

## SECTION 11

### SUBDIVISION REGULATIONS

#### SECTION 1. GENERAL PROVISIONS

**A. TITLE.** THIS ORDINANCE SHALL BE KNOWN AS THE "ELSINORE TOWN SUBDIVISION ORDINANCE" AND MAY BE SO CITED.

**B. PURPOSE.** THE PURPOSES OF THIS ORDINANCE SHALL BE TO PROMOTE THE HEALTH, SAFETY, CONVENIENCE, AND GENERAL WELFARE OF THE PRESENT AND FUTURE DEVELOPMENT OF THE TOWN; TO FACILITATE THE TRANSFER OF LAND HAVING ACCURATE LEGAL DESCRIPTIONS; TO BRING ABOUT THE DEVELOPMENT OF A MORE ATTRACTIVE AND WHOLESOME ENVIRONMENT WITHIN AND ABOUT THE TOWN; AND TO ESTABLISH THE RIGHTS, DUTIES, AND RESPONSIBILITIES OF SUBDIVIDERS WITH RESPECT TO LAND SUBDIVISION AND IMPROVEMENTS THEREON; AND TO FACILITATE THE IMPLEMENTATION OF A MASTER STREET PLAN.

ANY PROPOSED SUBDIVISION AND ITS ULTIMATE USE SHALL BE IN THE BEST INTEREST OF THE PUBLIC WELFARE AND THE NEIGHBORHOOD DEVELOPMENT OF THE AREA CONCERNED AND THE SUBDIVIDER SHALL PRESENT EVIDENCE TO THIS EFFECT WHEN REQUESTED TO DO SO BY THE TOWN COUNCIL AND PLANNING COMMISSION.

**C. SEVERABILITY.** SHOULD ANY CHAPTER, 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.

#### SECTION 2. SCOPE OF ORDINANCE

**A.** FROM THE EFFECTIVE DATE OF THIS ORDINANCE, NO PERSON SHALL SUBDIVIDE ANY TRACT OF LAND WHICH IS LOCATED WHOLLY OR IN PART WITHIN THE LIMITS OF ELSINORE, UTAH, NOR SHALL ANY PERSON SELL, EXCHANGE, OR OFFER FOR SALE, OR PURCHASE, OR OFFER TO PURCHASE ANY PARCEL OF LAND WHICH IS ANY PART OF A SUBDIVISION OF A LARGER TRACT OF LAND WITHIN THE TOWN, NOR SHALL ANY PERSON OFFER FOR RECORDING ANY DEED CONVEYING SUCH A PARCEL OF LAND OR ANY INTEREST THEREIN UNLESS SUCH PERSON OR PERSONS SHALL FIRST MAKE OR CAUSE TO HAVE MADE A RECORD OF SURVEY PLAT, FINAL PLAT, OR PRELIMINARY PLAT AS REQUIRED IN SECTIONS 5 AND 6 OF THIS ORDINANCE WHICH PLAT SHALL BE IN ACCORDANCE WITH ALL OF THE REQUIREMENTS OF THIS ORDINANCE AND SHALL HAVE BEEN APPROVED BY THE PLANNING COMMISSION AND TOWN COUNCIL AND RECORDED IN THE OFFICE OF THE COUNTY RECORDER.

**B.** PURSUANT TO ENABLING LEGISLATION FOUND IN UCA 2000 CHAPTER 10-9-103, THE TERM "SUBDIVISION" MEANS ANY LAND THAT IS DIVIDED, RESUBDIVIDED OR PROPOSED TO BE DIVIDED INTO TWO OR MORE LOTS, PARCELS, SITES, UNITS, PLOTS, OR OTHER DIVISION OF LAND FOR THE PURPOSE, WHETHER IMMEDIATE OR FUTURE, FOR OFFER, SALE, LEASE, OR DEVELOPMENT.

**C.** ALL REQUIRED INFRASTRUCTURE IMPROVEMENTS WILL BE COMPLETED BY THE DEVELOPER AND APPROVED BY ELSINORE TOWN BEFORE ANY BUILDING PERMIT WILL BE ISSUED.

**D.** COST OF SAID INFRASTRUCTURE IMPROVEMENTS SHALL BE BORNE ENTIRELY BY THE DEVELOPER.

**E.** ALL LOTS MUST HAVE IMPROVED STREET FRONTAGE AS REQUIRED IN SECTION 7:B

### **SECTION 3. PROCEDURE FOR OBTAINING APPROVAL OF A SUBDIVISION**

**A. CONFER WITH PLANNING COMMISSION.** ANY PERSON OR PERSONS WHO PROPOSE TO SUBDIVIDE LAND SHALL CONFER WITH THE PLANNING COMMISSION BEFORE SUBMITTING ANY PLAT CHARTS OR PLANS IN ORDER TO BECOME FAMILIAR WITH THE REQUIREMENTS OR EXISTING PLANS OF THE TOWN. A SKETCH PLAN SHALL BE SUBMITTED, WHICH ILLUSTRATES THE CONCEPT OF THE PROPOSED SUBDIVISION. SAID SKETCH SHALL SHOW STREET WIDTH AND APPROXIMATE LOT ACREAGE.

**B. SEWER AND WATER FEASIBILITY STATEMENT.** THE SUBDIVIDER SHALL BE REQUIRED TO SHOW THAT ALL LOTS IN THE PROPOSED SUBDIVISION MEET THE WATER AND SEWER REQUIREMENTS OF THIS ORDINANCE AND ARE IN CONFORMANCE WITH ALL STATE HEALTH DEPARTMENT REGULATIONS. THE SUBDIVIDER SHALL OBTAIN A LETTER OF FEASIBILITY STATING APPROVAL FROM SAID AGENCY.

**C. CHECKING FEES.** DEVELOPER WILL PAY ACTUAL COSTS IF AN ENGINEERING REVIEW IS REQUIRED.

### **SECTION 4. REQUIREMENT OF THE PRELIMINARY PLAT**

**A.** THE REQUIREMENTS OF THE PRELIMINARY PLAT OR RECORD OF SURVEY PLAT ARE SET FORTH BY THE TOWN COUNCIL UPON RECOMMENDATION OF THE PLANNING COMMISSION AND ALL PLATS SUBMITTED TO THE PLANNING COMMISSION AND TOWN COUNCIL MUST BE IN CONFORMANCE WITH STANDARDS, RULES AND REGULATIONS CONTAINED HEREIN AND ADOPTED BY RESOLUTION BY THE TOWN COUNCIL.

THE PLAT SHOULD INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

- NAME OF OWNER AND PROOF OF OWNERSHIP OF THE DEVELOPMENT PARCEL.
- STATEMENT OF PUBLIC SURVEY MONUMENTS FOUND AND RESTORED.
- CERTIFICATE OF LAND SURVEYOR, ENGINEER AND SITE PLANNER AS TO THE ACCURACY OF THE PLAT.
- IDENTIFICATION AND LEGAL DESCRIPTION OF THE SUBDIVISION.
- PROPOSED NAME OF THE SUBDIVISION.
- PROPOSED NAME OF STREETS.
- LOCATION BY SECTION, TOWNSHIP AND RANGE.
- DIMENSIONS AND BEARINGS OF ALL PROPERTY BOUNDARIES.
- LAYOUT, DIMENSIONS, AND ACREAGE OF ALL PROPOSED LOTS.
- EXISTING STRUCTURES.
- VICINITY MAP, AT A SPECIFIED SCALE, SHOWING ALL LOTS AND STREETS IN THE SUBDIVISION AND ALL ABUTTING STREETS AND PUBLIC RIGHTS-OF-WAY.
- HIGH WATER MARKS OF ALL STREAMS AND LOCATION OF ANY DESIGNATED WETLANDS.
- LOCATION OF PROMINENT NATURAL FEATURES SUCH AS ROCK OUTCROPPING, WOODLANDS, STEEP SLOPES, POTENTIAL NATURAL HAZARDS.
- LOCATION OF DIMENSIONS OF EXISTING AND PROPOSED UTILITIES AND UTILITY EASEMENTS.
- GRADING PLANS, INCLUDING ALL PROPOSED CHANGES IN GRADE. ALL LOT CORNERS SHALL BE STAKED TO FINISHED GRADE.
- WHEN A DEVELOPMENT IS LOCATED IN A SEISMICALLY ACTIVE AREA, A STATEMENT SHALL ACKNOWLEDGE THAT POTENTIAL GEOLOGICAL HAZARD EXISTS.
- A STATEMENT CERTIFYING THAT EACH LOT ON THE PLAT MEETS UTAH PUBLIC HEALTH DEPARTMENT REQUIREMENTS FOR SEPTIC TANKS AND ELSINORE TOWN SEWER AND WATER FEASIBILITY REQUIREMENTS.
- EXISTING AND FINISHED CONTOURS AT INTERVALS OF AT LEAST 5'.

- DRAINAGE PLAN.
- EXISTING SEWAGE DISPOSAL SYSTEMS, STORM DRAINS, WATER SUPPLY MAINS AND CULVERTS WITHIN THE SUBDIVISION OR WITHIN 100 FEET THEREOF.
- PROPOSED ON-SITE AND OFF-SITE WATER FACILITIES, SANITARY SEWAGE DISPOSAL SYSTEMS, STORM DRAIN FACILITIES AND FIRE HYDRANTS.
- SOIL EROSION AND SEDIMENT CONTROL PLAN, INCLUDING GRADING OF WATERWAYS AND DESIGN OF EROSION CONTROL DEVICES.
- VEGETATION PRESERVATION AND PROTECTION PLAN, INCLUDING TREES AND OTHER VEGETATION PROPOSED TO BE PLANTED.
- LANDSCAPING PLAN FOR ANY PUBLIC OR COMMON AREAS.
- PROPOSED ZONING CHANGES, IF ANY ARE NEEDED OR RECOMMENDED.
- PROPOSED OR REQUIRED FENCING (LOCATION, HEIGHT, MATERIAL).
- GRAPHIC SCALE AND NORTH ARROW.
- DATE OF PREPARATION.
- ABSTRACT OF TITLE OR REGISTERED PROPERTY CERTIFICATE.
- STATEMENT OF ALLOWANCE OR NON-ALLOWANCE OF ANIMALS.
- FLOOD PLAIN DEVELOPMENT PERMIT - IF APPLICABLE.
- WHEN ACCESSING A STATE OR COUNTY RIGHT-OF-WAY, A UTAH DEPARTMENT OF TRANSPORTATION ACCESS PERMIT OR COUNTY PERMIT WILL BE REQUIRED.
- WHEN ACCESSING OVER A CANAL OR RIVER AN ACCESS PERMIT WILL BE REQUIRED.

**B.** ITS LOCATION AS FORMING A PART OF A LARGER TRACT OR PARCEL, WHERE THE PLAT SUBMITTED COVERS ONLY A PART OF THE SUBDIVIDER'S TRACT. IN SUCH CASE, A SKETCH OF THE PROSPECTIVE FUTURE STREET SYSTEM OF THE UNDEVELOPED PARTS OF THE SUBDIVIDER'S LAND SHALL BE SUBMITTED AND THE STREET SYSTEM OF THE PART SUBMITTED SHALL BE CONSIDERED IN LIGHT OF THE EXISTING MASTER STREET PLAN OR OTHER TOWN COUNCIL STREET STUDIES.

**C.** OTHER DATA, MATERIAL OR PLANS AS MAY BE REQUIRED BY THE PLANNING COMMISSION. THE PLAT SHALL BE CLEARLY MARKED "PRELIMINARY" OR "SURVEY."

**D.** AFTER REVIEW OF THE PLAT, THE PLANNING COMMISSION SHALL ACT ON THE PLAT WITHIN A REASONABLE TIME. IF APPROVED, THE PLANNING COMMISSION SHALL SUBMIT THE SUBDIVISION FOR REVIEW TO THE TOWN COUNCIL ALONG WITH ANY RECOMMENDATIONS OR CONDITIONS FOR APPROVAL. IF DISAPPROVED, THE PLANNING COMMISSION SHALL IDENTIFY REASONS THEREIN AND RETURN THE PLAT TO THE SUBDIVIDER.

**E.** PRELIMINARY ENGINEERING DRAWINGS AND PLANS SHALL BE REQUIRED INCLUDING TYPICAL CROSS SECTIONS OF PROPOSED STREETS, LOCATION OF ON AND OFF SITE, PROPOSED WATER AND SEWER FACILITIES AND OTHER PROPOSED IMPROVEMENTS SUCH AS SIDEWALKS, CURB AND GUTTER, OPEN SPACES, FIRE HYDRANTS, STREET LIGHTS, DRAINAGE, FLOOD CONTROL, AND RETENTION.

**F.** A PAPER COPY OF THE PRELIMINARY PLAT SHALL BE SUBMITTED TO ELSINORE TOWN FOR OFFICE PURPOSES.

## **SECTION 5. FINAL PLAT REQUIRED**

**A.** A FINAL PLAT SHALL BE REQUIRED AND SHALL INCLUDE AND CONFORM WITH THE APPROVED PRELIMINARY PLAT AND CONFORM WITH ALL STANDARDS, RULES AND REGULATIONS CONTAINED HEREIN AND APPROVED BY THE TOWN COUNCIL. THE FINAL PLAT SHALL BE CLEARLY MARKED "FINAL PLAT." THE FINAL PLAT SHOULD INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

- SUBDIVISION NAME AND LOCATION.
- DESCRIPTION OF LAND TO BE INCLUDED IN THE SUBDIVISION.
- ACCURATELY DRAWN BOUNDARIES AND PROPER BEARINGS AND DIMENSIONS OF ALL PROPERTIES WITHIN THE SUBDIVISION.
- GRAPHIC SCALE.
- NORTH ARROW.
- LOCATION MAP.
- DATE OF PLAT.
- NAME, ADDRESS, SIGNATURE OF OWNER/SUBDIVIDERS.
- NAME, ADDRESS, SIGNATURE AND CERTIFICATE OF LAND SURVEYOR AND ENGINEER.
- DIMENSIONS AND BEARINGS OF BOUNDARY LINES OF PROPERTY.
- WIDTHS AND NAMES OF EXISTING AND PROPOSED STREETS AND SIDEWALKS.
- LOCATION AND WIDTHS OF EXISTING AND PROPOSED UTILITY AND DRAINAGE EASEMENTS.
- LOCATION AND NAMES OF EXISTING AND PROPOSED PARKS AND OTHER OPEN SPACE WITH ACCURATE LOT LINE DIMENSIONS.
- LOT NUMBERS AND LOT SIZE, DIMENSIONS AND ACREAGE.
- LOCATION, DESCRIPTION AND SIZE OF SURVEY MONUMENTS.
- LOCATION OF STREAMS AND WETLANDS AND KNOWN HIGH WATER MARKS.
- RESTRICTIVE COVENANTS, THE LEGAL CERTIFICATIONS BY THE PROPER LOCAL OFFICIALS (USUALLY THE CHIEF ELECTED OFFICIAL AND THE PLANNING COMMISSION CHAIRMAN) AND STATEMENT OF DEDICATION, DEDICATING ALL STREETS FOR PUBLIC USE THAT ARE NOT PRIVATE STREETS, AND A STATEMENT OF DEDICATION TO INCLUDE PUBLIC AREAS. LEGAL CERTIFICATION WOULD INCLUDE CERTIFICATE OF ACCEPTANCE BY THE LOCAL GOVERNMENT, ATTESTED BY THE TOWN OR COUNTY RECORDER.
- OWNER'S CERTIFICATE OF DEDICATION.

**B.** A FINAL PLAT RECORDING IS REQUIRED. A FINAL PLAT MUST BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER NO LESS THAN NINETY (90) DAYS AFTER APPROVAL OF THE FINAL PLAT BY THE TOWN COUNCIL AND NO LOT CAN BE SOLD WITHIN ANY SUBDIVISION UNTIL THE PLAT HAS BEEN SO APPROVED AND RECORDED. A PERMANENT COPY OF THE FINAL PLAT SHALL BE GIVEN TO ELSINORE TOWN, INCLUDING THE DATE OF RECORDING WITH THE COUNTY.

## **SECTION 6. GENERAL DESIGN STANDARDS**

**A.** THE DESIGN AND DEVELOPMENT OF SUBDIVISIONS SHALL PRESERVE, INsofar AS IT IS POSSIBLE, THE NATURAL TERRAIN, NATURAL DRAINAGE, EXISTING TOPSOIL, TREES, AND VEGETATION.

**B.** LAND SUBJECT TO HAZARDOUS CONDITIONS SUCH AS LAND SLIDES, MUD FLOWS, ROCK FALLS, SNOW AVALANCHES, GROUND SUBSIDENCE, SHALLOW WATER TABLE, OPEN QUARRIES, FLOODS, AND POLLUTED WATER SUPPLY SHALL BE IDENTIFIED AND SHALL NOT BE SUBDIVIDED UNTIL THE HAZARDS HAVE BEEN ELIMINATED OR EVIDENCE SUBMITTED THAT SAID HAZARDS WILL BE ELIMINATED BY THE SUBDIVISION AND CONSTRUCTION PLANS.

**C.** ANY DEVELOPMENT IN HAZARD POTENTIAL AREAS SHALL RECEIVE SPECIAL ATTENTION IN ORDER TO MITIGATE HAZARDS. PENDING THE COMPLETION BY THE UTAH GEOLOGICAL SURVEY OF A FAULT HAZARD MAP FOR ELSINORE TOWN, THE PLANNING COMMISSION AND/OR TOWN COUNCIL MAY RELY UPON THE EXISTING INFORMATION AVAILABLE FROM UGS OR OTHER PUBLICLY OR PRIVATELY PREPARED GEOLOGICAL REPORTS TO IDENTIFY FAULT HAZARDS OR THE HISTORIC FEATURES OR CHARACTER OF AN AREA.

**D.** WHENEVER DEVELOPMENT OR CONSTRUCTION IS OR MAY BE SUBJECT TO UNUSUAL POTENTIAL OR ACTUAL GEOLOGIC OR FLOOD HAZARDS, THE APPLICANT SHALL MEET THE SPECIAL CONDITIONS REQUIRED BY THE PLANNING COMMISSION OR TOWN COUNCIL TO REDUCE OR ELIMINATE SUCH HAZARD, OR IF SUCH CONDITIONS CANNOT BE MET OR WILL NOT BE MET, THE APPLICATION FOR SUBDIVISION DEVELOPMENT MAY BE DENIED.

**E.** ELSINORE TOWN RESERVES THE RIGHT TO REQUIRE A GEOLOGIC HAZARD INVESTIGATION, PREPARED BY A QUALIFIED GEOLOGICAL TECHNICAL EXPERT, AT THE EXPENSE OF THE DEVELOPER.

## **STREETS**

**A.** STREET WIDTHS. MAJOR AND COLLECTOR STREETS SHALL CONFORM TO THE WIDTH ASSIGNED ON THE MASTER STREET PLAN WHEREVER A SUBDIVISION FALLS IN AN AREA FOR WHICH A MASTER STREET PLAN HAS BEEN ADOPTED. WHERE A MASTER STREET PLAN HAS NOT BEEN COMPLETED AT THE TIME THE PRELIMINARY PLAN IS SUBMITTED TO THE PLANNING COMMISSION, STREETS SHALL BE PROVIDED AS FOLLOWS:

- RESIDENTIAL STREETS SHALL HAVE A MINIMUM RIGHT-OF-WAY WIDTH OF FIFTY-EIGHT (58) FEET. RESIDENTIAL STREETS PROVIDE ACCESS TO RESIDENTIAL PROPERTY AND LAND ADJACENT TO COLLECTOR STREETS. THEY SERVE TRAVEL OVER RELATIVELY SHORT DISTANCES. THESE STREETS ARE USUALLY THE MAJORITY OF THE STREETS IN A COMMUNITY LESS THAN 5,000 POPULATION.
- COLLECTOR STREETS SHALL HAVE A MINIMUM RIGHT-OF-WAY WIDTH OF EIGHTY (80) FEET. COLLECTOR STREETS LINK TRAFFIC GENERATORS SUCH AS PUBLIC SCHOOLS, PARKS, OR SHOPPING AREAS. THEY LINK ROUTES OF HIGHER CLASSIFICATION SUCH AS ARTERIAL. THEIR FUNCTION IS TO DISTRIBUTE TRAFFIC TO LOCAL/RESIDENTIAL STREETS.
- SECONDARY ARTERIAL STREETS SHALL HAVE A MINIMUM RIGHT-OF-WAY WIDTH OF EIGHTY-SEVEN (87) FEET, OR AS SHOWN ON THE MASTER PLAN, WHICHEVER IS GREATER. SECONDARY ARTERIAL STREETS DISTRIBUTE TRAFFIC FROM THE MAJOR ARTERIAL TO THE BUSINESS DISTRICTS AND OTHER CENTERS OF COMMUNITY ACTIVITY, AND ALSO TO THE COLLECTOR STREETS.
- MINIMUM WIDTH OF ROADWAY WHEREVER CURB AND GUTTERS ARE INSTALLED (FACE TO FACE OF CURB) SHALL BE AS FOLLOWS: FOR RESIDENTIAL STREETS - 44 FEET. FOR COLLECTOR STREETS - 66 FEET. FOR SECONDARY ARTERIAL STREETS - 85 FEET, OR CONFORM TO MASTER PLAN, WHICHEVER IS GREATER.
- RURAL RESIDENTIAL ROADWAYS SHALL HAVE A MINIMUM RIGHT-OF-WAY OF FIFTY-EIGHT (58) FEET, WITH A ROADWAY WIDTH OF FORTY- FOUR (44) FEET. THE PRIMARY FUNCTION OF A RURAL RESIDENTIAL ROADWAY IS ACCESS TO RESIDENCIES, FARMS AND ABUTTING PROPERTY RATHER THAN TO SERVE THROUGH TRAFFIC.

**B.** ALLEYS. RESIDENTIAL ALLEYS WILL NOT BE PERMITTED.

**C.** REVERSE CURVES. REVERSE CURVES SHALL HAVE A TANGENT OF AT LEAST NINETY (90) FEET UNLESS IN THE OPINION OF THE PLANNING COMMISSION SUCH IS NOT NECESSARY.

**D. STREET INTERSECTION.** STREETS SHALL INTERSECT EACH OTHER AS NEAR AS POSSIBLE AT RIGHT ANGLES. MINOR STREETS SHALL APPROACH THE MAJOR OR COLLECTOR STREETS AT AN ANGLE OF NOT LESS THAN EIGHTY (80) DEGREES. OFFSETS IN STREET ALIGNMENT OF MORE THAN TEN (10) FEET OR LESS THAN ONE HUNDRED TWENTY (120) FEET SHALL BE PROHIBITED.

**E. STREET GRADES.** MINIMUM STREET GRADES OF 0.5 PERCENT WILL BE REQUIRED WITH THE MAXIMUM GRADE BEING 7 PERCENT FOR COLLECTOR STREETS AND 10 PERCENT FOR MINOR STREETS. WHERE THE OBSERVANCE OF THIS STANDARD IS UNFEASIBLE, THE PLANNING COMMISSION SHALL HAVE THE POWER TO GRANT AN EXCEPTION WHEN SPECIAL PAVEMENT SURFACES AND ADEQUATE LEVELING AREAS ARE INSTALLED OR IN THE OPINION OF THE PLANNING COMMISSION THE BEST SUBDIVISION OF THE LAND IS THEREBY SECURED. .

**F. STREET CURVES.** WHERE THE STREET LINES WITHIN A BLOCK DEFLECT FROM EACH OTHER AT ANY ONE POINT MORE THAN TEN (10) DEGREES, THERE SHOULD BE A CONNECTING CURVE. THE RADIUS OF THE CURVE FOR THE INNER STREET LINE SHOULD NOT BE LESS THAN 350 FEET FOR MAJOR STREETS, 250 FEET FOR AN IMPORTANT NEIGHBORHOOD STREET, AND 100 FEET FOR MINOR STREETS.

**G. CURBS** MAY BE REQUIRED IF DRAINAGE IS AN ISSUE. IF CURBS ARE NECESSARY, THE REQUIREMENTS ARE: INTERSECTIONS SHALL BE ROUNDED WITH CURVES HAVING A MINIMUM RADIUS OF 15 FEET FOR MINOR STREETS AND 25 FEET FOR COLLECTOR AND MAJOR STREETS. PROPERTY LINES AT STREET INTERSECTIONS SHOULD BE ROUNDED WITH A CURVE WHERE NECESSARY TO FIT THE CURB RADIUS. CURB CONSTRUCTION SHALL COMPLY WITH ADA REQUIREMENTS AND SHALL BE HIGH BACK STYLE.

**H. STREET NAMES.** NEW STREET NAMES SHOULD NOT DUPLICATE THOSE ALREADY EXISTING. A STREET OBVIOUSLY A CONTINUATION OF ANOTHER ALREADY IN EXISTENCE SHOULD BEAR THE SAME NAME. BEFORE THE STREET IS NAMED, THE PROPOSED NAME MUST BE SUBMITTED TO AND APPROVED BY THE PLANNING COMMISSION AND/OR TOWN COUNCIL. ELSINORE TOWN WOULD PREFER CLASSIC NUMBER ADDRESSING WHEREVER POSSIBLE.

**I. STREET DEDICATIONS.** ALL STREETS SHALL BE DEDICATED FOR PUBLIC USE. THE DEDICATION OF HALF STREETS IN ANY SUBDIVISION IS PROHIBITED.

**J. RELATIONS TO ADJOINING STREET SYSTEM.** THE ARRANGEMENT OF EXISTING STREETS IN ADJOINING AREAS (OR THEIR PROPER PROJECTION WHERE ADJOINING LAND IS NOT SUBDIVIDED) SHALL BE AT THE SAME OR GREATER WIDTH (BUT IN NO CASE LESS THAN THE REQUIRED MINIMUM WIDTH) UNLESS VARIATIONS ARE DEEMED NECESSARY BY THE PLANNING COMMISSION, INSOFAR AS SUCH MAY BE DEEMED NECESSARY BY THE PLANNING COMMISSION FOR PUBLIC REQUIREMENTS. THE STREET ARRANGEMENT MUST BE SUCH AS TO CAUSE NO UNNECESSARY HARDSHIP TO OWNERS OF ADJOINING PROPERTY WHEN THEY PLAT THEIR OWN LAND AND SEEK TO PROVIDE FOR CONVENIENT ACCESS TO IT. WHERE, IN THE OPINION OF THE PLANNING COMMISSION, IT IS DESIRABLE TO PROVIDE FOR STREET ACCESS TO ADJOINING PROPERTY, PROPOSED STREETS SHALL BE EXTENDED BY DEDICATION TO THE BOUNDARY OF SUCH PROPERTY.

**K. STREETS LEADING TO A PROPOSED SUBDIVISION OR DEVELOPMENT** SHALL BE BROUGHT TO REQUIRED STANDARDS FOR WIDTH AND SURFACE. THE DEVELOPER SHALL BEAR THE FULL RESPONSIBILITY FOR COMPLETION OF THE ABOVE IMPROVEMENTS. THE TOWN WILL NOT ACCEPT A STREET UNTIL IT IS BROUGHT UP TO STANDARDS.

L. CUL-DE-SACS (END TURNAROUNDS). EACH CUL-DE-SAC SHALL HAVE A MINIMUM RIGHT-OF-WAY WIDTH OF FIFTY-EIGHT (58) FEET; END MUST BE TERMINATED BY A TURNAROUND OF NOT LESS THAN ONE HUNDRED (100) FEET IN DIAMETER. SURFACE WATER MUST DRAIN AWAY FROM THE TURNAROUND, EXCEPT THAT WHERE SURFACE WATER CANNOT BE DRAINED AWAY FROM THE TURNAROUND ALONG THE STREET, DUE TO GRADE, NECESSARY CATCH BASINS AND DRAINAGE EASEMENTS SHALL BE PROVIDED. CUL-DE-SACS SHALL BE A MAXIMUM OF 500 FEET AS APPROVED BY THE TOWN COUNCIL.

M. PUBLIC UTILITY EASEMENTS. WHERE ALLEYS ARE NOT PROVIDED, EASEMENTS OF NOT LESS THAN TEN (10) FEET ON EACH SIDE OF ALL REAR LOT LINES AND SIDE LINES WILL BE REQUIRED WHERE NECESSARY FOR POLES, WIRE, CONDUITS, STORM OR SANITARY SEWERS, GAS AND WATER MAINS, AND OTHER PUBLIC UTILITIES. EASEMENTS OF GREATER WIDTH MAY BE REQUIRED ALONG PROPERTY LINES WHERE NECESSARY FOR SURFACE OVERFLOW OR FOR THE EXTENSION OF MAIN SEWERS OR SIMILAR UTILITIES.

N. PROTECTION STRIPS. WHERE SUBDIVISION STREETS PARALLEL CONTIGUOUS PROPERTY OF OTHER OWNERS, THE SUBDIVIDER MAY RETAIN A PROTECTION STRIP NOT LESS THAN ONE (1) FOOT IN WIDTH BETWEEN THE STREET AND ADJACENT PROPERTY, PROVIDED THAT AN AGREEMENT APPROVED BY THE TOWN HAS BEEN MADE BY THE SUBDIVIDER, CONTRACTING TO DEDICATE THE ONE FOOT OR LARGER PROTECTION STRIP FREE OF CHARGE TO THE TOWN FOR STREET PURPOSES UPON PAYMENT BY THE THEN OWNERS OF THE CONTIGUOUS PROPERTY TO THE SUBDIVIDER OF A CONSIDERATION NAMED IN THE AGREEMENT, SUCH CONSIDERATION TO BE EQUAL TO THE FAIR COST OF THE STREET IMPROVEMENTS PROPERLY CHARGEABLE TO THE CONTIGUOUS PROPERTY, PLUS THE VALUE OF ONE-HALF THE LAND IN THE STREET AT THE TIME OF THE AGREEMENT TOGETHER WITH THE INTEREST AT A FAIR RATE FROM THE TIME OF THE AGREEMENT, UNTIL TIME OF SUBDIVISION OF SUCH CONTIGUOUS PROPERTY .

#### **PARKS, SCHOOL SITES, OTHER PUBLIC SPACES; PROVISION FOR PUBLIC USE.**

A. IN SUBDIVIDING PROPERTY, CONSIDERATION SHALL BE GIVEN TO SUITABLE SITES FOR SCHOOLS, PARKS, PLAYGROUNDS AND OTHER AREAS FOR PUBLIC USE. ANY PROVISION FOR SUCH OPEN SPACES SHALL BE INDICATED ON THE PRELIMINARY PLAT IN ORDER THAT IT MAY BE DETERMINED WHEN AND IN WHAT MANNER SUCH AREAS WILL BE DEDICATED TO, OR ACQUIRED BY, THE APPROPRIATE AGENCY. IF ANY SUCH PROPOSED PUBLIC AREAS HAVE NOT BEEN PURCHASED AT A FAIR PRICE BY THE PROPER PUBLIC AGENCY OR HAVE NOT BEEN FREELY DEDICATED TO THE PUBLIC BY THE SUBDIVIDER WITHIN ONE YEAR AFTER THE RECORDING OF THE FINAL PLAT, SUCH AREAS MAY BE DIVIDED INTO LOTS AND SOLD BY THE SUBDIVIDER IN ACCORDANCE WITH LOT REQUIREMENTS OF THIS ORDINANCE. WHEN ANY SUCH PUBLIC SPACE IS SHOWN ON THE PRELIMINARY PLAT, A COPY OF SUCH PLAT SHALL BE MADE AVAILABLE TO THE APPROPRIATE PUBLIC AGENCY FOR ITS CONSIDERATION WITHIN A REASONABLE TIME AFTER RECEIPT OF COPIES OF THE PLAT BY THE TOWN COUNCIL.

B. ELSINORE TOWN RESERVES THE RIGHT TO REQUEST UP TO TEN (10) PERCENT OF THE GROSS SITE AREA BE DEDICATED TO ELSINORE TOWN FOR THE PURPOSE OF PUBLIC OPEN SPACE IN THE FORM OF EITHER A PARK, GREEN SPACE, OR WATER RETENTION. GROSS SITE AREA IS DEFINED AS THE TOTAL AREA OF A PLANNED UNIT DEVELOPMENT EXCLUDING ANYTHING IN THE PUBLIC RIGHT-OF-WAY.

#### **BLOCKS**

A. LENGTH. THE MAXIMUM LENGTH OF BLOCKS, GENERALLY, SHALL BE ONE THOUSAND (1000) FEET AND THE MINIMUM LENGTH OF BLOCK SHALL BE FOUR HUNDRED (400) FEET, IN BLOCKS OVER EIGHT HUNDRED (800) FEET, THE SUBDIVIDER MAY BE REQUIRED TO DEDICATE A TEN (10) FOOT WIDE WALKWAY.

**B. WIDTH.** THE WIDTH OF BLOCKS GENERALLY SHALL BE SUFFICIENT FOR TWO LOTS.

**C. USE.** BLOCKS INTENDED FOR BUSINESS OR INDUSTRIAL USE SHALL BE DESIGNED FOR SUCH PURPOSES WITH ADEQUATE SPACE SET ASIDE FOR OFF-STREET PARKING, ALLEYS, AND DELIVERY FACILITIES.

## **LOTS**

**A. BUILDING SITES.** THE LOT ARRANGEMENT, DESIGN, AND SHAPE SHALL BE SUCH THAT LOTS WILL PROVIDE SATISFACTORY AND DESIRABLE SITES FOR BUILDING AND BE PROPERLY RELATED TO TOPOGRAPHY AND CONFORM TO REQUIREMENTS SET FORTH HEREIN.

**B. LOT SIZES.** ALL LOTS SHOWN ON THE SUBDIVISION PLAN MUST CONFORM TO THE MINIMUM REQUIREMENTS OF THE ZONING TITLE, FOR THE ZONE IN WHICH THE SUBDIVISION IS LOCATED, AND TO THE MINIMUM REQUIREMENTS OF THE TOWN COUNCIL.

**C. FRONTAGE ON STREET.** EACH LOT SHALL ABUT ON A STREET A MINIMUM OF THIRTY (30) FEET FROM THE PROPERTY LINE OR AN AVERAGE OF THE SET BACK OF THE MAIN BUILDINGS EXISTING IN ABUTTING LOTS.

**D. DOUBLE FRONTAGE LOTS** SHALL BE PROHIBITED, THIS DOES NOT INCLUDE CORNER LOTS.

**E. CORNER LOTS** SHALL HAVE EXTRA WIDTH FOR MAINTENANCE OF REQUIRED SETBACKS.

**F. REMNANTS OF LOTS** BELOW MINIMUM SIZE LEFT OVER MUST BE ATTACHED TO ADJACENT LOTS RATHER THAN ALLOWED TO REMAIN AS UNUSABLE PARCELS.

**G. DRAINAGE.** LOTS SHALL BE DESIGNED IN SUCH A MANNER AS TO ELIMINATE ANY FLOODING OR POLLUTION OF ADJACENT PROPERTIES.

**H. IN PROPOSED SUBDIVISIONS** WITH IRRIGATION DITCHES RUNNING ADJACENT TO THE FRONTAGE OR WITHIN THE AREA TO BE SUBDIVIDED, THE SUBDIVIDER SHALL PROVIDE CULVERTS OR BRIDGES IN CONFORMANCE WITH TOWN STANDARDS AND OR IRRIGATION COMPANY STANDARDS FOR THE PURPOSE OF PROVIDING PROPER ACCESS TO EACH LOT IN THE PROPOSED SUBDIVISION. IN NO CASE SHALL THE CULVERT OR BRIDGE BE LESS THAN TWELVE (12) INCHES IN DIAMETER AND TWELVE (12) FEET LONG. DITCHES MAY NOT BE COVERED OR BLOCKED BY CONSTRUCTION.

**I. THE FENCING OF CANALS, OPEN DITCHES AND WATERWAYS, NON-ACCESS STREETS, OPEN RESERVOIRS OR BODIES OF WATER, RAILROAD RIGHTS-OF-WAY AND OTHER SUCH FEATURES** JUDGED BY THE PLANNING COMMISSION TO BE OF A POTENTIAL HAZARDOUS NATURE, SHALL BE REQUIRED IN A MANNER SATISFACTORY TO THE PLANNING COMMISSION.

**J. ONCE A SUBDIVISION HAS BEEN APPROVED INTO INDIVIDUAL LOTS, IT SHALL BE UNLAWFUL FOR THE OWNER TO RE-SUBDIVIDE SUCH LOT, EVEN THOUGH THE ACREAGE MAY BE SUFFICIENT, WITHOUT FIRST OBTAINING THE APPROVAL OF THE TOWN COUNCIL, SUBJECT TO STATE CODE REQUIREMENTS FOR AMENDING A SUBDIVISION PLAT.**

## **SECTION 7. REQUIRED IMPROVEMENTS**

**A. BONDS.** GUARANTEE OF INSTALLATION OF IMPROVEMENTS. THE DEVELOPER SHALL GUARANTEE THE INSTALLATION BY ONE OF THE METHODS SPECIFIED AS FOLLOWS:

1. THE DEVELOPER MAY FURNISH AND FILE A CORPORATE BOND, THE CONDITIONS OF WHICH MUST BE APPROVED BY THE TOWN ATTORNEY, OR IN CASH, TO GUARANTEE THAT IMPROVEMENTS WILL BE INSTALLED AS SHOWN ON THE FINAL PLAT. THE PURPOSE OF THE BOND IS TO INSURE CONSTRUCTION OF THE REQUIRED IMPROVEMENTS WITHIN TWO (2) YEARS FROM DATE OF FINAL APPROVAL, WITHOUT COST TO THE TOWN. IF THIS TIME SCHEDULE IS NOT MET, THE TOWN MAY EITHER CASH THE BOND AND COMPLETE THE IMPROVEMENTS OR THE SUBDIVISION APPROVAL EXPIRES. AT SUCH TIME THE DEVELOPER WILL BE REQUIRED TO COMPLY WITH CURRENT ORDINANCES
2. THE DEVELOPER MAY ALLOW ELSINORE TOWN TO HOLD THE FINAL PLAT MAP UNTIL ALL IMPROVEMENTS THAT ARE REQUIRED ARE COMPLETED. IF TOTAL IMPROVEMENTS ARE NOT COMPLETED WITHIN TWO (2) YEARS FROM DATE FILED WITH ELSINORE TOWN OFFICE, THE FINAL PLAT WILL BE VOID.
3. THE DEVELOPER MAY DEPOSIT IN ESCROW WITH AN ESCROW HOLDER APPROVED BY THE TOWN COUNCIL, 10% OF THE TOTAL IMPROVEMENTS UNDER AN ESCROW AGREEMENT TO ASSURE THE INSTALLATION OF SAID IMPROVEMENTS WITHIN TWO (2) YEARS FROM DATE OF FINAL APPROVAL. AN ESTIMATE OF THE TOTAL IMPROVEMENTS WILL BE PROVIDED AND PAID FOR BY THE DEVELOPER.

**B. STREET GRADING AND PAVING.** ALL IMPROVEMENTS MUST COMPLY WITH THE STANDARDS AND PROCEDURES BOOK LOCATED IN THE OFFICE OF THE TOWN HALL.

1. AFTER ALL EARTH WORK IS COMPLETED AND BROUGHT TO LINES, GRADES, AND CROSS SECTIONS AS APPROVED BY THE DESIGNATED TOWN AUTHORITY, THE SUB-GRADE SHALL BE BROUGHT TO A FIRM UNYIELDING SURFACE BY ROLLING OR OTHER MEANS OF COMPACTION. ALL SOFT MATERIAL WHICH WILL NOT COMPACT READILY SHALL BE REMOVED AN APPROVED SUB-BASE MATERIAL WILL BE PLACED WHEN REQUIRED BY THE PLANNING COMMISSION. SUB-BASE MATERIAL SHALL BE APPROVED PIT-RUN MATERIAL.
2. ALL SEWER AND WATER TRENCHES LOCATED IN STREET AND SIDEWALK AREAS SHALL BE THOROUGHLY COMPACTED AND INSPECTED WITH APPROVAL OF THE TOWN AUTHORITY. ALL SEWER AND WATER TRENCHES LOCATED UNDER STREET AND SIDEWALKS SHALL MEET CURRENT DOT COMPACTION SPECIFICATIONS. IT SHALL BE THE SUBDIVIDER'S RESPONSIBILITY TO RESTORE TO GRADE AND RESURFACE ALL STREET AND SIDEWALK AREAS DAMAGED FROM LATER SETTLEMENT OF SUCH TRENCHES WITHIN TWO (2) YEARS OF CONSTRUCTION.
3. THE ROAD BASE SHALL CONSIST OF A MINIMUM OF SIX (6) INCHES OF APPROVED CRUSHED GRAVEL BASE COURSE TO BE PREPARED AND PLACED ON THE SUB-GRADE.

4. AFTER THE ESTABLISHMENT OF A SUITABLE ROAD BASE, THE STREET SHALL BE HARD SURFACED WITH EITHER A 2-1/2 INCH COMPACTED COURSE OF PLANT MIX BITUMINOUS SURFACE COURSE, OR MATERIAL OF EQUAL OR BETTER QUALITY. THE SELECTION OF THE MIX TO BE DETERMINED BY THE TOWN. THE SURFACES SHALL BE PREPARED AND INSTALLED IN ACCORDANCE WITH STANDARDS OF THIS TOWN AND THE STATE OF UTAH DEPARTMENT OF TRANSPORTATION.

**C. CURB AND GUTTER AND SIDEWALKS** MAY BE REQUIRED, IF WATER DRAINAGE MAY BE AN ISSUE. THE PLANNING COMMISSION WILL DETERMINE IF THIS IS NECESSARY.

**D. WATER SUPPLY.** A SUBDIVIDER MUST INSTALL WATER LINES TO MAKE ADEQUATE WATER SUPPLIES AVAILABLE TO EACH LOT WITHIN A SUBDIVISION. WATER MAINS OF NOT LESS THAN EIGHT (8) INCHES IN DIAMETER SHALL BE PUT IN THE STREETS, AND THE SUBDIVIDER SHALL EXTEND EXISTING WATER MAINS IN THE COMMUNITY WATER SYSTEM FROM THE NEAREST AVAILABLE SOURCE TO THE SUBDIVISION AT THE SUBDIVIDER'S EXPENSE AND IN ACCORDANCE WITH TOWN STANDARDS AS ADOPTED BY RESOLUTION. LARGER WATER LINES MAY BE REQUIRED TO MEET FUTURE GROWTH NEEDS. "ADEQUATE SOURCE" MEANS, BUT IS NOT LIMITED TO, FIRE FLOWS EQUALING A MINIMUM OF 1,000 GALLONS PER MINUTE TO ALL FIRE HYDRANTS WITHIN A SUBDIVISION. PROOF OF PRESSURE MUST BE PROVIDED BY THE DEVELOPER. IF WATER PRESSURE DOES NOT MEET WITH CURRENT REGULATIONS AND PUMPS NEED TO BE INSTALLED, THEY WILL INSTALLED AT THE COST OF THE DEVELOPER. THE TOWN COUNCIL MUST APPROVE ALL ASPECTS OF THE PUMPS INSTALLATION. ALL PUMP HOUSES, PUMPS AND GENERATORS WILL BE DEDICATED TO ELSINORE TOWN. ELSINORE TOWN COUNCIL RESERVED THE RIGHT TO REJECT ANY DEVELOPMENT THAT WILL REQUIRE WATER PUMPS.

**E. SEWAGE DISPOSAL.** A SUBDIVIDER MUST CERTIFY IN WRITTEN FORM FROM THE STATE HEALTH DEPARTMENT TO THE TOWN COUNCIL PRIOR TO APPROVAL THAT ALL LOTS IN THE SUBDIVISION ARE TESTED AND ARE FOUND ADEQUATE FOR INSTALLATION AND OPERATION OF SEPTIC TANK SYSTEMS IN CONCURRENCE WITH STATE HEALTH DEPARTMENT REGULATIONS.

**F. STORM WATER.** THE TOWN COUNCIL SHALL REQUIRE THE SUBDIVIDER TO DISPOSE OF STORM WATER AS SUCH PROVISIONS ARE DEEMED NECESSARY. IF EASEMENTS ARE REQUIRED ACROSS ABUTTING PROPERTY TO PERMIT DRAINAGE OF THE SUBDIVISION, IT SHALL BE THE RESPONSIBILITY OF THE SUBDIVIDER TO ACQUIRE SUCH EASEMENTS. IN NEW SUBDIVISIONS A PLAN SHALL BE SUBMITTED SHOWING A DRAINAGE PLAN WITH BARROW DITCHES AND DISPOSAL METHOD FOR STORM WATER. STORM WATER SHALL NOT BE DISCHARGED OR DISPOSED OF IN SUCH A WAY AS TO HARM OR CAUSE DAMAGE TO ADJACENT PROPERTIES.

**G. FIRE HYDRANTS.** FIRE HYDRANTS SHALL BE INSTALLED BY THE SUBDIVIDER PRIOR TO THE COMPLETION OF THE SUBDIVISION AND SHALL BE IN COMPLIANCE WITH STANDARDS ADOPTED BY THE LOCAL JURISDICTION. FIRE HYDRANTS SHALL BE LOCATED A MAXIMUM OF 500 FEET APART. SIZE AND TYPE OF HYDRANTS SHALL BE APPROVED BY ELSINORE TOWN PRIOR TO INSTALLATION. ALL HYDRANTS SHALL HAVE ADEQUATE THRUST BLOCKING OR RESTRAINED JOINT TYPE FITTINGS.

**H. STREET LIGHTS.** A SUBDIVIDER SHALL BE REQUIRED TO PROVIDE STREET LIGHTS IN CONFORMITY WITH THE TOWN. STREET LIGHT STANDARDS:

1. UTILITIES TO BE UNDERGROUND.

2. ALL POWER LINES, TELEPHONE LINES AND NORMAL OVERHEAD LINES SHALL BE PLACED UNDERGROUND BY THE SUBDIVIDER. THE SUBDIVIDER SHALL BEAR THE COST OF MATERIALS AND INSTALLATION. POWER LINES SHALL MEET ALL STANDARDS OF THE NATIONAL ELECTRIC CODE.

**I. MONUMENTS AND LOT STAKING.**

1. PERMANENT MONUMENTS SHALL BE ACCURATELY SET AND ESTABLISHED AT SUCH POINTS AS ARE NECESSARY TO DEFINITELY ESTABLISH ALL LINES OF THE PLAT EXCEPT THOSE OUTLINING INDIVIDUAL LOTS. MONUMENTS SHALL BE OF A TYPE APPROVED BY ELSINORE TOWN AND SHALL CONFORM TO CURRENT INDUSTRY STANDARDS.

2. SURVEY STAKES SHALL BE PLACED AT ALL LOT CORNERS SO AS TO COMPLETELY IDENTIFY THE LOT BOUNDARIES ON THE GROUND.

**J. PUBLIC HEARING.** ANY REQUIRED PUBLIC HEARING SHALL BE SCHEDULED AND HELD BY THE APPLICABLE LAND USE AUTHORITY ACCORDING TO THE APPLICABLE PROVISIONS OF THIS CHAPTER, LAND USE AUTHORITY OR STATE LAW. NOTICE OF REQUIRED PUBLIC HEARINGS SHALL BE IN COMPLIANCE OF THE OPEN MEETINGS ACT AND UTAH STATE LAW.

1. IF NOTICE GIVEN UNDER THE AUTHORITY OF THIS SUBSECTION IS NOT CHALLENGED IN ACCORDANCE WITH APPLICABLE APPEAL PROCEDURES WITHIN THIRTY (30) DAYS FROM THE DATE OF THE HEARING FOR WHICH THE NOTICE WAS GIVEN, THE NOTICE IS CONSIDERED ADEQUATE AND PROPER. THE NOTICE PROVIDED IN THIS SUBSECTION MAY BE REFERRED TO IN THIS SECTION AS "REQUIRED NOTICE". THE COST OF REQUIRED NOTICES SHALL BE PAID BY THE APPLICANT. A FEE SCHEDULE CAN BE OBTAINED FROM ELSINORE TOWN.

**K. INSPECTION OF IMPROVEMENTS.** ELSINORE TOWN SHALL INSPECT OR CAUSE TO BE INSPECTED ALL STRUCTURES, STREETS, FIRE HYDRANTS, AND WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS IN THE COURSE OF CONSTRUCTION, INSTALLATION OR REPAIR, ETC. EXCAVATION FOR FIRE HYDRANTS, WATER AND SEWER MAINS AND LATERALS SHALL NOT BE COVERED OVER OR BACKFILLED UNTIL SUCH INSTALLATION SHALL HAVE BEEN APPROVED BY THE TOWN. IF ANY SUCH INSTALLATION IS COVERED BEFORE BEING INSPECTED AND APPROVED, IT SHALL BE UNCOVERED AFTER NOTICE TO UNCOVER HAS BEEN ISSUED TO THE RESPONSIBLE PERSON, AT NO COST TO ELSINORE TOWN.

## **SECTION 8. PENALTY**

ANY PERSON WHO SHALL VIOLATE ANY OF THE PROVISIONS OF THE ORDINANCE SHALL, UPON CONVICTION THEREOF, BE PUNISHED BY FINE NOT EXCEEDING \$299.00 OR BY IMPRISONMENT IN THE COUNTY JAIL FOR A PERIOD NOT EXCEEDING SIX (6) MONTHS, OR BY BOTH SUCH FINE AND IMPRISONMENT; AND EVERY OMISSION OF NEGLIGENCE TO THE REQUIREMENT DEMANDED TO BE PERFORMED AND EVERY CONTINUANCE OF ANY ACT OR THING PROHIBITED BY THIS ORDINANCE SHALL BE DEEMED TO BE A SEPARATE OFFENSE COMMITTED AND SHALL BE PUNISHABLE ACCORDINGLY.

## **SECTION 9. AMENDMENTS AND ADDITIONS**

ELSINORE TOWN MAY, FROM TIME TO TIME, AND IN A MANNER CONSISTENT WITH THE GENERAL PLAN, AMEND ANY PROVISIONS OF THIS SECTION. AMENDMENTS SHALL BE APPROVED IN ACCORDANCE WITH ALL PUBLIC HEARING REQUIREMENTS IMPOSED BY STATE LAW OR LOCAL ORDINANCE.

ANY AMENDMENT OR REVISION TO THIS SECTION SHALL SUPERSEDE ANY PRIOR PROVISIONS OR ORDINANCES. PROVISIONS OF THIS CHAPTER NOT AFFECTED BY THE AMENDMENT OR REVISION SHALL CONTINUE TO BE VALID AND SHALL NOT BE CONSIDERED A NEW ENACTMENT WHEN AMENDMENTS OR REVISIONS ARE ADOPTED. ANY PRIOR PROVISIONS OF TOWN ORDINANCES, THAT DO NOT CONFORM TO THE PROVISIONS OF THIS SECTIONS, ARE DECLARED VOID. ANY USES, STRUCTURES OR BUILDINGS THAT WERE CONFORMING TO PREVIOUS PROVISIONS OF THIS SECTION BUT DO NOT NOW CONFORM SHALL BE NONCONFORMING USES, STRUCTURES OR BUILDINGS.