

**ORDINANCE NO. 2019-16**

**AN ORDINANCE AMENDING SECTION 12.51.100 OF THE CENTERVILLE ZONING CODE REGARDING LANDSCAPING BONDS, AMENDING SECTIONS 15.01.040 AND 15.04.090 OF THE CENTERVILLE MUNICIPAL CODE REGARDING ACCEPTABLE FORMS OF DEPOSIT FOR BOND AGREEMENTS, AND AMENDING SECTION 17.07.010 REGARDING INSURANCE AND SECURITY FOR FRANCHISE AGREEMENTS**

**WHEREAS**, the City Council desires to amend the type of acceptable security bonds for subdivision development, land use projects, required landscaping, and franchise agreements; and

**WHEREAS**, the City Council has determined that the proposed amendments to the Zoning Code and Municipal Code regarding the type of acceptable security bonds for subdivision development, land use projects, required landscaping, and franchise agreements are in the best interest of the City and the public and provide a reasonable balance between developer options for bond security and municipal efficiency; and

**WHEREAS**, the proposed amendments to the Zoning Code and Subdivision Ordinance as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public notices have been provided and appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the Zoning Code and Municipal Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Amendment.** The types of landscaping bonds allowed as set forth in Subsection 12.51.100(b) of the Centerville Zoning Code is hereby amended as follows:

**12.51.100 Definitions**

\* \* \*

(b) Bond. When landscaping is required as part of a special amenity, public improvement, planned development, or for increased density, the developer shall provide the City with ~~a an irrevocable letter of credit~~, cash bond, or escrow agreement, in an amount equal to the estimated landscaping cost, to guarantee installation and maintenance of landscaping. Such security shall be retained, withdrawn, and/or released in accordance with the City's adopted bond procedures for site plan and subdivision approval.

\* \* \*

**Section 2. Amendment.** The definition of Bond Agreement as set forth in Subsection 15.01.040(e) of the Centerville Municipal Code is hereby amended to read in its entirety as follows:

**15.01.040 Definitions**

\* \* \*

(e) "Bond Agreement" means an agreement to install improvements secured by ~~a stand-by letter of credit, or~~ an escrow agreement with funds on deposit in an acceptable financial institution; or a cash bond with the City, in an amount corresponding to the City Engineer's estimate. All bonds shall be on forms approved by the City Council wherever a bond is required pursuant to this Title.

\* \* \*

**Section 3. Amendment.** The type of Security for Public Improvements as set forth in Subsection 15.04.090(b) of the Centerville Municipal Code is hereby amended to read in its entirety as follows:

**15.04.090 Security for Public Improvements**

\* \* \*

(b) The Improvements Agreement shall be one of the following types as prescribed by the City:

(1) A cash bond agreement accompanied by a cashier's check payable only to the City; ~~or~~

(2) An escrow agreement and account with a federally insured bank or credit union. If the bank is located outside of the State of Utah and/or requires presentment of the sight draft outside of the State of Utah, additional language shall be provided in the Bond allowing for presentment by fax or other electronic means acceptable to the City.

~~(3) — A letter of credit agreement and irrevocable stand-by letter of credit with a federally insured bank or credit union. If the bank is located outside of the State of Utah and/or requires presentment of the sight draft outside of the State of Utah, additional language shall be provided in the Bond allowing for presentment by fax or other electronic means acceptable to the City.~~

**Section 4. Amendment.** The type of Improvement Agreements as set forth in Subsection 17.07.010 of the Centerville Municipal Code is hereby amended to read in its entirety as follows:

**17.07.010 Insurance, Indemnity, and Security**

Prior to the execution of a Franchise, a Provider will deposit with the City an irrevocable; ~~unconditional letter of credit or~~ surety bond as required by the terms of the Franchise, and shall obtain and provide proof of the insurance coverage required by the Franchise. A Provider shall also indemnify the City as set forth in the Franchise.

**Section 5. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

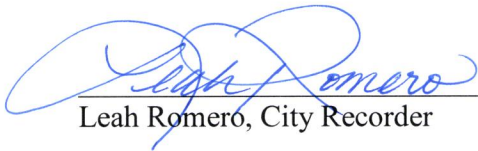
**Section 6. Omission Not a Waiver.** The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

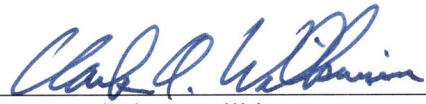
**Section 7. Effective Date.** This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, ON THIS 20<sup>th</sup> DAY OF AUGUST, 2019.**

**ATTEST:**

**CENTERVILLE CITY**

  
Leah Romero, City Recorder

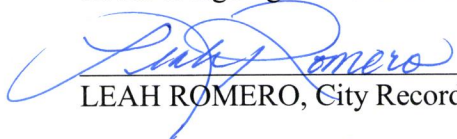
By:   
Mayor Clark A. Wilkinson

Voting by the City Council:

	“AYE”	“NAY”	“ABSENT”
Councilmember Fillmore	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Ince	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Ivie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember McEwan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Mecham	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB’s Gas Station, on the foregoing referenced dates.

  
LEAH ROMERO, City Recorder

DATE: August 21, 2019

RECORDED this 21 day of August, 2019.

PUBLISHED OR POSTED this 21 of August, 2019.

