

ARTICLE II. ADMINISTRATION

Sec. 1-1 Bonds

1-1-1 Purpose

Bonds are a mechanism used to protect the County from unnecessary financial problems caused by property abandonment, violations of contract agreements, and/or correcting violations of the Zoning Ordinance.

1-1-2 Exceptions

- (A) The bonds outlined here may be waived if an applicant can show to the satisfaction of the County that the required bond duplicates the purpose of the state required bond.
- (B) Pipelines are exempt from the bond requirements. This exemption includes the portions of a pipeline that are brought to the surface for valves, maintenance or other necessary uses. Bonding for other surface structures and facilities are not exempt.

1-1-3 Reclamation Bonds

- (A) A reclamation bond is required for some allowed uses (as required specifically in certain zoning districts) and many conditional use permits (as outlined in [Section 5-8](#) of this Ordinance) and temporary site plans (as outlined in [Section 5.9](#)) or other applications determined by the Planning Director.
- (B) The bond shall be for one hundred and fifty (150%) percent of a licensed engineer or the Planning Director estimate of the cost to remove all above ground structures, all underground structures to a depth of four (4') feet, including but not limited to: pipes, wires and concrete, and to remove gravel, scoria, or other ground cover or fill from the site, re-grade the site so it has a predevelopment appearance, and re-seed the site with native grasses and vegetation.
- (C) The engineer's estimate of the reclamation cost shall be submitted with the application.
- (D) The cost estimate shall be subject to approval of the Planning Director.
- (E) The bond shall be presented to the Planning Director within sixty (60) days of the later of the following:

- (1) Approval of the permit for which the bond is required by the Board of County Commissioners;
 - (2) If any other county, state or federal permit, certificate, determination or approval is needed in order for the permittee to commence construction, the permittee shall notify the Planning Director within thirty (30) days of the issuance of the last such permit, certificate, determination or approval, if applicable.
- (F) No construction or other activity may commence prior to presenting the bond to the Planning Director and the permit may be deemed null and void if the bond is not presented within the time required or if the bond expires, is cancelled or revoked, or otherwise becomes uncollectible by the County.
- (G) The estimated cost of removal and reclamation for reclamation bonds shall be reviewed and, if necessary, adjusted based on inflation (using the US Bureau of Labor Statistics Producer Price Index) every five (5) years. If inflation has increased in the five (5) year timeframe, an engineer's estimate for a new bond shall be submitted to the Planning Director, and shall comply with parts (B) - (F) of this section.

1-1-4 Construction Bonds

- (A) A construction bond shall be required when a person has agreed to construct, repair, or build a road, building, structure, or other items for the benefit of the public or the County.
- (B) The construction bond may be released when the construction has been completed and the project approved by all parties.
- (C) If the bond is insufficient, the Board of County Commissioners may institute appropriate legal or equitable action to recover the money necessary. All bonds deposited with the County, as required hereby, shall continue in effect until the improvements have been made and approved by the County.

1-1-5 Violation Bonds

A bond shall be posted when filing an application and the applicant has been notified that the land use applied for is in violation of this Ordinance. The applicant shall post a bond equal to one hundred fifty percent (150%) of the amount estimated by a licensed engineer and approved by the Planning Director, to be required to terminate the violation and bring the land or structure into compliance with this Ordinance.