

IC 6-9-42

Chapter 42. Youth Sports Complex Admissions Tax

IC 6-9-42-1

"Complex"

Sec. 1. As used in this chapter, "complex" refers to a youth sports complex that:

(1) has:

(A) a multipurpose outdoor stadium with at least four thousand (4,000) seats;

(B) indoor sports facilities; and

(C) fields for baseball, soccer, softball, and lacrosse; and

(2) is located in a geographic area that has been annexed by the city before the adoption of an ordinance under section 2 of this chapter.

As added by P.L.182-2009(ss), SEC.262.

IC 6-9-42-2

Adoption of ordinance imposing the tax; application of tax

Sec. 2. (a) Except as provided in subsection (b), after June 30 of a year but before January 1 of the following year, a city fiscal body may adopt an ordinance to impose an excise tax, known as the youth sports complex admissions tax, for the privilege of attending an event at a complex.

(b) The admissions tax does not apply to the following:

(1) An event sponsored by an educational institution or an association representing an educational institution.

(2) An event sponsored by a religious organization.

(3) An event sponsored by a political organization.

(4) An event for which tickets are sold on a per vehicle or similar basis and not on a per person basis.

(c) If the fiscal body adopts an ordinance under subsection (a), the admissions tax applies to an event ticket purchased after:

(1) December 31 of the calendar year in which the ordinance is adopted; or

(2) a later date that is set forth in the ordinance.

(d) The tax terminates and may not be collected for events that occur after the city has satisfied any outstanding obligations described in section 7(d)(3) of this chapter.

As added by P.L.182-2009(ss), SEC.262.

IC 6-9-42-3

"Paid admission"; tax rate

Sec. 3. (a) As used in this section, "paid admission" refers to the price paid by each person who pays a price for admission to any event described in section 2(a) of this chapter. The term does not refer to persons who are entitled to be at an event without having paid a price for admission.

(b) The admission tax equals five percent (5%) of each paid admission to an event at the complex.

As added by P.L.182-2009(ss), SEC.262.

IC 6-9-42-4

Certification of ordinance imposing the tax to the city fiscal officer

Sec. 4. If the city fiscal body adopts an ordinance under section 2 of this chapter, it shall immediately send a certified copy of the ordinance to the city fiscal officer.

As added by P.L.182-2009(ss), SEC.262.

IC 6-9-42-5

Liability for tax

Sec. 5. (a) Each person who pays a price for admission to an event described in section 2(a) of this chapter is liable for the tax imposed under this chapter.

(b) The person who collects the price for admission to the complex shall also collect the admissions tax at the same time the price for admission is paid. In addition, the person shall collect the tax as an agent of the city in which the complex is located.

As added by P.L.182-2009(ss), SEC.262.

IC 6-9-42-6

Remitting of tax

Sec. 6. A person who collects the admissions tax under section 5 of this chapter shall remit the tax collections to the city fiscal officer. The person shall remit the revenues collected during a particular month before the twentieth day of the following month. At the time the tax revenues are remitted, the person shall file an admissions tax return on the form prescribed by the city fiscal body.

As added by P.L.182-2009(ss), SEC.262.

IC 6-9-42-7

City admissions tax fund; use of money in the fund

Sec. 7. (a) If a tax is imposed under this chapter, the city fiscal body shall establish a city admissions tax fund.

(b) The city fiscal officer shall deposit money received under section 6 of this chapter in the city admissions tax fund.

(c) Money earned from the investment of money in the city admissions tax fund becomes a part of the fund.

(d) Money in the city admissions tax fund may be used by the city only for the following:

- (1) Costs to finance, construct, reconstruct, or improve:
 - (A) public thoroughfares or highways to improve ingress or egress to and from the complex;
 - (B) infrastructure, including water and wastewater improvements, serving the complex;
 - (C) the total cost of all land, rights-of-way, and other property to be acquired by the city for the complex; and
 - (D) site preparation, drainage, landscaping, and lighting.
- (2) All reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, bond discount, and

supervisory expenses related to the acquisition and development of the property or the issuance of bonds.

(3) Payment of principal and interest on bonds issued, or lease rentals on leases entered into, by the city to finance the construction, reconstruction, or improvement identified under this subsection. Costs payable under this section include costs of capitalized interest and legal, accounting, and other costs incurred in the issuance of any bonds or the entering into of any leases.

(4) Payment of any access or connection fee imposed on the complex for access to the city's public sewer system, as long as the fee applies to all property owners served and is uniformly assessed within the city's corporate boundaries.

As added by P.L.182-2009(ss), SEC.262.

IC 6-9-42-8

Additional uses of tax revenue; bonds; leases

Sec. 8. (a) The city may:

- (1) use revenues from the tax collected under this chapter to pay all or part of the costs associated with the improvements described in section 7(d) of this chapter;
- (2) issue bonds, enter into leases, or incur other obligations to pay any costs associated with the improvements described in section 7(d) of this chapter;
- (3) reimburse itself or any nonprofit corporation for any money advanced to pay those costs; or
- (4) refund bonds issued or other obligations incurred under this chapter.

(b) Bonds or other obligations issued under this section:

- (1) are payable from revenues under this chapter, any other revenues available to the city, or any combination of these sources, in accordance with a pledge made under IC 5-1-14-4;
- (2) must be issued in the manner prescribed by IC 36-4-6-19 through IC 36-4-6-20;
- (3) may, in the discretion of the city, be sold at a negotiated sale at a price to be determined by the city or in accordance with IC 5-1-11 and IC 5-3-1; and
- (4) may be issued for a term not to exceed twenty-five (25) years, the term to apply to any refunding bonds issued to refund bonds originally issued under this section.

(c) Leases entered into under this section:

- (1) may be for a term not to exceed twenty-five (25) years;
- (2) may provide for payments from revenues under this chapter, any other revenues available to the city, or any combination of these sources;
- (3) may provide that payments by the city to the lessor are required only to the extent and only for the time that the lessor is able to provide the leased facilities in accordance with the lease;
- (4) must be based upon the value of the facilities leased; and

(5) may not create a debt of the city for purposes of the Constitution of the State of Indiana.

(d) A lease may be entered into by the city only after a public hearing with notice given in accordance with IC 5-3-1 at which all interested parties are provided the opportunity to be heard. After the public hearing, the executive may approve the execution of the lease on behalf of the city only if the executive finds that the service to be provided throughout the life of the lease will serve the public purpose of the city and is in the best interests of its residents. A lease approved by the executive must also be approved by an ordinance of the city fiscal body.

(e) Upon execution of a lease under this section, and after approval of the lease by the city fiscal body, the executive shall publish notice of the execution of the lease and the approval of the lease in accordance with IC 5-3-1.

(f) An action to contest the validity of bonds issued or leases entered into under this section must be brought within thirty (30) days after the adoption of a bond ordinance or notice of the execution and approval of the lease, as applicable.

As added by P.L.182-2009(ss), SEC.262.

IC 6-9-42-9

State board of accounts audit

Sec. 9. The accounts, books, and records of the complex are subject to an annual financial and compliance audit by the state board of accounts.

As added by P.L.182-2009(ss), SEC.262.

IC 6-9-42-10

Covenant

Sec. 10. With respect to:

(1) bonds, leases, or other obligations to which the city has pledged revenues under this chapter; and

(2) bonds issued by a lessor that are payable from lease rentals;

the general assembly covenants with the city and the purchasers or owners of the bonds or other obligations described in this section that this chapter will not be repealed or amended in any manner that will adversely affect the collection of the tax imposed under this chapter or the money deposited in the city admissions tax fund, as long as the principal of or interest on any bonds, or the lease rentals due under any lease, are unpaid.

As added by P.L.182-2009(ss), SEC.262.