



# Allegheny County Council

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## Legislation Details (With Text)

**File #:** 9746-16      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Enacted

**File created:** 7/8/2016      **In control:** Chief Clerk

**On agenda:**      **Final action:** 8/30/2016

**Title:** 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.

**Sponsors:** Chief Executive

**Indexes:**

**Code sections:**

**Attachments:** 1. 30-16-OR 9746-16.pdf

Date	Ver.	Action By	Action	Result
9/2/2016	1	Chief Executive	Signed by Chief Executive	
8/30/2016	1	County Council		
8/24/2016	1	Committee on Budget and Finance	Affirmatively Recommended	Pass
7/12/2016	1	County Council		

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 Marshall shall mail all bills for services rendered to a person no later than the 31<sup>st</sup> 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.***