

1104 COMPLETION OF IMPROVEMENTS AND BONDING

[The title of Section 1104 changed by Ord. ZDO-230, 9/26/11]

1104.01 LIMITS ON APPROVAL

[Repealed by Ord. ZDO-230, 9/26/11]

1104.01 OCCUPANCY PERMIT

Before the occupancy permit is approved, the developer shall construct or install the required improvements or shall provide the County with a deposit, letter of credit, performance bond, or other surety satisfactory to the Planning Director, in which assurance is given to the County that all improvements will be carried out in accordance with the standards of this Ordinance, the terms of the final development review, and other required County permits.

[Renumbered and amended by Ord. ZDO-230, 9/26/11]

1104.02 TERMS OF THE BOND OR SURETY

The surety shall set the time for completion of improvements and shall be sufficient to cover the cost of work for the year that completion is anticipated. The surety shall be forfeited to the County if the permittee does not complete the improvements by the time scheduled. The surety shall remain in the custody of the County until the obligation is completed or the surety is forfeited, or shall be placed in an escrow account available to the County.

[Renumbered and amended by Ord. ZDO-230, 9/26/11]

1104.03 NONCOMPLIANCE

- A. If the staff finds that a permittee has not completed improvements as required, staff shall notify, in writing, the permittee and the surety holder of the specific noncompliance. Within 30 days of receipt of the written notice, the permittee or the surety holder shall proceed diligently to complete the obligation.
- B. If the permittee or the surety holder does not commence compliance within 30 days, or has so commenced but fails to proceed diligently to complete the compliance, or the compliance is not completed in accordance with the requirements of the development permit, the County may take any or all of the following actions:
 - 1. Enter upon the site of the development and carry out the improvements necessary to complete the requirements of the development permit;

2. Notify the permittee and the surety holder of the permittee's failure to complete the improvements;
3. Demand payment from the permittee for the costs of completion of the improvements; and
4. Notify the surety holder that the reimbursement for the costs of completion is due and payable to the County, or appropriate as much of a cash deposit, letter of credit, or other assets as is necessary to recover the costs of completion.

[Renumbered and amended by Ord. ZDO-230, 9/26/11]

1104.04 INSUFFICIENT SURETY

If the amount of the surety is not sufficient to compensate the County fully for the costs of improvements, the amount due the County is a lien in favor of the County upon the entire real property of the owner of the development subject to the development permit. The lien attaches upon the filing with the County Recorder of notice of the claim for the amount due for the completion of the improvements. The notice shall demand the amount due, allege the insufficiency of the surety to compensate the County fully for the costs of completion of the improvements, and allege the permittee's failure to complete the improvements as required by the development permit and this Ordinance.

[Renumbered and amended by Ord. ZDO-230, 9/26/11]

1104.05 DAMAGE AND MAINTENANCE

The developer of any subdivision, partition, or development shall construct, maintain, repair, replace, and shall be responsible for any damage to curbs, sidewalks, pavement, and driveway approaches, shall keep the pavement area free of debris, soil, or foreign matter at all times, shall be responsible for the efficient operation of all sumps or catchbasins in all streets included in the development, for a period of time not exceeding two years from the date set in the surety for completion of improvements, or until 90 percent of the units have been constructed, whichever occurs first.

[Renumbered and amended by Ord. ZDO-230, 9/26/11]

1104.06 COUNTY ASSISTANCE

Inspections or other assistance shall be provided by the County at reasonable cost to the developer, and may include reimbursement for related materials and services furnished by the County to assist in proper completion of improvements.

[Renumbered and amended by Ord. ZDO-230, 9/26/11]