

## SECTION 6

### SUBDIVISION ADMINISTRATION AND ENFORCEMENT

#### A.- ADMINISTRATION:

The Council shall appoint an administrator to carry out the provisions as herein specified and to serve at the pleasure of the Council. The administrator shall receive and process all subdivision applications.

#### B.-VACATIONS AND DEDICATIONS:

1. Application For Vacation Or Dedication: Any property owner desiring to vacate an existing subdivision, public right of way or easement shall complete and file an application with the administrator. These provisions shall not apply to the widening of any street which is shown in the comprehensive plan, or the dedication of streets, rights of way or easements to be shown on a recorded subdivision.
2. Administrative Action:
  - a. Action By Administrator: Upon receipt of the completed application, the administrator shall affix the date of application acceptance thereon, shall place the application on the agenda for consideration at the next available meeting of the Council which is held not less than fifteen (15) days after the date of acceptance.
  - b. Recommendation By Commission : The Commission shall review the request and all agency responses and within thirty (30) days of the meeting at which the issue was on the agenda, shall either recommend approval, conditional approval or denial.
3. Action by the City Council:
  - a. Vacations: When considering an application for vacation procedures, the City Council shall establish a date for a public hearing and give such public notice as required by law. The City Council may approve, deny or modify the application. Whenever public rights of way or lands are vacated, the City Council shall provide adjacent property owners with a quit claim deed for the vacated rights of way in such proportions as are prescribed by law.
  - b. Dedications: When considering an application for dedication procedures, the City Council may approve, deny or modify the application. When a dedication is approved, the required street improvements shall be constructed or a bond furnished assuring the construction prior to acceptance of the dedication. To complete the acceptance of any dedication of land, the owner shall furnish to the City Council a deed describing and conveying such lands to be recorded with the county recorder.
  - c. Decision: The City Council shall review the request and all agency responses and Commission recommendation, and within thirty (30) days of the meeting at which the issue was on the agenda either approve, conditionally approve or deny the request.
4. Dedication Of Streets: Within a proposed subdivision, arterial and collector streets, as shown on the comprehensive plan, shall be dedicated to the public in all cases. In general all other streets also shall be dedicated to public use.

#### C- VARIANCES:

1. Purpose: The Commission may recommend to the City Council a variance from the provisions of this title on a finding that undue hardship results from the strict

compliance with specific provisions or requirements hereof or that application of such provisions or requirements is impracticable.

2. Standards For Variances: No variance shall be favorably acted upon by the City Council unless there is a finding, as a result of a public hearing, that all of the following exist:
  - a. That there are such special circumstances or conditions affecting the property that the strict application of the provisions of this title would clearly be impracticable or unreasonable. In such cases, the subdivider shall first state his reasons in writing as to the specific provision or requirement involved.
  - b. That strict compliance with the requirements of this title would result in extraordinary hardship to the subdivider because of unusual topography, other physical conditions or other such conditions which are not self inflicted, or that these conditions would result in inhibiting the achievement of the objectives of this title.
  - c. That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.
  - d. That such variance will not violate the provisions of the Idaho Code.
  - e. That such variance will not have the effect of nullifying the interest and purpose of this title and the comprehensive plan.

#### D.- AMENDMENTS:

The City Council may, from time to time, amend, supplement or repeal the regulations and provisions of this title upon recommendation from the Commission in the following manner:

1. The Commission, prior to recommending an amendment, supplement, or repeal of this title, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Following the Commission hearing, if the Commission makes a material change in this title other than that published for the present hearing, further notice and hearing shall be provided before the Commission forwards its recommendation to the Council.
2. The City Council, prior to adopting an amendment, supplement or repeal of this title, shall conduct at least one public hearing using the same notice and hearing procedures as the Commission. The City Council shall not hold a public hearing, give notice of a proposed hearing nor take action until recommendations have been received from the Commission. Following the hearing, further notice and hearing shall be provided before the Council adopts the amendment, supplement or repeal.

#### E.- ENFORCEMENT AND PENALTIES:

1. Enforcement:
  - a. No subdivision plat required by this title or the Idaho Code shall be admitted to the public land records of the City of Swan Valley or recorded by the county recorder until such subdivision plat has received final approval of the City Council.
  - b. No public board, agency, Commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this title until the final plat has received the approval by the City Council.
  - c. No permits for construction of any structure shall be issued on any parcel or lot until it has been determined such parcel or lot meets the requirements of this title.
  - d. The City attorney may, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of this title.

2. Violations and Penalties: Violations of any of the provisions of this title or failure to comply with any of its requirements shall constitute a misdemeanor, and be punishable as provided by law. Each day such violation continues shall be considered a separate offense. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense. Nothing herein contained shall prevent the City Council or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this title or of the Idaho Code.
3. The violation of this ordinance shall be guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars (\$1,000) or imprisonment in the county jail not exceeding six (6) months or by both such fine and imprisonment for everyday that this ordinance is violated.