

ORDINANCE NO 022123-1

**AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF
THE CITY OF HARTFORD, IOWA, BY AMENDING
ORDINANCE 166 SUBDIVISION REGULATIONS**

BE IT ENACTED by the City Council of the City of Hartford, Iowa:

SECTION 1. SECTION MODIFIED. Chapter 166, of the Code of Ordinances of the City of Hartford is repealed and the following adopted in lieu thereof:

**CHAPTER 166
SUBDIVISION REGULATIONS**

- | | |
|-------------------------------------|--------------------------------------|
| 166.01 TITLE | 166.20 BLOCK AND LOT STANDARDS |
| 166.02 PURPOSE | 166.21 PARKS AND OPEN SPACES |
| 166.03 JURISDICTION | 166.22 NONRESIDENTIAL SUBDIVISIONS |
| 166.04 RECORDING OF PLAT | 166.23 PROCEEDURES AND SUBMISSION |
| 166.05 FEES ESTABLISHED | REQUIREMENTS FOR PLATS |
| 166.06 PENALTIES | 166.24 PRELIMINARY PLAT REQUIREMENTS |
| 166.07 ENFORCEMENTS | 166.25 PROCEEDURES FOR REVIEW OF |
| 166.08 BUILDING PERMIT TO BE DENIED | PRELIMINARY PLATS |
| 166.09 DEFINITIONS | 166.26 DURATION OF APPROVAL OF |
| 166.10 IMPROVEMENTS REQUIRED | PRELIMINARY PLAT |
| 166.11 GENERAL PROCEDURES | 166.27 AUTHORIZATION TO INSTALL |
| 166.12 INSPECTION | IMPROVEMENTS |
| 166.13 MINIMUM IMPROVEMENTS | 166.28 COMPLETION AND ACCEPTANCE OF |
| 166.14 EASEMENTS REQUIRED | IMPROVEMENTS |
| 166.15 BONDING AND SURETY REQUIRED | 166.29 FINAL PLAT REQUIREMENTS |
| 166.16 LAND SUITABILITY | 166.30 FINAL APPROVAL |
| 166.17 LANDS SUBJECT TO FLOODING | 166.31 WAIVERS AND EXCEPTIONS |
| 166.18 PLAT TO CONFORM TO COMMUNITY | 166.32 CHANGES AND AMENDMENTS |
| DEVELOPMENT PLANS | 166.33 RECOUPMENT FEES |
| 166.19 STREET STANDARDS | |

166.01 TITLE. This chapter shall be known as the "subdivision Ordinance" of the City of Hartford, Iowa. The purpose of this chapter is to provide minimum standards for the design, development and improvement of all new subdivisions of land, so that existing land uses will be protected, and so that adequate provisions are made for public facilities and services and so

that growth occurs in an orderly manner, consistent with the general planning of the community and to promote the public health, safety and general welfare of the citizens of the City of Hartford, Iowa.

166.02 PURPOSE. To encourage orderly community development and provide for the regulation and control of the extension of public services and utilities, the improvement of land, and the design of subdivisions, consistent with the approved comprehensive plan and other specific community plans and the standards set forward in the Zoning Ordinance by providing minimum standards for the design, development and improvement of all new subdivision and re-subdivision of land, so that adequate provisions are made for said public facilities and services, and so that growth occurs in an orderly manner consistent with the Comprehensive Plan and to promote the public health, safety, and general welfare of the citizens of the City of Hartford, Iowa.

166.03 JURISDICTION. All plats of survey, re-plats or subdivision of land for the purpose of laying out a portion of the City, an addition thereto, or pursuant to Section 354.9 of the *Code of Iowa*, suburban lots within two (2) miles of the corporate limits of the City, for other than agricultural purposes shall be submitted to the Council and Planning and Zoning Commission of the City in accordance with the provisions of this chapter and shall be subject to the requirements established by this chapter.

166.04 RECORDING OF PLAT. No subdivision plat or street dedication within the City of Hartford, Iowa, shall be filed for record with the County Recorder, or recorded by the County Recorder, until a final plat of such subdivision, or street dedication has been reviewed and approved in accordance with the provisions of this chapter. Upon the approval of the final plat by the City Council, it shall be the duty of the subdivider to immediately file such plat with the county Auditor and County Recorder, as required by law. Such approval shall be revocable after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the City Clerk with such thirty (30) days.

166.05 FEES ESTABLISHED. The City Council shall establish from time to time by resolution, fees for the review of plats. No plat for any survey or subdivision shall be considered filed with the City Clerk unless and until the fees accompany said plat are paid to the City Clerk.

Before delivering the plat of survey or preliminary plat to the office of the Planning and Zoning Commission for approval, the subdivider shall pay to the city the follow fees:

1. Processing fee. The processing fee shall not be refundable.
2. Engineering check fee: Cost incurred by the City for completion of engineering report, review, and cost of survey and /or plat filed. The engineering check fee shall be refundable if the plat is withdrawn before any actual checking is done. If any plat of survey, preliminary plat or final plat, or any improvement plans or specifications are

found to be in error and must be returned for revision, an additional engineering check fee shall be paid for each re-submission for approval. The City shall receipt stamp proof of the payment of fees upon the face of each copy of the preliminary plat. Such fees shall not be considered payment for the supervision of construction.

166.06 PENALTIES. Any person who shall dispose of or offer for sale, except as conditioned on the approvals required herein, any lot or lots within the area of jurisdiction of this chapter, until the plat thereof has been approved by the Council and recorded as required by law shall forfeit and pay a fine not to exceed the limits established in the Code of Iowa, for each lot or part of lot sold, disposed of or offered for sale. Nothing contained herein shall in any way limit the city's right to any other remedies available to the City for the enforcement of this chapter.

166.07 ENFORCEMENT. The Mayor, Administrative City Clerk or other official designated by the council shall be responsible for the enforcement of these regulations and to this end all employees and officials of the local government shall report in writing to the aforesaid enforcing official, any violation or suspected violation of these regulations.

166.08 BUILDING PERMIT TO BE DENIED. No building permit shall be issued for construction on any lot, parcel or tract, where a subdivision is required by ordinance, unless and until a final plat of such subdivision has been approved and recorded in accordance with this chapter, and until the improvements required by this chapter have been accepted by the City or other provisions have been made in writing with the City regarding the completion of improvements. A building permit may be issued without the establishment of sidewalks in place. However, before any occupancy of the subdivided property occurs, the subdivider must install all sidewalks as required by the chapter.

166.09 DEFINITIONS. For the purposes of this chapter, certain words herein shall be defined as and interpreted as follow.

1. "Acquisition plat" means the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.
2. "Aliquot part" means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one quarter shall be considered an aliquot part of a section.
3. "Alley" means public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.
4. "Auditor's plat" means a subdivision plat required by either the auditor or the assessor, prepared by a surveyor under the direction of the Auditor.
5. "Block" means an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.

6. "City Engineer" means the professional engineer registered in the State of Iowa designated as City Engineer by the City Council or other hiring authority.
7. "Comprehensive Plan" means the general plan for the development of the community that may be titled master plan, land use plan, or some other title, which plan has been adopted by the City Council. Such "Comprehensive Plan" shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
8. "Conveyance" means an instrument filed with a recorder as evidence of the transfer of title to land, including any form of deed or contract.
9. "Cul-de-sac" means a street having one end connecting to another street, and the other end terminated by a vehicular turn around.
10. "Building Codes" means the City of Hartford, Iowa, Building Codes as adopted by resolution and as may be from time to time amended thereafter by action of the City Council.
11. "Division" means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than public highway easement, shall not be considered a division for the purpose of this chapter.
12. "Easement" means an authorization by a property owner for another to use a designated part of his property for a specified purpose.
13. "Flood hazard area" means any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a 100-year flood; as designated by the Iowa National Resources Council or the Federal Insurance Administration.
14. "Flood Plain Management Ordinance" means an ordinance regulating the development of all property located within a flood plain as shown on the FEMA flood plain map for the City of Hartford. No provision of this chapter shall vary the terms and conditions of the Flood Plain Management Ordinance.
15. "Floodway" means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a 100-year flood without cumulatively raising the waterway surface elevation more than one (1) foot.
16. "Forty-acre aliquot part" means one-quarter of one-quarter of a section.
17. "Government lot" means a tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.
18. "Improvements" mean changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, drainage ways, storm water detention, utilities and other public works items and appurtenances.
19. "Lot" means a tract of land represented and identified by number or letter designation on an official plat.
20. "Lot, corner" means a lot situated at the intersection of two streets.
21. "Lot, double frontage" means any lot that is not a corner lot that abuts two streets.

22. "Metes and bounds description" means a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.
23. "Official plat" means either an auditor's plat or a subdivision plat that meets the requirements of this chapter and has been filed for record in the offices of the Recorder, Auditor and Assessor.
24. "Owner" means the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
25. "Parcel" means a part of a tract of land.
26. "Permanent real estate index number" means a unique number or combination of numbers assigned to a parcel of land pursuant to Section 441.29 of the *Code of Iowa*.
27. "Planning and Zoning" means the appointed commission designated by the City Council for the purpose of this chapter.
28. "Plat" means a map drawing, or chart on which a subdivider's plan for the subdivision of land is presented, that he or she submits for approval and intends, in final form, to record.
29. "Plats Officer" means the individual assigned the duty to administer this chapter by the City Council or other appointing authority.
30. "Plat of survey" means the graphical representation of survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.
31. "Proprietor" means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding mortgage, easement, or lien interest.
32. "Street" means public property, not an alley, intended for vehicular circulation. In appropriate context the term "street" may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.
33. "Street, arterial" means a street primarily intended to carry traffic from one part of the City to another, and not intended to provide access to abutting property.
34. "Street, collector" means a street primarily designed to connect smaller areas of the community, and to carry traffic from local streets to arterial streets.
35. "Subdivider" means the owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.
36. "Subdivision" means the division of land into two or more parts for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context may refer to the process of subdividing or to land subdivided.
37. "Subdivision plat" means the graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.
38. "Surveyor" means a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 114 of the *Code of Iowa*.

39. "Tract" means an aliquot part of a section, a lot within an official plat, or a government lot.

40. "Utilities" means the systems for the distribution or collection of water, gas, electricity, wastewater, phone and storm water.

166.10 IMPROVEMENTS REQUIRED. The subdivider shall, at the subdivider's expense, install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the City, and as shown on the approved preliminary plat.

166.11 GENERAL PROCEDURES. The general procedures relative to the platting process are described below.

1. Plat of Survey. In all cases, the preparer of the plat is expected to be knowledgeable of code related provisions applicable to the nature of the development. Plat of Surveys must be certified by an Iowa Licensed Land Surveyor. Applicants of Plats of Surveys are strongly encouraged to request a preliminary meeting to utilize the resources of City staff to assist in identifying applicable requirements, however, the design responsibility and compliance with all applicable code provisions remains with the applicant. Submittal Requirements: (additional site specific requirements may apply) All Plat of Survey submittals must include the following to be considered a complete submittal:

4 copies of the plat of survey

Plat of Survey Review Fee

Plat of Survey Review Fee required for each subsequent submittal

Copies of Proposed or Required Easements

Upon completion of review of the plat by the city, the applicant will be responsible for recording of the Plat of Survey with the Warren County Auditor's Office. The Plat of Survey shall not be recognized as a binding document for permitting purposes until such time that verification of the recording of the plat can be provided.

2. Pre-submission of Plans. Prior to the submission of a preliminary plat, each subdivider of land shall confer with the City or City Officials in order to become thoroughly familiar with the City Comprehensive Plan and with any municipal regulations affecting the area to be subdivided. At this time, subdividers are invited to submit to the City studies or sketches which may be helpful in discussing the preparations of a preliminary plat.

3. Preliminary Plats. A preliminary plat is required for any subdivision that requires the extension of services by the City or potentially impacts the implementation of the City Comprehensive Plan. Where an area being platted is part of a larger parcel all of which is not to be platted at this time, the preliminary plat should address the general circulation and drainage from the entire property and provide for service extensions to the edge of the area to be incorporated in a final plat and provisions for services. Street circulation shall be designed to ensure access through the subdivision.

4. Final Plats. Final plats represent the legal division of land from which lots are sold.

166.12 INSPECTION. The City Engineer shall inspect all improvements to ensure compliance with the requirement of this chapter. The cost of such inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the City by the Engineer. A charge of 15% of what the Engineer charges will be added to use towards administrative fees.

166.13 MINIMUM IMPROVEMENTS. The improvements set forth below are considered the minimum improvements necessary to protect the public health, safety and welfare of the community. All of the minimum improvements mandated by this section shall be designed and constructed in accordance with the requirements of this chapter and the minimum requirements of all applicable State or Federal regulatory agencies or departments. The subdivider must provide evidence of any and all construction permits, highway or road easements and access, or other appropriate documentation from private entities, and State or Federal regulatory agencies prior to approval of the final plat. Easements from and for all utility companies will also be required. The City reserves the right to request changes to a proposed subdivision that may exceed the minimum municipal capacities for streets, sewer, water, or other services to project the needs as defined in the current Land Use Plan. The City and the City Engineer shall determine said additional needs or future capacity requirements. Developments must adhere to the current Comprehensive Plan for meeting ultimate growth and meet all zoning requirements passed by resolution of the City Council.

1. Streets in General. The subdivider of land being subdivided shall provide the grading of the entire street right-of-way, alley or public place and provide appropriate paving, including curb and gutter on all streets. All streets or alleys shall be of such width and shall be so constructed as to meet the standards of the City. Subdivisions adjacent to existing unimproved streets shall provide for curbs, sidewalks, drainage and other improvements that may be required that the final street grade can be reasonably determined and said improvements can be provided in a logical way.

A. Under all circumstances the City shall require, as a condition for approval of the plat, dedication and at the subdivider's expense, improvement of a street system that may have a width greater than necessary to meet the needs of the platted area, but necessary to complete the city street system as it relates to both the area being platted and designated use to meet the goal as outlined in the current Future Land Use Plan. The streets with right-of-way shall, upon final approval and acceptance by the City, become the property of the City.

2. Sanitary Sewer System in General. The subdivider of the land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area, with due regard being given to present or foreseeable future needs. There shall be constructed, at the subdivider's expense, a sanitary sewer system including all necessary pumping stations, pumping equipment, sewer access manholes, service lines and all other necessary or desirable

appurtenances to provide for the discharge of sanitary sewage from all lots or parcels of land within the platted area to a connection with the City's existing sanitary sewer system. The City's role in reviewing the plans is to determine the sanitary sewer's placement, size route, and including the point of connection to the existing system. The sanitary sewer system shall be constructed in compliance with the City of Hartford Ordinances.

A. Under all circumstances the City will require, as a condition for approval of the plat, installation of sanitary sewer that is larger than necessary to meet the needs of the platted area, but necessary to complete the City's sanitary sewer system as it related to both the area being plated and the intended service areas required to be served as outlined within the current Comprehensive Plan.

B. The City's inability to efficiently collect or treat wastewater may be grounds for rejection of a proposed subdivision. A fee will be requested by the City, from the subdivider, to pay for the necessary upgrades in the existing sewer system.

C. The sewer system improvements shall, upon inspection, after approval and acceptance by the City, become the property of the City.

D. The subdivider must provide evidence of construction permits from the Iowa Department of Natural Resources prior to construction and approval of the final plat.

3. Storm Sewer/Storm Water Management System in General. The subdivider of land being platted shall install and construct a storm sewer/storm water management system adequate to serve the platted area. The storm sewer/storm water management system shall be constructed in compliance with the City of Hartford Ordinances

A. Under some circumstances the City may require, as a condition for approval of the plat, installation, at the subdivider's expense, of a storm sewer/storm water management system that is larger than necessary to meet the minimum needs of the platted area, but necessary to complete the City total storm sewer system as it relates to both the area being platted and tributary areas as designated within the current Comprehensive Plan.

B. Where existing conditions exist or where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Council may withhold approval of the subdivision until provision has been made for the recovery of the cost for the improvement of said potential condition in such sum as the City Council shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

C. The subdivider must document that adequate storm water management detention is included in the storm sewer design. All storm water management detention facilities shall be included within the platted area.

D. The storm sewers shall, upon inspection, approval and acceptance by the City, become the property of the City. However, the City will not own any detention

basin or other storage facility and shall require written provisions for the maintenance of each facility from the subdivider.

4. Water System in General. The water mains, valving and service lines shall be constructed in compliance with the Warren Water District design standards. (Source and Storage requirements are to be designed according to the Iowa Department of Natural Resources, or Warren County, when applicable.)

166.14 EASEMENTS REQUIRED.

1. Public Utilities. The flexible placement of easements for public utilities shall be allowed; however, such placement shall be subject to the review of the governing body and all applicable utility companies prior to approval of the final plat. All utilities to serve each lot shall be placed in a common easement. Said easements shall be at least ten (10) feet in width. Easements of greater width may be required along lot lines, or across lots when necessary for the placement and maintenance of utilities. No buildings or structures, except as necessary for utilities, shall be permitted on such easements.

2. Easements Along Streams and Watercourses. Wherever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at the subdivider's own expense, make adequate provisions for the proper drainage of surface water and shall provide and dedicate the City an easement equal to the floodway along said stream or watercourse to ensure the proper maintenance of the watercourse, as approved by the City.

166.15 BONDING AND SURETY REQUIRED.

1. Performance Bond. All improvements shall be completed within two (2) years of the date of City Council approval of agreement. The amount of the surety shall be 120 percent of the opinion of probable construction costs as approved by the City Engineer.

2.. Maintenance Surety. Prior to receiving final plat approval, the contractor responsible for install the publicly owned and maintained improvements shall provide a maintenance bond to the City in the amount of 100 percent of the contract amount for the publicly owned and maintained improvements. A bond for street surface improvements shall be for a period of four (4) years. Bonds for improvements related to sanitary sewer, storm sewer, or water distribution facilities shall be for a period of four (4) years. The applicant shall provide temporary easements to the City with the maintenance surety. The temporary easements shall be vacated at such time as permanent easements or right-of-way documents are recorded.

166.16 LAND SUITABILITY. No land shall be subdivided that is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse

geological formations, unsatisfactory topography or other conditions likely to be harmful to the public health, safety or general welfare, unless such unsuitable conditions are corrected to the satisfaction of the City. If land is found to be unsuitable for subdivision for any of the reasons cited in this section, the City Council shall state its reasons in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, The City Council may reaffirm, modify or withdraw its determination regarding such unsuitability.

166.17 LANDS SUBJECT TO FLOODING. No subdivision containing land located in a floodway or flood hazard area shall be approved by the City unless the land is of such size and shape that it will contain a suitable area for development as allowed by the zone in which the lot is located. Those areas subject to flooding shall be determined by the U.S. Federal Emergency Management Agency (FEMA) flood plain map for the City of Hartford. Land located within a "flood hazard" area or a "floodway" may be included within a plat as follows, subject to the approval of the City and appropriate regulatory agencies.

1. Included within individual lots in the subdivision with approved grading operations, and subject to the limitations of this section.
2. Reserved as open space or outlot for recreation use by all owners of lots in the subdivision, with an appropriate legal instrument, approved by the City, providing for its care and maintenance by such owners.
3. If acceptable to the City, dedicated to the City as public open space for recreation or flood control purposes.

166.18 PLAT TO CONFORM TO COMMUNITY DEVELOPMENT PLANS. The arrangement, character, extent, width, grade and location of all streets shall conform to this chapter and the City of Hartford Ordinances. The general nature and extent of the lots and uses proposed shall conform to the City Comprehensive Plan, provided such plan has been adopted by the City; and shall conform to such other plans as the City may have adopted. The Ordinances shall have such force and effect as if they were fully set forth herein.

166.19 STREET STANDARDS. The City of Hartford Ordinances shall govern all standards for the construction of streets, trails, driveways, sidewalks and alleys as provided therein unless specifically contradicted by the terms of this Subdivision Ordinance.

1. General. The following standards shall apply to all streets to be located within the subdivision:

A. Streets shall provide for the continuation of the designated "arterial," "collector" and "local" streets from adjoining platted areas, and the extension of such streets onto adjoining unplatted areas. Where a plat encompasses the location for an arterial or collector streets proposed in the current Comprehensive Plan³, the plat shall provide for such street designations.

B. There shall be at a minimum of two (2) ingress/egress streets adjoining an existing platted street for each proposed platted area.

C. Half-streets are prohibited; except, where an existing platted half-street abuts the subdivision, a platted half-street to complete the street shall be required.

D. Street jogs with centerline offsets of less than 150 feet shall be prohibited, except where topography or other physical conditions make such jogs unavoidable. No street jogs on "arterial" designated street will be allowed.

E. Streets shall intersect as nearly at right angles as possible; and no street shall intersect any other street at less than 75 degrees.

F. At intersections of arterial streets, and otherwise as necessary, lot corners abutting the intersection shall be rounded with a radius sufficient to provide necessary space within the right-of-way for sidewalks, traffic control devices, and other necessary improvements without encroachment onto the corner lots.

G. Dead-end streets are prohibited, except where a street is planned to continue past the subdivider's property, a temporary dead end may be allowed.

H. Streets shall connect with other existing platted streets for maintenance, fire protection and circulation. Cul-de-sacs are permitted if there are no other feasible alternatives available, and only upon City approval.

I. Alleys shall not be permitted in residential areas and may be required in commercial areas with normal street frontage. Dead-end alleys are prohibited, unless provided with a turn-around with a minimum right-of-way diameter of one hundred (100) feet.

J. When a tract is subdivided into larger than normal lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and adequate utility connections as per the current Comprehensive Plan. Easements for the future openings and extensions for such streets or utilities may, at the discretion of the City Council, be made a requirement of the plat.

K. Streets are or will become extensions of existing streets shall be given the same name as the existing streets. New street names shall not be the same or sound similar to existing street names. All street names shall be at the approval of the City Council.

L. Private streets shall be prohibited. The City Council may approve a waiver to this rule where unusual conditions make a private street desirable, provided adequate covenants or other legal documents ensure that the City will not have or need to assume any maintenance or other responsibility for such street.

M. Curbs and Gutters. Curbs and gutters shall be constructed by the subdivider on both sides of all streets. If new subdivision abuts to an older part of town, the subdivider shall put curbs and gutters on both sides of existing street starting at the new subdivision or a nearby corner as possible.

N. Sidewalks. The subdivider shall provide sidewalks on both sides of all streets within the subdivision including cul-de-sacs, courts or dead-end streets.

2. Railroads and Limited Access Highways. Railroad right-of-ways and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

A. In all districts a buffer strip at least fifty (50) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way. A buffer strip at least twenty (20) feet in depth in addition to the normal depth of the limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited."

B. Streets parallel to the railroad when intersecting a street that crosses the railroad at grade shall, to the extent practicable, be at a distance of at least one hundred sixty (160) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

166.20 BLOCK AND LOT STANDARDS. The following standards shall apply to the layout of blocks and lots in all subdivisions:

1. No residential block shall be longer than 900 feet or shorter than 300 feet measured from street line to street line. The width of blocks should be arranged so as to allow two tiers of lots, with utility easements.

2. In blocks over 700 feet in length, the City Council may require a public way or an easement at least ten (10) feet in width, at or near the center of the block, for use by pedestrians.

3. The size and shape of lots intended for commercial or industrial use shall be adequate to provide for the use intended and to meet the parking, loading and other requirements for such uses contained in the Zoning Ordinance.

4. Lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding land uses.

5. All lots shall comply with all requirements of the Zoning Ordinance applicable to the zone in which the lot is located.

6. Unless approved by the City, commercial/industrial lots shall not front on or have direct access to arterial streets. None will be permitted for residential lots.

7. All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where, in the judgment of the City Council, a waiver of this provision will provide a better street and lot layout.

8. Reversed frontage lots are prohibited. Double frontage lots shall only be permitted where abutting an arterial street.

9. Monuments (lot pins) consisting of steel rods with proper identification of the surveyor in accordance with the Code of Iowa, a minimum of one-half (1/2) inch in diameter and thirty (30) inches long shall be in place at all block and lot corners, all points of curvature,

all points of tangency, and all boundary comers within thirty (30) days after completion of the improvements.

166.21 PARKS AND OPEN SPACE. All subdivisions shall be so designed as to meet the neighborhood park and open space needs of their residents. The following standards and procedures will be used to determine the park and open space requirements for proposed developments or subdivisions greater than one-half acre in size within the City of Hartford:

The determination by the City of whether to require dedication of land, or a fee, in lieu thereof, shall be based on the following:

- A. Recreational element of the City's Comprehensive Plan.
- B. Topographic and geologic conditions and access and location of land in subdivision available for dedication.
- C. Size and shape of the subdivision and land available for dedication.
- D. The relation of the subdivision to the Comprehensive Plan map, particularly as such plan map may show proposed public service areas, open space and recreational areas.
- E. The character and recreational needs of the neighborhood in which the subdivision is located.
- F. The unsuitability in the subdivision for open space and recreational purposes by reason of location, access, greater cost of development and maintenance.
- G. The possibility that land immediately adjoining the subdivision will serve in whole or in part the public service area, open space and recreational needs of such subdivision.
- H. Any and all other information relevant to a proper determination.

The determination of the City Council as to whether land shall be dedicated or reserved or a fee shall be charged, or a combination thereof, shall be final and conclusive.

166.22 NONRESIDENTIAL SUBDIVISIONS. The following provisions shall apply to nonresidential subdivisions in addition to other provisions within this chapter:

1. General. If a proposed subdivision includes land that is used for commercial or industrial purpose, the layout of the subdivision with respect to such land may be subject to additional provisions as the City Council may require. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the City Council, and shall conform to the current Comprehensive Plan.
2. Standards. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the

satisfaction of the City that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

A. Proposed industrial or commercial parcels shall comply with the Zoning Ordinance.

B. Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer, and storm water drainage.

C. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary. Streets carrying nonresidential or domestic traffic, especially truck traffic, shall not be extended to the boundaries of adjacent existing or potential residential areas.

166.23 PROCEDURES AND SUBMISSION REQUIREMENTS FOR PLATS

1. Pre-Application Conference. Whenever a subdivision located within the platting jurisdiction of the City is proposed, the owner and subdivider shall schedule a pre-application conference with the Mayor. The conference should be attended by the Mayor and such other City or Utility representatives as is deemed desirable; and by the owner and his engineer or planner, as deemed desirable. The purpose of such conference shall be to acquaint the City with the proposed subdivision, and to acquaint the subdivider with the requirements, procedures and any special problems related to the proposed subdivision.
2. Concept Plan Required. For the pre-application requirements, the subdivider shall provide a plan or sketch showing the location of the subdivision, the general location of any proposed streets and other improvements, and the general layout and arrangement of intended land uses, in relation to the surrounding area. The intent of this concept plan is to inform development intentions to the City.
3. Presentation To Planning Commission. The subdivider shall present the concept plan to the Planning and Zoning Commission for review, prior to incurring significant costs preparing the preliminary or final plat.
4. Subdivision Classified. Any proposed subdivision shall be classified as a "minor subdivision" or a "major subdivision."
 - A. Minor Subdivision. Any subdivision that contains not more than three (3) lots fronting on an existing street or private drive and does not require State permit approval for construction of any public improvements and does not

adversely affect the remainder of the parcel shall be classified as a minor plat.

- B. Major Subdivision. Any subdivision that, in the opinion of the City Council, does not for any reason meet the definition of a minor subdivision, shall be classified as a major subdivision.

5. Plats Required. The owner and subdivider of any major subdivision shall comply with the requirements for a preliminary plat and separate requirements for a final plat. The owner and subdivider of a minor subdivision may elect to combine the requirements of the preliminary and final plats into a single document.

166.24 PRELIMINARY PLAT REQUIREMENTS. The subdivider shall prepare and file with the City Clerk twenty (20) copies of the preliminary plat, drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall not exceed twenty-four inches by thirty-six inches (24" x 36"). Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin. The preliminary plat shall be clearly marked "Preliminary Plan" and shall show, or have attached thereto, the following:

1. Title, scale, north point and date,
2. Proposed name of the subdivision that shall not duplicate or resemble existing subdivision names in the county.
3. The name and address of the owner and the name, address and profession of the person preparing the plan.
4. A key map showing the general location of the proposed subdivision in relation to surrounding development.
5. The names and locations of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land. A list of all owners of record or property located within two hundred (200) feet of the subdivision boundary shall be attached.
6. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses and other existing features affecting the plat.
7. Existing and proposed zoning of the proposed subdivision and adjoining property and identification of Fringe Area designations where relevant.
8. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of not more than five (5) feet if the general slope is 10% or greater.
9. Existing contours with intervals of five (5) feet or less. Where the general slope of the land is less than a two percent (2%) grade, two (2') foot contours may be required.
10. Identification of any flood plain areas and 100-year flood elevations, and the flood plain alphanumeric designation within the subdivision.
11. The legal description of the area being platted.

12. The boundary of the area being platted, shown as a dark line with the approximate length of boundary lines and the approximate location of the property in reference to known section lines.

13. The layout, numbers and approximate dimensions of proposed lots.

14. The location, width and dimensions of all streets and alleys proposed to be dedicated for public use.

15. The proposed names for all streets in the area being platted.

16. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, cable utilities, telephone utilities and other facilities and their connections to existing utilities. All culverts must be labeled as such.

17. Proposed easements, showing locations, widths, purposes and limitations.

18. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes, or shown for such purpose in the current Comprehensive Plan or other adopted plans.

19. A general summary description of any protective covenants or private restrictions to be incorporated with the final plat.

20. Any other pertinent information, as necessary.

21. The fee, as required by this chapter.

22. Show and identify all future planned development within the area (phase two, phase three, etc.) under the control/option/ownership intention of the subdivider. Failure to completely identify all proposed development segments/phases/parts, etc. in the subdivision area will be grounds for rejecting the plat.

166.25 POCEEDURES FOR REVIEW OF PRELIMINARY PLATS.

1. The City Clerk, upon receipt of twenty (20) copies of the preliminary plat, shall file one copy in the records of the City, shall retain one copy for public inspection, and shall forward the remaining copies of the plat as provided herein.

2. The City Clerk shall provide copies of the plat to the City Engineer, to the City Attorney, and such other persons as necessary to review the plat; and shall schedule the plat for consideration by the Planning and Zoning Commission.

3. The Planning and Zoning Commission shall examine the plat and the reports of the City Engineer and City Attorney, and such other information, as it deems necessary or desirable to ascertain whether the plat conforms to the Ordinances of the City, and conforms to the City Comprehensive plan and other duly adopted plans of the City. The Planning and Zoning Commission shall, within forty-five (45) days of the filing of the plat with the City Clerk, forward a report and recommendation regarding the plat to the City Council. If such recommendation is to disapprove or modify the

plat, the reasons therefore shall be set forth in writing in the report, and a copy of the report and recommendation shall be provided to the subdivider.

4. The City Council shall examine the plat, the reports of the City Engineer and City Attorney, the report of the Planning and Zoning Commission and such other information, as it deems necessary or desirable. Upon such examination, the City Council shall ascertain whether the plat conforms to the ordinances and standards of the City, conforms to the Community Comprehensive Plan and other duly adopted plans of the City, and will be conducive to the orderly growth and development of the City; in order to protect the public health, safety and welfare. Following such examination, the City Council may approve, approve subject to conditions or disapprove the plat. If the decision of the City Council is to disapprove the plat, or to approve the plat subject to conditions, the reasons therefore shall be set forth in writing in the official records of the City Council, and such decisions shall be provided to the subdivider. Action on the preliminary plat by the City Council shall be taken with sixty (60) days of the filing of the plat with the City Clerk.

166.26 DURATION OF APPROVAL OF PRELIMINARY PLAT. The approval of a preliminary plat by the City Council shall be valid for a period of one (1) year from the date of such approval; after which such approval shall be void, and the subdivider shall take no action requiring the precedent approval of a preliminary plat except upon application for and approval of an extension of such period of validity, by the City Council.

166.27 AUTHORIZATION TO INSTALL IMPROVEMENTS. The approval of the preliminary plat shall constitute authorization by the City Council for the preparation of construction plans, documents, permits for the installation of improvements as required by this chapter, and as shown in general conformity with the approved preliminary plat. No such improvements shall be constructed or installed until the detailed plans, specifications, etc. for the construction of such improvements have been submitted to, and approved in writing by, the City Engineer; and all necessary permits have been issued from the appropriate Local, State and Federal agencies (i.e., IDNR, IDOT, Warren County, etc.); and all utility easements are obtained from any private entity. The City shall have a copy of all such documents in their possession prior to construction.

166.28 COMPLETION AND ACCEPTANCE OF IMPROVEMENTS. Before an applicant may begin construction, the City Council must consider and approve the final plat pursuant to the procedures set forth below.

1. The applicant shall first provide a check submittal to the City Engineer in accordance with approved City Building Codes. The City Engineer shall review the submittal for compliance with the requirements of a final plat and provide a report of compliance to the applicant or his

or her named representative. The report will include comments, and may include conditions of approval. The applicant shall revise as appropriate and resubmit an approval submittal to the City Engineer in accordance with the development review schedule and as set forth in the City Building Codes. Following receipt of an approval submittal, the City Engineer shall recommend to the City Clerk that the final plat is ready to be placed on the City Council agenda for consideration and approval.

2. If approved by City Council, the applicant shall file the final plat with the Warren County Recorder. City Council approval of final plats are good for one calendar year. Final plats must be recorded within one year of City Council approval, or prior to expiration of one year, the applicant must request a one-year extension. The City Engineer shall review and make a recommendation to City Council to approve expires prior to recording, the final plat shall not be recorded until City Council acts on the applicant's requested extension.

3. Once recorded, the applicant shall transmit copies of the recorded final plat drawing to the County Assessor, City Clerk and City Engineer. If copies of the recorded final plat drawing are not received by the City and County departments within 14 days of recording, the Zoning Administrator may withhold building permits or certificates of occupancy until the recorded documents are received.

4. After receiving City Council approval, the applicant shall agree to complete the improvements subject to performance and maintenance bonds and intend to be publicly owned and maintained. Specifically, the applicant shall agree:

A. All improvements shall be constructed in accordance with the final plat as approved by City Council.

B. The improvements shall be completed within two (2) years of City Council approval of the final plat.

C. The number of building permits and certificates of occupancy to be issued prior to the completion of the improvements shall be specified in the agreement.

D. One or more of the following financial instruments shall be provided in a form acceptable to the City Council:

(1) A performance bond in the amount of 120 percent of the probable construction cost as approved by the City Engineer.

(2) A maintenance bond in the amount of 100 percent of the contract amount of the publicly owned and maintained improvements.

Acceptable forms of surety shall include: irrevocable letter of credit, surety bond or an escrow account. If the improvements (i) lie within or provide service to an area included in the final plat, or (ii) would be assessed to property included in the final plat pursuant to City assessment policies, an assessment agreement is also an acceptable form of surety.

166.29 FINAL PLAT REQUIREMENTS. The subdivider shall, within one (1) year from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the City Clerk, twenty (20) copies of the final plat and required attachments, as set forth in

this chapter. Except for a final plat for a minor subdivision as set forth herein, no final plat shall be considered by the City Council until and unless a preliminary plat for the are included in the proposed final plat has been approved and has not expired and become void as set forth above. Copies of the final plat shall be distributed to the City Engineer and the City Attorney for their review, and upon completion of same, the City Engineer and City Attorney shall report the findings of their review to the City Council for its consideration regarding acceptance of the final plat by resolution.

All resolutions approving final plats shall be recorded by the subdivider, with copies of the recorded documents to be provided to the City Attorney. The final plat shall be drawn at a scale of one-inch equals one hundred feet (1" = 100') or larger. Sheet size shall be no greater than eighteen inches by twenty-four inches (18" x 24") or smaller than eight and one-half inches (8 ½" x 11") and shall be of a size acceptable to the county Recorder/Auditor. If more than one sheet is used, each sheet shall clearly show the number of the sheet, the total number of sheets included in the plat, and match lines indicating where other sheets adjoin. The final plat shall be clearly marked "Final Plat" and shall show the following:

1. The name of the subdivision
2. Name and address of the owner and subdivider.
3. Scale and a graphic bar scale, north arrow and date on each sheet.
4. All monuments to be of record, as required by Chapter 355, *Code of Iowa*.
5. Sufficient survey data to positively describe the bounds of every lot, block, street, easement or other are shown on the plat, as well as the outer boundaries of the subdivided lands.
6. All distance, bearing, curve, and other survey data, as required by Chapter 355, *Code of Iowa*.
7. The lines of all proposed streets with their widths, and any other area intended to be dedicated for public use along with the proposed use for the dedicated land.
8. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of the subdivision shall be shown. If the subdivision platted is part of a preciously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an over lay to be made.
9. Street names and clear designation of any public alleys or private streets.
10. Block and lot numbers.
11. Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.
12. The purpose of any easement shown on the plat shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer; easements for trails, bikeways, ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.

13. All interior excepted parcels, clearly indicated and labeled, "not a part of this plat."
14. The subdivider shall not reserve a strip of land unless the land is of sufficient size and shape to be some practical use or service as determined by the City Council.
15. The minimum unadjusted acceptable error of closure for all subdivisions boundaries shall be 1:10,000 and shall be 1:15,000 for any individual lot.
16. A statement by a registered land surveyor that the plat was prepared by the surveyor or under the surveyor's direct personal supervision, signed and dated by the surveyor and bearing the surveyor's Iowa registration number or seal, and a sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.
17. Certification by each local public utility company that the locations of utility easements are properly placed for the installation of their utilities.
18. Certification of dedication of streets and other public property and perpetual easements for the installation, operation and maintenance of utilities.
19. Contain a signature block for the signature of the Mayor and City Clerk certifying the City Council's approval of the plat with Resolution Number identification.
20. Show any provisions provided by the *Code of Iowa*.
21. Show lots within the subdivision that are within the one-hundred year flood plain boundary.
22. The final plat should also have the following accompanying instruments:
 - A. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Council.
 - B. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the *Code of Iowa* may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.
 - C. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.
 - D. A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the *Code of Iowa*.

E. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

F. A certificate from the County Auditor that the name or title of the subdivision plat is approved by the County Auditor.

G. The subdivider shall provide an electronic CAD dis reproductions of the plat to the City Engineer for use to update the City Map.

H. The subdivider shall have completed all payments to the City for inspection costs incurred by the City Engineer to the date of final acceptance of the improvements.

166.30 FINAL APPROVAL. After approval of the final subdivision plat by the Commission, the recommendation of approval and the final plat shall be submitted to the Council for final approval and acceptance. If the Commission does not approve the final plat of the subdivision, the Council may approve the plat only by a three-fourths (3/4) vote of the entire membership of the Council. Council approval of the final plat shall be by resolution. If the Council rejects the final plat, it shall state in the Council minutes, wherein said final plat is objectionable.

166.31 WAIVERS AND EXCEPTIONS. The following shall apply to the granting of waivers or exception:

1. Hardships. Where the City Council finds that extraordinary hardships or particular difficulties regarding the physical development of land may result from strict compliance with these regulations, it may make waivers or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such waiver or exceptions to these regulations meets the following criteria:

A. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

B. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought, and are not applicable, generally, to other property.

C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, of the strict letter of the regulations were carried out.

D. A variance may not be granted solely on the basis of the subdivider's desire to earn a greater profit on the property.

3. Conditions. In granting waivers and exceptions, the City Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

4. Procedure for Waiver or Exception. A petition for any such variation or exception shall

be submitted in writing by the developer at the time when the preliminary plat is filed. The petition shall state full the grounds for the application and all of the facts relied upon by the petitioner. The petition shall be referred to the Planning and Zoning Commission for its review and recommendation prior to submission of the issue to the City Council.

166.32 CHANGES AND AMENDMENTS. Any provisions of these regulations may be changed and amended from time to time by the City Council, provided that such changes and amendments shall not become effective until after a public hearing has been held, public notice of which shall have been given as required by law. Such proposed amendments shall first be submitted to the Planning and Zoning Commission for study and recommendation before the hearing date is scheduled. The Planning and Zoning Commission shall forward its recommendation to the Council within thirty (30) days after the City Council requests the recommendation. The City Council shall then give notice of and hold a public hearing on the proposed amendment.

166.33 RECOUPMENT OF FEES.

1. Purpose. The purpose of this section is to regulate the use and development of land to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide public capital facilities in the City. This must be done in order to promote and protect the public health, safety and welfare of the citizens and to expend the City's capital facilities to maintain current standards. This section also intends to assist in the implementation of the Planning and Zoning Ordinance and Comprehensive Plan.

2. Definitions. For use in this section, the following terms are defined.

A. "Developer" means any person applying for preliminary plat, the construction of which will affect public capital facilities.

B. "Public capital facility" means all City facilities as set forth in the capital improvements plan for the City, any City enterprise or public improvement as set forth in Chapter 384.24(2) or 384.37(1) of the *Code of Iowa*, or as designated by resolution.

3. Imposition of Recoupment Fee. Any person who seeks approval of a preliminary plat in the City by applying for an approval of the plat by the City shall pay a recoupment fee in addition to the set preliminary plat rate schedule. The Council and the developer as a part of the subdivider's agreement shall fix the amount of the fee. The City shall consider and adopt any subdivider's agreement in conjunction with consideration and approval of the preliminary plat. The Council should consider the following in determining an equitable recoupment fee:

A. The cost of existing public capital facilities affected by the application;

B. The method of financing existing public facilities;

E. Whether the developer may be entitled to a credit gains all or a portion of the fee imposed hereunder on account of the nature of a particular public facility and its us in common with others not a part of the new development;

F. Unusual costs associated with provided services to the new development.

4. Payment of Fee. The developer shall pay the recoupment fee prior to the issuance of a building permit.

5. Use of Funds. Funds collected hereunder shall be used solely for the purpose of acquiring, equipping, or making improvements to public capital facilities under the jurisdiction and control of the City. Funds collected hereunder shall not be used for maintenance or operations. In the even that bonds or similar debt instruments are issued for advance provisions of capital facilities for which recoupment fees could have been expended, fees collected hereunder may be used to pay debt service on such bonds or debt instruments.

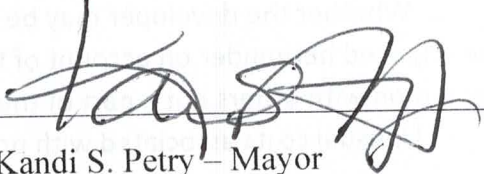
6. Credits. Instead of the payment of all or a portion of a fee hereunder, and at the sole discretion of the Council, a developer may dedicate land to the City. The amount and location of the land will be determined through negotiation. Merchantable title to such land must pass to the City prior to the issuance of a building permit.

6. Penalty Provision. The City may elect, at its sole discretion, to prosecution of any violation either as simple misdemeanor or as a municipal infraction.

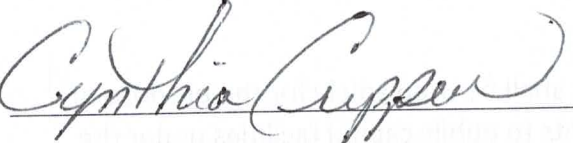
SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged in valid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication by law.

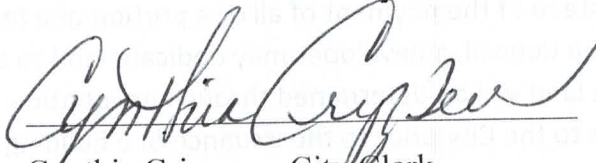
Passed by the Council the 21 day of February, 2023, and approved this 21 day of February, 2023.


Kandi S. Petry – Mayor

ATTEST:


Cynthia Crippen – City Clerk

I certify that the foregoing was published as Ordinance No. 022123-1 on the 2 day of March, 2023.


Cynthia Crippen – City Clerk

1st Reading –

Motion by Council Member Lanphier, seconded Council Member Jors, to approve the second reading of Ordinance NO. 022123-1

AYES: - Jors, Goldsberry, Eckert, Wilson, Lanphier

NAYS: -

ABSENT: -

2nd Reading – **WAIVED**

Motion by Council Member Jors, seconded Council Member Lanphier, to approve the second reading of Ordinance NO. 022123-1

AYES: - Jors, Goldsberry, Eckert, Wilson, Lanphier

NAYS: -

ABSENT: -

3rd Reading – **WAIVED**

Motion by Council Member Jors, seconded Council Member Lanphier, to approve the third reading of Ordinance NO. 022123-1

AYES: - Jors, Goldsberry, Eckert, Wilson, Lanphier

NAYS: -

ABSENT: -