

Ordinance No. 2019-08-54

AN ORDINANCE AMENDING SECTION 17.8.111 OF THE AMERICAN FORK CITY CODE, CONSTRUCTION AND MAINTENANCE OF PRIVATE ROADS AND DRIVEWAYS BY CITY PROHIBITED, AND CREATING A NEW CHAPTER, 12.20 – ACCEPTANCE OF PRIVATE INFRASTRUCTURE, ESTABLISHING CONDITIONS AND SETTING FORTH PROCEDURES FOR THE ACCEPTANCE OF PRIVATE INFRASTRUCTURE, AND PROVIDING AND EFFECTIVE DATE FOR THE ORDINANCE.

Whereas City currently prohibits construction and maintenance of private roads and driveways by City officer or employees;

Whereas City currently prohibits the acceptance of private streets unless said streets comply with all standards and improvements for public streets;

Whereas City finds it is in the best interest of the City that, upon receiving an application from property owners, it be permitted to evaluate public infrastructure on a case by case basis to determine whether acceptance of such infrastructure is advisable:

Whereas the adoption of this ordinance will promote the public health, safety and welfare of the City, as it permits the City to take into account the specific circumstances of each application for acceptance of private infrastructure.

NOW THEREFORE, be it ordained by the City Council of American Fork, Utah that:

1. Section 17.8.111 be Amended to read as follows:

17.8.111 – Construction of public utilities under right-of-way.

Public utilities, including water and sewer lines, shall not be permitted to be constructed or installed under a right-of-way (roadway or sidewalk) unless said right-of-way:

1. Has been dedicated to the City; or
2. Is shown on a plat of a subdivision, which plat has received approval by the city council.

2. Chapter 12.20 be created and read as follows:

12.20.010 – Conditions for acceptance of private infrastructure.

The City may, but is not required to, accept ownership and maintenance of private streets, water systems, pressurized irrigation, sewer systems, and storm drains upon application of property owner(s). The following conditions shall apply to acceptance of private infrastructure:

A. The City may only accept infrastructure in a holistic manner. Individual components may not be accepted, with the exception of water system infrastructure alone.

B. All infrastructure, including, but not limited to, streets, curbs, gutters, sidewalks, pedestrian ramps, signage, drainage facilities, culinary water system, pressurized irrigation system, and sanitary sewer shall be evaluated to determine compliance with local, state and federal law and the evaluation shall be provided to the City Council for consideration.

C. Pavement shall have a remaining service life (RSL) of at least 15, as determined by an assessment report completed by a licensed professional engineer (PE).

D. All street signs must be compliant with standards for public streets.

E. Drainage systems and facilities must be determined to have been properly maintained and shall be fully functional and operational.

F. All infrastructure shall be in an acceptable condition, as determined by the City.

G. The infrastructure shall meet all life safety standards, including width, slope and hydrant access as determined by the City Council.

H. All underground utilities shall be located in the public right-of-way or proposed public right-of-way.

12.20.020 – Procedures for acceptance of private infrastructure.

The process for City's acceptance of private infrastructure shall be as follows:

A. Applicant shall submit a formal letter to the City Engineer and the City Recorder requesting the city take ownership of the roads and/or other private infrastructure. This letter shall be submitted only by the official owner.

B. Applicant shall submit a clear description and a map showing all infrastructure which is being requested to be accepted by the city.

C. Upon receipt of a completed application, City Engineer or designee shall have 90 days to conduct a review of the infrastructure to ensure compliance with local, state and federal laws and regulations. City Engineer may request any necessary testing, including core sampling, to assist in the determination of compliance. Such testing shall be at the expense of the applicant.

D. Applicant shall provide permission to the City to conduct any and all inspections or testing necessary to determine acceptability of the infrastructure, including utilization of cameras to inspect infrastructure.

E. After reviewing documentation submitted by applicant and conducting, or requiring to be conducted, any further testing necessary to make an appropriate recommendation, City Engineer or designee shall prepare a report for the city council summarizing the infrastructure's compliance with local, state, and federal law and regulations.

F. City Engineer or designee shall present the application, engineer's report and recommendation to the city council for its consideration.

G. If the application to dedicate infrastructure to the City is approved, the applicant shall, at their sole expense, prepare the appropriate documents and plats formally dedicating the infrastructure to the city. The applicant shall be responsible for all associated fees. All infrastructure shall continue to be maintained by the applicant until all documents are recorded. If plat is not recorded within 60 days of city council action, approvals shall expire.

H. If the application to dedicate infrastructure to the City is denied, a new application for said infrastructure shall not be submitted for review sooner than two years from the date of the denial.

EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication as prescribed by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF AMERICAN FORK CITY,
STATE OF UTAH, ON THIS THE 13 DAY OF AUGUST, 2019.**

AMERICAN FORK CITY



BRADLEY J. FROST, MAYOR

ATTEST:



CITY RECORDER

