



## City of Pittsburgh

### Text File

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<b>Introduced:</b>	11/29/2005	<b>Bill No:</b>	2005-1944
<b>Committee:</b>	Public Safety Services Committee	<b>Status:</b>	To Be Presented

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**SPONSORED BY: DOUGLAS SHIELDS; WILLIAM PEDUTO AND JIM MOTZNIK**

Presented by Mr. Bodack

Ordinance supplementing the Pittsburgh Code of Ordinances, Title 6, Conduct, Article I: Regulated Rights and Actions, by adding a new Chapter at 623 "Public Safety at Health Care Facilities," to allow for unimpeded access to hospitals and/or health care facilities and providing penalties for violations of this ordinance.

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. The Pittsburgh Code of Ordinances, Title 6, Conduct, Article I: Regulated Rights and Actions, is hereby supplemented by adding a new Chapter at 623 "Public Safety at Health Care Facilities," as follows:

#### **CHAPTER 623: PUBLIC SAFETY AT HEALTH CARE FACILITIES**

##### **§ 623.01 INTENT OF COUNCIL**

The City Council recognizes that access to Health Care Facilities for the purpose of obtaining medical counseling and treatment is important for residents and visitors to the City. The exercise of a person's right to protest or counsel against certain medical procedures is a First Amendment activity that must be balanced against another person's right to obtain medical counseling and treatment in an unobstructed manner; and

The City of Pittsburgh Bureau of Police has been consistently called upon in at least two locations within the City to mediate the disputes between those seeking medical counseling and treatment and those who would counsel against their actions so as to (i) avoid violent confrontations which would lead to criminal charges and (ii) enforce existing City Ordinances which regulate use of public sidewalks and other conduct;

Such services require a dedicated and indefinite appropriation of policing services, which is being provided to the neglect of the law enforcement needs of the Zones in which these facilities exist.

The City seeks a more efficient and wider deployment of its services which will help also reduce the risk of violence and provide unobstructed access to Health Care Facilities by setting clear guidelines

for activity in the immediate vicinity of the entrances to Health Care Facilities:

The Council finds that the limited buffer and bubble zones outside of Health Care Facilities established by this Ordinance will ensure that patients have unimpeded access to medical

services while ensuring that the First Amendment rights of demonstrators to communicate their message to their intended audience is not impaired.

#### **§ 623.02 DEFINITIONS**

Hospital means an institution that: 1. Offers services beyond those required for room, board, personal services and general nursing care; and, 2. Offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and, 3. Regularly makes available clinical laboratory services, diagnostic x-ray services, and treatment facilities for surgery or obstetrical treatment of similar extent. Hospitals may include offices for medical and dental personnel, central facilities such as pharmacies, medical laboratories and other related uses.

Medical Office/Clinic means an establishment providing therapeutic, preventative, corrective, healing and health-building treatment services on an out-patient basis by physicians, dentists and other practitioners. Typical uses include medical and dental offices and clinics and out-patient medical laboratories.

#### **§ 623.03 EIGHT-FOOT PERSONAL BUBBLE ZONE**

No person shall knowingly approach another person within eight feet (8') of such person, unless such other person consents, for the purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest, education or counseling with such other person in the public way or sidewalk area within a radius of one hundred feet (100') from any entrance door to a hospital and/or medical office/clinic.

#### **§ 623.04. FIFTEEN-FOOT BUFFER ZONE**

No person or persons shall knowingly congregate, patrol, picket or demonstrate in a zone extending fifteen feet (15') from any entrance to the hospital and or health care facility. This section shall not apply to police and public safety officers, fire and rescue personnel, or other emergency workers in the course of their official business, or to authorized security personnel employees or agents of the hospital, medical office or clinic engaged in assisting patients and other persons to enter or exit the hospital, medical office, or clinic.

#### **§ 623.05 PENALTY**

Any person, firm, or corporation who pleads guilty or *nolo contendere*, or is convicted of violating of this section shall be guilty of a summary offense and punished by a fine of at least fifty dollars (\$50.00) for the first offense; a fine of at least one hundred fifty dollars (\$150.00) for a second

offense within five (5) years; and a fine of three hundred dollars (\$300.00) for a third offense within five (5) years.

For fourth and subsequent offenses within five (5) years the fine shall not be less than three hundred dollars (\$300.00) and/or imprisonment for not less than three (3) days but not more than thirty (30) days.

No part of the minimum fine may be suspended or discharged, except upon proof and a finding of indigence by the court. Indigent defendants may pay fines imposed under this section by participation in a court designated community service program, crediting the commensurate dollar amount of each hour of community service toward payment of the minimum fine owed.

**623.06 SEVERABILITY**

The provisions of this ordinance are severable. If any portion of this Chapter is held invalid, unenforceable, or unconstitutional by any court of competent jurisdiction, it shall not affect the validity of the remaining portions of this Chapter, which shall be given full force and effect.

**623.07 EFFECTIVE DATE**

This Ordinance shall become effective immediately upon the signature of the Mayor, or ten days after the City Clerk provides this ordinance to the mayor for signature.

Finally, that any Ordinance or Resolution or part thereof conflicting with the provisions of this Ordinance, is hereby repealed so far as the same affects this Ordinance.

Effective Date: \_\_\_\_\_

Passed in Council: \_\_\_\_\_

Approved: \_\_\_\_\_

Recorded in R.B. \_\_\_\_\_ page \_\_\_\_\_

in City Clerk's Office.