

COUNTY OF WELLS
ORDINANCE NO. 2024- 10

**ORDINANCE IMPOSING A MORATORIUM ON TAX ABATEMENTS
FOR COMMERCIAL SOLAR DEVELOPMENT IN WELLS COUNTY.**

WHEREAS, pursuant to Indiana Code (“IC”) 6-1.1-12.1-2(a), a designating body may find that a particular area within its jurisdiction is an economic revitalization area;

WHEREAS, pursuant to 6-1.1-12.1-2(g), in finding an area to be an economic revitalization area, a designating body may adopt a ordinance establishing general standards, as long as the standards have a reasonable relationship to the development objectives of the area;

WHEREAS, pursuant to IC 6-1.1-12.1-1(7) and IC 36-2-3-2, the Wells County Council (“Council”), the fiscal body of Wells County, Indiana (“County”) is a “designating body”;

WHEREAS, the Council acknowledges a prior and existing proposal for large-scale commercial solar energy generation, storage systems, or facilities (“commercial solar development”) receiving economic tax incentives therefrom, and that this Ordinance shall not be deemed to impact, effect, delay, repeal, reject or deny any abatements for any prior and existing proposal;

WHEREAS, the Council has found that, especially with the most recent discussions with and within the Wells County community, there is a there is a lack of public support for commercial solar facilities themselves and the suggestion of offering tax incentives for commercial solar facilities is even less popular;

WHEREAS, the Council believes that tax incentives for commercial solar development in the rural areas of the County should be prohibited, subject to any comprehensive plan and/or zoning ordinance; *and*

WHEREAS, pursuant to IC 36-1-3 (“Home Rule”), a unit in the State of Indiana has all powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute, and may exercise those powers to the extent that the power: (i) is not expressly denied by the Indiana Constitution or by statute; and (ii) is not expressly granted to another entity.

NOW, THEREFORE, BE IT ORDAINED BY THE WELLS COUNTY COUNCIL OF WELLS COUNTY, INDIANA THAT:

SECTION I – NAME

The name of this ordinance is the “Solar Development Tax Abatement Moratorium,” or the “Tax Abatement Moratorium” where the context is obvious.

SECTION II – RECITALS

The foregoing recitals, including all defined terms, are hereby incorporated into this ordinance and found to be true, accurate, and correct.

SECTION III – MORATORIUM

Council hereby imposes an indefinite moratorium on the filing, processing, review, consideration, and granting of all applications for tax abatement and other subsidies that relate to large-scale commercial solar or other alternative energy generation, storage systems, or facilities. This moratorium shall not impact, effect, delay, repeal, reject or deny any obligations of County Council in regard to any abatements required under any existing economic development agreement.

SECTION IV – MISCELLANEOUS

- A. References. Except where a specific version or edition is given, reference to another section of this ordinance or to another law, document, fund, department, board, program, public servant, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, reappointed, or renumbered from time to time. Reference in this ordinance to a law, document, fund, department, board, program, public servant, or public office without reference to another jurisdiction, shall be construed as if it were preceded or followed, as appropriate, by the words “(of) Wells County (Indiana).”
- B. Judicial Review. This ordinance is intended only to improve the internal management of the County. Notwithstanding anything in this ordinance to the contrary, nothing in this ordinance shall be construed to create any new legal duty, right, or benefit, whether substantive or procedural, enforceable against the County; nor to waive or diminish any protection that may be applicable to the County or any of its elected or appointed officials, employees, agents, or representatives under any applicable law providing governmental immunity, or any other rights, protections, immunities, defenses, or limitations on liability that the County or such related parties are provided by law.
- C. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize the same.
- D. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this ordinance as a whole, nor any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.

- E. Promulgation. The Auditor is hereby authorized, empowered, and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this ordinance effective.
- F. Codification. As this ordinance concerns a moratorium on the filing of certain applications, the codifier of ordinances shall omit codification of this ordinance.
- G. Effective Date. This ordinance shall take effect immediately upon adoption.

I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

LISA McCormick

Prepared by: Ted Storer, County Attorney

SECTION V – ADOPTION


Adopted and resolved this 2nd day of July 2024 by the following vote:

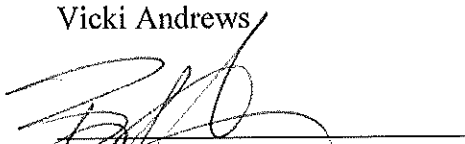
Ayes


Nays


Absent

/s/ Seth Whicker
Seth Whicker

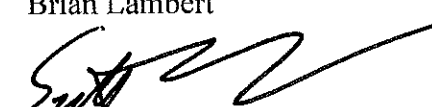

Vicki Andrews


Brandon Harnish


Todd Mahnensmith


Steve Huggins



Brian Lambert


Scott Elzey

Presented to and approved by me, this 2nd day of July, 2024.

/s/ Seth Whicker
Seth Whicker, President

ATTEST:


Lisa McCormick, Auditor

WAIVER OF SECOND READING

On motion duly made and seconded, the second reading of the foregoing ordinance was unanimously waived, and the ordinance shall be deemed effective as provided therein.

**THE WELLS COUNTY COUNCIL OF
WELLS COUNTY, INDIANA**

 /s/ Seth Whicker

Seth Whicker, President

 Vicki Andrews

Vicki Andrews, Vice President

 Brandon Harnish

Brandon Harnish, Member

 Todd Mahnensmith

Todd Mahnensmith, Member

 Steve Huggins

Steve Huggins, Member

 Brian Lambert

Brian Lambert, Member

 Scott Elzey

Scott Elzey, Member

ATTEST:

 Lisa McCormick

Lisa McCormick, Auditor

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