

3.04.06 - Inspection, Maintenance, And Acceptance Of Public Improvements

A. Inspection of Public Improvements.

1. Timing and Contact.

- a. The Director of Public Works shall inspect the construction of improvements while in progress, as well as upon completion.
- b. The Applicant, or his contractor, shall maintain contact with the Director of Public Works during construction of improvements.

2. Conformance with Construction Plans.

- a. Construction shall be in accordance with the approved Construction Plans.
- b. Any significant change in design required during construction shall be made by the Applicant's engineer, and shall be subject to approval by the Director of Public Works.

3. Corrections to Improvements. If the Director of Public Works finds, upon inspection, that any of the required Public Improvements have not been constructed properly and in accordance with the approved Construction Plans, the Applicant shall be responsible for completing and/or correcting the Public Improvements to bring such into compliance.

B. Public Works Inspection Fees.

1. Fee Standards for Public and Private Infrastructure.

- a. The Developer shall be charged an inspection fee which shall be established in the City's Master Fee Schedule as a percentage of the total construction cost of the public and private infrastructure, including without limitation, storm drains, water, wastewater, grading, retaining walls, erosion control, streets, and street lighting systems in each Subdivision or development.
- b. Inspections shall be conducted during normal business hours, 7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 11:30 a.m. Friday.

2. Cost for Construction.

- a. The Developer shall submit to the City a cost for construction of the public infrastructure to be dedicated to the City, a maintenance bond for the full amount of the cost for construction of the public improvements required by Subsection B(1)(a), and an inspection fee as required by subsection B(1)(a) of this Section. The Developer shall also submit to the City a cost for construction of private infrastructure, water, wastewater, storm drains, grading, retaining walls, erosion control, and streets/paving, and an inspection fee as required by subsection (B)(1)(a) of this Section.
- b. The cost of construction of both public and private infrastructure shall be reviewed and approved by the Director of Public Works.

3. Inspection During Non-Business Hours.

- a. Public works inspections may be conducted at times other than normal working hours with prior approval.
- b. A minimum forty-eight (48) hour notice must be given and the Developer shall reimburse the City a minimum of four (4) hours at the current overtime rate per hour upon receipt of an invoice.

C. Maintenance during Construction. The Applicant shall maintain all required Public Improvements during

construction of the development.

D. Submission of Record Drawings.

1. The City shall not accept dedication of required Public Improvements until the Applicant's engineer has certified to the Director of Public Works, through submission of detailed Record Drawings, which have been approved by the City, of the project and filed copies of any off-site easements that the Public Improvements have been built in accordance with the approved Construction Plans.
2. Each record drawing sheet shall show all changes made in the Construction Plans during construction, and on each sheet, there shall be a "record" stamp bearing the signature of the engineer and date, which shall be maintained by the Director of Public Works.
3. Digital files of the all Record Drawings shall be submitted by the Applicant and received by the City.

E. Acceptance or Rejection of Improvements by the Director of Public Works.

1. Responsible Official. The Director of Public Works shall be responsible for inspecting all required Public Improvements shown in the Construction Plans, and for accepting completed subdivision improvements intended for dedication to the City.
2. Final Inspection. After completion of all improvements, franchise utilities, grading, and erosion control, the Director of Public Works and other designated representatives (as applicable) will perform a final inspection before recommending acceptance of the improvements via a Letter of Final Acceptance.
3. Letter of Final Acceptance. If all improvements are completed, inspected, tested (if applicable), and determined by the City to be in conformance with UDC regulations and with the City's design standards and all inspection fees have been paid, then the Director of Public Works shall issue a Letter of Final Acceptance to the Applicant, thereby notifying the Applicant of the City's approval of improvements and acceptance or future acceptance subject to approval of a Final Plat.
 - a. In cases where a Final Plat has not been approved, the Letter of Final Acceptance will indicate that the City's acceptance of the Public Improvements will occur concurrently with the approval of a Final Plat.
 - b. In cases where a Final Plat has already been approved with a Development Agreement, then the Letter of Final Acceptance will indicate that the City's acceptance of the Public Improvements.
4. Meaning of Acceptance. Acceptance of the Improvements shall mean that the Applicant has transferred all rights to all the Public Improvements to the City for title, use, and maintenance.
5. Rejection. The Director of Public Works shall reject those Improvements that fail to comply with the City's standards and specifications. The City shall enforce the guarantee provided by agreement(s).

F. Disclaimer.

1. Approval of a Preliminary Plat or Final Plat by the City Council, or Construction Plans by the Director of Public Works, shall not constitute acceptance of any of the Public Improvements required to serve the Subdivision or development.
2. No Public Improvements shall be accepted for dedication by the City except in accordance with this Section.

G. Maintenance Bond.

1. Per requirements established by the Director of Public Works, the Developer's contractor shall furnish a maintenance bond to the City for Public Improvements for a period of two (2) years from

the date of acceptance by the City (see Section 3.04.06.E.3 Letter of Final Acceptance for acceptance dates).

2. The maintenance bond shall be a good and sufficient bond executed by a corporate surety meeting the requirements of Section 3.04.05 and approved by the City in an amount equal to one hundred ten percent (110%) of the total cost of the Improvements.

HISTORY

Adopted by Ord. 14-10-16-34 § 4 on 10/16/2014

Amended by Ord. [19-12-05-44 § 2.02](#) on 12/5/2019

Amended by Ord. [21-09-02-23](#) on 9/2/2021