

**ALPINE CITY  
ORDINANCE 2019-04**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.16.110 OF THE ALPINE  
CITY DEVELOPMENT CODE PERTAINING TO OPEN SPACE CASH BONDS**

**WHEREAS**, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City and the residents of Alpine to adopt an Amendment to the Alpine City Development Code amending Chapter 3 Article 16 Open Space; and

**WHEREAS**, the Alpine City Planning Commission has reviewed the proposed Amendment to the Development Code and has forward a favorable recommendation to the City Council; and

**WHEREAS**, the Alpine City Council has reviewed the proposed Amendments to the Development Code and held a Public Hearing:

**NOW THEREFORE**, be it ordained by the Alpine City Council that: Chapter 3 Article 16 Open Space Ordinance of the Alpine City Development Code is hereby repealed and replaced by Ordinance No. 2019-04 amending the Alpine City Development Code. This ordinance shall take effect upon posting.

**SECTION 1:**        **AMENDMENT** “3.16.110 Enforcement” of the Alpine City Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

3.16.110 Enforcement

**1. Subdivision Approval Stage**

- a. Open space designations and ownership shall be included on all plats and recorded on deeds.
- b. Signs shall be provided by the City which can be photocopied, protected with plastic and fastened to stakes surrounding open space. These signs shall indicate City-owned open space and penalties for damage caused by construction crews and vehicles.
- c. Developers are required to stake, clearly tape off and post signs marking all trail corridors and open spaces prior to the start of construction. The site may be walked by the City Staff, City Council and Planning Commission.
- d. A bond to be approved by the City Engineer shall be posted by the developer against damage to public open space.

**2. Before Bond Release.** Developers shall ensure that tapes and signs are in place continuously during construction. The tapes and signs shall remain in place until

construction is completed and the final bonds are released. They shall be replaced if necessary if damaged or lost from other causes.

- a. Developers will be assessed a fine if damage is done to publicly owned areas by their contractors or their agents, and they will be required to restore the area(s) at their cost to the satisfaction of the City Engineer.

3. **Before Building Permit is Issued.** Before building permits are issued, all potential homeowners with property adjacent to open space shall bond, (amount to be set by City Engineer) for any and all damage done to public property caused by the owner and/or his contractor or agents during home construction.

- a. Public open space must be staked, temporarily fenced off and marked with signs so that all construction crews will be aware of these public lands. (Amended by Ord. 2004-13, 9/28/04)
- b. A copy of this ordinance shall be provided to the property owner when the building permit is issued.

4. **Before Occupancy Permits are Issued.** All damage to public open space and/or improvements upon it caused by home construction must be repaired by the homeowner at his or her expense.

- a. If construction is completed during winter and weather prohibits replanting or other restoration, an additional bond may be posted to be held until repairs are approved by the City Administrator. The amount of bond to be determined by the City Engineer.

(Ord. 1998-20, 11/24/98; amended Ord. 2007-12, 08/14/07; Ord. 2016-07, 07/26/16; Ord. 2016-24, 11/09/16)

#### AFTER AMENDMENT

##### 3.16.110 Enforcement

###### 1. **Subdivision Approval Stage**

- a. Open space designations and ownership shall be included on all plats and recorded on deeds.
- b. Signs shall be provided by the City which can be photocopied, protected with plastic and fastened to stakes surrounding open space. These signs shall indicate City-owned open space and penalties for damage caused by construction crews and vehicles.
- c. Developers are required to stake, clearly tape off and post signs marking all trail corridors and open spaces prior to the start of construction. The site may be walked by the City Staff, City Council and Planning Commission.
- d. A cash bond to be approved by the City Engineer shall be posted by the developer against damage to public open space.

2. **Before Bond Release.** Developers shall ensure that tapes and signs are in place continuously during construction. The tapes and signs shall remain in place until construction is completed and the final bonds are released. They shall be replaced if necessary if damaged or lost from other causes.

- a. Developers will be assessed a fine if damage is done to publicly owned areas by their contractors or their agents, and they will be required to restore the area(s) at their cost to the satisfaction of the City Engineer.
- 3. **Before Building Permit is Issued.** Before building permits are issued, all potential homeowners with property adjacent to open space shall bond, (amount to be set by City Engineer) for any and all damage done to public property caused by the owner and/or his contractor or agents during home construction.
  - a. Public open space must be staked, temporarily fenced off and marked with signs so that all construction crews will be aware of these public lands. (Amended by Ord. 2004-13, 9/28/04)
  - b. A copy of this ordinance shall be provided to the property owner when the building permit is issued.
- 4. **Before Occupancy Permits are Issued.** All damage to public open space and/or improvements upon it caused by home construction must be repaired by the homeowner at his or her expense.
  - a. If construction is completed during winter and weather prohibits replanting or other restoration, an additional bond may be posted to be held until repairs are approved by the City Administrator. The amount of cash bond to be determined by the City Engineer.

(Ord. 1998-20, 11/24/98; amended Ord. 2007-12, 08/14/07; Ord. 2016-07, 07/26/16; Ord. 2016-24, 11/09/16)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

April 23, 2019

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Lon Lott	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Kimberly Bryant	<u>_____</u>	<u>_____</u>	<u>✓</u>	<u>_____</u>
Carla Merrill	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Ramon Beck	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Jason Thelin	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

Presiding Officer

  
Troy Stout, Mayor, Alpine City

Attest

  
Charmayne G. Warnock, City Recorder Alpine City



