

RESOLUTION NO \_\_\_\_\_

**CENTRAL BUSINESS DISTRICT CODE COMPLIANCE FUND**

**PONCA CITY UTILITY AUTHORITY**

**WHEREAS,** the Ponca City Utility Authority (PCUA) finds that a healthy and vibrant downtown is fundamental to the long-term business interests of PCUA, as without significant investment in the central business district, the older buildings naturally become less desirable and valuable over time and PCUA is significantly dependent on commercial electric, fiber, water, wastewater, solid waste, and stormwater revenues for its continued existence;

**AND WHEREAS,** the local and regional economy has failed to naturally stimulate investment in the central business district and many of the existing buildings must be repurposed before they can be occupied and once again contribute to PCUA revenues;

**AND WHEREAS,** the PCUA Board of Trustees finds that it is in the best interest of PCUA and its beneficiary the City of Ponca City, for PCUA to take actions to stimulate re-investment in the central business district by removing barriers such as the cost of compliance to meet ICC Fire Codes;

**AND WHEREAS,** the PCUA Board of Trustees has determined the offering of incentives for code compliance is a necessary step towards creating and expanding economic development opportunities in the central business district while at the same time increasing utility revenues by creating new customers;

**NOW, THEREFORE:**

- A.** In an effort to stimulate the rehabilitation of buildings in the central business district, with the attendant electric, fiber and other utility revenues benefiting the PCUA, as well as the positive economic development outcomes realized by the City and its residents, the PCUA hereby provides a financial incentive of up to sixty thousand dollars (\$60,000) to offset the costs of installing a fire suppression system that are triggered by rehabilitation of a building for new occupancy or a change of

use.

- B. The PCUA shall appropriate an initial set aside in the amount of \$240,000 for the sole and only purpose of providing financial assistance to qualified building owners who rehabilitate a building for the purpose of establishing a new occupancy or a change of use in accordance with the provisions contained below.
- C. The annual set aside may be increased, decreased, or terminated in the future by the PCUA Trustees as necessary to meet the continued purpose and intent of the program. Said incentive fund is available, on a first come basis, beginning March 1, 2023, and according to the following terms and conditions:

## DEFINITIONS

For the purposes of this program, the following words and/or terms shall be defined as follows:

- 1) **Building Owner** shall refer to the individual, partnership, company or corporation who is the owner of record of property located in the central business district and is in possession of a building permit issued by the Development Services Department for the reuse or rehabilitation of said property
- 2) **Central Business District** shall be the zoning district whose physical area is defined in Chapter 11-7-3. a. of the Code of Ponca City and whose primary architectural characteristic is a grouping of buildings constructed to the property line and whom share a common wall with the adjacent property
- 3) **Development Agreement** shall refer to a legal document executed between the building owner and the Ponca City Utility Authority for the mutual purpose of reusing or rehabilitating a building to satisfy the purpose and intent of this program
- 4) **Rehabilitation** shall refer to the process of improving a building for the purpose of accommodating a new use or a change of use to the extent that the use of a Fire Suppression system is mandated by the latest edition of the ICC Fire Code. It may also include new construction and the demolition and reconstruction of a new building

## **GENERAL TERMS AND CONDITIONS**

In order to qualify for the Central Business District Code Compliance Program, the Building Owner must comply with the following terms and conditions.

- 1) The building shall be located within the area of the City defined as the Central Business District. The construction of a new building, or the demolition and replacement of an existing building, does meet the purpose and intent of this program.
- 2) The building owner must be pre-qualified by the Development Services Department to participate in the program prior to the issuance of a building permit. Only one permit shall be granted to any individual building owner in any calendar year.
- 3) The earmark on funds shall be for a maximum of 12-months from the date the building permit is issued. However, the period of construction may be extended for larger scale projects if said extension is agreed upon by both parties and executed as part of the Development Agreement prior to the commencement of the project.
- 4) The rehabilitation of a building in conjunction with any State or Federal tax credit or other grant program is not eligible for the Program unless specifically authorized by the PCUA.
- 5) The building owner must agree in writing to be a PCUA fiber customer for a period of one (1) year after the issuance of a Certificate of Occupancy.

## **QUALIFYING THE BUILDING OWNER**

- 1) In order to qualify for funding, the prospective Building Owner shall first complete an application provided by the Development Services Department. Upon the execution of a Development Agreement, the PCUA shall direct the Finance Director to set the funds aside until such time as the project is completed and a Certificate of Occupancy has been issued.
- 2) The financial incentive shall be no more than 50%, or up to \$60,000, of the total cost to install the fire suppression system, including the cost to tap the nearby City water main and the extension of a fire line

into the building. The qualified cost shall be based upon the lowest of three (3) written quotes provided by a qualified fire suppression company licensed to do business in Oklahoma and approved by the Fire Marshal.

- 3) The approval or disapproval of any application for incentive funds eligible under the terms and conditions of this program shall be the sole responsibility of the Development Services Director. The disapproval of any application shall be accompanied by a written statement outlining the reasoning for such disapproval. Any building owner aggrieved by said decision may appeal to the City Commission.

**PASSED in session and APPROVED this 27<sup>th</sup> day of February 2023.**

ATTEST:

PONCA CITY UTILITY AUTHORITY  
PONCA CITY, OKLAHOMA

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John Gonsalves, Secretary

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Homer Nicholson, Chairman

APPROVED AS TO FORM:

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John R. Andrew, Trust Attorney