

## SUMMARY OF ORDINANCE NO. 132

NOTICE IS GIVEN that the City of Fernan Lake Village has enacted Ordinance No. 132 entitled "Subdivision of Land" which relates to the division of land within the incorporated limits of the City and within the area of city impact. The ordinance sets forth the platting procedures for the approval of land divisions and provides criteria and standards for improvements, administrative guidelines, penalties for violations and for the collection of fees. A summary of the principal provisions of the Ordinance are as follows:

1. The purpose of the ordinance is to prescribe the standards, requirements and procedures for a plat or for a parcel of land that is divided into two or more lots or parcels for the purpose of transfer of ownership or for building development. A further purpose of the ordinance is for the design and construction of infrastructure and other amenities. The requirements subdivisions do not apply to lot line adjustments, but article 3 of the ordinance addresses the requirements for submitting a request for a lot line adjustment to the City.

2. No plat of a subdivision may be recorded without the approval of the City.

3. An applicant may appeal a decision of the City Council regarding a subdivision and, after exhausting the remedies provided in the ordinance, seek judicial review of the final decision of the City.

4. The City Council shall establish fees for those making

application pursuant to the provisions of the Ordinance.

5. The ordinance sets forth the requirements for applicants seeking subdivision approval and sets forth the form and content of a subdivision plat.

6. The ordinance sets forth the administrative procedures for subdivisions, and the review to be made by the Planning and Zoning Commission and the City Council.

7. The ordinance provides for the conduct of public hearings on proposed subdivisions and sets the procedures for giving notice and conduct of the hearing.

8. The ordinance provides for replatting, property line adjustments and vacation of plats.

9. The ordinance provides that it is unlawful to record any plat that does not bear the requisite signatures and certificates of approval; that it is unlawful to initiate the construction or installation of improvements prior to receiving preliminary plat approval, approve construction plan, financial guarantee agreements, and/or agreement for construction supervision. It is unlawful to transfer or convey any lot or parcel within a land division without first complying with the provisions of the ordinance and it unlawful to make false statements on a plat. The City shall not issue any building permits or other development permits for any property which was divided in violation of the ordinance.

10. A failure to comply with the provisions of the ordinance constitutes a misdemeanor for which the violator may be fined \$300.00, or be incarcerated for thirty (30) days, or both, for each


offense, and each violation and each day each violation exists constitutes a separate offense.

11. The City may pursue a violation criminally, or may pursue a civil enforcement action, or may concurrently bring both civil and criminal enforcement actions.

12. The ordinance becomes effective thirty (30) days after the date of publication.

The full text of Ordinance No. 132 is available at the office of the City Clerk, Sam Newman, at Magnuson, McHugh & Company, P.A., 1121 Mullan Avenue, Coeur d'Alene, Idaho.

DATED this 4<sup>th</sup> day of February, 1999.

  
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SAM NEWMAN  
City Clerk