

## CHAPTER 13. ENTERPRISE ZONES

### Sec. 10-13001. DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the following meanings, except where the context indicates a different meaning is intended:

(a) *Ad valorem tax* shall mean property taxes levied for state, county, or municipal operating purposes but does not include property taxes imposed by school districts or property taxes imposed for obligation debt.

(b) *Business enterprise* means any business which is engaged primarily in manufacturing, warehousing and distribution, processing, telecommunications, tourism, and research and development industries.

(c) *Enterprise zone* means the geographic area designated in section 10-13003

(d) *Full-time job equivalent* means a job or jobs with no predetermined end date, with a regular work week of thirty (30) hours or more, and with the same benefits provided to similar employees.

(e) *Low income and moderate income individual* means a person who is currently:

(1) Unemployed or unemployed for three (3) of the six (6) months prior to the date of hire;

(2) Homeless;

(3) A resident of public housing;

(4) Receiving temporary assistance to needy families or who has received temporary assistance for needy families at any time during the eighteen (18) months previous to the date of hire;

(5) A participant in the Job Training Partnership Act or who has participated in the Job Training Partnership Act at any time during the eighteen (18) months previous to the date of hire;

(6) A participant in a job opportunity where basic skills are required or who has participated in such a job opportunity at any time during the eighteen (18) months previous to the date of hire.

(7) Receiving supplemental social security income; or

(8) Receiving food stamps.

(f) *New job* means employment for an individual created within an enterprise zone by a new or expanded qualified business or service enterprise at the time of the initial staffing of such new or expanded enterprise.

(g) *Qualified or qualifying business* means an employer that meets the requirements of O.C.G.A. Section 36-88-1, et seq. (including O.C.G.A. Section 36-88-4) and subsection 10-12004(b);

(h) *Qualified or qualifying service enterprise* means an entity that meets the requirements of subsection 10-13004(b) and O.C.G.A. Section 36-88-1, et seq., and which is engaged primarily in finance, insurance, and real estate activity or activities listed under the Standard Industrial Classification (SIC) Codes 60 through 67 according to the Federal Office of Management and Budget Standard Industrial Classification Manual, 1987 edition.

(Ord. No. 1153-98, § 1, 3-17-98)

### Sec. 10-13002. PURPOSE AND SCOPE

The City of East Point's Mayor and City Council finds and determines that there is need for revitalization in certain areas of the City of East Point, Georgia. Revitalization will improve geographic areas within the City of East Point which are suffering from disinvestment,

underdevelopment, and economic decline and will encourage private businesses to reinvest and rehabilitate such areas. This chapter should be liberally construed to accomplish these purposes. (Ord. No. 1153-98, § 2, 3-17-98)

### **Sec. 10-13003. CRITERIA AND BOUNDARIES OF ENTERPRISE ZONE**

The mayor and city council of East Point, Georgia has determined that the area contained in the enterprise zone described below satisfies at least three (3) of the four (4) criteria specified in O.C.G.A. Section 36-88-6.

More specifically, it is determined that there is evidence of adverse economic conditions brought about by significant job dislocation within the area delineated below, there is evidence of general distress within the area other than poverty and unemployment, and there is evidence of underdevelopment within the area showing that the level of development in the nominated area is at least twenty (20) percent lower than development activity within the City of East Point as a whole. The enterprise zone created herein, upon approval of Fulton County, Georgia shall have the following geographic boundaries:

(1) Beginning at the intersection of the right-of-ways of Norman Berry Drive and Cleveland Avenue thence running northeasterly along the southerly right-of-way of Cleveland Avenue approximately 248 feet to a point; thence running easterly along the southerly right-of-way of Cleveland Avenue approximately 642 feet to a point at the southwestern intersection of Cleveland Avenue and Sylvan Road; thence running southerly along the westerly right-of-way of Sylvan Road a distance of approximately 1385 feet to a point; thence running southwesterly a distance of approximately 62 feet to a point, said point being on the city limit line for the City of East Point; thence running westerly approximately 250 feet to a point, said point being the intersection of the City of East Point city limits and Central Avenue; thence running northwesterly along the northern right-of-way of Central Avenue a distance of approximately 448 feet to a point, said point being the northeasterly intersection of Central Avenue and Norman Berry Drive; thence running northerly along the easterly right-of-way of Norman Berry Drive approximately 1337 feet more or less to a point at the intersection of Norman Berry and Cleveland Avenue said point being the true point of beginning.

(2) Beginning at the northeasterly intersection of Central Avenue and Norman Berry Drive; thence running southeasterly along the northern right of way of Central Avenue a distance of approximately 448 feet to a point; thence southerly a distance of approximately 138 feet to the northern right of way of Willingham Drive; thence northeasterly along said right of way a distance of approximately 450 feet to the intersection of the right of way of Norman Berry Drive; thence northerly along the right of way of Norman Berry Drive a distance of approximately 140 feet to the point of beginning.

(Ord. No. 1153-98, § 3, 3-17-98; Ord. No. 009-01, § 1, 6-18-01)

### **Sec. 10-13004. QUALIFICATIONS AND INCENTIVES; QUALIFYING BUSINESS**

(a) The mayor and city council of East Point, in order to encourage revitalization within the designated enterprise zone, make exemptions from municipal ad valorem taxes available to qualifying businesses and service enterprises within the enterprise zone in accordance with the following schedule:

- (1) One hundred (100) percent of the municipal ad valorem taxes due on the qualifying business or service enterprise shall be exempt for the first (5) years;
  - (2) Eighty (80) percent of the municipal ad valorem taxes due on the qualifying business or service enterprise shall be exempt for the next two (2) years;
  - (3) Sixty (60) percent of the municipal ad valorem taxes due on the qualifying business or service enterprise shall be exempt for the next year;
  - (4) Forty (40) percent of the municipal ad valorem taxes due on the qualifying business or service enterprise shall be exempt for the next year; and
  - (5) Twenty (20) percent of the municipal ad valorem taxes due on the qualifying business or service enterprise shall be exempt last (tenth) year.
- (b) A qualifying business or service enterprise is an enterprise which increased employment by five (5) or more new full-time job equivalents in area designated as an enterprise zone and which provides additional economic stimulus in such zone. The quality and quantity shall be determined, on a case-by-case basis, by the mayor and city council of East Point, Georgia. Such business or service may be new, an expansion project for an existing business or service enterprise, reinvestment of an existing business or service enterprise, or a successor to such business or service enterprise. At no time shall this chapter be construed to apply to business or service enterprise existing at the time of enactment of this chapter unless such business or service enterprise qualifies under subsection 10-13004(d). Whenever possible, ten (10) percent of such new employees shall be low income or moderate income individuals
- (c) For a qualifying business or service enterprise within the enterprise zone designated herein, the schedule provided in paragraph (a) of this section shall begin the calendar year after which said enterprise is designated as a "qualifying business or service enterprise" by the Mayor and City Council of East Point and the Fulton County Board of Commissioners. Nothing contained in the ordinance shall be construed as giving any qualifying business or service enterprise or property owner a vested right to be designated as a qualifying business or service enterprise. A minimum of five (5) new jobs must be created and maintained for a qualifying business or service enterprise to maintain eligibility for the tax exemption provided for in this chapter. Evidence of the creation and maintenance of all new jobs within the enterprise zone shall be submitted to East Point city clerk by the qualifying business or service enterprise annually.
- (d) If on or after the effective date of this chapter, a project within the designated enterprise zone consists of rehabilitation of an existing structure and the value of the improvement exceeds the value of the land by a ratio of five (5) to one (1), then the exemption schedule in paragraph (a) of this section shall apply whether or not the rehabilitation project is carried out by a qualifying business or service enterprise. The tax exemptions pursuant to this paragraph shall begin the year directly following designation of the project by the mayor and city council of East Point and the Fulton County Board of Commissioners as a qualifying project under this paragraph. This designation shall not be requested until completion of the rehabilitation project.
- (e) In no event shall the value of the ad valorem tax exemptions granted within the city as a whole exceed ten (10) percent of the value of the property tax digest of the city of East Point.
- (Ord. No. 1153-98, § 4, 3-17-98)

## **Sec. 10-13005. TERMS OF DURATION**

The area designated as an enterprise zone shall remain in existence for ten (10) years from the first day of the year following the effective date of this chapter. Ad valorem tax exemptions

available to a qualified business or service enterprise in the enterprise zone herein created shall remain in effect for the full ten-year period established in subsection 10-13004(a) of this chapter, regardless of the termination of the designation of the area as an enterprise zone.

(Ord. No. 1153-98, § 5, 3-17-98)

#### **Sec. 10-13006. ADMINISTRATION**

The Planning and Zoning together with the Fulton County Department of Planning and Economic Development and the Office of the Tax Commissioner of Fulton County shall administer and enforce this chapter for the purpose of determining the applicability of the exemptions provided herein.

(Ord. No. 1153-98, § 6, 3-17-98)

#### **Sec. 10-13007. APPLICATION**

(a) An enterprise desiring designation as a "qualifying business or service enterprise" under this chapter must apply to the Planning and Zoning Department the Fulton County Department of Planning and Economic Development. The application shall be accompanied by the following items:

(1) A description of the business(es) conducted by the applicant at the subject location within the enterprise zone;

(2) Documented evidence reflecting the number of full-time equivalents created and maintained by the applicant at the subject location within the enterprise zone as of the date of application, as compared to the number of such full-time job equivalents existing as of the effective date of this chapter.

(3) The name and address of each employee occupying each new full-time job at the subject location within the enterprise zone, and a determination of whether each such employee was a low income or moderate income individual as of the date of hire of the employee for the new full-time job equivalent.

(4) A description and documentation of any economic stimulus provided within the enterprise zone by the applicant.

(b) For enterprises applying for exemptions under subsection 10-13004(d), the application to the Planning and Zoning Department the Fulton County Department of Planning and Economic Development should be accompanied by the following:

(1) A description of the business(es) conducted by the applicant at the subject location within the enterprise zone;

(2) Documentation reflecting expenses of rehabilitation of the existing structure;

(3) An appraisal or appraisals reflecting the value of the structure both before and after the rehabilitation;

(4) An appraisal or appraisals reflecting the value of the accompanying tract or parcel of land both before and after rehabilitation of the structure;

(5) Photographic documentation of the structure before and after rehabilitation.

(Ord. No. 1153-98, § 7, 3-17-98)

#### **Sec. 10-13008. SEPARATE BUSINESS LOCATIONS**

Where a business is operated at more than one (1) site or location, only the site within the enterprise zone shall be eligible for the tax exemptions provided in this chapter.  
(Ord. No. 1153-98, § 8, 3-17-98)

**Sec. 10-13009. RECORD OF EXEMPTION TO BE MAINTAINED**

Any tax exemption provided by this chapter shall be recorded and documented at the address for which tax exemptions were approved. Such documentation shall be timely exhibited to any authorized enforcement officer of the City of East Point or Fulton County when so requested.  
(Ord. No. 1153-98, § 9, 3-17-98)

**Sec. 10-13010. SEVERABILITY**

In the event any section, subsection, paragraph, sentence, clause or phrase of this chapter shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, paragraphs, sentences, clauses or phrases of this chapter which shall remain in full force and effect as if that portion so adjudged invalid or unconstitutional not originally a part thereof. The mayor and city council of East Point, Georgia, hereby declare that they would have passed the remaining parts of this chapter if it had known that such portion thereof would be declared or adjudged invalid or unconstitutional.  
(Ord. No. 1153-98, § 10, 3-17-98)

**Sec. 10-13011. LIABILITY**

Neither the approval or denial of an application under this chapter shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law or impose any liability upon the City of East Point or Fulton County for damage to any person or property.  
(Ord. No. 1153-98, § 11, 3-17-98)

**Sec. 10-13012. EFFECTIVE DATE**

This ordinance shall become effective thirty (30) days following its adoption by the Mayor and City Council of East Point, Georgia and upon approval by the Fulton County Board of Commissioners.  
(Ord. No. 1153-98, § 12, 3-17-98)