

CITY OF BLUFFDALE, UTAH

ORDINANCE NO. 2023-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLUFFDALE, UTAH, AMENDING BLUFFDALE CITY CODE 11.150.080 and 11.160.290 REGARDING ASSURANCES FOR THE COMPLETION OF IMPROVEMENTS WITH APPLICABLE ADOPTED CITY ENGINEERING STANDARDS RELATED TO DEVELOPMENT.

WHEREAS, Utah Code § 10-9a-604.5 allows municipalities to provide assurances for the installation and completion of all public improvements; and

WHEREAS, the City currently requires assurances of completion for public improvements for new subdivisions and desires consistent requirements for all new developments including commercial site plans prior to building permits being issued by amending BCC 11.150.080, and

WHEREAS, Utah Code § 10-9a-604.5 does not allow municipalities to require a completion assurance bond for landscaping of any private or off-site improvements; the text amendments modify the Bluffdale City Code 11.160.290 eliminating bonding for landscaping for all new residential development and adds clarifying text for the landscaping requirements to adhere to the City's adopted water efficiency standards; and

WHEREAS, the Bluffdale Planning Commission has held a public hearing and gave its recommendation to the City Council; and

WHEREAS, the City Council has held a public hearing and reviewed the subject text amendments and finds that the subject text amendments will enhance the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE, UTAH:

Section 1. Text Amendments. The City Council hereby amends BCC 11.20, 11.150.080, 11.160.290 as indicated in Exhibit 'A':

See Exhibit 'A'

SECTION 1. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE, UTAH, ON THIS 11
DAY OF Oct, 2023 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Councilmember Aston	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Crockett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Gaston	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Hales	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Kallas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Mayor: Natalie C. Hall
Natalie C. Hall

Attest: Jamie Jamieson
City Recorder



EXHIBIT A

Bluffdale City Code 11.150.080 and 11.160.290 Text Amendments

11.150.080 Assurances for Completion of Improvements

A. Completion of Installation: Landscaping, sprinkling systems, walls, fences and/or screening structures, walks, parking areas and other on and required off-site improvements shall be installed in accordance with the approved site plan and construction drawings prior to issuance of any occupancy permit. ~~To guarantee the~~ ~~if the~~ installation of any ~~required public of these~~ improvements ~~cannot be completed due to weather or other circumstances an improvement completion assurance shall be posted in accordance with the standards in Subsection B prior to the issuance of any building permit within the approved site plan area. beyond the control of the applicant/owner or developer,~~ ~~if the installation of other required private on or off-site improvements cannot be completed due to weather or other reasonable circumstances, as approved by the Zoning Administrator,~~ a conditional certificate of occupancy may be issued if a performance ~~security and deferral~~ agreement is signed by the applicant/owner or developer which shall guarantee completion of all unfinished improvements, in a form approved by the City.

B. Public Improvement Completion Assurance:

1. ~~The applicant shall post an acceptable improvement completion assurance ("completion assurance") prior to the issuance of any building permit within an approved site plan, in an amount estimated by the City Engineer, sufficient to secure to the City the satisfactory construction, installation, and dedication of all required public infrastructure improvements. The amount of the completion assurance shall be in accordance with the City's Consolidated Fee Schedule.~~
2. ~~The completion assurance shall comply with all statutory requirements and shall be satisfactory to the City attorney as to form, sufficiency and manner of execution as set forth by the City attorney. The completion assurance shall not be used to pay any contractual obligations of the applicant.~~
3. ~~The completion assurance agreement shall be completed on the City supplied bond agreement form for the full infrastructure improvements cost and be in one of the following forms:~~
 - a. ~~An escrow agreement and deposit account with a federally insured bank or credit union making proceeds available to the City in the case of the developer's default upon the City presenting a sight draft at an office located within fifty (50) miles of the City. (Three party bond agreement.)~~
 - b. ~~Cash or a cashier's check, for deposit with the City in its bank accounts. (Two party bond agreement.)~~
 - c. ~~The completion assurance shall be approved by the City Engineer with surety and conditions satisfactory to protect the public's interest and ensure construction of required improvements.~~

- d. Interest, if any, earned by the City on the deposited sum shall be retained by the City as reimbursement and an offset for the cost of administering the completion assurance.
 - e. All required public improvements shall be completed within one year of Certificate of Occupancy. At such time, if the improvements have not been completed, the City Engineer may complete the remaining improvements using the completion assurance.
4. Temporary Improvements: The applicant shall build and pay for all costs of temporary public improvements required by the City and shall maintain them for the period specified. Prior to construction of any temporary public facility or improvement, the developer shall file with the City Engineer a separate suitable completion assurance, in accordance with this title, for temporary facilities, which ensures that the temporary facilities will be properly constructed, maintained, and removed.
 5. General Procedure and Fees: The City Engineer or designee shall inspect the required public improvements and amenities during construction and ensure their satisfactory completion. The applicant shall, in accordance with the City fee schedule, pay the City inspection fees. These fees shall be due and payable upon demand of the City. Completion assurance and/or improvement warranty monies may not be released until all outstanding inspection fees are paid. The applicant shall be responsible for correcting all the improvement deficiencies as listed in the preliminary and/or final inspection punch list provided by the City Engineer. The City shall use any and/or all completion assurance monies to correct any public improvements deficiencies.
 6. Completion assurance will be fully released when all required public improvements have been completed and accepted by the City Engineer. No partial reduction will be allowed.
 7. Acceptance Of Public Improvements: The applicant, upon completion of all public improvements shall request in writing that the City perform a final inspection to verify that the construction of the improvements meets all City requirements. The City Engineer shall inspect the improvements and formally accept them once it is verified, they meet all City standards by sending a memo to the applicant.
 8. Release of Improvement Completion Assurance: Subject to the maintenance provisions contained in this title, the City will not accept dedication of required improvements or amenities, or release a completion assurance, until the City Engineer has verified that all required public improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the City Engineer, through submission of detailed "as-built" drawings of the development indicating location, dimensions, materials, improvements and other information required by the City Engineer, that the layout of the line and grade of all public improvements is in accordance with the approved construction plans for the subdivision. The "as-built" plans must comply with adopted City standards. Upon such approval and recommendation, the City Engineer shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.
 9. Warranty After Acceptance and Dedication: The applicant shall be required to file an improvement warranty with the City with the original completion assurance, in an amount

equal to ten percent (10%) of the estimated construction cost and in a form satisfactory to the City attorney, in order to assure the satisfactory condition of the required public improvements and amenities for a period of one (1) year after the date of their acceptance by the City Engineer and dedication to the City.

11.160.290 Landscaping [Edit](#)

1. Each single family dwelling unit shall landscape the lot or parcel from the front of the unit to the street ~~prior to the issuance of a certificate of occupancy, or post a bond in the amount required by the City's Consolidated Fee Schedule. When a bond is posted,~~ Required landscaping shall be completed within one year from the date of the certificate of occupancy. ~~The landscaping bond shall run with the land.~~
2. All landscaping shall adhere to the City's ~~a~~Adopted water efficiency and other applicable ~~S~~standards.