



Text File

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Committee: Committee on Urban Recreation

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Ordinance amending and supplementing the City Code at Title Four: Public Places and Property, Article XI: Parks and Playgrounds, Chapter 477: Permits and Fees, Section 477.01: Park Permit Procedures, Section 477.02: Fees for Swimming Pools, Golf Course, Skating Rinks and Other Recreational Facilities, so as to give priority to City residents for park facility rentals.

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

Section 1. The Pittsburgh City Code is hereby amended and supplemented at Title Four: Public Places and Property, Article XI: Parks and Playgrounds, Chapter 477: Permits and Fees, Section 477.01: Park Permit Procedures, as follows:

CHAPTER 477: - PERMITS AND FEES

§ 477.01 - PARK PERMIT PROCEDURES.

(a) *Purpose/scope:*

- (1) This section is promulgated to encourage use of City park facilities for the public good and to specify the process to be followed for proper use of parks and facilities for meetings, assemblies, sporting and athletic events, classes, concerts and the like. This section is promulgated to enhance coordination of scheduling and facilitation of necessary City services and to authorize a system for recovery of costs for these services that are incrementally greater than normal. This section is promulgated to promote the safety health and welfare of the audience, the community and to protect the facility.
- (2) This section is intended to be applicable to all "park facilities" defined below, regardless of whether the facility is considered under the jurisdiction of the Department of Parks and Recreation, the Department of Public Works, the Mayor's Office or any other City Department.
- (3) It is the intention of this section that City of Pittsburgh residents have priority on the issuance of **DPW-issued** permits for park facilities. **It is not intended for Special Events permits.**
- ~~[(3)]~~ (4) This section sets forth procedures for the issuance of permits for the park facilities.

(b) *Definitions.*

- (1) PERSONS means any individual person, chartered corporation, partnership, unincorporated association or any other entity, and the singular form will include the plural.
- (2) PARK FACILITY includes, but is not limited to, the grounds of all city-owned, leased, or licensed parks (including Market [Squire] Square in the First Ward), senior citizen centers, recreation centers, park buildings, nature centers, skating rinks, ballfields, parklets, playgrounds, tot lots, swimming pools, tennis courts, basketball courts, horseshoe courts, bocci courts, hockey courts, multi-purpose

courts, volleyball courts, trails, lakes, passive areas (including dedicated greenways) and picnic shelters.

(3) DEPARTMENT means the Department of Parks and Recreation, the Department of Public Works, the Mayor's Office or any other City department.

(4) PERMIT means the written authorization by or under the authority of the Directors of the Departments of Parks and Recreation, Public Works or the Mayor's Office to conduct [a] an event or gathering.

(5) PERMIT HOLDER means the person who has been issued the permit

[(5)] (6) APPLICANT is any person who applies for a permit pursuant to these procedures.

[(6)] (7) EVENT or GATHERING means and includes but is not limited to public meetings, assemblies, athletic events, classes, speechmaking, holding of vigils, concerts and other assemblages that interfere with, interrupt or exclude others in their right to the legal use of the same area of a Park Facility.

[(7)] (8) DIRECTOR means the Director of the Department.

[(8)] PUBLIC means any citizen. Preference is given to City residents.]

(9) ROLLING CALENDAR YEAR means the 12-month period measured backward from the requested date. For example, if a non-resident applied for a permit to a park facility on June 1, 2022 for June 1, 2023, a city resident could apply for same permit until June 15, 2022 and have priority over a non-city resident.

(10) PREFERENCE is a two-week period during the Rolling Calendar Year of the Park Facility permitting process. Persons with a permanent address in the City of Pittsburgh shall be given two-week grace period over the non-resident. If a non-resident applies for a permit a year in advance, the permit may not be approved until two weeks after the date requested to assure City Residents receives priority.

(c) *Permit requirement.*

(1) A permit just be obtained before an event or gathering can be held at a park facility.

(2) A permit must be obtained before any concessions, vending or peddling may be conducted or before any solicitations for donations may be conducted at a park facility.

(3) A permit must be obtained before any advertising for the sale of merchandise or services can occur or before any sign may be posted at a park facility.

(d) *Guidelines.*

(1) In considering the application for the permit, and in designating the facility in a park for a given event, the Director or Director's Designee shall consider the use of the facility by others, interference with adjoining property owner(s), and ability of the facility to handle the size and form of event. In making a determination, the Director or the Director's designee shall consider all factors including but not limited to the following:

- A. The physical condition of the facility.
- B. The physical size of the facility. Evaluation of the size of the facility would include determining the number of people which may reasonably be permitted to occupy the facility without endangering the ability to control crowds, respond to emergencies and related potential situations, all or any of which may affect the health, safety and welfare of the audience, participants or the adjacent environs and community.
- C. Prior, concurrent and future conflicting uses of the same facility including but not limited to permits issued these guidelines.
- D. Prior, concurrent and future conflicting uses of the environs and community adjacent to the facility.
- E. The effect of noise levels on the surrounding neighborhood and on other persons in the same park facility.
- F. Preference to applications submitted by City residents. Proof of residency in the form of a valid PA License, ~~or~~ utility bill, **or PA ID Card** is required with the application.

- (2) All activities shall conform to all federal, state and local laws and codes. This includes but is not limited to laws concerning the use of alcoholic beverages, controlled substances, prostitution, illegal gambling and public disturbance.
- (3) Permits shall not be issued for the use of any park facility by any person as a political campaign headquarters.
- (4) Permits will be issued for times between 6:00 a.m. to 11:00 p.m.
- (5) Permits are not transferable from one site to another, one date to another, or one person to another.
- (6) The Director reserves the right, for good cause, or in the event of a conflict with a City-sponsored event, to transfer a permit from one site to another, or to transfer a permit from one date or time or another.
- (7) The permit holder must be 21 years of age or older.
- (8) The permit holder must be present at the event and have the permit any other written authorizations as described in these regulations, in **[his or her] their** possession and available for inspection.
- (9) Police officers are authorized to inspect a park facility during an event or gathering, subject to applicable constitutional restraints on such inspections as they affect the rights of individuals in their persons and property.
- (10) Special written approval must be obtained from the Director to erect or assemble structures such as bleachers, booths, banners, or equipment such as speakers, cameras, microphones or any cooking equipment, or electrical service at or in any **park** facility.
- (11) Under no circumstance will the Department take responsibility for providing or supervising the use of any equipment or furnishings, (tables, chairs, microphones, stages, etc.) not normally available at the **[rental site] park facility**.
- (12) Approved permits requiring the use of Departmental equipment may require that an authorized employee of the Department be utilized to either operate or supervise the use of such equipment. The

permit holder will be responsible for paying the Department for such cost in advance.

(13) Written approval from the Director must be obtained to operate a concession, whether mobile or stationary.

(14) All planned sales activities, cash collections, pledging activity or ticket collection must be authorized in writing by the Director and is limited to the permitted **[area] park facility**.

(15) Permit applicants may be required to purchase liability insurance except that the Director may partially or fully waive this requirement if **[he/she] the Director** determines that the proposed event's purpose is constitutionally protected and the cost of such insurance is so financially burdensome for the particular permit holder that it would constitute an unconstitutional burden on the permit holder. The Director, however, may require reasonable indemnification from an applicant for losses sustained by the City as a result of the proposed activity.

(16) All **park** facilities shall be left in the same order, condition, and degree of cleanliness that existed at the time of entry. Permit holders are responsible for their own set-ups and take-downs. If the **park** facility is not left in the same order, condition or degree of cleanliness that existed at the time of entry, any required security deposit shall not be refunded.

(17) The permit holder shall be required to reimburse the Department for vandalism or other property damage caused by the permit holder at an event. The permit holder shall also be required to reimburse the Department for any property damage caused directly by persons other than the permit holder who are in attendance at an event if such damages result from the negligence or unlawful action of the permit holder. Failure to pay a vandalism charge will subject permit holder to prosecution.

(18) If authorized by Resolution of Council, the Director may require the permit holder to enter into an agreement that provides for recovery of part or all of the cost of City services of an event or gathering that are incrementally greater than normal.

(19) The Director may require the Permit Holder to provide a designated number of portable toilets and the Director may designate the location(s).

(e) *Application procedure.*

(1) Permit applications for park permits shall be submitted to the Director or the Director's Designee in writing on a form provided by the Department.

(2) Preference shall be given to applications submitted by City residents

[(2)] (3) Applications shall be processed in order of receipt. In the event two applications are submitted for the same park facility at the same time, preference shall be given to City residents over non-City residents. Approval or denial shall occur promptly with complex applications necessarily requiring more time. Applicants, at the request of the Director or the Director's Designee, shall attend any meetings necessary to obtain additional information, coordinate City resources, or the like.

[(3)] (4) The Director or the Director's Designee may require payment of a reasonable security deposit as a condition of permit issuance. It will be refunded if all conditions are fully satisfied.

[(4)] (5) A permit may be denied verbally or in writing upon any of the following grounds:

A. Violation of any guidelines on a previously issued permit.

B. Failure to fall within the permit guidelines set forth in this [policy statement] Chapter or Department policy or guidelines.

- C. The application contains false or misleading information.
- D. The application is incomplete.
- E. Unreasonable interference with a permit that was previously issued.
- F. Excessive impact and/or cost of event or gathering on City support services.
- G. Unreasonable interference with movement or service capability of police, fire or medical services.
- H. Unreasonable interference with traditional or contemporary recreational use of a park facility.
- I. Applicant's proposed use is inconsistent with or violative of the purpose for which the park facility has been dedicated or acquired by the City.
- J. Applicant presents themselves as a City resident, but does not have a permanent address within the City of Pittsburgh.
- K. A City resident took priority over another applicant.

(f) *Appeal rights.*

- (1) Any person denied a permit may appeal the decision, within 30 days, to the Zoning Board of Adjustment.
- (2) The Zoning Board of Adjustment procedure shall be the same as on an appeal from a decision of the Administrator or the Superintendent (§ 909.04), with the same right of appeal from the Zoning Board of Adjustment decision to the Court of Common Pleas.

§ 477.02 - FEES FOR SWIMMING POOLS, GOLF COURSE, SKATING RINKS AND OTHER RECREATIONAL FACILITIES.

- (a) Council shall annually approve by resolution a fee schedule for all fees for the use of parks and recreational facilities, including swimming pool fees, golf permits, lockers, picnic and ballfield permits, and all rental fees levied for the use of parks and recreational facilities.
- (b) **[The Director is authorized to prohibit the use of any City recreational facilities by nonresidents or to impose higher fees for the use upon nonresidents that that imposed upon residents.]** City residents shall have priority over non-city residents for a two-week period during the Rolling Calendar Year of the Park Facility permitting process. Persons with a permanent address in the City of Pittsburgh shall be given two-week grace period over the non-resident. If a non-resident applies for a permit a year in advance, the permit may not be approved until two weeks after the date requested to assure City Residents receives priority. Proof of residency in the form of a valid PA License, ~~or~~ utility bill or **PA ID Card** is required with the application.
- (c) Council shall approve a City Resident Fee Schedule and a Non-City Resident Fee Schedule for the use of Parks and Recreational facilities as part of the annual Operations Budget.

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