



## Legislation Details (With Text)

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**Title:** Ordinance supplementing the Pittsburgh Code, Title Four, Public Places and Property, Article I Streets and Sidewalks, Chapter 416 Obstructions by adding a new section, entitled, Section 416.15 Extension of Premise for Cooking and Foodservice Purposes.

**Sponsors:** William Peduto, Bruce A. Kraus, Theresa Kail-Smith

**Indexes:** PGH. CODE ORDINANCES TITLE 04 - PUBLIC PLACES

**Code sections:**

**Attachments:** 1. 2010-0768.doc, 2. 2010-0768 Version 2.doc, 3. 2010-0768 VERSION 3.doc

Date	Ver.	Action By	Action	Result
8/17/2010	3	Mayor	Signed by the Mayor	
8/2/2010	3	City Council	Passed Finally, As Amended	Pass
8/2/2010	3	City Council	AMENDED	Pass
7/28/2010	1	Standing Committee		
7/28/2010	2	Standing Committee		
7/20/2010	1	City Council	Read and referred	

Ordinance supplementing the Pittsburgh Code, Title Four, Public Places and Property, Article I Streets and Sidewalks, Chapter 416 Obstructions by adding a new section, entitled, Section 416.15 Extension of Premise for Cooking and Foodservice Purposes.

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

**Section 1.** The Pittsburgh Code, Title Four, Public Places and Property, Article I Streets and Sidewalks, Chapter 416 Obstructions is hereby amended by adding a new section, Section 416.15 as follows:

#### 416.15 Extension of Premise for Cooking and Foodservice Purposes

- 416.15 (a) Definition
- 416.15 (b) Permit Required
- 416.15 (c) Permit Fee
- 416.15 (d) Information Required
- 416.15 (e) Loud Noises, Speaking Devices, Signs, Goods, Smoke, and Strong Odors
- 416.15 (f) Permitted Locations
- 416.15 (g) Permit Application and Duration
- 416.15 (h) Use of Streets

416.15 (i) Hours of Operations

416.15 (j) Approval Process

416.15 (k) Permit Revocation and Penalties

#### **416.15 (a): Definition**

As used herein includes any restaurant, grocery store, café, or deli that wishes to use the public sidewalk for the purposes of outdoor cooking and other related foodservice. Outdoor cooking includes, but is not limited to outdoor grilling. Related foodservice includes selling, sampling, and displaying of food cooked / prepared outside of the business premises.

Tables & chairs require a separate sidewalk café permit.

#### **416.15 (b): Permit Required**

No business shall engage in the act of extending their business premise onto the public sidewalk for the purpose of outdoor cooking and other related foodservice without first obtaining a permit from the Department of Public Works (DPW). The permit shall be prominently displayed in a visible location from the outside to the food service operation.

#### **416.15 (c): Permit Fee**

Prior to the issuance of any permit for extension of premise for cooking and foodservice purposes, the following fees shall be paid:

- Annual \$250 fee for the extension of premise cooking on a public sidewalk

#### **416.15 (d): Information Required for DPW Approval**

The following information is required to be provided to the Department of Public Works prior to issuance of a permit:

- 1) A description of the nature of business.
- 2) The name, address, and phone number of the business.
- 3) Contact information of the proprietor including email address & cell phone number.
- 4) Daily and Weekly hours of operation.
- 5) An Ins certificate from the proprietor's insurance company, naming the city as co-insured, with minimum amounts of one hundred thousand dollars (\$100,000) to three hundred thousand dollars (\$300,000)--public liability and fifty thousand dollars (\$50,000)property and shall further provide that the policy shall not terminate or be cancelled prior to the expiration date of the permit without thirty (30) days written notice to the Director of the Department of Public Works.
- 6) A notarized consent form from the abutting building owners left and/or right of the building housing the permitted business.

#### **416.15 (e): Loud Noises, Speaking Devices, Signs, Goods, Smoke, and Strong Odors**

- 1) No business, nor any person on their behalf, shall blow a horn, or use any other device, except ring a bell, including any loud speaking radio or sound amplifying system upon any of the streets of the city or upon any private premise in the city where sound or sufficient volume is emitted or produced therefrom to be capable of being plainly heard on the streets, alleys, parks, or other public spaces, for the purpose of attracting attention to any goods, wares, or merchandise which the business proposes to sell.
- 2) No employee, or other individual on behalf of the business while on the sidewalk or public right-of-way, shall create excessive smoke or strong odors through the preparation of goods that are cooked outdoors.

#### **416.15 (f): Permitted Locations**

- 1) Prior to the business obtaining a permit from the Department of Public Works, the Department of Public Works shall review the application for safety and appropriate use of public space.
- 2) The Director of the Department of Public Works or his/her assign shall compile a list of permitted locations where the presence of cooking and foodservice on the sidewalk are approved. The Director may consider the width of the sidewalk; the proximity and location of existing street furniture, including but not limited to signposts, lamp posts, parking meters, bus shelters, benches, phone booths, and

newspaper vending devices; the presence of bus stops, truck loading zones, and taxi stands; pedestrian and vehicular traffic patterns; and other factors he/she deems relevant. The Director may modify the list as he/she deems necessary.

#### **416.15 (g): Permit Application and Duration**

Permits shall be valid for a period of one (1) year and may be renewed prior to expiration upon the payment of the permit fee, provided all the requirements of this chapter are met. The annual permit runs from January through December, at which time the proprietor is required to pay the annual fee of two-hundred and fifty dollars (\$250.00) at DPW. The annual permit fee shall not be pro-rated if obtained after the 1<sup>st</sup> of the year.

#### **416.15 (h): Use of Public Space**

- 1) No merchant shall use the sidewalk to the extent that there is not a free and clear passage less than five (5) feet wide.
- 2) In order to maintain a clear passage of at least five (5) feet wide on the sidewalk, all cookware, equipment, and other items owned by the business stationed on the public sidewalk should be contained and not interfere in any way with the five (5) feet wide area.
- 3) If the business intends to use the public space for outdoor seating in addition to cooking purposes, a new and separate sidewalk café application must be submitted in accordance with all City zoning guidelines for the business' location and all appropriate permits from the Department of Public Works.
- 4) The merchant's outdoor equipment and set-up must also include a sanitary receptacle for the purposes of controlling the waste generated from the cooking.
- 5) Businesses are not allowed to use or block in any way metered parking, other restricted parking zones, and unloading zones.
- 6) Space must adhere to all ADA standards.

#### **416.15 (i): Hours of Operation**

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

#### **416.15 (j): Approval Process**

- 1) When it is deemed that the DPW application is completed fully and correctly, the Director of Public Works submits the application to the District Council Person. The City Council Member representing the district where the outdoor cooking or foodservice location is proposed shall, in writing, approve or recommend that the application be forwarded to a formal session of City Council to be discussed by all members.
- 2) All other **applicable** certificates of approval ~~such as an Occupancy Permit from Zoning~~, and a certificate of approval from the County Health Department must be obtained before operations can commence.

#### **416.15 (k) Permit Revocation and Penalties**

- 1) Any person who violates any of the provisions of this article or regulations promulgated hereunder shall be subject to a fine of not less than two hundred dollars (\$200.00) and not more than one thousand dollars (\$1,000.00) for each offense, and each day such a violation continues shall be deemed a separate and distinct offense. The Department of Public Works, the Bureau of Building Inspection, and the Bureau of Police shall provide enforcement if the permit holder violates the terms of the permit. Three (3) or more violations of any provision of this article or regulations promulgated hereunder within a permit period shall subject the permittee to revocation of the permit by the Department of Public Works.
- 2) Any outdoor cooking on public space including but not limited to the sidewalk in front of a business establishment without all valid permits and certificates is subject to immediate removal from the public way by the Department of Public Works and City of Pittsburgh Police.