

No. 30-16-OR

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, establishing new fees for the County Fire Marshal's administration and enforcement of the Commonwealth's Combustible and Flammable Liquids Act's rules and regulations.

Whereas, the Allegheny County Department of Emergency Services, (hereinafter referred to as "Emergency Services includes the Allegheny County Fire Marshal's Office, (hereinafter referred to as "Fire Marshal"); and

Whereas, Section 6104.1 (a) of the Second Class County Code authorizes Allegheny County, through its Fire Marshal, to administer and enforce, except in the City of Pittsburgh, rules and regulations promulgated by the Pennsylvania Department of Labor and Industry under Section 4(b) of the Combustible and Flammable Liquids Act, 35 P.S. § 1241 *et seq.*, which are set forth in Chapter 14 of 34 Pa. Code, governing the possession, use, storage and sale of combustible and flammable liquids; and

Whereas, Section 6104.1 of the Second Class County Code also authorizes Allegheny County to collect reasonable fees for administering and enforcing Commonwealth's Combustible and Flammable Liquids Act's rules and regulations; and

Whereas, the County's fees for administering and enforcing the Commonwealth's Combustible and Flammable Liquids Act's rules and regulations were last set by an ordinance approved by the then Board of Allegheny County Commissioners on November 11, 1976; and

Whereas, Emergency Services has recommended that the fees charged by the County for administering and enforcing Commonwealth's Combustible and Flammable Liquids Act's rules and regulations should be reasonably increased from the amounts set almost forty years ago to cover the increased costs of administration and enforcement; and

Whereas, Article IV, Section 2.b. of the Allegheny County Home Rule Charter vests the County's Council with the power to establish fees and service charges.

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. Allegheny County Fire Marshal Flammable and Combustible Liquid Act Fee Schedule.

A. The County's fees for administering and enforcing Commonwealth's Combustible and Flammable Liquids Act's rules and regulations within Allegheny County, excluding the City of Pittsburgh, shall be as set forth on the schedule of fees incorporated by reference in its entirety herein and attached hereto as Exhibit "A."

B. The Fire Marshal shall send a bill to a person, as defined in Section 1242 of the Combustible and Flammable Liquids Act, for whom the Fire Marshal has provided a service as described in the attached Exhibit A. The person receiving the bill for the Fire Marshal's services shall remit payment to the Fire Marshal within thirty (30) days of receipt of the bill. The Fire Marshal shall mail all bills for services rendered to a person no later than the 31st of December of each calendar year.

Section 3. Effective Date.

This Ordinance shall enter into effect on January 1, 2017.

Section 4. Severability.

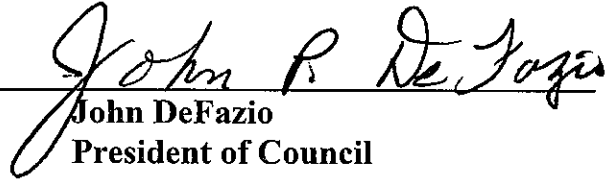
If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance, which shall be in full force and effect.

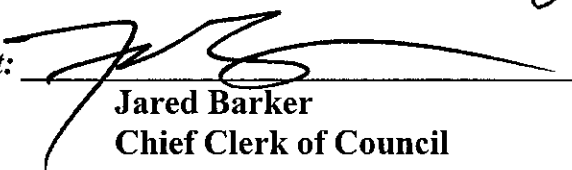
Section 5. Repealer.

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

Enacted in Council, this 30th day of August, 2016

Council Agenda No. 9746-16


John DeFazio
President of Council

Attest: 
Jared Barker
Chief Clerk of Council

Chief Executive Office September 2, 2016

Approved: 
Rich Fitzgerald
Chief Executive

Attest: 
Sonya Dietz
Executive's Secretary

SUMMARY PAGE

Section 6104.1 (a) of the Second Class County Code authorizes Allegheny County, through its Fire Marshal, to administer and enforce, except in the City of Pittsburgh, rules and regulations promulgated by the Pennsylvania Department of Labor and Industry under Section 4(b) of the Combustible and Flammable Liquids Act, 35 P.S. § 1241 *et seq.*, which are set forth in Chapter 14 of 34 Pa. Code, governing the possession, use, storage and sale of combustible and flammable liquids. Section 6104.1 of the Second Class County Code also authorizes Allegheny County to collect a reasonable fee for the Fire Marshal's administration and enforcement of these rules and regulations.

The current fees charged the County's fees for administering and enforcing the Commonwealth's Combustible and Flammable Liquids Act's rules and regulations were last set by an ordinance approved by the then Board of Allegheny County Commissioners on November 11, 1976. Personnel and administrative expenses associated with the performance of the reviews and inspections conducted by the Fire Marshal of the facilities subject to the Combustible and Flammable Liquids Act for increased over the nearly forty years when the current fee schedule was established. It is for this reason that the Department of Emergency Services respectfully request the approval of Allegheny County Council to increase these fees. A summary of changes to fees is below:

- A. For new installation or reinstallation of aboveground storage tanks, fee increased from \$50 to \$325 based on calculation of personnel and administrative costs.
- B. For new installation or reinstallation of underground storage tanks, fee increased from \$25 to \$450 based on calculation of personnel and administrative costs.
- C. For annual inspection of facilities with underground or aboveground storage tanks, proposed fee of \$325 for aboveground storage and \$450 for underground storage.
- D. For each dispensing unit, privately-owned, publicly-owned and commercially used, fee increased from \$10 to \$50 based on consumer price index/inflation.

EXHIBIT A

Allegheny County Fire Marshal's Office

Fee Schedule for Above-ground Storage Tank (AST) and Underground Storage Tank (UST):

#1 – AST new site installation = \$325.00 – review of application and documentation, site visit and inspection to approve installation

#2 – UST new site installation = \$450.00 – review of application and documentation, site visit and inspection to approve installation

#3 – AST rebuild installation at existing location = \$325.00 – review of application and documentation, site visit and inspection to approve rebuild

#4 – UST rebuild installation at existing location = \$450.00 – review of application and documentation, site visit and inspection to approve rebuild

#5 – AST inspection = \$325.00 – annual on-site inspection

#6 – UST inspection = \$450.00 – annual on-site inspection

#7 – Dispensing pump annual registration fee = \$50/dispensing unit

MEMORANDUM
OFFICE OF THE COUNTY MANAGER

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: July 7, 2016

RE: Proposed Ordinance

Attached is an Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, establishing new fees for the County Fire Marshal's administration and enforcement of the Commonwealth's Combustible and Flammable Liquids Act's rules and regulations.

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.

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