



MEMORANDUM

To: Mayor and City Councilors

From: Rich Olson, City Manager

Date: August 4, 2015

Re: Consideration – Hold a Public Hearing to Repeal Article IV of Chapter 14 of the City's Code or Ordinances in its Entirety

BACKGROUND:

Part XII, Section 12.3(a) of Session Law 2014-3 (HB 1050) was signed into law on May 28, 2014; and as a result, NCGS §160A-211, which is the statute that gave municipalities authority to levy a privilege license tax has been repealed effective July 1, 2015.

ANALYSIS:

Pursuant to authority granted by NCGS §160A-211, the City of Elizabeth City's Code of Ordinances, Chapter 14, Article IV put into place the City's regulations regarding levying a tax and issuing a privilege license to businesses operating in Elizabeth City. Due to the repeal of §160A-211, the City's Code is now in conflict with state law.

In order to comply with HB 1050, City staff has drafted an ordinance to repeal Chapter 14, Section IV in its entirety (attached).

The City Council reviewed this matter and called for a Public Hearing to gather citizen input during the Council meeting of July 13, 2015. The Public Hearing has been advertised as required for 7:30 p.m. on August 10, 2015.

STAFF RECOMMENDATION:

AT THE CONCLUSION OF THE PUBLIC HEARING:

By motion, adopt the attached ordinance repealing Chapter 14 Business Regulations, Article IV License Taxes and Privilege Licenses in its entirety to be effective immediately.

RCO/vdw

TO REPEAL

License Taxes and Privilege Licenses as Found in Chapter 14 - Business Regulations, Article IV of the City of Elizabeth City Code of Ordinances

WHEREAS, Part XII, Section 12.3(a) of Session Law 2014-3 (HB 1050) was signed into law on May 28, 2014; and as a result, NCGS §160A-211 has been repealed effective July 1, 2015; and

WHEREAS, pursuant to authority granted by NCGS §160A-211, the City of Elizabeth City's Code of Ordinances, Chapter 14, Article IV put into place the City's regulations regarding levying a tax and issuing a privilege license to businesses operating in Elizabeth City; and

WHEREAS, in an effort to comply with HB 1050, the Elizabeth City Council desires to repeal Chapter 14 Business Regulations, Article IV License Taxes and Privilege Licenses of the City of Elizabeth City Code Of Ordinances in its entirety.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH CITY THAT:

SECTION I. EFFECTIVE DATE: Effective upon adoption, Article IV License Taxes and Privilege Licenses found in Chapter 14 - Business Regulations of the City of Elizabeth City Code of Ordinances is repealed in its entirety.

SECTION II. CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the City of Elizabeth City Code of Ordinances as soon as practicable.

SECTION III. SEVERABILITY CLAUSE. If any section, or part of provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the City Council of the City of Elizabeth City in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION IV. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon adoption according to law and for subsequent years unless rescinded or modified in accordance with law.

READ, CONSIDERED, AND ADOPTED at a regular meeting of the City Council of the City of Elizabeth City, North Carolina, during which a quorum was present, held on the _____ day of August, 2015.

Joseph W. Peel
Mayor

Attest:

Vivian D. White, CMC/NCCMC
City Clerk