

RILEY TOWNSHIP - ST. CLAIR COUNTY

ORDINANCE #29-2023 PERFORMANCE BOND

An Ordinance enacted under Act 246, P.A. 1945, as amended, authorizing Township Boards to adopt ordinances and regulations to secure the public health, safety, and general welfare; and under Act 230, P.A. 1972 as amended authorizing Township Boards to administer rules for the construction, alteration, demolition, occupancy and use of property, buildings and structures.

The Township of Riley Ordains:

Section 100: Bond Requirement

Every applicant for a building permit which requires a bond shall deposit with the Township of Riley a fee set by resolution by the township board. All other performance bonds shall meet the fees and conditions as stated in this ordinance with fees set by resolution by the Township Board (Adopted 3-3-2003; Published 3-12-2003). Such fee shall be in the form of cash, certified check, personal check, **or by credit card separate from other applicable fees** in fully negotiable form and made payable to the Township of Riley.

Section 200: Bond Refund

The Township Board will release the funds when the construction has passed final inspection, and an occupancy and/or use permit is issued for that constructed building. The Township Board will release performance bonds upon satisfactory completion of all conditions (Adopted 3-3-2003; Published 3-12-2003).

Section 300: Forfeiture of Bond

- A.** The Building Permit Bond deposited by the applicant with the Township of Riley will be deposited and held by the Township until the construction has passed final inspection, and the Certificate of Occupancy and/or use has been issued by the Township Building **Official** (Amended 6-13-2023; Published 6-21-2023).

If a Building Permit is not completed, or obtained a final inspection approval with a Certificate of Occupancy use issued within two (2) years from the date of commencement of construction, the Performance Bond shall be forfeited to the Township of Riley (Amended 6-13-2023; Published 6-21-2023).

If a Pond Permit is not completed, or obtained a final inspection approval with a Certificate of Use issued within six (6) months and/or renewed for one (1) six (6) month renewal period, the Performance Bond shall be forfeited. (Adopted 9-8-2003; Published 9-17-2003; Amended 6-13-2023; Published 6-21-2023).

- B. Expired Performance Bonds shall be forfeited after 3 months from the expiration date unless the applicant, upon written request, has obtained approval of an extension of the bond period from the Riley Township Board for just cause as allowed by ordinance, the**

forfeited bond will not be returned to the applicant **for noncompliance of conditions** (Amended 6-13-2023; Published 6-21-2023).

Performance Bonds on a Closed Building Permit shall be forfeited after 3 months from the date closed unless the applicant, upon written request, has obtained approval of an extension of the bond period from the Riley Township Board for just cause as allowed by ordinance, the forfeited bond will not be returned to the applicant for noncompliance of conditions (Amended 6-13-2023; Published 6-21-2023).

- C. The Township of Riley, by its Supervisor, Clerk or their designate (s), shall give notice to any applicant of the forfeiture of bond forty-five (45) days prior to the forfeiture date. The notice shall be forwarded by first class mail to the last known address of the applicant.
- D. Performance Bonds may be extended upon **written** request **to the Riley Township Board for approval with just cause**, an additional **three (3) to** six (6) months (Amended 10-4-2022; Published 10-12-2022) **and shall not exceed a total renewal period beyond twelve (12) months or as otherwise indicated within the ordinance** (Amended 6-13-2023; Published 6-21-2023).

Section 400: Severability

If any section, paragraph, clause, phrase or part of this ordinance is for any reason held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance, and the application of those provisions to any persons or circumstances shall not be affected thereby.

Section 500: Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Section 600: Effective Date

This ordinance is an ordinance necessary for the health and safety of the people of the Township of Riley and shall be in full force and effect from and after its passage.

CERTIFICATION

I, DAWN BEHEM, duly elected and qualified Clerk of Riley Township, County of St. Clair, Michigan, do hereby certify that the above is a true copy of an ordinance amendment adopted by the Riley Township Board at a regular meeting held at the Riley Township Hall held on June 13, 2023 at 7:00 p.m. Pursuant to required statutory procedures, Notice of Adoption was duly published in a newspaper of general circulation within Riley Township on June 21, 2023 as required by law.

Dawn Behem, Riley Township Clerk