



**ORDINANCE NO. O-24-08**

**AN ORDINANCE AMENDING TITLE 8 OF THE GARLAND CITY CODE FOR THE INCLUSION OF SECTION 8-4-1 PERTAINING TO THE REQUIREMENT COMPLETION BOND AGREEMENTS, MORE COMMONLY REFERRED TO AS THE SIDEWALK BOND**

**WHEREAS**, the City has an interest in promoting the orderly development of property including the installation of sidewalks throughout the City as properties are developed; and

**WHEREAS**, the City recognizes that the timing of sidewalks being installed and the actual development of the abutting property do not always run concurrent; and

**WHEREAS**, the City is able to establish a process that requires agreements and cash bonds with the building permit applicants to ensure sidewalks are not damaged, or require replacement and/or repair if they are; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Garland, Utah, as follows:

**Section 1.** That Garland City Code be amended to now include the following:

**8-4-1 Completion And Off-Site Bond Agreement To Ensure Project Completion And Final Condition Of Off-Site Improvements**

- A. All applications for building permits with the potential of damaging improvements within the public right-of-way or that may result in a request for occupancy prior to completion of all improvements, shall be accompanied by a Permit Completion and Off-site Improvement Protection Agreement, hereinafter referred to as a "Bond Agreement" to assure project completion and the maintenance of Off-site improvements. The requirement for a bond shall be at the determination of the Building Official. The Bond Agreement shall be prepared by the City Recorder (or designee) and signed by the owner or their authorized representative (referred to as "Builder") of the property to be improved. The bond shall be in a sum set by resolution of the City Council or by determining the cost of the improvements, whichever is greater. The purpose of the bond shall be to ensure the satisfactory completion of the project as well as maintaining the satisfactory condition of the curb, gutter, sidewalk, drive approach, landscaping, paving, patching, asphalt cut, and other public improvement (protected items) theretofore installed on and in close proximity to the individual property for which the building permit was sought. The Bond Agreement shall terminate and the bond is released after satisfactory completion of the project and the protected items are inspected and found to be not damaged or are installed to meet city standards. Inspection of the protected items shall be done by the Garland City Public Works Department. Additionally, the building permit must be closed with the issuance of a certificate of occupancy or other notification of passing a final inspection by the city Building Official.

- B. After the final inspection of the protected items, if the structure for which the permit was issued is habitable and any non-compliance items were noted on the inspection form, this form shall be referred to as the Temporary Certificate of Occupancy (TCO). The building inspector will provide a copy of the TCO to the Builder. Builder shall make the necessary repairs within 120 days of receipt of the TCO.
- C. In the event the TCO is not cleared and a Certificate of Occupancy or other certification of completion of the building permit is not issued within 120 days after issuance of the TCO, the Bond Agreement shall terminate and the Builder shall have no further claim upon the Bond. The Building Official may grant one extension, not to exceed, ninety (90) days to this Agreement when the Builder and structure owner have indicated they have an agreeable schedule for completion of the non-compliance items.
- D. Once the Bond Agreement is terminated, the current owner of the property may submit a Garland City Indemnification Request/Agreement to the City for consideration by the Building Official. Upon the approval of the Indemnification Request/Agreement by the Building Official and the completion of all items noted on the TCO by the current owner, the Bond may be released to the current owner. The current owner must complete all items noted on the TCO within ninety (90) days of approval of the Indemnification Request/Agreement by the Building Official. The Building Official may grant one extension, not to exceed, ninety (90) days to this Agreement when the owner has explained extenuating circumstances and presented a timeline for completion of the non-compliance items.
- E. The City may file a Certificate of Notice of Non-Compliance with the Box Elder County Recorder's Office if the requirements outlined in the Bond Agreement or Indemnification Request/Agreement are not met by the Builder/owner.
- F. The City may file a complaint with the State Division of Professional Licensing against the Builder for failure to complete a project associated with an issued building permit.
- G. Nothing in this ordinance or any agreement established by this ordinance prohibits the City from requiring the Builder to provide proof that an escrow account, in the name of the purchaser of the Lot and associated structure related to the issued permit, to secure the completion of any items that the Building Official feels are not covered by the amount of the bond established by the Bond Agreement.
- H. In the event that no certificate of occupancy has been issued within the time period established in the Bond Agreement or Indemnification Request/Agreement, these agreements will be considered terminated and all funds being held by the City will be forfeited to the City to cover costs associated with repairs to public improvements and this process. Nothing in this ordinance or any agreement established by this ordinance is intended to imply that the City will complete items on the TCO associated with anything other than public improvements and infrastructure.


#### **8-2-2 Release of Funds**


- A. Funds held by the Bond Agreement shall be released to the individual/party indicated on the Bond Agreement, through a properly executed Indemnification Request/Agreement as approved by the Building Official or through forfeiture to the City.

The provisions of this ordinance shall take effect upon passage, signature of the mayor, and after being posted or published as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF GARLAND, UTAH, THIS 18<sup>th</sup> DAY OF SEPTEMBER 2024.

CITY OF GARLAND

By:   
Linda Bourne, Mayor

ATTEST:   
Sharlet Anderson, Recorder

Voting by the City Council

	"YES"	"NO"
Jeanette Atkinson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sharla Nelson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Josh Munns	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tena Allen	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Losee	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda Bourne (if tied)	<input type="checkbox"/>	<input type="checkbox"/>