



Text File

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Committee: Committee on Public Works

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Ordinance amending the Pittsburgh City Code, Title 4: Public Place and Property, Article I: Public Rights-Of-Way, Chapter 411 - Jurisdiction; by amending language to Section 411.02.

WHEREAS, the duties of managing and maintaining telecommunications users of the public rights-of-way were originally vested in the Department of City Information Services, and said Department is now the Department of Innovation and Performance; and

WHEREAS, the Department of Public Works will now assume the duties of managing and maintaining telecommunications users of the public rights-of-way; and

WHEREAS, the Bureau of Telecommunications is no longer operational,

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

Section 1. Amending the Pittsburgh City Code, Title 4: Public Place and Property, Article I: Public Rights-Of-Way, Chapter 411 - Jurisdiction; by amending language to Section 411.02 as follows:

§ 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, City Information Systems.]~~

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

(3) CODE. The PITTSBURGH CODE OF ORDINANCES.

- (4) CONSTRUCTION PERMIT. The document that must be obtained before a person may permit construction in a right-of-way.
- (5) DEPARTMENT. The Department of Public Works.
- (6) EMERGENCY. A condition that poses a clear and immediate danger to life or health, or significant loss of property.
- (7) EQUIPMENT. Tangible property located in the rights-of-way used to deliver services.
- (8) IN. When used in conjunction with rights-of-way, means over, above, in, within, on or under a right-of-way.
- (9) 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.
- (10) PERSONAL PROPERTY. Tangible property located in the rights-of-way other than equipment.
- (11) PROBATION. The provisional status of a person that has not complied with the conditions of this Article.
- (12) PROBATIONARY PERIOD. One (1) year from the date that a person has been notified in writing of his placement on probation status.
- (13) REGISTRANT. Any person, or its officers, agencies, employees, contractors, sureties and assigns, who has registered with the City pursuant to this Article.
- (14) 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.
- (15) 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.
- (16) SWALE AREA. The portion of the rights-of-way located between a private property line and the street curb or the edge of a paved road, including, but not limited to, sidewalks, bikeways, and driveways.
- (17) UNDERGROUND EQUIPMENT. All equipment that is located wholly or partially underneath rights-of-way.