

Bill No. 2567-06

No. 11-06-OR

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, permitting the use of certain County owned property by Prevention Point Pittsburgh.

Whereas, the Director of the Allegheny County Health Department is charged under the Local Health Administrative Law, 16 P.S. §12001, et seq., and the Disease Prevention and Control Act, 35 P.S. §521.3, with prevention and control of communicable disease within Allegheny County; and

Whereas, the Director of the Allegheny County Health Department has determined that there is a Public Health Emergency among certain groups of citizens in Allegheny County caused by the spread of hepatitis, HIV and other communicable disease by means of shared or reused hypodermic needles; and

Whereas, it has been shown elsewhere in the United States and Pennsylvania that distribution of clean hypodermic needles to certain groups of citizens will curtail or limit the spread of these diseases; and

Whereas, the distribution of clean needles under these circumstances is done with the approval of the Secretary of Health and violates no law or regulation of the Commonwealth of Pennsylvania; and

Whereas, Prevention Point Pittsburgh, a private non-profit group, is desirous of using certain Allegheny County and Allegheny County Health Department facilities to facilitate a clean needle exchange program in the hope of preventing the spread of communicable diseases; and

Whereas, the Home Rule Charter of Allegheny County, Article IV Section 2(k), requires that Allegheny County Council approve the use of Allegheny County land, buildings or facilities by others.

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1. Incorporation of the Preamble

The provisions set forth in the preamble to this Ordinance are incorporated by reference as set forth in their entirety herein.

Section 2. Authorization

The County Council of Allegheny County does hereby approve the temporary and intermittent use of certain Allegheny County land, buildings and facilities controlled by Allegheny County Health Department for the distribution and storage of materials deemed necessary as approved by the Director of the Allegheny County Health Department to Prevention Point Pittsburgh for the needle exchange program in order to control certain communicable diseases. The Director of the Allegheny County Health Department is hereby authorized to give his approval and execute any documents necessary to carry out this purpose.

Section 3. Sunset.

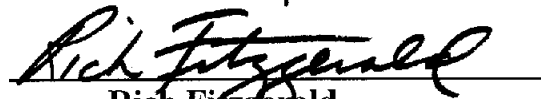
The approval granted in Section 2 of this Ordinance shall remain valid through May 31, 2007.

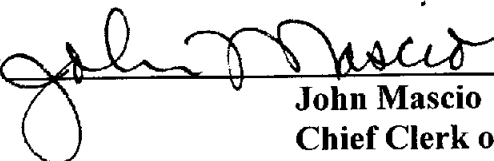
Section 4. Severability. *If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance, which shall be in full force and effect.*

Section 5. Repealer. *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Resolution.*

Enacted in Council, this 17th day of May, 2006,

Council Agenda No. 2567-06


Rich Fitzgerald
President of Council


Attest: 
John Mascio
Chief Clerk of Council

Chief Executive Office _____, 2006

Approved: _____
Dan Onorato
Chief Executive

Attest: _____
Donna Beltz
Executive Secretary

I do hereby certify that the foregoing Ordinance, duly engrossed and certified, was delivered by me to the Chief Executive for his approval or disapproval and that the Chief Executive failed to approve or disapprove the same, whereupon, it became law without his approval under the provisions of Section 311.07(E) of the Administrative Code of Allegheny County.


John Mascio
Chief Clerk of Council

MEMORANDUM
OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

FROM: James M. Flynn, Jr.
County Manager

DATE: April 27, 2006

RE: Proposed Ordinance

JA u/m/lee

ALLEGHENY COUNTY COUNCIL

'06 APR 27 AM 9:33

Attached is an Ordinance permitting the use of certain County owned property by Prevention Point Pittsburgh.

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.

Mascio, John

From: Mascio, John
Sent: Thursday, June 01, 2006 9:53 AM
To: Bob Macey; Brenda Frazier; Burn, Jr., James; Caldwell, Susan; Charles Martoni; Cleary, Joan; Dave Fawcett (fawcett@bipc.com); Drozd, Matt; Fawcett, Dave; Finnerty, Michael J.; Jan Rea; Jim Burn; Joan Cleary; John DeFazio; John Defazio; Macey, Robert J.; Martoni, Charles; Matt Drozd; Mike Finnerty; Nerone, Rich; Rich Fitzgerald; Susan Caldwell; Vince Gastgeb; Vince Gastgeb; William Robinson
Cc: Barker, Jared; Catanese, Joe; Liptak, Jennifer M
Subject: Bill No. 2567-06 - Not signed by the Chief Executive

Dear Members of Council,

This is to inform you that Bill No. 2567-06, entitled, "An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, permitting the use of certain County owned property by Prevention Point Pittsburgh.", which was passed in Council on May 17, 2006, was delivered by me to the Chief Executive for his approval or disapproval, and having failed to approve or disapprove of the Legislation, it became law under the provisions of Section 311.07(E) of the Administrative Code.

Mr. Onorato did not provide a letter explaining his reasons for not signing the bill.

I will place a hard copy of this e-mail in your mail slots.

John Mascio