

**RECORD OF ORDINANCES**

**Ordinance No. 16-01      Passed December 9, 2015**

**AN EMERGENCY ORDINANCE TO AMEND THE VILLAGE OF BEVERLY  
ORDINANCE 13-10 REGARDING MUNICIPAL INCOME TAX.**

**WHEREAS**, the Home Rule Amendment of the Ohio Constitution, Article XVIII, Section 3, provides that “Municipalities 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**, Article XIII, Section 6 of the Ohio Constitution provides that the General Assembly may restrict a municipalities power of taxation to the extent necessary to prevent abuse of such power, and Article XVIII, Section 13 of the Ohio Constitution states that “laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes”;

**WHEREAS**, the General Assembly has determined that it is necessary and appropriate to comprehensively review and amend Chapter 718 of the Ohio Revised Code (ORC), setting forth statutory requirements for municipal income tax codes in Ohio;

**WHEREAS**, more specifically, the General Assembly enacted H.B. 5 in December, 2014, and mandated that municipal income tax codes be amended by January 1, 2016 such that any income or withholding tax is “levied in accordance with the provisions and limitations specified in ORC Chapter 718”;

**WHEREAS**, upon a detailed review of H.B. 5 and Ordinance 13-10 of the Village of Beverly, this Ordinance is found and determined by this Council to enact the amendments required prior to the January 1, 2016 deadline to be in accord with the provisions and limitations specified in Chapter 718 of the Ohio Revised Code (ORC); and

**WHEREAS**, Council also finds and determines that the constitutionality of certain provisions of the state-mandated code may have been put in question by recent decisions of the Ohio Supreme Court regarding, among other things, taxation of professional athletes, but these provisions must be included if the municipal income tax code is to be “levied in accordance with the provisions and limitations specified in ORC Chapter 718” and thus reluctantly are adopted by this Council but are disclaimed to the extent they are unlawful or unconstitutional;

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BEVERLY, COUNTY OF WASHINGTON, STATE OF OHIO, AS FOLLOWS:**

**SECTION 1:** The Village of Beverly Ordinance 13-10 be amended to read as set forth in the document entitled “Village of Beverly Municipal Income Tax Ordinance 16-01 Exhibit A” attached hereto and incorporated herein by reference.

**SECTION 2:** An emergency exists affecting the public health, safety and general welfare of the citizens of the Village of Beverly, and for further specific reasons, the State of Ohio General Assembly enacted H.B. 5 and mandated that municipal income tax codes be amended by January 1, 2016. This Ordinance shall take affect and be in force immediately upon passage.

*Adopted this 9<sup>th</sup> day of December 2015.*