does not have all licenses and permits for the collection as required by law. A person disposing of its own waste shall annually file a **written** statement with the Department certifying that it disposes of its own waste and identifying the place of disposal and the amount of waste disposed of each year.

(g) **Disposal of municipal waste by the City**

All municipal waste collected by the Department shall be disposed of only at a landfill cited in the Allegheny County Solid Waste Management Plan-1990 or any subsequent revisions thereto.

§ 619.03 MUNICIPAL WASTE STORAGE, COLLECTION AND RECEPTACLES.

(a) Residents **of single-family dwellings and small apartment buildings shall** store municipal waste in the manner prescribed by **Waste** [f]Regulations issued by the Director of the Department of Environmental Services.

(b) Residents **of single family dwellings or small apartment buildings** shall place municipal waste for collection at the time and in the manner prescribed by **Waste** [f]Regulations issued by the Department.

(1) The Director may grant exceptions to regulations promulgated pursuant to this section to **single family dwelling and small apartment buildings** [residences] occupied solely by persons with physical limitations which prevent them from placing municipal waste at the curb; provided, however, that such persons submit a written request for backyard collection and certify in the request that the residence is occupied solely by such persons.

(2) For the purpose of subsection (b)(1) hereof, "physical limitation" means any illness, injury,

incapacity or other physical handicap which prevents the person from placing municipal waste at the curb; provided, however, that a physician certifies to the Department that such person is physically incapable of placing municipal waste at the curb. The certificate shall be renewed annually.

(c) For single **dwelling and small apartment building** ~~[and multi-family]~~ rental dwellings where owners, **lessors or managers** do not provide containers for the City's collection of municipal waste, both the occupants and the owners of the dwellings shall be responsible for compliance with this section and any regulations issued hereunder.

(d) The Director is hereby authorized to issue regulations that provide for the collection of bulky rubbish, **as defined in this Chapter or in the Waste Regulations**, and dead animals separate from its regular collection.

(e) **The Department may exercise its right to inspect municipal waste and/or recycling containers placed at the curb for collection in order to verify compliance with this Chapter and with the Waste Regulations issued by the Department.**

(f) **Municipal waste placed at the curb for collection shall continue to remain the responsibility of the generator of the waste until the municipal waste is collected by the collector or by the City. No other person or agent shall tamper with or remove such waste from the curb unless authorized by the generator or the collector or the City.**

§ 619.04 ACCUMULATION OF MUNICIPAL WASTE.

(a) No owner, lessee or occupant of any building shall permit the accumulation of any municipal waste, recyclable materials, **bulky rubbish**, dirt or other refuse or debris on any sidewalk or street abutting such building, or in yards or vacant ground forming part of the premises.

(b) No owner, lessee or occupant of any vacant lot, private court or yard shall permit the accumulation of any municipal waste, recyclable materials, **bulky rubbish**, dirt or any other refuse or debris, thereon or on any abutting sidewalks or pavements.

(c) ~~[(1)]~~ If any owner, lessee or occupant in violation of this section fails to remove, or to cause to be removed, accumulations of any **municipal waste, recyclables**, dirt, ashes, rubbish, tin cans, garbage, **bulky rubbish** or any other refuse or debris, as required, the City shall give five (5) days notice to the owner, lessee, or occupant to remove the same, **except where such accumulation is deemed by the Operations Manager of Environmental Services to be a serious health or safety risk/hazard, in which case a shorter time limit may be specified.**

If the condition has not been abated within the specified time limit, the Department of Environmental Services is authorized to abate the conditions by causing the removal of the accumulations. [at the City's expense,] **The City shall immediately thereafter be entitled to recover all costs to the City [the cost of which shall be recovered] of such removal [the cost of which shall be recovered]** from the owner, lessee or occupant in an action at law in the Court of Common Pleas, and when the suit, with statement of claim, with description of the premises, is filed by the City, the prothonotary shall index it upon the judgment docket, and the City shall have a lien for the amount of the claim against the premises. **Such lien for the recovery of the costs to the City of abating the unlawful accumulation of municipal waste, recyclable materials, bulky rubbish, dirt or other refuse shall be in addition to any fine or penalty imposed under section 619.14 of**

this Chapter for any violation of this Chapter or of the Waste Regulations hereunder.

[(2) The City shall forward a copy of the notice to the member of Council in whose district the subject property is located.]

§ 619.05 SEPARATION OF RECYCLABLE MATERIALS FROM MUNICIPAL WASTE.

(a) ~~[Residences.]~~ **Single-Family Dwellings and Small Apartment Buildings.** Persons shall separate all recyclable materials from municipal waste generated at **single family dwelling and small apartment buildings** ~~[residences]~~ and shall store the materials until they are collected for recycling in accordance with **Waste R**~~[r]~~egulations issued by the Director of the Department of Environmental Services. The Director shall ~~[issue]~~ **designate in Waste R**~~[r]~~egulations ~~[designating]~~ the materials generated at **single family dwelling and small apartment buildings** ~~[residences]~~ that shall be recycled. **The Director is authorized to amend at his or her discretion the designation in the Waste Regulations of materials to be recycled.**

(b) Multi-Family Dwellings. An owner, landlord or agent of an owner or landlord of a multi-family rental dwelling ~~[with four (4) or more units]~~ shall be deemed to have complied with its separation responsibilities if it establishes a collection system **for recyclables** at each property. The collection system shall include separate suitable receptacles that conform with **the Waste** ~~[r]~~egulations issued by the Director specifically for collecting and storing bags or other receptacles in which tenants have deposited their commingled recyclables, and written instructions to the occupants concerning the use and availability of the collection system. The receptacles shall be clearly marked as designated only for recyclable materials and shall be placed in a location easily accessible to the tenants. The written instructions shall include educational materials prepared by the Directors of the Department of Environmental Services and/or Public Works, which materials shall be distributed by the owner, landlord or agent to each dwelling unit. Owners, landlords and agents of owners or landlords who provide a collection system under this subsection shall not be liable for noncompliance of occupants of their buildings.

~~[(b)]~~**(c) Commercial, institutional and municipal establishments and community activities.** ~~Persons~~ shall separate high grade office paper, corrugated paper, **plastic containers** and aluminum from municipal waste generated at commercial, institutional and municipal establishments or at community activities and shall store materials until they are collected for recycling. The Director is authorized to designate by regulation other materials generated at these establishments or at community activities that also shall be separated and stored until collected for recycling.

An owner, landlord or agent of an owner or landlord of a commercial, institutional or municipal establishment that leases its premises to other such establishments shall be deemed to have complied with its separation responsibilities if it establishes a collection system meeting the requirements of the collection system for multi-family dwellings described in subsection ([a] **b**) hereof.

§ 619.06 COLLECTION OF RECYCLABLE MATERIALS.

(a) ~~[Residences. -]~~ **Single-Family Dwellings, Small Apartment Buildings and Multi-Family Dwellings.** Recyclable materials generated at ~~[residences]~~ **single-family dwellings, small apartment buildings and multi-family dwellings** shall be placed for collection by the City in accordance with

regulations issued by the Director of the Department of Environmental Services. For single- and multi-family dwellings **and small apartment buildings** where owners do not provide containers for the City's collection of recyclable materials, both the occupants and owners of such dwellings shall be responsible for compliance with this subsection and any regulations issued hereunder.

(1) The Director may grant exceptions to regulations promulgated pursuant to this section to **single family dwelling and small apartment buildings** [residences] occupied solely by persons with physical limitations which prevent them from placing recyclable materials at the curb; provided, however, that such person submit a written request for backyard collection and certify in the request that the **single family dwelling and small apartment building** [residences] is occupied solely by **such** persons.

(2) For the purpose of subsection (a)(1) hereof, "physical limitation" means any illness, injury, incapacity or other physical handicap which prevents the person from placing recyclable materials at the curb; provided, however, that a physician certifies to the Department that such person is physically incapable of placing recyclable materials at the curb. The certificate shall be renewed annually.

(b) ~~**Commercial, institutional and municipal establishments and community activities.** Persons who own or operate commercial, institutional and municipal establishments and persons who organize and manage community activities shall arrange for the storage, collection and recycling of high-grade office paper, corrugated paper, **plastic containers**, aluminum and any other materials designated as recyclable materials which are generated at **such** establishments and community activities. The Director may, at his or her discretion, enter into agreements to collect such materials. [generated at charitable or nonprofit institutions, municipal establishments or at community activities organized by charitable or nonprofit institutions or municipal establishments.]~~

Persons who own or operate **multi-family dwellings and/or** commercial, institutional and municipal establishments shall be exempt from the requirements of this subsection and [§] **subsections** 619.05(b) **and (c)** if those persons have otherwise provided for the recycling of the materials that they are required to recycle under **subsections** [§] 619.05(b) **and (c)**.

To be eligible for this exemption, such persons shall file a sworn **written** statement with the Director that they have so provided for the recycling of the materials that they are required to recycle under [§] **subsections** 619.05(b) **and (c)** and giving the person's name and address (or addresses), the name and address of the collector of its recyclable materials, the types of materials recycled and the annual tonnage of each, and any other information required under the regulations issued by the Department. **Annual tonnage reports must be filed with the Director by forwarding such to the Recycling Division no later than January 15 of the following year.**

(c) **Segregation of materials.** No person shall place or cause to be placed any municipal waste in the receptacles specifically provided for recyclable materials to be collected by the City. No person shall place any recyclable materials generated at **multi-family dwellings**, commercial, institutional or municipal establishment in the receptacles that are specifically provided for recyclable materials to be collected by the City.

(d) PILOT PROGRAM The Director of Environmental Services is authorized to establish pilot recycling programs in certain neighborhoods, at his or her discretion. Notice of such pilot programs shall be provided to the individual premises subject to any pilot program. Compliance with the recycling requirements of any such pilot program shall be required in the neighborhood(s) subject to the pilot program.

§ 619.07 OWNERSHIP OF RECYCLABLE MATERIALS.

(a) All recyclable materials placed by persons for collection by the City pursuant to this Chapter shall become the property of the City upon the City's removal of the recyclable materials from the curbside or other designated collection location. Nothing in this Chapter shall be deemed to impair the ownership of recyclable materials by the generator unless and until materials are collected by the City.

(b) **The Department may exercise its right to inspect containers for recyclable materials placed at the curb for collection in order to verify compliance with this Chapter and with the Waste Regulations issued by the Department.**

(c) **Recyclable materials placed at the curb for collection shall continue to remain the responsibility of the generator of such waste until the recyclable materials are collected by the collector or the City**

§ 619.10 CITY PROCUREMENT OF RECYCLED PRODUCTS.

The Department of General Services **or its designee** shall review and revise all product procurement specifications to purchase products containing recycled materials, wherever feasible. The Department shall submit an annual report to the Mayor and Council on its activities and progress in increasing its purchase of products containing recycled materials.

§ 619.13 ADMINISTRATION AND ENFORCEMENT.

(a) **The owner, occupant or lessor of a residence who makes arrangement for the collection of municipal waste, recyclable materials and/or leaf waste by a party other than the City shall upon request of the Director of the Department of Environmental Services file a sworn **written** statement as prescribed in § 619.02([d]f).**

(b) **The Director is hereby authorized and directed to make reasonable rules and regulations for the operation and enforcement of this Chapter as deemed necessary and to make rules and regulations available ~~[for]~~ to **the** public ~~[inspection].~~ The Director is also authorized to assess fees and prescribe payment procedures for **(1)** the collection of municipal waste in excess of one (1) time per week per [residence] **single-family dwelling or small apartment building**, ~~[for]~~ **(2)** the collection of **any** contaminated recyclable materials and ~~[for]~~ **(3)** the collection of bulky waste~~[when collection thereof exceeds the time for an average collection.]~~ **in accordance with Waste Regulation 4.04(c)** ~~[except that none of such fees shall be charged for residences owned by municipal establishments.]~~ The fees shall be designed to reflect the costs the City incurs ~~[in addition]~~ **such** collections. Disputes as to fees shall be resolved upon request of aggrieved persons in a hearing before the Director, conditioned upon the timely payment of the fees, which shall be subject to refund if the aggrieved person prevails. Requests for hearings shall be made within thirty (30) days of receipt of each assessment. The rules, regulations and fees and any amendments thereto shall be effective upon publication of a general summary of their content in a newspaper circulating generally within the City unless the Director extends the effective**

date to a date following publication.

Section 30.

Title Six - Conduct, Article III - Dogs, Cats and Other Animals, Chapter 633 - Dogs and Cats, Sections 633.16 and 633.17 are repealed in compliance with **Act 47 Plan Initiative PW10**:

TITLE SIX: CONDUCT

ARTICLE III - DOGS, CATS AND OTHER ANIMALS

CHAPTER 633: DOGS AND CATS

Section

- § 633.01 Definitions.
- § 633.02 Dog license required; exemption and term.
- § 633.03 Cat identification required by owner.
- § 633.04 Information required.
- § 633.05 Rabies vaccination.
- § 633.06 License fee; exceptions.
- § 633.07 Tag and collar; nontransferable or lost.
- § 633.08 Dogs at large prohibited.
- § 633.09 Harboring a nuisance; exceptions.
- § 633.10 Shelters.
- § 633.11 Nondomestic canine, nondomestic feline and hybrids.
- § 633.12 Number of pets permitted in City limits; exceptions.
- § 633.13 Litter registration; limits; exceptions.
- § 633.14 Impounding; notice, redemption and charges.
- § 633.15 Disposition of unclaimed animals.
- § 633.16 Spaying and neutering program - *repealed*
- § 633.17 Program limitation; funding - *repealed*
- § 633.18 Animal control informational service and duties.
- § 633.19 Penalty and violation.
- § 633.20 Dangerous dogs.
- § 633.21 Animal fighting reward program.
- § 633.22 Off-leash exercise areas.

~~[§ 633.16 SPAYING AND NEUTERING PROGRAM.]~~

~~[In order to encourage the sterilization of dogs and cats in the city, the City shall subsidize participating City residents a specified sum toward the cost of spaying or castration services in accordance with the following procedure:~~

- ~~(a) City residents who wish to participate in the program shall obtain vouchers from the Animal Control Division.~~

- (b) ~~City residents may submit the voucher to any veterinarian performing surgery in the City and participating in the City's spaying and neutering program.~~
- (c) ~~The City shall compensate participating veterinarians according to the following schedule:~~
- (1) ~~Dog spays: Thirty dollars (\$30.00), sixty dollars (\$60.00) for low income individuals.~~
 - (2) ~~Dog castrations: Fifteen dollars (\$15.00), thirty dollars (\$30.00) for low income individuals.~~
 - (3) ~~Cat spays: Fifteen dollars (\$15.00), thirty dollars (\$30.00) for low income individuals.~~
 - (4) ~~Cat castrations: Fifteen dollars (\$15.00), thirty dollars (\$30.00) for low income individuals.~~
- (d) ~~The Animal Control Division shall promulgate regulations necessary to implement the Spay and Neutering Program. Low income status shall be shown by a Department of Public Assistance Card.]~~

[§ 633.17 PROGRAM LIMITATION; FUNDING.]

~~[The total expenditure of funds for payment to veterinarians shall not exceed seventy-five thousand dollars (\$75,000.00) per year. Vouchers shall be distributed on a "first come, first served" basis until the seventy-five thousand dollars (\$75,000.00) allowance is exhausted, with a limit of four (4) vouchers per household per year. Funds for this program may be provided from the Animal Control and Welfare Trust Fund.]~~

No. _____

A RESOLUTION

AUTHORIZING A REVISED SCHEDULE OF FEES FOR CITY SWIMMING POOLS AND OTHER RECREATIONAL FACILITIES PURSUANT TO PITTSBURGH CODE SECTION 477.02(a).

The Fee Schedule for 2005 shows the increase in pool fees required by **Act 47 Plan Initiative PR06**:

AQUATIC FEE INCREASE FOR 2005

PROGRAMS	<u>2005</u>
Children's Learn to Swim (<i>10 classes</i>)	\$20.00
Adult Learn to Swim (<i>10 classes</i>)	\$20.00

Infant & Preschool (<i>5 classes</i>)	\$10.00
Water Aerobics (<i>10 classes</i>)	\$20.00

POOL TAG FEES**2005**

Family Pass	\$60.00
Additional Family Member	\$10.00
Adult Pass	\$30.00
Youth Pass	\$15.00
Adult Daily Admission	\$4.00
Youth Daily Admission	\$3.00
Non Resident Pass	\$45.00
Group Pass	\$10.00
Group Pass Highland, Schenley, Riverview	\$12.00
DPA Family Pass	\$30.00
DPA Additional Family Member	\$4.00
DPA Adult Pass	\$15.00
DPA Youth Pass	\$7.00

PERMITS**2005****Guard Cost**

Small Pools		
(1-50 patrons)/hr.	\$50.00	\$24.00
(51-100 patrons)/hr.	\$75.00	\$31.50
Large Pools		
(1-50 patrons)/hr.	\$50.00	\$31.50
(51-100 patrons)/hr.	\$100.00	\$46.50

HIGHLAND POOL PERMITS**2005****Guard Cost**

Three Rivers Aquatic Club		
Large Pool	\$1,320	\$1,320
Large & Small Pool	\$1,920	\$1,920
Penn Hills Dolphins Club	\$441	\$441

FIELD PERMITS

- \$16 per hour (non-lighted, adult)
- \$20 per hour (lighted, adult)
- ~~[\$5 per hour (non-lighted, youth under 18 years of age)~~
- ~~\$6 per hour (lighted, youth under 18 years of age)]~~

Field permits for youth under 18 years of age shall be free; however, the Director reserves the right to revoke permits for individuals or groups that fail to comply with all permit terms including the failure to utilize fields during all requested times.

SHELTERS

	Mon-Thurs	Fri-Sun
• Highland Park - Lake Point Shelter	\$50	\$75
• Highland Park - Rhododendron Shelter	\$150	\$225
• Highland Park - Elm Grove	\$50	\$75
• Highland Park - Sycamore Grove	\$50	\$75
• Highland Park - Bigelow Grove	\$50	\$75
• Highland Park - Memorial Grove	\$50	\$75
• Highland Park - Pool Grove	\$50	\$75
• Highland Park - Stanton Grove	\$50	\$75
• Highland Park - Lake Grove	\$50	\$75
• Highland Park - Hawthorne Grove	\$50	\$75
• Highland Park - Maple Grove	\$50	\$75
• Riverview Park - Activities Building	\$150	\$270
• Riverview Park - Chapel Shelter	\$100	\$150
• Riverview Park - Valley Refuge	\$50	\$75
• Mellon Park	\$50	\$75
• Schenley Park - Vietnam Veterans Pavilion	\$150	\$270
• Schenley Park - Bartlett Street Shelter	\$50	\$75
• Schenley Park - Overlook Shelter	\$50	\$75
• Schenley Park - Camp David Lawrence	\$50	\$75
• Schenley Park - Anderson Shelter	\$50	\$75
• Schenley Park - Oval Shelter	\$25	\$40
• McBride Park	\$50	\$75
• Banksville Park	\$100	\$150
• Sheraden Park	\$50	\$75
• West End Park	\$100	\$150
• McKinley Park	\$50	\$75
• Frick Park - Forbes and Braddock Shelter	\$50	\$75

Alcohol Permits

\$75

SENIOR COMMUNITY CENTERS

- Use during the week \$40 (per two hours)
- Use during weekends \$60 (per two hours)

SCHENLEY RINK FEES

2005

Adult	\$4.00
Youth (18 and Under)	\$3.00
Senior Citizen (Over 60)	\$3.00
Skate Rental	\$2.50
Skate Sharpening	\$3.50
College ID Night	\$3.00

No. _____

A RESOLUTION

AUTHORIZING AND ADOPTING A YARD DEBRIS FEE SCHEDULE FOR 2005 IN ACCORDANCE WITH THE PROPOSED ENHANCEMENT OF FEES SET FORTH IN THE ACT 47 PLAN.

These fees are set in accordance with the proposed enhancements of fees set forth in pages 6 and 194 of the **Act 47 Plan** and with the Operations Cost Recovery principles for the Department of Public Works set forth at page 153 of the **Act 47 Plan**. **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. The fee schedules shall be set forth in the Waste Regulations promulgated by the Department.** [All fees shall be increased annually, upon resolution of City Council, and shall reflect the actual costs to the City.]

DPW Yard Debris Drop Off Program - 2005

Cars and SUVs	No Charge
Pick Up Trucks and Vans -	\$20.00 per load
Pick Up Trucks and Vans with attached Trailer	\$30.00 per load
Cars and SUVs with attached Trailer	\$20.00 per load
No Dump Trucks or Large Boxed Vans unless approved by the	

Director of DPW

\$50.00 per load.

No Contractor Vehicles are permitted.

No. ____

A RESOLUTION

AMENDING RESOLUTION No. 145 of 2001, eff. March 28, 2001, WHICH AMENDED RESOLUTION NO. 69 OF 2001, eff. February 28, 2001, WHICH AMENDED RESOLUTION No. 844 OF 1989, eff. October 27, 1989, WHICH AMENDED RESOLUTION No. 564 OF 1989, eff. July 17, 1989, AUTHORIZING IMPLEMENTATION OF AN EMPLOYEE TUITION REIMBURSEMENT PROGRAM, TO REDUCE SUCH REIMBURSEMENT TO FIFTY PERCENT (50%) OF TUITION COSTS, PURSUANT TO **ACT 47 PLAN INITIATIVE WF15:**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PITTSBURGH AS FOLLOWS:

Section 1. Resolution No. 145 of 2001, eff. March 28, 2001, which amended Resolution No. 69 of 2001, eff. February 28, 2001, and section 1 of said Resolution No. 69 of 2001, are amended to provide for reimbursement of tuition and lab fees in the amount of fifty percent (50%) as follows:

Section 1. All full time regular non-union eligible employees of the City of Pittsburgh with at least one year of service are eligible to participate in [a] the Employee Tuition Reimbursement Program.

(a) Eligible employees may be reimbursed fifty percent (50%) 80% of tuition and lab fees for courses that are job-related or degree related and will improve the employee's job related knowledge and skills [~~that are job related.~~] Eligible employees may be reimbursed fifty percent (50%) [80%] of the tuition and lab fees for each and every course needed to obtain any college or post graduate degree, provided that the degree being sought by the eligible employee is job related and will improve or [~~one that tends to~~] enhance his/her qualifications, skills or technological capabilities for his/her job. Books and educational materials are not reimbursable.

(a) The courses must be taken at an accredited College/University. Tuition for correspondence courses and non-credit courses are not reimbursable.

(c) Costs for the Tuition Reimbursement Program will be chargeable to each Department's Education and Training account.

(d) The Director of the Department of Personnel is hereby authorized to formulate additional regulations and forms that he/she deems necessary to implement the Tuition Reimbursement Program.

PRE-APPROVAL

- a) An employee must request and receive pre-approval for benefits prior to the first day of classes, or as the Personnel Department procedures/rules specify. In the event of extenuating circumstances, exceptions will be reviewed on an individual basis.
- b) The request for pre-approval must be submitted to the department director, and must contain the following information:
 - 1) the name of the accredited institution;
 - 2) the title and brief description of each course;
 - 3) the number of college credits for each course;
 - 4) the total tuition cost for each course;
 - 5) laboratory fees, if any, for each course; and
 - 6) the starting and ending dates for each course.
- c) Evidence of potential cost such as invoices, receipts or notices must be attached to the employee's request.

Department Action

- a) Upon receipt of the request, the department director will review the request to see if:
 - 1) the degree program is job-related;
 - 2) the courses are job-related;
- b) Following his/her review, the department director shall recommend approval or disapproval of the request for reimbursement, and send it to the Personnel Department for final review and approval.

FINAL APPROVAL

In the event the Personnel Director's decision is an approval, the decision shall be final. In the event the Personnel Department's decision is a denial, the eligible employee may appeal to a 3-member appeals board, consisting of an officer of a Labor Union that represents City employees and who is designated by the City Controller, the Solicitor or his/her designee and a City employee who is not an elected official and who is designated by the President of City Council. If at least two members of the appeals board wish to reverse the decision, the final decision shall be approval. The appeals board shall make its decision promptly and communicate it promptly to the employee and the Director of the Department of Personnel in writing.

REIMBURSEMENT PROCEDURE

Upon completion of the course, the employee must submit to the department director evidence of having satisfactorily completed the course. Satisfactory completion is a "C" or higher for undergraduate level courses and a "B" or higher for graduate level courses.

Upon receipt of proof that the employee has successfully completed the course(s) for which all required approvals have been granted, the department director shall prepare a departmental invoice to reimburse the employee for **fifty percent (50%) of** the costs incurred, and the City Controller is hereby authorized and directed to issue warrants to reimburse the employees and charge the same to the

appropriate Education and Training Account in each department.

Section 2: Any Resolution or Ordinance or part thereof conflicting with the provisions of this Resolution is hereby repealed so far as the same affects this Resolution.