

DISCUSSION DRAFT 3.26.20 (12:55 P.M.)

Ordinance No. 2020 - _____

**AN UNCODIFIED EMERGENCY ORDINANCE AMENDING, RESTATING
AND REORDAINING CERTAIN CODE SECTIONS
OF THE STAUNTON CITY CODE
TO PROVIDE IMMEDIATE TEMPORARY RELIEF BY:**

**SETTING TEMPORARILY ANY APPLICABLE INTEREST RATE AT 0% AND
ANY APPLICABLE PENALTY AT \$0.00 AS TO LATE PAYMENTS FOR
REMITTANCE OF EXCISE TAXES COLLECTED FROM CUSTOMERS
DURING THE PERIOD OF FEBRUARY 1, 2020 THROUGH MAY 31, 2020,
UNDER THE PROVISIONS OF SECTION 3.35.060, INTEREST AND
PENALTIES, OF CHAPTER 3.35, TRANSIENT AND OCCUPANCY TAX, OF
TITLE 3, REVENUE AND FINANCE;**

**SETTING TEMPORARILY ANY APPLICABLE INTEREST RATE AT 0% AND
ANY APPLICABLE PENALTY AT \$0.00 AS TO LATE PAYMENTS FOR
REMITTANCE OF EXCISE TAXES COLLECTED FROM CUSTOMERS
DURING THE PERIOD OF FEBRUARY 1, 2020 THROUGH MAY 31, 2020,
UNDER THE PROVISIONS OF SECTIONS OF 3.40.010 – 3.40.080, OF
CHAPTER 3.40, TAX ON MEALS SERVED IN RESTAURANTS OR BY
CATERERS, OF TITLE 3, REVENUE AND FINANCE;**

**SETTING TEMPORARILY ANY APPLICABLE INTEREST RATE AT 0% AND
ANY APPLIABLE PENALTY AT \$0.00 AS TO ANY DELINQUENT PAYMENT
OF WATER UTILITY BILLS DUE DURING THE PERIOD OF MARCH 10, 2020
THROUGH JUNE 10, 2020, UNDER THE PROVISIONS OF SECTION 13.20.080,
PENALTY ON AND NOTICE AND COLLECTION OF DELINQUENCIES, OF
CHAPTER 13.20, USE CHARGES, OF TITLE 13, ENVIRONMENT;**

**SUSPENDING ANY DISCONTINUANCE OF WATER SERVICE FOR THE
TEMPORARY PERIOD OF MARCH 18, 2020 THROUGH JULY 10, 2020,
UNDER THE PROVISIONS OF SECTION 13.20.090, DISCONTINUANCE OF
SERVICE FOR FAILURE TO PAY, OF CHAPTER 13.20, USE CHARGES, OF
TITLE 13, ENVIRONMENT;**

**SUSPENDING CERTAIN PARKING FEES FOR THE PERIOD OF MARCH 18,
2020, THROUGH APRIL 23, 2020, UNDER THE PROVISIONS OF SECTION
10.25.180, CHARGE FOR PARKING IN CITY-OWNED ATTENDANT-
OPERATED PARKING LOT, OF CHAPTER 10.25, STOPPING, STANDING
AND PARKING, OF TITLE 10, VEHICLES AND TRAFFIC; AND**

**PROVIDING ADDED FLEXIBILITY FOR THOSE QUALIFYING UNDER
REAL ESTATE EXEMPTION FOR ELDERLY AND DISABLED PERSONS,
UNDER THE PROVISIONS OF SECTION 3.15.050, CLAIMANT'S AFFIDAVIT
AND CERTIFICATE OF DISABILITY – COMMISSIONER'S CERTIFICATION,**

DISCUSSION DRAFT 3.26.20 (12:55 P.M.)

**OF CHAPTER 3.15, REAL ESTATE TAX EXEMPTION FOR ELDERLY AND
DISABLED PERSONS, OF TITLE 3, REVENUE AND FINANCE**

Recitals

A. On January 30, 2020, the World Health Organization (WHO) declared novel coronavirus (COVID-19) a public health emergency of international concern and on March 11, 2020, the WHO characterized COVID-19 as a pandemic;

B. On March 12, 2020, the Governor of Virginia declared a state of emergency, to prepare and coordinate Virginia's response to the potential spread of COVID-19;

C. On March 13, 2020, the President of the United States issued a proclamation declaring a national emergency concerning the COVID-19 outbreak;

D. On March 16, 2020, the City Manager and Emergency Management Director, Steven L. Rosenberg, declared a local emergency in light of COVID-19;

E. At its special-emergency meeting on March 18, 2020, by resolution the Staunton City Council confirmed City Manager and Emergency Management Director, Steven L. Rosenberg's declaration of a local emergency and declared a disaster;

F. On March 23, 2020, the Governor of Virginia issued an executive order that, in essence, further recognizes the emergency and disaster COVID-19 outbreak, closing the public schools for the entire remainder of the school year and closing recreational and other non-essential establishments;

G. At its special-emergency meeting on March 24, 2020, Staunton City Council adopted an ordinance reratifying and reaffirming the declaration of a local emergency and disaster due to COVID-19; implementing emergency procedures to ensure continuity of government; ratifying and affirming the City Manager's authority and exercise of authority and discretion in taking actions in the best interest of the City; and authorizing the City Manager to take actions to implement the provisions of the ordinance;

H. City Council recognizes that exigent circumstances under emergency and disaster conditions continue to exist and the occurrence and/or threat of COVID-19 merits and even necessitates action by City Council to help provide some immediate temporary relief for Staunton citizens and Staunton businesses and other payers;

I. This matter has been properly heard and considered; and

J. These recitals are deemed an integral part of this ordinance.

DISCUSSION DRAFT 3.26.20 (12:55 P.M.)

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Staunton, Virginia, that:

1. To the fullest extent permitted by law, effective retroactively, any applicable interest rate shall be 0% and any applicable penalty shall be \$0.00 as to those excise taxes collected from customers, which are held in trust for the City, solely during the period of February 1, 2020 through May 31, 2020, and remitted to the City in full between March 1, 2020 and not later than June 30, 2020, under the provisions of SCC Section 3.35.060, Interest and Penalties, of Chapter 3.35, Transient Occupancy Tax, and Sections 3.40.010 through 3.40.080, of Chapter 3.40, Tax on Meals Served in Restaurants or by Caterers, of Title 3, Revenue and Finance, with interest and penalties to resume thereafter at normal rates under applicable law; however, all other provisions of Chapter 3.35 and Chapter 3.40 shall remain in force, including but not limited to the requirements for recordkeeping and for timely filing of reports of such taxes collected. Absent payment in full of such excise taxes not later than June 30, 2020, interest and penalty shall apply, retroactively, as provided under the provisions of SCC Sections 3.35.050 and 3.40.010 through 3.40.080;

2. **AND BE IT FURTHER ORDAINED** that, to the fullest extent permitted by law, effective retroactively, as to any delinquent payment of water utility bills under SCC Section 13.20.080, any applicable interest rate shall be 0% and any applicable penalty \$0.00 for charges incurred solely during the billing periods of March 10, 2020 through June 10, 2020; and, absent payment in full of such water utility bills not later than July 10, 2020, interest and penalty shall apply, retroactively, as provided under the provisions of SCC Section 13.20.080;

3. ~~;~~ and **AND BE IT FURTHER ORDAINED** that, to the fullest extent permitted by law, discontinuances of water service, under the provisions of SCC Section 13.20.090, Discontinuance of Service for Failure to Pay, of Chapter 13.20, of Title 13, Environment, are **HEREBY SUSPENDED FROM OPERATION OF LAW**, effective retroactively, solely for the period of March 18, 2020 through July 10, 2020;

34. **AND BE IT FURTHER ORDAINED** that, to the extent required or necessary by law for Council to take action, the daily and hourly parking fees for the City-owned New Street parking garage, Johnson Street parking garage, and Wharf parking lot are **HEREBY SUSPENDED** solely during the period of March 18, 2020 through April 23, 2020, under the provisions of Section 10.25.180, Charge for Parking in City-Owned Attendant-Operated Parking Lot, of Chapter 10.25, Stopping, Standing and Parking, of Title 10, Vehicles and Traffic;

45. **AND BE IT FURTHER ORDAINED** that, to the extent required or necessary by law for Council to take action, the Commissioner of the Revenue is **AUTHORIZED** and **REQUESTED** respectfully to enlarge the time for filing of the annual affidavit required under the provisions of SCC Section 3.15.050, Claimant's Affidavit and Certificate of Disability – Commissioner's Certification, of Chapter 3.15,

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DISCUSSION DRAFT 3.26.20 (12:55 P.M.)

Real Estate Tax Exemption for Elderly and Disabled Persons, of Title 3, Revenue and Finance;

56. AND BE IT FURTHER ORDAINED that, to the extent required or necessary by law for Council to take action, the Treasurer of the City of Staunton is **AUTHORIZED** and **REQUESTED** respectfully not to undertake collection action upon any person failing to pay any of the excise taxes for which this ordinance specifically provides relief in Section 1 of this ordinance; ~~and 6. The~~ City Manager is **AUTHORIZED** to take all reasonable and necessary actions, as determined in the exercise of the City Manager's discretion, to implement the provisions of this ordinance;

7. The prior actions of the City Manager as to any of the subjects of this Ordinance are **RATIFIED** and **AFFIRMED**;

8. In all other respects, the provisions of Title 3, Revenue and Finance, and Title 13, Environment, and all other provisions of the Staunton City Code remain the same and are hereby restated, confirmed and reordained;

9. To the extent that any provision of this ordinance is found or determined to be invalid or void, the other provisions of this ordinance shall remain in effect without further action of this Council; and

10. This Ordinance is effective retroactively as specifically provided in this Ordinance.

Adopted: March 26, 2020

Effective Date: March 26, 2020 and retroactive as provided

Carolyn W. Dull, Mayor

ATTEST:

Suzanne F. Simmons, Clerk of Council