

No. 34-07-OR

AN ORDINANCE

An Ordinance amending and supplementing the Allegheny County Code of Ordinances, Division 1, entitled "Administrative Code," by the creation of a new §5-311.09, entitled "Fee Setting Legislation," in order to provide a uniform mechanism for the alteration of fees set by Allegheny County.

WHEREAS, implementing any new structure for any of the fees collected by Allegheny County would constitute a significant change in the offering of the County's services, and would affect a large cross section of the population that uses these services; and

WHEREAS, a change of this significance should require a broad approval from County Council in order to ensure the highest degree of protection for and consideration of all of the County's residents; and

WHEREAS, the Allegheny County Home Rule Charter indicates a clear intent on the part of its drafters to limit both the real estate tax rate and the revenue that can be derived from real estate taxation, and it is the sense of Council that any alteration of fees collected by the County should be subject to constraints consistent with this spirit of protecting the public's interest in ensuring that the need for taxation or fees be closely scrutinized in every instance; and

WHEREAS, Article IV, Section 2.b. of the Allegheny County Home Rule Charter specifically delegates the power to levy fees and service charges to Council;

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

SECTION 1.

The Allegheny County Code of Ordinances, Division 1, entitled "Administrative Code," is hereby amended by the addition of a new §5-311.09, entitled "Fee Setting Legislation," as follows:

§5-311.09. Fee setting legislation.

To the extent permissible by applicable state or federal law or the Home Rule Charter of Allegheny County, any bill creating, setting, or in any fashion altering any fee charged or collected by the County shall only be approved upon an affirmative vote by two thirds (2/3) of the seated members of Allegheny County Council.

SECTION 2 . *Severability.*

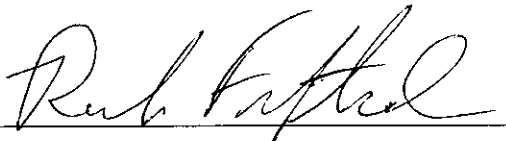
If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

PRIMARY SPONSOR: COUNCIL MEMBER CLEARY

***CO-SPONSORS: COUNCIL PRESIDENT FITZGERALD & COUNCIL MEMBERS
FINNERTY & DEFAZIO***

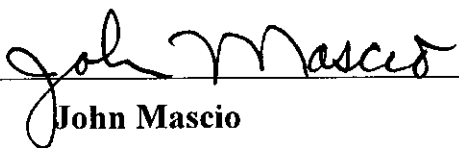
Enacted in Council, this 11th day of September, 2007,

Council Agenda No. 3345-07



Rich Fitzgerald

President of Council

Attest: 

John Mascio

Chief Clerk of Council

Chief Executive Office September 21, 2007

Approved: 

Dan Onorato

Chief Executive

Attest: 

Donna Beltz

Executive's Secretary