

Sponsors: Alfonso Salinas III, 2nd District Councilman
William Emerson, Sr., 4th District Councilman
Janet Venecz, Councilman at Large

ORDINANCE NO. 9636

**AN ORDINANCE OF THE CITY OF HAMMOND
ADOPTING A 1% MUNICIPAL FOOD AND
BEVERAGE TAX**

WHEREAS, the State of Indiana Legislature passed a bill that amended the Indiana Code to add a section entitled I.C. 6-9-58 Hammond Food and Beverage Tax that includes legislation allowing the City of Hammond ("Hammond") to adopt a food and beverage tax applicable to certain food and beverage items within its municipal boundaries ("Food and Beverage Tax") and that the Governor signed this bill into law with an effective date of July 1, 2024; and

WHEREAS, pursuant to said legislation, the Hammond Common Council may adopt an ordinance to enact a food and beverage tax and is required to hold a separate public hearing where the Food and Beverage Tax is the only substantive issue on the agenda prior to adopting the Food and Beverage Tax before adopting the ordinance; and

WHEREAS, the Common Council will comply with this requirement by setting a public hearing before adopting this ordinance and shall hold a separate public hearing where the Food and Beverage Tax is the only substantive issue on the agenda at the public hearing; and

WHEREAS, to encourage and support the continued growth of the city and increased tourism by supporting the Hammond Sportsplex, the South Shore Westlake Corridor Project Downtown Hammond Station, and the Wolf Lake Pavilion, the City of Hammond now desires to adopt a Food and Beverage Tax.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HAMMOND, INDIANA, THAT:

SECTION 1. The above recitals are incorporated herein by reference.

SECTION 2. Pursuant to Ind. Code § 6-9-58 *et seq.*, the Common Council hereby adopts a Food and Beverage Tax that shall be one percent (1%) of the gross retail income received by the retail merchant from the food or beverage transactions described in Sections 4 of this Ordinance.

SECTION 3. The Council has held a duly noticed public hearing where the Food and Beverage Tax was the only substantive agenda item.

SECTION 4. Pursuant to Ind. Code § 6-9-58-4, the Food and Beverage Tax shall apply to a transaction in which food or beverage is furnished, prepared or served:

- a. for consumption at a location or on equipment provided by a retail merchant;
- b. in the City of Hammond; and
- c. by a retail merchant for consideration; and including those transactions listed in Ind. Code § 6-9-58-4(b).

SECTION 5. The Food and Beverage Tax shall not apply to the furnishing, preparing, or serving of a food or beverage in a transaction that is exempt, or to the extent the transaction is exempt, from the state gross retail tax imposed by Ind. Code§ 6-2.5.

SECTION 6. The Food and Beverage Tax shall apply to transactions that occur on or after **July 1, 2024.**

SECTION 7. Food and Beverage Tax revenue shall only be used for the following purposes and provided funds are available for said purposes:

- a. Development related to the Northern Indiana Commuter Transportation District's construction of the West Lake Corridor Commuter Rail Project downtown station including the purchase of land for development in the city's downtown area; and
- b. The expansion and improvement of the Hammond Sportsplex and Community Center, including the purchase of land for the expansion and improvement of the Hammond Sportsplex and Community Center; and
- c. The expansion and improvement of the Pavilion at Wolf Lake Memorial Park, including the purchase of land for the expansion and improvement of the Pavilion at Wolf Lake Memorial Park; and
- d. The pledge of money under Ind. Code § 5-1-14-4 for bonds, leases, or other obligations incurred for a purpose described in subdivisions (a-c).

SECTION 8. Any Ordinances or parts thereof in conflict herewith are hereby repealed.

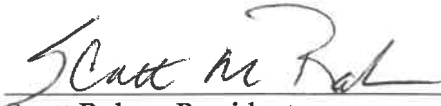
SECTION 9. Pursuant to Ind. Code§ 6-9-58-3(b), a certified copy of this Ordinance shall be immediately sent to the Indiana Department of Revenue once the proposed legislation becomes law.

THEREFORE, BE IT FURTHER ORDAINED that if any part of this ordinance shall be held invalid by a court of competent jurisdiction, the remainder thereof shall not be affected.

BE IT FURTHER ORDAINED by the Common Council, that this Ordinance shall take effect upon signing by the President of the Common Council and approval by the Mayor, and Publication as provided by law.

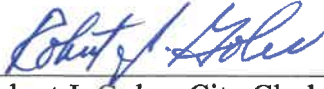
ADOPTED AND APPROVED BY the Common Council of the City of Hammond, Indiana, this

24th day of June, 2024.



Scott Rakos, President
Hammond Common Council

ATTEST:



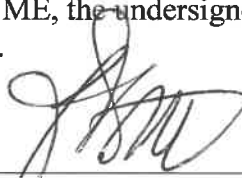
Robert J. Golec, City Clerk
City of Hammond, Indiana

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond, Indiana, to the Mayor,
for approval and signature, this 25th day of June, 2024.



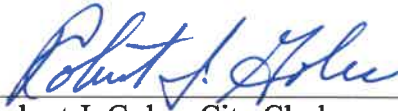
Robert J. Golec, City Clerk
City of Hammond, Indiana

The foregoing Ordinance No. 9636 consisting of three (3) typewritten pages, including
this page, was APPROVED AND SIGNED BY ME, the undersigned Mayor of the City of Hammond,
Indiana, this 25th day of June, 2024.



Thomas M. McDermott, Jr., Mayor
City of Hammond, Indiana

PASSED by the Common Council on the 24th day of June, 2024 and approved
by the Mayor on the 25th day of June, 2024.



Robert J. Golec, City Clerk,
Hammond, Indiana