

CHAPTER 6

IMPROVEMENTS REQUIRED

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11-6-1: **SCOPE:** The owner of any land to be platted as a subdivision shall at his own expense, install the following improvements prior to recording the final plat or guarantee the installation of such improvements as provided in section 11-6-16 of this chapter, according to the specifications and under the inspection of the city engineer, except for septic tanks which must be installed according to the specifications of county environmental health and the state board of health. (Ord., 5-5-1998)

11-6-2: **WATER SUPPLY:**

- A. Installation Of Lines: The subdivider shall install culinary water lines, including laterals to the property line of each lot. The subdivider shall

furnish to the city engineer three (3) copies of plans showing the location and size of proposed water lines and fire hydrants and also existing water lines to which a connection is to be made. Information concerning the residual water pressure in the existing mains at the approximate point of connection shall also be furnished. The city engineer shall determine the adequacy of the existing water system to provide culinary water and fire protection to state board of health requirements to the lots in the subdivision.

- B. Secondary Water: The subdivider shall provide secondary water to his subdivision. (Ord., 5-5-1998)

11-6-3: **SEWAGE DISPOSAL:** Where a public sanitary sewer is within three hundred feet (300') or is close enough in the opinion of the city to require a connection, the subdivider shall connect with such sanitary sewer and provide adequate lateral lines to the property line of each lot. Such sewer connections and subdivision sewer systems shall comply with the regulations of the city and the sewer district, and shall be approved by the city. (Ord., 5-5-1998; amd. 2006 Code)

11-6-4: **STORM WATER:** The city shall require the subdivider to dispose of storm water and surface drainage. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements. (Ord., 5-5-1998)

11-6-5: **STREET GRADING AND SURFACING:** All public and private streets shall be graded and surfaced in accordance with the standards and rules and regulations of the city council. (Ord., 5-5-1998)

11-6-6: **CURBS AND GUTTERS:** Curbs and gutters shall be installed on existing and proposed streets by the subdivider. (Ord., 5-5-1998)

11-6-7: **STREET DRAINAGE:** Drainage structures may be required by the city where necessary. (Ord., 5-5-1998)

11-6-8: **SIDEWALKS:** Sidewalks shall be required where in the opinion of the planning commission they will be necessary for reasons of safety or public welfare. (Ord., 5-5-1998)

11-6-9: **SURVEY MONUMENTS:** Permanent survey monuments shall be accurately set and established at such points as are necessary to establish all lines of the subdivision. Monuments shall be of a type approved by the city. All subdivision plats shall be tied to a public corner or monument of record established by the county. (Ord., 5-5-1998)

11-6-10: **STREET TREES:** Street trees shall be planted by the subdivider when so required by the planning commission and of a variety and location as approved by the planning commission. (Ord., 5-5-1998)

11-6-11: **FIRE HYDRANTS:** Fire hydrants shall be installed. Such fire hydrants shall be of the type, size, number and installed in such locations as determined by the fire department and the city engineer, and in accordance with development standards. Fire hydrants or blow offs shall be provided at all dead end lines as specified by the city engineer. (Ord., 5-5-1998)

11-6-12: **STREET SIGNS:** Street signs shall be furnished and installed by the city and charged to the subdivider. (Ord., 5-5-1998)

11-6-13: **FENCING:**

A. Ditches Or Canals: A solid board, chainlink or other nonclimbable fence not less than six feet (6') in height shall be installed on both sides of existing irrigation ditches or canals which carry five (5) second feet or more of water, or bordering open reservoirs, railroad rights of way or nonaccess streets, and which are located within or adjacent to the subdivision, except where the planning commission determines that park areas, including streams or bodies of water, shall remain unfenced.

B. Use Creating Nuisance: The planning commission may also require a fence, of the type to be determined in each instance by the planning commission, to be erected when any subdivision abuts a

use to which uncontrolled access might result in damage or nuisance to the subdivision where the planning commission determines that the absence of a fence may create a nuisance or hazard to the welfare of the residents of the subdivision or adjoining property. (Ord., 5-5-1998)

11-6-14: **STREETLIGHTS:** The subdivider will be responsible to coordinate with the existing electrical power provider to ensure installation of streetlights in locations determined by the city. All streetlights shall be installed on city approved poles. The subdivider shall pay all costs of providing street lighting and all construction shall be in accordance with applicable Utah power and light specifications. (Ord., 5-5-1998)

11-6-15: **STAKING OF LOTS:** Survey stakes shall be placed at all lot corners so as to completely identify the lot boundaries on the ground. Rebars shall be placed at the rear corners of each lot, and the front corners shall be designated by permanent markers placed in the curb. Any person disturbing these markers shall replace them at their own expense. (Ord., 5-5-1998)

11-6-16: **GUARANTEE OF INSTALLATION OF IMPROVEMENTS:**

A. Required; Methods: All improvements shall be fully installed and completed within two (2) years from the date of the agreement with the developer. After two (2) years, no building permits will be issued unless an extension is granted. The developer may apply to the city council for an extension of time for six (6) months, and for one additional six (6) month extension after the first extension. Said extensions shall be subject to adequate security for completion of said improvements being made by increasing the amount of the escrow account. To ensure installation of the improvements required by this chapter, the subdivider shall guarantee the installation thereof by one of the methods specified as follows:

1. Escrow Agreement:

a. As security for compliance with this title, the developer shall deliver to the city a complete escrow agreement, by the terms of which an acceptable third party agrees to hold an amount in escrow equal to one hundred fifteen percent (115%) of the total cost of

improvements (as determined by the city engineer), plus an amount equal to ten percent (10%) of the total cost of all required improvements as a guarantee fee, for a total of one hundred twenty five percent (125%). The city council, at its sole discretion, may reduce the one hundred fifteen percent (115%) if some improvements are complete, but the ten percent (10%) of the total cost of all required improvements will not be reduced. The escrow shall be for the use of the city in the event the developer fails or refuses to install, complete, construct, repair or replace any required improvement according to city standards. The decision of the city as to whether an improvement must be installed, constructed, completed or replaced is final.

b. Should a developer fail to perform according to this title, within the time stated, or becomes insolvent before completion of all improvements, then the city may, at its option, apply all sums deposited in escrow against the cost of completing all required improvements and to pay all expenses, including, but not limited to, all unreimbursed engineering expenses related to the development, a ten percent (10%) administration fee for the securing of contracts, and court costs and attorney fees.

2. Corporate Surety Bond: The subdivider may furnish and file with the city recorder a bond with corporate surety in an amount equal to one hundred fifteen percent (115%) of the total cost of improvements (as determined by the city engineer), plus an amount equal to ten percent (10%) of the total cost of all required improvements as a guarantee fee, for a total of one hundred twenty five percent (125%). The bond shall be for the use of the city in the event the developer fails or refuses to install, complete, construct, repair or replace any required improvement according to city standards. The decision of the city as to whether an improvement must be installed, constructed, completed or replaced is final. The bond shall be approved by the city council and city attorney, and shall be filed with the city recorder.

3. Irrevocable Letter Of Credit: The subdivider may furnish and file with the city recorder an irrevocable letter of credit in an amount equal to one hundred fifteen percent (115%) of the total cost of improvements (as determined by the city engineer), plus an amount equal to ten percent (10%) of the total cost of all required improvements, as a guarantee fee, for a total of one hundred twenty five percent (125%). The letter of credit shall be for the use of the city in the event the developer fails or refuses to install, complete, construct, repair or replace any required improvement according to

city standards. The decision of the city as to whether an improvement must be installed, constructed, completed or replaced is final. The letter of credit shall be approved by the city council and city attorney.

- B. **Authority Of City Council:** The city council is authorized to prescribe by administrative rule or regulation, forms and procedures to ensure the orderly, regular and efficient processing of applications for the approval of a proposed subdivision and the strict compliance with the requirements of this title.
- C. **Phased Development:** Whenever the subdivider develops a subdivision a portion at a time, such development shall be in an orderly manner and in such a way that the required improvements will be continuous and all of the said improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or grantees of any of the lands subdivided within the time hereinabove specified. (Ord., 5-5-1998)

11-6-17: **INSPECTION OF IMPROVEMENTS:** The city shall inspect or cause to be inspected all buildings, structures, streets, fire hydrants, water supply and sewage disposal systems in the course of construction, installation or repair, etc. Excavations for fire hydrants, water and sewer mains and laterals shall not be covered over or backfilled until such installation shall have been approved by the city. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the city. The following inspections will be required:

- A. **Sewer:**
 - 1. Connection to the existing sewer mains prior to any backfill.
 - 2. All manholes. Air test must be completed.
 - 3. All laterals and glued connections.
 - 4. Main line televised and video turned into the city.
- B. **Land Drains And Storm Drains:**
 - 1. Connections to existing land drains and/or storm drains.
 - 2. All manholes.

3. All laterals and connections.
 4. Any clean out box or catch basins.
- C. Water:
1. Main line joints and installation.
 2. Proper valves and hydrants.
 3. Pressure test main line.
 4. Disinfect and bacteriologic tests.
 5. Connection to existing water main.
 6. Service connections, including meter yokes, box and lids.
- D. Secondary Water System:
1. All main lines must be inspected and connections to mains and valves.
 2. Pressure tested prior to covering or backfill.
 3. Service connections, including company valves, box and lids, and airvacs.
- E. Curb and gutter.
- F. Sidewalk.
- G. Street signs.
- H. Survey markers.
- I. Chip and seal. (Ord., 5-5-1998)

11-6-18: GUARANTEE AND ACCEPTANCE OF IMPROVEMENTS:

The subdivider shall warrant and guarantee that the improvements provided for herein, and every part thereof, will remain in good condition for a period of two (2) years from the date the city council has accepted the improvements, which acceptance shall not be unreasonably withheld. The subdivider also agrees to make all repairs to

and maintain the improvements and every part thereof in good working condition during the guarantee period without cost to the city. (Ord., 5-5-1998)

11-6-19: **RELEASE OF FUNDS:**

A. Authorized: As the required improvements are satisfactorily installed and have been inspected by the city, funds which have been placed in escrow for those improvements will be authorized to be released for payment of those improvements. The city shall notify escrow's agent in writing as to the installation of the improvements and the amount to be released. Escrow is authorized to release funds from this account only after receiving the written notification above. The city is not responsible to determine the party to be paid.

B. Warranty Period:

1. After all required improvements have been installed, the developer shall notify the city and request that the subdivision be placed into the warranty period. The subdivision will then be inspected by the city staff, and if all improvements have been completed in accordance with city ordinances and specifications, the staff will recommend to the city council that the subdivision be placed in warranty. If the city council approves, the subdivision will then begin a two (2) year warranty period. Ten percent (10%) of the total cost of the improvements, as specified above, shall be retained by the city during this warranty period. All funds in escrow surplus to the warranty amount may then be released by the city.

2. The purpose of retaining the ten percent (10%) warranty amount is to guarantee that the improvements have been installed correctly and that they function properly. If any improvements have not been installed correctly or fail to function properly, and the developer fails to correct the deficiencies within thirty (30) days of notification thereof, then, upon written notice by the city, escrow shall pay over to the city the amount necessary to complete, repair or replace said improvements. In the event the costs of completing, repairing or replacing the unsatisfactory improvements exceeds the amount remaining in the escrow account, the developer shall, within ten (10) days of notice thereof, pay the excess amount to the city and shall also cause to restore the escrow account, corporate surety bond or irrevocable letter of credit to the prescribed ten percent (10%) warranty amount. The city shall not issue any building permits for the subdivision until the above referenced excess costs have been

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paid to the city and the warranty amount (10 percent of the total cost of improvements) has been restored. (Ord., 5-5-1998)

