**COUNTY OF LYCOMING**

**COMMONWEALTH OF PENNSYLVANIA**

**ORDINANCE NO. 2017-02**

**AN ORDINANCE**

AN ORDINANCE for the implementation of a fee for local use as provided by 75 Pa.C.S.A. § 1935, allowing a county, in its discretion, to impose a county fee of FIVE DOLLARS ($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.A. § 1935, allows all counties within the Commonwealth of Pennsylvania, at their discretion, to impose a five dollar ($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.A. § 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.A. § 1935 authorizes a county to enact an ordinance to levy the county fee; and

WHEREAS, 75 Pa.C.S.A. § 1935 requires the County to notify the Pennsylvania Department of Transportation (“Department”) on or following the enactment date and no sooner than ninety (90) days prior to the effective date of the Ordinance; and

WHEREAS, upon levy by ordinance of the county and due notice to the Department, 75 Pa.C.S.A. § 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.A. § 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.A. § 9010(c) (related to the County Liquid Fuels Tax Fund); and

WHEREAS, the County of Lycoming has determined that it wishes to impose the $5.00 county fee authorized pursuant to 75 Pa.C.S.A. § 1935 and hereby presents this Ordinance for approval.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE COMMISSIONERS OF THE COUNTY OF LYCOMING, AS FOLLOWS:

Section 1. The Board of Commissioners of the County of Lycoming, finding that it is in the best interests of the County of Lycoming, hereby enacts this Ordinance levying a $5.00 county fee pursuant to 75 Pa.C.S.A. § 1935 for each non-exempt vehicle registered to an address located in the County of Lycoming. The Ordinance shall be known as the “Act 89 Non-Exempt Vehicle Five Dollar Registration Fee for Local Use Ordinance.”

Section 2. The fees collected pursuant to this Ordinance shall be used by the County of Lycoming for transportation purposes or shall be allocated by the County of Lycoming in accordance with 75 Pa.C.S.A. § 9010(c) (related to the County Liquid Fuels Tax Fund) and consistent with guidance issued by the Department.

Section 3. The Board of Commissioners of the County of Lycoming directs the Chief Clerk to notify the Department of the enactment of this Ordinance by the County of Lycoming of the $5.00 county fee, as required by 75 Pa.C.S.A. § 1935.

Section 4. Pursuant to the provisions of 75 Pa.C.S.A. § 1935, the Board of Commissioners of the County of Lycoming may repeal this Ordinance through appropriate public action subject to the requirement of at least ninety (90) days’ notice to the Department to cease the collection of the county fee authorized hereunder.

Section 5. Pursuant to 75 Pa.C.S.A. § 1935, this Ordinance and the five dollar ($5.00) fee levied under this Ordinance by the County of Lycoming shall be effective the 1st day of October, 2017, and shall remain in effect until the expiration of the appropriate enabling legislation, or amendment thereof, or by action of the Board of Commissioners of the County of Lycoming.

Duly enacted this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 2017.

 **COUNTY OF LYCOMING**

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ATTEST: R. Jack McKernan, Chairman

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Matthew A. McDermott, Chief Clerk Tony R. Mussare, Vice Chairman

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 Richard Mirabito, Secretary