

ORDINANCE No. 05-2016

**AN ORDINANCE IMPLEMENTING LOCAL USE FEE FOR NONEXEMPT
VEHICLES REGISTERED TO AN ADDRESS IN BERKS 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 exclusively by the county for county owned bridges and for county owned transportation purposes in accordance with 75 Pa.C.S. §9010(c) (related to the County Liquid Fuels Tax Fund); and

WHEREAS, the Berks County Commissioners have determined that the County of Berks, 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 Berks, Pennsylvania, finding that it is in the best interest of Berks 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 Berks County, Pennsylvania.

Section 2. **Utilization of Fee.** The fees collected pursuant to this Ordinance shall be used by Berks County, Pennsylvania for County transportation purposes limited to repair or replacement of County owned bridges and other County owned transportation assets.

Section 3. **Notice.** The Board of Commissioners of Berks County, Pennsylvania directs the Chief Clerk to notify the Department of the enactment of this ordinance by Berks 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.

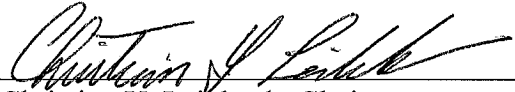
Section 5. **Effective Date.** This Ordinance and the \$5.00 fee levied under this Ordinance by Berks County, Pennsylvania shall become effective on March 1, 2017.

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 Berks 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.

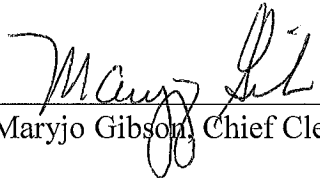
Duly enacted and ordained this 27th day of October, 2016, by the Board of Commissioners of Berks County, Pennsylvania in lawful session duly assembled.

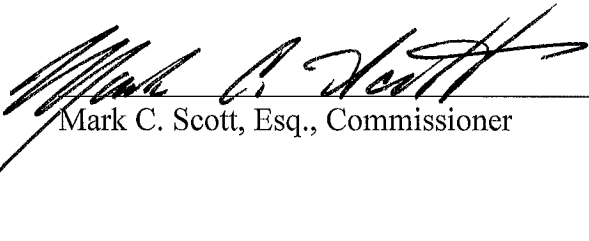
COUNTY OF BERKS


Christian Y. Lembach, Chair


Kevin S. Barnhardt, Commissioner

Attest:


Maryjo Gibson, Chief Clerk


Mark C. Scott, Esq., Commissioner