

Bill No. 2799-06

No. 31-06-OR

AN ORDINANCE

An Ordinance amending Section 880-1, *et seq.*, of the Allegheny County Code of Ordinances by modifying the Section to provide for "Volunteer Organizations."

Whereas, on October 4, 2006, the Chief Executive signed Bill No. 2705-06, which will become effective January 2, 2007 as Sections 880-1 through 880-6 of the Allegheny County Code of Ordinances; and

Whereas, the Chief Executive and County Council believe that the following amendment will clarify the applicability of the recently enacted Allegheny County smoke free legislation to certain volunteer organizations within the County;

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 in their entirety herein

SECTION 2. Amendment of Section 880-1.

Section 880-1 of the Allegheny County Code of Ordinances is hereby amended as follows:

§880-1. Definitions

For the purposes of this Chapter, the following definitions shall apply:

* * *

(n) "Volunteer Organizations" means organizations for charitable, civic, fraternal, social, and religious purposes including but not limited to volunteer fire departments and veterans groups for which events are held that only utilize non-paid volunteers.

SECTION 3. Amendment of Section 880-2.

Section 880-2 of the Allegheny County Code of Ordinances is hereby amended as follows:

§880-2. Smoking Prohibited.

* * *

(b) **Exceptions.** The provisions §880-2(a) shall not apply:

* * *

(4) In Volunteer Organizations. This exception shall not apply to any event conducted by an entity that otherwise meets the definition of a Volunteer Organization under the terms of this Chapter if any person under the age of 18 years is permitted access to that event, whether as staff, guest, or in any other capacity.

* * *

SECTION 4. Repeal of Section 880-2.1.

Section 880-2.1 of the Allegheny County Code of Ordinances is hereby amended and repealed as follows:

~~§880-2.1. Waivers for Certain Fundraising Activities.~~

~~(a) The provisions of §880-2 shall not be applicable in any facility, room, hall, or other regulated area while fundraising activities in which volunteers participate are conducted, provided that:~~

~~(1) The entity conducting the fundraiser and the entity for which the funds being raised are nonprofit or charitable organizations;~~

~~(2) The fundraising event does not share or have in common space with a regulated area that is not subject to an exemption from the terms of §880-2(a);~~

~~(3) Written permission from the owner, lessor, or operator of the facility, room, hall or other area to permit smoking during the fundraiser is obtained and is displayed at the event; and~~

~~(4) The charitable or nonprofit entity submits a written waiver application to the Allegheny County Health Department and forwards a copy of the application to the municipal police department(s) with jurisdiction over the location in which the~~

fundraising event will be held. Such application shall be delivered to the Department by mail or other means at least 21 days before the scheduled start of the fundraising activity and, at a minimum, shall include:

(i) The name of the charitable or nonprofit organization(s) involved;

(ii) An address and telephone number for the charitable or nonprofit organization(s) involved;

(iii) The location, date(s) and time(s) at which the fundraiser will be held;

(iv) A general description of the fundraising activities to be conducted;

(5) The entity receives a written waiver from the Health Department, as follows:

(i) The Department may require that applications include any information deemed pertinent to the identification of the entity applying for a waiver under the terms of this section. The Department may also designate the form of the application and establish written application guidelines. The Department shall issue a written approval or denial of all applications no later than seven days before the scheduled state date for the event to which the application applies, and shall develop a system, policies and procedures for tracking the issuance of all approvals or denials.

(ii) The Department may disapprove an application only if it finds that an applicant does not meet one or more of the requirements of this section. The Department shall provide written notices of all denials that include the specific reason(s) for which any application was not approved.

(iii) In the event that the Department does not issue either an approval or denial of any application within the deadlines prescribed by this section, the application shall be deemed approved.

(6) The entity displays the relevant waiver at the event to which it applies, and provides a copy to the municipal police department(s) with jurisdiction over the location in which the fundraising event will be held.

(7) The entity has received no more than 12 waivers in any calendar year.

~~(8) Minors are not permitted to attend the event.~~

~~(b) For the purposes of this section, "fundraising activities" shall be construed broadly to include any and all activities intended to raise funds or other tangible benefits, including but not limited to in-kind services, for nonprofit or charitable entities.~~

SECTION 5. Effective Date.

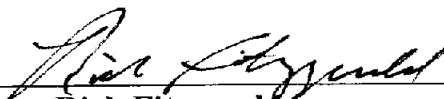
This Ordinance shall take effect upon the effective date of Ordinance No. 23-06-OR.


SECTION 6. Severability. *If any provision of the 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 continue in full force and effect.*

SECTION 7. Repealer. *Any ordinance or any part of an Ordinance conflicting with the provisions of this Ordinance is hereby repealed to the extent of such conflict.*

Enacted in Council, this 24th day of October, 2006

Council Agenda No. 2799-06


Rich Fitzgerald
President of Council

Attest: 
John Mascio
Chief Clerk of Council

Chief Executive Office November 2, 2006

Approved: 
Dan Onorato
Chief Executive

Attest: 
Donna Beltz
Executive's Secretary

MEMORANDUM
OFFICE OF THE COUNTY MANAGER

ALLEGHENY COUNTY COUNCIL

TO: John Mascio
Chief Clerk

FROM: James M. Flynn, Jr.
County Manager

DATE: October 5, 2006

RE: Proposed Ordinance

'06 OCT 5 AM 11:52



Attached is an ordinance amending provisions to Ordinance No. 23-06-OR, which prohibits smoking in certain public places and workplaces, and providing for penalties for violations.

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.