

**MILLVILLE CITY CODE  
TITLE 16 - SUBDIVISIONS  
CHAPTER 16.24 - IMPROVEMENTS**

[16.24.010: APPROVAL OF FINAL PLAT](#)

[16.24.020: DESIGN BY PROFESSIONAL ENGINEER](#)

[16.24.030: ON SITE REPRESENTATIVE](#)

[16.24.040: INSTALLATION OF IMPROVEMENTS](#)

[16.24.050: PARKS AND OPEN SPACE](#)

[16.24.060: AS BUILT PLANS](#)

**16.24.010: APPROVAL OF FINAL PLAT**

Prior to the approval of any final plat by the city council, the subdivider shall either:

- A. Guarantee the installation of the necessary public facilities by complying with the provisions of subsection 16.20.020C of this title regarding financial guarantees of improvements; or
- B. Execute a standard contract on forms provided by the city and request that the city council proceed according to the provisions of subsection 16.20.020G of this title regarding delaying the recording of the final plat until improvements are installed and approved.
  - 1. The standard contract shall, among other things, specify that the required improvements be installed within the time stated, in accordance with the requirements of the Utah department of environmental quality.
  - 2. The time specified for the completion of the required improvements shall not exceed twelve (12) months from the date the final plat was approved by the city

council. Requests for extensions may be approved by the city council. (Ord. 2008-4, 2008: Ord. 94-3 § 1)

### **16.24.020: DESIGN BY PROFESSIONAL ENGINEER**

All public improvements must be designed under the direction of a professional engineer, licensed to do such work in the state of Utah. All design documents must be certified and sealed with the professional engineer's stamp. (Ord. 2008-4, 2008: Ord. 2002-2 § 2, 2002)

### **16.24.030: ON SITE REPRESENTATIVE**

The developer shall designate, in writing, the name of the agent who shall be available at all times during construction and who shall not be replaced without a written notice to the city engineer. The agent will be the developer's representative at the site and shall have the authority to act on the developer's behalf. (Ord. 2008-4, 2008: Ord. 94-3 § 1)

### **16.24.040: INSTALLATION OF IMPROVEMENTS**

The subdivider shall install, at his or her expense, the following improvements within twenty four (24) months and in accordance with plans, specifications, and data as specified in the "Manual Of Design And Construction Standards" and as approved by the city engineer. The construction and installation of all improvements shall be under the supervision and inspection of the city engineer or his agents and the owner shall be required to pay the cost of engineering and inspection services prior to the issuance of final acceptance of subdivision improvements by the city.

- A. Sewage Disposal: The subdivider shall provide an approved sewage disposal system for all lots within the subdivision by the following means as determined by the city engineer:

Individual Sewage Facilities: The subdivider shall be responsible to either install individual sewage facilities for each and all lots in the subdivision at his or her expense or require that such facilities be installed as a part of the construction of buildings or structures.

- B. Storm Drainage System: There shall be constructed, at the owner's and subdivider's expense, a storm drainage system adequate to serve the area, including anticipated extension of use to serve additional areas. The storm drainage system shall be designed and constructed in accordance with the "Millville City Manual Of Design And

Construction Standards" and at the grades approved by the city. Design of specific system components may be required to be designed by the city engineer and paid for by the developer if so desired by the city. The drainage systems could, upon inspection, approval and acceptance by the city, become the property of the city. In the storm drainage system design phase, consideration shall be given to alternatives and principles of stormwater management in accordance with the Utah pollutant discharge elimination system (UPDES) permit or as determined by the city engineer.

Under some circumstances the city may require, as a condition for approval of the plat, installation of a storm drain that is larger than necessary to meet the needs of the platted area or the area being subdivided as shown by the preliminary plat or site plan, but necessary to complete the city storm drainage system as it relates to both the area being platted and other areas.

- C. Water Distribution System: There shall be constructed, at the owner's and subdivider's expense, a water distribution system (including fire protection) to adequately serve all lots or parcels of land within the platted area with due regard to the present and reasonably foreseeable needs of the entire area shown in the preliminary plat or site plan, and shall connect the same to existing water mains. The water distribution system shall be designed and constructed in accordance with the "Millville City Manual Of Design And Construction Standards" and may include pumping stations and storage facilities. Design of specific system components may be required to be designed by the city engineer and paid for by the developer if so desired by the city.
- D. Streets, Street Grading: The owner of land being platted shall, at his or her expense, provide the grading of the entire street rights of way and alleys and provide appropriate paving including curb and gutter on all streets. The street improvements shall be designed and constructed in accordance with the "Millville City Manual Of Design And Construction Standards" and shall adequately reflect the classification of the street, its location and anticipated volume of traffic. Design of specific improvements may be required to be designed by the city engineer and paid for by the developer if so desired by the city.

All streets or roads shall be of such width and shall be so constructed as to meet the standards of the public body responsible for the maintenance thereof as provided in section 16.28.020 of this title.

- E. Streetlights, Street Name Signs And Traffic Control Signs: The owner shall, at his or her expense, install all streetlights, street name signs and traffic control signs. All lights and signs shall be installed so as to meet the standards provided in chapter 16.28 of this title. Streetlights, street signs and traffic control signs shall be installed prior to any occupancy permit being issued for any building, in any subdivision.

- F. Fire Hydrants: The owner and subdivider shall, at his or her expense, install all fire hydrants.
- G. Utilities; Gas, Electricity And Telephone, Etc.: It is the responsibility of the owner or subdivider to install all other necessary utilities. The utilities shall be installed under the supervision of the city engineer and the agency responsible for the particular utility. All utilities shall be installed underground, except that major overhead power lines may be located along major streets or other specifically designed streets or transmission corridors.
- H. Other Facilities Or Improvements: The owner or subdivider shall, at his or her expense, install any other facility or improvement as may be specified on the preliminary plat, site plan, or in a contract and agreed to by the subdivider.
- I. Monuments: Refer to the "Millville City Manual Of Design And Construction Standards" latest revision for monument requirements.
- J. Supplemental On Site/Off Site Street Construction:
1. The developer or subdivider shall be responsible for and bear the expense of all street, curb, gutter and sidewalk construction within the development.
  2. The extent of development of streets which are contiguous to, traverse, or provide access to areas which are to be subdivided or developed shall be determined by the commission, subject to review and approval by the city council. The transportation and land use maps of the master plan for the city shall be consulted in each particular case to determine whether a particular street which traverses or is contiguous to a subdivision or development, or provides access to a subdivision or development, should be developed to major or minor street standards. Such streets may be on site or off site of the property being improved or platted. The commission may deviate from the master plan in those particular cases in which the required standard of development for such streets is not in accord with estimated traffic demands, considering further requirements for ingress and egress and safety.
  3. In the event that the commission approves construction of half streets, the developer must, at a minimum, construct half a street with pavement, shoulder, curb, gutter and sidewalk built to proper specifications for that particular street designation. Additionally, the subgrade preparation, subbase, base course and asphalt will be in accordance with the particular street designation, all at the developer's expense. The developer must also leave the surface of the deeded adjoining land in a condition which would be compatible with future construction

of the remaining lanes, subject to the inspection and approval of the city engineer.

4. The following provisions apply to all streets when the commission has determined that deviation from the master plan is not permitted:
    - a. Streets contiguous to an area being platted or improved, and that provide access to such areas being platted or improved, shall be required to be constructed or improved to the standard specified in the MDCS of this title for the appropriate street classification as designated on the transportation and land use map as part of the plat or improvement. Such streets may be on site or off site of the property being improved or platted.
    - b. Streets which are required to be constructed or improved under this section shall be constructed or improved at the expense of the developer and at no expense to the city. In addition, full width of street construction shall be required for streets constructed or improved under this section. The city shall require that adjacent property owners, whose property has not yet been platted or improved and who will benefit from the street construction or improvements, will reimburse the developer, who constructed or improved the streets under this section, an equitable portion of the costs of the construction or improvement. The city council shall determine what, if any, adjacent property has benefited and shall also determine the equitable amount which an adjacent property owner shall pay to the developer who constructed or improved streets pursuant to this section. The sum of amounts paid by adjacent property owner(s) shall not exceed fifty percent (50%) of the original cost of the streets constructed or improved under this section. An owner of adjacent property which has been determined to have benefited shall not be required to pay his or her equitable share of the costs of such construction or improvement until such time as the benefited property is improved and/or developed. Adjacent property presently improved shall be exempt from payment for streets constructed or improved under this section.
    - c. Streets recommended for construction or improvement under this section shall be reviewed by the commission with final approval by the city council.
- K. Extension Of Public Works Facilities: The extension of any public works facilities, including, but not limited to, streets, roads, bridges, storm drains, water mains, sewer lines, secondary water systems and the like, shall be installed by the developer or

subdivider of any subdivision when such extensions made necessary by reason of the impact of the subdivision or development. The necessity of all such extensions, and the scope thereof, shall first be determined by the city engineer. The developer or subdivider shall not be entitled to compensation or reimbursements for such improvements or extensions to the extent that such improvements or extensions were necessitated by the prospective impact of the development or subdivision. However, the developer or subdivider may be reimbursed for extensions and/or improvements which the developer may be required to make which exceeds the anticipated impact of the proposed subdivision or development.

- L. Seal Coat on Asphalt Surfaces: Provisions for sealing all asphalt surfaces within the subdivision shall be determined during the subdivision development plan approval process. Developers may seal asphalt using one of the following methods:
1. Ancillary Agreement. The developer may enter into an ancillary agreement with the City in which the developer provides to the City a predetermined guarantee for improvements in exchange for the City agreeing that the developer will seal all asphalt within the subdivision no later than two (2) years after asphalt is installed in the subdivision. Under an ancillary agreement, the developer will provide the City with a refundable payment for the cost of the asphalt sealing. The payment will be refunded to the developer after City-approved completion of the sealing. If not completed within the two (2) years time requirement, the City will use the money to complete the sealing and no refund will be given to the developer; or
  2. Seal Coat Fee. The developer may pay a seal coat fee to the City, and the City will seal all asphalt in the subdivision. The seal coat fee shall be equal to the square footage of road surfaces in the subdivision multiplied by the cost per square foot for the type of seal coat to be used. The fee per square foot shall be set by resolution of the City Council and modified as needed from time to time.

Pursuant to either seal option stated above, the City's Public Works Director shall determine the type of seal coat to be used based on "best practice" for the type of street to be sealed. If a developer selects the seal coat fee option, the use of the fees collected for the actual application of the approved seal coat shall be at the discretion of the City as determined by the City's municipal budget. The seal coat fee shall be used by the City to accomplish the initial seal coating for the subdivision no later than two (2) years after the completion of the subdivision. (Ord. 2021-1, 2021: 2008-4, 2008: Ord. 2004-9, 2004: Ord. 2002-2 § 2, 2002: Ord. 2000-17 § 2: Ord. 94-3 § 1)

**16.24.050: PARKS AND OPEN SPACE**

- A. Common Open Space: In large subdivisions, the city may approve, upon application by the subdivider, the clustering of houses and aggregation of open spaces to better use the land within the subdivision. In such cases the following conditions will apply:

Provision For Common Open Space: The subdivider shall submit for city approval plans defining the locations, extent, intended uses, intended improvements, schedule for installing and plan for financing improvements of any open spaces and common areas. The subdivider shall propose and the city shall determine whether ownership and maintenance responsibility of such open spaces shall be conveyed to the city or to some other entity. (Ord. 2008-4, 2008: Ord. 94-3 § 1)

**16.24.060: AS BUILT PLANS**

- A. Prior to the approval and acceptance of any completed improvements, as built plans must be submitted to the city engineer. The plans shall be submitted on twenty four inch by thirty six inch (24" x 36") Mylar and shall be accompanied by two (2) sets of prints and one copy in electronic format. The plan submittal shall contain:
  - 1. A cover sheet;
  - 2. The subdivision plat;
  - 3. The overall grading plan;
  - 4. The overall street plan;
  - 5. The overall water system;
  - 6. The overall drainage plan;
  - 7. Additional detail sheets as necessary at an appropriate scale, with title block and sheet numbers in the lower right hand corner of each page and showing the detailed location of all utilities to include service lines to lots. A permanent benchmark shall be described on each sheet.
  - 8. Submission is to comply with the "Manual Of Design And Construction Standards" format.

B. The following certification by the project engineer shall appear on the face of the plans:

*I certify that these plans were prepared under my direct supervision and control, that they accurately represent the referred to improvements as they have been constructed in the field, and that the improvements, to the best of my knowledge, conform to the requirements of the Department of Environmental Quality, the State Highway Department, the City Engineer and other applicable agencies.*

*Engineer*

*Utah P.E. Number*

(Ord. 2008-4, 2008: Ord. 94-3 § 1)