

ORDINANCE NUMBER 3093

AN ORDINANCE ESTABLISHING A LIFE-SAFETY CODE COMPLIANCE ASSISTANCE PROGRAM FOR THE URBAN RENEWAL DISTRICT CREATED BY CITY COUNCIL RESOLUTION 5210 (URBAN RENEWAL DISTRICT II) AND PROVIDING FOR PROGRAM IMPLEMENTATION AND ADMINISTRATION BY THE MISSOULA REDEVELOPMENT AGENCY.

BE IT ORDAINED by the City Council of the City of Missoula that a Life-Safety Code Compliance Assistance Program is hereby established in Urban Renewal District II and that the Missoula Redevelopment Agency is empowered to undertake program implementation and administration.

Section 1. Declaration of Purpose. The State of Montana has provided for the redevelopment and rehabilitation of blighted areas pursuant to the Urban Renewal Law, M.C.A. Parts 42 and 43. The City of Missoula, pursuant to that State Law, adopted Resolution Number 3778 electing to have urban renewal powers and declaring it to be in the public interest that such powers be exercised by an urban renewal agency; Resolution Number 3779 creating an urban renewal agency and authorizing such agency to exercise urban renewal powers; and Resolution Number 5210 declaring that a blighted area does exist within the City and determining that rehabilitation and redevelopment of this area is necessary in the interest of the public health, safety and welfare of the residents of the City of Missoula and defining the boundaries of such area, which can be generally summarized as:

Beginning on North Russell Street at the alley between Toole Avenue and Cooper Street running east along that alley to the Bitterroot Branch of Montana Rail Link (MRL); then south along the Bitterroot Branch of MRL to Walnut Street; then south along Walnut Street to the alley between South Third Street West and South Fourth Street West; then west along that alley to Catlin Street; then northerly following the 1990 Missoula City limit boundary generally along Catlin Street and projected Catlin Street to the midpoint of the Clark Fork River; then east along the thread centerline of the Clark Fork River to Russell Street; then north to the midpoint of West Broadway; then northwest along the centerline of West Broadway to a point in line with projected Stoddard Street; then east to North Russell Street; then south along North Russell Street to the point of beginning, said area commonly referred to as "Urban Renewal District II".

The Missoula Redevelopment Agency, acting in its capacity as the urban renewal agency, may undertake and carry out urban renewal projects and programs as authorized or required by the local governing body within the area described in Resolution Number 5210.

The State of Montana and the City of Missoula have also adopted the Uniform Building Code and the Uniform Fire Code. The City of Missoula has empowered the City Building Official's Office and the City Fire Department to enforce the life-safety issues of that Code. Therefore, it

is the intention of the City of Missoula to establish a Life-Safety Code Compliance Financial Assistance Program in Urban Renewal District II to assist in the life-safety improvement of real property in the urban renewal area, to prepare plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements in the urban renewal area in order to redevelop and rehabilitate urban renewal blighted area through the incentive and encouragement of private enterprise, and to authorize the Missoula Redevelopment Agency, acting in its capacity as the urban renewal agency, to undertake this assistance program implementation and administration subject to the provisions contained herein.

Section 2. Program Objectives. The primary objective of the Life-Safety Code Compliance Assistance Program is to address and improve the public health, safety and welfare of the Urban Renewal District II described herein through the elimination of blight associated with commercial property within the urban renewal area. This objective shall be accomplished by the Missoula Redevelopment Agency providing matching funds to serve as an incentive to private property owners to identify and correct current non-compliance or violations of certain life-safety sections of the most recent editions of the Uniform Building Code and Uniform Fire Code, as adopted by the City of Missoula. Such non-compliance or violations shall be determined and recorded by the City Fire Department or the City Building Official's Office. Additional program objectives are to:

1. Encourage elimination of structural conditions that could be a serious and growing menace, injurious to public health, safety and welfare;
2. Encourage private investment in commercial properties in Urban Renewal District II through the use of public incentives;
3. Stimulate economic and business development within the urban renewal district by providing safe environments for workers, businesses and the public; and
4. Retain and expand safe employment opportunities in existing businesses.

Section 3. Financing. The Missoula Redevelopment Agency is hereby authorized to use tax increment funds to subsidize private investment in repair, rehabilitation and redevelopment projects for purposes of improving public safety and real commercial property in the urban renewal area. The purpose of the subsidy is to encourage and augment private owners' plans for carrying out a program of voluntary or compulsory repair and rehabilitation of their businesses or buildings. The subsidy shall be on a fifty percent (50%) match basis for improvements meeting eligibility criteria and procedures established by the Missoula Redevelopment Agency, up to a maximum amount.

The limit of participation by the Missoula Redevelopment Agency on any one project shall be a maximum of five thousand dollars (\$5,000). Projects incurring extraordinary costs to comply with the life-safety sections of the Fire and Building codes and exhibit exceptional public benefit, may, at the discretion of the MRA, receive additional matching funds up to a maximum program participation of ten thousand dollars (\$10,000). The City Council reserves the right to

increase the Redevelopment Agency participation ceiling, and/or amend eligibility criteria set forth in Section 4 herein for individual projects after consideration of the advisory recommendation of the Missoula Redevelopment Agency. Any subsidization shall be in accordance with the provisions of the Life-Safety Code Compliance Assistance Program.

Section 4. Eligibility. Applicants must comply with program requirements as established by the Missoula Redevelopment Agency. These requirements include, but are not limited to, the following:

1. Properties must be located within the Urban Renewal District II and have been recently inspected by City Fire Department and/or Building Inspection Division Officials and found to violate life-safety standards contained in the Uniform Building Code.
2. All commercial property within the Urban Renewal District will be eligible. For the purposes of this program, residential properties with four (4) or more units will be considered commercial properties.
3. A "project" is defined as the total number of eligible activities pertaining to life-safety violations identified by the City Fire Department or Building Division per building in the Urban Renewal District II.
4. Eligibility is extended to property owners of record and tenant businesses with written approval of the property owner. Tenant businesses financing the private portion of the project using a private lender must document a lease period equal to or in excess of the term of any loan used to finance the project. Program assistance is intended to be used on only one (1) project per building in order to encourage complete compliance rather than piece-meal compliance.
5. Special improvement district and property tax assessments on the property involved must be paid to date.

Section 5. Eligible Activities. The Life-Safety Code Compliance Assistance Program is designed to address the need for complying with life-safety standards within the Uniform Building Code. To ensure observance of Program objectives, design criteria and Code compliance, all construction must be undertaken pursuant to a design that has been approved by the Missoula Redevelopment Agency and either the City Building Official's Office or the appropriate division of the Missoula City Fire Department. Construction activities must also comply with all Missoula municipal ordinances and building codes. Eligible Activities shall be specified by the Missoula Redevelopment Agency and will include, but are not limited to, the following:

1. Installation, construction of, or significant improvement to, exits, fire protection water sprinkling systems, fire escapes, alarm or fire detection systems, closing of open stairways, and provision of fire-rated doors and/or walls;

2. Architectural/engineering assistance and design fees are eligible expenses for matching subsidy. However, the subsidy for architectural/engineering shall not exceed five percent (5%) of the cost of the total cost of the Program eligible project items, or five hundred dollars (\$500) whichever is less. In addition, permit fees are eligible expenses for matching subsidy. However, the subsidy for permit fees shall not exceed one percent (1%) of the total cost of program eligible project items. An applicant must itemize all fees and permit charges. Fines or charges levied against the property as a result of the violation are not expenses eligible for subsidy.
3. The following activities are ineligible for funding through the Life-Safety Code Compliance Assistance Program:
 - a. Projects involving change in use of a building or remodeling that results in a significant change in the building's use in order to comply with applicable Uniform Building Code or Uniform Fire Code requirements. (For example, change of use or remodeling from office to restaurant use.);
 - b. Utility connections or replacement other than those directly required by installation of an eligible item;
 - c. Improvements or upgrades to existing electrical or plumbing systems other than those directly required by installation or construction of an eligible item;
 - d. Work initiated prior to an applicant obtaining necessary pre-approvals pursuant to this program.
4. Participation in the Life-Safety Code Compliance Program does not preclude application for assistance under other programs offered by the Missoula Redevelopment Agency. In addition, activities found to be ineligible under the Life-Safety Code Compliance Program may be eligible under the above mentioned programs.

Section 6. Program Administration. The Missoula Redevelopment Agency is authorized to develop procedures, application materials, and program guidelines necessary to implement and administer this ordinance and to enter into all contracts necessary to accomplish the purpose of this ordinance.

Section 7. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase or words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional then the remaining ordinance provisions will be in full force and effect.

Passed by a 9 Ayes, 0 Nays, 0 Abstain, 3 Absent vote and

APPROVED by the Mayor this 22nd day of February, 1999.

ATTEST:

APPROVED:

Martha L. Rehbein
City Clerk

Mike Kadas
Mayor

(SEAL)