

Bill No. 2536-06

No. 12-06-OR

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the placement of certain ordinances of general application of Allegheny County enacted prior to the adoption of home rule and all ordinances of general application of Allegheny County enacted subsequent to the adoption of home rule into a single ordinance to be known and designated as the Code of Ordinances of Allegheny County, accepting, approving, adopting, ordaining and enacting as the Code of Ordinances of Allegheny County that compilation of previously enacted ordinances of general application of Allegheny County, as revised, organized and consolidated into chapters, articles and sections by General Code Publishers Corporation, providing for the continuation of all previously adopted County ordinances, repealing and saving from appeal certain legislation not included in the Code of Ordinances, and providing for the proper maintenance of the Code of Ordinances, and providing for penalties for the altering or the tampering with any chapters, articles and sections of the Code of Ordinances

WHEREAS, the growth of Allegheny County, together with complexity and problems of modern life, has created the need for new and more detailed legislation for the proper function and government of the County; and

WHEREAS, the adoption of increasing numbers of County ordinances necessitates that these local enactments be collected and rationally organized in an up-to-date and convenient format that is readily accessible to local citizens; and

WHEREAS, County Council is of the considered view that the compilation and organization of certain County ordinances of general and permanent application enacted prior to the adoption of home rule and all County ordinances of general and permanent application enacted subsequent to the adoption of home rule into a single, unified code of ordinances is necessary to the orderly functioning of County government and will inure to benefit of the citizens of the County.

The Council of Allegheny County hereby enacts as follows:

SECTION 1. **ENACTMENT OF A CODE OF ORDINANCES OF ALLEGHENY COUNTY.**

County Council does hereby acknowledge the receipt of that certain post-bound two (2) volume set of documents, as prepared, compiled, edited, revised, codified and consolidated by General Code Publishers Corporation, containing therein, in addition to the Home Rule Charter of Allegheny County, a collection and compilation of the following ordinances of Allegheny

County: (a) certain ordinances of Allegheny County intended to have a general and permanent application or effect that were enacted prior to the adoption of the County Home Rule Charter while Allegheny County was under the county commissioner system of county government provided under the Second Class County Code; and (b) all Allegheny County ordinances intended to have a general and permanent application or effect that were enacted subsequent to the adoption of home rule. This two volume set of legislation enactments for Allegheny County, Commonwealth of Pennsylvania, as revised, codified and consolidated into by General Code Publishers Corporation, and consisting of Chapters 1 through 87, is hereby approved, adopted, ordained and enacted as a single ordinance of Allegheny County and is hereby designated as the "Code of Ordinances of Allegheny County," hereinafter referred to as the "Code."

SECTION 2. **EFFECT OF CODE ON PREVIOUS PROVISIONS.**

The provisions of this Code, insofar as they are substantively the same as those County ordinances in force immediately prior to the enactment of this Ordinance creating and constituting this Code, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of all of the provisions of this Code shall be from the date of adoption of the such prior ordinances prior to their placement in this Code. All such provisions of such prior ordinances are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the County Council of Allegheny County, and it is the intention of Allegheny County Council that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in the Code. Only those parts or portions of such ordinances that have been changed or modified in the manner described in Section 5 below shall be deemed to be enacted from the effective date of this Code set forth in Section 12 below.

SECTION 3. **INCONSISTENT ORDINANCES REPEALED.**

All ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this Ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the County of Allegheny which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

SECTION 4. **INCLUSION OF NEW LEGISLATION PRIOR TO ADOPTION OF CODE.**

All Allegheny County ordinances intended to have a general and permanent application or effect adopted subsequent to the date of adoption of this Ordinance creating and constituting this Code are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances shall be temporarily placed in the Code until printed supplements are included.

SECTION 5.

**NON-SUBSTANTIVE GRAMMATICAL CHANGES AND
REVISIONS IN PREVIOUSLY ADOPTED ORDINANCES.**

In the process of collecting, editing, revising and otherwise preparing the County ordinances described in Section 1 above for inclusion and consolidation into this Code, it is recognized that General Code Publishers Corporation, on occasion, made certain non-substantive grammatical and style changes in one or more of the ordinances included in this Code. All such non-substantive grammatical and style changes made by General Code Publishers Corporation made to any ordinance included as part of this Code are hereby adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

SECTION 6.

TITLES AND HEADINGS; EDITOR'S NOTES.

A. Chapter and article titles, headings and titles of sections and other divisions in the Code or in any future supplements made to the Code are inserted in the Code and may be inserted in any future supplements to the Code for the convenience of persons using the Code and shall not be considered as part of any ordinance included in the Code, unless otherwise specifically indicated or stated.

B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in any future supplements to the Code for the convenience of persons using the Code and shall not be considered as part of any ordinance included in the Code.

SECTION 7.

FILING OF COPIES OF CODE.

Three copies of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Chief Clerk of Allegheny County Council and shall remain there for use and examination by the public. Upon adoption, such copies of the Code shall be certified to by the Chief Clerk of Allegheny County Council, as provided by law, and such certified copies shall remain on file in the office of the Chief Clerk of Allegheny County Council and made available to persons desiring to examine the same during all times while the Code is in effect.

SECTION 8.

AMENDMENTS TO CODE.

A. Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the County Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. The County Solicitor, upon the request of the Chief Clerk of Allegheny County Council, shall make the final determination concerning whether an particular ordinance was intended to be of general and permanent application and effect and should be incorporated into the Code.

B. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto. Following the adoption of any ordinance that adds, deletes, amends or supplements the Code, the Chief Clerk of Allegheny County Council, with the assistance and the final approval of the County Solicitor, shall determine the specific location where such ordinance shall be incorporated into the Code.

SECTION 8. **CODE BOOKS TO BE KEPT UP-TO-DATE.**

It shall be the duty of the Chief Clerk of Allegheny County Council or the Chief Clerk's authorized representative or delegate to keep up-to-date the certified copies of the book containing the Code required to be filed in the office of the Chief Clerk for the use of the public. All changes in said Code and all ordinances adopted by the County Council subsequent to the effective date of this codification which the County Council shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

SECTION 9. **NON-INCLUSION OF CERTAIN ORDINANCES IN CODE.**

Nothing in this Ordinance shall be construed or interpreted in any way as repealing, annulling or abolishing any prior County ordinance intended to have a general and permanent application or effect that may have been inadvertently or mistakenly omitted from this Code. Nothing in this Ordinance shall be construed or interpreted in any way as repealing or abolishing any County ordinance intended to have a specific and limited effect.

SECTION 9. **ALTERING OR TAMPERING WITH CODE; PENALTIES FOR VIOLATION.**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof, in any manner whatsoever, which will cause any County ordinance to be misrepresented thereby. Anyone violating this section of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding six hundred dollars (\$600.00), plus costs of prosecution, and, in default of payment thereof, by imprisonment for a term not exceeding thirty (30) days.

SECTION 10. **SEVERABILITY.**

The provisions of this Ordinance adopted hereby are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection,

section, article, chapter or part thereof rendered illegal, invalid or unconstitutional. It is hereby declared to be the intent of the County Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

SECTION 11. **REPEALER.**

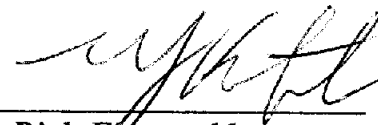
Except as otherwise provided by Section 9 of this Ordinance, any Resolution and Ordinance or any part thereof conflicting with the provisions of this Ordinance is hereby repealed in so far as the same affects this Ordinance.

SECTION 12. **EFFECTIVE DATE**

All provisions of this Ordinance shall enter into force and effect immediately.

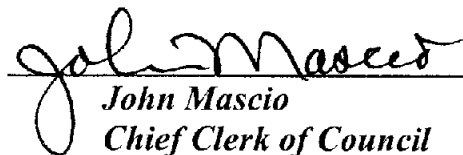
Enacted in Council, this 20th day of June, 2006.

Council Agenda No. 2536-06



Rich Fitzgerald
President of Council

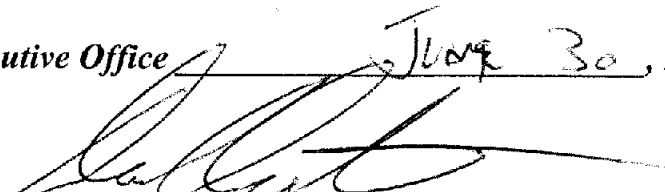
Attest:


John Mascio
Chief Clerk of Council

Chief Executive Office

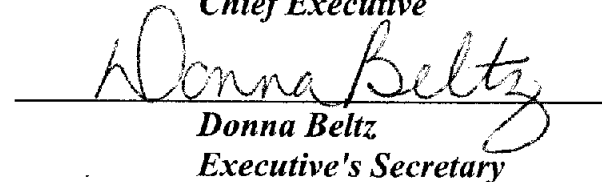
June 30, 2006.

Approved:



Dan Onorato
Chief Executive


Attest:


Donna Beltz
Executive's Secretary

MEMORANDUM

OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

FROM: James M. Flynn, Jr. 
County Manager

DATE: April 12, 2006

RE: Proposed Ordinance

ALLEGHENY COUNTY COUNCIL

'06 APR 12 PM 3:08

Attached is an Ordinance authorizing the placement of certain ordinances of general application of Allegheny County enacted prior to the adoption of home rule and all ordinances of general application of Allegheny County enacted subsequent to the adoption of home rule into a single ordinance to be known and designated as the Code of Ordinances of Allegheny County, accepting, approving, adopting, ordaining and enacting as the Code of Ordinances of Allegheny County that compilation of previously enacted ordinances of general application of Allegheny County, as revised, organized and consolidated into chapters, articles and sections by General Code Publishers Corporation, providing for the continuation of all previously adopted County ordinances, repealing and saving from appeal certain legislation not included in the Code of Ordinances, and providing for the proper maintenance of the Code of Ordinances, and providing for penalties for the altering or the tampering with any chapters, articles and sections of the Code of Ordinances

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

Please place this on the next agenda for County Council approval.

Thank you.