

**BOARD OF COMMISSIONERS
COUNTY OF YORK
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE 2016-02

**AN ORDINANCE IMPLEMENTING LOCAL USE FEE FOR NONEXEMPT
VEHICLES REGISTERED TO ADDRESS IN YORK COUNTY**

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 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 a county to enact an ordinance to levy the county fee; and

WHEREAS, 75 Pa.C.S. §1935 requires the county to notify the Pennsylvania Department of Transportation (Department) on or following the enactment date and at a minimum 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. §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 York County Commissioners have determined that the County of York, Pennsylvania shall impose the \$5.00 county fee authorized pursuant to 75 Pa.C.S. §1935.

NOW THEREFORE, with the above matters incorporated by reference herein, it is **HEREBY ORDAINED AND ENACTED**, the following Ordinance, as follows:

Section 1. **Imposition of Use Fee.** The Board of Commissioners of the County of York, Pennsylvania, finding that it is in the best interest of York County, Pennsylvania, 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 York County, Pennsylvania.

Section 2. **Utilization of Fee.** The fees collected pursuant to this Ordinance shall be used by York County, Pennsylvania for transportation purposes or shall be allocated by York County, Pennsylvania 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 3. **Notice.** The Board of Commissioners of York County, Pennsylvania directs the Chief Clerk to notify the Department of the enactment of this ordinance by York County, Pennsylvania of the \$5.00 county fee, as required by 75 Pa.C.S. §1935.

Section 4. **Repealer.** This Ordinance shall supersede and repeal all ordinances, resolutions and parts thereof inconsistent or conflicting herewith.

Section 5. **Effective Date.** This Ordinance and the \$5.00 fee levied under this Ordinance by York County, Pennsylvania shall become effective on October 1, 2016.

Section 6. **Severability Clause.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such

unconstitutionality, illegality or invalidity shall not affect or impair the remaining provisions, sentences, clauses, section or parts of this Ordinance. It is hereby declared to be the intent of the York County Board of Commissioners that this Ordinance would have been adopted and would be enforceable had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

Duly enacted and ordained this 15th day of June, 2016, by the Board of Commissioners of York County, Pennsylvania in lawful session duly assembled.

ATTEST:

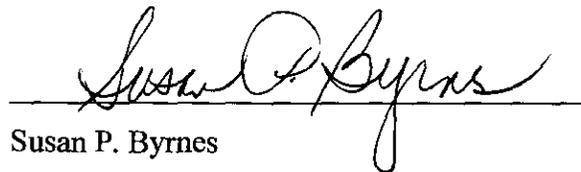
COUNTY OF YORK



Sherry Baer

Chief Clerk/Office Manager

(SEAL)



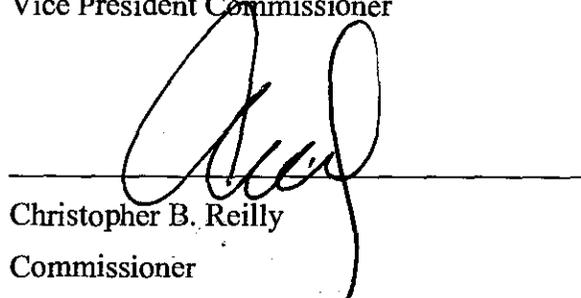
Susan P. Byrnes

President Commissioner



Doug Hoke

Vice President Commissioner



Christopher B. Reilly

Commissioner

The above Ordinance was ordained, enacted, and adopted this 15th day of June 2016, at a regular meeting of the Board of Commissioners of the County of York duly advertised and assembled upon motion of Commissioner Hoke and seconded by Commissioner Reilly and passed with a vote of 3 yes and 0 no.