

**ORDINANCE NO. 19-15**

**AN ORDINANCE ADOPTING CHAPTER 183 OF THE CODIFIED ORDINANCES OF THE CITY OF PORT CLINTON, OHIO, TO IMPLEMENT A NEW MUNICIPAL INCOME TAX ORDINANCE FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2016, AND LIMITING THE APPLICATION OF EXISTING CODIFIED ORDINANCE CHAPTER 179 TO TAX YEARS NOT SUBJECT TO CHAPTER 183.**

**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 self-government delegated by the people of the State to the people of municipalities; and

**WHEREAS**, Article XIII, Section 6 of the Ohio Constitution provides 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 “laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes;” and

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

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

**WHEREAS**, upon a detailed review of H.B. 5 and the Codified Ordinances of the City of Port Clinton, 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 Revised Code; and

**WHEREAS**, Council also finds and determines 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 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 CITY OF PORT CLINTON, STATE OF OHIO, THAT:**

**Section 1.** That Chapter 183 of the Codified Ordinances of the City of Port Clinton is hereby enacted to read as set forth in the document entitled “Chapter 183, Income Tax” attached hereto as Exhibit A and incorporated herein by reference.

**Section 2.** The provisions of new Chapter 183 shall apply to taxable years beginning on or after January 1, 2016, and further, that existing Chapter 179 of the Codified Ordinances shall be retained and shall remain in full force and effect for all taxable years not subject to new Chapter 183 of the Codified Ordinances.

**Section 3.** This Council finds and determines that all formal actions of this Council and any of its Committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

**Section 4.** That this Ordinance shall take effect and be in force from and after January 1, 2016.

DATE PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE APPROVED

APPROVED AS TO FORM:

\_\_\_\_\_  
LEGAL COUNSEL