

ORDINANCE NO. CC 08-02-2023.A

AN ORDINANCE AMENDING HAMILTON COUNTY CODE 6-9-18-3

WHEREAS, Hamilton County, pursuant to Indiana Code 6-9-18 *et al.*, previously adopted a 5% innkeeper's tax as set forth in Section 6-9-18-3 of the Hamilton County Code; and,

WHEREAS, the General Assembly passed H.E.A 1454, and the Governor signed the same into law, which adds Indiana Code 6-9-56 to the Indiana Code effective as of July 1, 2023; and

WHEREAS, Indiana Code 6-9-56 authorizes the fiscal body of Hamilton County to increase in the innkeepers tax rate for Hamilton County to a tax not to exceed the rate of 8% on the gross retail income derived from lodging income only and is in addition to the state gross retail tax imposed under Indiana Code 6-2.5; and

WHEREAS, Indiana Code 6-9-56 authorizes the county fiscal body of Hamilton County to adopt an ordinance that would require the tax to be paid monthly to the county treasurer with said tax funds being allocated to separate specific funds, namely the current convention, visitor and tourism promotion fund ("tourism promotion fund"), and also a new tourism capital fund "; and

WHEREAS, Indiana Code 6-9-56 specifically requires the creation of a commission by the county executive to promote the development and growth of the convention, visitor and tourism in the Hamilton County and for purposes of transfers of money from the tourism promotion fund and the tourism capital fund; and

WHEREAS, Hamilton County previously created the Hamilton County Convention,

Visitor and Tourism Commission in accordance with Indiana Code 6-9-18-5;

IT IS THEREBY ORDAINED by the Hamilton County Council that Section 6-9-18-3 of the Hamilton County Code is amended as follows:

(a) A tax shall be levied on every entity, person, corporation, or other business combination engaged in the business of renting or furnishing, for periods based upon a daily basis or multiples thereof, any room, lodging, or tourist cabin in the county.

(b) The tax does not apply to gross income received in a transaction in which a person rents:

(1) Lodgings in a college or university residence hall;

(2) A room, lodging, or accommodations based upon a month-to-month tenancy or more; or

(3) An apartment, or residence, which is the person's permanent, primary residence on a tenancy of less than a month-to-month basis.

(c) The tax shall be levied at the rate of eight percent (8%) on the gross retail income derived from lodging income only and is in addition to the state gross retail tax imposed under IC 6-2.5.

(d) The tax shall be paid monthly to the county treasurer, which shall be paid to the county treasurer not more than twenty (20) days after the end of the month the tax is collected.

(e) The county treasurer shall establish the following funds: (1) A Convention, Visitor, and Tourism Promotion Fund; and (2) a Tourism Capital Fund. The county treasurer shall deposit tax funds collected as follows:

(1) Tax received in the treasurer's collection of innkeepers tax funds that is not more than five percent (5%) of the funds collected shall be deposited into

Convention, Visitor and Tourism Promotion Fund; and

(2) Tax received in the treasurer's collection of innkeepers tax funds that exceeds five percent (5%) of the funds collected shall be deposited in the Tourism Capital fund.

(f) The Hamilton County Convention, Visitor and Tourism Commission ("Commission") is hereby duly authorized to transfer money from the Convention, Visitor, and Tourism Promotion Fund and Tourism Capital Fund in accordance with this ordinance and Indiana Code 6-9-56.

(g) The county auditor shall issue a warrant directing the county treasurer to transfer money from the Convention, Visitor, and Tourism Promotion Fund and Tourism Capital Fund to the Commission's treasurer if the Commission submits a written request for the transfer.

(h) Money in the Convention, Visitor, and Tourism Promotion Fund or money transferred from such a fund to the Commission may only be expended to promote and encourage conventions, visitors, and tourism within Hamilton County. Expenditures from the Convention, Visitor, and Tourism Promotion Fund may include expenditures for advertising, promotional activities, trade shows, special events, and recreation. The Commission may transfer money in the Convention, Visitor, and Tourism Promotion Fund to any Indiana nonprofit corporation for the purpose of promotion and encouragement in the county of conventions, trade shows, visitors, or special events. The Commission may transfer money under this section only after approving the transfer. The Commission may transfer money under this subsection on a monthly basis or at another frequency as determined by the Commission.

(i) Money in the Tourism Capital Fund, or money transferred from such a fund to the Commission, may only be expended on infrastructure projects that improve or benefit the tourism

economy. Expenditures from the Tourism Capital Fund may include acquisition, construction, alteration, improvements, or installation costs of any existing tangible property or tangible property that is to be constructed. Expenditures may include fees for professional services such as architectural, building consulting or planning, and infrastructure feasibility.

(j) The Commission must approve any transfer of money from the Tourism Capital Fund and may transfer money from the Tourism Capital Fund to support capital projects in the county that promote long term tourism, convention, or recreation projects proposed by any of the following:

- (1) The county government;
- (2) A city government;
- (3) A separate body corporate and politic in Hamilton County; or
- (4) Any Indiana nonprofit corporation in Hamilton County.

The Commission may transfer money under this subsection on a monthly basis or at another frequency as determined by the Commission.

(k) The Commission may also review and approve proposals submitted by applicants that seek money from the tourism capital fund with the purpose and view of enhancing or providing support for capital projects that promote long term tourism, convention, or other economic development related to recreation. Funding available under this subsection shall be made available on an annual basis. In determining whether to provide funding to a particular capital project under this subsection, the commission may use the following factors as a guide for capital project funding:

- (1) The proposed capital project is believed to be economically sound to the Hamilton County tourism, convention, or recreation economy and is also

believed to be beneficial to:

- (A) the general population of Hamilton County; or
  - (B) a particular location in Hamilton County.
- (2) The proposed capital project provides for reasonably adequate public assembly, gathering, or entertainment space and is integrally related to enhancing the tourism, convention, or recreation opportunities in Hamilton County or a particular location in Hamilton County.
- (3) The Commission makes a reasonable effort to assess whether a proposed capital project aligns with the purpose of the Commission and has a direct, indirect, or supportive relationship to the mission and promotional efforts of the commission as established and funded by the convention, visitor, and tourism promotion fund.

A capital project proposed by an applicant that does not meet at least one (1) of the criteria set forth in this subsection will not be funded, and any remaining funds collected revert to the tourism capital fund for distribution by the Commission on projects within Hamilton County. An applicant that receives a grant of money from the tourism capital fund under subsection must agree to provide to the Commission proof of project completion, including proof that the project was completed through the use of the grant money; and may be subject to annual financial reporting and audit.

(l) All money coming into possession of the Commission shall be deposited, held, secured, invested, and paid in accordance with statutes relating to the handling of public funds. The handling and expenditure of money coming into possession of the Commission is subject to audit and supervision by the state board of accounts.

(m) This Ordinance shall supersede the present terms of Section 6-9-18-3 of the

Hamilton County Code and the prior terms of said section are expressly repealed.

(n) This Ordinance shall be effective on 2 August 2023.

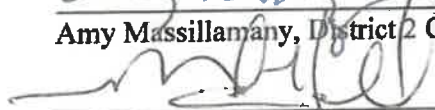
County Council,  
Hamilton County, Indiana



Tim Griffin, District 1 County Council Member



Amy Massillamany, District 2 Council Member



Mark Hall, District 3 Council Member



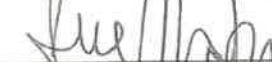
Ken Alexander, District 4 Council Member



Brad Beaver, County Council Member At-Large



Steven Nation, County Council Member At-Large



Sue Maki, County Council Member At-Large

Attest:



Robin Mills, Auditor