

CHAPTER 17.92

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CHAPTER 17.92

IMPROVEMENTS AND GUARANTEES

17.92.010 PURPOSE AND APPLICABILITY

- A. The purpose of this chapter is to provide standards and procedures relating to the compliance with requirements related to development. Improvements shall meet the requirements of law and protect public health, safety and general welfare and other purposes of this title. It is also necessary to provide means by which completion of improvements can be assured. Such improvements may include, but are not limited to, design elements such as landscaping, parking facilities, storm drainage facilities, architectural features, pedestrian walkways and public utilities. Furthermore, in some situations it is in the best interest of the person conducting development to be able to guarantee the completion of certain work and be able to begin utilization of a development sooner than would otherwise be possible if all improvements had to be physically installed before use could begin. This Chapter therefore has the following purposes:
1. Ensure completion of required improvements or compliance with other requirements and standards of this title;
 2. Provide buyer/lessee protection while allowing a person undertaking development to proceed with sales/leases before the project is totally complete;
 3. Ensure adequate warranty or maintenance, when appropriate, of improvements;
 4. Provide for mechanisms to ensure performance of or conformance with conditions of approval or development requirements; and
 5. Accomplish the above listed purposes through mechanisms that reduce the need to rely on costly litigation to accomplish those purposes.
- B. This Chapter applies to all site developments as described below.
1. All site plan developments shall either (a) complete the project and install all improvements prior to occupancy or commencement of use or (b) provide security for completion of site development prior to occupancy or commencement of use.
 2. The City may determine the nature and timing of required installation of improvements and site plan development. When necessary to protect the health, safety and general welfare of the public, and ensure the function and viability of development, certain necessary improvements may not be allowed to be financially guaranteed.

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17.92.020 STANDARDS FOR IMPROVEMENTS

- A. Construction Routes. For all developments, and reuse/further development, a construction route map shall be provided showing how materials and heavy equipment will travel to and from the site.

- B. Protection of Existing Improvements. The developer shall be responsible to ensure that existing improvements are not damaged or rendered less useful by the operation of developer, his contractors or suppliers. Such protection of improvements may include requirements for cleaning of vehicles leaving the construction site. This provision is intended to preclude damage to existing roads, streets, water, sewer and drainage systems. The Administrative Official may instruct the developer as to the streets or road to be used for access by construction equipment. The City of Dillon may require the developer to post a surety to guarantee repair of damages.

- C. Scope of Work. The intent of these regulations is to provide standards by which the contractor and the developer shall execute their respective responsibilities and guarantee proper construction and completion in every detail of the work in accordance with the plans, specifications and terms set forth under these regulations. The Administrative Official has the authority to enforce the standards.

Prior to making any changes, the developer’s engineer shall notify and receive written approval or disapproval from the Administrative Official for any changes in approved plans and specifications.

- D. Procedures.
 - 1. Approval of improvements or construction plans shall be completed before installation or the entering into of an agreement where surety is to be provided.

 - 2. Prior to occupancy of any building, the developer shall either install the required improvements or enter into an agreement with the City of Dillon financially guaranteeing the installation and performance of the improvements.

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17.92.030 COMPLETION OF IMPROVEMENTS

- A. General. The applicant shall provide certification by the architect, landscape architect, engineer or other applicable professional that all improvements to be dedicated to the public were installed in accordance with the approved site plan, plans and specifications, or plat as applicable. For required private improvements, the applicant shall provide certification by the architect, landscape architect, engineer or other applicable professional that all improvements, including but not limited to, landscaping, ADA accessibility requirements, private infrastructure, or other required elements were

installed in accordance with the approved site plan, plans and specifications, or plat as applicable, unless a waiver of certification in whole or part is approved in writing.

1. Improvements to be Dedicated to the Public. Improvements to be dedicated to the public, such as water mains, sewer mains and public streets, shall be installed in accordance with approved plans and certified by a registered certified civil engineer, licensed in the State of Montana.
 - a. Public street means (i) a public right-of-way or dedicated easement developed to City standards including but not limited to, the following improvements: curbs, gutters, storm drainage, sidewalks, paving, traffic control signage or equipment and lighting; and (ii) a public right-of-way or dedicated easement that is not improved or may be improved in the future.
 2. Improvement Agreement Required. All improvements necessary or required to meet the standards of this title or conditions of approval shall be the subject of an improvement guarantee agreement, for occupancy of buildings or other utilization of an approved development is allowed before the improvements are completed and inspected by the City.
 - a. Reservation. The City reserves the right to require actual installation of improvements prior to occupancy when such improvements are necessary to provide for health, safety and welfare or adequate function of systems or onsite development.
 3. Sidewalks. City standard sidewalks (including a concrete sidewalk section through all private drive approaches) shall be constructed on all public and private street frontages prior to occupancy of any structures on individual lots.
 4. Streets. Before any street, whether new or existing, can be accepted into the City street system by the City of Dillon, it shall be built to meet or exceed standards set by the City.
- B. Completion Time for Site Development. Whenever any building lots and/or building sites are created within the City limits, and prior to issuance of any building permits on such lots or sites, municipal water distribution systems, municipal sanitary sewer collection systems, and streets shall be provided to the site. Each building site must utilize and be connected to both the municipal water distribution and municipal sanitary sewer collection systems. These improvements shall be designed, constructed and installed according to standards adopted by the City prior to the issuance of any building permit.
1. The water mains, sewer mains and streets which are installed by the developer and accepted by the City must have service stubs extended into the site, which are

of adequate size to provide water and sewer service to the proposed development without modification to publicly owned infrastructure;

2. The water mains, sewer mains and streets to be extended to provide service to the development are: located within a publicly dedicated right-of-way or easement; constructed to the City of Dillon standards; are physically adjacent to the site proposed for construction; are installed and accepted by the City; and are adequate in capacity to provide necessary service and must comply with the following requirements:
 - a. Before any public water, sewer, or storm drainage improvement whether new or existing can be accepted into the City system, it shall be built to meet or exceed the require standards the Administrative Official and water and sewer committee will determine when the standards of this section have been met. The Fire Marshall/Fire Chief shall consider whether adequate fire protection services are available from existing hydrants, and water supply exists to meet needs during construction and engineering plans provide adequate water service for fire protection and installed and inspected and approved by the Fire Marshal/Fire Chief prior to occupancy permits may be issued.

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17.92.040 IMPROVEMENT AGREEMENTS

A. Required.

1. When occupancy of a development subject to zoning review will commence prior to completion of all required site improvements, an improvement agreement is required.
2. At the discretion of the Administrative Official, certain projects receiving a certificate of appropriateness may be required to enter into an improvement agreement with the City at the time of final approval of the certificate of appropriateness.

B. If an improvement agreement is used to guarantee the completion of required improvements, including infrastructure, it may allow for the staged installation of improvements in defined areas and in accordance with an approved time schedule. At the City's discretion, the improvements in a prior increment may be required to be completed or the payment or guarantee of payment for costs of the improvement incurred in a prior increment must be satisfied before development of future increments.

C. All improvement agreements shall meet the following standards:

- a. The agreement and security shall be satisfactory to the City Attorney as to form and manner of execution;

- b. Detailed cost estimates and construction plans of all required on-site and off-site improvements shall be made a part of the agreement;
- c. Provide for security in the amount equal to 150 percent of the estimated cost of the improvements to be secured if the agreement is to be activated; and
- d. The term for the security referenced in section “c” above shall be not less than the length of time of the improvement agreement.

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