

No. 26-14-OR

## AN ORDINANCE

An Ordinance of the Council of the County of Allegheny ratifying amendments to Allegheny County Health Department Rules and Regulations, for purposes of establishing a Food Safety Fund, pursuant to Section 12011 of the Local Health Administration Law, 16 P.S. §12001 et seq.

**Whereas**, Allegheny County, pursuant to the Local Health Administration Law, 16 P.S. §12001 et seq., created the Allegheny County Health Department, and the Allegheny County Board of Health; and

**Whereas**, the Local Health Administration Law at Section 12011 provides for the Board of Health to adopt regulations and submit such regulations to Allegheny County for approval or rejection; and

**Whereas**, on September 3, 2014, the Allegheny County Board of Health adopted the attached amendments to the Allegheny County Health Department Rules and Regulations, Article III, entitled "FOOD SAFETY;" and

**Whereas**, it is the desire of Council to ratify the Allegheny County Health Department regulation amendments as approved by the Board of Health.

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

***SECTION 1.           Incorporation of Preamble.***

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

***SECTION 2.           Ratification of Regulations.***

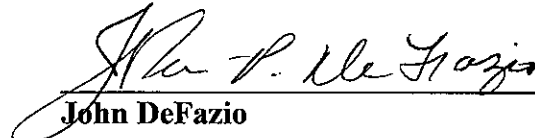
Acting pursuant to the Local Health Administration Law and the Allegheny County Home Rule Charter, County Council hereby ratifies the specific amendments to Article III, entitled "FOOD SAFETY," of the Allegheny County Health Department Rules and Regulations as set forth in the document attached hereto as Exhibit A."

***SECTION 3.           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 Resolution which shall be in full force and effect.***

**SECTION 4. 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 Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Resolution.**

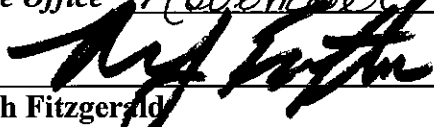
Enacted in Council, this 18<sup>th</sup> day of November, 2014.


Council Agenda No. 8526-14.

  
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**John DeFazio**  
President of Council

Attest:   
\_\_\_\_\_  
**Chief Clerk of Council**

Chief Executive Office November 19, 2014

Approved:   
\_\_\_\_\_  
**Rich Fitzgerald**  
Chief Executive

Attest:   
\_\_\_\_\_  
**Sonya Dietz**  
Executive's Secretary

## **Exhibit A**

### **Proposed Revisions to Article III - Establishment of a Food Safety Fund**

#### **Add Section 337.6**

##### **337.6 Allegheny County Food Safety Fund**

- A) The purpose of Allegheny County Food Safety Fund is to support activities related to the improvement of food safety within Allegheny County and to support activities which will increase or improve knowledge of food safety, as it relates to foodborne illness and its control, so as to benefit public health.
- B) Disposition of Monies Collected. All funds received by the County as a result of reinspections, Owner Requested Inspections, consent orders, consent decrees, or civil penalties relating to actions taken by the Department regarding food safety shall be paid into a special fund known as the Allegheny County Food Safety Fund which is hereby established.
- 1) This fund shall be administered in accordance with the provisions of the Second Class County Charter Law and other applicable laws. The County Treasurer shall invest monies deposited in the Fund and in such manner as not to impair the liquidity of the Fund and shall credit all interest accruing on such monies to the Fund.
  - 2) The Director shall report on the status of the Fund to the Board of Health on a semiannual basis, or at such other intervals as the Board may require.
  - 3) Audits of the Fund shall be performed as required by law.
- C) Disbursements. Disbursements of monies from the Allegheny County Food Safety Fund shall be utilized solely to cover any and all reasonable (direct and indirect) costs incurred by the county and required to develop and administer the County's Food Safety Program. No food facility, which is subject to the provisions of this Article, shall receive monies from the Fund under this section, or services, equipment, or materials purchased with such monies, to fulfill its obligations under this Article, except for Department facilities supporting the Food Safety Program. The Allegheny County Board of Health shall have the sole discretion and authority to make disbursements from this fund as it sees fit from time to time.
- D) At no time for any purpose shall monies be disbursed or borrowed from the Allegheny Food Safety Fund, or otherwise distributed or encumbered, except as specifically allowed under this section.

##### **337.6 337.7. Unconstitutionality Clause**

**Allegheny County Health Department  
Food Safety Program  
Revisions to Article III, "Food Safety" Rules and Regulations**

**Executive Summary**

Proposed revisions to Article III for the establishment of a Food Safety Fund - A Food Safety Fund will ease the financial burden necessitated by the Article III modifications and provide the ability to redirect funds currently allocated to the Environmental Health Fund.

**MEMORANDUM**

**OFFICE OF THE COUNTY MANAGER**

TO: Jared E. Barker  
Allegheny County Council

FROM: William D. McKain CPA  
County Manager

DATE: October 2, 2014

RE: Proposed Ordinance

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Attached is an Ordinance ratifying amendments to Allegheny County Health Department Rules and Regulations, for purposes of establishing a Food Safety Fund, pursuant to Section 12011 of the Local Health Administration Law, 16 P.S. §12001 et seq.

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

I am requesting that this item be placed on the agenda at the next Regular Meeting of Council.

OCT2714 11:42AM

ALLEGHENY COUNTY

COUNCIL