

BOARD OF COUNTY COMMISSIONERS
COUNTY OF CENTRE
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE 2 of 2017

AN ORDINANCE for the implementation of a fee for local use as provided by 75 Pa.C.S. §1935, allowing a county, in its discretion, to impose a county fee of \$5.00 for each non-exempt vehicle registered to an address located within its borders.

WHEREAS, local transportation projects increase safety, decrease damage to vehicles, improve quality of life, increase economic development, create local jobs, and benefit locally-owned businesses; and

WHEREAS, a retired person earning less than \$19,200 per year may be eligible for a flat \$10 state registration fee for one vehicle in accordance with PA MV-371, and if eligible, would not be charged the \$5 fee in addition to the same; and

WHEREAS, since 1988, the Board of Commissioners of Centre County (“Board”) has awarded an average of \$184,842.67 annually in liquid fuels grants to municipalities; and

WHEREAS, since 1995, the Board has received an average of \$1,008,010.24 in applications annually from municipalities for liquid fuels grants; and

WHEREAS, between 2008 and 2017, there has been a funding gap on average of \$735,006 annually of liquid fuels requests to the Board; and

WHEREAS, municipalities in Centre County own and maintain 58 bridges over 20 feet in length and of those, 13 local bridges have deterioration to one or more of their major components and are designated as “structurally deficient”; and

WHEREAS, President Donald J. Trump has proposed spending “one trillion dollars” on infrastructure with hundreds of billions of dollars for transportation projects; and

WHEREAS, municipalities and counties are often required to contribute matching funds for state and federal transportation projects; and

WHEREAS, in February 2017, the Pennsylvania Department of Transportation (Department) announced its new Road Maintenance and Preservation (Road MaP) program with \$2 million reserved for each county that has passed an ordinance, with a 50% local match commitment; and

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 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 fee; and

WHEREAS, 75 Pa.C.S. §1935 requires a county to notify the Department on or following the enactment date and no sooner than 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 the vehicles registered in 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, Centre County has determined that it wishes to impose the \$5 fee authorized pursuant to 75 Pa.C.S. §1935 and hereby presents the following Ordinance #2 of 2017 for approval.

NOW THEREFORE, the Board enacts Ordinance #2 of 2017 as follows:

Section 1. The Board, finding that it is in the best interests of Centre County, hereby enacts this Ordinance levying a \$5 fee pursuant to 75 Pa.C.S. §1935 for each non-exempt vehicle registered to an address located in Centre County.

Section 2. Without further Ordinance or official action, the Board shall not increase the fee above the \$5 even if the Commonwealth amends 75 Pa.C.S. §1935 to allow counties to increase the fee above \$5.

Section 3. The fees collected pursuant to this Ordinance shall be used by Centre County for transportation purposes or shall be allocated by Centre County 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 4. The Board directs the Administrator/Chief Clerk to work with staff to identify opportunities to leverage the \$5 fee with state and federal funds, utilize an objective evaluation of transportation projects for funding and focusing on safety and need, and update the County's Liquid Fuels Application Process.

Section 5. The Board directs the Administrator/Chief Clerk to work with staff to develop a webpage on the Centre County website with updated data on the total amount of \$5 fee received and how the fee is allocated, spent, and leveraged.

Section 6. The Board directs the Administrator/Chief Clerk to work with staff to create an annual report on the \$5 fee beginning on July 1, 2018, and on the same date every year thereafter for as long as the \$5 fee is collected and funds are utilized.

Section 7. The Board directs the Administrator/Chief Clerk to notify the Department of the enactment of this ordinance by Centre County of the \$5 fee, as required by 75 Pa.C.S. §1935.

Section 8. If any section, clause, phrase, portion or provision of this Ordinance is for any reason determined by a court of competent jurisdiction to be invalid, such holding shall not affect the validity of the remaining portions of the Ordinance.

Section 9. This \$5 fee shall sunset five years after its enactment. The Board shall have the option, in public vote during the year 2022, to continue ORDINANCE #2 of 2017 for an additional five years. Should ORDINANCE #2 of 2017 sunset without continuation, the Board directs the Administrator/Chief Clerk to notify the Department of the rescindment of this ordinance by Centre County and to stop collecting the \$5 fee.

Section 10. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 11. Pursuant to 75 Pa.C.S. §1935, this Ordinance and the \$5 fee levied under this Ordinance by Centre County shall take effect immediately with funds to be collected by the Department beginning ninety (90) days after notice from Centre County or as appropriate in the Department's discretion given the processing of vehicle registrations and/or renewals.

Adopted this 9th day of May 2017 by the Centre County Board of Commissioners.

Attest:

Centre County Board of Commissioners:



Margaret N. Gray,
Administrator/Chief Clerk


Michael Pipe, Chair


Mark Higgins, Vice-Chair

Steven G. Dershem, Commissioner

Approved as to Form and Legality:


Elizabeth A. Dupuis, Esquire
Solicitor