

TITLE 12-000 CHAPTER 500

CHAPTER 12-500. ADMINISTRATION.**12-501. GENERAL PLAN.**

1. By separate resolution a General Plan will be established for Richmond City.
 - a. By definition “general plan” means a document that a municipality adopts that set forth general guidelines for proposed future development of the land within the municipality.
2. The General Plan is to be used as a guideline and does not require mandatory adherence to the provisions contained therein.
 - a. The Planning and Zoning Commission and the Richmond City Council are encouraged to utilize the General Plan for direction but are also authorized to make recommendations that are harmonious to the general well-being and proper management of Richmond City.
3. A General Plan established for Richmond City shall be reviewed periodically to ensure current applicability to existing conditions.
 - a. It is recommended that such a review take place every five years or following any major acquisition of lands through annexation or change in actual or potential resources, whichever comes first.
4. The content of the General Plan shall include, but is not limited to, the following:
 - a. Present and future needs of the City.
 - b. Growth and development of all or any part of the land within the City.
 - c. The health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, education, and cultural opportunities for the City and its citizens.
 - d. Reduction of waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population.
 - e. Efficient and economical use, conservation, and production of the supply of:
 - 1) Food and water.
 - 2) Drainage, sanitary, and other facilities and resources.
 - f. Use of energy conservation and solar and renewable energy resources.
 - g. Protection of urban development.
 - h. Protection or promotion of moderate income housing.
 - i. Historic preservation.
 - j. Identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by each affected entity.

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k. An official map.

5. Due to the provisions of 3.a. above, the Richmond City General Plan shall not include any type of pre-planning for lands currently outside of the Richmond City limits although so allowed by Title 10, Chapter 9a, Section 403.(1) (c).

a. It is hereby deemed that a wiser course will be to review the current General Plan upon the application and acceptance of actual lands annexed into Richmond City due to the over-run between municipalities as allowed by Title 10, Chapter 2, Section 401.5.

6. At a minimum, a General Plan proposed by the Planning Commission, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the following:

a. Designation of the long-term goals and the proposed extent, general distribution, and location of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate.

b. May include a statement of the projections for and standards of population density and building intensity recommended for various land use categories covered by the plan.

c. A transportation and traffic circulation element consisting of the general location and extent of existing and proposed highways, arterial and collector streets, mass transit, and any other modes of transportation that the Commission considers appropriate, all correlated with the population projections and the proposed land use element of the General Plan.

d. An estimate of the need for the development of additional moderate income housing within the City, and a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur.

1) In drafting the moderate income housing element, the Commission shall:

a) Consider the State of Utah Legislature's determination that cities shall facilitate a reasonable opportunity for a variety of housing, including moderate income housing to meet the needs of people desiring to live there and to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life.

b) May include an analysis of why the recommended means, techniques, or combination of means and techniques provide a realistic opportunity for the development of moderate income housing within the planning horizon, which means or techniques may include a recommendation to:

(1) Rezone for densities necessary to assure the production of moderate income housing.

(2) Facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing.

(3) Encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing.

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- (4) Consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the City.
- (5) Consider utilization of State or Federal funds or tax incentives to promote the construction of moderate income housing.
- (6) Consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity.
- (7) Consider utilization of affordable housing programs administered by the Department of Community and Culture.
- e. In drafting the land use element, the Commission shall identify and consider each agriculture protection area within the municipality and avoid proposing a use of land within an agriculture protection area that is inconsistent with or detrimental to the use of the land for agriculture.
- f. The proposed General Plan may include an environmental element that addresses:
- 1) The protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources.
- a) The consideration of the "dark skies" concept is strongly encouraged when determining artificial lighting type and placement.
- 2) The reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geological hazards.
- g. The proposed General Plan will contain a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, right-of way, easements, and facilities for them, police and fire protection, emergency medical services, and other public services.
- h. The proposed General Plan may contain a rehabilitation, redevelopment, and conservation element consisting of plans and program for:
- 1) Historic preservation.
 - 2) Diminution or elimination of blight.
 - 3) Redevelopment of land, including housing sites, business and industrial sites, and public building sites
- i. The proposed General Plan may include an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected municipal revenue and expenditure, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity.

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j. Recommendations for implementing all of any portion of the General Plan, including the use of land use ordinances, capital improvement plans, community development and promotion, and any other appropriate action is a desirable portion of the proposed General Plan.

7. Richmond City is exempt from the notification requirement contained in Title 10, Chapter 9a, Section 203 relative to preliminary notification of the creation of a General Plan as Cache County is not a County of the First or Second Class.

8. The development or modification of the Richmond City General Plan will require appropriate notification and public hearing(s) as outlined in 12-505 following.

12-502. ANNEXATION OF LAND INTO RICHMOND CITY.

1. By separate ordinance Richmond City will set forth a uniform annexation plan in accordance with the provisions of Title 10, Chapter 2, Sections 402 through 408 inclusive.

2. Land annexed into Richmond City shall automatically be zoned as one residence per ten (10) acres of land (A-10) unless:

a. The land so annexed has already been developed for residential or commercial use while under the auspices of Cache County.

b. The extent of such development would not make an A-10 zoning practical.

1) Under such circumstances, the proposed annexation will be zone designated as the most compatible current Richmond City zone standard.

a) Only the Richmond City Council, acting upon recommendation by the Richmond City Planning and Zoning Commission, is authorized to make such an exception.

12-503. REZONING OF LAND.

1. The procedure to be followed relative to the rezoning of land shall be:

a. Party or parties involved shall present a petition to the Planning and Zoning Commission outlining a description of the property involved and the zone being sought for an initial determination of the practicality of such an action.

1) If the Commission feels such a rezone is not in keeping with the General Plan of the City, the party(ies) may either accept the decision or appeal the decision per 12-405.

2) If the Commission finds that such a rezone is compatible with the General Plan:

b. After the initial meeting between the party(ies) involved and the Commission another meeting will take place wherein the party(ies) seeking the rezone must provide:

1) An accurate copy or drawing of the parcel involved including the Property Tax Number.

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- 2) Dimensions of said parcel.
 - 3) Any other information that the party(ies) may consider pertinent to their application.
- c. The Planning and Zoning Commission will, following standard procedures, take a public vote to either approve or disapprove the rezone request.
- 1) If the vote is to disapprove, the party(ies) may either accept the decision or appeal the decision per 12-405.
 2. If approved, the party(ies) will then be placed upon the agenda for the Richmond City Council.
 - a. The Council will review the official Planning and Zoning Commission minutes in the presence of the party(ies) desiring the rezone.
 - b. After initial presentation, there will be at least one public hearing relative to input on the requested rezone.
 - c. The Richmond City Council shall, in public and at an agenda meeting, either approve or disapprove the rezone with the motion to include the current Property Tax Number(s) of the land involved.
 - 1) In the event of disapproval by the Richmond City Council, the party(ies) seeking the rezone may appeal the negative decision per 12-405.
 3. Rezoning of land shall conform to the following provisions:
 - a. No parcel of land of less than five (5) acres, whether owned by a single or by multiple persons or entities, shall be rezoned unless:
 - 1) Said parcel or parcels of land of less than five (5) acres has/have been utilized in a *de facto* manner consistent with the proposed rezone for a period of ten (10) or more years prior to the adoption of this Chapter of Title 12-000, and
 - 2) The Planning and Zoning Commission and the Richmond City Council consider such a rezone as correcting a historical anomaly and being harmonious with the General Plan of Richmond City, or
 - 3) The parcel concerned will be rezoned Neighborhood Commercial (NC) per 12-907, Central Business District (CBD) per 12-908, or Highway Commercial (HC) per 12-909, and the request falls within the design and intent of the General Plan for Richmond City.
 - b. The area of the rezone will follow the legal descriptions provided by the applicants as approved by the Planning & Zoning Commission and the Richmond City Council.
 4. Highway Commercial (HC) zone shall be to a depth of three hundred thirty feet from the right-of-way frontage.

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5. Land currently zoned Highway Commercial upon which residences now exist will be taxed at the Residential Medium Density (RMD) or Agricultural 5 (A-5) or Agricultural 10 (A-10) rate, as applicable, until commercial development takes place upon a given parcel whereupon the new Highway Commercial zoning depth and taxation will take immediate effect for that parcel or extension thereof.

12-504. OFFICIAL MAP.

1. Richmond City will establish and maintain an official map.
2. The map, at minimum, will:
 - a. Delineate the official and legal boundaries of Richmond City.
 - b. Reflect all streets, roads, and alleys found within the City limits.
 - c. Delineate all established zones within the City limits in a manner readily understandable by the general citizenry.

12-505. NOTIFICATION AND PUBLIC HEARINGS.

1. Any action that creates, modifies, adjusts or amends land boundaries or utilization within the limits (or in the case of annexation, contiguous to the limits) of Richmond City requires public notification.
 - a. Because Richmond City is not in a County of the First or Second Class, it is not required that public notification take place to announce the pending creation, modification, or adjustment of the Richmond City General Plan.
 - b. Public notice will be:
 - 1) Posted in at least three public locations within the Richmond City limits.
 - 2) Posted on the Utah Public Notice Website.
 - 3) Posted in a local newspaper that has access by the general public.
 - 4) On the Richmond City Website.
 - 5) In certain instances developed below notification in writing must be provided to certain residents, property owners, and/or entities.
 - a) In the event of written notification being sent through the United States Postal System or other commercial mail deliverer, the notification must be turned over to the delivering source no less than ten (10) days before the event/action.
 - c. With the exception of b.5)a) above, the notification must be posted a minimum of forty-eight (48) hours before the event/action.
 - d. Specific requirements relative to public notice for sub-divisions or other specific land applications will be cited under the appropriate Chapter of this Title.

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2. Public Hearings.

a. A public hearing will be conducted by the Richmond City Council prior to:

- 1) Any action that increases or decreases the size of the City.
- 2) Any action that establishes any type of zone within the City limits.
 - a) This would include both initial zone establishment and the rezoning of established zones.
- 3) Any official action that affects in any manner the utilization of land within the boundaries of Richmond City.

b. Unless specifically directed by the Richmond City Council, the Planning & Zoning Commission will not conduct public hearings.

12-506. INNER-BLOCK DEVELOPMENT.

1. Inner-block development for residential or business purposes is encouraged within the following restrictions.

a. The development must adhere to the existing land zoning designation.

1) Inner-block rezoning will not be allowed.

b. Access to the inner-block development must include an access street a minimum of 48 feet in width, 24 feet of which is to be paved.

c. A cul-de-sac must be established within the inner-block development with a minimum diameter of 100 feet, 75 feet of which is to be paved.

d. The establishment of flag-lot(s) to be used for any type of human habitable structure not in existence at the time of the passage of this ordinance is/are prohibited.

2. Full infrastructure services must be established to serve any inner-block development.

a. Minimal infrastructure services for this purpose are deemed to be:

1) Paved street in accordance with 12-506.1.b. and 12-506.1.c above.

2) Culinary water service.

3) Sewer service.

4) Sidewalk meeting the specifications of current Richmond City ordinance(s) governing design and construction standards.

a) By separate ordinance an escrow to cover the cost of a public sidewalk(s) associated with the residence or business will be established and payable at the time of other associated fees for new construction.

12-507. SURVEY REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT FOR HUMAN INHABITABLE BUILDINGS.

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1. Prior to the issuance of any permit for the construction of a human habitable structure, whether residential, multiple family, business or other commercial building, an official survey of the property upon which the structure will be constructed or placed must be conducted by a licensed surveyor with an official copy being submitted to the City of Richmond.

a. Said survey must be completed within one calendar year prior to the submission in conjunction with the building permit request.

1) The official copy of the survey shall be affixed to the permanent record of application for the building permit retained by the City.

b. The sole exception to this requirement will be for dwellings being constructed in a previously approved sub-division which has fully complied with the provisions of 12-2000 herein.

1) The City Office will affix a copy of the authorized sub-division plat, indicating the lot to which the building permit shall apply, to the permanent record of application for the building permit retained by the City.

12-508. BUILDING PERMITS.

1. A valid Building Permit is required to be in the possession of any builder, contractor, developer or other party or parties involved in any construction effort within the limits of Richmond City prior to any work beyond land surveying being engaged.

a. Any permanent structure of less than two hundred (200) square feet and not intended for human habitation is exempt from this requirement.

2. The authorized authority as designated by the Richmond City Council shall not issue any building permit for any building, construction, or repair of any building unless such effort fully conforms to all zoning regulations and/or ordinances of Richmond City in effect at the time of application.

a. The Richmond City Council may designate and hire a licensed City Building Inspector to issue Building Permits with subsequent inspection(s), or

b. The Richmond City Council may sub-contract to a fully licensed and authorized second party the duties and responsibilities of the City Building Inspector.

3. No permit shall be issued for any building or structure or part thereof on any land located between the mapped lines of any street as shown on any official street map adopted by the Richmond City Council.

a. However, the Appeals Judge/Board of Adjustment shall have the power, upon an appeal filed with it by the owner of any such land, to authorize the grant of a permit for a building or structure or any part thereof within any mapped street located in any case in which the Appeals Judge/Board of Adjustment upon the evidence finds:

1) that the property of the appellant of which such mapped street location forms a part shall not yield a reasonable return to the owner unless such permit be granted, or

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2) that balancing the interest of Richmond City in preserving the integrity of the official map and the interest of the owner in the use and benefits of the property, the grant of such permit is required by consideration of justice and equity.

b. Before taking any such action, the Appeals Judge/Board of Adjustment decides to authorize a building permit, it shall have the power to specify the exact location, ground area, height, and other details and conditions of extent and character and also the duration of the building, structure, and part thereof to be permitted.

4. A building permit shall expire on the one-year anniversary of the issuance of said permit unless active work has been started and continues under the terms of the permit.

a. As long as active work progresses the permit shall be automatically extended until the construction is completed or no construction takes place within a given twelve-month period, whichever should occur first.

1) In the event of the latter, the building permit shall expire.

12-509. ADHERENCE TO CONSTRUCTION AND DESIGN STANDARDS.

1. All construction of dwellings whether for residential or commercial/business purposes must adhere to the current manuals and technical instructions approved by the designated inspecting authority for such construction.

2. All infrastructure construction taking place within the limits of Richmond City must adhere to the current official *Manual of Design and Construction Standards* published through separate ordinance by the Richmond City Council.

12-510. BUILDING INSPECTOR AND INSPECTIONS.

1. The position of Building Inspector is herewith designated and created.

a. The Richmond City Council shall fill the position of Building Inspector in whatsoever manner the Council, through majority vote, deems the most efficient under current conditions.

1) The Council may opt to hire a qualified building inspector or may contract with another entity and utilize such entity's building inspector.

2) The Building Inspector shall periodically report to the City Council relative to any matters concerning the construction and inspecting of buildings within the limits of Richmond City.

a) At minimum such a report before the City Council shall take place in a formal atmosphere on an annual basis.

2. All construction authorized by the issuance of a Building Permit shall be appropriately inspected at the various stages of construction by the Building Inspector.

b. The Building Inspector shall conduct all inspections in accordance with the latest and most up-to-date codes and has the delegated authority to place a "Stop Work" notice on any project found to be in any violation whatsoever.

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1) Failure of a contractor or person(s) responsible for construction receiving a “Stop Work” notice to comply is a violation of law and will be prosecuted to the fullest extent.

12-511. CERTIFICATE OF OCCUPANCY.

1. Upon final inspection and approval, the Building Inspection will issue a “Certificate of Occupancy” to the contractor or party responsible for the building.

a. No human occupancy in any manner shall be permitted unless a Certificate of Occupancy has been issued.

1) The safety of the occupants of a structure is deemed more important than any financial or personal inconvenience hence the prohibition of occupancy without the Certificate of Occupancy.

2) Any violation of 12-511.1.a will result in prosecution up to and including eviction from the designated structure with appropriate fines not to exceed the cost of such proceedings including legal fees.

12-512. LAND USE ENTITLEMENT.

1. An applicant who has filed a complete land use application, including the payment of all application fees, is entitled to all rights and is subject to all restrictions as outlined in Title 10, Chapter 9a, Section 509.

12-513. CONDITIONAL USES.

1. Upon recommendation by the Planning and Zoning Commission, the Richmond City Council may grant conditional use permits not to exceed in duration five consecutive years without review.

a. The City Council is not required to conduct a public hearing relative to any given Conditional Use Permit but may opt to do so.

b. Such Conditional Use Permits must be approved by open vote in an agenda meeting of the Richmond City Council by a simple majority of Council members present.

c. A certificate of Conditional Use will be prepared and signed by the Mayor and the City Recorder with the City Seal affixed before said Conditional Use goes into effect.

d. The Council shall set forth an automatic review time period; however, a review may be called for at any time in reaction to complaints received by the Council from other citizens of Richmond City or the Council having reasonable belief the conditions established by the permit are not being observed.

e. The Council shall have the power to rescind any Conditional Use Permit issued following due process that provides reasonable certainty that the conditions established by the permit are not, in fact, being observed.

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2. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

a. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the condition use may be denied.

b. A request for a Conditional Use Permit that is rejected may be appealed in accordance with the provisions of 12-405.

3. Administrative process for application.

a. Application for a conditional use permit shall be made at the Richmond City Office on forms provided for that purpose.

b. A conditional use permit fee may be established by separate Resolution by the Richmond City Council.

c. The Planning and Zoning Commission may approve, modify and approve, or deny the conditional use application.

1) In approving any conditional use, the Commission shall impose regulations and conditions as are necessary to protect the public welfare.

d. In approving a conditional use, the Planning and Zoning Commission and City Council shall find:

1) That the proposed use is necessary and/or desirable and shall contribute to the general well-being of the community.

2) That the use shall not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

3) That the proposed use shall comply with the regulations of this ordinance.

4) That the proposed use is in harmony with the intent of the Master Plan for Richmond City.

12-514. NONCONFORMING USES AND NONCOMPLYING STRUCTURES.

1. Except as provided for in this Section, a nonconforming use or nonconforming structure may be continued by the present owner or a future property owner.

a. A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension.

b. The addition of a solar energy device to a building will not be considered a violation of 12-513.1.a.

2. Upon recommendation of the Planning & Zoning Commission, the Richmond City Council may grant to the property owner the establishment, restoration, reconstruction or internal

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expansion or substitution of a nonconforming structure insofar as the original structure footprint is not substantially changed or modified.

- a. Under no circumstances may the footprint of a nonconforming structure be modified in any manner that would violate codes intended to provide for the safety of the occupants or adjacent structures or occupants.
 - b. Under no circumstances may an existing nonconforming structure due to height be modified to expand the height violation.
3. A non-conforming building or structure or a building or structure occupied by a non-conforming use which is damaged by fire, flood, wind, earthquake, or other calamity or Act of God or the public enemy, may be restored or replaced by a structure of equal size, adequate to meet the level of use at the time of destruction, and which conforms to the adopted building codes.
- a. The occupancy or use of such building, structure, or part thereof, which was existing at the time of such damage or destruction may be continued or resumed, provided that such restoration is started within a period of six (6) months from the date of damage and is diligently pursued to completion.
 - b. A nonconforming or noncomplying structure may not be reconstructed or restored if:
 - 1) The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six months after written notice to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six months; or
 - 2) The property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use.
4. A building or structure or portion thereof occupied by a non-conforming use, which is, or hereafter becomes, vacant and remains unoccupied for a continuous period of one (1) year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located.
- a. Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.
 - b. Abandonment may be presumed to have occurred if:
 - 1) A majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the Richmond City Council regarding an extension of the nonconforming use;
 - 2) The use has been discontinued for a minimum of one year; or
 - 3) The primary structure associated with the nonconforming use remains vacant for a period of one year.

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c. The property owner may rebut the presumption of abandonment per sub-section 4.b, and shall have the burden of establishing that any claimed abandonment has not in fact occurred.

5. Richmond City may terminate any nonconforming status of a public or charter school use or structure when the property associated with the Cache School District or charter school use or structure ceases to be used by the Cache School District or a charter school for a period of two years.

6. A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if it is so occupied within a period of one (1) year after the use became nonconforming.

7. The nonconforming use of a building or structure may be changed to another nonconforming use which would be more in character with the zone in which it is located upon recommendation by the Planning & Zoning Commission and approval by the Richmond City Council.

a. The Planning & Zoning Commission and/or Richmond City Council may impose requirements relative to health, safety and welfare as deemed necessary.

1) Where such a change is made, the use shall not thereafter be changed back to the previous nonconforming use.

8. The nonconforming use of land, existing at the time this ordinance became effective, may be continued and may be expanded on the same but not adjoining property as permitted by the Richmond City Council.

a. If such nonconforming use of land, or any portion thereof, is abandoned or changed for a period of one (1) year or more, any future use of such land shall be in conformity with the provisions of this ordinance.

12-515. FEES.

1. By separate Resolution, Richmond City shall establish a schedule of fees in accordance with the most recent provisions of Title 10, Chapter 9a, Section 510.

2. Richmond City will not assess any fees to a public agency other than hook-up and impact fees as established by Ordinance and as allowed by Title 10, Chapter 9a, Section 510.(6).

12-516. FINANCIAL ASSIGNMENT AND RESPONSIBILITY.

1. All expenses associated with the construction, development, establishment or otherwise entrance into the City structure of Richmond City, Utah shall be the responsibility of the builder, contractor, developer or such other party ultimately responsible for said structure or infrastructure unless otherwise assigned by current ordinance or ordinances.

a. Such expenses may include, but are not limited to, the following:

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- 1) Processing of any required building clearance form prior to issuance of the building permit. Building permit fees and charges will be handled separately.
 - 2) Review of building property plat(s), plan(s), and/or infrastructure whether by local authority or contracted engineer(s) in keeping with the provisions of Title 10, Chapter 9a, Section 510.
 - 3) Any engineering review of any nature required by the City prior to acceptance of or issuance of any type of occupancy or usage permit in keeping with the provisions of Title 10, Chapter 9a, Section 510.
 - 4) Any tests of any nature deemed necessary by the City, such as but not limited to pressure testing of culinary water and sewer pipes, acceptability tests of asphalt or other paving material used to cover City streets or roads, compaction tests of street or road sub-surface, sidewalk specification questions, or additional testing in questionable areas of any nature in keeping with the provisions of Title 10, Chapter 9a, Section 510.
2. All expenses shall be billed directly to the builder, contractor, developer or such other party ultimately responsible for said structure or infrastructure.
 3. Should Richmond City hold billings not paid by the builder, contractor, developer or such other party ultimately responsible for said structure or infrastructure, the City shall withhold approval and acceptance of infrastructure, issuance of a Certificate of Occupancy or other use, issuance of a Business License, or withhold services as shall be appropriate and proper for the individual situation.
 - a. Should the City be placed into a situation involving litigation, the City shall seek all payments due plus the cost of all legal expenses associated with such recovery efforts.

12-517. WATER EXACTION.

1. Any proposed development in land use is subject to a water exaction if:
 - a. Richmond City shows an essential link between the demands of the development and the impact upon the culinary water supply of the City.
 - b. Each exaction will be roughly proportionate, both in nature and extent, to the impact of the proposed development.
- 1) The latest water model calculations will be used when determining 12-517.1.a and b. above with the foreknowledge that the data provided to the water model will change over the course of time.
2. Upon request Richmond City will provide the applicant for land development the data used in the water model along with all results.
3. Under the provisions of Title 10, Chapter 9a, Section 508, Richmond City will ensure, to the best of current knowledge and technology, that an exaction will be based upon the available culinary water against the foreseeable demands for culinary water.

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a. If the water model confirms that future culinary demands can be satisfied by current culinary water availability, no exaction will be initiated for a specific development; however, such an action does not preclude the need for an exaction against future development projects.

4. If a proposed developer brings irrigation (secondary) water with a development, Richmond City desires that the irrigation water remains with the land concerned.

a. Each development will be handled upon its own merits and circumstances, but whenever possible Richmond City encourages developers to retain irrigation water with the land in accordance with the rules and regulations of the Richmond Irrigation Company or such other secondary water supplier as applicable.

b. The applicant for the development must assure the Richmond City Council that the Richmond Irrigation Company has sufficient water available for the number of shares the applicant will apply to the project.

12-518. CHANGES AND AMENDMENTS TO ORDINANCE.

1. This Zoning Ordinance, including any maps, charts, or other appendices attached hereto, may be amended from time to time by the City Council after fifteen (15) days notice and public hearing but all proposed amendments shall be first proposed by the Planning and Zoning Commission or shall be submitted to the Planning and Zoning Commission for its recommendation, which shall be returned to the City Council for its consideration within thirty (30) days.

2. Failure of the Planning and Zoning Commission to submit its recommendation within the prescribed time shall be deemed approval by such Commission of the proposed change or amendment.

3. The City Council may overrule the Planning and Zoning Commission's recommendations by a majority vote of the City Council members.

12-519. PENALTIES.

1. Any person, firm or corporation whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this ordinance shall be guilty of a Class B misdemeanor.

2. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed.

12-520. VALIDITY. Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.