

ORDINANCE NO. 2005-23

AN ORDINANCE AUTHORIZING AND ESTABLISHING A SPECIAL ECONOMIC DEVELOPMENT CHARGE FOR THE COUNTY OF BOONE TO BE COLLECTED FROM THE DEVELOPERS OF RESIDENTIAL, COMMERCIAL AND INDUSTRIAL REAL ESTATE AND SETTING FORTH A METHOD OF COLLECTION OF SAID CHARGE BY THE COUNTY OF BOONE, THE TOWN OF ZIONSVILLE, THE TOWN OF WHITESTOWN, AND THE CITY OF LEBANON THROUGH INTERLOCAL AGREEMENT

WHEREAS, demographic statistics and current trends support the fact that the population of Boone County, Zionsville, Whitestown, and Lebanon will grow in coming years at a rate faster than the average rate of population growth in the State of Indiana; and,

WHEREAS, new residential development in the aforementioned municipalities provides an expanding need to improve the opportunities for job creation and job retention in the manufacturing, life science and commercial sector; and,

WHEREAS, new commercial and industrial development in the aforementioned municipalities will decrease the property tax burden of residential tax payers; and,

WHEREAS, new commercial development within the aforementioned municipalities will provide their residents with greater opportunities to obtain the goods and services they desire; and,

WHEREAS, the Board of Commissioners of Boone County, Indiana, the Town Council of Zionsville, Indiana, the Town Board of Whitestown, Indiana, and the Common Council of Lebanon, Indiana have the authority pursuant to I.C. 36-7-2-7 and I.C. 36-1-3 to promote economic development within their respective municipalities by means of the establishment of an economic development fund; and,

WHEREAS, the aforementioned Boone County Board of Commissioners desire to enact an ordinance to provide for a special economic development charge with the cooperation and support of the aforementioned municipalities in the collection of a portion of that charge by interlocal agreement; and,

WHEREAS, the Boone County Economic Development Corporation (BCEDC) is a private, not-for-profit corporation established under the laws of the State of Indiana to establish and promote the goals heretofore expressed and the municipalities aforementioned have acknowledged the valuable service it provides to them and the people who reside therein and desire to take action to expand the capacity of the BCEDC to provide developmental services; and,

WHEREAS, it is in the interest of the aforementioned municipalities that cost of promoting economic development be paid for in part from their respective general revenues and in part by a special economic development charge to be assessed and collected from developers of commercial lots, industrial lots, five or more platted residential lots, and multi-family

residential lots (i.e. apartments, condominiums and town homes) developed and/or recorded in Boone County, Indiana, with such charges deposited into respective special economic development service funds, set up by the County and the respective municipalities for such purpose, for delivery to and administered by the Auditor of Boone County.

WHEREAS, the effect of this ordinance and interlocal agreement will be beneficial to the economic development of the municipalities aforementioned and in the best interest and general welfare of the citizens of the entire county.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Boone County, Indiana, on behalf of Boone County and with the cooperation and support of the Town Council of the town of Zionsville on behalf of Zionsville, the Town Board of the town of Whitestown on behalf of Whitestown, and the Common Council of the City of Lebanon on behalf of Lebanon, all of which are located in Boone County, Indiana, that:

**Section 1.** It is hereby declared to be the policy of the County of Boone to promote and enhance the quality of the life of the residents of Boone County by furthering the development of the economic resources of Boone County through the attraction, retention, and creation of suitable business investment with an emphasis on commercial and industrial concerns that have minimal environmental impact. In connection with this effort, it is the policy of the County of Boone to take steps to improve the opportunities for job creation, to foster job retention, to lessen the burden of government and to broaden the tax base through the development of the commercial, business, and industrial potential of Boone County.

**Section 2.** It is the intent of the aforementioned municipalities to support economic development and the goals set forth above by assisting the county in the collection of charges relative to multi-family, commercial, or industrial development within their respective jurisdictions.

**Section 3.** In connection therewith the County deems it appropriate and in the public welfare to provide for the payment of increased services from the BCEDC.

**Section 4.** In addition to and not as a substitution for financial assistance and support afforded the BCEDC from the general funds of the respective municipalities who are signatories to this ordinance and interlocal agreement, there is hereby established and created as a means to pay for the services provided by the BCEDC a special "Economic Development Service Fund" (EDS Fund) which shall serve as a depository for economic development charges collected pursuant to this ordinance and interlocal agreement. The EDS Fund shall be collected by the Auditor of Boone County, Indiana for plats recorded in the Auditor's office and by the respective municipal entities on behalf of the County via interlocal agreement for residential, commercial and industrial development which may occur within their respective boundaries but without the necessity of platting in the Auditor's office of Boone County, Indiana. The respective collectors of the charges, to-wit: the Auditor of Boone County, and the respective municipal entities (the EDS Funds collected by the Auditor of Boone County in the case of plats recorded in the Auditor's office of Boone County, Indiana, and by the appropriate municipal entities in cases where building permits are obtained without the necessity of platting) shall be

administered/coordinated by the Auditor of Boone County and paid directly to the BCEDC for the use, benefit, services and mission of the BCEDC on a semi-annual basis. The respective municipal entities shall set up their own mechanisms/funds for the purpose of collection and receipting of said charges for delivery to and administration by the Auditor of Boone County.

The special economic development charge, designated as a contribution in aid of economic development within the County and the aforementioned municipalities, shall be and is hereby established as follows for any commercial, industrial, office or retail development within Boone County, Indiana

|   |                     |
|---|---------------------|
| 0-19,999 sq. ft. building                           | - \$100.00 charge   |
| 20,000 sq. ft. building - 49,999 sq. ft. building   | - \$250.00 charge   |
| 50,000 sq. ft. building - 149,999 sq. ft. building  | - \$500.00 charge   |
| 150,000 sq. ft. building - 249,999 sq. ft. building | - \$1,000.00 charge |
| 250,000 sq. ft. building (and above)                | - \$2,000.00 charge |

In addition, the special economic development charge designated as a contribution in aid of economic development within Boone County shall be and is hereby established for residential development in the sum of:

- a. \$75.00 per residential single family lot. Only platted residential developments consisting of five or more residential lots are subject to said economic development charge.
- b. For residential multi-family development, i.e. apartments, condominiums and town houses, in the sum of \$50.00 per residential living unit.

Residential subdivisions which require platting shall have their charges collected by the Auditor of Boone County and that commercial, industrial, office, retail and multi-family residential development which does not necessarily require platting shall have its economic development charge collected on behalf of the County by the appropriate municipal entities of the aforementioned municipalities.

**Section 5.** All of the aforementioned shall require the payment of said charge either at the time of:

- a. recording the plats, or
- b. at the time of the issuance of building permits

The Auditor or appropriate municipal entity of the respective municipalities shall provide receipt evidencing payment of the economic development charge as established under this ordinance. All revenues collected under this ordinance as an economic development charge shall be deposited into the aforementioned EDS fund, administered and coordinated by the Auditor of Boone County, and paid directly to the BCEDC on a semi-annual basis for the use, benefit, services and mission of the BCEDC. Until the monies are remitted to the

BCEDC they may be invested in accordance with the laws of the State of Indiana as applicable to county and municipal governments. Any interest or other return earned upon the investment of the funds may be utilized by the aforementioned municipalities as a means to offset any administrative expenses incurred as a result of the collection of charges.

Following the effective date of this ordinance, on the first business day on or after April 1<sup>st</sup> and October 1<sup>st</sup>, the Auditor shall transmit all funds collected by the aforementioned municipalities and Boone County to the BCEDC for the purpose of providing increased services and benefits described in this ordinance and interlocal agreement.

**Section 6.** The amount of the economic development charge may be altered or modified only by amendment of the ordinance. Any one of the signatories hereupon may request a formal review and evaluation of this ordinance and interlocal agreement by the Commissioners of Boone County, Indiana by filing said request at any time. At the time of adoption, it is the intent of the interlocal signatories hereupon that this agreement shall remain in full force and effect for an initial term of one (1) year and shall be renewed annually thereafter. Should any municipality aforementioned wish to withdraw at the end of the initial one year term or any subsequent term, written notice of such intent shall be delivered to the office of BCEDC at least ninety (90) days prior to the end of the current term. A withdrawal by one municipality shall not affect the validity of this ordinance and interlocal agreement as to the remaining participants and the ordinance shall continue in full force and effect for those remaining signatories hereupon. This ordinance and interlocal agreement shall automatically be renewed for subsequent one (1) year terms unless the Commissioners of Boone County, Indiana, or any of the other signatories, after formal review and evaluation, determine that this ordinance and interlocal agreement should be modified or not be renewed and provide written notice of such intent to the EDC at least ninety (90) days prior to the end of then current term.

**Section 7.** This ordinance shall become effective upon its passage and execution and publication as may be provided by law.

ALL OF WHICH IS ORDAINED AND AGREED UPON by the Board of Commissioners of Boone County, Indiana, as of the latter of the execution dates set forth below.

**Board of Commissioners of Boone County, Indiana**

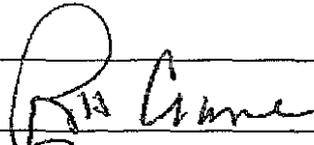
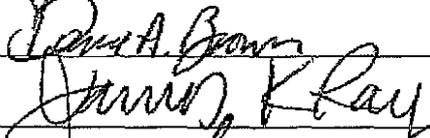
Betty Sue Cooper  
Charles H. Egan

Approved and Executed this 5 day of DECEMBER, 2005.

ATTEST: Julie Ann Smith  
Auditor of Boone County

The Town Council of the Town of Zionsville, Indiana hereby enters into an Interlocal Agreement with the County of Boone to support economic development and the goals set forth above by assisting the county in the collection of charges relative to multi-family, commercial, and industrial development within their respective jurisdictions

**Town Council of the Town of Zionsville**

  
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ATTEST: Clerk Treasurer

Approved and Executed this 9 day of JANUARY, 2006.

The Town Board of the Town of Whitestown, Indiana hereby enters into an Interlocal Agreement with the County of Boone to support economic development and the goals set forth above by assisting the county in the collection of charges relative to multi-family, commercial, and industrial development within their respective jurisdictions

**Town Board of the Town of Whitestown**

  
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ATTEST: Clerk Treasurer

Approved and Executed this 12 day of December, 2005.

The Common Council of the City of Lebanon, Indiana hereby enters into an Interlocal Agreement with the County of Boone to support economic development and the goals set forth above by assisting the county in the collection of charges relative to multi-family, commercial, and industrial development within their respective jurisdictions

Common Council of the City of Lebanon

Richard R. Bond  
Ray Kessler  
Yvonne Skelton  
Camille Sturgis  
Jim W. Palaf  
James W. Messenger  
James B. Patton, Mayor  
Dee S. Owen

ATTEST: Clerk Treasurer

Approved and Executed this 12 day of Dec, 2005.

**Key Administrative Elements  
Boone County Economic Development Fee**

- 1) Single Family Residential Fees
  - \$75 per platted single-family residential lot
  - Only platted residential developments consisting of five or more residential lots are subject to the fee.
  - All single-family residential plats should be collected by the County Auditor at the time of recording the plat
  
- 2) Multi-Family Residential Fees (i.e. apartments, condominiums, and town homes)
  - \$50 per residential living unit
  - May not necessarily require plat – plat usually does not determine number of living units
  - Fee should be collected at the issuance of the building permit by either the County planning office or other appropriate municipal entities
  - Any rehab projects or additions to a current structure that may create additional living units and requires a building permit from the local granting municipal authority would also be subject to the fees
  
- 3) Commercial, Industrial, Office or Retail Fees
  - Sliding fee scale based upon square footage
  - Usually does not require plat – plat would not necessarily determine square footage.
  - Fee should be collected at the issuance of the building permit by either the County planning office or other appropriate municipal entities.
  - Any additions to current building structures that requires a building permit from the local granting authority would also be subject to the fees (only the additional square footage being added)
  - Fee Structure
    - \$100 - 0-19,999 sq. ft. structure
    - \$250 - 20,000-49,999 sq. ft. structure
    - \$500 - 50,000-149,999 sq. ft. structure
    - \$1,000 - 150,000-249,999 sq. ft. structure
    - \$2,000 - 250,000 sq. ft structure and above

4) Fee Administration

- The Auditor or appropriate municipal entity collecting any of the above fees shall provide receipt evidencing payment of the economic development charge.
- All revenues collected under this ordinance shall be deposited into the County Economic Development Service Fund (administered and coordinated by the Boone County Auditor)
- All revenues collected (either by the County Auditor or other appropriate municipal entities) in the Economic Development Service Fund shall be paid by the County Auditor directly to the Boone County Economic Development Corp. on a semi-annual basis on the **first business day on or after April 1<sup>st</sup> and October 1<sup>st</sup>**.
- For administrative consistency and reporting purposes, **the municipal partners** who will be assisting with the collection of the fee should remit any fees they collect to the County Auditors office a **minimum of two time per year on the first business day on or after March 1<sup>st</sup> and September 1<sup>st</sup>**
- Until the revenue is remitted to the Boone County Economic Development Corp. they may be invested in accordance with the laws of the State of Indiana as applicable to county and municipal governments.
- Any interest or other return earned upon the investment of the funds may be utilized by the County or other municipalities as a means to offset any administrative expenses incurred as a result of the collection of charges.