

MILLVILLE CITY CODE
TITLE 16 - SUBDIVISIONS
CHAPTER 16.40 - ACCEPTANCE OF IMPROVEMENTS

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16.40.010: GUARANTEE AND ACCEPTANCE OF IMPROVEMENTS

Prior to acceptance of public improvements by the city the maintenance supervisor and city engineer will inspect the subdivision and develop a list of items to be completed, repaired and/or maintained. If the items listed are deemed significant as determined by the maintenance supervisor and city engineer the developer shall be obligated to the city to replace, repair and/or maintain any defective, damaged or deteriorating public improvements associated with the development prior to forwarding a letter of acceptance to the city council. If the listed items are deemed to be not significant then a letter of acceptance will be forwarded to the city council with the attached list to be completed within one year.

The city council may accept the improvements by resolution upon recommendation by the maintenance supervisor and city engineer. (Ord. 2008-4, 2008)

16.40.020: RELEASE OF FUNDS

As improvements are completed, inspected and approved by the maintenance supervisor and the city engineer, funds which have been placed in a performance bond, an irrevocable letter of credit or funds in escrow for those improvements will be authorized to be released for payment of those improvements. The city shall not release nor reduce these funds on any required improvement until the developer provides a statement for monies requested, signed by the city engineer or maintenance supervisor noting the improvements have been satisfactorily completed. In no event shall these funds be reduced below ten percent (10%) of the principal amount.

The city shall retain ten percent (10%) of the collateral for a period of one year. The purpose of retaining the ten percent (10%) warranty amount is to guarantee that the improvements have been installed correctly and that they function properly. If any improvements have not been installed correctly or fail to function properly, and the developer fails to correct the deficiencies within thirty (30) days of notification thereof, then, upon written notice by the city, escrow shall pay over to the city the amount necessary to complete, repair or replace said improvements. In the event the costs of completing, repairing or replacing the unsatisfactory improvements exceeds the amount remaining in the performance bond, an irrevocable letter of credit or funds in escrow, the developer shall, within ten (10) days of notice thereof, pay the excess amount to the city and shall also cause to restore the performance bond, an irrevocable letter of credit or funds in escrow to the prescribed ten percent (10%) warrantee amount. The city shall not issue any building permits for the subdivision until the above referenced excess costs have been paid to the city and the warranty amount (10 percent of the total cost of improvements) has been restored. (Ord. 2008-4, 2008: Ord. 2000-17 § 2: Ord. 94-3 § 1)

16.40.030: WARRANTY OF IMPROVEMENTS

The warranty period for public improvements shall commence on the date that all city required improvements associated with the development have been completed to the satisfaction of the city and a final inspection thereof has been made approving the same. The warranty period shall commence on the date of the adopted resolution and shall continue for a minimum period of one year thereafter for all improvements. If any deficiencies in materials or workmanship are found by the city during the warranty period, the developer shall promptly resolve such defects or deficiencies and request the maintenance supervisor and city engineer to reinspect the improvements.

At the end of the one year warranty period, as applicable, the developer shall request the maintenance supervisor and city engineer to make a final warranty period inspection of all improvements. If the maintenance supervisor and city engineer verify that the improvements are acceptable, the city shall release by resolution the balance of the security posted by the developer under the agreement. If after the inspection it has been determined that items need to be repaired these items will be required to be warranted for an additional amount of time, of which said time will be decided upon by the city and a determined portion of the escrow will be retained for the additional amount of warranty time.

Ten percent (10%) of the total cost of the improvements shall be retained by the city during this warranty period. All funds in escrow, surplus to the warranty amount, may then be released by the city after inspection and upon request of the city engineer and maintenance supervisor. (Ord. 2008-4, 2008: Ord. 2000-17 § 2: Ord. 94-3 § 1)