

MILLVILLE CITY CODE
TITLE 16 - SUBDIVISIONS
CHAPTER 16.12 - ADMINISTRATION AND ENFORCEMENT

[16.12.010: LAND USE AUTHORITY](#)

[16.12.020: APPEALS](#)

[16.12.030: SUBDIVISION ORDINANCE FEES](#)

[16.12.040: ENFORCEMENT](#)

[16.12.050: NOTICE OF NONCOMPLIANCE](#)

[16.12.060: VACATIONS](#)

[16.12.070: PENALTIES](#)

[16.12.080: ADMINISTRATIVE LIABILITY](#)

16.12.010: LAND USE AUTHORITY

- A. The Land Use Authority for **preliminary** subdivision applications is the Planning and Zoning Commission. For the purpose of preliminary subdivision applications, the Commission shall be responsible for the following, but may delegate any responsibility to City staff:
1. Rendering land use decisions related to preliminary applications.
 2. Reviewing preliminary applications in an impartial manner and according to the standards and deadlines described in this Title.
 3. Holding a public hearing for preliminary applications when the Commission determines one is needed.
 4. Providing feedback to applicants on their preliminary applications.
 5. Scheduling and holding a pre-application meeting with potential applicants when requested by a prospective applicant. This task is delegated to City staff by default.

6. Keeping application forms (both preliminary and final) and related informational material up to date and publicly accessible and distributing such forms and materials to potential applicants. This task is delegated to City staff by default.
 7. Providing notice to entities and parties on subdivision applications as required by this Code. This task is delegated to City staff by default.
 8. Ensuring that documents are properly recorded with the County after final approval as required by this Code. This task is delegated to City staff by default.
- B. The Land Use Authority for final subdivision applications under this Code is the Development Coordinator. For purposes of final subdivision applications, the Development Coordinator shall be responsible for the following:
1. Rendering land use decisions related to final applications.
 2. Reviewing final applications in an impartial manner and according to the standards and deadlines described in this Title.
 3. Signing final application approvals as required by this Title.
- C. As subdivision application decisions are administrative, not legislative, the Planning and Zoning Commission and Development Coordinator are, respectively, authorized to approve preliminary and final subdivision applications without City Council approval.
- D. In accordance with Utah Code §10-9a-604.1(1)(b) and §10-9a-604.1(9)(b), the City Council and its members shall not approve, deny, or require revisions to any preliminary or final subdivision application except in the case of development agreements or otherwise as permitted under state law. This provision does not limit the City Council's power to enact ordinances or administer other land use procedures.
- E. For convenience, the Land Use Authorities described in this Chapter are summarized in Table 16.12.010. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 94-3 § 1)

Table 16.12.010 – Land Use and Appeal Authorities			
<u>Action/Application</u>	<u>Advisory Body</u>	<u>Land Use Authority</u>	<u>Appeal Authority</u>
Preliminary Application for a New Subdivision	City Staff	Planning & Zoning Commission	City Council

Final Application for a New Subdivision	N/A	Development Coordinator	City Council
Petition to Amend Existing Subdivision	Development Coordinator	Planning and Zoning Commission	City Council
Application for Lot Line Adjustment	N/A	Planning Commission	City Council
Accepting Completed Improvements and Releasing Guarantee	Public Works Director	City Council	City Engineer

16.12.020: APPEALS

- A. The Appeal Authority for the Land Use Authorities' actions relating to subdivision applications, except where otherwise noted, is the City Council.
- B. The Appeal Authority shall hear appeals on final decisions made by the Land Use Authorities and shall hear complaints about the conduct of the Land Use Authorities in administering the provisions of this Chapter.
- C. A party appealing or complaining of a Land Use Authority's decision under this Chapter must exhaust its remedies under this section (by appealing or complaining to the Appeal Authority) before bringing an action against the City in a court of law.
- D. A party who has submitted a subdivision application or petition may appeal or complain to the Appeal Authority under this Chapter. In such an appeal or complaint, the party may appeal or complain only regarding the Land Use Authority's treatment of that party's own application; a third party may not appeal or complain of Land Use Authority decisions or conduct.
- E. A party desiring to appeal or complain of a Land Use Authority decision shall submit to the Appeal Authority the following in writing:
 - 1. A brief explanation of the relief the party is seeking, the reason the party submitted its application or petition, the Land Use Authority's decision and treatment of the application or petition, and why the applicant believes the Land Use Authority misapplied the provisions of this chapter or abused the discretion given it by this chapter.
 - 2. The most recent version of the application or petition the party submitted.

3. Any supplemental documentation or information that the Appeal Authority requests.
 4. All appeals and complaints must be emailed or mailed to the City Recorder using the Recorder's official City address and/or email account listed on the City website.
- F. After receiving a complete appeal or complaint in accordance with this Section, the Appeal Authority shall deliver a decision to the applicant, in writing, no later than 30 calendar days after the Appeal Authority receives the appeal or complaint. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 2007-8, 2007: Ord. 94-3 § 1)

16.12.030: SUBDIVISION ORDINANCE FEES

- A. All fees required for applications pertaining to this Title shall be set by resolution of the City Council.
- B. Land In Lieu Of Fees: Dedication of public land, open space or park area may be used in lieu of fees, as determined by the City Council. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.12.040: ENFORCEMENT

- A. These regulations shall be enforced by the Development Coordinator or other entity as designated by the City Council.
- B. The City shall not extend utilities and services and shall not approve any proposed subdivision of land which, by itself or as a part of a larger tract, is contiguous to the boundaries of the City unless the preliminary subdivision application is accompanied by a properly acknowledged petition for annexation to the City and a separate application for proper zoning. (Ord. 2025-1, 2025: Ord. 2024-3, 2024: Ord. 2008-4, 2008: Ord. 2003-4 § 3, 2003: Ord. 94-3 § 1)

16.12.050: NOTICE OF NONCOMPLIANCE

- A. Upon inspection and discovery that any provision of the City's Subdivision Code has been or is being violated, the City may provide written Notice of Violation to the owner of the property that is the subject of the violation and to any other party who may be responsible for the violation.
- B. The written Notice of Violation shall:
 - 1. Indicate the nature of the violation;
 - 2. Identify the action necessary to correct the violation;
 - 3. Give the property owner fourteen (14) days from the date of the receipt of the Notice to correct the violation;
 - 4. State the action the City intends to make if the violation is not corrected within the fourteen (14) day period; and
 - 5. State that the property owner may request a hearing with the Planning Commission if the property owner disagrees with the determinations set forth in the Notice of Violation.
- C. The Notice of Violation shall be served upon the property owner and/or the violator by personal delivery, by certified mail, return receipt required, to the address listed on the County Assessor's records for the property.
- D. Within fourteen (14) days of the day on which the Notice of Violation is served on the property owner, the property owner may request a hearing with the Planning Commission to present facts and arguments as to why the property owner is entitled to relief from the Notice of Violation. The property owner shall file the request for a hearing in writing with the City Clerk. The written request for a hearing shall set forth the property owner's position as to why the property owner is entitled to relief. The City Clerk shall notify the Planning Commission of the request for a hearing and the request shall be placed on the agenda for the next regularly scheduled meeting of the Planning Commission, but in no event later than thirty (30) days from the date the City Clerk receives the request for a hearing. The Planning Commission shall review the Notice of Violation, the written request for a hearing, and any other information that the property owner or any other interested party may present, and make a determination as to whether the violation set forth in the Notice of Violation has taken place or exists. The City shall have the burden of proving by a preponderance of the evidence the violation took place or exists.
- E. If the property owner has not requested a hearing with the Planning Commission within the fourteen (14) day period, or if after a hearing on the matter the Planning Commission

determines that the violation set forth in the Notice of Violation has taken place, the Planning Commission or any other person designated by the City may record a Notice of Noncompliance on title to the property that is the subject of the Notice of Violation. The Notice of Noncompliance shall generally explain the nature of the violation, indicate that no permits or licenses, including but not limited to, a building permit, may be issued for any structure located on the subject property, and meet all other requirements for the recording of documents in the Cache County Recorder's Office.

- F. If the City subsequently determines that the violation of the City's Subdivision Code for which a Notice of Noncompliance has been recorded has been cured or that the property which is the subject of the Notice of Noncompliance is otherwise no longer in violation, the Planning Commission, City Council, or other person designated by the City shall record a release of the Notice of Noncompliance on title to the subject property.
- G. Notwithstanding anything to the contrary in any ordinance or code of the City, until such time as the violation for which a Notice of Noncompliance issued under this Section has been cured or otherwise resolved, the City may withhold or deny the issuance of any permits, licenses, or connections of any kind including but not limited to, a building permit, water connection, or other similar permit or connection, for the property in violation or any structure thereon. (Ord. 2025-1, 2025: Ord. 2024-3, 2024: Ord. 2008-4, 2008: Ord. 2003-4 § 3, 2003: Ord. 94-3 § 1)

16.12.060: VACATIONS

- A. Pursuant to the provisions of sections 10-9-808 through 10-9-810 of the Utah Code, any plat may be vacated by the owners before any substantial improvements have been made in the subdivision, by submitting a copy of the plat to the Commission along with a written request for a vacation. The written request shall be by all of the owners. The Commission shall make a recommendation on the vacation to the City Council, and the Council shall approve or disapprove the vacation. The recording of an instrument vacating the plat shall operate to destroy the force and effect of the recording of the original plat and to divest all public rights in the streets, alleys, commons and public grounds laid out or described in such a plat.
- B. Streets and alleys platted and laid out under the provisions of these regulations or laid out under any prior law of the state of Utah may be altered or vacated in the manner provided by law for the alteration or discontinuance of highways.
- C. Any part of a plat may be vacated under the provisions and subject to the conditions of subsection A of this section, provided such vacating does not abridge or destroy any of

the rights and privileges of other proprietors in such plat and provided, further, that nothing contained in this section shall authorize the closing or obstruction of any public highways laid out according to law. The request for vacation shall be made by all of the owners.

- D. When any part of a plat shall be vacated as aforesaid, streets, alleys, and other public grounds shall be assigned to all lots or parcels adjacent to the public area being vacated in equal proportions.
- E. The county recorder shall write in plain, legible letters across that part of the plat so vacated the word "vacated" and also make a reference on the same to the volume and page in which the instrument of vacation is recorded.
- F. Land covered by a vacated plat may be replatted as described by these regulations. Any later replatting of an area already platted and not vacated shall be construed to be a request for the vacation of the original plat or portion thereof. Any such plat, once approved and recorded, shall act to vacate the original plat which it replaces. (Ord. 2025, 2025: Ord. 2008-4, 2008: Ord. 2000-13 § 2)

16.12.070: PENALTIES

- A. Violation Of Provisions: Any person who violates any provision of these regulations and any person who, as an agent for a subdivider, developer or owner of subdivided lands, offers for sale any subdivided lands or subdivisions without first complying with the provisions of these regulations shall be guilty of a Class C misdemeanor and shall be subject to fine, imprisonment or both. The City may bring a suit to enjoin any violation of the provisions of this Title by action for injunction and may recover the penalty by civil action. If such a penalty has not been paid when the subdivision plan is admitted for final approval, the Land Use Authority shall not approve any subdivision application until the penalty is paid.
- B. The City Council may, in its discretion, void transfers of parcels in a subdivision if that subdivision was not approved by the City in accordance with this Title.
- C. Removal, Destruction Or Defacement Of Monuments Or Corners:
 - 1. No person shall wrongfully, willfully or negligently remove, destroy or deface any survey monument, corner, or witness corner.

2. Any person who violates this subsection is guilty of a class C misdemeanor and is additionally responsible for:
 - a. The costs of any necessary legal action; and
 - b. The costs of reestablishing the survey monument, corner, or witness corner. (Ord. 2025-1, 2025: Ord. 2008-4, 2008: Ord. 94-3 § 1)

16.12.080: ADMINISTRATIVE LIABILITY

The City shall hold harmless the Public Works Department, other City agencies, staff, and officials, and their official agents and representatives, when acting in good faith and without malice, from all personal liability for any damage that may accrue to any person or property as a result of any act required by these regulations, or for the omission of any act on the part of the department, agency or official or their authorized agents in the discharge of their duties hereunder. Any suit brought against the City or the City administration because of any such act or omission in the carrying out of the provisions of these regulations shall be defended by the City's legal department through final determination of such proceedings. (Ord. 2025-1, 2025)