

ORDINANCE 2016-05

AN ORDINANCE REGARDING ELIGIBILITY & COMMITMENTS FOR CERTAIN ECONOMIC DEVELOPMENT ALCOHOL BEVERAGE PERMITS

WHEREAS, the City of Lebanon (“Lebanon” or “City”) recognizes the opportunities for quality economic development that are available through the controlled distribution of alcoholic beverages permits for that purpose; and

WHEREAS, during the 2016 legislative session, the Indiana General Assembly enacted HEA 1386, which added a new statutory provision codified at I.C. § 7.1-3-20-16.8 (“Act”); and

WHEREAS, the Act authorized the issuance of limited special alcoholic beverage permits within certain economic development areas, areas needing redevelopment, or redevelopment districts as established under I.C. § 36-7-4 (“Economic Development Alcohol Permit(s)”); and

WHEREAS, under the Act, up to four (4) new Economic Development Alcohol Permits may be issued to proprietors, as owners and/or lessees, of restaurants located within such areas in Lebanon; and

WHEREAS, pursuant to I.C. § 7.1-3-20-16.8(c)(4) and/or I.C. § 7.1-3-19-17, Lebanon may adopt an ordinance requiring formal written commitments as a condition of eligibility for an Economic Development Alcohol Permit within Lebanon (“Commitments”); and

WHEREAS, Lebanon desires to ensure that Economic Development Alcohol Permits are consistent with and further the economic development goals of Lebanon.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lebanon, Indiana, as follow:

1. In order to be eligible for an Economic Development Alcohol Permit within Lebanon and under I.C. § 7.1-3-20-16.8, a proprietor (and/or applicant or holder) must enter into formal written Commitments pursuant to this Ordinance.
2. The Commitments, the adequacy of which are in the sole discretion of Lebanon, may relate to the character or type of business that will be conducted on the permitted premise, and should be designed to ensure that the proprietor operates a restaurant that is consistent with the economic development goals and visions of Lebanon. Each set of Commitments may be unique to each separate proprietor, restaurant, or circumstances.
3. The Commitments must be formally approved by both the Mayor’s Office and the Lebanon Redevelopment Commission prior to submission of any application for an Economic Development Alcohol Permit within Lebanon.

4. A permit issued in Lebanon under the Act may not be renewed or permit ownership transferred, including if the area is no longer designated an economic development area, an area needing redevelopment, or a redevelopment district, unless the proprietor enters into new Commitments with Lebanon pursuant to this Ordinance.

5. Commitments entered under this Ordinance are binding on the permit holder, and continuing compliance with such Commitments constitutes a condition to operating under an Economic Development Alcohol Permit within Lebanon.

6. This Ordinance shall be effective immediately upon its adoption.

Passed and adopted by the Lebanon City Council on the 27 day of June, 2016.

LEBANON CITY COUNCIL

Voting For

Keith Campbell
Keith Campbell

John Copeland
John Copeland

Dan Fleming
Dan Fleming

Mike Kincaid
Mike Kincaid

Corey Kutz
Corey Kutz

ABSENT
Jeremy Lamar

ABSENT
Dick Robertson

Voting Against

Keith Campbell
Keith Campbell

John Copeland
John Copeland

Dan Fleming
Dan Fleming

Mike Kincaid
Mike Kincaid

Corey Kutz
Corey Kutz

Jeremy Lamar
Jeremy Lamar

Dick Robertson
Dick Robertson

Abstain

Keith Campbell
Keith Campbell

John Copeland
John Copeland

Dan Fleming
Dan Fleming

Mike Kincaid
Mike Kincaid

Corey Kutz
Corey Kutz

Jeremy Lamar
Jeremy Lamar

Dick Robertson
Dick Robertson

ATTEST:

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby certify that ORDINANCE 2016-05 was delivered to the Mayor of Lebanon on the 27 day of June, 2016, at 8:30 p.m.

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2016-05
this 27 day of June, 2016

I hereby VETO ORDINANCE 2016-05
this ___ day of _____, 2016

Matthew T. Gentry
Matthew T. Gentry, Mayor

Matthew T. Gentry, Mayor

ATTEST:

Tonya Thayer
Tonya Thayer, Clerk-Treasurer