



REQUEST FOR COUNCIL ACTION

City of Greenville, South Carolina

Agenda Item No.

16a

TO: Honorable Mayor and Members of City Council
FROM: John F. McDonough, City Manager

Ordinance/First Reading Ordinance - Emergency - Final Resolution/First & Final Reading Information Only

AGENDA DATE REQUESTED: March 23, 2020

ORDINANCE/RESOLUTION CAPTION:

AN EMERGENCY ORDINANCE TO TEMPORARILY DEFER PENALTIES FOR THE LATE PAYMENT OF LOCAL HOSPITALITY TAX AND LOCAL ACCOMMODATIONS FEE PAYMENTS; AND MATTERS RELATED THERETO

SUMMARY BACKGROUND:

This emergency ordinance, enacted pursuant to S.C. Ann. Section 5-7-250, waives the penalties for late payment of local accommodation fees and local hospitality taxes provided all required periodic reporting is timely submitted.

IMPACT IF DENIED:

The late fees will not be waived.

FINANCIAL IMPACT:

Loss of revenue associated with waived penalties.

REQUIRED SIGNATURES

Department Director

DocuSigned by:
Kai Nelson
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City Attorney

DocuSigned by:
Michael Pitts
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OMB Director

City Manager

DocuSigned by:
John McDonough
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AN EMERGENCY ORDINANCE

TO TEMPORARILY DEFER PENALTIES FOR THE LATE PAYMENT OF LOCAL HOSPITALITY TAX AND LOCAL ACCOMMODATIONS FEE PAYMENTS; AND MATTERS RELATED THERETO

WHEREAS, S.C. Code Ann. § 5-7-250 empowers City Council to enact emergency ordinances affecting life, health, safety, or property; and

WHEREAS, it is well recognized that SARS-CoV-2 the virus that causes the disease COVID-19 is presents a public health concern that requires extraordinary protective measures and vigilance; and

WHEREAS, these measures have taken many forms including travel bans, school closures, cancelation of major events, etc.; and

WHEREAS, on March 11, 2020, the World Health Organization declared a world-wide pandemic; and

WHEREAS, on March 13, 2020, the President of the United States has declared a National Emergency for the United States and its territories in an effort to reduce the spread of the virus; and

WHEREAS, on March 13, 2020, the Governor of the State of South Carolina Henry McMaster has declared a state of emergency for the State of South Carolina; and

WHEREAS, on March 17, 2020, Mayor Knox White declared a state of emergency for the city of Greenville (“City”) in accordance with Section 12-32 of the City Code of Ordinances; and

WHEREAS, on March 17, 2020, Mayor Knox White issued an Emergency Proclamation declaring a State of Emergency within the City and restricted on-premises dining at bars and restaurants for a 24 hour period; and

WHEREAS, that same day, Governor Henry McMaster issued Executive Order No. 2020-10 (the “Executive Order”) which, among other things, significantly curtailed the operations of retail food establishments through March 31, 2020; and

WHEREAS, on March 18, 2020, City Council enacted an Emergency Ordinance which, among things, declared a State of Emergency in the City, adopted the aforementioned restaurant limitations as set forth in the Executive Order, and deferred deadlines for payments without penalty of all new and renewed business license payments for a period of 60 days; and

WHEREAS, the COVID-19 epidemic is an unprecedented event and City Council is mindful it is having a severe negative impact on the national and local economy; and

WHEREAS, in light of the foregoing, City Council desires to waive penalties for the late payment of local hospitality taxes and local accommodations fees upon the terms and conditions set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA:

1. Local accommodations fee and local hospitality tax report forms containing financial information for the reporting periods of February 2020 and March 2020 which are due March 20, 2020, and April 20, 2020, respectively, must be filed with the City by the appropriate due dates. Payment of the local accommodations fees and local hospitality taxes for the due dates of March 20, 2020, and April 20, 2020, shall not accrue a late penalty until May 21, 2020, provided the taxpayer timely submits all reporting forms when due. Failure to file a timely tax report form, with or without payment, shall be deemed non-payment of the fee or tax and shall accrue a late penalty in the normal course. Tax report forms due March 20, 2020, shall be considered timely submitted if the return has a U.S. mail postmark date on or before March 24, 2020.

2. All ordinances and provisions of the City Code pertaining to the non-waiver of late fees for local hospitality taxes and local accommodations fees including, but not limited to, Section 40-174 of the City Code are hereby suspended.

3. The provisions of this ordinance are subject, in all cases as applicable, to the various covenants contained in the City’s bond documents or other agreements which pledge or promise the payment of local accommodations fees or local hospitality taxes for debt obligations of the City or other parties thereto. Further, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this ordinance as hereby adopted shall remain in full force and effect.

4. This emergency ordinance shall be effective retroactively to March 20, 2020, and shall be terminated by the issuance of another ordinance or shall automatically expire on the 61st day after the effective date of this ordinance, whichever date is earlier.

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _____, 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER