

MILLVILLE CITY CODE
TITLE 16 - SUBDIVISIONS
CHAPTER 16.12 - ADMINISTRATION AND ENFORCEMENT

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16.12.010: SUBDIVISION ORDINANCE FEES

All fees required by the subdivision ordinance of the city shall be set by resolution of the city council and shall be published by the city in the fee schedule. (Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.12.020: FEES FOR APPEAL

There shall be no fee for an appeal to the city council from a decision of the commission with respect to this title.

The fee for an appeal to the appeal authority from a decision made by the city council with respect to this title shall be set by resolution of the council. (Ord. 2008-4, 2008: Ord. 2007-8, 2007: Ord. 94-3 § 1)

16.12.030: ADMINISTRATION

- A. These regulations shall be administered and enforced by the city planner or other entity as designated by the city council.

- B. All subdivision plats, plans, and other required associated information (subdivision plans) submitted to the city shall first have been examined by the city engineer, the city planner, land use authority, culinary water authority and sanitary use authority in accordance with the procedures established by these regulations. As part of their examination, the city planner and the planning commission may consult with other public or private agencies to determine whether or not the subdivision plans, as proposed, will contribute to the orderly growth and development of the city. The actions of the city planner, the planning commission and the council shall be governed by the procedures and schedules hereinafter set forth.

- C. Pursuant to the provisions for urban development (as defined in the Utah code as amended), when any part of a subdivision lies outside of, but within one-half (½) mile of the city, that subdivision shall be approved by the city council of the city before it is finally approved by the Cache County board of commissioners.

- D. The city shall not extend utilities and services and shall not approve any proposed subdivision of land which, by itself or as a part of a larger tract, is contiguous to the boundaries of the city unless the preliminary subdivision plans submitted to the city planner is accompanied by a properly acknowledged petition for annexation to the city and a separate application for proper zoning.

- E. The city planner shall review both the annexation petition and the preliminary subdivision plans for accuracy and completeness and shall process the subdivision plans as if the land were already part of the city. The required subdivision plans and the annexation petition may be considered simultaneously by the city, however, final action by the city council on the annexation petition and zoning shall be preceded or be taken concurrently with final action on the final subdivision plans. (Ord. 2022-2, 2022: Ord. 2008-4, 2008: Ord. 2000-13 § 2: Ord. 94-3 § 1)

16.12.040: RESERVED

(Ord. 2008-4, 2008: Ord. 2003-4 § 3, 2003: Ord. 94-3 § 1)

16.12.050: VACATIONS

- A. Pursuant to the provisions of sections 10-9-808 through 10-9-810 of the Utah code any plat may be vacated by the owners before any substantial improvements have been made in the subdivision, by submitting a copy of the plat to the commission along with a written request for a vacation. The written request shall be by all of the owners. The commission shall make a recommendation on the vacation to the city council, and the council shall approve or disapprove the vacation. The recording of an instrument vacating the plat shall operate to destroy the force and effect of the recording of the original plat and to divest all public rights in the streets, alleys, commons and public grounds laid out or described in such a plat.

- B. Streets and alleys platted and laid out under the provisions of these regulations or laid out under any prior law of the state of Utah may be altered or vacated in the manner provided by law for the alteration or discontinuance of highways.

- C. Any part of a plat may be vacated under the provisions and subject to the conditions of subsection A of this section, provided such vacating does not abridge or destroy any of the rights and privileges of other proprietors in such plat and provided, further, that nothing contained in this section shall authorize the closing or obstruction of any public highways laid out according to law. The request for vacation shall be made by all of the owners.

- D. When any part of a plat shall be vacated as aforesaid, streets, alleys, and other public grounds shall be assigned to all lots or parcels adjacent to the public area being vacated in equal proportions.

- E. The county recorder shall write in plain, legible letters across that part of the plat so vacated the word "vacated" and also make a reference on the same to the volume and page in which the instrument of vacation is recorded.

- F. Land covered by a vacated plat may be replatted as described by these regulations. Any later replatting of an area already platted and not vacated shall be construed to be a request for the vacation of the original plat or portion thereof. Any such plat, once approved and recorded, shall act to vacate the original plat which it replaces. (Ord. 2008-4, 2008: Ord. 2000-17 § 2: Ord. 94-3 § 1)

16.12.060: PENALTIES

A. Violation Of Provisions: Any person who violates any provision of these regulations and any person who, as an agent for a subdivider, developer or owner of subdivided lands, offers for sale any subdivided lands or subdivisions without first complying with the provisions of these regulations shall be guilty of a class C misdemeanor and shall be subject to fine, imprisonment or both. The city may bring a suit to enjoin any violation of the provisions of this title by action for injunction and may recover the penalty by civil action. If such penalty has not been paid when the subdivision plan is admitted for final approval, the city council shall not approve the plan until the penalty is paid. Each day of violation constitutes a new offense.

B. Removal, Destruction Or Defacement Of Monuments Or Corners:

1. No person shall wrongfully, wilfully or negligently remove, destroy or deface any survey monument, corner, or witness corner.
2. Any person who violates this subsection is guilty of a class C misdemeanor and is additionally responsible for:
 - a. The costs of any necessary legal action; and
 - b. The costs of reestablishing the survey monument, corner, or witness corner. (Ord. 2008-4, 2008: Ord. 2000-13 § 2)

16.12.070: ADMINISTRATIVE LIABILITY

The city shall hold harmless the public works department, other city agencies and officials, and their official agents and representatives, when acting in good faith and without malice, from all personal liability for any damage that may accrue to any person or property as a result of any act required by these regulations, or for the omission of any act on the part of the department, agency or official or their authorized agents in the discharge of their duties hereunder. Any suit brought against the city or the city administration because of any such act or omission in the carrying out of the provisions of these regulations shall be defended by the city's legal department through final determination of such proceedings. (Ord. 2008-4, 2008: Ord. 94-3 § 1)