

Bill No. 9187-15

No. 31-15-OR

AN ORDINANCE

An ordinance authorizing the County of Allegheny to impose a fee of \$5.00 for each nonexempt vehicle registered to an address located within Allegheny County to be used for transportation projects and other authorized expenditures as provided by 75 Pa.C.S. §1935.

Whereas, Act 89 of 2013, amending 75 Pa.C.S. §1935, allows all Counties within the Commonwealth of Pennsylvania, at their discretion, to impose a \$5.00 county fee for every non-exempt vehicle registered to an address located within said County; and

Whereas, beginning January 1, 2015, 75 Pa.C.S. §1935 requires each County that elects to implement the fee to adopt an Ordinance authorizing the same; and

Whereas, 75 Pa.C.S. §1935 requires that any County that adopts an Ordinance notify the Pennsylvania Department of Transportation (Department) on or following the enactment date and no sooner than 90 days prior to the effective date of the Ordinance; and

Whereas, following notice to the Department, 75 Pa.C.S. §1935 directs the Department to collect the county fee at the time of vehicle registration, and to deposit receipts into a Fee for Local Use Fund; and

Whereas, 75 Pa.C.S. §1935 directs that the money paid into the Fee for Local Use Fund shall be distributed by the Department to each participating County, in accordance with the amount collected from said County; and

Whereas, funds payable to a County from the Fee for Local Use Fund shall be used by the County for transportation purposes or be allocated by the County to municipalities in the County in accordance with 75 Pa.C.S. §9010(c) (related to the County Liquid Fuels Tax Fund); and

Whereas, the Allegheny County Chief Executive has determined that the \$5.00 county fee authorized pursuant to 75 Pa.C.S. §1935 is in the best interest of Allegheny County in will help defray the costs of vitally needed capital and maintenance transportation projects; and,

Whereas, the elected County Council of Allegheny County agree that the \$5.00 county fee authorized pursuant to 75 Pa.C.S. §1935 will provide a revenue source to fund vitally needed capital and maintenance transportation projects in Allegheny 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. Council Finding.

County Council, finding that it is in the best interests of Allegheny County, hereby enacts this Ordinance levying a \$5.00 county fee pursuant to 75 Pa.C.S. §1935 for each non-exempt vehicle registered to an address located in Allegheny County. Said fee is to be collected by the Pennsylvania Department of Transportation for the benefit of the County at the time of each annual vehicle registration or such other regular intervals depending upon the vehicle registration classification.

SECTION 3. Fee Use.

The fees collected pursuant to this Ordinance shall be used by Allegheny County for transportation purposes or shall be allocated by Allegheny County in accordance with 75 Pa.C.S. §9010(c) (related to the County Liquid Fuels Tax Fund) and consistent with guidance issued by the Department.

SECTION 4. Notice to Department of Transportation.

County Council directs the Chief Clerk to immediately notify the Department of the enactment of this ordinance by Allegheny County of the \$5.00 county fee, as required by 75 Pa.C.S. §1935.

SECTION 5. Effective Date of Ordinance.

Pursuant to 75 Pa.C.S. §1935, this Ordinance and the \$5.00 fee levied under this Ordinance take effect as of January 1, 2016.

SECTION 6. 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.

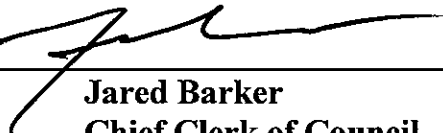
SECTION 7. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

Enacted in Council, this 6th day of October, 2015

Council Agenda No. 9187-15



John DeFazio
President of Council

Attest: 

Jared Barker
Chief Clerk of Council

Chief Executive Office October 7, 2015

Approved: 

Rich Fitzgerald
Chief Executive

Attest: 

Sonya Dietz
Executive's Secretary

SUMMARY PAGE
ORDINANCE TO IMPOSE A \$5.00 FEE ON ALL ON NON-EXEMPT VEHICLES
REGISTERED IN ALLEGHENY COUNTY TO DEFRAID COSTS OF TRANSPORTATION
PROJECTS AND OTHER PERMITTED EXPEDITURES UNDER 75 Pa.C.S. §1935

Act 89 of 2013, amending 75 Pa.C.S. § 1935 (Act 89) permits all Pennsylvania Counties to adopt a \$5.00 fee upon non-exempt vehicles registered to an address within said County. The \$5.00 fee is collected by the Pennsylvania Department of Transportation (“PennDOT”) and set aside in a special Fee for Local Use Fund Account (“Fund Account”) and then distributed to each participating County. Moneys paid out of the Fund Account may be used in any way that Liquid Fuels money can be expended for transportation purposes, including construction and maintenance of County roads and bridges. Act 89 requires that the local County adopt an Ordinance implementing the \$5.00 fee and notify PennDOT of its adoption.

MEMORANDUM
OFFICE OF THE COUNTY MANAGER

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: September 24, 2015

RE: Proposed Ordinance

SEP 24 15 10:55AM
ALLEGHENY COUNTY
COUNCIL

Attached is an ordinance authorizing the County of Allegheny to impose a fee of \$5.00 for each nonexempt vehicle registered to an address located within Allegheny County to be used for transportation projects and other authorized expenditures as provided by 75 Pa.C.S. §1935.

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.