

Sec. 78-246. - Improvement agreement.

Prior to the approval by the city council of the subdivision final map, the subdivider shall execute and file an agreement between himself and the city. The agreement shall specify the period within which he shall complete all improvement work to the satisfaction of the city engineer and shall provide that, if he shall fail to complete such work within such period, the city may complete the work and recover the full cost and expense thereof from the subdivider. This agreement shall also provide for inspection of all improvements by the city engineer and reimbursement of the city for the cost of such inspection by the subdivider. Such agreement may also provide for the following:

- (1) The construction of the improvements in units;
- (2) An extension of time under conditions therein specified;
- (3) The termination of the agreement upon the completion of proceedings under an assessment district act for the construction of improvements deemed by the city engineer to be at least the equivalent of the improvements specified in such agreement and required to be constructed by the subdivider; and
- (4) Progress payments to the subdivider, or his order, from any deposit money which the subdivider may have made in lieu of providing a surety bond, provided that no such progress payment shall be made for more than 90 percent of the value of any installment of work and provided, further, that each such installment of work shall be completed to the satisfaction of the city engineer.

(5) Bond for all common area and off-site improvements. Prior to issuance of a building or grading permit, and prior to approval of a final map where subdivision is involved, a bond or other acceptable security shall be posted to ensure the completion of all common area and off-site improvements within any phase of the development, including landscaping, recreational facilities, and other site features pursuant to approved plans.

Sec. 78-216. - Improvement standards.

Standards for design and improvement of subdivisions shall be in accordance with the applicable sections of the zoning ordinance in [chapter 106](#) of this Code, the general plan, any specific plans adopted by the city and the requirements established by the city engineer.

[\(Code 1957, § 24.33\)](#)

~~Secs. 78-217—78-245. - Reserved.~~

Sec. 78-217. – Street Dedication and Improvement Exceptions.

Section 78-218 through 225 do not apply to the following buildings or structures if they comply with all other sections of this chapter:

- A. Electrical distribution and transmission substations.
- B. Water storage tanks, water reservoirs and water pumping plants, but excluding offices or maintenance yard facilities.
- C. Gas measurement, distribution and meter control stations.
- D. Telephone repeater stations.

[\(Ord. No. 1270, § 30.660.01, 9-30-1985; Ord. No. 1305, 6-15-1987\)](#)

Sec. 78-218 . – Requirement.

Except as otherwise provided in this division and this article, no building or other structure shall be used on any lot, any portion of which abuts upon any public street, unless the one-half of the street which is located on the same side of the centerline as such lot has been dedicated and improved as provided in this division.

(Ord. No. 1270, § 30.660.02, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 78-219– Dedication standards.

Streets shall be dedicated to one-half the planned ultimate width, measured from the centerline, and including corner cutoffs. All such rights-of-way are to be determined by the Director as specified in the subdivision ordinance in chapter 78 of this Code and the circulation element of the general plan.

(Ord. No. 1270, § 30.660.03, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 78-220. – Improvements.

Before a structure subject to this article may be used, curbs, gutters, sidewalks and drainage structures where required shall be constructed at the grade and at the location specified by the Director of public works unless these already exist within the present right-of-way; in such cases, all damaged sidewalks, curbs and drainage structures shall be replaced or repaired as required by the Director of public works; or on property the owner has agreed to dedicate, curbs, gutters, sidewalks and drainage structures which are adequate, and the Director of public works so finds.

(Ord. No. 1270, § 30.660.04, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 78-221. – Agreement to dedicate.

In lieu of dedication as provided in this division, the Director of public works may accept an agreement to dedicate signed by all persons having any right, title, interest or lien in the property, or any portion thereof, to be dedicated. The signatures on such agreement shall be acknowledged and the Director of public works shall record such agreement in the office of the county recorder.

(Ord. No. 1270, § 30.660.05, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 78-222. – Agreement to improve.

- A. In lieu of the required improvements under this division, the Director of public works may accept from any responsible person a contract to make such improvements. The improvements shall be completed within the time specified in the agreement to improve, except that the Director of public works may grant such additional times as he deems necessary if, in his opinion, a good and sufficient reason exists for the delay.
- B. Such contract shall be accompanied by a deposit with the city of a sum of money or negotiable bonds or savings and loan certificates of shares in an amount which, in the opinion of the director of public works, equals the cost thereof. If savings and loan certificates or shares are deposited, the owners thereof shall assign such certificates or shares to the city, and such deposit and assignment shall be subject to all the provisions and conditions of the Director of public works.
- C. If the estimated cost of the improvements equals or exceeds \$1,000.00, in lieu of such deposit, the applicant may file with the city a corporate surety bond guaranteeing the adequate completion of all the improvements, in a penal sum equal to such estimated cost.
- D. Upon the failure of the responsible person to complete any improvement within the time specified in an agreement, the council may, upon notice in writing of not less than ten days served upon the person signing such contract, or upon notice in writing of not less than 20 days served by registered mail

addressed to the last known address of the person signing such contract, determine that the improvement work or any part thereof is incomplete and may determine that the responsible person is in default and may cause the improvement security or such portion of deposits or bonds given for the faithful performance of the work, as is necessary to complete the work, to be forfeited to the city, or may cash any instrument of credit so deposited in such amount as may be necessary to complete the improvement work.

(Ord. No. 1270, § 30.660.06, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 78-223. – Existing structures.

Sections 78-218 to 78-221 do not apply to the use, alteration or enlargement of an existing building or structure or the erection of one or more buildings or structures accessory thereto, or both, on the same lot, if the total value of such alteration, enlargement or construction does not exceed one-half of the current market value of all existing buildings or structures on such lot.

(Ord. No. 1270, § 30.660.07, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 78-224. – Parkway trees.

Parkway trees are required to be provided and planted by the owner or developer of any lot in connection with any construction on such lot requiring a permit valued under the building code in excess of \$1,000.00, except as otherwise provided in the following:

- A. Such parkway trees shall be planted in the public easement (parkway strip) between the street pavement and the lot line of such lot. If a sidewalk exists in such parkway strip without provision for parkway trees, tree wells shall be provided as part of such parkway tree requirement.
- B. No occupancy permit shall be issued for such construction on such lot until the required parkway trees have been planted or such planting has been provided for in accordance with this section and the specifications of the Director of public works. Such provision may be made by bond in an amount not to exceed the estimated cost of the parkway tree requirement.
- C. Notwithstanding subsections (1) and (2) of this section:
 - 1. The total estimated cost of the parkway tree requirement shall not exceed one-third of the estimated value of the improvements provided for in such permit; and
 - 2. Where adequate public right-of-way (parkway strip) does not exist, or where the adjacent street is not improved with curb, gutter and sidewalk, such parkway tree requirement may be waived in connection with such building permit. Such waiver shall not affect the requirement for parkway trees in connection with any subsequent application for a building permit with respect to such lot.
- D. This section shall not apply to incidental construction on already developed residential lots. Such incidental construction shall include, but not be limited to, room or patio additions, room realignment, and swimming pool and garage construction. Incidental construction as used in this subsection shall not include the construction of a residential unit.

(Ord. No. 1270, § 30.660.08, 9-30-1985; Ord. No. 1305, 6-15-1987)

Cross reference(s)—Vegetation, ch. 98.

Sec. 78-225. – Landscape maintenance.

- A. Prior to the installation of the landscaping in the public right-of-way, the developer shall provide for the continued maintenance by an agreement with the city.

- B. Lawn and ground cover shall be trimmed or mowed regularly. All planting areas shall be kept free of weeds and debris.
- C. All plantings shall be kept in a healthy and growing condition. Fertilization, cultivation, and tree pruning shall be a part of regular maintenance. Good horticultural practices shall be followed in all instances.
- D. Irrigation systems shall be kept in working condition. Adjustments, replacements, repairs and cleaning shall be a part of regular maintenance.
- E. Trees shall be staked and tied with lodge poles.
- F. Stakes and ties on trees shall be checked regularly for correct functions. Ties shall be adjusted to avoid creating abrasions or girdling on trunks or branches.