

**TITLE 5
TOWN OF BRIDGEWATER
LAND SUBDIVISION**

***CHAPTER 1
General Provisions***

Section

- 5-1. Title
- 5-2. Policy
- 5-3. Definitions
- 5-4. Prohibition Against Subdividing Without Complying With Ordinance
- 5-4.1. Subdivision Informal Plans
- 5-5. Payment of Share of Certain Costs
- 5-6. Building Permit Withheld
- 5-7. Proceedings to Restrain or Abate Violations
- 5-8. Administrative Procedures; Right of Agent to Establish

***CHAPTER 2
Plats***

- 5-9. Preliminary Plat
- 5-10. Preliminary Plat-Contents
- 5-11. Preliminary Plat-Filing for Approval
- 5-12. Final Plat-Requirements and Contents
- 5-13. Additional Filings With Final Plat
- 5-14. Approval of Final Plat; Recordation in Clerk's Office

***CHAPTER 3
Design Standards***

(A) Streets and Alleys

- 5-15. Names of Streets
- 5-16. Alleys for Commercial and Industrial Use
- 5-17. Prohibition of Alleys on Residential Lots
- 5-18. Prohibition of Reserved Strips
- 5-18.1. Connection of Streets

(B) Lots and Blocks

- 5-19. Length, Width and Shape of Blocks
- 5-20. Approval of Design of Irregularly Shaped Blocks, etc.
- 5-21. Size, etc. of Lots
- 5-22. Prohibition Against Peculiarly Shaped Elongations

(C) Survey Monuments and Pins

- 5-23. Installation of Permanent and Other Monuments

CHAPTER 4

Improvements; Easements, Maintenance of Streets By Town

- 5-24. (Repealed March 10, 1998.)
- 5-25. Utility Easements; Other Easements
- 5-25.1. Drainage System and Easements
- 5-26. Maintenance of Streets by Town
- 5-27. Construction of Improvements; Guaranty by Subdivider
- 5-28. Standards for Improvements
- 5-28.1 Inspection of Improvements

CHAPTER 5

Fees and miscellaneous

- 5-29. Fees
- 5-30. Vacation

Chapter 1
General Provisions

§ 5-1. **Title.** This ordinance is known and may be cited as the "Subdivision Code of Bridgewater, Virginia."

§ 5-2. **Policy.** It is declared to be the policy of the Town of Bridgewater to consider land Subdivisions as part of a plan for the orderly, efficient and economical development of the Town. Such Subdivisions shall be guided and regulated in such a manner as to meet the requirements set out in this ordinance for orderly and harmonious growth.

§ 5-3. **Definitions.** For the purposes of this ordinance and any addenda, the following words and phrases shall have the meanings ascribed to them by this section:

- (a) "Agent" The Town Superintendent of the Town of Bridgewater, Virginia or his designee.
- (b) "Alley" A passageway open to public travel affording a secondary means of vehicular access to abutting lots, but not intended for general traffic circulation.
- (b1) "Alteration" The changing of a lot boundary or boundaries without the creation of additional parcels. (Added July 10, 2018.)
- (c) "Clerk's Office" The Clerk's Office of the Circuit Court of Rockingham County, Virginia. (Added March 10, 1998.)
- (d) "Commission" The Planning Commission of the Town of Bridgewater, Virginia.
- (e) "Council" The Council of the Town of Bridgewater, Virginia.
- (f) "Cul de sac" A street with only one outlet and having an appropriate turnaround for safe and convenient vehicular traffic movement.
- (g) "Paper street" A street which exists only on a Plat drawn by a surveyor, and does not physically exist.
- (h) "Person" Includes individuals, partnerships, corporations, and all forms of legal entities.
- (i) "Plat" A map or drawing on which the proposed Subdivision of land is presented for approval and, when in final form, for recording.
- (j) "Street" Any passageway (other than alleys), specifically designed for vehicular traffic, including streets, lanes, boulevards, expressways, roads, highways, thoroughfares, or however otherwise designated.

- (k) “Subdivide” To divide a parcel of land for the purpose of transferring ownership or development, whether future or immediate, excluding dedications of land to the Town. (Added March 10, 1998.)
- (l) “Subdivider” Person owning a parcel of land to be subdivided.
- (m) “Subdivision” All real property shown on a final Plat approved by the Town. (Added March 10, 1998.)

§ 5-4. Prohibition Against Subdividing Without Complying With Ordinance.

- (a) Subject to the provisions of § 5-4.1 concerning Subdivision exceptions, no Person shall Subdivide land without fully complying with the provisions of this title, including the making and recording a Plat of such Subdivision.
- (b) No such Plat of any Subdivision shall be recorded unless and until it shall have been submitted to and approved by the Agent.
- (c) No Person shall sell or transfer any land of a Subdivision before such Plat has been duly approved and recorded as provided in this title, unless such Subdivision was lawfully created prior to the adoption this title.
- (d) It shall be unlawful for any Person to Subdivide or improve property in a manner which deviates from the final Plat as approved.
- (e) It shall be unlawful for any Person to create an Alteration without the written certification of the Agent that it is in accord with applicable law. No other process is required for Alterations.

Legislative Intent: The certification process for alterations is primarily intended to guard against the creation of non-conforming Lots, except through the process described in § 5-19(b).

- (f) Any Person violating the foregoing provisions shall be subject to a fine of not more than \$500 for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided herein.

(Code of Virginia, § 15.2-2254) (Amended March 10, 1998; July 10, 2018.)

§ 5-4.1 Subdivision Informal Plans.

- (a) This section is intended to foster, in appropriate cases, a dialogue between the Agent and potential Subdividers, which will lead to development responsive to the Town’s objectives as expressed in § 5-2 with a minimum of bureaucratic delay.

- (b) This section authorizes the use of a Subdivision Informal Plan (“SIP”) whenever the Agent certifies in writing that (i) a subdivision is unusual for any reason, including its size, minimal impact on other property, or unique features or (ii) strict adherence to this title would result in substantial injustice or hardship. SIP’s are not appropriate in every case, but the Agent shall make them available as liberally as circumstances warrant to further the Town’s policy set forth in paragraph (a) above.
- (c) Where a SIP is authorized under paragraph (b), the normal procedural requirements of this title do not apply. Instead, the Subdivider and the Agent shall work together jointly to develop a final plat satisfying the requirements of § 5-12 and a development agreement, suitable for recording, which establishes the Subdivider’s responsibilities with respect to the Subdivision. This paragraph (c), however, does not authorize the Agent to lessen any of the substantive requirements for the Subdivision.
- (d) Where a SIP is authorized, the Agent may recommend substantive modifications to a Subdivider’s responsibilities, but no such modifications shall be effective except upon the approval of the Town Council, after receiving the Planning Commission’s recommendation.
- (e) Except as provided in paragraph (d) above, and notwithstanding the other provisions of this Title, the Agent is the final approving authority for a SIP (although the Town Attorney must approve the form of the development agreement). If the either Agent or the Subdivider believe collaborative process described in paragraph (c) is unlikely to produce an agreement, the Agent shall require that the standard subdivision provisions of this Title be followed.

Legislative Intent: The SIP program is intended to further the Town’s ability to be highly responsive to persons wishing to develop their property without jeopardizing the rights of the Town or the needs of its citizens. Unless the Town Council consents under paragraph (d), nothing in the SIP program changes any of the Town’s substantive requirements for developments. Instead, the SIP program will typically affect only the procedures which are followed. It is designed to save time by fostering discussion between developers and the town staff, in lieu of the formalistic traditional subdivision procedures. Further, in those traditional procedures, the Planning Commission acts in a strictly ministerial capacity, so transferring review to the staff simply transfers bureaucratic duties to the bureaucrats.

(Added March 10, 1998. Amended March 12, 2013.)

§ 5-5. Payment of Share of Certain Costs. Every Subdivider shall be obligated to pay the pro-rata share of the cost of providing reasonable and necessary sewerage, water, and drainage facilities, located outside the Subdivision, but necessitated or required, at least in part, by the construction or improvement of the Subdivision; provided, however, that no such payment shall be required until such time as the Town of Bridgewater or a designated department or agency thereof shall have established a general sewer, water and drainage improvement program for an area having related and common sewer, water, and drainage conditions, and within which the Subdivision is located.

Such a program must contain regulations establishing reasonable standards to determine the proportionate share of total estimated costs of ultimate sewerage, water, and drainage facilities required to adequately serve a related and common area, when and if fully developed in accord with the comprehensive plan of the Town, that shall be borne

by each Subdivider within the area. Such share shall be limited to the proportion of such total estimated cost which the increased sewage flow, water flow, and/or increased volume and velocity of storm water runoff to be actually caused by the Subdivision bears to total estimated volume and velocity of such sewage, water, and/or runoff from such area in its fully developed state.

Each such payment received shall be expended for the study and construction of those facilities identified in the established sewer, water, and drainage program. The payments received shall be kept in a separate account for each of the individual improvement programs until such time as they are expended for the improvement program. In lieu of such payment, however, the Subdivider may post a personal, corporate, or property bond, cash escrow, or letter of credit conditioned on payment in full at the commencement of such construction. (Code of Virginia, § 15.2-2243.)

(Amended March 10, 1998.)

§ 5-6. Building Permit Withheld. No building permit shall be issued for any structure or building to be located on any land which has been subdivided until a Plat of such Subdivision shall have been recorded as provided in this title.

§ 5-7. Proceeding to Restrain or Abate Violations. In case of any violation or attempted violation of the provisions of this title, the Town Council or the Agent, in addition to other remedies, may institute any appropriate action or proceeding to prevent such violation, or attempted violation, to restrain, correct, or abate such violation, or attempted violation, or to prevent any act which would constitute such a violation,

§ 5-8. Administrative Procedures; Right of Agent to Establish. In addition to the provisions of this title, the Agent may establish additional reasonable administrative procedures deemed necessary for the proper administration of this title but such procedures shall be subject to disapproval by the Council. (Code of Virginia, § 15.2-2241(9).) (Amended March 10, 1998.)

CHAPTER 2

Plats

§ 5-9. Preliminary Plat. The first step in the approval of a Subdivision shall be the filing of a preliminary Plat with the Agent.

§ 5-10. Preliminary Plat. The Preliminary Plat consists of two parts, which may be filed simultaneously or sequentially. If filed sequentially, the initial determination of Part I shall be an informal “Likely to Pass” or “Likely to Fail.” Only when both parts have been filed will the Town take any formal action on the Preliminary Plat.

(a) *Part I. Planning Issues.* Part I of the Preliminary Plat shall consist of the following:

- (1) The proposed Subdivision name and acreage;
- (2) Date, north point, and graphic scale;
- (3) Names and addresses of the owners of the property, including any existing mortgagees, and the designer of the layout;
- (4) Location and names of adjoining Subdivisions or names of the owners of adjoining lands;

- (5) Existing and proposed streets, easements and other rights of way within and adjoining the Subdivision, including right-of-way and roadway widths, approximate grades, and proposed street names;
- (6) Location of existing and proposed utilities adjacent to the tract to be subdivided, including size and elevation;
- (7) Location of building setback lines and zoning district lines;
- (8) Lot lines, lot and block numbers, and approximate bearings and distances;
- (9) The location of existing water courses and other geographic features;
- (10) For subdivisions greater than 50 lots or five acres, whichever is greater, the preliminary plat shall include base flood elevation data. (44 CFR § 60.3(b)(3).)

There is no fee for review of Part I of a Preliminary Plat.

(§ 5-10(l) was repealed by implication January 9, 2018.)

(b) *Part II. Site Plan.* Part II of the Preliminary Plat is a site plan with detailed construction drawings which show the following information; all of which must comply with § 5-28 below.

- (1) Infrastructure to be built for water and sanitary sewer systems;
- (2) Any plans required by Chapters 3 or 5 of Title 15, or other applicable law;

INSIGHT: Chapters 3 and 5 of Title 15 refer to Erosion & Sedimentation Control and Stormwater Management, respectively.

- (3) Easements for required plans or facilities described in paragraphs (b)(1) or (b)(2) above;
- (4) Any landscaping required by Title 17 of this Code;
- (5) All streets to be constructed, whether to be public or private;
- (6) *Flood Plain.* Such data as will show that § 6-135.3 will be satisfied by the development. (44 CFR § 60.3(a)(4))

The filing fee for Part II of a Preliminary Plat shall be as follows:

- (i) For the initial submission, \$12.50 per lot to be created, with a minimum of \$125,
- (ii) For a corrected second submission, twice the fee established by paragraph (i) above, and

- (iii) For any subsequent corrected submissions, three times the fee established by paragraph (i) above.

LEGISLATIVE INTENT: This fee structure is intended to encourage an effort to submit documents correctly the first time, rather than requiring the Town staff to serve as frontline error checkers.

In addition to these fees, the Applicant must pay for the SWPPP review referenced in paragraph (b)(2) above. Finally, in those exceptional cases when the Agent determines that the services of a licensed engineer is necessary for the review of a submission, the Town's fee shall be increased by the amount of the engineer's reasonable fee.

The Agent is authorized to adopt regulations governing the process of filing a site plan and establishing reasonable standards for the construction or implementation of all items shown in the site plan.

(Amended March 10, 1998. Amended March 12, 2013, Amended October 8, 2013, Amended January 9, 2018.)

[Ed.: § 5-10(1) has been superseded.]

§ 5-11. Preliminary Plat-Approval.

- (a) Subject to paragraphs and (b) and (c) below, the Agent shall act on any Preliminary Plat within 60 days after it has been submitted, in full. If the Preliminary Plat is rejected, specific reasons for the disapproval shall be contained either in a separate document or on the plat itself. The reasons for any disapproval shall identify deficiencies in the Preliminary that caused the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify, to the greatest extent practicable, modifications or corrections that would permit approval of the plat.

LEGISLATIVE INTENT: The Agent is expected to thoroughly review the plat and identify, to the greatest extent practicable, all deficiencies, if any, with the initial submission.

- (b) Where Part I of the Preliminary Plat is filed without Part II, there shall be no time limit for an informal decision on a submission.
- (c) If approval of a feature or features of the plat or plan by a state agency or public authority authorized by state law is necessary, Agent shall forward the plat or plan to the appropriate state agency or agencies for review within 10 business days of receipt of such plat or plan. The referral to a state agency or agencies shall extend the Agent's deadline to act as provided in Va. Code, § 15.2-2259.

(Amended March 10, 1998, Amended January 9, 2018.)

§ 5-12. Final Plat-Requirements and Contents.

- (a) A final Plat (for at least a section of the Subdivision) shall be filed with the Agent within six months of the approval of the preliminary Plat; if not, the preliminary Plat shall be deemed abandoned, and the approval of the Preliminary plat shall be void. The final Plat shall be prepared in all cases by a surveyor or professional civil engineer duly licensed by the Commonwealth of Virginia. The Subdivider shall submit to the Agent a reasonable number of copies, as required by the Agent, clearly and legibly drawn to scale and of a size compatible with size requirements of

the Clerk's Office, for recordation purposes. When more than one sheet is necessary, an index sheet of the same size shall be required showing the entire Subdivision. (Amended March 10, 1998.)

(b) The final Plat shall show:

- (1) Bearings and distances to nearest existing street lines or other permanent monuments and shall be accurately described on the Plat.
- (2) Exact boundary lines of the tract.
- (3) Name of Subdivision, total acreage, exact location, width and names of all streets and alleys within and immediately adjoining the Plat, north point, graphic scale and date.
- (4) Streets and lines showing angles of deflection, angles of intersection, radii and lengths of tangents.
- (5) Lot lines with dimensions to the nearest one-hundredth (1/100) foot and bearings to the nearest 10 seconds.
- (6) Numbered lots and blocks.
- (7) Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for public use. Easements shall be labeled specifically as to type, *i.e.* "15 foot storm water drainage easement."
- (8) Accurate location and description of monuments and markers, and the type of material used for the monuments or markers.
- (9) The following certificate, in addition to any professional engineer's or land surveyor's certificate:

"The platting or dedication of the following described land (here insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any."

This statement shall be signed by the necessary parties, including trustees, and acknowledged before a notary public or other officer authorized to take acknowledgements.
- (10) Names and addresses of the owners of the subject property, including any existing mortgagees, and the designer of the layout.
- (11) The place or places of record of the last instrument or instruments in the chain of title.

- (c) The final Plat shall
 - (1) Comply with the Minimum Standards and Procedures for Land Boundary Surveying Practice and all other regulations adopted by the Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects of the Commonwealth of Virginia.
 - (2) Be oriented so that north is shown at the top of the page, wherever practicable.
 - (3) Comply with the standards adopted under § 42.1 -82 of the Virginia Public Records Act. (Code of Virginia, § 15.2-2241(1))

(Amended March 10, 1998.)

§ 5-13. *Additional Filings With Final Plat.* At the time of filing the final Plat with the Agent, the Subdivider shall also submit the following:

- (1) A certificate as to adequacy of the proposed water supply and sewage system, if not connected to the Town's system (but this provision does not constitute authorization for alternative or private water or sewer systems);
- (2) A certificate by a professional engineer that any required improvements constructed by the Subdivider have been designated to meet the minimum standards of these regulations or as otherwise required by law;
- (3) The performance bond or other instrument described under § 5-27.

§ 5-14. *Approval of Final Plat; Recordation in Clerk's Office.*

- (a) *Approval.* The Agent shall act on the final Plat, without review by the Commission or Council, in the same manner and within the same time restraints as is required on the preliminary Plat under § 5-11. It shall be approved if it is consistent with the preliminary Plat and otherwise complies with this ordinance. If the final Plat is approved, such fact shall be endorsed on the Plat itself, executed by the Agent. No approval shall be granted until the provisions of § 5-27 pertaining to the construction of improvements have been complied with.
- (b) *Recordation-Generally.* After approval the Plat shall then, subject to all of the provisions of this title, be filed and recorded in the Clerk's Office, and indexed in the general index to deeds under the names of the owners of land signing the statement set forth under § 5-12(b)(9) and under the name of the Subdivision.
- (c) *Timing of Recordation.* Subject to paragraphs (d)(1) and (d)(2) of this section, unless the approved final Plat is filed for recordation within six (6) months after final approval, or such longer period as may be approved by the Council in writing, the approval previously given shall be deemed withdrawn and the Subdivider shall return the Plat marked "void" to the Agent. (Code of Virginia, § 15.2-2241(8).)

(d) *Extensions of Recordation Deadline.*

- (1) *Incremental Recordation.* If a Subdivider records a final Plat comprising a section of a Subdivision as shown on an approved preliminary Plat and furnishes the guaranty required by § 5-27 for that section, the Subdivider shall have the right to record the remaining sections shown on the preliminary Plat for a period of five years from the recordation date of the first section or for such longer period as the Agent may determine to be reasonable. (Code of Virginia, § 15.2-2241(5).)
- (2) *Improvements underway.* In any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit (and with a guaranty approved under § 5-27) the time for such Plat recordation shall be extended to one year after final approval or the time limit specified in the surety agreement approved by the governing body, whichever is greater. (Code of Virginia, § 15.2-2241(8).)

(Amended March 10, 1998.)

CHAPTER 3

Design Standards

(A) *Streets and Alleys*

§ 5-15. Names of Streets. Proposed streets that are in alignment with existing streets already named shall bear their existing names. No new streets shall duplicate names of existing streets in the Town, irrespective of any suffix. All street names shall be subject to approval by the Town Council. (Amended March 10, 1998.)

§ 5-16. Alleys for Commercial and Industrial Use. Alleys at least twenty (20) feet in width shall be provided at the rear of all lots designated for commercial and industrial use; this requirement may be waived by the Agent where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking, consistent with and adequate for the uses proposed. Intersecting alleys, where unavoidable, shall feature at least a fifteen (15) foot radius at each corner. Dead end alleys are prohibited. (Amended March 10, 1998.)

§ 5-17. Prohibition of Alleys on Residential Lots. Alleys are prohibited at the rear or side of residential lots.

§ 5-18. Prohibition of Reserved Strips. Reserved strips controlling access to streets are prohibited.

§ 5-18.1. Connection of Streets. Wherever deemed feasible by the Town, streets shall extend to the edge of the Subdivision in designated locations so that they may be connected to streets in present or future adjacent subdivisions. Such streets shall be coordinated acceptably not only in location, but also in width, grade and drainage, but no curb, guttering or asphalt shall be required for "Paper Streets" provided solely for future connection. (Code of Virginia, § 15.2-2241(2) and (4).) (Amended March 10, 1998.)

(B) *Lots and Blocks*

§ 5-19. Size, etc. of Lots.

- (a) The dimensions, shapes, and other characteristics of lots created by a Subdivision or Alteration must comply with Title 6 of the Town Code.

- (b) If an Alteration or Subdivision would result in a Lot impermissible under Title 6 of the Town Code, the Alteration or Subdivision cannot be approved unless the Board of Zoning Appeals grants an exception after finding that
 - (i) Doing so would have no deleterious effect with respect to the purpose of this Title, as expressed in § 5-2 *and*
 - (ii) The need for the exception arises from unusual characteristics of the Lot or surrounding development, as opposed to a mere commercial desire for greater development density.

INSIGHT: The granting of an exception under this paragraph (b) will create a non-conforming lot, for which dimensional regulations will need to be established by the BZA.

- (c) If the oral or written submissions indicate a proposed use for the property, the lots must be designed so that the proposed use could be conducted on them. If no use has been proposed, the lots must be designed so that some use, lawful in the zoning classification, could be conducted on them. (Amended March 10, 1998; July 10, 2018.)

§ 5-20. Prohibition Against Peculiarly Shaped Elongations. Lots shall not rely upon peculiarly-shaped elongations in order to meet the minimum requirements in Title 6 for square footage of a lot or other dimensional requirements. (Amended March 10, 1998; July 10, 2018.)

§ 5-21. Length, Width and Shape of Blocks. The length, width and shape of blocks shall be determined with due regard to:

- (a) Availability of adequate building sites suitable to the needs of the type of use contemplated, where applicable;
- (b) Zoning requirements as to lot sizes and dimensions;
- (c) Need for convenient access, circulation, control and safety of vehicular traffic;
- (d) Limitations and opportunities of topography.

(Amended March 10, 1998.)

§ 5-22. Approval of Design of Irregularly Shaped Blocks, etc Irregularly shaped blocks or oversized blocks indented by cul de sacs, parking courts, or loop streets and containing interior block parks or playgrounds will be acceptable when the design is approved by the Agent. (Amended March 10, 1998.)

(C) Survey Monuments and Pins

§ 5-23. Installation of Permanent and Other Monuments. Permanent reference monuments shall be installed to mark Subdivision boundaries, street corners, intersections of street lines, and Subdivision boundaries and angle points. (Code of Virginia § 15.2-2241(7).)

Additionally, each lot in any new Subdivision must contain at least one permanent monument. All monuments, including permanent ones, shall be as set forth under the Addendum to this title entitled "Standards for Improvements."

(Amended March 10, 1998.)

CHAPTER 4

Improvements; Easements, Maintenance of Streets by Town

§ 5-24. (Repealed March 10, 1998.)

§ 5-25. ***Utility Easements; Other Easements.*** Easements at least ten (10) feet wide, centered on side or rear lot lines, shall be provided for utilities. Title to such easements shall be held by the Town, subject to the use of public service corporations and other entities by applicable franchises or agreements. Easements may also be required in, along, or adjacent to natural water courses as drains for sanitary sewers. In appropriate cases approved by the Town, utility easements may be conveyed directly to public service corporations furnishing cable television, gas, telephone and electric service to the proposed Subdivision by reference on the final Plat to a declaration of terms and conditions of such common easements and recorded in the Clerk's Office. (Virginia Code, § 15.2-2241(6).)

§ 5-25.1. ***Flood Control and Drainage System and Easements.*** Whenever (i) a stormwater drainage system is to be constructed by (or on behalf of) the Subdivider on land to be conveyed to purchasers of lots and (ii) the Agent finds a significant risk of drainage or erosion problems if the system be neglected or intentionally defeated, the Agent may require the Subdivider to provide for the integrity of the drainage system by attaching a covenant running with the lots in the Subdivision, in substantially the following form:

"Some lots in the Subdivision are encumbered by a stormwater drainage easement, and no lot owner shall interfere with the drainage system within that easement-by grading, filling, landscaping, or otherwise changing it-without the written permission of the developer and the Town of Bridgewater. The Town may enter any lot on which such storm water drainage system lies for the purpose of inspecting, modifying, or repairing the system. If such repairs are necessitated because of interference with the system by the lot owner, the town shall be entitled to effect such repairs at the lot owner's expense. Further, the Town shall be entitled to its attorneys' fees in any judicial action to enforce this covenant. This covenant creates no obligation on the part of the Town."

(Virginia Code, § 15.2-2241(3).)

§ 5-26. ***Maintenance of Streets by Town.*** No part of any proposed Subdivision within the Town and no passageway proposed to be used as a street within the Town shall be taken over by the Town for improvement or maintenance, and the Town shall be under no obligation to improve or maintain the same and such proposed streets shall not be considered as public streets of the Town until a properly approved final Plat is recorded in the Clerk's Office, and the required improvements are accepted by the Town. (Amended March 10, 1998.)

§ 5-27. ***Construction of Improvements; Guaranty by Subdivider.***

- (a) ***Basic Requirement.*** All of the improvements required of the Subdivider shall be installed by the Subdivider at its cost. Unless the Planning Commission determines otherwise when approving the preliminary Plat, all required improvements shall be completed within 24 months after recordation of the final Plat.
- (b) ***Guaranty.*** Prior to approval of the final Plat, the Subdivider shall guarantee construction of the improvements required by this title. For purposes of the guarantee, the Agent shall estimate the

cost of the improvements and may also require an additional 25% guarantee in order to allow for inflation, administrative costs, and damage to existing roads and utilities.

- (c) *Form of Guaranty.* The Subdivider may guarantee construction of the improvements by prepaying the Person or Persons who will construct them and certifying to the Agent that he has done so. In lieu of making such advance payment, the developer may furnish instruments of guaranty in appropriate legal form and consisting of:
- (1) A certified check or cash escrow, or
 - (2) A personal, corporate, or property bond with surety or security satisfactory to the Council, or
 - (3) An irrevocable letter of credit from a banking or savings and loan institution, or
 - (4) A contract for the construction of such facilities guaranteed by contractor's bond with satisfactory surety.

- (d) *Release of Guaranties.* Subject to § 5-28.1, all guaranties shall be released by the Agent in the manner provided by § 15.1-466(A)(14) of the Code of Virginia. Partial releases, where appropriate, shall be for a percentage of the original bond equal the percentage of the facilities which are completed and approved, up to a maximum of 80% of the original bond amount.

[Ed. Virginia Code § 15.1-466(A)(14) has been recodified as § 15.2-2245.]

(Code of Virginia, §§ 15.2-2241(5), 15.2-2245.) (Amended March 10, 1998.)

§ 5-28. Standards for Improvements. All public improvements in the Subdivision, either required by this title or to be dedicated to the Town shall comply with the Town's "Standards for Land Development." The Agent may issue regulations consistent with such standards as he deems necessary to provide for the implementation thereof. (Amended January 9, 2018.)

§ 5-28.1. Inspection of Improvements.

- (a) *Generally.* No improvements will be accepted by the Town, nor will any guaranties be released, until the improvements are inspected as provided in this section.
- (b) *Certificate of Completion.* A certificate of partial or final completion of improvements from either a duly licensed professional engineer or land surveyor as defined in and limited to § 54.1-400 of the Code of Virginia, may be accepted in lieu of an inspection at the discretion of the Agent.
- (c) *Notice.* When improvements are complete and ready for inspection, the developer may file a written notice with the Agent requesting full or partial release of his guaranty. Within 30 days after receiving the notice, the Agent or his designee shall inspect the improvements, notify the developer of any deficiencies, and suggest corrective measures.
- (d) *Failure to Act on Notice.* If the Agent has not acted on the notice described in paragraph (c) of this section within the 30 day period, the improvements shall be deemed approved and the guaranty released. However, if the developer has requested final approval of the improvements and final release of his guaranty, no approval by default shall be created by this paragraph (d) unless the Town Superintendent is given an additional 10-working-day notice (by certified mail, return receipt requested), and the Town still fails to act.

(Virginia Code, § 15.2-2245.) (Amended March 10, 1998.)

CHAPTER 5

Fees and Miscellaneous

§ 5-29. Fees. A Subdivider shall pay to the treasurer of the Town a fee for review of Plats and plans as the Council deems appropriate. The fee shall include inspection services and only one fee shall be paid even though the Subdivider may file both a preliminary and a final Plat. An additional charge may be imposed if the Agent deems desirable the retention of an independent engineer, surveyor, or other professional for the purpose of inspection. (Code of Virginia, § 15.2-2241(9).) (Amended March 10, 1998.)

§ 5-30. Vacation. In addition to the other methods of vacation prescribed by the Code of Virginia, plats may be vacated in the manner set forth in § 15.1-483.1 of that Code.

[Ed: Virginia Code § 15.1-483.1 has been recodified as § 15.2-2275]