

ORDINANCE 10-01

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, Section 16.20.030 of the Hyrum City Municipal Code allows the City to hold all or a portion of the security of performance bond provided by the developer for two years following the final inspection to insure compliance; and

WHEREAS, pursuant to action of the Utah State Legislature, the Hyrum City Attorney is recommending reducing the two year holding period for a developers security of performance bond to a minimum of one year following the final inspection or for a period of time not to exceed two years as the City deems necessary; and

WHEREAS, Section 16.16.070 of the Hyrum City Municipal Code requires a developer to provide a security of performance bond with the City for all public improvements installed before the final plat; and

WHEREAS, developers are unable to obtain a security of performance for public improvements until after the final plat is approved by the City Council; and

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 TITLE 16 (SUBDIVISION ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE BY AMENDING SECTION 16.16.070 TO REQUIRE A DEVELOPER TO PLACE THE SECURITY OF PERFORMANCE BOND AFTER THE FINAL PLAT HAS BEEN APPROVED BUT BEFORE THE MYLAR IS RECORDED WITH THE CACHE COUNTY RECORDER; SECTION 16.20.030 TO REDUCE THE HOLDING PERIOD FOR A DEVELOPERS SECURITY OF PERFORMANCE BOND FROM A MINIMUM OF TWO YEARS TO ONE YEAR; AND OTHER MINOR HOUSEKEEPING ITEMS.

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

1. Section 16.16.070 of Title 16 of the Hyrum City Municipal Code is hereby amended to read as follows:

16.16.070 Final Approval.

In reviewing an application for final subdivision plat approval the Public Works Committee may, at their discretion, require review of the final plat by the Planning Commission prior to a final decision by the City Council. Upon verification that the Final Plat meets City Council approval requirements, that all fees have been paid, ~~the surety of performance is in place~~ and that the engineering drawings have been approved, the City Administrator will place the Final Plat on the City Council Agenda for approval. The Zoning Administrator will summarize verification of all changes that have been made from when the Preliminary Plat was approved by the City Council. The developer will respond to any additional concerns. After the Final Plat has been approved by the City Council, the City Recorder will acquire the signatures required on the Final Plat. After all signatures have been obtained and the surety of performance is in place, the City Recorder will record the Final Plat with the Cache County Recorder.

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

16.20.030 Public Improvements - Security of Performance.

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, ~~and to assure the City that all expenses incurred for labor or material used in the construction of the same are paid for by the subdivider~~. 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 ~~two~~ one years following the final inspection by the City Engineer, or for such other period of time ~~less than~~ up to two years as the City deems necessary to insure compliance as set forth herein.

3. 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.

4. 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.

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

6. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 6th day of May, 2010.

HYRUM CITY

BY: _____

Dean Howard
Mayor

ATTEST:

Stephanie Fricke
City Recorder