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# ORDINANCE 2016-09

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

WHEREAS, the Town of Whitestown ("Whitestown" or "Town") recognizes the opportunities for quality economic development that are available through the controlled distribution of alcoholic beverage 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 Whitestown; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whitestown, Indiana, as follows:

1. In order to be eligible for an Economic Development Alcohol Permit within Whitestown 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 Whitestown, 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 Whitestown. Each set of Commitments may be unique to each separate proprietor, restaurant, or circumstances.

3. The Commitments must be formally approved by both the Whitestown Redevelopment Commission and the Whitestown Town Council prior to submission of any application for an Economic Development Alcohol Permit within Whitestown.

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4. A permit issued in Whitestown 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 Whitestown 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 Whitestown.

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

Passed and adopted by the Whitestown Town Council on this 9th day of March, 2016.

| THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA | YAY/NAY |
|---|---|
| Eric Miller, President | Yes |
| Susan Austin, Vice President | Yes |
| Kevin Russell | YAY |
| Clinton Bohm | YAY |
| Jeffrey Wishek | YES |

**ATTEST:**

Shannon Metzger, Dep Clerk
Matthew Sumner, Clerk-Treasurer
Town of Whitestown, Indiana

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