

ORDINANCE 2025-01

AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL TO AMEND CODE TITLE 11 CHAPTER 8 SECTION 3 IMPROVEMENTS COMPLETION ASSURANCE AND GUARANTEE OF PERFORMANCE

WHEREAS, each city is required by state code to allow more than one form of subdivision improvement guarantee which currently includes cash escrow or a letter of credit; and

WHEREAS, a letter of credit does not provide enough assurance to the city that all requirements for a subdivision will be completed; and

WHEREAS, staff recommends three options 1) cash escrow, 2) cash bond, or 3) surety bond; and

WHEREAS, Planning Commission held a public hearing regarding this matter on December 12, 2024 and recommend approval to the Council, and

WHEREAS, Council has carefully considered the ramifications of the update;

NOW, THEREFORE, BE IT ORDAINED by the City Council of South Weber City, State of Utah:

Section 1. Amendment: City code 11-8-3 A shall now read as follows:

- A.** Purpose: To assure the completion of required improvements and infrastructure as required by the approved plans, Public Works Standards, and all applicable ordinances, the Subdivider shall establish a
1. cash escrow account guarantee with a federally insured financial institutions; or
 2. cash bond with the City of South Weber; or
 3. surety bond with a reputable bond provider who is licensed to issue surety bonds in the state of Utah. The City reserves the right to review any proposed bond provider's performance and may reject a proposed provider whose past performance has been questionable or who has been in business fewer than five (5) years.

This completion assurance shall be established prior to recording the subdivision plat. If the subdivider installs the infrastructure and improvements, and such infrastructure and improvements are inspected and approved by the City prior to recording the plat, then only warranty portion of the completion assurance shall be required.


The provisions of this section do not supersede the terms of a valid Development Agreement, an adopted phasing plan, or the State Construction Code.

Section 2. General Repealer. Ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 3. Effective Date. The City Council of South Weber City, State of Utah, has determined that the public health, safety, and welfare requires that this ordinance take effect immediately. Therefore, this ordinance shall become effective immediately upon passage and publication as required by law.

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the 14th day of January 2025.


MAYOR: Rod Westbroek


ATTEST: City Recorder, Lisa Smith



Roll call vote is as follows:		
Council Member Halverson	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST
Council Member Petty	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST
Council Member Dills	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST
Council Member Davis	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST
Council Member Winsor	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST

CERTIFICATE OF POSTING

I hereby certify that Ordinance 2025-01 was passed and adopted on the 14th day of January 2025 and that complete copies of the ordinance were posted in the following locations within the City this 15th day of January 2025.

1. South Weber City Building, 1600 E. South Weber Drive
2. City Website www.southwebercity.com
3. Utah Public Notice Website Utah.gov/pmn


Lisa Smith, City Recorder