

ORDINANCE NO. 409

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EARLHAM, IOWA, 2017, CHAPTER 166.12 SUBDIVISION REGULATIONS – FEES.

BE IT ENACTED by the City Council of the City of Earlham, Iowa, as follows:

SECTION 1. Section 166.12 is hereby deleted, and shall be replaced by the following:

166.12 FEES. Before a preliminary plat may be considered by the Commission, the subdivider or agent shall deposit with the City Treasurer a fee of \$100.00, plus \$5.00 per lot, plus engineering fees, to be credited to the General Fund of the City. In the event that said fees are insufficient to reimburse the City for engineering charges incurred by the City in the examination and review of the preliminary plat, final plat or plat of survey, the subdivider shall be responsible for any additional fees incurred by the City for such engineering charges.

SECTION 3. REPEALER. All ordinances or parts of ordinances that are in conflict with this ordinance are hereby repealed.

SECTION 4. SEVERABILITY. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This Ordinance shall be in effect from and after the later to occur of its final passage, approval and publication as provided by law.

Passed and approved the 12th day of August, 2019.

Jeff Lillie, Mayor

Attest: _____
Mary Sue Hibbs, City Clerk

Passed First Reading: _____

Passed Second Reading: _____

Passed Third Reading: _____

<u>Member</u>	<u>1st Reading</u>	<u>2nd Reading</u>	<u>3rd Reading</u>
Griswold			
Fredericksen			
Petersen			
Payne			
Swalla			

CLERK'S CERTIFICATE

I hereby certify that the foregoing Ordinance No. 409 was published as required by law on the ____ day of August, 2019.

SIGNED _____
Mary Sue Hibbs, City Clerk

4. Existing buildings, railroads, underground utilities, other rights-of-way and easements;
5. Location, names and widths of all existing and proposed roads, alleys, streets and highways in or adjoining the area being subdivided;
6. Location and names of adjoining subdivisions;
7. Proposed lot lines with approximate dimensions;
8. Areas dedicated for public use, such as schools, parks, playgrounds and streets;
9. Contour lines at intervals of not more than five feet;
10. Building setback lines;
11. Boundaries of the proposed subdivision, indicated by a heavy line;
12. Zoning classification of the area;
13. Proposed utility service:
 - A. Source of water supply;
 - B. Provision for sewage disposal, drainage and flood control;
14. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings;
15. Lot numbers;
16. Easements for public utility purposes;
17. Corner radii.

166.11 PRELIMINARY PLAT ACCOMPANYING MATERIAL. The preliminary plat shall be accompanied by the following:

1. An abstractor's title together with an attorney's opinion, in duplicate, showing that the fee title to the subdivision is in the owner as shown on the plat and showing any encumbrances that may exist against such land.
2. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the engineer preparing the plat. Such tests shall be made in accordance with specifications approved by the City Engineer.

Current

166.12 FEES. Before a preliminary plat may be considered by the Commission, the subdivider or agent shall deposit with the City Treasurer a fee of \$10.00, to be credited to the General Fund of the City.

166.13 FINAL PLAT; NUMBER OF COPIES AND SCALE. ~~When and if the preliminary plat is approved, the subdivider shall submit four copies (three full sized and one no larger than ledger size) of the final plat for review by the Commission. The scale of the map shall be one inch equals 50 feet on small subdivisions, and one inch equals 100 feet on large subdivisions, unless otherwise approved by the Commission.~~

166.14 CONTENTS OF FINAL PLAT. The final plat shall show:

1. Name of subdivision;

3. Upon approval of the preliminary plat, the developer may cause a final plat to be prepared for one or more development divisions, provided the order of development allows for logical provision of streets and utilities.

4. Each development division shall be considered as a final plat, and provisions of these regulations shall apply individually to each development division presented as a separate filing for record.

166.18 FEES.

1. Before a preliminary plat, final plat or plat of survey shall be considered by the Commission, the applicant or agent shall deposit with the Clerk a fee according to a schedule adopted from time to time by resolution of the Council. The appropriate fees shall be deposited following Council action on the preliminary plat, final plat or plat of survey. In the event that said fees are insufficient to reimburse the City for engineering charges incurred by the City in the examination and review of the preliminary plat, final plat or plat of survey, the Subdivider shall be responsible for any additional fees incurred by the City for such engineering charges.

2. ~~In addition to the plat filing fees, the Subdivider shall be responsible for just and reasonable costs incurred by the City during the course of construction of the improvements for inspection, testing, or other work deemed necessary by the City to assure proper construction in accordance with the approved construction drawings and applicable standards and ordinances.~~

3. The City shall annually, by resolution, determine the hourly rate which it shall pay for professional engineering services which shall be deemed to be the maximum rate which may be imposed upon any Subdivider during such annual period.

(Ord. 322 - Oct. 17 Supp.)

166.19 APPROVAL OF IMPROVEMENT PLANS. After approval by the Council of the preliminary plat, the subdivider may proceed to prepare and submit plans, profiles and specifications for improvements to the Public Works Director for approval. Such plans, profiles and specifications shall conform to design standards and standard specifications of the City and shall be in essential conformity with the approved preliminary plat. The Public Works Director shall give his or her approval in writing and no field changes shall be made without the approval of the Council.

166.20 INSPECTION DURING CONSTRUCTION. The City shall cause inspections to occur during construction, the cost of which will be borne by the subdivider. The subdivider will coordinate inspections with the City Engineer. A complete set of as-built plans indicating locations of water, sewer and storm sewer hookups will be provided to the City.

166.21 FINAL PLAT FILING. Within two (2) years of the approval by the Council of the preliminary plat, the subdivider shall file a final plat of the area covered by said preliminary plat in the office of the Planning Commission. Sufficient copies shall be submitted to facilitate review and approvals. If a final plat is not filed within two (2) years of the aforesaid approval of the preliminary plat, the latter shall be subject to review, revision or cancellation of approval by the Council.

166.22 FORM OF FINAL PLAT. The scale shall be one (1) inch equals one hundred (100) feet or larger. In the event that the entire plat cannot be drawn on one sheet, it shall be submitted in two or more sheets of the specified dimensions along with an index sheet of the same