

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, ADOPTING THE DOWNTOWN FIRE SAFETY GRANT PROGRAM

WHEREAS, the Common Council of the City of Valparaiso, Indiana ("Common Council"), has adopted a number of programs (i.e. Objectives and Criteria for Historic Liquor License Allocation, Façade Improvement, etc.) in order to encourage economic development within downtown Valparaiso; and

WHEREAS, as a result of the above-referenced programs together with the development of Central Park Plaza, downtown Valparaiso has been revitalized and become a destination place for not only residents of Northwest Indiana but the State of Indiana; and

WHEREAS, despite the foregoing, the City and its Fire Department is mindful of the threat that fire poses to the residents and structures located within downtown Valparaiso; and

WHEREAS, as a result of the above concerns, the City has undertaken efforts to draft a Downtown Fire Safety Grant Program in order to promote fire safety within downtown Valparaiso; and

WHEREAS, the Common Council is desirous of passing this Resolution in order to adopt and approve the Downtown Fire Safety Grant Program.

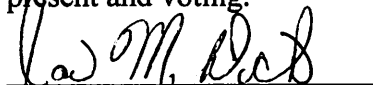
NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, THAT:

1. That the Downtown Fire Safety Grant Program (attached hereto as **Exhibit "A"**) is hereby approved and adopted as the official incentive program for fire safety within downtown Valparaiso.
2. That all requests for reimbursement for the construction of fire safety improvements in downtown Valparaiso will be considered based on the Downtown Fire Safety Grant Program
3. That any applicant for fire safety improvement reimbursement will be provided with a copy of the Downtown Fire Safety Grant Program description.

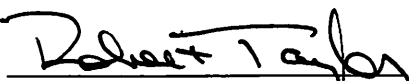
This Resolution shall be in full force and effect from and after its passage and signing by the Mayor.

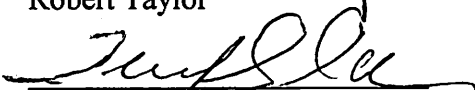
PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, on the 12th day of May, 2014.

Adopted this 12th day of May, 2014, by a vote of all members present and voting.


Jan M. Dick

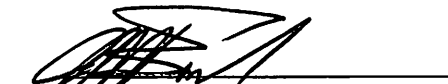
absent
Deb Butterfield


Robert Taylor


Tim Daly

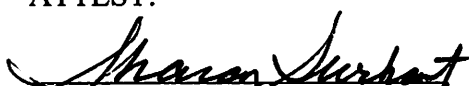

Joey Larr


John Bowker


Michael Baird


Jon Costas, Mayor

ATTEST:


Sharon Swihart, Clerk-Treasurer

City of Valparaiso, Indiana
Downtown Fire Safety Grant Program Description

1. Program Purpose

The City of Valparaiso Downtown Fire Safety Grant Program ("Program") is designed to promote fire safety within downtown Valparaiso. The Program is intended to provide funding to property owners/tenants in order to assist them in installing fire safety systems including sprinkler systems and fire alarms in existing commercial and residential buildings in the downtown area. Reimbursement grants are provided to property owners/tenants in recognition of the threat that fire poses to the residents of downtown and the public at-large.

2. Eligible Properties

To be eligible to participate in the Program, an applicant must meet all of the following requirements:

- a. Own or rent an existing building located within the Historic Downtown District of Valparaiso. The boundaries of the Historic Downtown District are shown on the map attached as **Exhibit "A."**
- b. The real estate taxes for the building must be current.
- c. The building and property upon which it is located must not contain any existing violations or deficiencies with City Code, the City's Uniformed Development Ordinance or any other rules/requirements.

3. Description of the Grant Program

The Program shall involve the reimbursement of expenses incurred by an owner or tenant for the construction of approved fire safety improvements by the City. In no event shall the City pay funds to an approved applicant before construction of the fire safety improvements is completed. All applications are subject to final review and approval by the Board of Public Works and Safety of the City.

The maximum amount of the reimbursement grant for a specific property will be set forth in the Downtown Fire Safety Grant Agreement between the City and the property owner or tenant. The Program limits on reimbursement shall be as follows:

- a. The City may reimburse an owner/tenant installing a new fire alarm for 100% of the cost of the alarm up to a maximum amount of Ten Thousand Dollars (\$10,000.00);
- b. The City may reimburse an owner/tenant installing a new fire suppression system (either complete or partial) for up to 85% of the cost of the system subject to the following requirements:

- (i) If the total square footage of the building is less than 9,000 square feet the reimbursement grant shall not exceed \$30,000.00.
- (ii) If the total square footage of the building is between 9,001 and 15,000 square feet the reimbursement grant shall not exceed \$45,000.00.
- (iii) If the total square footage of the building exceeds 15,000 square feet the reimbursement grant shall not exceed \$60,000.00.

c. The City may reimburse an owner tenant installing a new fire protection system (as defined in Section 4(d) below) for 75% of the cost of the system up to a maximum amount of Five Thousand Dollars (\$5,000.00).

If the actual costs exceed the original estimates, the property owner or tenant shall be solely responsible for the payment of all amounts in excess of the estimates. The City cannot reimburse more than the total amount specified in the Agreement.

Reimbursement grants are subject to Federal and State taxes, and are reported to the Internal Revenue Service on Form 1099. Applicants are required to provide the City with your taxpayer ID number or social security number as part of the Downtown Fire Safety Grant Agreement. Property owners and tenants should consult with their tax advisor for tax liability information.

4. Eligible Improvements

The following fire protection improvements shall be eligible for reimbursement by the City:

- a. Installation of a new fire suppression system;
- b. Extension of water service for construction of a new fire suppression system;
- c. Installation of a new fire alarm; and
- d. Installation of a new fire protection system including, but not limited to, approved devices, equipment and systems or combinations of systems used to detect a fire, activate an alarm, extinguish or control a fire, control or manage smoke and products of a fire or any combination thereof (i.e. fire wall, automatically closing doors, etc.)

The following improvements shall not be eligible for reimbursement by the City:

- a. Building permit fees, inspection fees, utility fees and charges and related costs;
- b. Drywall, paint and other interior repairs related to concealing a fire suppression system, fire alarm, or fire protection system;
- c. Refinancing existing debt; or
- d. Working capital for businesses;

Improvements not specifically listed as eligible or ineligible are subject to review as to eligibility by the Board of Public Works and Safety.

5. Additional Requirements on Eligible Improvements

Both the installation of a new fire suppression system for an entire building or a portion of a building may be eligible for reimbursement pursuant to the Program. In order to be eligible for reimbursement a partial fire suppression system must cover the whole occupancy or use. In addition, a partial fire suppression system must include a fire alarm with monitoring on all other floors of the building. All fire alarms must be connected to an intelligent panel.

All fire protection improvements must be constructed by a licensed contractor in accordance with the requirements of the Indiana Fire and Building Codes.

6. Approval of Fire Safety Grant Agreement

Applications will be received on a first-come/first-serve basis beginning on January 1st of each calendar year. Buildings that have not previously received Fire Safety Grants will be given first consideration. After all first-time users are processed, the remaining applications will be considered in the order in which they are received. In the event that the total amount of the potential grants exceeds the amount budgeted for the Program for that fiscal year, the applications which cannot be approved due to budget limitations will be carried over for consideration during the following fiscal year. Not more than one (1) Fire Safety Grant Agreement shall be approved for a building in any fiscal year

7. Commencement of Work

After the Downtown Fire Safety Grant Agreement is approved by the Board of Public Works and Safety, applicants may obtain a building permit and begin the work. APPLICANTS SHALL NOT BE REIMBURSED FOR WORK DONE PRIOR TO the Board of Public Works and Safety APPROVAL OF THE DOWNTOWN FIRE SAFETY GRANT AGREEMENT.

8. Completion of Work

All improvements shall be completed and reimbursement requested from the City within one (1) year after the Board of Public Works and Safety's approval of the Downtown Fire Safety Grant Agreement. It shall be the applicant's sole responsibility to make sure that all deadlines are met. All requests for extension must be submitted in writing to the Building Commissioner prior to the expiration of the initial deadline to complete the work and submit request for reimbursement. In the event that an applicant fails to comply with these deadlines or otherwise timely request an extension, the City may terminate its obligation to reimburse the applicant.

9. Reimbursement Payments

Upon completion of the work, the owner or tenant shall submit copies of all invoices, contractor statements, proof of payments to the Building Commissioner, as evidence that the

owner or tenant has paid the contractors. Applicants shall use the forms approved by the Building Commissioner. Payment will be authorized upon completion of all work items as originally approved and receipt of all of the required documents.

The Building Commissioner may authorize reimbursement to be made in two (2) payments, if all of the following conditions are present: 1) The first partial payment may be made upon completion for work representing at least fifty percent (50%) of the amount specific in the Downtown Fire Safety Grant Agreement; 2) The contractor's statements, invoices, notarized final lien waivers and proof of payment for the completed work have been submitted; 3) The remaining work is expected to be delayed for thirty (30) days or more following completion of the initial work due to weather, availability of materials or other circumstances beyond the control of the owner or tenant.

10. Alterations to Approved Improvements

Changes or elimination of improvements following approval of the Downtown Fire Safety Grant Agreement by the Board of Public Works and Safety, shall be submitted to the Building Commissioner for review before construction of the changes commences. Major changes shall be subject to additional approval by the Board of Public Works and Safety. Minor changes must be approved by the Building Commissioner. THIS IS A REIMBURSEMENT PROGRAM - APPLICANTS MUST PAY YOUR CONTRACTORS AND SUPPLIERS BEFORE APPLICANT WILL RECEIVE PAYMENT FROM THE CITY.

11. Maintenance of Improvements/Cooperation with Adjacent Property Owners

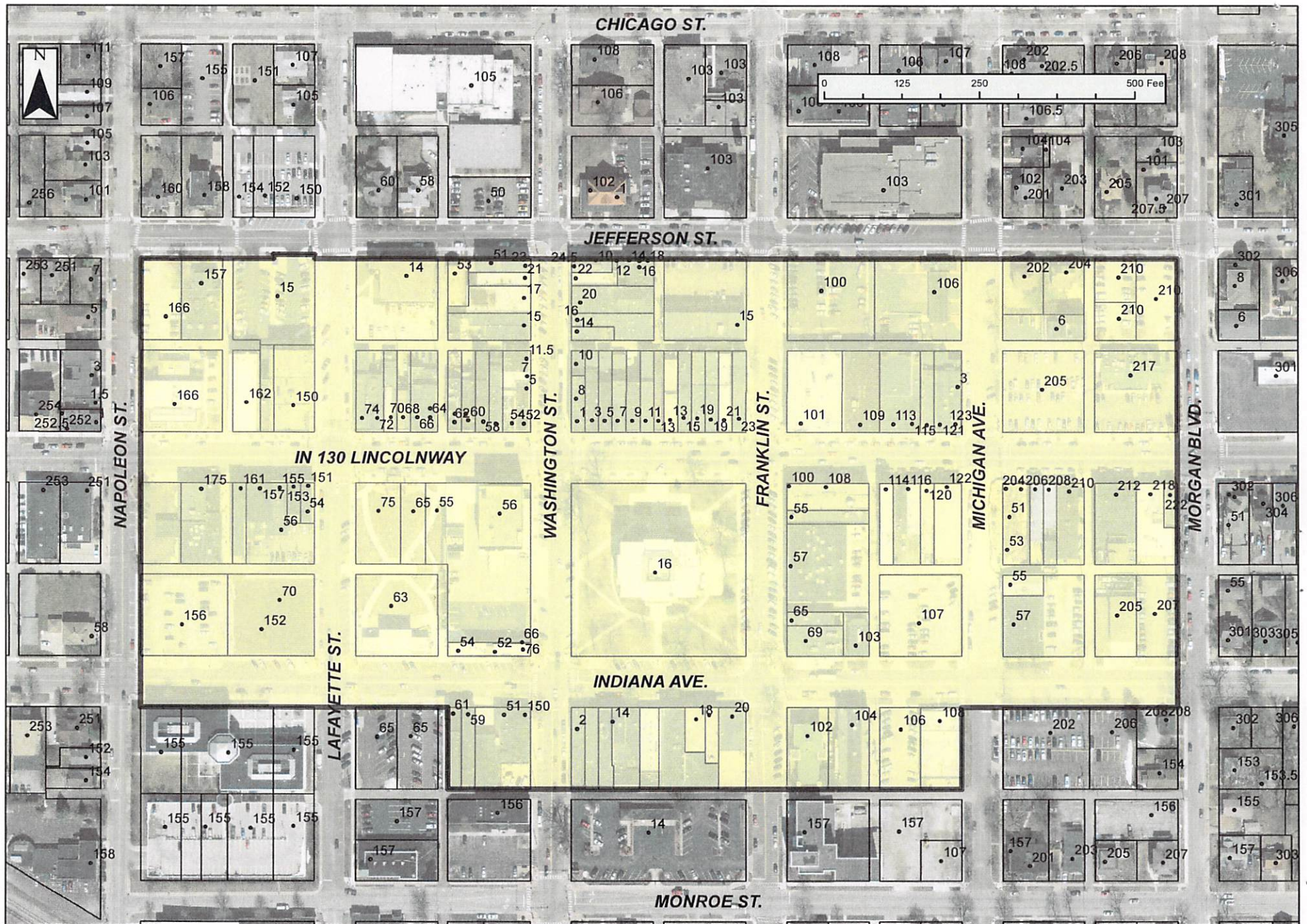
The applicant shall be responsible for maintaining the fire safety improvements in compliance with the Indiana Building and Fire Codes, as well as National Fire Protection Association 13 Standards, as may be amended from time to time. A restrictive covenant may be required by the Board of Public Works and Safety at the time of the approval of the Downtown Fire Safety Grant Agreement requiring all subsequent owners/tenants to maintain the fire safety improvements. The restrictive covenant shall also require the applicant and all subsequent owners/tenants to cooperate with adjacent property owners/tenants seeking to construct fire safety improvements on their properties.

12. E-Verify

Pursuant to Ind. Code § 22-5-1.7, applicants will be responsible for complying with Indiana's E-Verify program requirements.

13. Building Permits

Applicants shall obtain all necessary building and other permits from the City's Building Department and Utilities prior to commencing work.



Proposed Valparaiso Downtown Fire Safety Grant Program Boundary