

ORDINANCE NO. 2021 - 16

AN ORDINANCE OF THE COUNTY OF BOONE, KENTUCKY (THE "COUNTY") RESCINDING AND REPEALING ORDINANCE 07-03 ADOPTED ON JANUARY 16, 2007, IN ITS ENTIRETY THAT RELATED TO THE AUTHORIZATION AND ESTABLISHMENT OF A DEVELOPMENT AREA FOR INFRASTRUCTURE DEVELOPMENT KNOWN AS THE "BOONE COUNTY, DEVELOPMENT AREA NO. 2"; THE ESTABLISHMENT OF A PERCENTAGE OF INCREMENT THAT THE COUNTY OF BOONE WOULD DISTRIBUTE EACH YEAR; PROVIDED FOR A REQUEST FOR INCREMENTS FROM BOONE COUNTY IN ACCORDANCE WITH AND PURSUANT TO THE PROVISIONS OF THE INCREMENTAL FINANCING FOR ECONOMIC DEVELOPMENT ACT, KRS 65.680 TO 65.699 THAT APPROVED AND AUTHORIZED THE MAXIMUM AMOUNT OF INCREMENTS TO BE SUBMITTED; AND TO TAKE SUCH OTHER ACTIONS AS ARE NECESSARY OR REQUIRED WITH RESPECT TO THE ESTABLISHMENT OF THE "BOONE COUNTY DEVELOPMENT AREA NO. 2", INCLUDING THE AUTHORITY TO ENTER INTO GRANT CONTRACTS WITH OTHER CITIES OR COUNTIES AND TO IMPOSE ASSESSMENT FEES ON NEWLY CREATED JOBS WITHIN THE DEVELOPMENT AREA.

WHEREAS, county government is authorized by KRS 67.076 to take official action by enactment of a county ordinance; and

WHEREAS, the Boone County Code of Ordinances provides in Ordinance 10.16 that an enacted ordinance shall be repealed by a subsequent enacted ordinance; and

WHEREAS, the Fiscal Court of the County finds that since the passage of Ordinance 07-03 there has not been any economic development activity within Boone County Development Area No. 2, no assessment fees nor increments related to any projects have occurred under KRS 65.680 through 65.699, the Incremental Financing for Economic Development Act ("Act"), and no agreements have been entered into with any entities in the Boone County Development Area No. 2; and

WHEREAS, there is no provision under the Act which prohibits repealing an ordinance enacted thereunder; and

WHEREAS, counties under the Home Rule statute and specifically paragraph (x) of KRS 67.083 are given the power and authority to create legislation for the promotion of economic development; and

WHEREAS, the Fiscal Court of the County deems it necessary to rescind and repeal Ordinance 07-03, in accordance with and pursuant to the terms and provisions of the Act, and for the purposes set forth and described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:

SECTION 1 - Rescission and Repeal of Ordinance 07-03

Ordinance 07-03 is hereby fully rescinded and repealed.

SECTION 2 - Incorporation of Recitals

The preamble or recitals to this Ordinance are hereby declared and determined to be true and accurate in all respects and are incorporated into the body of this Ordinance, in full, by reference thereto.

SECTION 3 - Severability

In case any section or provision of this Ordinance is held to be illegal or invalid for any reason, such illegal or invalid section or provisions shall not affect the legality or validity of any other section or provision of this Ordinance, all of which shall be construed or enforced at the time as if such illegal section or provision were not contained herein.

SECTION 4 - Conflicts Repeal

Prior ordinances, resolutions or parts thereof in conflict with provisions of this Ordinance are hereby repealed.

SECTION 5 - Effective Date

That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

GIVEN FIRST-READING APPROVAL AT A DULY CONVENED MEETING OF THE FISCAL COURT OF THE COUNTY OF BOONE, KENTUCKY, held on the 25th day of May, 2021.

GIVEN SECOND READING AND ADOPTED AT A DULY CONVENED MEETING OF THE FISCAL COURT OF THE COUNTY OF BOONE, KENTUCKY, held on the 8th day of June, 2021, and on the same occasion signed by the County Judge/Executive as evidence of his approval, attested by the Clerk, published and filed as required by law, and declared to be in full force and effect from and after its adoption and approval according to law.


GARY W. MOORE
Boone County Judge/Executive

ATTEST:


SHARON BURCHAM
Fiscal Court Clerk