

CHAPTER 13

ENTERPRISE ZONE

ARTICLE I - GENERALLY

13-1-1 **ZONE ESTABLISHED.** The City of Benton hereby establishes an "Enterprise Zone", pursuant to authority granted by the Illinois Enterprise Zone Act (The "Act"; PA 82-1019), as amended, subject to the approval of the Illinois Department of Commerce and Community Affairs, and subject to the provisions of the Act.

13-1-2 **TERM OF ZONE.** The term of the zone shall commence with the date the Enterprise Zone is designated and certified by the Illinois Department of Commerce and Community Affairs pursuant to Section 5.3 of the Act, and shall terminate at midnight of December 31 of the **twentieth (20th) year** after the year in which the Enterprise Zone is certified, unless otherwise stated herein.

13-1-3 **DESCRIPTION OF ZONE.** As established by the units of government and approved by the Illinois Department of Commerce and Community Affairs (DCCA), the area of the Enterprise Zone shall be as described in Exhibits A, B, A-2, A-3, B-2 and B-3 and as outlined in the map in Exhibit B, which exhibits are attached to this Code and made a part hereof. **(Ord. No. 97-36; 10-02-97 and Ord. No. 97-37; 11-10-97) (Ord. No. 98-21; 08-24-98)**

13-1-4 **QUALIFICATION OF ZONE.** The City of Benton hereby declares and affirms that the zone area is qualified for designation as an Enterprise Zone in accordance with the provisions of the Illinois Enterprise Zone Act, and further affirms that:

- (A) the zone area is a contiguous area;
- (B) the zone area comprises a minimum of **one-half (1/2) square mile** and not more than **twelve (12) square miles** in total area;
- (C) the zone area is a depressed area;
- (D) the zone area satisfies any additional criteria established by the Illinois Department of Commerce and Community Affairs; and,
- (E) on the **sixteenth (16th) day of October, 1989** the City Council of the City of Benton conducted a public hearing within the zone area on the question of whether to create the zone, what local plans, tax incentives and other programs should be established in connection with the zone, and what the boundaries of the zone should be, and that public notice was given in at least **one (1) newspaper** of general circulation within the zone area, not more than **twenty (20) days** nor less than **five (5) days** before the hearing.

13-1-5 **SALE OF MATERIALS.** Each retailer whose place of business is within the unincorporated areas of Franklin County or the corporate limits of the City of Benton and who makes a sale for building materials to be incorporated into real estate located in the Enterprise Zone by remodeling, rehabilitation or new construction, may deduct receipts from such sales when calculating the tax imposed by the Retailers' Occupation Tax Act provided, however, that such remodeling, rehabilitation, or new construction is of the nature and scope for which a building permit or certification of eligibility is required and has been obtained. The incentive provided by this Section shall commence the **first (1st) day** of the calendar month following the month in which the Enterprise Zone is designated and certified, and shall continue for the term of the Enterprise Zone. **(Ord. No. 97-35; 10-02-97)**

13-1-6 ABATE REAL ESTATE TAXES. The City of Benton authorizes and directs the County Clerk to abate ad valorem taxes imposed upon real property, located within the Enterprise Zone area, upon which new improvements have been constructed or upon which existing improvements have been renovated or rehabilitated, subject to the following conditions:

(A) any abatement of taxes on any parcel shall not exceed the amount attributable to the construction of the improvements and the renovation or rehabilitation of existing improvements on such parcel; or

(B) such abatement shall be allowed for commercial, industrial or manufacturing property, also for residential property improved through the urban homestead program, located within the zone area;

(C) such abatement shall be at the rate of: **one hundred percent (100%)** of the value of the improvements, for the assessment year in which the improvements are made, and the **four (4) assessment years** immediately following the year in which the improvements are made, and **fifty percent (50%)** of the value of the improvements for the succeeding **five (5) years**; and,

(D) the abatement is allowed if the improvements have a minimum cost of **Ten Thousand Dollars (\$10,000.00)** market value, the nature and scope of which a building permit or certification of eligibility is required and has been obtained;

(E) such abatement shall continue and be in full force as set forth in this Section for any improvements which are completed within the term of the Enterprise Zone as specified in **Section 13-1-3** of this enactment.

13-1-7 PERMIT FEES WAIVED IN ZONE. In the case of any and all permit fees required and charged by the City for the rehabilitation, expansion or new construction of any commercial, industrial, manufacturing or community development assisted projects within the Zone Area, such permit fees (but not the permits themselves) shall be waived in their entirety. The permit fee waiver herein provided for shall include all fees charged for building, plumbing, electrical, zoning and excavation permits where a building permit or certification of eligibility is otherwise required and has been obtained for such rehabilitation, expansion or new construction, but shall not include such permit fees charged for the mere repair or replacement of electrical, plumbing or mechanical systems not undertaken in connection with such rehabilitation, expansion or new construction.

13-1-8 URBAN HOMESTEAD PROGRAM. Pursuant to Section 10 of the Enterprise Zone Act, the City of Benton hereby establishes an urban shopstead program and an urban homestead program. Under the urban shopsteading program, the City may sell to a Designated Zone Organization a structure or portion thereof it owns for a sum not to exceed **One Hundred Dollars (\$100.00)**. The Designated Zone Organization shall agree to renovate or remodel the property to meet the standards and level of maintenance stated in the agreement between the Designated Zone Organization and the City. The Designated Zone Organization may sell or lease such property or structure to commercial and industrial businesses pursuant to the procedures set forth in the sales agreement between it and the City. The Designated Zone Organization may retain the structure in whole or in part for its own use. Any proceeds derived from the use, leave or sale of such property shall accrue to the Designated Zone Organization.

Under the urban homestead program, the City may sell to an individual a residence or any portion thereof that the City owns within the zone area for a sum of **One Hundred Dollars (\$100.00)**. The individual must agree to renovate or remodel the property to meet the standards and level of maintenance stated in the sales agreement between the individual and the City, and the individual must live in the residence for **seven (7) years**. At the end of the **seven (7) year** period, the City shall assign title to the property over to the individual, provided satisfactory improvements to the property have been made pursuant to the agreement with the City.

The urban homestead program and the urban shopstead program shall be subject to the rules and guidelines issued by the Zone Administrator, with the approval of the Council of the City of Benton, provided such rules and guidelines are not inconsistent with the Act.

13-1-9 **DESIGNATED ZONE ORGANIZATIONS.** The Zone Administrator may recommend to the City Council one or more organizations that qualify as Designated Zone Organizations under the provisions of the Illinois Enterprise Zone Act. Upon approval of the City Council, for a term of years set by the City Council, the organizations may:

- (A) provide or contract for provision of services including, but not limited to: crime watch patrols within zone neighborhoods; volunteer day care centers; or, other types of public services as provided by ordinance or regulation;
 - (B) provide a forum for business, labor and government action on Enterprise Zone innovations;
 - (C) receive title to publicly owned land;
 - (D) solicit and receive contributions to improve the quality of life in the zone area;
- and,
- (E) perform such other functions as the City Council may deem appropriate, not inconsistent with the Illinois Enterprise Zone Act.

13-1-10 **POSITION OF ZONE ADMINISTRATOR ESTABLISHED.** The position of "Zone Administrator" is hereby created. The Zone Administrator will be the Mayor of the City of Benton.

The Mayor shall have the power and duty as the Zone Administrator to:

- (A) supervise the implementation of the provisions of this Code and the Illinois Enterprise Zone Act;
- (B) act as a liaison between the City, the Illinois Department of Commerce and Community Affairs, designated zone organization(s); and other state, federal, and local agencies, whether public or private;
- (C) conduct an ongoing evaluation of the Enterprise Zone program and submit such evaluation reports on at least a quarterly basis to the City Council and Illinois Department of Commerce and Community Affairs;
- (D) promote the coordination of other relevant programs, including, but not limited to, housing, community and economic development, small business, financial assistance and employment training with the Enterprise Zone;
- (E) recommend qualified designed zone organizations to the City Council; and,
- (F) have other such duties as specified by the City Council. **(See 655 ILCS Sec.**

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(Unless Otherwise Noted: Ord. No. 1251; 12-11-89)