

ORDINANCE NO. 81-2020 (F)

By Consent Agenda

An Ordinance suspending the levying of admissions tax under Chapter 155, "Admissions Tax," of Part One, *Administrative Code*, of the Codified Ordinances of the City of Cleveland Heights; placing a moratorium on the collection and remittance of the same; and declaring an emergency.

WHEREAS, the Home Rule amendment of the Ohio Constitution, Article XVIII, Section 3, provides that "[m]unicipalities shall have authority to exercise all powers of local self-government," and the municipal taxing power is one of such powers of local self-government delegated by the people of the State to the people of municipalities.

WHEREAS, pursuant to Ohio Revised Code 715.013, municipalities may impose admissions tax upon certain establishments, and such taxes are entirely controlled by the municipality; and

WHEREAS, Chapter 155, "Admissions Tax," of the Codified Ordinances of the City of Cleveland Heights levies taxes upon certain categories of businesses that charge for the right of privilege to enter into an establishment, as defined within the Code; and

WHEREAS, the World Health Organization, the President of the United States, the Governor of Ohio, the Director of the Ohio Department of Health, Cuyahoga County, and the City of Cleveland Heights have all declared a state of emergency that exists within the City due to the COVID-19 pandemic; and

WHEREAS, in response to the COVID-19 pandemic, Governor DeWine ordered the closures of all non-essential businesses; and

WHEREAS, the Director of the Ohio Department of Health later announced that although businesses may reopen, they must adhere to strict social distancing and other guidelines to mitigate the spread of the virus, including ensuring that patrons remain six feet apart and reducing maximum occupancy limits; and

WHEREAS, at present it is still unknown when the infection mitigation guidelines related to COVID-19 will be lifted; and

WHEREAS, businesses throughout the region have been severely and negatively impacted by the shutdown and the economic conditions created by the COVID-19 emergency; and

WHEREAS, this Council recognizes the financial burden that COVID-19 and the reopening guidelines place on businesses located within the City and wishes to alleviate some of that burden by temporarily suspending the levying of admissions taxes and placing a moratorium on the collection and remittance of the same so that those businesses affected by such taxes can mitigate and recoup their financial losses; and

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WHEREAS, in addition to the benefits received by businesses by taking such action, such action will further help stimulate the economy through increased activity involving these and ancillary local businesses.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council hereby suspends the levying of admissions tax under Chapter 155, "Admissions Tax," of Part One, *Administrative Code*, of the Codified Ordinances of the City of Cleveland Heights and places a moratorium on the collection and remittance of the same, from July 1, 2020 to December 31, 2020, which may be extended upon additional action by Council.

SECTION 2. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need for all Cleveland Heights businesses to compete in the marketplace in light of the mandated restrictions and limitations imposed upon businesses to curtail the spread of COVID-19. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

JASON S. STEIN, Mayor
President of the Council

AMY HIMMELEIN
Clerk of Council

PASSED: July 6, 2020