

ORDINANCE 15-03

WHEREAS, on January 6, 1994, the Hyrum City Council passed and posted an ordinance adopting the "Hyrum City Municipal Code", a recodification of municipal ordinances encompassing the "Revised Ordinances of Hyrum City" and ordinances adopted through July 15, 1993; and

WHEREAS, Title 16 of the Hyrum City Municipal Code is known as the Subdivision Ordinance of Hyrum City and sets forth those regulations governing the division, subdivision, and development of land within Hyrum City; and

WHEREAS, the Hyrum City Council has found it necessary to amend certain of these standards to reflect changes in state and local laws;

NOW THEREFORE, upon recommendation of the Planning Commission and following a public hearing, the Hyrum City Council hereby adopts, passes, and publishes the following:

AN ORDINANCE AMENDING SECTIONS 16.10.080, 16.10.090, 16.16.030, 16.16.120, 16.16.140, 16.20.015, 16.20.020, 16.20.030, 16.20.170, AND 16.28.020 OF TITLE 16 (THE SUBDIVISION ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE AS FOLLOWS: TO NO LONGER REQUIRE A MANDATORY SITE VISIT FOR PROPOSED SUBDIVISIONS; REMOVAL OF THE REQUIREMENT FOR A PUBLIC HEARING TO BE HELD ON ALL NEW SUBDIVISIONS; REMOVE THE CITY ATTORNEY AND COUNTY SURVEYOR SIGNATURE BLOCKS ON A SUBDIVISION MYLAR; REDUCE THE AMOUNT OF A SUBDIVISION WARRANTY BOND; TO PROVIDE CONDITIONS WHEN A SUBDIVISION CONSTRUCTION BOND IS REQUIRED; AND TO ALLOW THE CITY COUNCIL TO EXTEND THE REQUIREMENT FOR A SUBDIVISION BEING DEVELOPED IN PHASES TO OBTAIN FINAL PLAT WITHIN TWO YEARS OF APPROVAL OF THE PREVIOUS PHASE.

BE IT ORDAINED by the City Council of Hyrum City, Cache County, State of Utah, as follows:

1. Section 16.10.080 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.10.080 Site Visit by Planning Commission.

Members of the Planning Commission, the secretary, and Zoning Administrator ~~shall~~ may visit the site accompanied by the developer or his representative. The developer should display and explain his site analysis map.

2. Section 16.10.090 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.10.090 Commission requirements and recommendations.

The subdivider will meet with the Planning Commission, present his/her plan, and respond to any questions or concerns of Commission members. The Commission ~~will~~ may hold a public hearing for a PUD application. Following this review, and not later than thirty days after this review, the Zoning Administrator will communicate with the subdivider the Commissions', comments, requirements, and recommendations.

3. Section 16.16.030(C) of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.16.030 (C) Plat Contents.

The following information is required for all final subdivision plats:

C. Approval blocks for:

1. A registered surveyor's certificate of survey as applicable under state law;
2. The owner's certificate of dedication. The owners dedication shall be signed by every person having a security interest in the subdivision property, dated, and notarized and should include a reference to any covenants that may be declared and blanks where the County Recorder may enter the book and page number of their recording;
3. A notary public's acknowledgment;
4. The City Engineer's certificate of approval;
- ~~5. The City Attorney's certificate of approval;~~
6. The Mayor's certificate of approval;
7. A block for Hyrum City Culinary Water and Hyrum City Sanitary Sewer authorities to indicate their approval by signature;
8. A block for all other utility companies servicing the development to indicate their approval by signature;
- ~~9. The County Surveyor's certificate of approval;~~
10. The County Recorder's stamp of approval according to the requirements prior to final plat approval.
11. It shall be the responsibility of the developer to obtain signatures for blocks 1, 2, ~~and 3,~~ and 8.

4. Section 16.28.020 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.28.020 Submission requirement.

The subdivider shall submit eight (8) 11 inch X 17 inch plats, one (1) 24 X 36 inch plats and email a PDF similar to a final plat drawing, drawn to scale to the Zoning Administrator

at least two weeks prior to a regularly scheduled meeting of the Planning Commission and pay a mini-subdivision plan fee. Copies of the plat will be distributed to the Planning Commission, and other City agencies as appropriate. The Zoning Administrator shall advise the developer of the date of the Planning Commission meeting for which he should seek an agenda appointment.

The subdivider shall submit a final plat prepared by a registered land surveyor or certified engineer (See 16.16) and shall include the following:

- A. The property boundaries of the proposed subdivision including any boundary line agreements;
- B. The name and address of the owner of the property to be divided, and proof of ownership (preliminary title report, recorded deed) or authority to act for the owner of the property to be divided (notarized letter from owner);
- C. The number of lots proposed and location of lots in relation to existing streets, sidewalks, and curb and gutter, addresses as obtained from Hyrum City;
- D. The approximate total acreage of development as well as size of individual lots. The metes and bounds description of each lot.
- E. The location of all utilities in relation to the individual lots and the owner's plan to extend them. Sewer and water lines are required to have a right angle hookup between the house and the City system.
- F. The location of any unusual topographic features which may limit the way a lot can be used such as natural drainages, canals, rivers, abrupt changes in elevation, etc.
- G. Curbs, gutters, and sidewalks may be required in all subdivisions.
- H. Two (2) street trees, having a minimum diameter of one and one half (1 ½) inches, are required per lot. (Four (4) on corner lots)
- I. The location of the front property line showing that it is in correlation with the City's street right of way. If there is a discrepancy, the developer must dedicate the appropriate footage for compliance to the City.
- J. Location and name of adjacent property owners.
- K. The approved final plat shall be drawn to scale on a 24 inch by 36 inch reproducible mylar with signature blocks for:
 1. The owner's signature,*
 2. A notary public's acknowledgment,*
 3. The City Planning Commission's certificate of approval,
 4. The City Council's certificate of approval,
 5. The County Recorder's stamp of approval,

6. The Hyrum City Culinary Water Authority,*
7. The Hyrum City Sanitary Sewer Authority.*
8. The Hyrum City Engineer.*
9. ~~The Hyrum City Attorney.~~

~~(Signature blocks with an asterisk (*) must be signed by the appropriate person prior to Planning Commission submittal.)~~

5. Section 16.16.120 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.16.120 Proceeding With Subdivision Construction.

Following the ~~recording~~ approval of the final subdivision plat ~~in the office of the Cache County Recorder by the City Council, and payment of inspection fees,~~ the developer/landowner may proceed with construction of the approved subdivision in accordance with the applicable provisions of the Hyrum City Design Standards and Construction Specifications for Public Works Construction, and in accordance with the approved construction drawings.

6. Section 16.16.140 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.16.140 Guarantees and Bonds.

Based on a cost estimate submitted by the developer/owner's contractor, the City Engineer shall prepare the bond estimate, revising the costs as required to match prevailing conditions for the construction and installation of all required public improvements ~~as well as all private improvements~~ required pursuant to the subdivision approval process. ~~and including a twenty percent (20%).~~ A performance bond shall be posted by the developer/owner guaranteeing the construction of all required public ~~and private~~ improvements. Construction bond is only required if plat is to be recorded prior to completion of construction. A ten percent (10%) warranty bond is required before the subdivision can be accepted by the city. Said bond (the bond) shall be in the form of one of the following: Cash Escrow Bond; Irrevocable Letter of Credit; Irrevocable Line of Credit. ~~The form must be approved by the City Attorney and must be issued by a financial institution having an operating branch in the State of Utah that is acceptable to the City.~~ The properly issued and executed bond, together with all required inspection fees shall be submitted to the City Administrator before the final subdivision plat is recorded with the Cache County Recorder. The bond shall be held for an eighteen (18) month construction period and twelve (12) month warranty period ~~for a total of thirty (30) months.~~ The warranty period may be increased up to twenty-four (24) months if there has been evidence of prior poor performance by the developer or if other environmental conditions exist.

- A. The amounts stated in the bond estimate shall be considered separate with respect to releases by Hyrum City, but each amount shall be applicable to every other part in the event of the developer/owner's failure to perform one or more of the improvements to the satisfaction of the City. Notwithstanding the itemization of type and cost of improvements, any sum available pursuant to the bond may be used by the City, and not released to the developer for any other improvement covered by the bond as well as the specified improvement.
- B. The City Engineer, or designee, shall have authority to release to the developer/owner any funds held by the City. The City Engineer shall not release, prior to final acceptance, any amount(s) for each specified improvement in excess of eighty percent (80%) thereof. Before the City Engineer shall release more than fifty nine percent (59%) of such amount, related to any one or each separate improvement the City Engineer shall require that the developer/owner certify in writing that no material man's or mechanic's liens have been filed with respect to the required improvement(s).

7. Section 16.20.020 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.20.020 Public improvements-Construction-Inspection.

- A. All construction of public improvements shall proceed after:
 - 1. The final plat and construction drawings have been approved.
 - 2. The security of performance has been approved and perfected; or has been waived
 - 3. The final plat has been signed by the appropriate City officials and all others required by Section 16.16.030(C)
 - 4. The final plat has been recorded (required if lots are sold or construction of houses are to begin before the completion of the subdivision)
 - 5. All storm water permit requirements are in place. (See Section 13.18.110 and 120)
- B. All public improvements shall be completed within eighteen months of the date the final plat was approved by the City Council, and the City Engineer shall inspect the construction as it proceeds.
- C. At the completion of construction, or at the end of the eighteen month period stated in the last subparagraph, whichever comes first, the City Engineer shall make an inspection of all improvements and inform the developer and City of the results of the

inspection. At the completion of construction, the subdivider shall call for inspection by the City Engineer and the inspection shall be made within ten days of the request therefore. The developer's engineer shall provide the City Engineer with record drawings accurately defining for permanent record the surface improvements and underground utilities as they were actually constructed. A construction punch list will be made up by the City Engineer indicating the items missing or needing correction prior to acceptance of the improvements by the City Engineer, and all required replacements or repairs shall be completed by the subdivider, at his expense, prior to acceptance by the City.

D. Following final inspection and corrections according to the punch list made by the City Engineer concerning items missed or needing correction, the City Engineer shall provide a written statement to the City Council and subdivider that the improvements described in the construction drawings have been completed and that they meet the minimum requirements of all the ordinances, resolutions, rules and regulations of the City, that they comply with the requirements of the county board of health, the City or county fire department, and with the standards, rules, regulations and policies formulated by the City Engineer and by the various City departments and approved by the City Council; which standards, rules, regulations and policies the City Council is empowered to approve and adopt by resolution or ordinance, and the same are incorporated in this title by reference. No final plat of a subdivision of land shall be recorded without the subdivider having first provided the City with a one -year written guarantee on all public improvements installed therein.

1. In some instances specified improvements such as sidewalks may be delayed upon written approval by the City Council; provided, that the subdivider furnishes to the City a security of performance, as set forth in Section 16.20.030(B), to guarantee the specified improvements will be constructed and paid for. The amount of the security shall be estimated by the City Engineer and conditioned upon payment by the subdivider of all expenses incurred for labor and materials used in construction of the required improvements. In no event shall the City be deemed liable under this section on any claim asserted by a laborer or material man.

8. Section 16.20.030 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.20.030 Public improvements—Security of performance.

- A. ~~No construction of the public improvements required herein shall be started unless and~~ The final plat shall not be recorded until the subdivider shall have furnished to the City a security of performance, acceptable to the City and as set forth in this section, in an amount set by the City Engineer and equal to at least ~~120%~~ one hundred percent 100% of the reasonable value of the improvements yet to be installed and ten percent (10%) at completion to be held for the warranty period.
- B. The security of performance required by this section, and in the City Council's discretion, may be furnished by any of the following methods:
1. By providing a surety or cash bond in the amount specified herein and conditioned upon payment by the subdivider of all expenses incurred for labor or materials used in the construction of required improvements;
 2. By depositing the specified amount of cash in a bank account to which the City alone has access, but only in the event it becomes necessary, in order to complete, repair or replace the improvements as set forth herein;
 3. By depositing the specified amount of cash in a supervised bank account to which the subdivider has access, with the approval and signature of the City, which funds shall be used to pay for the improvements as construction is completed and sufficient lien waivers presented. In the event it becomes necessary for the City to foreclose on the security of performance and move to complete, repair or replace the improvements as set forth below, then the City shall have access to said supervised bank account for the purpose of completing, repairing, or replacing improvements without the necessity of obtaining the approval of the sub divider.
 4. Letter of credit.
- C. The security of performance required by this section is to assure the City that all improvements are constructed in conformance with all relevant City ordinances, regulations and standards. Further, the City may hold, within the discretion of the City Council, all or a portion of the security of performance provided by the subdivider until one year following the final inspection by the City Engineer, or for such other period of time up to two years as

the City deems necessary to insure compliance as set forth herein.

- D. In the event construction of the public improvements is not completed, or is not completed in a satisfactory manner within eighteen months from the date the final plat was approved, the City may proceed to install the improvements in a satisfactory manner at the subdivider's expense by foreclosing on the subdivider's security of performance held by the City.
- E. In the event the public improvements fail to meet the standards as set forth in the subdivider's written guarantee, the City shall so notify the subdivider who shall be given a reasonable time (up to 90 days) to repair or otherwise correct as requested. In the event the required repairs or corrections are not completed by the subdivider within the time allowed, the City may proceed to repair or replace the unsatisfactory improvements at the subdivider's expense by foreclosing on any security of performance still held by the City, and, in addition, the City may avail itself of any other remedy provided to it under the laws of the state and of the City.

9. Section 16.20.170 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.20.170 Street improvements.

- A. The developer will apply an approved seal coat to all paved roads in the development. The proposed dates of chip and seal coat application must have the approval of the City Administrator. To ensure completion, the developer shall post a bond ~~at 120% of~~ for the amount of the City Engineer's estimate of the cost of sealing and chipping. The application of the seal coat must be completed before the subdivision warranty period expires.
- B. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas and shall provide access to un-subdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the Planning Commission and approved by the City Council.
- C. New streets must connect with existing public streets.
- D. The subdivider shall install curbs, gutters and sidewalks on existing and proposed urban streets adjacent to and in all subdivisions, including on the rear of such lots that back on major streets not permitted access to such streets and those proposed for swales meeting City design standards.

- E. Street number signs and traffic control, conforming to the design and specifications and in the number provided by the standards, rules and regulations of the City, shall be provided by the developer at all street intersections. Installation shall be made by City departments, to insure uniformity, at the expense of the developer.
- F. Wherever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the other half shall be platted; however, in most cases, half-streets shall be prohibited.
- G. Curbs and gutters shall be provided on both sides of all public streets, unless the minimum lot width of lots within the subdivision is more than one hundred fifty (150) feet or a swale is approved.

10. Section 16.20.015 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.20.015 Development in Phases.

A developer desiring to develop in phases shall gain concept plan and preliminary plat approvals of the entire subdivision showing clearly the individual phases. The preliminary plat must contain sufficient detail for the engineering review to ascertain that the public improvements for each phase will perform as required for each phase as well as the full subdivision. Final plat approval may be gained for each phase independently but must be done within two years of the approval of the previous phase or the former approval shall may be revoked as determined by the City Council.

11. REPEALER. All ordinances, resolutions, and zoning maps of the city, or parts thereof inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

12. DECLARATION OF SEVERABILITY. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hyrum City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections, and subsections of this ordinance, together with the

regulations contained therein, are hereby declared to be severable.

13. EFFECTIVE DATE. This ordinance shall become effective upon posting three (3) copies in three (3) public places within Hyrum City.

14. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 21th day of May, 2015.

HYRUM CITY

BY: _____
Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

ORDINANCE 15-03

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WHEREAS, Title 16 of the Hyrum City Municipal Code is known as the Subdivision Ordinance of Hyrum City and sets forth those regulations governing the division, subdivision, and development of land within Hyrum City; and

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BE IT ORDAINED by the City Council of Hyrum City, Cache County, State of Utah, as follows:

1. Section 16.10.080 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

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Members of the Planning Commission, the secretary, and Zoning Administrator ~~shall~~ may visit the site accompanied by the developer or his representative. The developer should display and explain his site analysis map.

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3. Section 16.16.030(C) of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.16.030 (C) Plat Contents.

The following information is required for all final subdivision plats:

C. Approval blocks for:

1. A registered surveyor's certificate of survey as applicable under state law;
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at least two weeks prior to a regularly scheduled meeting of the Planning Commission and pay a mini-subdivision plan fee. Copies of the plat will be distributed to the Planning Commission, and other City agencies as appropriate. The Zoning Administrator shall advise the developer of the date of the Planning Commission meeting for which he should seek an agenda appointment.

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- F. The location of any unusual topographic features which may limit the way a lot can be used such as natural drainages, canals, rivers, abrupt changes in elevation, etc.
- G. Curbs, gutters, and sidewalks may be required in all subdivisions.
- H. Two (2) street trees, having a minimum diameter of one and one half (1 ½) inches, are required per lot. (Four (4) on corner lots)
- I. The location of the front property line showing that it is in correlation with the City's street right of way. If there is a discrepancy, the developer must dedicate the appropriate footage for compliance to the City.
- J. Location and name of adjacent property owners.
- K. The approved final plat shall be drawn to scale on a 24 inch by 36 inch reproducible mylar with signature blocks for:
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 4. The City Council's certificate of approval,
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6. The Hyrum City Culinary Water Authority,*
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- A. The amounts stated in the bond estimate shall be considered separate with respect to releases by Hyrum City, but each amount shall be applicable to every other part in the event of the developer/owner's failure to perform one or more of the improvements to the satisfaction of the City. Notwithstanding the itemization of type and cost of improvements, any sum available pursuant to the bond may be used by the City, and not released to the developer for any other improvement covered by the bond as well as the specified improvement.
- B. The City Engineer, or designee, shall have authority to release to the developer/owner any funds held by the City. The City Engineer shall not release, prior to final acceptance, any amount(s) for each specified improvement in excess of eighty percent (80%) thereof. Before the City Engineer shall release more than fifty nine percent (59%) of such amount, related to any one or each separate improvement the City Engineer shall require that the developer/owner certify in writing that no material man's or mechanic's liens have been filed with respect to the required improvement(s).

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 - 2. The security of performance has been approved and perfected; or has been waived
 - 3. The final plat has been signed by the appropriate City officials and all others required by Section 16.16.030(C)
 - 4. The final plat has been recorded (required if lots are sold or construction of houses are to begin before the completion of the subdivision)
 - 5. All storm water permit requirements are in place. (See Section 13.18.110 and 120)
- B. All public improvements shall be completed within eighteen months of the date the final plat was approved by the City Council, and the City Engineer shall inspect the construction as it proceeds.
- C. At the completion of construction, or at the end of the eighteen month period stated in the last subparagraph, whichever comes first, the City Engineer shall make an inspection of all improvements and inform the developer and City of the results of the

inspection. At the completion of construction, the subdivider shall call for inspection by the City Engineer and the inspection shall be made within ten days of the request therefore. The developer's engineer shall provide the City Engineer with record drawings accurately defining for permanent record the surface improvements and underground utilities as they were actually constructed. A construction punch list will be made up by the City Engineer indicating the items missing or needing correction prior to acceptance of the improvements by the City Engineer, and all required replacements or repairs shall be completed by the subdivider, at his expense, prior to acceptance by the City.

D. Following final inspection and corrections according to the punch list made by the City Engineer concerning items missed or needing correction, the City Engineer shall provide a written statement to the City Council and subdivider that the improvements described in the construction drawings have been completed and that they meet the minimum requirements of all the ordinances, resolutions, rules and regulations of the City, that they comply with the requirements of the county board of health, the City or county fire department, and with the standards, rules, regulations and policies formulated by the City Engineer and by the various City departments and approved by the City Council; which standards, rules, regulations and policies the City Council is empowered to approve and adopt by resolution or ordinance, and the same are incorporated in this title by reference. No final plat of a subdivision of land shall be recorded without the subdivider having first provided the City with a one -year written guarantee on all public improvements installed therein.

1. In some instances specified improvements such as sidewalks may be delayed upon written approval by the City Council; provided, that the subdivider furnishes to the City a security of performance, as set forth in Section 16.20.030(B), to guarantee the specified improvements will be constructed and paid for. The amount of the security shall be estimated by the City Engineer and conditioned upon payment by the subdivider of all expenses incurred for labor and materials used in construction of the required improvements. In no event shall the City be deemed liable under this section on any claim asserted by a laborer or material man.

8. Section 16.20.030 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.20.030 Public improvements—Security of performance.

- A. ~~No construction of the public improvements required herein shall be started unless and~~ The final plat shall not be recorded until the subdivider shall have furnished to the City a security of performance, acceptable to the City and as set forth in this section, in an amount set by the City Engineer and equal to at least ~~120%~~ one hundred percent 100% of the reasonable value of the improvements yet to be installed and ten percent (10%) at completion to be held for the warranty period.
- B. The security of performance required by this section, and in the City Council's discretion, may be furnished by any of the following methods:
1. By providing a surety or cash bond in the amount specified herein and conditioned upon payment by the subdivider of all expenses incurred for labor or materials used in the construction of required improvements;
 2. By depositing the specified amount of cash in a bank account to which the City alone has access, but only in the event it becomes necessary, in order to complete, repair or replace the improvements as set forth herein;
 3. By depositing the specified amount of cash in a supervised bank account to which the subdivider has access, with the approval and signature of the City, which funds shall be used to pay for the improvements as construction is completed and sufficient lien waivers presented. In the event it becomes necessary for the City to foreclose on the security of performance and move to complete, repair or replace the improvements as set forth below, then the City shall have access to said supervised bank account for the purpose of completing, repairing, or replacing improvements without the necessity of obtaining the approval of the sub divider.
 4. Letter of credit.
- C. The security of performance required by this section is to assure the City that all improvements are constructed in conformance with all relevant City ordinances, regulations and standards. Further, the City may hold, within the discretion of the City Council, all or a portion of the security of performance provided by the subdivider until one year following the final inspection by the City Engineer, or for such other period of time up to two years as

the City deems necessary to insure compliance as set forth herein.

- D. In the event construction of the public improvements is not completed, or is not completed in a satisfactory manner within eighteen months from the date the final plat was approved, the City may proceed to install the improvements in a satisfactory manner at the subdivider's expense by foreclosing on the subdivider's security of performance held by the City.
- E. In the event the public improvements fail to meet the standards as set forth in the subdivider's written guarantee, the City shall so notify the subdivider who shall be given a reasonable time (up to 90 days) to repair or otherwise correct as requested. In the event the required repairs or corrections are not completed by the subdivider within the time allowed, the City may proceed to repair or replace the unsatisfactory improvements at the subdivider's expense by foreclosing on any security of performance still held by the City, and, in addition, the City may avail itself of any other remedy provided to it under the laws of the state and of the City.

9. Section 16.20.170 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.20.170 Street improvements.

- A. The developer will apply an approved seal coat to all paved roads in the development. The proposed dates of chip and seal coat application must have the approval of the City Administrator. To ensure completion, the developer shall post a bond ~~at 120% of~~ for the amount of the City Engineer's estimate of the cost of sealing and chipping. The application of the seal coat must be completed before the subdivision warranty period expires.
- B. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas and shall provide access to un-subdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the Planning Commission and approved by the City Council.
- C. New streets must connect with existing public streets.
- D. The subdivider shall install curbs, gutters and sidewalks on existing and proposed urban streets adjacent to and in all subdivisions, including on the rear of such lots that back on major streets not permitted access to such streets and those proposed for swales meeting City design standards.

- E. Street number signs and traffic control, conforming to the design and specifications and in the number provided by the standards, rules and regulations of the City, shall be provided by the developer at all street intersections. Installation shall be made by City departments, to insure uniformity, at the expense of the developer.
- F. Wherever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the other half shall be platted; however, in most cases, half-streets shall be prohibited.
- G. Curbs and gutters shall be provided on both sides of all public streets, unless the minimum lot width of lots within the subdivision is more than one hundred fifty (150) feet or a swale is approved.

10. Section 16.20.015 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.20.015 Development in Phases.

A developer desiring to develop in phases shall gain concept plan and preliminary plat approvals of the entire subdivision showing clearly the individual phases. The preliminary plat must contain sufficient detail for the engineering review to ascertain that the public improvements for each phase will perform as required for each phase as well as the full subdivision. Final plat approval may be gained for each phase independently but must be done within two years of the approval of the previous phase or the former approval shall may be revoked as determined by the City Council.

11. REPEALER. All ordinances, resolutions, and zoning maps of the city, or parts thereof inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

12. DECLARATION OF SEVERABILITY. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hyrum City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections, and subsections of this ordinance, together with the

regulations contained therein, are hereby declared to be severable.

13. EFFECTIVE DATE. This ordinance shall become effective upon posting three (3) copies in three (3) public places within Hyrum City.

14. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 21th day of May, 2015.

HYRUM CITY

BY: _____
Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder