

# City of Willoughby Hills

## **ORDINANCE NO. 2014-52**

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### **AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE , TITLE FIVE – ADMINISTRATIVE, CHAPTER 135 – DEPARTMENT OF FINANCE, SECTION 135.24 – MOTOR VEHICLE LICENSE TAX FUND; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

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**WHEREAS**, in 2003, the City made the decision by the adoption of Ordinance No. 2003- 22 to levy an additional \$5.00 fee on all motor vehicles registered in the City of Willoughby Hills.

**WHEREAS**, the authority to levy this additional motor vehicle license (MV) fee was granted to all cities in the State by the Legislature. The Legislature in granting authority to the State's local governments, restricted the use of the fee to street construction and maintenance purposes, identical to the state levied, locally shared MVL fee; and

**WHEREAS**, the Council of the City of Willoughby Hills enacted Ordinance No. 2003-46 to comply with State Law by the establishment of Section 135.24;

**WHEREAS**, Section 135.24 of the City's Codified Ordinances created a fund to be known as the Motor Vehicle License Fund and provided for the proceeds of the enacted \$5.00 Motor Vehicle License Fee as imposed by Ordinance No. 2003-22 to be deposited into such fund; and

**WHEREAS**, Section 135.24 provided for an annual \$15,000 transfer to be made to the Pleasant Valley Road Bridge Maintenance and Capital Repair Fund. Proceeds remaining after the \$15,000 annual transfer to the Pleasant Valley Road Bridge Maintenance and Capital Repair Fund would be transferred to the Bishop Road Widening Fund; and

**WHEREAS**, Section 135.24 does not specify any other uses for the MVL fee revenue; the 2014 budget provides for transferring \$15,000 from the MVL Tax Special Revenue Fund to the Pleasant Valley Road Bridge Maintenance Capital Fund; and

**WHEREAS**, the Bishop Road Widening Project was completed and the fund was closed a number of years ago; therefore, no transfer to that fund is budgeted; and

**WHEREAS**, the MVL fee revenue remaining after the \$15,000 transfer to the Pleasant Valley Road Bridge Maintenance Fund is budgeted for street maintenance purposes which would include the purchase of rock salt and road drainage projects; and

**WHEREAS**, a Joint Meeting of the Service and Finance Committees was held on June 2, 2014 to review and discuss the Motor Vehicle License (MVL) Special Revenue Fund No. 255 and the Pleasant Valley Bridge (PVB) Maintenance Capital Fund No. 443; and

**WHEREAS**, after a significant amount of discussion, the Joint Committees recommended that legislation revising Section 135.24 of the City's Codified Ordinances as detailed in the attachment contained in the Interoffice Memo from Finance Director Brichacek dated June 5, 2014, consisting of sixteen (16) pages, attached hereto as the **Exhibit "A"** and referenced herein.

***NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:***

**SECTION 1.** The existing Section 135.24 – Motor Vehicle License Tax Fund of the Codified Ordinances of the City of Willoughby Hills is hereby amended to read and provide in its entirety as follows:

**"135.24 MOTOR VEHICLE LICENSE FEE.**

(a) The proceeds of the enacted \$5.00 Motor Vehicle License Fee as imposed by Ordinance No. 2003-22 shall be deposited into the Street Construction, Maintenance and Repair Special Revenue Fund.

(b) The first \$15,000 of the proceeds of the \$5.00 Motor Vehicle License Fee shall be used to provide for the annual operating transfer to the Pleasant Valley Road Bridge Maintenance and Capital Repair Fund."

**SECTION 2.** All Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

**SECTION 3.** The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

**SECTION 4.** This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills, insofar as it further provides for the usual daily operation of the Finance Department, to wit: immediately amend Section 135.24 to reflect the directives enacted by Ordinance No. 2014-51; wherefore, this Ordinance shall be in full force and take effect at the earliest time permitted by law.

PASSED: July 10, 2014

  
Raymond C. Somich  
President of Council

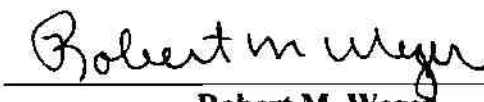
Submitted to the Mayor for his approval  
on this 10 day of July, 2014

Approved by the Mayor

July 10, 2014

ATTEST:

  
Victoria Ann Savage, CMC  
Clerk of Council

  
Robert M. Weger  
Mayor