BILL NO. G-16-05-27 As Amended As Amended

RESOLUTION NO. G-_____

AN ORDINANCE OF THE CITY OF FORT WAYNE, INDIANA, AMENDING CH. 37: "FINANCE AND REVENUE" OF THE CITY OF FORT WAYNE, INDIANA, CODE OF ORDINANCES BY ADDING § 37.42

WHEREAS, Ind. Code § 6-3.5-10 et seq. (the Excise Tax Act) authorizes the common council of any municipality having population of at least ten thousand (10,000) to impose, by ordinance, an annual license excise surtax (the Municipal Motor Vehicle License Excise Surtax) at a rate of at least $7.50 and not more than $25.00 on certain vehicles registered in the municipality; and

WHEREAS, Ind. Code § 6-3.5-11 et seq. (the Wheel Tax Act) authorizes the common council of any municipality having population of at least ten thousand (10,000) to impose, by ordinance, an annual wheel tax (the Municipal Wheel Tax) at a rate of not less than $5.00 nor more than $40.00 on certain classifications of vehicles not exempted from the wheel tax and registered in the municipality; and

WHEREAS, the Excise Tax Act and the Wheel Tax Act (collectively, the Act) each require that the Municipal Motor Vehicle License Excise Surtax and the Municipal Wheel Tax be imposed concurrently; and

WHEREAS, the City of Fort Wayne has experienced a decline in revenue necessary to support the operation of the road and street system in the City; and

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, deems it necessary to now impose the Municipal Motor Vehicle License Excise Surtax and the Municipal Wheel Tax.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Addition of New Section. Chapter 37 of the Fort Wayne City Code titled "Finance and Revenue" shall be amended to add Section 37.42 titled "Motor Vehicle Excise Surtax and Wheel Tax" which shall read as follows:

§ 37.42 **MOTOR VEHICLE LICENSE EXCISE SURTAX AND WHEEL TAX.**

(A) Motor Vehicle License Excise Surtax.

(1) *Creation of fund.* There is hereby created a municipal surtax fund, which shall be a non-reverting fund. Revenues received from the Department of Motor Vehicles from taxes imposed under this subsection shall be deposited into the fund.

(2) *Tax rates.* Effective January 1, 2017 and in accordance with Ind. Code § 6-3.5-10-2(c), the surtax shall be imposed at the following rates:

a. Passenger vehicles: $20 per year

b. Motorcycles: $12.50 per year

c. Trucks with a declared gross weight that does not exceed 11,000 pounds: $25 per year

d. Motor driven cycles: $12.50 per year

(3) *Vehicle definitions.* The definitions set forth in the Act shall apply to this section.

(4) *Uses of fund.* Funds in the municipal surtax fund may be used for one or more of the following purposes:

a. To construct, reconstruct, repair, or maintain streets and roads under the city's jurisdiction;

b. For the city's contribution to obtain a grant from the local road and bridge matching grant fund pursuant to Ind. Code § 8-23-30.

(5) *Transportation Asset Management Plan.* The Mayor shall prepare a transportation asset management plan, approved by the Indiana Department of Transportation, as required by Ind. Code § 6-

3.5-10-2(e) and Ind. Code § 6-3.5-11-2(c) and submit a copy of such plan to the Common Council on or before August 1 of each year.

(6) *Accounting of fund.* On or before August 1 of each year, the Controller shall provide the Common Council an estimate of the surtax revenues to be received by the city under this section during the next calendar year. The city shall include the estimated surtax revenues in the city's budget estimate for the calendar year.

(B) Wheel Tax.

(1) There is hereby created a municipal wheel tax fund, which shall be a non-reverting fund. Revenues received from the Department of Motor Vehicles from taxes imposed under this section shall be deposited into the fund.

(2) *Tax rates.* Effective January 1, 2017 and in accordance with Ind. Code § 6-3-5-11-2(d), the wheel tax shall be imposed on the following non-exempt vehicles at the following rates:

a. Buses: $40 per year

b. Recreational Vehicles: $12.50 per year

c. Semitrailers: $40 per year

d. Tractors: $40 per year

e. Trailers: $12.50 per year

f. Trucks: $40 per year

(3) *Vehicle definitions.* The definitions set forth in the Act shall apply to this section.

(4) *Uses of fund.* Funds in the municipal wheel tax fund may be used for one or more of the following purposes:

a. To construct, reconstruct, repair, or maintain streets and roads under the city's jurisdiction;

b. As a contribution to an authority established under Ind. Code § 36-7-23;

c. For the city's contribution to obtain a grant from the local road and bridge matching grant fund under Ind. Code § 8-23-30.

(5) *Transportation Asset Management Plan.* The Mayor shall prepare a transportation asset management plan as required in Section 37.42(A)(5).

(6) *Accounting of fund.* On or before August 1 of each year, the Controller shall provide the Common Council an estimate of the wheel tax revenues to be received by the city under this section during the next calendar year. The city shall include the estimated wheel tax revenues in the city's budget estimate for the calendar year.

SECTION 2. Repeal and modification. This Ordinance may be repealed and the rates set forth herein may be decreased or increased only in accordance with the Act.

SECTION 3. Publication. The Controller is hereby directed to file a copy of this ordinance with the Commissioner of the Bureau of Motor Vehicles and the Department of State Revenue as required by the Act.

SECTION 4. Conflicting Ordinances. Any Ordinance or provision of any Ordinance of the City of Fort Wayne in conflict with the provisions of this Ordinance is hereby repealed.

SECTION 5. Severability. The invalidity of any section, clause, sentence or provision of the 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 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and publication as required by law.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Joseph Bonahoom, City Council Attorney