

ORDINANCE NO. 494- SECOND SERIES

**AN ORDINANCE OF THE CITY OF HASTINGS AMENDING
HASTINGS CITY CODE CHAPTERS 4, 10, 11 & 12**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HASTINGS AS
FOLLOWS:**

I. Hastings City Code Chapter 10.27 is amended as following

SECTION 10.27. SITE PLAN REVIEW PROCEDURE.

Every person, before commencing construction or major alterations of a structure, except one and two family dwellings and buildings accessory thereto, shall submit to the Community Development Division the following:

SUBD. 1. A detailed drawing drawn to scale showing pertinent existing conditions.

SUBD. 2. A complete set of scaled preliminary drawings that include at least the following:

- a) An accurately scaled and dimensioned site plan indicating parking layout including access provisions, designation and locations of principle and accessory buildings, landscaping, including trees and shrubbery with an indication of species, planting size and location.
- b) Fences, walls or other screening, including height and type of material.
- c) Lighting provisions, type and location.
- d) Curbs.
- e) Building elevations including materials proposed.
- f) Existing and proposed land elevations and drainage provisions, including:
 - (1) Plan showing existing and finish grades and surface drainage including overall final contours at a minimum of 2-foot intervals.
 - (2) Existing conditions surrounding the proposed development to a distance of 100 feet, including existing ground elevations, buildings, utilities, landscaping, trees, and drainageways.
 - (3) All drainage swales and critical drainage areas shall be clearly identified with grade and spot elevations.
 - (4) Erosion and sedimentation control plans which specify the control measures to be used before, during, and after construction until the soil and slope are stabilized by permanent cover. Erosion control plans shall be designated per City approved standards.
- g) Location and elevation of water and sewer connections of all existing and proposed utilities including, but not limited to, location and size of water mains, storm and sanitary sewers (including rim and invert elevations), fire hydrants, gas lines, electric and telephone poles, street lights, curbs, gutter, culverts, catch basins, manholes and other facilities. Site plans with significant private street and/or utility improvements shall be required to submit plan and profile construction drawings to the Public Works Division for review and approval.
- h) Location of existing and proposed fire hydrants and a fire protection system plan.
- i) Complete plans for storage of waste and garbage.
- j) Boundary line of property, clearly indicated, along with identifying any adjacent public and private streets, sidewalks, railroad right-of-way and drainage and utility easements and any other easements and their purpose.

k) Existing benchmarks used for surveying the site plan.

SUBD. 3. The Community Development Division (CDD) shall review all site plans for the purpose of determining their compliance with the zoning ordinance. The Public Works Division shall review all site plans with respect to traffic and access issues, grading, drainage and storm sewer capacity, and sanitary sewer and water utility services. The developer shall establish an escrow account with the City to pay for site plan application and review costs, and inspection of grading, paving, utilities, and other civil improvements. The escrow amount shall be set by the City Council by resolution. Any escrowed funds remaining after City acceptance of the site improvements and issuance of a Certificate of Occupancy, or the developer canceling the project, shall be returned to the developer. If the initial escrowed amount is insufficient to complete site plan review and inspection of site civil improvements, the developer shall provide additional funds to be escrowed as requested by the City.

SUBD. 4. The CDD shall forward site plans to the Planning Commission for its review and recommendation to the City Council. After receiving the Commission's recommendation, the Council shall approve or reject the site plan. If the Council approves the plan and unless the Council states otherwise, all documents submitted and information contained therein shall constitute a condition of approval by the Council that must be complied with by the applicant. Any proposed variation from the approved plans must receive prior approval from the CDD or, where applicable, the Public Works Division. No occupancy permit shall be issued until all conditions of approval imposed by the Council have been satisfied by the applicant, except as provided by Subd. 45.

SUBD. 45. Based upon an approved site plan, the Public Works Division shall make a determination of the cost for site improvements including, but not limited to, earthwork, sewer and water extensions, storm sewer, paving, curbing, lighting, and landscaping. Before any occupancy permit shall be issued, the developer (i.e. applicant) shall provide the city with a performance bond, cash escrow, letter of credit or other form of security, approved by the City, in the amount of 125% of the estimated cost of any uncompleted site improvements.

SUBD. 56. Upon Council approval as provided in Subd. 34 of the site plan, the Council shall determine if a developer's agreement shall be required. Any developer's agreement required by this subdivision shall contain all conditions of approval imposed by the Council, shall be signed by the City and all parties having an interest in the subject property and shall be recorded by the City with the Dakota County Recorder's Office. All conditions imposed by the City Council shall run with the land and bind all successors in interest in the property.

II. Hastings City Code Chapter 11 is amended as following:

CHAPTER 11 SUBDIVISION REGULATION (PLATTING)

SEC. 11.03. PLAT PRESENTATION PROCEDURES.

SUBD. 2. PRELIMINARY PLAT APPROVAL.

- E. The submitted Preliminary Plat shall be reviewed by a representative of the Public Works Division with respect to street and utility layout, storm water control, grading, and erosion control. The subdivider shall establish an escrow account with the City to pay for Preliminary Plat review. The escrow amount shall be set by the City Council by resolution. Any escrowed funds remaining after the Preliminary Plat review has been completed shall be returned to the subdivider after Council approval of the Preliminary Plat or cancellation of the project. If the initial escrowed amount is insufficient to complete review of the Preliminary Plat, the subdivider shall provide additional funds to be escrowed for review costs. The Public Works Division shall review the Preliminary Plat and shall transmit a report of its review together with any supporting material to the Planning Commission prior to the meeting at which such Plat is considered.
- H. The Preliminary Plat must be acted on by the Council within 120 days after submittal to the City Planning Department. Upon approval of the Preliminary Plat, the subdivider shall provide the City a digital copy of the Preliminary Plat drawings in a City approved electronic format.

SUBD. 3. FINAL PLAT APPROVAL

- I. The subdivider shall furnish a duplicate hardshell copy, and one paper print, and a digital copy in a City approved electronic format of the Final Plat as recorded to the City Planning Department at the same time the original is submitted for recording.

SEC. 11.05. DESIGN STANDARDS.

Generally, design standards shall assure that the layout of the subdivision harmonizes with existing plans affecting the development and its surroundings and shall be in conformity with the city's development objectives for the entire area. Preliminary Plat designs shall be in accordance with the latest Public Works Design Manual, approved by the Council, and on file at the City. No Plat shall be approved for any subdivision which covers an area subject to periodic flooding or which is otherwise poorly drained unless the subdivider agrees to make improvements at developer's sole expense which will, in the opinion of the Public Works Division, make the area completely safe for occupancy, and provide adequate street and lot drainage and which satisfy all flood plain requirements.

SUBD. 1. CIRCULATION.

- A. **General Street Design.**
1. The design of all streets shall be considered in their relation to the following: existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of storm water and to the proposed uses of the area to be served.
 2. Where new streets extend existing adjoining streets, their projections shall be at the same or greater width, but in no case less than the minimum required width.

3. Where adjoining areas are not subdivided the arrangement of streets in new subdivisions shall make provisions for the proper projection of streets. When a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of such unsubdivided land.

~~B. **Street Width and Grades.** The following standard of street design shall be followed by the subdivider:~~

Street	Minimum	Minimum with	Maximum	Minimum	
Minimum	Right of Way	of Pavement	Grade **	Grade	
Category	Right of Way	of Pavement	Grade **	Grade	Curve Radius
Arterial	80 feet	44 feet	4%	0.5%	600 feet
Collector	66 feet	40 feet	6%	0.5%	600 feet
Local	60 feet	28-36 feet*	8%	0.5%	150 feet

~~* To be based on traffic and parking needs determined with approval of the City Council based on recommendation from the Public Works Department.~~

~~** For safety considerations a lesser maximum grade may be required at or approaching intersections.~~

- ~~GB. **Cul-de-sacs.** Cul-de-sacs shall not be permitted unless there are specific engineering reasons to require them based on existing property condition, topography, or natural features. Maximum length of permanent cul-de-sac streets shall be 500 feet measured along the center line from the intersection or origin to end of right-of-way. Each Cul-de-sac shall be designed according to City Standards. Cul-de-sacs shall be required to have a landscaped island according to City specifications.~~
- ~~DC. **Street Jogs.** Street jogs with center line offsets of less than 125 feet shall be avoided.~~
- ~~ED. **Street Intersections.** Insofar as practical, streets shall intersect at right angles and no intersection shall be at an angle of less than 75 degrees. It must be evidenced that safe and efficient traffic flow is encouraged. No intersection shall contain more than four (4) corners.~~
- ~~F. **Reserve Curves.** Tangents of at least 100 feet in length shall be introduced between reverse curves on arterial or collector streets and 50 feet on lesser streets.~~
- ~~GE. **Street Names.** Proposed streets obviously in alignment with existing and named streets shall bear the name of such existing streets. In no case shall the name of the proposed street duplicate existing street names, including phonetical similarities. Where a plat extends beyond existing streets, continuity of present street naming scheme shall be maintained. Street names shall be subject to the approval of the Public Works Director and the Fire Marshall.~~
- ~~HF. **Private Streets.** Public improvements shall not be approved for any private street. Private drives and utilities shall be constructed according to approved City standards and shall be privately maintained.~~
- ~~IG. **Local Service Drives.** Where a proposed plat is adjacent to a major thoroughfare, the Council may require the developer to provide local service drives along the right-of-way of such facilities or they may require that lots should~~

back on thoroughfares, in which case, vehicular and pedestrian access between the lots and thoroughfares shall be prohibited.

- JH. **Access to Arterial and Collector Roadways.** Where a proposed plat is adjacent to an arterial or collector roadways as designated by the Hastings Comprehensive Plan, spacing between access points to such thoroughfares of less than 660 feet for collectors and 1,320 feet for arterials shall be avoided except where impractical or impossible due to existing property divisions or topography.
- KI. **Arterial and Collector Road Driveways.** Driveway access to arterial streets is strongly discouraged. Residential driveway access to collector streets should be avoided. If residential driveway access to arterial or collector streets is approved due to specific engineering reasons, topography or natural features, a 35 ft. setback from the property line shall be required, and the ~~driveways~~ driveways must be constructed with a turnaround.
- ~~L. **Corners.** Curb lines at street intersections shall be rounded at a radius of not less than 15 feet.~~
- MJ. **Alleys.** Alleys may be permitted as part of planned residential developments (PRD).
- NK. **Hardship to Owners of Adjoining Property.** The street arrangements shall be such as to cause no hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- OL. **Pedestrian System.** A pedestrian walkway shall be provided between lots where required by the City Council to allow for pedestrian accessibility to streets or public service areas. These pedestrian ways shall be graded to allow construction of concrete sidewalks or bituminous paths thereon and to meet established grades.

SEC. 11.06. REQUIRED IMPROVEMENTS.

SUBD. 4. DRAINAGE FACILITIES.

Storm sewer, ponding basins, and or other surface drainage facilities shall be installed as determined to be necessary by the Public Works Division for the proper drainage of surface waters. No storm drainage shall be carried over the street surface for a distance greater than 500 feet. ~~Storm drainage shall be assessed pursuant to Section 6.20 of the City Code.~~

SUBD. 7. SPECIFICATIONS - INSPECTIONS.

- A. Unless otherwise stated, all of the required improvements shall conform to engineering standards and specifications as required by the City. Such improvements shall be subject to inspection and approval by, and shall be made in sequence as determined by the Public Works Division. Plans and specifications for the required improvements shall be submitted to the Public Works Division in a type and format specified by the Public Works Division for review and approval. ~~The required improvement plan review fee as established by City Council resolution shall be paid at this time. The Developer contracting these improvements will be required to post a cash escrow with the City of Hastings in the amount of 135% of the estimated cost of the review of the plans. The estimated cost of the plan review shall be determined by the Public Works~~

Director. The City will pay all plan review costs incurred from these escrowed funds, and furnish the Developer with copies of all invoices received. The City will also charge 10% of the consultant fees to cover City overhead and administrative costs connected to the consultant inspection services. Excess funds will be returned to the Developer upon completion of the improvement project. If the funds deposited with the City are insufficient to cover the review costs, the Developer will be required to deposit additional funds with the City to cover the estimated overage.

- B. **Grading Inspection.** All development site grading one acre in size or larger shall be inspected by a City designated grading inspector, who will review and inspect maintenance of erosion control measures and compliance with City standards, and the approved grading plan and specifications. The Developer contracting these grading improvements will be required to post a cash escrow with the City of Hastings in the amount of 135% of the estimated cost of the inspection services prior to receiving approval to commence grading. The estimated cost of inspection services shall be determined by the Public Works Director. The City will pay all grading inspection costs incurred from these escrowed funds, and furnish the Developer with copies of all invoices received. The City will also charge 10% of the consultant fees to cover City overhead and administrative costs connected to the consultant inspection services. Excess funds will be returned to the Developer upon completion of the grading project. If the funds deposited with the City are insufficient to cover the inspection costs, the Developer will be required to deposit additional funds with the City to cover the estimated overage. The Uniform Building Code grading permit fee and the construction permit erosion control inspection fee will be waived for those grading projects that require a grading inspection cash escrow.
- C. **As-Built Grading Plan.** Upon completion of site grading, the Developer shall submit to the Public Works Division for review, an as-built grading plan in a type and format specified by the Public Works Division showing the newly graded ~~elevations~~ elevations at all lot corners, critical elevations in drainageways, one foot contours at ponding and sedimentation basins, and at ponding level control points for ponding basin emergency overflow swales.
- GD. **Inspection of Public Improvements.** Construction of all subdivision street and utility improvements and other required subdivision improvements shall be inspected by a City designated inspector for compliance with City standards, and the approved improvement plans and specifications. The Developer contracting these improvements will be required to post a cash escrow with the City of Hastings in the amount of 135% of the estimated cost of the inspection services prior to receiving approval to commence construction. The estimated cost of inspection services shall be determined by the Public Works Director. The City will pay all improvement inspection costs incurred from these escrowed funds, and furnish the Developer with copies of all invoices received. The City will also charge 10% of the consultant fees to cover City overhead and administrative

costs connected to the inspection services. Excess funds will be returned to the Developer upon completion and acceptance of the improvement project. If the funds deposited with the City are insufficient to cover the inspection costs, the Developer will be required to deposit additional funds with the City to cover the estimated overage.

- E. **As-Built Improvement Plan.** Upon completion of the required public improvements, the City inspector shall prepare a record as-built drawing of the constructed improvements.

SUBD. 8. REQUIRED SURETY.

- B. **City Financed and Constructed Improvements:** To request the City to design and construct improvements required under Section 11.06, the Developer must submit a petition for all improvements required as part of the development in accordance with State Law. The petition must be submitted prior to October 15th of the year preceding the construction of improvements. Upon acceptance of the petition by the City Council and prior to commencement of City work on the improvement design, the Developer must post a letter of credit, cash escrow, or other approved form of surety with the City of Hastings in the amount of 125% of the estimated cost of engineering services to prepare a feasibility study and draft plans and specifications, ~~and to provide construction inspection, staking and contract management~~ for the improvement project. This surety shall be used to cover City costs incurred for the feasibility study and the design and construction of improvements should the Council decide not to order the improvement, or the Developer fail to complete the platting and grading of the proposed development by August 1 of the year in which the City Council ordered the improvements constructed.

- ~~D~~C. **Maintenance Bond:** Prior to accepting or approving the completed Developer financed and constructed grading and/or street and utility improvements, the Developer must submit a maintenance bond from his contractor in the amount of 20% of the improvement costs, covering a period of one year after City acceptance of the improvements.

- ~~C~~. ~~E~~. ~~**City Financed Improvements:**~~ ~~To request the City to design and construct improvements required under Section 11.06 the subdivider must submit a petition for all improvements required as part of the subdivision in accordance with State Law. The petition form may be secured from the Public Works Division. The petition must be submitted prior to October 1st of the year preceding the construction of improvements. The total maximum allowable costs, for complete improvements as required by this Chapter, which can be financed by City assessment procedures within any plat of subdivision per lot or parcel is determined by the City Council. The assessment shall be spread over a number of years as prescribed by the Council and that the unpaid balance shall bear interest in accordance with the statutes of the State of Minnesota in effect at that time. The cost of said improvements shall be the estimated cost for said improvements as computed by the Public Works Division. Any cost exceeding the amount authorized to be assessed by the City Council per lot or parcel shall be paid by the subdivider, in accordance with the following:~~

- ~~1. The subdivider shall submit prior to construction of improvements an executed subdivision development contract as required under paragraph "B"~~

~~of this subdivision and the required cash escrow or performance bond to insure payment of costs.~~

~~2. Any variance from the required escrow procedure herein specified, because of unique development or true and certified higher land values or larger than average size lots as platted, but not to include higher improvements costs as a result of street alignment grades or soil conditions, resulting in higher construction costs, will be considered as stated in Section 11.08, Subdivision 3 "Variances".~~

D. **Privately Constructed Improvements:** In the event the subdivider elects to pay one hundred percent (100%) of all costs incurred by installation of the improvements required under Subd. 11.06, outside of the normal assessment procedure, he may do so providing he complies with the following requirements:

1. All construction shall be in accordance with plans and specifications approved by the Public Works Division.
2. The subdivider must retain a registered civil engineer to design and inspect the improvements and to certify that the improvements were constructed in accordance with the approved plans.
3. Complete the required improvements within a two year period.
4. Provide the City with reproducible as built drawings of the improvements within two months of completion of the improvements.

III. Hastings City Code Chapter 12 is amended as following:

CHAPTER 12 UTILITIES

SEC. 12.05. ELECTRIC, TELEPHONE, TV CABLE AND OTHER SIMILAR UTILITY CONSTRUCTION TO BE UNDERGROUND.

SUBD. 1. UNDERGROUND CONSTRUCTION REQUIRED. All utility lines hereafter installed, constructed or otherwise placed within the City for electric, telephone, TV Cable, or other similar services to serve residential, commercial and industrial customers in newly platted areas, and which utilize metallic conductors to carry electric current, whether owned, installed or constructed by the supplier, consumer, or any person shall be installed and placed underground in an approved, safe manner, subject only to the exceptions hereinafter stated.

SUBD. 2. UTILITY COMPANIES. All companies installing and operating lines such as those described herein shall be referred to as "utility companies" for the purpose of this Section.

SUBD. 3. EXCEPTIONS TO APPLICATION. The following exceptions to the strict applicability of this Section shall be allowed upon the conditions stated:

- A. Aboveground placement, construction, modification or replacement of meters, gauges, transformers, street lighting and service connection pedestals shall be allowed.
- B. Aboveground placement, construction, modification or replacement of these lines commonly referred to as "high voltage" transmission lines upon which the conductor's normal operating voltage equals or exceeds 23,000 volts-phase-to-phase shall be allowed, provided, however, that sixty days prior to commencement of construction of such a project, the Director of Public Works

shall be furnished notice of the proposed and, upon request, the Utility Company shall furnish any relevant information regarding such project to the City Engineer.

C. Aboveground placement, construction, modification or replacement of lines shall be allowed in residential, commercial and industrial areas where the Council, following consideration and recommendation by the Planning Commission finds that:

1. Underground placement is impractical or not technically feasible due to topographical, subsoil or other existing conditions which adversely affect underground utility placement.

2. Aboveground placement of temporary service line shall only be allowed:

(a) During the new construction of any project for a period not to exceed twenty-four months.

(b) During an emergency to safeguard lives or property within the City.

(c) For a period of not more than seven months when soil conditions make excavation impractical.

SUBD. 4. REPAIR AND MAINTENANCE OF EXISTING INSTALLATION.

Nothing in this Section shall be construed to prevent repair, maintenance, replacement or modification of existing overhead utility lines.

SUBD. 5. DEVELOPER RESPONSIBILITY. All owners, platters or developers are responsible for complying with the requirements of this Section, and prior to the final approval of any plat or development plan, shall submit to the Planning Commission written instruments from the appropriate utility companies showing that all necessary arrangements with said companies for installation of such utilities have been made.

SUBD. 6. PLACEMENT.

A. All utility lines shall be placed within appropriate easements or dedicated public ways so as to cause minimum conflict with other underground services. Whenever feasible, all utilities shall be placed within the same trench.

B. All utility companies shall submit annually to the Director of Public Works current maps revealing locations of underground installation, whether such installations were installed prior to the adoption of this Section or hereafter.

SECTION 12.21. RULES AND REGULATIONS - WATER AND SEWER.

~~SUBD. 5. SEWERAGE SERVICE OUTSIDE THE CITY. The Council may make contracts with responsible persons for the disposal of sewage from premises located outside the City.~~ **REMOTE READING TYPE WATER METER REQUIRED.**

In all construction, remote reading type water meters shall be installed at the expense of the owners. The water meter shall be purchased from the City, with the meter purchase price included in the construction permit fee. The water meter will be available for pick up by the contractor at the Public Works Garage during regular business hours. The meter shall be installed by a private contractor. Upon completion of meter installation, the contractor shall notify the Utility Department. The Utility Department will then install the remote reading device on the water meter. Water meter charges and remote reading device installation fees shall be set by the City Council by resolution.

SUBD. 6. INSPECTION. Notice ~~in writing~~ must be given to the City by every person who is constructing or altering any sewer or drain connected or proposed to be connected with the sewerage system when the work is ready for inspection and before rendering such inspection impossible by covering the work. Installation of water service lines four inches in diameter or greater will require inspection by a representative of the City's Public Works Division. This inspection will include at a minimum, a hydrostatic pressure test or visual leak detection test at the discretion of the inspector. The contractor shall hire a City approved independent testing laboratory to collect and analyze a water sample to determine if the watermain is bacteriologically safe. The water sampling must be witnessed by the City's inspector. Water will remain shut off to the water service line until the City receives a passing report from the independent testing laboratory. Utility inspection fees, including re-inspection charges, shall be set by the City Council by resolution.

SUBD. 8. CONNECTION TO CITY SANITARY SEWER AND WATER MAINS.

- A. It is unlawful for any person not expressly authorized by the City to tap a water distribution main or sewage collection main.
- B. All individual connections to the sanitary sewer system and/or water system shall be charged access fees with the exception of fire services that only provide water to fire sprinkling systems. At the time of connection to the sanitary sewer system and/or water system, or expansions to existing sanitary sewer and water services that result in MCES sewer availability charges being levied, all necessary permits, licenses, and fees, including but not limited to water availability charges (WAC), ~~MWCC~~ MCES sewer availability charges (SAC), City sewer availability charges (SAC), meter charge and permit fee, shall be paid by the owner in addition to the fees provided for by Paragraph E, if applicable.
 - 1. The number of City SAC units and the number of WAC units charged at the time of connection to the sanitary sewer system and/or water system shall be equal to the number of ~~MWCC~~ MCES SAC units charged.
 - 2. Collected water availability charges and City sewer availability charges shall be used to fund water system and sanitary sewer system capital improvements.
 - 3. Water availability charges (WAC) and sanitary sewer connection fees shall be determined by the Council and adopted by resolution.

Source: Ordinance No. 336
Effective Date: 4-15-93

- C. All easement rights necessary to connect to the sanitary sewer and/or water system shall be acquired at the expense of the property owner.
- D. All costs related to the connection of the sanitary sewer service and/or water service to the property shall be borne by the property owner.
- E. Any property which is sought to be connected to the City sanitary sewer and/or water systems and which was not assessed for the sanitary sewer and/or water mains when they were installed shall, in addition to the charges listed in Paragraph B, be charged a connection fee equivalent to the front footage of the

lot multiplied by the average annual rate of assessment being assessed for sanitary sewers and/or water mains during the year in which the connection is made. The annual rate of assessment shall be determined by the City Engineer.

Source: Ordinance No. 218, Second Series (Subd. 8)

Effective Date: February 12, 1987

Source: Ordinance No. 445, Second Series

Effective Date: June 21, 1999

SUBD. 9. SEWAGE AND WASTE CONTROL RULES AND REGULATIONS ADOPTED.

The Sewage and Waste Control Rules and Regulations for the Metropolitan Disposal System is hereby adopted by reference as though set forth verbatim herein. ~~Three copies of said Rules and Regulations shall be marked CITY OF HASTINGS OFFICIAL COPY and deposited on file in the office of the City Clerk and open to inspection and use by the public.~~

SUBD. 10. REQUIRED HOOK-UP TO CITY SANITARY SEWER

All properties currently served with on-site sewer systems shall be required to hook-up at owners expense to City sanitary sewer within one (1) year of such time as service becomes available to a property boundary. Furthermore, properties currently being served by on-site sewer systems which have available access to City sanitary sewer as of the effective date of this ordinance (January 14, 1994) shall be required to hook-up within one (1) year.

SUBD. 11. REQUIRED HOOK-UP TO CITY WATER

All properties currently served with private wells for potable water needs shall be required to hook-up at owners expense to the City water system within one (1) year of such time as service becomes available to a property boundary. Furthermore, properties currently being served by private wells which have available access to City water service as of the effective date of this ordinance (January 14, 1994) shall be required to hook-up within one (1) year.

SEC 4.03 CERTIFICATE OF SURVEY

SUBD. 1. In addition to plans and specifications required to ensure compliance with the state building code and prior to issuance of a building permit, each applicant shall be required to submit a Certificate of Survey including at a minimum the following information: property boundaries, existing structures, proposed structures (including driveways), lot corner elevations, proposed drainage flow (arrows), proposed garage floor elevation, proposed lowest floor elevation, proposed lowest foundation opening, proposed top of foundation elevation, erosion control plan, street right-of-way (to center line) and existing property monuments. Field hubs shall be placed on-site by a surveyor to show top of foundation elevation and setbacks. The Building Official may for accessory structures or minor additions (decks, porches), waive the Certificate of Survey submittal requirements in favor of submittal of a plot plan indicating the location of existing and proposed structures in relation to lot lines.

The submitted Certificate of Survey will be reviewed by a representative of the City with respect to conformance to required survey information, subdivision and zoning

requirements, erosion control plan and lot grading. Proposed erosion control plan will be checked for conformance with City erosion control standards. Proposed lot grading will be checked for conformance with any existing development grading plan and with City grading standards. Certificate of Survey review fees, including erosion control plan, grading review fees and re-submittal fees for corrected surveys, shall be set by the City Council by resolution.

~~SEC. 4.08 REMOTE READING TYPE WATER METER REQUIRED.~~

~~SUBD. 1. In all new construction using one inch size water meter, or smaller, remote reading type water meters shall be installed at the expense of the owners. In all replacement of present one inch meters, or smaller, the replacement shall be with a remote reading type meter allowing reading of same from the exterior of the building. The meter and the remote reading device shall be installed by a private contractor.~~

~~SEC. 4.09 SEWAGE AND WASTE CONTROL RULES AND REGULATIONS ADOPTED.~~

~~SUBD. 1. The Sewage and Waste Control Rules and Regulations for the Metropolitan Disposal System is hereby adopted by reference as though set forth verbatim herein. Three copies of said Rules and Regulations shall be marked CITY OF HASTINGS OFFICIAL COPY and deposited on file in the office of the City Clerk and open to inspection and use by the public.~~

~~SEC. 4.10 REQUIRED HOOK UP TO CITY SANITARY SEWER~~

~~SUBD. 1. All properties currently served with on site sewer systems shall be required to hook up at owners expense to City sanitary sewer within one (1) year of such time as service becomes available to a property boundary. Furthermore, properties currently being served by on site sewer systems which have available access to City sanitary sewer as of the effective date of this ordinance (January 14, 1994) shall be required to hook up within one (1) year.~~

~~SEC. 4.11 REQUIRED HOOK UP TO CITY WATER~~

~~SUBD. 1. All properties currently served with private wells for potable water needs shall be required to hook up at owners expense to the City water system within one (1) year of such time as service becomes available to a property boundary. Furthermore, properties currently being served by private wells which have available access to City water service as of the effective date of this ordinance (January 14, 1994) shall be required to hook up within one (1) year.~~

~~SEC. 4.13. ELECTRIC, TELEPHONE, TV CABLE AND OTHER SIMILAR UTILITY CONSTRUCTION TO BE UNDERGROUND.~~

~~SUBD. 1. UNDERGROUND CONSTRUCTION REQUIRED. All utility lines hereafter installed, constructed or otherwise placed within the City for electric, telephone, TV Cable, or other similar services to serve residential, commercial and industrial customers in newly platted areas, and which utilize metallic conductors to carry electric current, whether owned, installed or constructed by the supplier, consumer, or any~~

~~person shall be installed and placed underground in an approved, safe manner, subject only to the exceptions hereinafter stated.~~

~~**SUBD. 2. UTILITY COMPANIES.** All companies installing and operating lines such as those described herein shall be referred to as "utility companies" for the purpose of this Section.~~

~~**SUBD. 3. EXCEPTIONS TO APPLICATION.** The following exceptions to the strict applicability of this Section shall be allowed upon the conditions stated:~~

~~A. Aboveground placement, construction, modification or replacement of meters, gauges, transformers, street lighting and service connection pedestals shall be allowed.~~

~~B. Aboveground placement, construction, modification or replacement of these lines commonly referred to as "high voltage" transmission lines upon which the conductor's normal operating voltage equals or exceeds 23,000 volts phase to phase shall be allowed, provided, however, that sixty days prior to commencement of construction of such a project, the Director of Public Works shall be furnished notice of the proposed and, upon request, the Utility Company shall furnish any relevant information regarding such project to the City Engineer.~~

~~C. Aboveground placement, construction, modification or replacement of lines shall be allowed in residential, commercial and industrial areas where the Council, following consideration and recommendation by the Planning Commission finds that:~~

~~1. Underground placement is impractical or not technically feasible due to topographical, subsoil or other existing conditions which adversely affect underground utility placement.~~

~~2. Aboveground placement of temporary service line shall only be allowed:~~

~~(a) During the new construction of any project for a period not to exceed twenty-four months.~~

~~(b) During an emergency to safeguard lives or property within the City.~~

~~(c) For a period of not more than seven months when soil conditions make excavation impractical.~~

~~**SUBD. 4. REPAIR AND MAINTENANCE OF EXISTING INSTALLATION.** Nothing in this Section shall be construed to prevent repair, maintenance, replacement or modification of existing overhead utility lines.~~

~~**SUBD. 5. DEVELOPER RESPONSIBILITY.** All owners, platters or developers are responsible for complying with the requirements of this Section, and prior to the final approval of any plat or development plan, shall submit to the Planning Commission written instruments from the appropriate utility companies showing that all necessary arrangements with said companies for installation of such utilities have been made.~~

~~**SUBD. 6. PLACEMENT.**~~

~~A. All utility lines shall be placed within appropriate easements or dedicated public ways so as to cause minimum conflict with other underground services. Whenever feasible, all utilities shall be placed within the same trench.~~

~~B. All utility companies shall submit annually to the Director of Public Works current maps revealing locations of underground installation, whether such installations were installed prior to the adoption of this Section or hereafter.~~

~~Source: Ordinance 351, Second Series (Repeal & adoption of entire Chapter 4)~~
~~Effective date: 1-14-94~~

IV. Hastings City Code Chapter 4 is amended as following:

SEC. 4.15 ACCESSORY STRUCTURES
SUBD. 3 DRIVEWAY, SIDEWALK, CURB, CURB CUT CONSTRUCTION

General Information:

- * Site plan with location of buildings, property lines, easements and new driveway ~~drawn~~ drawn to scale must be submitted with permit application.
- * Driveway shall not be more than (24' residential) and (32' commercial) in width where it meets the property line. Minimum width is 12' except where the existing curb cut is less, then the driveway width must meet the curb cut.
- * Driveways may extend to the side property line (zero setback).
- * ~~Where a driveway intersects a curb, gutter, apron or city sidewalk~~ Within the public right of way, 3,900 psi concrete mix must be used.
- * Minimum sidewalk thickness where through a driveway intersects is 6". All other sidewalks in the public right of way shall be constructed to a minimum 4 inch thickness.
- * ~~Install 1/2" expansion joints as noted on Drawing #181.~~ All driveways, sidewalks, and curbs within the public right of way shall be constructed in accordance with the standard City specifications on file in the office of the City Engineer.
- * All driveways must be hardsurface as approved by the City Engineer (asphalt, concrete).
- * Bituminous curbs and gutters are to be used when existing curbs and gutters are bituminous.
- * ~~Streets without curbs and gutters are to be used when existing curbs and gutters are bituminous.~~
- * Contractor must call for inspection after all forms are set up and expansion joints are in place, and before any concrete is installed.

SECTION 4.17 SURVEY INSPECTIONS

~~The City shall require a top-of-block inspection and a final grade inspection. The top of block survey inspection shall be paid for as part of the building permit fee. A top of block inspection shall be performed by a representative of the City to verify that garage slab elevation, top of block elevation, and lowest front and rear opening elevations meet the approved certificate of survey elevations submitted with the building permit application. This inspection shall be performed prior to the building being back filled. Failure of the top of block inspection will require the builder to take corrective action before any additional building inspections will take place. The final grade inspection survey cost shall be an additional fee to be collected with building permit charges. The amount of the final grade inspection survey fee shall be set by the City Council by resolution.~~

A final grade inspection will be required prior to issuance of a Certificate of Occupancy. The final grade inspection shall be performed by a representative of the City to verify that lot corner elevations, breakpoints, swales, ponds, and other critical areas meet the approved development grading plan elevations, and meet the certificate of survey elevations submitted with the building permit application. The final grade inspection shall be performed prior to the lot being sodded. Failure of the final grade inspection may result in withholding the certificate of occupancy for the building.

Top of block and final grade inspection fees, including re-inspection charges, shall be set by the City Council by resolution.

SECTION 4.18 EROSION CONTROL

Prior to the start of any excavation for the construction or remodeling of a residential structure, the builder constructing or remodeling the home must have in place and functional, an approved method of erosion control in conformance with the erosion control plan submitted with the approved Certificate of Survey and meeting City requirements. Typical erosion control measures include silt fence, rock driveway construction access, inlet protection, and rock check dams. No footing inspection will be conducted for a residential structure until such erosion control is in place and functional.

Tracking of mud and material onto City streets shall be viewed as failure to maintain erosion control. The builder shall be responsible for cleaning tracked mud and material from streets. In addition, the builder shall be responsible for removing storm water runoff material and sediment from City right of ways resulting from failed or poorly maintained erosion control measures at the building site.

The builder constructing or remodeling the residential structure must maintain the erosion control, to the satisfaction of the City, throughout the entire building process. A representative of the City shall periodically inspect erosion control measures. If the erosion control is not being maintained to the City's satisfaction, the City will withhold additional inspections and/or the certificate of occupancy. Failure to install and maintain the erosion control shall be a violation of this Code and, in addition to withholding inspections or the certificate of occupancy, the City may also follow established procedures on issuing warnings or violation summons as deemed appropriate by the City.

Erosion control inspection fees and right of way sweeping and sediment removal fees shall be set by the City Council by resolution.

V. VIOLATION A MISDEMEANOR.

Every person violates a section, subdivision, paragraph or provision of this chapter when they perform an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor.

This ordinance was adopted by the Hastings City Council on this 21st day of April, 2003.

CITY OF HASTINGS



Michael D. Werner, Mayor

ATTEST:



Melanie Mesko Lee, Administrative Asst./City Clerk