



Allegheny County Council

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Legislation Text

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An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Division 6, entitled “Parks and Recreation,” through the creation of a new sub Chapter 680, entitled “Certain Agreements Prohibited,” in order to prohibit the leasing, sale and/or any other agreements that would permit or otherwise facilitate private and/or public entities engaging in any industrial or commercial land uses within Allegheny County’s parks.

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

SECTION 1 ***Amendment of the Code.***

The Allegheny County Code of Ordinances, Division 6, entitled “Parks and Recreation,” is hereby amended and supplemented through the creation of a new Chapter 680, entitled “Certain Agreements Prohibited,” and comprised as follows:

Chapter 680
Certain Agreements Prohibited

§680-1. Intent.

It is the intent of the County of Allegheny is to recognize and embrace its obligations as the trustee of County-owned park lands and to protect such lands from commercial or industrial uses. Allegheny County parks are a public, natural resource and intended solely for the recreational use and enjoyment of people and, to provide for the preservation and conservation of all life forms that reside within.

Pursuant to the Pennsylvania Constitution at Article I, Section 27, these park lands are the common property of all the people, including generations yet to come. As the trustee of the county’s parks, the county shall conserve and maintain them for the benefit of all of the people in perpetuity.

§680-2. Prohibition.

Allegheny County shall be prohibited from entering into any lease, sale and/or any other agreements that would permit or otherwise facilitate private and/or public entities to engage in any industrial or commercial land uses, on the surface or below the surface of any lands Allegheny County has designated as a park.

Prohibited activities include but, are not limited to, mining of minerals, natural gas extraction by conventional or unconventional (commonly known as “fracking”) means and/or utilization of any other extractive technologies and/or methods, quarrying, aggregate extraction, commercial forestry, private or public housing, and/or any other land uses that are not directly associated with the public’s recreational use and enjoyment of county parks.

§680-3. Effect on Existing Agreements.

The provisions of §680-2 shall not be read, interpreted, or otherwise deemed to have any effect upon any lease, memorandum of understanding, or other contractual agreement relating to the use of County-owned park property in force as of the effective date of this Chapter. The provisions of §680-2 shall, however, apply to any extension or amendment expanding the scope of an existing agreement and/or any new or successive agreement.

SECTION 2. Effective Date.

The provisions of this Ordinance shall become effective immediately upon final approval.

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 Ordinance 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 Ordinance.