

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF SYLVAN LAKE
ORDINANCE NO. 366-2023

AN ORDINANCE TO AMEND THE CITY OF SYLVAN LAKE CODE OF ORDINANCES, CHAPTER 14, “BUILDINGS AND BUILDING REGULATIONS,” TO ADD A NEW ARTICLE VIII, “SITE RESTORATION BOND” RELATING TO CONSTRUCTION AFFECTING CITY RIGHTS-OF-WAY.

THE CITY OF SYLVAN LAKE ORDAINS:

Section 1 of Ordinance. Ordinance Amendment.

Chapter 14, “Buildings and Building Regulations,” of the City of Sylvan Lake Code of Ordinances to add a new Article VIII, “Site Restoration Bond,” to read as follows:

Article III. Site Restoration Bond

Sec. 14-419. Specifications required; bond required.

At the time of acquiring a building permit for any new construction, the builder shall deposit a site maintenance and restoration bond, being a cash bond in an amount to be specified by resolution of the council, guaranteeing that the builder shall meet the requirements herein.

Sec. 14-420. Site restoration bond.

- (a) The performance guarantee required in this Article shall include a guarantee for site maintenance and restoration in an amount to be specified by resolution of the city council, guaranteeing that the applicant shall:
- (1) Establish or reestablish ditches and culverts and properly drain the building area and reopen and reestablish any drainage ways that may have been interrupted by the building operation;
 - (2) Repair, replace, and rebuild public road surfaces damaged in the course of construction so that the same shall be in comparable status as prior to commencement of construction;
 - (3) Repair, replace, and rebuild any sidewalk damaged during the course of construction;
 - (4) Repair all public utility structures if damaged during the course of construction and restore and adjust all manholes, catch basins, gate wells, hydrants, and shut-off boxes to the condition that they were prior to construction;
 - (5) Maintain streets, highways, pathways, and alleys free of mud, dirt, debris, and other material from the construction site, as required by this Code; and
 - (6) Maintain construction sites free of litter, garbage, debris, and waste material.

In the event there is damage or other prohibited condition to the public street or road, or other public improvement, directly adjacent to the property for which the site restoration guarantee has been posted, there shall be a rebuttable presumption that the damage or condition has been caused by or in connection with the activity occurring under the building permit, and the city may use the guarantee for the purposes stated in subsections (a)(1)—(6) of this section. The building permit holder may rebut the presumption by establishing that the damage or condition was caused by another or by other activity. If the amount of the guarantee is insufficient to repair or remedy the damage or condition, the city may require the posting of an additional guarantee. The permit

holder shall at all times remain responsible for repair of any damage or condition actually caused by the permit holder.

- (b) In the event that the applicant fails to perform under the provisions of subsections (a)(1)—(7), above, either during the life of the building permit or any extension thereof, or within thirty (30) days after written notice is given to the applicant to correct or fulfill unperformed provisions, the site restoration bond shall be forfeited and deposited in the general fund of the city. If the applicant fails to perform the provision of subsection (a)(6) above, the performance guarantee may be used for the payment of site cleanup performed by the city. Whenever funds are expended for such purposes the permit holder shall be required to replace such amount to bring the performance guarantee to that amount set by resolution of city council.
- (c) The site restoration guarantee amount shall be returned to the applicant or assignee after final inspection and determination by the city engineer that the provisions of this Article have been performed. If the site restoration bond is sent by mail to the builder at the address specified on the bond receipt, and is returned undelivered, it shall be held by the city and returned to the builder on demand; however, if such demand is not made within one (1) year after the issuance of the certificate of occupancy, the site restoration bond shall be deemed forfeited and shall be deposited in the general fund of the city.

Section 2 of Ordinance. Repealer.

All ordinances, parts of ordinances, or sections of the City of Sylvan Lake Code of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3 of Ordinance. Severability.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4 of Ordinance. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 5 of Ordinance. Effective Date.

This ordinance shall be effective upon publication in the manner prescribed by law.

Section 6 of Ordinance. Enactment.

This Ordinance is declared to have been enacted by the City Council of the City of Sylvan Lake at a meeting called and held on the 15th day of November 2023, and ordered to be given publication in the manner prescribed by law.

Ayes: Clarke, Cowper, Segal, Zubrzycki, Buchanan
Nays: None
Abstentions: None
Absent: None

Adopted: November 15, 2023
Published: November 22, 2023
Effective: November 22, 2023
Posted: November 16, 2023

I, Dennise Dryden, City Clerk for the City of Sylvan Lake, Michigan, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the

City of Sylvan Lake at a Regular City Council Meeting, held on November 15, 2023, the original of which is on file in my office.

I have hereunto affixed my official signature this 16th day of November 2023.

Dennise Dryden, City Clerk
City of Sylvan Lake