

2 AN ORDINANCE amending Chapter 153:
3 Planning and Development,
4 *Designation of Economic Revitalization Areas*
5 *and the Granting of*
6 *Tax Phase-Ins, of the Fort Wayne Municipal*
7 *Code of Ordinances*

8 WHEREAS, the Fort Wayne Common Council periodically reviews certain
9 policies that affect the fiscal impact of commerce and government, in particular
10 what types of businesses are eligible to have their economic revitalization area
11 applications for tax deductions reviewed; and

12 WHEREAS, it is imperative that oversight of tax abatements be given
13 careful scrutiny in order to keep the balance between attracting new business
14 and encouraging rehabilitation and redevelopment from the existing business
15 community while maintaining government revenues; and,

16 WHEREAS, certain sections of Indiana Code and the Fort Wayne Code of
17 Ordinances limit the types of businesses eligible to receive real and/or personal
18 property deductions associated with economic revitalization area designation;
19 and,

20 WHEREAS, Indiana Code 6-1.1-12.1-3(e) provides that companies who
21 are licensed or permitted under IC 7.1 et seq. concerning both wholesale and
22 retail permits for the sale and distribution of various alcoholic beverages are
23 prohibited from applying for and obtaining real property deductions.

24 WHEREAS, Indiana Code does not however prohibit application for
25 deductions pertaining to equipment/personal property to any of those same
26 facilities licensed or permitted under I.C. 7.1 et seq.. Issues concerning personal
27 property/equipment deductions are identified in I.C. 6-1.1-12.1-4.5, 4.6, 4.7 and
28 5.4.

29 WHEREAS, Section 153.15 of the Fort Wayne Code specifically prohibits
30 the review of applications for economic revitalization status for any projects
where the applicant holds a liquor dealers permit under I.C. 7.1-3-10 or any other
entity required to operate under a license issued under I.C. 7.1. et seq.

WHEREAS, it is the belief of at least some members of the Fort Wayne
Common Council that the restrictions set forth in 153.15 are intended to apply to
retailers and not wholesalers applying for permits under I.C. 7.1 et seq..

WHEREAS, certain members of the Fort Wayne Common Council
members desire to amend the Fort Wayne Code to permit certain alcohol

1 wholesalers to make application in order to receive new manufacturing
2 equipment deductions associated with economic revitalization area designation,
since such an application is not prohibited under Indiana Code.

3 WHEREAS, certain Fort Wayne Common Council members have
4 submitted a reasonable amendment to the current Section 153.15, governing the
5 area of qualifying business deduction application reviews ; and

6 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
7 THE CITY OF FORT WAYNE, INDIANA,

8 **SECTION 1.** That § 153.15(A) be amended as follows:

9 **§ 153.15 INELIGIBLE PROJECTS.**

10 (A) Common Council shall not review applications for economic revitalization
11 area status for any of the project types noted below, nor shall the city Community
12 Development Division accept such applications, whether or not said project is
located within an economic development target area:

- 13 (1) Massage parlor.
- 14 (2) Hot tub facility.
- 15 (3) Racetrack.
- 16 (4) Tobacco store or facility where tobacco or tobacco products comprise
the majority (greater than 50%) of sales.
- 17 (5) Arcade facility or facility with primarily arcade games.
- 18 (6) Sales, warehousing, distribution or servicing facility where guns or other
19 types of weaponry and/or ammunition of any type comprise the majority (greater
than 50%) of sales, whether or not used for purposes of sport.
- 20 (7) Pawn shop.
- 21 (8) Package liquor store that holds a liquor dealer's permit under IC 7.1-3-10
22 or any other entity required to operate under a license issued under IC 7.1 et
seq.

23 Notwithstanding the foregoing restrictions, an applicant may submit an
24 application and Common Council may review applications for economic
25 revitalization area status, for the purpose of reviewing and voting upon an
26 equipment/personal property deduction only, for entities operating wholesale
27 operations under a license issued under I.C. 7.1-3-3, I.C. 7.1-3-8, or I.C. 7.1-3-
28 13; provided however that an applicant applying for an equipment/personal
property deduction noted herein shall not be eligible to make said application or
have said application approved if the applicant is also licensed to do business
under any other section contained in 7.1 et seq.

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SECTION 2. That the City is directed to take all action necessary and proper for the implementation of this Ordinance.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.



Thomas Didier, Council Member

APPROVED AS TO FORM AND LEGALITY



Joseph G. Bonahoom, Attorney for City Council

BILL NO. G-18-02-38

REPORT OF COMMITTEE ON REGULATIONS

March 6, 2018

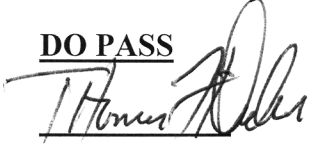
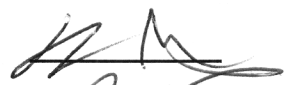


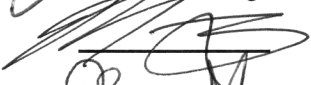

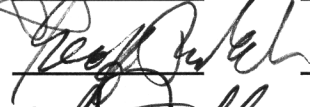


Thomas Didier Chair

Paul Ensley Co-Chair

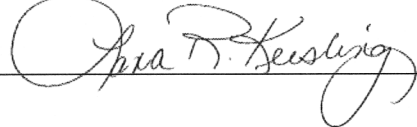
All Council Members

An Ordinance amending Chapter 153: Planning and Development, Designation of Economic Revitalization Areas and the Granting of Tax Phase-Ins, of the Fort Wayne Municipal Code of Ordinances

COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
	_____	_____	_____
	_____	_____	_____
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**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: N/A

Read the first time in full and on motion by Councilman Didier.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilman Didier, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: March 13, 2018



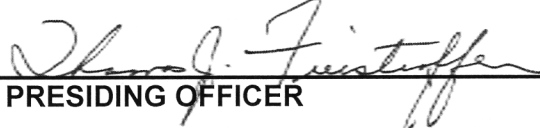
 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
 General Ordinance No. G-18-02-38 on the 13th day of March, 2018

ATTEST:



 LANA R. KEESLING
 CITY CLERK



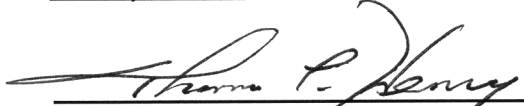
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th
 of March 2018, at the hour of 9:50 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 14th day of MARCH
 2017, at the hour of 1:30 O'clock PM E.S.T.



 THOMAS C. HENRY, MAYOR