

Bill No. 4455-08

NO. 27-08-0R

## ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending the Section 2 of Ordinance 39-07, in order to postpone the effective date of the Ordinance pending litigation concerning its validity, currently underway in the United States District Court for the Western District of Pennsylvania.

**WHEREAS**, Ordinance 39-07, relating to the restriction of residency for Megan's Law registrants residing within Allegheny County, was passed unanimously by Council on October 23, 2007 and signed into law by the Chief Executive on October 29, 2007; and

**WHEREAS**, Section 2 of Ordinance 39-07 provided that the provisions of the Ordinance would take effect on March 1, 2008; and

**WHEREAS**, subsequent to the effective date of Ordinance 39-07, litigation was commenced in the United States District Court for the Western District of Pennsylvania under the caption Fross, et. al., v. County of Allegheny; and

**WHEREAS**, this litigation challenges the validity of Ordinance 39-07; and

**WHEREAS**, in the interest of obtaining a final ruling on the validity of the Ordinance before enforcing its terms, it is the desire of Council to amend Section 2 of Ordinance 39-07 to delay the effective date contained therein;

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

### ***SECTION 1. Amendment of the Ordinance 39-07***

Section 2 of Ordinance 39-07 is hereby amended as follows:

### ***SECTION 2. Effective Date***

~~The terms of §275-09 shall take effect upon final approval of this Ordinance. The remaining provisions of this Ordinance shall take effect on March 1, 2008. The effective date of this ordinance is suspended until the termination of the lawsuit captioned Fross, et al. v. County of~~

Allegheny, pending in the United States District for the Western District of Pennsylvania at case number 2008-cv-1405 or until May 1, 2009, whichever last occurs.

***SECTION 2. 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 3. 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*Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.*

***PRIMARY SPONSOR: COUNCIL MEMBER GASTGEB***

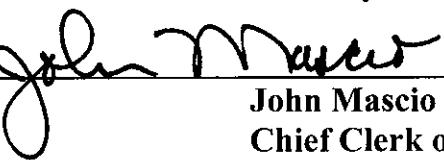
***CO SPONSOR: COUNCIL MEMBER DROZD***

Enacted in Council, this 18<sup>th</sup> day of November, 2008,

Council Agenda No. 4455-08



Rich Fitzgerald  
President of Council

Attest: 

John Mascio  
Chief Clerk of Council

Chief Executive Office November 26, 2008

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

**Dan Onorato**  
**Chief Executive**

Attest: \_\_\_\_\_

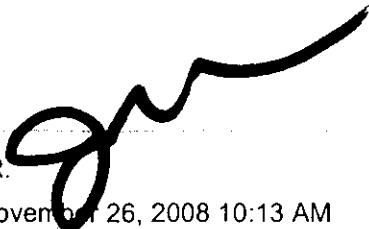
**Donna Beltz**  
**Executive's Secretary**

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

**Mascio, John R.**

**From:** Mascio, John R.   
**Sent:** Wednesday, November 26, 2008 10:13 AM  
**To:** Amanda Green; Bob Macey; Burn, Jr. James; 'Charles Martoni'; Chuck McCullough; Cleary, Joan; Defazio, John P; Drozd, Matt; Ellenbogen, James; Finnerty, Michael J.; Futules Sr., Nicholas; Green, Amanda; 'Jan Rea'; Jim Burn; 'Joan Cleary'; John Defazio; Macey, Robert J.; Martoni, Charles; Mike Finnerty; 'Rich Fitzgerald'; Vince Gastgeb; 'Vince Gastgeb'; 'William Robinson'  
**Cc:** Barker, Jared; Catanese, Joe; Liptak, Jennifer M  
**Subject:** Bill No. 4455-08 Returned by Chief Executive Unsigned

Dear Members of Council,

This is to inform you that Bill No. 4455-08, entitled, "*An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending the Section 2 of Ordinance 39-07, in order to postpone the effective date of the Ordinance pending litigation concerning its validity, currently underway in the United States District Court for the Western District of Pennsylvania.* ", which was passed in Council on November 18, 2008, 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