

Section 2.6 Performance Guarantee

A. Authority, Purpose, and Timing: To ensure compliance with this Ordinance and any conditions imposed under this Ordinance, the designated approving body or official for an application may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Township and covering the estimated cost of improvements, conditions or other matters be deposited with the Township to ensure faithful completion of the improvements, conditions or other matters. The performance guarantee shall be deposited at the time of the issuance of the zoning permit authorizing the activity or project. The Township may not require the deposit of the performance guarantee until it is prepared to issue the zoning permit. This section shall not be applicable to single family and two-family dwellings or improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited under the Land Division Act, Public Act 288 of 1967, as amended.

B. Improvements Covered: Improvements that shall be covered by the performance guarantee include those features of a project that are considered necessary by the body or official granting approval to protect natural resources or the health, safety and welfare of residents of the Township and future users or inhabitants of the proposed project area including roads, lighting, utilities, sidewalks, screening and drainage.

C. Return of Performance Guarantee: For the return of a performance guarantee or portion thereof involving improvements, the applicant shall send written notice to the Zoning Administrator of completion of said improvements. The Zoning Administrator shall inspect the improvements and transmit a recommendation to the Township Board with a statement of the reasons for any recommended denial of the return of the performance guarantee or portion thereof. The Township Board shall approve, partially approve or deny the return of the performance guarantee request and shall notify the applicant in writing of the action of the Township Board. Where approval or partial approval is granted, the Township shall release the approved payment to the applicant. The portion of the performance guarantee to be returned shall be proportional to the work completed.

D. Lack of full Completion: Should installation of improvements fail to meet full completion based on the approved permit application or approval, the Township may complete the necessary improvements itself or by contract with an independent contractor, and assess all costs of completing the improvements against the performance guarantee. Any deficiency shall be paid by the applicant. Any balance remaining shall be returned to the applicant.