

No. 2018-04
ORDINANCE

An Ordinance of the County of Luzerne for the Implementation of a Fee for Local Use as Provided by 75 Pa.C.S. §1935 Allowing a County to Impose a County Fee of \$5.00 for Each Non-Exempt Vehicle Registered to an Address Located Within its Borders

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

WHEREAS, 75 Pa.C.S. §1935 requires each County that elects to implement this fee to pass an Ordinance authorizing the same; and

WHEREAS, beginning January 1, 2015, 75 Pa.C.S. §1935 authorizes counties to enact ordinances to levy the county fee; and

WHEREAS, 75 Pa.C.S. §1935 requires the County to notify the Pennsylvania Department of Transportation (“PennDOT”) on or following the enactment date and at a minimum ninety (90) days prior to the effective date of the Ordinance; and

WHEREAS, upon levy by Ordinance of the County and due notice to PennDOT, 75 Pa.C.S. §1935 directs PennDOT 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 PennDOT 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, along with matching funds from the Commonwealth of Pennsylvania, 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, in 2017, PennDOT announced an initiative in which it would match counties’ fees collected for local use dollar for dollar up to a 2 million dollar cap with such matching funds mandated to be used on County owned bridges; and

WHEREAS, Luzerne County Council has determined that it wishes to impose the \$5.00 County fee authorized pursuant to 75 Pa.C.S. §1935.

NOW THEREFORE, be it ordained and enacted by county council for the County of Luzerne as follows:

Section 1. Imposition of Local Use Vehicle Registration Fee.

The five dollar (\$5.00) local use vehicle registration fee authorized in 75 Pa.C.S. §1935 of the Pennsylvania Motor Vehicle Code is hereby imposed on all non-exempt vehicles registered to an address within Luzerne County.

Section 2. Use of Vehicle Registration Fee Funds.

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

Section 3. Notice to the Pennsylvania Department of Transportation.

Notice of enactment of this Ordinance shall be provided to the Department of Transportation no later than June 03, 2018.

Section 4. Effective Date.

The Effective Date of this Ordinance shall be September 01, 2018. (Luzerne County must give PennDOT at least 90 days advanced notice of enactment prior to the effective date of collection of fees. PennDOT recommends the effective date be the first day of a calendar month.)

Section 5. Sunset Provision.

The five dollar (\$5.00) local use vehicle registration fee shall automatically be repealed with no further action of Luzerne County Council being necessary should PennDOT terminate its initiative of the dollar for dollar match to counties' fees for local use collected.

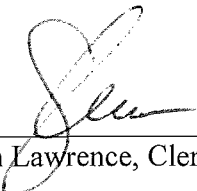
ENACTED at a meeting of the Luzerne County Council held on the 8th day of May, 2018.

ROLL CALL VOTE (7-4)

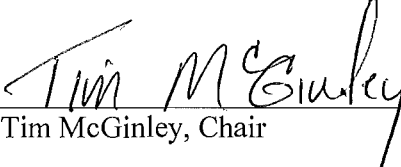
YES: Kelleher, McGinley, Perry, Saidman, Schnee, Vough and Waitkus

NO: Brominski, Haas, Houck and SA Urban

Attest:


Sharon Lawrence, Clerk of Council

LUZERNE COUNTY COUNCIL

By: 
Tim McGinley, Chair

By: 
Eugene Kelleher, Vice-Chair