

CHAPTER 1248  
Improvements

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CROSS REFERENCES

- Approval of plats; street system - see M.C.L.A. Sec. 125.43  
 Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. Sec. 125.44  
 Approval or disapproval of plats; procedure; effect - see M.C.L.A. Sec. 125.45  
 Certification of city plats - see M.C.L.A. Secs. 125.51 et seq.  
 Planning Commission - see P. & Z. Ch. 1220  
 Construction of improvements - see P. & Z. 1242.02; 1242.09(a)

**1248.01 PURPOSE.**

It is the purpose of this chapter to establish and define the public improvements which the proprietor will be required to provide as conditions for final plat approval; to outline the procedures and responsibilities of the proprietor and the various public officials and agencies concerned with the administration, planning, design construction and financing of public facilities; and to establish procedures for assuring compliance with these requirements.

(Ord. 1980-2. Passed 5-12-80.)

**1248.02 COMPLIANCE REQUIRED; MINIMUM STANDARDS.**

(a) Improvements shall be provided by the proprietor in accordance with these Subdivision Regulations and/or with any other applicable standards and requirements which may from time to time be established by ordinance by the governing body, and by the published rules of the various departments of the City of Litchfield and County and State agencies.

(b) The improvements required under this chapter shall be considered as the minimum acceptable standards. (Ord. 1980-2. Passed 5-12-80.)

**1248.03 RESPONSIBILITY FOR PLANS.**

It shall be the responsibility of the proprietor to have prepared by a registered engineer a complete set of construction plans for the required public streets, utilities, and other facilities required in Sections 1248.05 et seq. Such construction plans shall conform to the preliminary plans which have been approved with the tentative preliminary plat, and shall be prepared in conjunction with the final preliminary plat. Construction plans are subject to approval by the responsible public agencies and shall be prepared in accordance with their standards and specifications.

(Ord. 1980-2. Passed 5-12-80.)

**1248.04 ENGINEERING DRAWINGS.**

(a) Drawings Required Prior to Construction. Engineering drawings of all required improvements shall be reviewed and approved by the City of Litchfield Engineer or Building Inspector, except for improvements to be made under the jurisdiction of the County Road Commission, the County Drain Commissioner, or other County or State agencies, in which case the drawings shall be submitted to the appropriate agency for review and approval. Where review and approval of engineering drawings is made by a County or State agency, the City of Litchfield Engineer or the Building Inspector shall obtain written confirmation of such approvals.

No grading, land filling, removal of trees or other vegetation, or construction of improvements, shall commence until the engineering drawings of the same have been approved as provided in Section 1244.14(f).

(b) Modification During Construction. All installations and construction shall conform to the approved engineering drawings; however, if the proprietor chooses to make minor modifications in design and/or specifications during construction, he or she shall make such changes at his or her own risk, without any assurance that the City of Litchfield or other public agency will accept the changed facility. It shall be the responsibility of the proprietor to notify the appropriate agency of any changes in the approved drawings.

(c) As-Built Drawings. The proprietor shall submit to the City of Litchfield Engineer or the Building Inspector one copy of "as-built" engineering drawings of each of the required improvements that have been completed prior to final plat approval. Each set of drawings shall be certified by the proprietor's engineer. Similar drawings shall also be submitted of improvements installed under bond, after final plat approval.

(d) Construction Schedule. The proprietor shall submit to the City of Litchfield Engineer or the Building Inspector a general schedule of the timing and sequence for the construction of all required improvements prior to final approval of the preliminary plat. The schedule shall meet the procedural requirements and inspection needs of the City of Litchfield, County, and State agencies. (Ord. 1980-2. Passed 5-12-80.)

#### **1248.05 COMPLIANCE REQUIRED.**

The proprietor shall be required to install the following improvements in accordance with the conditions and specifications of these Subdivision Regulations.  
(Ord. 1980-2. Passed 5-12-80.)

#### **1248.06 MONUMENTS.**

Monuments shall be set in accordance with the State Subdivision Control Act (Act 288 of the Public Acts of 1967, as amended) and the rules of the State Department of the Treasury.  
(Ord. 1980-2. Passed 5-12-80.)

#### **1248.07 STREETS AND ALLEYS.**

All streets, curbs, gutters, and alleys shall be constructed in accordance with the standards and specifications of the County Road Commission and as provided in Sections 1246.02 et seq.  
(Ord. 1980-2. Passed 5-12-80.)

#### **1248.08 PUBLIC UTILITIES.**

Public utilities placed in street rights-of-way shall be located in accordance with County Road Commission requirements and Sections 1246.02 et seq.  
(Ord. 1980-2. Passed 5-12-80.)

**1248.09 DRIVEWAYS.**

All driveway openings, from the street surface edge to the property line, shall be installed in conformance with standards of the County Road Commission, or, when applicable, to standards of the Michigan Department of State Highways.

(Ord. 1980-2. Passed 5-12-80.)

**1248.10 DRAINAGE.**

(a) An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges and other appurtenances, shall be required in all subdivisions, and shall conform to the specifications and procedures established by the County Drain Commissioner. All proposed storm drainage construction plans shall be approved by the County Drain Commissioner. Construction shall follow the specifications and procedures of the "State Drain Law".

(b) All natural water drainage ways and impoundment areas shall be preserved at their natural gradient and shall not be filled or interfered with in any way, except as approved by the County Drain Commissioner. If, in the judgment of the Drain Commissioner, a natural water drainage way or impoundment area should be reserved in the public interest, a storm drainage easement of a width or to an elevation specified by the Drain Commissioner shall be required and reserved as a public storm drainage easement or impoundment area with access rights to the same dedicated to the public through the Drain Commissioner and placed on file with the County Register of Deeds. All easements and storm drainage improvements shall be accepted by the County Drain Commissioner for administration, operation, and maintenance, if approved by him or her.

(Ord. 1980-2. Passed 5-12-80.)

**1248.11 FIRE HYDRANTS AND OTHER WATER SYSTEM APPURTENANCES.**

(a) When a proposed subdivision is to be serviced by a public water supply system, fire hydrants and other required water system appurtenances shall be provided by the proprietor. If there is no existing or accessible public water supply system, the proprietor may be required to install a water supply system for the common use of the lots within the subdivision in accordance with the requirements of Act 98 of the Public Acts of 1913, as amended. All easements and improvements for such systems shall be dedicated to the public and accepted by the governing body for administration, operation, and maintenance.

(b) Individual wells may be permitted where public water supplies are not available, in accordance with the requirements of the County Health Department.

(c) All features of the installations shall conform to the requirements of Act 98 of the Public Acts of 1913, as amended.

(Ord. 1980-2. Passed 5-12-80.)

**1248.12 SANITARY SEWERS AND APPURTENANCES.**

(a) When a proposed subdivision is to be serviced by a public sanitary sewer system, sanitary sewers and their appurtenances shall be provided by the proprietor. Sewer systems shall comply with provisions of Act 98 of the Public Acts of 1913, as amended.

(b) If there is no existing or accessible public sanitary sewer system, a sewer system for the common use of lot owners may be required to be provided by the proprietor, if feasible, by the local engineer and the County Health Department, and shall comply with provisions of Act 98 of the Public Acts of 1913, as amended. Where such a system is permitted, said system, together with necessary easements, shall be dedicated to the public and accepted by the governing body for administration, operation, and maintenance.

(c) Where it is determined, in the judgment of the Planning Commission, with the advice of the local engineer and the County Health Department, that a subdivision cannot be economically connected with an existing public sewer system or that a public sewer system cannot be provided for the subdivision itself, septic tanks and disposal fields on individual lots may be approved, if such tanks and fields are in compliance with standards and specifications of the County Health Department. However, where studies by the Planning Commission or the local engineer indicate that construction or extension of sanitary trunk sewers to serve the property being subdivided appears probable within a three-year period, sanitary sewer mains and house connections shall be installed and capped on each lot therein. (Ord. 1980-2. Passed 5-12-80.)

**1248.13 STREET NAME SIGNS.**

Street name signs shall be installed by the proprietor in appropriate locations at each street intersection in accordance with the requirements of the City of Litchfield. (Ord. 1980-2. Passed 5-12-80.)

**1248.14 SIDEWALKS AND PEDESTRIAN PATHS.**

Sidewalks and pedestrian paths shall be provided by the proprietor in accordance with Chapter 1246. (Ord. 1980-2. Passed 5-12-80.)

**1248.15 RECREATION AREAS; SCHOOLS.**

(a) Sites for recreation facilities shall be provided by the proprietor as set forth in Section 1246.35.

(b) Sites for schools shall be provided by the proprietor as set forth in Section 1246.36. (Ord. 1980-2. Passed 5-12-80.)

**1248.16 STREET TREES.**

(a) Trees shall be provided by the proprietor in the margins of both sides of all streets, and shall be placed at the minimum rate of two per single-family residential lot or at a maximum distance apart of sixty feet. Trees may also be required to be installed according to the same distances in pedestrian ways. Trees to be installed in the street margins shall be of the large deciduous type, such as, oak, hard maple, ash, hackberry, and sycamore. All large deciduous trees shall have a minimum caliper of two inches.

(b) The following trees are not permitted in the street margins, pedestrian ways, or any other landscaped area required by these Subdivision Regulations: box elder, soft maple, American elm, poplar, ailanthus (Tree of Heaven), and willow.

(c) All trees shall be protected from damage by wind and other elements during the first full year after planting.

(Ord. 1980-2. Passed 5-12-80.)

**1248.17 STREET LIGHTING.**

Street lighting shall be located and installed in accordance with Consumer Power specifications. Street lighting poles and standards shall be of metal, and treated so as to be non-corrosive. All street lighting poles shall be provided with underground service. Street lights shall be installed prior to the sale of any lots in the subdivision.

(Ord. 1980-2. Passed 5-12-80.)

**1248.18 UNDERGROUND UTILITIES.**

The proprietor shall arrange for all lines for telephone, electric, and other similar services distributed by wire or cable, to be placed underground entirely throughout a subdivided area. Such conducts or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. Overhead lines may be permitted upon recommendation of the Planning Commission and approval by the governing body at the time of final plat approval where it is determined that such lines will not be a detriment to the health, safety, general welfare, design, and character of the subdivision.

All such utilities placed in dedicated public ways shall not conflict with other underground utilities. All such facilities shall be constructed in accordance with standards approved by the Michigan Public Service Commission. All underground utility installations which traverse privately owned property shall be protected by easements granted by the proprietor. (Ord. 1980-2. Passed 5-12-80.)

**1248.19 EROSION AND SEDIMENTATION CONTROL.**

Installation and maintenance of the specified erosion and sediment control measures shall be accomplished as specified in the approved preliminary plat. Any financial guarantees of performance with respect to such measures shall comply with specifications and recommended schedules of the Soil Conservation Service.

(Ord. 1980-2. Passed 5-12-80.)

**1248.20 GUARANTEES OF PERFORMANCE.**

(a) Financial Guarantee Arrangements. In lieu of the actual installation of public improvements as required in Section 1248.05, the proprietor may elect to provide a financial guarantee of performance in one or a combination of the following arrangements for those improvements which are over and beyond the requirements of the County Road Commission or any other agency responsible for the administration, operation, and maintenance of the applicable public improvement. Such guarantee shall be required for only those required improvements that have not been installed and without certificates of completion prior to the date of application of final plat approval.

(b) Performance or Surety Bonds.

- (1) The bond shall accrue to the governing body for administering the construction, operation, and maintenance of the specific public improvement.
- (2) The bond shall be an amount equal to the total estimated cost for completing construction of the specific public improvements, including contingencies as estimated by the governing body.
- (3) The term length in which the bond is in force shall be for a period to be specified by the governing body for the specific public improvement.
- (4) The bond shall be with a surety company authorized to do business in the State of Michigan.
- (5) An escrow agreement shall be written and furnished by the governing body.

(c) Cash Deposit, Certified Check, Negotiable Bond or Irrevocable Bank Letter of Credit.

- (1) A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, such surety acceptable by the City of Litchfield, shall accrue to the City of Litchfield for administering the construction, operation, or maintenance of the specific public improvement. These deposits shall be made with the Treasurer, or deposited with a reasonable escrow agent, or trust company, subject to the approval of the governing body.

- (2) The dollar value of the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the specific improvement, including contingencies as estimated by the governing body.
- (3) The escrow time for the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit, shall be for a period to be specified by the governing body.
- (4) In the case of cash deposits or certified checks, an agreement between the City of Litchfield and the proprietor may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the estimated cost of the completed portion of the public improvement, in accordance with the financial guarantees previously entered into by agreement with respect to a financial guarantee.

(Ord. 1980-2. Passed 5-12-80.)

#### **1248.21 CONDITION OF APPROVAL OF FINAL PLAT.**

The approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:

- (a) The construction of improvements required by these Subdivision Regulations shall have been completed by the subdivider and approved by the governing body.
- (b) A surety acceptable to the City of Litchfield shall have been filed in the form of a certified check, negotiable bond, irrevocable bank letter of credit or surety bond.

(Ord. 1980-2. Passed 5-12-80.)

#### **1248.22 INSPECTION OF PUBLIC IMPROVEMENTS UNDER CONSTRUCTION.**

Before approving a final plat and construction plans and specifications for the required improvements, an agreement between the proprietor and the governing body shall be made to provide for checking or inspecting the construction or installation of each improvement and its conformity to the approved plans.

(Ord. 1980-2. Passed 5-12-80.)



### **1248.23 PENALTY FOR FAILURE TO COMPLETE CONSTRUCTION OF PUBLIC IMPROVEMENTS.**

In the event the subdivider shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the governing body to proceed to have such work completed. In order to accomplish this, the governing body shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit, or negotiable bond which the proprietor may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company as included in the written agreement with the governing body and the proprietor. (Ord. 1980-2. Passed 5-12-80.)

### **1248.24 MAINTENANCE BONDS.**

The governing body may require, in addition to the security, an amount of ten percent thereof to cover such contingency expenses that might occur due to failure, unforeseen costs, etc., of any improvement required in these Subdivision Regulations. The period covered by the contingency fee shall not exceed two years from the date of acceptance of the improvement. Excess funds, if any, shall be returned to the proprietor at the end of the two-year period. (Ord. 1980-2. Passed 5-12-80.)

### **1248.25 PROTECTION AND REPAIR BONDS.**

The City of Litchfield may also require, in addition to the performance bond and the maintenance bond, a bond to cover damage that might occur during construction to existing improvements, facilities, and features on or around the construction site. This bond shall include any cleaning of construction debris from the subdivision that might be necessary. (Ord. 1980-2. Passed 5-12-80.)

### **1248.26 INSPECTION OF IMPROVEMENTS.**

(a) Inspection Required. All improvements required by these Subdivision Regulations shall be inspected by the City of Litchfield Engineer or the Building Inspector, except for improvements made under the jurisdiction of the County Road Commission, the County Drain Commissioner, and other public agencies, in which case engineers or inspectors of each agency will make the necessary inspections. Where inspections are made by other agencies, the City of Litchfield Engineer or the Building Inspector shall obtain written reports of each such inspection.

(b) Inspection Schedules. It shall be the responsibility of the proprietor to notify the City of Litchfield or other appropriate public agency when installations are ready for inspection. The proprietor shall arrange with each public agency involved in the subdivision a general schedule and timing of inspections before the preliminary plat is given final approval.

(c) Inspection Reports. Reports of all inspections of required improvements shall be made by the City of Litchfield Engineer or the Building Inspector.

(d) Inspection Costs. The proprietor shall pay all inspection costs incurred by the City of Litchfield according to schedules determined by the governing body, by deposit made at the time of final approval of the preliminary plat. Any funds not used by the City of Litchfield in its inspections shall be refunded to the proprietor when the subdivision, or stage thereof, is completed.

(Ord. 1980-2. Passed 5-12-80.)

**1248.27 RESPONSIBILITY OF PROPRIETOR RE IMPROVEMENTS.**

The proprietor shall bear the final responsibility for the installation and construction of all required improvements according to the provisions of these Subdivision Regulations and to the standards of the various public agencies.

(Ord. 1980-2. Passed 5-12-80.)

**1248.28 APPROVAL NOT DEEMED ACCEPTANCE OF DEDICATION.**

Approval of installation and construction shall not constitute acceptance of the dedication of the improvement.

(Ord. 1980-2. Passed 5-12-80.)

**1248.29 SITE CLEAN-UP.**

The proprietor shall be responsible for removal of all equipment, material, and general construction debris from the subdivision and from any lot, street, or public way or property therein.

(Ord. 1980-2. Passed 5-12-80.)