

Bill No. 4208-08

No. 24-08-08

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania directing that an ordinance be submitted by referendum question to the registered voters of the County on the November 2008 General Election ballot.

WHEREAS, County Council believes that it is appropriate to place before the registered voters of the County the question of whether an ordinance should be passed to increase County real estate taxes to replace the revenue lost as a result of the abolishment of the alcoholic drink tax and abolish the alcoholic drink tax; and

WHEREAS, approval of the referendum question by the voters would enact an ordinance consistent with the question, which ordinance is set forth in provisional form herein.

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. Ballot Question.

The Allegheny County Board of Elections is directed to place the following question on the November, 2008 General Election Ballot:

Shall the County enact an ordinance to increase real estate taxes in order to repeal the alcoholic drink tax?

SECTION 3. Provisional Amendment of the Administrative Code.

If the Board of Elections certifies that the ballot question set forth in Section 2 above has been approved by the registered electors of the County, then the Administrative Code shall be amended as follows, immediately upon the certification by the Board of Elections:

Article 808A, section 5-808A.02 of the Administrative Code of Allegheny County is amended as follows:

§ 5-808A.02. Imposition Repeal of alcoholic drink tax and substitution of revenues.

A tax is hereby imposed upon the sale at retail in the County of liquor and malt and brewed beverages, which are sold or dispensed during Tax Year 2008, or any part thereof, and for each tax year thereafter, by any person licensed by the Commonwealth of Pennsylvania to sell or dispense liquor or malt or brewed beverages. The tax shall be levied at the rate of 10% of the sale price of each beverage meeting the definition of "liquor" or "malt or brewed beverages" contained within this article. The tax imposed upon the sale at retail in the County of liquor and malt and brewed beverages is repealed effective 6:00 am, January 1, 2009. For 2009 and all future tax years, the revenues that would have been generated by the repealed tax imposed upon the sale at retail in the County of liquor and malt and brewed beverages shall be replaced by a concomitant increase in the tax levy and rate as authorized by section 5-808.01 of this Administrative Code. Further, section 5-808A.01 and sections 5-808A.03 through 5-808A.08 shall be repealed immediately upon the County Treasurer providing written certification to the Chief Executive and Council President that these sections are no longer needed to collect any unpaid and/or delinquent taxes imposed on the sale at retail in the County of liquor and malt and brewed beverages during Tax Year 2008.

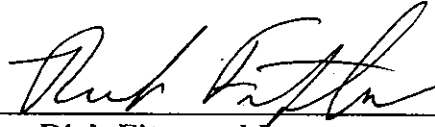
SECTION 4. Severability. *If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.*

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 Resolution.*

PRIMARY SPONSOR: PRESIDENT FITZGERALD

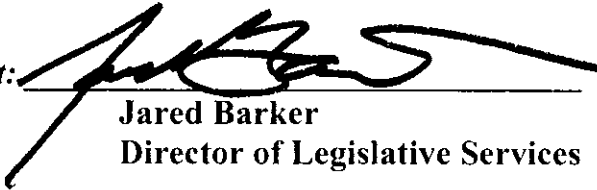
Enacted in Council, this 29th day of July, 2008,

Council Agenda No. 4208-08



Rich Fitzgerald
President of Council

Attest:



Jared Barker
Director of Legislative Services

Chief Executive Office

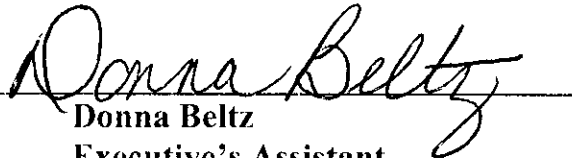
August 1, 2008

Approved:



Dan Onorato
Chief Executive

Attest:



Donna Beltz
Executive's Assistant



DAN ONORATO
COUNTY EXECUTIVE

COUNTY OF ALLEGHENY

OFFICE OF THE COUNTY EXECUTIVE

101 COURTHOUSE • 436 GRANT STREET
PITTSBURGH, PA 15219
PHONE (412) 350-6500 • FAX (412) 350-6512
WWW.ALLEGHENYCOUNTY.US

August 1, 2008

The Honorable Rich Fitzgerald, President
Allegheny County Council
119 Courthouse
436 Grant Street
Pittsburgh, PA 15219

Dear President Fitzgerald:

I am hereby returning with my signature Ordinance 4208-08, which will place a referendum question to the registered voters of the County on the November 2008 General Election ballot. This referendum would not be necessary if it were not for the possibility of another ballot question that violates the Allegheny County Home Rule Charter's balanced budget amendment requirements.

As you know, I am vehemently opposed to increasing property taxes in Allegheny County to fund mass transit. Ordinance 4208-08 will also give Allegheny County property owners the opportunity to express their opposition to raising property taxes in order to fund mass transit. I will be working to encourage a no vote on this referendum.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Onorato".

Dan Onorato
Allegheny County Executive



DAN ONORATO
CHIEF EXECUTIVE

COUNTY OF ALLEGHENY

DEPARTMENT OF ADMINISTRATIVE SERVICES ELECTIONS DIVISION

604 COUNTY OFFICE BUILDING • 542 FORBES AVENUE
PITTSBURGH, PENNSYLVANIA 15219-2953
PHONE (412) 350-4500 • FAX (412) 350-5697

TIMOTHY H. JOHNSON
DIRECTOR

MARK WOLOSIK
DIVISION MANAGER

August 4, 2008

Notice of Filing

Jared Barker, Director of Legislative Services
Office of County Council
119 Court House
436 Grant St.
Pittsburgh, PA 15219

Dear Mr. Barker:

This will serve as a notice of the filing of Ordinance No. 24-08-OR, proposing that a Referendum be held at the upcoming November 4, 2008 General Election. The purpose of the Referendum is to determine "whether an ordinance should be passed to increase County real estate taxes to replace the revenue lost as a result of the abolishment of the alcoholic drink tax and abolish the alcoholic drink tax". The complete text of the proposed ordinance is attached.

Please note that the above Ordinance was filed in Room 604, County Office Building, on August 4, at 10:18 a.m.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark Wolosik".

Mark Wolosik, Division Manager and Receiving Clerk
Department of Administrative Services
Elections Division

Attachment

cc: The Honorable Rich Fitzgerald
The Honorable Dan Onorato
James M. Flynn, Jr.
Michael H. Wojcik, Esq.
John Mascio