

CITY OF HARRISBURG ORDINANCE #2021-07,
TO AMEND SUBDIVISION REGULATIONS

BE IT ORDAINED by the City Council of the City of Harrisburg as follows:

ARTICLE I – PURPOSE AND JURISDICTION

SECTION 1 – PURPOSE.

Ordinance #2021-07 is an ordinance to amend the Subdivision Regulations of the City of Harrisburg. The City Council of the City of Harrisburg has deemed these regulations and controls to be reasonable and reasonably related to the purpose of promoting the health, safety, and general welfare of the City of Harrisburg.

SECTION 2 – JURISDICTION.

This Ordinance shall govern all territory within the statutory jurisdiction of the City of Harrisburg, South Dakota.

SECTION 3 – SEVERABILITY AND SEPARABILITY.

Should any Article, Section, Subsection, or Provision of this Ordinance be found to be or declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the Ordinance as a whole or any part thereof, other than the portion so declared to be invalid or unconstitutional.

ARTICLE II – AMENDMENTS TO CHAPTER 9.02: SUBDIVISION REGULATIONS

A. That Section 1.1.1 be amended to read:

These regulations shall be referred to as the “The City of Harrisburg Subdivision Regulations, Revised July, 2021”.

B. That Section 1.7.3 be amended to read:

The Authorized Official and City Engineer shall together have the authority to make interpretations of these regulations and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions and uphold the purpose of these regulations.

C. That Section 2.2.2 be amended to read:

Submission: The Concept Plan may be submitted to the Authorized Official in the form of one electronic pdf. The Concept Plan is not a required submittal and may be waived by the Authorized Official. However, the information provided to the Subdivider may have a significant impact on the initial layout.

D. That Section 2.2.3 be amended to read:

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Review and Approval: Upon receipt of the Concept Plan, the Authorized Official shall route the Plan to city staff for review. The Authorized Official or Subdivider may request a meeting to discuss the Concept Plan with city staff. City staff shall provide their comments in writing to the Subdivider. Formal approval is not required.

E. That Section 2.3.2 be amended to read:

Submission: After review of the Concept Plan, the Subdivider may submit a Preliminary Subdivision Plan Application to the Authorized Official for approval. The Application shall include one electronic PDF file of the Subdivider's Preliminary Subdivision Plan, stamped and certified by an engineer registered in the State of South Dakota. Additional information may be required of the Subdivider to assist city staff in their review. Support documents shall be provided at the request of the Authorized Official.

F. That Section 2.4.2 be amended to read:

Submission: Upon the Council's approval of the Preliminary Subdivision Plan, the Subdivider may submit an application to review an Engineering Submittal to the Authorized Official. The application shall include one electronic PDF file of the Subdivider's Engineering Submittal, stamped and certified by an engineer registered in the state of South Dakota. Additional information may be required of the Subdivider to assist city staff in their review. Support documents shall be provided at the request of the Authorized Official or City Engineer. At a minimum, the Subdivider shall include the following plans:

- A. Phasing Plan
- B. Grading Plan
- C. Erosion Control Plan
- D. Storm Water Management Plan
- E. Sanitary Sewer Plan
- F. Water Distribution Plan
- G. Private Utility Plan
- H. Lighting Plan
- I. Access Plan
- J. Final Lot and Block Layout
- K. Traffic Impact Study, if requested by City Engineer
- L. Ultimate Watershed Basin Study, if requested by City Engineer
- M. Pavement striping and signage plan

G. That Section 2.4.3.B be amended to read:

If the Authorized Official determines the Application is incomplete, then the applicant shall be notified in writing of the specific deficiencies and that the

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application may not be reviewed until all elements of the application are submitted.

H. That Section 2.4.3 be amended to read:

When the Authorized Official determines the application to be complete, the submittal shall be distributed to the City Engineer for review of its content. If the City Engineer determines the Engineering Submittal does not meet the criteria required by these regulations, then the applicant shall be notified in writing of the specific deficiencies and that the application shall not be approved until all items are corrected.

I. That Section 2.5.2 be amended to read:

Prerequisites: Unless otherwise exempt or not applicable, the following shall be provided to the Authorized Official prior to approving the Plat:

- A. An approved Preliminary Subdivision Plan
- B. Approved Engineering Submittals
- C. An executed Subdivision Construction Agreement per 4.1.1
- D. Executed maintenance agreements for shared facilities per 4.1.2
- E. Contributions for public space per 4.1.3
- F. Agreements for annexation per 4.1.4
- G. Cost Recovery Fees, Stormwater Basin Fees, Arterial Street Improvement Fees, and Plat Application Fees

J. That Section 2.5.3 be amended to read:

Submission: The Subdivider may submit an application to review the Plat to the Authorized Official. The Application shall include one electronic PDF file of the Plat, stamped and certified by a Land Surveyor registered in the State of South Dakota. Additional information may be required of the Subdivider to assist city staff in their review. Support documents shall be provided at the request of the Authorized Official.

K. That Section 2.5.4.B be amended to read:

If the Authorized Official determines that the application is incomplete, then the applicant shall be notified in writing of the specific deficiencies; and that the application may not be reviewed until all elements of the application are submitted.

L. That Section 2.5.4.C be amended to read:

When the Authorized Official determines the application to be complete, the Plat shall be distributed to the City Engineer for review of its content. If the

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Authorized Official determines the Plat does not meet the criteria required by these regulations, then the applicant shall be notified in writing of the specific deficiencies and that the Plat shall not be approved until all items are corrected.

M. That Section 2.5.4.D.2 be amended to read:

The Authorized Official shall collect the remaining signatures and ensure that the Plat is filed with the County Register of Deeds.

N. That Section 2.5.4.E.3 be amended to read:

If approved, the Authorized Official shall collect the remaining signatures and ensure the Plat is filed with the County Register of Deeds.

O. That Section 3.1 be amended to read:

A Plat to be filed with the County Register of Deeds shall be drawn with waterproof, permanent black ink upon a sized mylar sheet per SDCL 11-3-10.

P. That Section 3.2.1.B be deleted.

Q. That Section 3.2.1.C be amended to read:

Corner markers set or found by the surveyor per SDCL 11-3-2.

R. That Section 3.2.1.G be amended to read:

Scale, north arrow, vicinity map, creation date, north point, and legal description of the proposed subdivision.

S. That Section 4.2.2 be amended to read:

Extensions: Prior to expiration, the Subdivider may submit a request to extend the effective period of a plan to the Authorized Official. The Request shall include one electronic PDF file of the Plan. The Request and subsequent Plan shall be distributed to the City Engineer and reviewed within 15 working days. The Plan shall be subject to any new regulations or design standards in place at the time of the Request. If the Authorized Official determines the Plan does not meet the regulations or design standards in place at the time of the Request, then it shall be denied in writing. If the Authorized Official determines the Plan meets the regulations and design standards in place at the time of the Request, then the Authorized Official shall grant a one year extension to the effective period.

T. That Section 4.2.3 be amended to read:

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Revisions and Amendments: A revision to a plan of record shall be submitted to the Authorized Official for review. The Authorized Official shall distribute the Revisions to the City Engineer for review. Revisions shall be reviewed to determine the impact to the plans of record. Should the Authorized Official determine the Revision to have minimal adverse impact, it shall be recorded and filed as an addendum to the plans of record.

U. That Appendix A: Platting Jurisdiction Map be updated as shown in the attached exhibit.

V. That Section 1.m of Appendix B be deleted.

W. That Section 6.a of Appendix B be amended to read:

When the installation of all required Public Improvements is complete, the Subdivider shall submit a request for a final inspection to the City Engineer. The Subdivider shall include with this request, or before this request is made, a recording of the video camera inspection of each sanitary sewer main. Within seven working days of the request, the City Engineer will complete an inspection; and notify the Subdivider in writing of all particulars in which the inspection reveals that the work is incomplete or defective. The Subdivider shall immediately take such actions as are necessary to complete such work or remedy such deficiencies. After the Subdivider has, in the opinion of the City Engineer, satisfactorily completed the installation of all required Public Improvements in accordance with the approved plans, specifications, and standards, including those corrections identified during the final inspection, the City Engineer shall issue a Certificate of Final Completion to the subdivider.

Upon issuance of the Certificate of Final Completion to the Subdivider and execution of applicable warranty securities, as set forth in Section 7 of this Agreement, the Authorized Official shall prepare a Resolution of Acceptance of Improvements for the City Council to accept the installed Public Improvements and to begin the warranty period. The Authorized Official shall place the adoption of said Resolution on the next available City Council meeting agenda for Council action.

X. That Section 6.b.(2) of Appendix B be deleted.

Y. That Section 7 of Appendix B be deleted.

Z. That Section 8 of Appendix B be amended to read:

Prior to the end of the Warranty Period, the City Engineer and City Maintenance Supervisor will conduct a warranty inspection. A written list of warranty repairs will be prepared and presented to the Subdivider by the City Engineer. The Subdivider will be responsible to notify the City Engineer in writing when the

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warranty repairs have been completed and the City Engineer shall inspect the same within ten business days of such notice. The City Engineer will verify the warranty repairs have been completed and provide written notice acknowledging acceptance of the warranty repairs to the Subdivider.

AA. That the final two paragraphs of Section 25 of Appendix B be amended to read:

If the City takes over the completion of the Public Improvements because of the Subdivider's failure or refusal to complete the same, and if the bond, escrow, or letter of credit posted is insufficient to complete the Public Improvements, the Subdivider shall be liable to the City upon demand for the additional funds necessary to complete or repair the Public Improvements according to the construction documents. The City reserves the right to recover such excess costs through a special assessment on the property within the subdivision (per SDCL 11-6-30).

If the City performs, or has performed on its behalf by a private company or a public agency, the Public Improvements specified in the plans and specifications, and if the final costs of the Public Improvements to the City including, but not limited to, administrative costs is less than the amount drawn against the bond or letter of credit, then the City shall refund the excess to the Subdivider or surety within thirty days from completion and acceptance of the Public Improvements.

BB. That Section 26.c of Appendix B be amended to read:

The Subdivider and its security provider shall be liable for all outlay and expense incurred by the City, together with the costs of completing the Public Improvements, and such costs may be deducted from any monies due or which may become due to the Subdivider.

BE IT FURTHER ORDAINED by the City Council of the City of Harrisburg that this Ordinance shall become effective in accordance to law.

CITY OF HARRISBURG

ATTEST:

Derick Wenck, Mayor

Mary McClung, Finance Officer

(SEAL)

First Reading: June 15, 2021

Second Reading: July 6, 2021

Published: July 15, 2021 and July 22, 2021

Effective: August 11, 2021