

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2017-0003

Sponsored by: <b>County Executive Budish/Department of Public Works</b>	<b>An Ordinance</b> enacting Chapter 720 of the Cuyahoga County Code authorizing Cuyahoga County to levy County Motor Vehicle License Taxes upon the operation of motor vehicles on public roads and highways pursuant to Chapter 4504 of the Ohio Revised Code.
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WHEREAS, Section 4504.02 of the Ohio Revised Code provides that a county may levy an annual license tax for planning, constructing, improving, maintaining, and repairing public roads, highways, and streets; maintaining and repairing bridges and viaducts; paying the county's portion of the costs and expenses of cooperating with the department of transportation in the planning, improvement, and construction of state highways; paying the county's portion of the compensation, damages, cost, and expenses of planning, constructing, reconstructing, improving, maintaining, and repairing roads; purchasing, erecting, and maintaining street and traffic signs and markers; purchasing, erecting, and maintaining traffic lights and signals; and to supplement revenue already available for such purposes; and

WHEREAS, pursuant to Section 4504.02 of the Ohio Revised Code, the Board of County Commissioners of Cuyahoga County adopted a resolution, Journal No. 151, page 141, on June 17, 1968, authorizing the County to levy an annual County Motor Vehicle License Tax for the operation of motor vehicles on public roads and highways at the rate of \$5.00 per motor vehicle on all motor vehicles registered in Cuyahoga County; and

WHEREAS, pursuant to Sections 4504.15 and 4504.16 of the Ohio Revised Code, the Board of County Commissioners of Cuyahoga County adopted Resolution No. 737201 on September 22, 1987, authorizing the County to levy a supplemental annual County Motor Vehicle License Tax for the operation of motor vehicles on public roads and highways at the rate of \$10.00 per motor vehicle on all motor vehicles registered in Cuyahoga County; and

WHEREAS, additional funds are necessary to adequately finance the planning, constructing, improving, maintaining and repairing of public roads, highways and streets, and the maintaining and repairing bridges and viaducts; and

WHEREAS, pursuant to Section 4504.24 of the Ohio Revised Code, the County wishes to levy an annual license tax upon the operation of motor vehicles on the public roads and highways in the County, which tax is in addition to the tax levied by

Sections 4504.02, 4504.15 and 4504.16 the Ohio Revised Code and any other taxes levied under Chapter 4504 of the Ohio Revised Code; and

WHEREAS, the tax collected by the County pursuant to Section 4504.24 of the Ohio Revised Code shall be at the rate of \$5.00 per motor vehicle on all motor vehicles registered in Cuyahoga County; and

WHEREAS, prior to the adoption of any legislation authorizing the County to levy an additional motor vehicle annual license tax under Section 4504.24 of the Ohio Revised Code, the County must conduct two public hearings thereon, the second hearing to be not less than three (3) but not more than ten (10) days after the first hearing; and

WHEREAS, pursuant to the requirements of Section 4504.24 of the Ohio Revised Code, the County is required to provide notice of the date, time, and place of both hearings by publication in a newspaper of general circulation in the County, or as provided in section 7.16 of the Ohio Revised Code, once a week on the same day of the week for two (2) consecutive weeks, the second publication being not less than ten (10) but not more than thirty (30) days prior to the first hearing; and

WHEREAS, the first hearing pursuant to law was held on October 4, 2017, and the second hearing was held on October 11, 2017, at 10:00 A.M., both hearings being held in the C. Ellen Connelly Council Chambers in the Cuyahoga County Administrative Headquarters, located at 2079 East 9<sup>th</sup> Street, 4<sup>th</sup> Floor, Cleveland, Ohio, and after proper notice required by law; and

WHEREAS, the County desires to codify in the Cuyahoga County Code all prior levies for County Motor Vehicle License Taxes.

**NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** Chapter 720 of the Cuyahoga County Code is hereby enacted as follows:

**Chapter 720: County Motor Vehicle License Tax upon the operation of motor vehicles**

**Section 720.01 County Motor Vehicle License Tax upon the operation of motor vehicles pursuant to Section 4504.02 of the Ohio Revised Code**

- A. That for the purpose stated in Section 4504.02 of the Ohio Revised Code and pursuant to such section, there is hereby levied an annual County Motor Vehicle License Tax, in addition to the tax levied by Sections 4503.02, 4503.07 and 4503.18, of the Ohio Revised Code, upon the

operation of motor vehicles on the public roads or highways. Such tax is levied beginning with the registration year commencing April 16, 1969, at the rate of \$5.00 per motor vehicle on all motor vehicles the district of registration of which, as defined in Section 4503.10 of the Ohio Revised Code, is located in Cuyahoga County and shall be in addition to the taxes at the rates specified in Sections 4503.04 and 4503.16 of the Ohio Revised Code, subject to quarterly reductions in the manner provided in Section 4503.13 of the Ohio Revised Code and the exemptions provided in Sections 4503.16, 4503.17, and 4503.171 of the Ohio Revised Code.

**Section 720.02 Supplemental County Motor Vehicle License Tax upon the operation of motor vehicles pursuant to Sections 4504.15 and 4504.16 of the Ohio Revised Code**

- A. That a supplemental annual County Motor Vehicle License Tax is hereby levied pursuant to Sections 4504.15 and 4504.16 of the Ohio Revised Code; this tax is in addition to any tax levied pursuant to Sections 4503.02, 4503.07, and 4503.18 of the Ohio Revised Code; the tax shall be at the rate of \$10.00 per motor vehicle on all motor vehicles the district of registration of which is in Cuyahoga County, Ohio; the tax shall be in addition to the taxes at the rates specified in Sections 4503.04 and 4503.16 of the Ohio Revised Code, subject to reductions in the manner provided in Section 4503.11 of the Ohio Revised Code and the exemptions provided in Sections 4503.16, 4503.17, 4503.171, 4503.41 and 4503.43 of the Ohio Revised Code.

**Section 720.03 Second Supplemental County Motor Vehicle License Tax upon the operation of motor vehicles pursuant to Section 4504.24 of the Ohio Revised Code**

- A. That a second supplemental annual County Motor Vehicle Tax is hereby levied pursuant to Section 4504.24 of the Ohio Revised Code; that this tax is in addition to any tax levied pursuant to Sections 4503.02 and 4503.07 of the Ohio Revised Code and any other tax levied under Chapter 4504; the tax shall be at the rate of \$5.00 per motor vehicle on all motor vehicles the district of registration of which is in the County; the tax shall be in addition to the taxes at the rates specified in Sections 4503.04 and 4503.042 of the Ohio Revised Code, subject to reductions in the manner provided in Section 4503.11 of the Ohio Revised Code and the exemptions provided in Sections 4503.16, 4503.17, 4503.172, 4503.173, 4503.18, 4503.41, 4503.43, 4503.46, and 4503.571 of the Ohio Revised Code.

**SECTION 2.** The Clerk of Council shall provide written notice of the adoption of this Ordinance to the legislative authority of each municipal corporation that is

located in Cuyahoga County, to the board of township trustees of each township that is located in Cuyahoga County, and to the Registrar of the Bureau of Motor Vehicles.

**SECTION 3.** For the purposes specified in Chapter 720 of the Cuyahoga County Code, the Cuyahoga County Fiscal Officer is hereby authorized to establish one or more special revenue funds for the purpose of depositing moneys distributed to the County by the Registrar of Bureau of Motor Vehicles.

**SECTION 4.** To the extent this ordinance needs to be considered a resolution, it should be deemed as such.

**SECTION 5.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Tuma, seconded by Mr. Brady, the foregoing Ordinance was duly enacted.

Yeas: Jones, Brown, Hairston, Simon, Baker, Miller, Tuma, Conwell and Brady

Nays: Gallagher and Schron

_____	_____
County Council President	Date
_____	_____
County Executive	Date
_____	_____
Clerk of Council	Date

First Reading/Referred to Committee: September 12, 2017  
Committee(s) Assigned: Public Works, Procurement & Contracting

Committee Report/Second Reading: October 24, 2017

Journal CC028  
November 14, 2017