

Chapter 17.24

IMPROVEMENT—CONSTRUCTION--BONDS

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17.24.010 Improvements--Plan approval. The construction of the improvements hereinafter specified shall not be commenced until after plans and profiles prepared by a licensed civil engineer for such work have, been submitted to and approved by the town council, and the submission of the plans may be required before approval of the final map. At the time of submission of the plans, applicant shall pay the checking fee prescribed by the town council. (Prior code §10 205 (part)).

17.24.020 Construction specification compliance. All improvements hereinafter required shall be constructed in accordance with the construction specifications and standards approved by the town council, and shall be subject to the approval and inspection of the town engineer, the cost of such inspection to be paid by the subdivider in accordance with the fees prescribed by the town council. (Prior code §10 205 (part)).

17.24.030 Improvements--Expense. All improvements specified herein shall be installed by and at the expense of the subdivider, except such improvements the installation of which has been previously agreed upon by agreement with the town council, or by a federal, state, county or town improvement project, in which event the provisions of the agreements or the conditions for the projects shall control. (Prior code §10 205 (part)).

17.24.040 Approval--Agreement provisions. Upon approval by the town council of the final map, the subdivider or owner shall execute and file an agreement with the town with the following provisions contained therein:

- (1) Time for the satisfactory completion of improvements agreed upon. In the event of failure to complete within the specified time, with such extensions as may be granted by the town council, the town may complete the same and recover the full cost thereof from the subdivider;
- (2) Inspection of improvements by the town engineer, and reimbursement of the town for the costs of the same;
- (3) Construction of improvements in units, extensions of time for completion, and the termination of the agreement upon completion of proceedings under an assessment district act providing for the construction of such improvements as are deemed by the town council to be at least the equivalent of those specified in the agreement to be constructed by the subdivider;
- (4) Progress payments to the subdivider or his order out of cash or other deposits which the subdivider may have made in lieu of bonds as hereinafter provided; provided that no such progress payment shall exceed ninety percent of the value of any installed work, each

installment to have been completed to the satisfaction of the town council. (Prior code §10 205 (part)).

17.24.050 Deposit--Bond. With the above agreement the subdivider or owner shall also file, to assure his full and faithful performance thereof, certain guarantees in such amounts as are deemed sufficient by the town council to cover the costs of the improvements, under the following forms and conditions:

- (1) Cash deposit or certified check payable to the town treasurer;
- (2) Surety bond executed by a surety authorized to transact business in the state and satisfactory to the town council in form;
- (3) If the subdivider or owner fails to complete the improvements as agreed upon in accordance with the provisions of this code and the town shall have completed the same, the town shall call upon the surety for reimbursement or shall appropriate from any cash or other deposits, sufficient funds for reimbursement. Any excess of such cash or other deposit or bonds over and above all costs incurred by the town shall be refunded to the subdivider or owner, and if the total of such costs exceeds the amount of the cash or other deposits or bonds the subdivider or owner shall be personally liable to the town for the difference;
- (4) No extension of time, progress payments from cash or other deposits, or release of surety bond or cash or other deposit shall be made except upon certification by the town engineer or other designated engineer that the work covered thereby has been satisfactorily completed and upon approval by the town council;
- (5) In lieu of cash or a bond, as specified above, subdivider may supply a letter of credit or such other improvement security as authorized by Sections 11612, et seq., of the California Business and Professions Code, as amended from time to time;
- (6) The security and guarantees specified herein shall include the full and faithful performance of all work specified in the agreement and maintenance thereof for a period of twelve months after acceptance by the town. (Ord. 297 §1, 1969; prior code §10, 205 (part)).

17.24.060 Improvements designated. The improvements to be constructed by the subdivider or owner under the provisions of this section shall consist of the following, except as otherwise agreed between the subdivider or owner and the town; or as outlined in any street improvement ordinance of the town:

- (1) The grading and paving of streets to official grades from curb to curb, the grading and paving to be of such design and nature as to meet the approval of the town engineer;
- (2) The construction of concrete curbs and sidewalks, the location of which shall conform to those in contiguous areas as far as practicable, and the design of which to meet the approval of the town engineer;
- (3) Drainage pipes, facilities and structures for the drainage of the subdivision, as deemed necessary by the town council, placed to such grades and of such design as to meet the approval of the town engineer;
- (4) Sanitary sewers connected with the existing sanitary system and extended to each lot, according to grades, sizes and standards as approved by the town council or such sanitary district as may be in existence to provide sewage disposal in the area within which the subdivision is located. No septic tanks or cesspools will be allowed within the town limits;
- (5) Storm water sewers or such methods of storm water disposal as may be required by the town council in accordance with the approved standards of the town, and constructed to approved grades and design;
- (6) Water mains and hydrants, with necessary valves and connections to the existing water supply in the town, and in accordance with standards of design and construction as approved by the town, and/or such water district or utility company as may be in existence to

supply water in the area within which the subdivision is located;

(7) Railroad crossings, where included in any subdivision and necessary for proper access and/or circulation, constructed in accordance with the approved standards of the State Public Utilities Commission, to which body the subdivider shall submit all documents incident to an application;

(8) Street trees and/or street lighting, if either is required by the town council, plans for the installation of which shall be subject to the approval of the town council in accordance with approved standards for plans and installation. (Prior code §10 205 (part)).