

ORDINANCE NO. 2018-4

**ORDINANCE FOR THE DESIGNATION OF AN INFRASTRUCTURE
DEVELOPMENT ZONE WITHIN MORGAN COUNTY, INDIANA**

WHEREAS, Indiana Code 6-1.1-12.5-4 et seq. authorizes the county executive to adopt an ordinance designating a geographic territory as an Infrastructure Development Zone; and,

WHEREAS, Indiana Code 6-1.1-12.5-4 et seq. requires the county executive to conduct a public hearing, including the publishing of a notice in accordance with IC 5-3-1; and,

WHEREAS, Indiana Code 6-1.1-12.5-4(3) authorizes the ordinance to establish the facilities and technologies used in the deployment and transmission of broadband service once the county executive determines the following:

1. Adequate broadband services are unavailable in Morgan County; and,
2. The provision of a business personal property tax exemption (other than for real property) to a person or company investing in infrastructure to provide broadband service to Morgan County will provide increased availability of broadband service, and certain economic benefits in the designated development zone in Morgan County; and,

WHEREAS, following a public hearing, the Morgan County Commissioners have made specific findings as set out in the attached Exhibit A.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the County Commissioners of Morgan County, Indiana, as follows:

Section 1. Designation of an Infrastructure Development Zone. Morgan County Commissioners adopt an Infrastructure Development Zone as set out herein, and specifically:

1. In accordance with I.C. 6-1.1-12.5-4, the County Commissioners establish an Infrastructure Development Zone.

2. The Infrastructure Development Zone shall incorporate all of the geographic area of Morgan County, including its incorporated cities and towns.
3. The Infrastructure Development Zone is established to encourage the development of broadband services to Morgan County residents residing in the Infrastructure Development Zone.
4. The Infrastructure Development Zone shall permit a business personal property tax exemption available to persons or companies for certain infrastructure associated with the development of broadband technology.
5. The tax exemption for broadband technology infrastructure shall only be permitted for the installation of fiber to homes, businesses, farms, schools and publicly owned buildings. The exemption shall **not** be available for maintenance and refurbishment to existing facilities, land the infrastructure is located on, fiber to cell towers or satellites, or long haul/pass thru fiber infrastructure.
6. The exemption shall only be available to broadband infrastructure projects completed within six (6) years from the date of passage of this ordinance.

Section 2. Conflicting Ordinances. In the event any ordinance or provision of any Ordinance of Morgan County is in conflict with the provisions of this Ordinance, the provisions of this ordinance shall prevail.

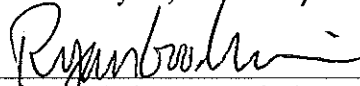
Section 3. Severability. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 4. Effective Date and Miscellaneous Provisions. This Ordinance shall be in full force and effect after its passage, approval by the County Commissioners and publication as required by law. This Ordinance shall be codified in the Morgan County Code of Ordinances. The County Commissioners are hereby directed to provide a copy of this ordinance to the Morgan County Assessor.

PASSED AND ADOPTED by the County Commissioners of Morgan County, Indiana,
on the 16 day of July, 2018.

**BOARD OF COMMISSIONERS
OF MORGAN COUNTY**


Norman Voyles, Commissioner


Ryan Goodwin, Commissioner


Brian Goss, Commissioner

ATTEST:


Dan Bastin, Morgan County Auditor

EXHIBIT A.

The County Commissioners have made the following findings as required by Indiana Code 6-1.1-12.5-4.

Upon conducting a public hearing on the proposal of the Ordinance, the County Commissioners find:

- (A) Morgan County currently lacks the availability of adequate broadband services for homes, businesses, farms, schools and publicly owned buildings;
- (B) Equal education for the citizens of Morgan County, Indiana, is limited by the lack of broadband service to the homes and businesses in the county;
- (C) The growth of student enrollment is limited by the lack of broadband service to the homes in the county;
- (D) Access to healthcare technologies is limited by the lack of broadband service to the homes and businesses in the county;
- (E) The lack of broadband service to businesses in the county is one of the largest threats to small business in Morgan County, Indiana;
- (F) Providing a property tax exemption to persons and corporations providing broadband services through the establishment of the Infrastructure Development Zone will increase the availability of broadband services to the affected zone area, and will provide economic development benefits to the zone area encompassing Morgan County.