

**TOWN OF FAIRPLAY**

**Property Improvement Incentive Program (PIIP)**

**APPLICATION for CONSIDERATION**

Name of Applicant (Must be Property Owner): \_\_\_\_\_

Property Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Description of Project (attach photo of current property/project area, description and/or drawings of proposed improvements, estimates/bids, further narrative if needed, etc.): \_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

Estimated Cost of Project: \_\_\_\_\_

Amount of PIIP Funds Applied for (cannot exceed amount of property tax paid to the Town of Fairplay over the last five years): \_\_\_\_\_

Amount of Matching Funds from Applicant (must be at least 50% of the cost of the project): \_\_\_\_\_

\_\_\_\_\_

Upon submission of this completed application a meeting will be scheduled for you to meet with the Town Staff regarding your application and the program.

By signing this application you certify that you have received and read the rules and regulations of the PIIP Program - Ordinance No. 1, 2014.

Applicant signature: \_\_\_\_\_ Date: \_\_\_\_\_

ORDINANCE NO. 2014-    /    

**AN ORDINANCE ADDING A NEW ARTICLE IX TO CHAPTER 4 OF THE FAIRPLAY MUNICIPAL CODE CREATING A PROPERTY IMPROVEMENT INCENTIVE PROGRAM AND PROVIDING CRITERIA FOR PARTICIPATION IN SUCH PROGRAM.**

WHEREAS, the Town of Fairplay is a municipal corporation possessing all powers granted to statutory cities by Title 31 of the Colorado Revised Statutes, included within such powers being the power to levy and collect taxes, including property taxes; and

WHEREAS, the Town uses property tax revenues in the operation of government for the purpose of providing municipal services to the citizens, residents and business owners of the Town of Fairplay; and

WHEREAS, the Town Board of the Town of Fairplay deems improvements to the physical appearance of the Town to be a critical element in attracting new businesses, increasing tourist visits, and enhancing the general livability of the Town with the result that the Town Board finds the improvement of the appearance of the Town to be a vital public purpose; and

WHEREAS, the Town Board of the Town of Fairplay wishes to establish hereby a fund derived from a portion of the Town's property tax revenues to be used for providing incentives for property owners to improve the appearance of their property; and

WHEREAS, the Town Board wishes to establish a Property Improvement Incentive Program as set forth herein to serve the public purposes of described above.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, THAT:

The Municipal Code of the Town of Fairplay is hereby amended by the addition of a new Article IX to Chapter 4 to read as follows:

**ARTICLE IX**

**Property Improvement Incentive Program**

**Sec. 4-9-10. Short Title.**

There is hereby established within the Town of Fairplay a Property Improvement Incentive Program ("PIIP").

**Sec. 4-9-20. Legislative Purpose.**

The purpose of the Property Improvement Incentive Program created hereby is to encourage improvements to the exterior appearance of privately-owned structures and properties within the Town, thereby stimulating the economy of and within the Town, increasing tourist visits; and generally enhancing the livability of the Town all if which will, in the long term, increase property values and retail sales thereby increasing property and sales tax revenues to the Town for the provision of public services.

**Sec. 4-9-30. Definitions.**

As used in this Article and all sections thereof, the following phrases shall have the following meanings:

(a) The term "improvements" shall mean improvements to the exterior façade of structures or the landscaping of real property located in the Town of Fairplay which improvements are visible from the street located directly to the front of the property or, as to properties located on street corners, from the street adjacent to the property. The term shall not include improvements to the interior of a structure, structural improvements or landscaping that do not enhance the appearance of the property, landscaping improvements that are temporary in nature, or structural improvements or landscaping that are screened from street view by fencing or other similar visual barriers.

(b) The term "owner" shall mean the record owner of taxable real property or improvements thereon located in the Town of Fairplay, but shall not include the owner of public or governmental property.

**Sec. 4-9-40. Participation.**

Participation in the PIIP shall be based upon approval by the Town Board of the Town of Fairplay, exercising its legislative discretion in good faith. Any owner of property may apply for participation in the PIIP as set forth in this Article. The Town Board shall consider complete applications in the order submitted and may approve, deny or approve in part, such applications based on the merit of the proposed project. Nothing contained in this Article shall be interpreted or construed to create an entitlement to participation in the PIIP. The Town Board may deny any application which it concludes does not adequately serve the public purposes of this Article.

**Sec. 4-9-50. Agreement.**

Approval by the Town Board of an agreement implementing this PIIP shall result in the granting of a rebate of all or a portion of the real property taxes paid to the Town by the Owner of the property making the application for a period not to exceed the preceding five

(5) tax years. The agreement shall contain, at a minimum, the terms set forth in Section 4-9-90 below.

**Sec. 4-9-60. Uses.**

The uses to which the PIIP rebate may be put by an applicant shall be strictly limited to the installation or construction of improvements to the property owned by the applicant and only upon the Town Board's finding that said improvements will serve the purposes set forth in Section 4-9-20 of this Article.

**Sec. 4-9-70. Amount of PIIP Rebate—Matching Funds.**

(a) The total amount of the PIIP rebate paid to an applicant shall not exceed the amount of real property taxes paid by the owner of the property (whether the applicant or a preceding owner) to the Town for the preceding five (5) tax years. No PIIP rebate shall be made for property taxes paid to other public entities.

(b) The total amount of PIIP rebate paid out by the Town in any calendar year to all PIIP participants shall not exceed the amount budgeted and appropriated for that purpose by the Town Board for that calendar year. PIIP applications received after the funds budgeted and appropriated for the PIIP Program in any calendar year are fully committed may be held in abeyance for consideration by the Board in the following year. Projects may be divided into phases and funded in successive years.

(c) The owner of the property shall, as a condition of participation in the PIIP, pay not less than an amount equal to fifty percent (50%) of the total cost of the improvements.

**Sec. 4-9-80. Criteria for Approval.**

Approval of an application for participation in the PIIP shall be given by the Town Board, at a public hearing held as a portion of a regularly scheduled Town Board meeting, based upon the following criteria:

a. No PIIP participation shall be approved where the total cost of the improvements is less than five hundred dollars (\$500.00).

b. The PIIP project must, as determined by the Town Board, enhance the overall appearance of the Town and the property for which the application is made.

c. The improvements must be constructed or installed by a contractor or professional experienced and capable of performing the work. The Town may maintain a list of pre-approved contractors but shall consider the qualifications of other contractors and professionals submitted by the applicant. In no case shall the work be performed by the

applicant unless the applicant can establish, to the satisfaction of the Board, that the applicant is himself or herself, experienced and capable of performing the work in question.

d. The scope of work and accompanying plans submitted with the application shall be sufficiently detailed for their intended purpose.

e. The agreement required by Section 4-9-50 shall contain all of the terms set forth in Section 4-9-90 and shall be otherwise acceptable to the Board.

Approval shall be by motion adopted by a majority of the entire Town Board .

#### **Sec. 4-9-90. Terms of Agreement.**

Each application for approval submitted to the Town Board shall be subject to approval by the Board solely on its own merits. Approval of an application shall require that an agreement be executed by the owner and the Town, which agreement shall, at a minimum, contain:

- a. A scope of work and plans for the improvements to be constructed or installed.
- b. The estimated cost of the project.
- c. The name of the contractor or other person by whom the work will be performed.
- d. The maximum amount of property tax to be rebated by the Town, and the maximum time during which said agreement shall continue, it being expressly understood that any such agreement shall expire and be of no further force and effect upon the termination date whether or not the work has been completed.
- e. The matching funds to be furnished by the owner, which amount shall be not less than fifty percent (50%) of the total cost of the work to be performed.
- f. The period during which the owner or the owner's successor in interest shall be obligated to maintain the improvements.
- g. A provision providing that the property tax rebate shall only occur after completion of the work and final inspection and approval by the Town.
- h. A statement that this is a personal agreement which is not transferable and which does not run with the land;

- i. A statement that the agreement shall never constitute a debt or obligation of the Town within any constitutional or statutory provision;
- h. An affirmative statement that the obligations, benefits, and/or provisions of this agreement may not be assigned in whole or in any part without the expressed authorization of the Fairplay Town Board , and further that no third party shall be entitled to rely upon or enforce provision hereof;
- i. An affirmative statement that the agreement will be recorded, and that the owner's obligation will run with the land and be binding upon the owner's heirs, successors and assigns; and
- i. Any other provisions agreed upon by the parties and approved by the Town Board .

**Sec. 4-9-100. Public Purpose.**

The Town Board has enacted this PIIP as a joint benefit to the public at large and to private owners for the purpose of: improving the appearance and livability of the Town; providing the Town with increased sales tax revenues by increasing tourism; and allowing applicants an opportunity to improve properties, which improvements make those properties more valuable, thus increasing property tax revenues. The Town Board specifically finds and determines that creation of this PIIP is consistent with the Town's powers as a statutory municipal corporation, and that exercise of said powers in the manner set forth herein is in furtherance of public health, safety and welfare. Notwithstanding any provision hereof, the Town shall never be a joint venture in any private entity or activity which participates in this PIIP, and the Town shall never be liable or responsible for any debt or obligation of any participant in this PIIP.

INTRODUCED, READ, ADOPTED, AND ORDERED PUBLISHED this  
7 day of APRIL, 2014.



Approved:

*Gabby Lane*  
 \_\_\_\_\_  
 Gabby Lane, Mayor

Attest:

*Tina Darrah*  
 \_\_\_\_\_  
 Tina Darrah, Town Clerk

Approved as to form: \_\_\_\_\_  
 Herbert C. Phillips, Town Attorney