

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 3**

*Disolved.
Replaced by
Ordinance #39
SemaCo Energy
2/18/2013*

OPERATIONS FOR MICHIGAN CONSOLIDATED GAS COMPANY

The following Ordinance No. 3 was adopted by the St. Ignace Township Board at a meeting held on April 5, 1969:

The Township of St. Ignace Ordians:

SECTION I:

Subject to all the terms and conditions mentioned in this ordinance, consent is hereby given to Michigan Consolidated Gas Company, a corporation organized under the laws of the State of Michigan, and to its successors and assigns, to lay, maintain, operate and use gas pipes, mains, conductors, service pipes and other necessary equipment in the highways, streets, alleys and other public places in the Township of St. Ignace, Mackinac County, Michigan, and a franchise is hereby granted to Michigan Consolidated Gas Company, its successors and assigns, to transact a local business in said Township of St. Ignace, for the purpose of conveying gas into and through, and supplying and selling gas in said Township and all other matters incidental thereto.

SECTION II:

This franchise is conditioned on the commencement of construction by Michigan Consolidated Gas Company of a gas main within the boundaries of the Township of St. Ignace on or before June 1, 1970. If such construction does not commence on or before that date this franchise shall terminate as more specifically provided in Section 6 hereof. Upon commencement of the installation of a gas main within the time specified, the Company shall proceed to complete the same as soon thereafter as reasonably practicable; provided, however, that the Company shall not be held responsible for delays due to weather or labor conditions, inability to procure necessary materials, or other causes beyond its control; and provided further, that such initial installation and all extensions shall be subject to the Main Extension provisions contained in the Company's Rules and Regulations for Gas Service as approved by the Michigan Public Service Commission.

SECTION III:

Michigan Consolidated Gas Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys or other public places within said Township and shall within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition as before the opening or excavation was made. The Company, its successors and assigns, shall use due care in exercising the privileges herein contained and shall be liable to said Township for all damages and costs which may be recovered against said Township arising from the default, carelessness or negligence of the Company or its officers, agents and servants.

No road, street, alley or highway shall be opened for the laying of trunk lines or lateral mains except upon application to the Highway Commissioner or the Township Board, or other

authority having jurisdiction in the premises, stating the nature of the proposed work and the route. Upon receipt of such application, it shall be the duty of the Highway Commissioner or the

Township Board, or such other authority as may have jurisdiction, to issue a permit to the Company to do the work proposed.

SECTION IV:

The rates to be charged for gas, and the standards and conditions of service and operation hereunder, shall be as now set forth in the Company's Schedule of Rules, Regulations and Rates as applicable in its Northern District, being the Company's Rate Book, M.P.S.C. No. 3 and Rate Schedules Nos. 3 through 10 forming part thereof, or that shall hereafter be validly prescribed for the Company's Northern District, under the orders, rules and regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises.

SECTION V:

The words "Michigan Consolidated Gas Company" and "the Company", wherever used herein, are intended and shall be held and construed to mean and include both Michigan Consolidated Gas Company and its successors and assigns, whether so expressed or not.

SECTION VI:

This ordinance shall take effect immediately after the date of publication thereof, which shall be within ten (10) days after the date of its adoption, and shall continue in effect for a period of thirty (30) years thereafter, subject to revocation at the will of the Township at any time during said thirty (30) year period and subject to the condition that if the Company shall fail to commence the installation of a gas main in the Township within the time provided in Section 2 hereof, then this ordinance and the franchise hereby granted shall, without further action on the part of the Township, become null and void and of no further force or effect; provided, however, that when this ordinance shall become effective the Township Clerk shall deliver to the Company a certified copy of the ordinance accompanied by written evidence of publication and recording thereof as required by law and that Michigan Consolidated Gas Company, shall, within sixty (60) days after the date of the adoption of this ordinance, file with the Township Clerk its written acceptance of the conditions and provisions hereof.

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 5
DUMPING REGULATIONS FOR RESIDENTS & OWNERS**

An ordinance to secure the public peace, health, safety, welfare and convenience of the residents and property owners of the Township of St. Ignace, Mackinac County, Michigan, municipal corporation, by the regulation of dumping within the township; to provide penalties for the regulation of dumping grounds for waste, rubbish, junk and debris, and the operation thereof within said township; to provide penalties for the violation thereof; and repeal all ordinance and parts of ordinances in conflict therewith.

THE TOWNSHIP BOARD OF ST. IGNACE TOWNSHIP, MACKINAC COUNTY,
MICHIGAN, ORDAINS:

SECTION I:

This ordinance shall be known and cited as the St. Ignace Township Dumping Ground Ordinance.

SECTION II:

No person, firm or corporation shall dump any waste, rubbish, junk or debris in any area of the Township of St. Ignace, Mackinac County, Michigan unless the same is set aside and designated for such use by the township board, and the same maintained by the township through its board. No area will be so set aside and designated as a dump or dumping permitted where the same would be nuisance to adjoining property owners.

No such dumping of waste, rubbish, junk or debris shall hereafter be allowed between sunset and sunup of each day.

No tree trunks or branches larger than four inches in diameter, paper-manufacturing or pharmaceutical-manufacturing waste, explosives, human or animal excretion nor odoriferous materials shall be dumped in any municipally operated dumping ground. Any brush or parts of trees of less than four inches in diameter dumped in a municipally operated dump shall be dumped in the particular area designated thereof, according to signs posted on the premises.

The burning of any dumping ground area, or the waste material therein, shall be prohibited and forbidden, without the prior written approval of the supervisor and fire chief of said township, and in no case shall be allowed within 50 feet of the utility poles or towers or any public utility company, its agents, successors, or assigns.

No municipally operated dump shall be used by any person, firm, or corporation which is not a resident property owner or tenant within said St. Ignace Township.

The material dumped in any such dumping grounds shall be substantially covered over with fill dirt periodically, as the degree of dumping requires, to maintain the area in as neat as condition as possible and free of odors, and in accordance with the orders of the St. Ignace Township.

Any dumping in municipally operated dumps shall be accomplished by depositing the waste material over the bank of the dump and no such waste material shall be allowed by the dumper to remain on the approachway to such bank.

No dumping of waste, rubbish, junk or debris shall be allowed in any area within 25 feet of the nearest point of the base of the towers, poles, supports or other structures of any public utility company, its agents, successors, or assigns.

Any person, firm, or corporation dumping in any municipally operated dump shall do so at his or its risk.

No municipally operated dump shall be used for any purpose other than for dumping operations permitted under this ordinance.

The township of St. Ignace shall not be liable for any damage to property adjoining a municipally operated dump caused by fires within said dump not approved in writing by the supervisor and fire chief of said township.

PENALTIES FOR VIOLATIONS: Any person, firm, or corporation which violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$100 or by imprisonment in the county jail, not to exceed 90 days or by both such fine and imprisonment. Each day that a violation occurs shall constitute a separate offense.

SECTION III:

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

SECTION IV:

This ordinance shall take effect on the First day of October, 1971.

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 6
REGULATING THE PARKING OF MOTOR VEHICLES**

An ordinance regulating the parking of Motor Vehicles. The Township of St. Ignace, County of Mackinac ordains:

SECTION I

It shall be unlawful for the owner of any motor vehicle to park on any St. Ignace Township roads which are posted with prohibited parking signs.

SECTION II

Any person convicted of violating any provision of this ordinance shall be guilty of a misdemeanor punishable by a fine of not more than \$100.00 or imprisonment in the County jail for not more than 30 days or both such fine and imprisonment.

SECTION III

This ordinance shall take effect 30 days after the first publication there of.

Passed and approved by the St. Ignace Township Board at a regular meeting held on the 6th day of June 1973, and ordered to be published in The Republican News. A newspaper published in the City of St. Ignace, Michigan and Circulated within St. Ignace Township, Mackinac County, Michigan.

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 7
REGULATE THE SPEED OF VESSELS**

An ordinance to regulate the speed of vessels and to provide for the safe use of the waters in St. Ignace Township, enacted under the authority of Act 303, Public Acts of 1967 (M.S.A. 18.1287 (17)), being identical to State Administrative Rules filed in the Office of the Secretary of State.

THE TOWNSHIP OF ST. IGNACE ORDINANS:

SECTION I:

All words and phrases used in this ordinance shall be construed and have the same meaning as those words and phrases defined in Act 303, P.A. 1967, M.S.A. 18.1287. (8).

SECTION II:

These rules take effect 15 days after filing with the Secretary of State. (By authority conferred on the commission of natural resources by section 12 of Act No. 303 of the Public Acts of 1967, and section 250 of Act No. 380 of the Public Acts of 1965, being sections 281.1012 and 16.350 of the compiled Laws of 1948.)

Regulation #49, Mackinac County.

R 281.749.1. Pine River in St. Ignace Township; slow-no wake speed.

1. On the waters of the Pine River , Sections 3 and 10, Town 42 North, Range 3 West, St. Ignace Township, Mackinac County, from the East line of Section 3, Town 42 North, Range 3 West, downstream to Lake Huron, it is unlawful for the operator of a vessel to exceed a slow-no wake speed.

SECTION III:

All other ordinances or part of ordinances in conflict herewith are hereby repealed.

SECTION IV:

Violations of this ordinance are a misdemeanor and may be punished by a fine not to exceed one hundred dollars (\$100) together with costs of prosecution or imprisonment in the county jail or such other place of detention as the court may prescribe, for the period not to exceed ninety (90) days, or said fine, costs of prosecution and imprisonment at the discretion of the court.

SECTION V:

This ordinance and the various parts, sections, subsections, provisions, sentences and clauses are severable. If any part of this ordinance is found to be unconstitutional or invalid it is declared the remainder of this ordinance shall not be affected hereby.

SECTION VI:

This ordinance shall take effect 30 days after its publication in the Republican News newspaper.

We, the undersigned Supervisor and Clerk of the Township of St. Ignace, do hereby certify that the above ordinance was passed by the St. Ignace Township Board on the 6th day of June, 1973, and that it was published in the Republican News newspaper on the 13th day of June, 1973.

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 9
CROSS CONNECTION**

Be it ordained by the St. Ignace Township Board, County of Mackinac, State of Michigan:

SECTION I:

That the St. Ignace Township Board adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Public Health being R 325.431 to R 325.440 of the Michigan Administrative Code.

SECTION II:

That it shall be the duty of the St. Ignace Township Board to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the St. Ignace Township Water Department and as approved by the Michigan Department of Public Health.

SECTION III:

That the representative of the St. Ignace Township Water Department shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of St. Ignace Township for the purpose of inspecting the piping system or systems thereof for cross connections. On request the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

SECTION IV:

That the St. Ignace Township Water Department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of

SECTION V:

That the potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this ordinance and by the state and St. Ignace Township plumbing code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

**WATER UNSAFE
FOR DRINKING**

SECTION VI:

That this ordinance does not supercede the state plumbing code and St. Ignace Township plumbing ordinance but is supplementary to them.

SECTION VII:

That any person or customer found guilty of violating any of the provisions of this ordinance, or any written order of the St. Ignace Township Water Department, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$10.00 nor more than \$100.00 for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this ordinance.

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 10
BUILDING & ZONING CODE**

An ordinance to amend the Building and Zoning Code now governing St. Ignace Township, Mackinac County, Michigan.

1. Name. This ordinance shall be known and cited as the St. Ignace Township Building Code conforming to the rules and regulations of the International Conference of Building Officials, Uniform Building Code, Adopted by the Board of St. Ignace Township July 3, 1974.

3. e. Plumbing: All plumbing hereafter installed shall conform to the minimum Code requirements of the International Conference of Building Officials, Uniform Building Code.

f. Electrical: All electrical installations for light, heat and power, hereafter made and all alterations or extensions of existing wiring systems hereafter made shall conform to the minimum code requirements of the International Conference of Building Officials, Uniform Building Code, which is hereby adopted and made part of the code by reference.

"The Land Use Control Ordinance of St. Ignace Township"

Section 7-7.5

Building Permits to Erect or Alter Structures

No structure shall be erected or excavation started until a building permit for such erection shall have been issued.

No Alterations or repairs which do not alter the overall construction of the existing building will be permitted over \$500.00 without a building permit.

A fee of Ten (10) Dollars for each Building Permit shall be charged.

Section VIII 8.7 3

Regulations Required of Mobile Home Parks: a. Delete Paragraph A.

Section XIII

Schedule of Lot, Yard and Area Requirements

Delete *Exception: Set back on Rivers & Streams shall be 50 feet.

Small Pets

a. Small pets - cats, dogs and caged house birds shall be permitted as long as they are not deemed a nuisance to adjoining properties. Other small animals may be permitted at the discretion of the Zoning Board. No animals causing undesirable odors shall be permitted.

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**ST. IGNACE TOWNSHIP
ORDINANCE NO. 11
DESIGNATE AN ENFORCING AGENCY**

An Ordinance to designate an enforcing agency to discharge the responsibilities of the Township of St. Ignace under the provisions of the State Construction Code Act.

The Township of St. Ignace ordains:

SECTION I:

Agency Designated. Pursuant to the provisions of Sec. 9 of Act 230 of the Public Acts of 1972, the building officials of the Township of St. Ignace is hereby designated as the enforcing agency to discharge the responsibilities of the Township of St. Ignace under Act 230 of the Public Acts of 1972, State of Michigan. The Township of St. Ignace hereby assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

SECTION II:

All Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION III:

This Ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 12
AMEND THE BUILDING AND ZONING CODE**

An ordinance to amend the Building and Zoning Code now governing St. Ignace Township, Mackinac County, Michigan.

1. Name, This ordinance shall be known and cited as the St. Ignace Township Building Code conforming to the rules and regulations of the International Conference of Building Officials, Uniform Building Code, 1973 Edition and Supplements. Adopted by the Board of St. Ignace Township November 6, 1974.

3e. Plumbing: All plumbing hereafter installed shall conform to the minimum Code requirements of the State Plumbing Code.

f. Electrical: All electrical installations for light, heat and power, hereafter made and all alterations or extensions of existing wiring systems hereafter made shall conform to the minimum code requirements of the State Electrical Code, which is hereby adopted and made part of the code by reference.

"The Land Use Control Ordinance of St. Ignace Township" Section 7-7.5 Delete.

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 12
AMEND THE BUILDING AND ZONING CODE**

An ordinance to amend the Building and Zoning Code now governing St. Ignace Township, Mackinac County, Michigan.

1. Name, This ordinance shall be known and cited as the St. Ignace Township Building Code conforming to the rules and regulations of the International Conference of Building Officials, Uniform Building Code, 1973 Edition and Supplements. Adopted by the Board of St. Ignace Township November 6, 1974.

3e. Plumbing: All plumbing hereafter installed shall conform to the minimum Code requirements of the State Plumbing Code.

f. Electrical: All electrical installations for light, heat and power, hereafter made and all alterations or extensions of existing wiring systems hereafter made shall conform to the minimum code requirements of the State Electrical Code, which is hereby adopted and made part of the code by reference.

"The Land Use Control Ordinance of St. Ignace Township" Section 7-7.5 Delete.

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 15
MICHIGAN PLUMBING CODE**

An Ordinance to designate an enforcing agency to discharge the responsibilities of the Township of St. Ignace under the provisions of the State Construction Code Act(Act 230, P. A. of 1972).

The Township of St. Ignace ordains:

SECTION I:

Agency Designated. Pursuant to the provisions of the Michigan Plumbing Code which consists of the BOCA Basic Plumbing Code, 1970 edition, including accumulative supplement dated 1973, except sections P-102. 0, P-105.0, P-302, P-501.2, P-1101.5, P-1205.2, P-1500.0 through P-1511.5, and P-1700.0 through P-1705.2 which have been deleted and includes amendments to P-100.2, P-117.0, P-201.1, P-301.1, P-301.2, P-308.2, P-313.3, P-405.12, P-602.31, P-701.16, P-701.2, P-1001.7, P-1101.3, P-1101.4, P-1102.0, P-1204.55, P-1605.10, P-1606.21, P-1606.22, P-1606.23, and further includes additions being: R408.30725 (P-309.3), R408.30752 (P-1001.9), R408.30762 (P-1205.41), R408.30791, R408.30792, R408.30793, R408.30795 and R408.30796, of Act 230 of the Public Acts of 1972, the plumbing official of the Township of St. Ignace is hereby designated as the enforcing agency to discharge the responsibilities of the Township of St. Ignace under Act 230 of the Public Acts of 1972, State of Michigan. The Township of St. Ignace hereby assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

SECTION II:

All Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION III:

This Ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 17
REGULATE THE COLLECTION & DISPOSAL OF REFUSE**

AN ORDINANCE TO REGULATE THE COLLECTION AND DISPOSAL OF REFUSE.

THE TOWNSHIP OF ST. IGNACE ORDAINS:

SECTION I:

The township may undertake the general collection of garbage and refuse throughout the township, or it may let a contract or contracts to one or more persons, firms or corporations, for making such collections in whole or part. The township may pay therefore such reasonable amount as the Township Board shall determine. No contract or contracts shall be let for a period exceeding five (5) years. The contract shall be awarded to the lowest responsible bidder or in case collection shall be made in districts, to the lowest responsible bidder for each district. All such contractors shall enter into a bond in an amount determined by the Township Board from time to time conditioned for the faithful performance of their contracts and that they will collect all garbage and rubbish in accordance with this ordinance.

SECTION II:

Except when and if the Township undertakes the collection and disposal, no person, firm, or corporation shall engage in the business of the collection and disposal of garbage and refuse in this Township without first obtaining a license therefore.

SECTION III:

Every person, partnership, or corporation, required to secure a license by the terms of this ordinance, shall first make written application therefore in the manner and form provided by the Township. The application shall contain an agreement on the part of the applicant that he will comply with the terms and conditions of this ordinance and rules promulgated here under, and all applicable State and Federal laws, rules and regulations, and that such license may be revoked at any time for cause, by the Township Board. The granting or revocation of such license shall be discretionary with the Township Board.

SECTION IV:

The Township may divide the land into geographical districts according to roads, centers of population and business activity to facilitate planning, bidding, billing and or collection and hauling of refuse.

SECTION V:

No person shall disobey any such rule or regulation promulgated in accordance with this section. Any violation of this ordinance or such rules and regulations shall be a misdemeanor and any person found guilty of such violation shall pay a fine not to exceed One Hundred and no/100 (\$100.00) Dollars and/or serve time in the Mackinac County Jail for a period not to exceed ninety (90) days.

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 18
FISCAL YEAR ORDINANCE**

An Ordinance to establish the fiscal year of the Township of St. Ignace, Mackinac County, Michigan and the annual settlement day for such Township pursuant to Michigan Public Act 596 of 1978.

THE TOWNSHIP OF ST. IGNACE, MACKINAC COUNTY, MICHIGAN HEREBY
ORDIANS:

SECTION I:

Commencing in 1979, the fiscal year of the Township shall extend from April 1, of each year until March 31, of the following year. Any preexisting Township budget lawfully adopted by the Township Board shall be proportionately extended to coincide with the foregoing new fiscal year periods.

SECTION II:

The annual settlement day meeting of the Township Board shall hereafter be held on the 15th day of the last month of the fiscal year of the Township unless said day falls on a Saturday, Sunday or legal holiday whereupon said meeting shall be held on the following Monday which is not a legal holiday.

SECTION III:

The annual meeting of the electors of the Township, where the same has not been abolished, shall be held on the last Saturday in the last month of the aforesaid fiscal year at such time and place as is determined by the Township Board.

SECTION IV:

This Ordinance shall take immediate effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

THE TOWNSHIP OF ST. IGNACE
FRANCHISE GRANTED TO
SEMCO Energy Gas Company
Ordinance No. 39

An Ordinance, granting to SEMCO Energy Gas Company, a division of SEMCO Energy, Inc., a Michigan corporation, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to conduct a local gas business in the Township of St. Ignace, located in Mackinac County, Michigan, for a period of thirty years.

THE TOWNSHIP OF ST. IGNACE ORDAINS:

Section 1. GRANT OF FRANCHISE. The Township of St. Ignace, located in Mackinac County, Michigan (the "Township"), hereby grants to SEMCO Energy Gas Company, a division of SEMCO Energy, Inc., a Michigan corporation, its successors and assigns, (the "Grantee") the right, power and authority to construct, lay, operate, maintain and replace in the public streets, highways, alleys and other public places in the Township of St. Ignace, Michigan, all needful and proper gas pipes, mains, conductors, service pipes and other apparatus and facilities requisite for the manufacture, transmission and distribution of gas for all purposes to the Township of St. Ignace, and the inhabitants thereof, and for conducting gas elsewhere to supply neighboring cities, villages and other territories supplied with gas by said Grantee, for a period of thirty years.

Section 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, Grantee shall faithfully perform all things required by the terms hereof.

Section 3. CONDITIONS. No highway, street, alley, bridge or other public place used by Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the as good order and condition as when Grantee commenced the work. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes.

Section 4. HOLD HARMLESS. Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the Grantee's negligent construction and negligent maintenance of the structures and equipment hereby authorized. If any action is commenced against the Township resulting from Grantee's negligent construction and maintenance, Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

Section 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

Section 6. RATES. Grantee shall charge for gas furnished the rates, charges and special taxes as approved from time to time by the Michigan Public Service Commission, or its successors having authority and jurisdiction to fix and regulate gas rates and charges, or as otherwise permitted or required by applicable law or tariff, for the term of this franchise. Such rates shall be subject to Commission review and change at any time upon petition therefore being made by either said Township, acting by its Township Board, or by said Grantee.

Section 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

Section 8. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said township and shall provide service in accordance with the terms and conditions set forth in its applicable tariff as approved from time to time by the Michigan Public Service Commission or its successors.

Section 9. SUCCESSORS AND ASSIGNS. The words "SEMCO Energy Gas Company" and "SEMCO Energy, Inc.," wherever used herein, are intended and shall be held and construed to mean and include SEMCO Energy Gas Company and its parent, subsidiaries, successors, affiliates, and assigns, whether so expressed or not. The word "Grantee," wherever used herein, is intended and shall be held and construed to mean and include SEMCO Energy Gas Company, SEMCO Energy, Inc., and the successors and assigns of each, whether so expressed or not. Grantee may assign the rights and obligations under this agreement as long as the Grantee provides prior written notice to the Township of any such assignment.

Section 10. FORCE MAJEURE. The Grantee shall not be liable for failure to furnish service as herein provided, or for any breach of the Grantee's obligations hereunder, if such failure or breach is caused by acts of God, labor troubles, riot, or any other causes or contingencies not reasonably within the control of the Grantee.

Section 11. EFFECTIVE DATE. Upon adoption, the Township Clerk shall deliver to Grantee a certified copy of this ordinance. Additionally, the Township shall publish this ordinance within thirty (30) days of its adoption and this ordinance shall take effect upon the day after the date of publication thereof, continuing for a term of thirty (30) years from that date; provided, however, it shall cease and be of no effect after sixty (60) days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, the ordinance shall constitute a contract between said Township and said Grantee.

Ayes: 4
Nays: 0 + 1 Absent
Date Passed: March 13, 2013

Attested, by Order of the Township of
St. Ignace, Mackinac,

Donna B. Harju
St. Ignace Clerk

Dale E. Nelson
St. Ignace Supervisor

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 20
PEDDLER'S**

An ordinance to regulate hawking, peddling, street vending and soliciting; to prohibit the sale of and the taking of orders for goods, wares, merchandise, meats, fish, fruits, vegetables and food stuffs without a license; to provide for a penalty for the violation thereof.

THE TOWNSHIP OF ST. IGNACE, MACKINAC COUNTY, MICHIGAN ORDAINS:

SECTION I: SHORT TITLE

This ordinance shall be known and may be designated as "The Township of St. Ignace Peddler's Ordinance."

SECTION II: DEFINITIONS

- (a) The word "PERSON" as herein means every natural person, firm, co-partnership, association or corporation and their legal successors, and shall include the plural as well as the singular.
- (b) The word "PEDDLER" as herein shall mean any person who travels by foot, wagon, vehicle, or any other type of conveyance, from place to place, from street to street, or from person to person, carrying, conveying or transporting goods, wares, merchandise, meats, fish, fruits, vegetables or foodstuffs, offering and exposing the same for sale, or making sales or delivering articles to customers; or who without going from place to place, sells or offers the same for sale from a wagon, vehicle, railroad car or other conveyance; or who solicits orders and as a separate transaction makes deliveries to purchasers, or causes such deliveries to be made at a future time. The word "peddler" shall include the words "hawker," "street vendor," "solicitor," and "canvasser."
- (c) The word "HELPER" as used herein shall mean any person who engages in the business of peddler by accompanying another peddler as a helper or assistant, if two or more persons are associated in the business of peddler but go about their business separately from place to place within the Township, they shall each be deemed an independent peddler for the purpose of this ordinance.

SECTION III: LICENSE REQUIRED

It shall be unlawful for any person to engage in the business of peddler, as an independent peddler or helper as defined in Section 2 of this ordinance, without first obtaining a license as provided therein for the period during which he plans to conduct his business. "No such license shall be issued or become effective until seventy-two (72) hours excluding Sundays and holidays have elapsed from time of application therefore."

SECTION IV: INTERSTATE COMMERCE.

Any person engaged in the business of peddler in interstate commerce may be exempted from the payment of fees for licenses issued hereunder after establishing the character of his business to the satisfaction of the Township Clerk. Any such person shall submit a completed application and pay the application processing fee as required in Section 8 of this ordinance. The applicant upon approval will pay applicable fees as required in Section 9 of this ordinance. And shall be subject to all other provisions of this ordinance.

SECTION V: BOND REQUIRED

Any person engaged in the business of peddler, as an independent peddler or helper as defined In Section 2 of ordinance, shall post a Surety Bond or Cash Bond with the Township Clerk at the time of making application for a license. Such a bond shall be in the amount of not less than One Thousand Dollars (\$1,000.00), and conditioned upon the faithful observance by the licensee of all provisions of this ordinance. Any person aggrieved by the action of said licensee shall have a right of action on said bond for the recovery of money or damages, or both. Said bond shall be retained by the Township of St. Ignace for a period of ninety days after the expiration of said license, or until after the settlement of any claim on said bond submitted in writing to the Township Clerk before the end of said ninety-day period. Bond requirement may be waived contingent upon applicant producing three letters of recommendations from reliable property owners in the Township of St. Ignace, plus a letter from a designated Township Attorney, certifying as to the applicant's good character and business responsibility.

SECTION VI: EXEMPTIONS

It is the intent of this ordinance that the following persons shall not be deemed peddlers for purposes of this ordinance, and shall not be subject to regulations hereunder:

- (a) Any person working as a route salesman, on a fixed route with regular periodic deliveries or visits, and who does not call on persons or places not already established as customers.
- (b) Any person engaged exclusively in wholesale sales to retail merchants.
- (c) Any person engaged in peddling on behalf of a school or recognized charitable or religious organization; said organization to produce evidence of non-profit status through a Federal Non-Profit Internal Revenue Service identification number or other verifiable proof of non-compensation for such work.

However, the Township Clerk shall, with the cooperation of the exempted person, issue a license and badge to such person without charge for a period not to exceed beyond December 31st of the year in which they are issued.

SECTION VII: APPLICATION

Before any person shall be issued a license for peddling as required herein, he shall first file with the Township Clerk a sworn application in writing, on a form provided by the Township Clerk, which shall include at least the following information:

- (a) Name and date of birth of applicant;
- (b) Applicant's legal or local address;
- (c) A description of the nature of the applicant's business and goods to be sold, the origin of the goods, and the method of making sales;
- (d) Name and address of the applicant's employer; and if a corporation, whether it is registered to do business in Michigan;
- (e) The applicant's driver's license number;
- (f) The license number and description of the applicant's vehicle;
- (g) The length of time for which the right to do business is desired;
- (h) Two photographs of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which pictures shall be 2" by 2" (approx.) showing the head and shoulders of the applicant in a clear and distinguishing manner.

- (i) The fingerprints of the applicant and names of at least two reliable property owners of the County of Mackinac, Michigan, who will certify as to the applicant's good character and business responsibility, or in lieu of the names of references any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;
- (j) A statement as to whether or not the applicant has been convicted of any crime, felony, misdemeanor or violation of any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefore;
- (k) A statement by a reputable physician of Mackinac County dated not more than ten (10) days prior to submission of the application, certifying the applicant to be free from infectious, contagious or communicable disease. The physician's statement is required from only those vendors and peddlers who will be peddling food, beverages, meats, fruits, vegetables or foodstuff;
- (l) A statement from the property owner of record indicating that permission has been given the peddler to do business upon said property owner's property and the dates and length of time permission has been granted.

SECTION VIII: FEES

At the time of filing the application, a processing fee of Five Dollars (\$5.00) shall be paid by the applicant to the Township Clerk to cover the cost of administration and investigation. The fees for the licenses are required herein shall be based on the length of time for which the right to do business is granted, as follows:

	PEDDLER
PER DAY	\$ 50.00
PER WEEK	100.00
PER MONTH	250.00
PER YEAR	500.00

SECTION IX: INVESTIGATION AND ISSUANCE.

- (a) Upon receipt of such application, it shall be referred to the Township Supervisor, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.
- (b) If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the Supervisor shall endorse on such application his disapproval and his reasons for the same, and return the said application to the Township Clerk, who shall notify the applicant that his application is disapproved and that no license will be issued.
- (c) If as a result of such investigation the applicant's character and business responsibility is found to be satisfactory, the Supervisor shall endorse on the application his approval, and return said application to the Township Clerk who shall, upon payment of the prescribed license fee, deliver to the applicant his license. Such license shall contain the signature of the Township Clerk, the name, address, and photograph of the licensee, the kind of goods to be sold and the method of making sales thereunder, the date of expiration and the license number. The Township Clerk shall keep a permanent record of all licenses issued.

SECTION X: BADGES

The Township Clerk shall issue to each licensee, at the time of delivery of his license, a badge. Such badge shall bear the words "LICENSED PEDDLER NO. __," the period for which the license is issued, the number of the license and a statement to the effect that the license must be presented upon a citizen's request. Such badge shall be worn by the licensee at all times on the front of his hat or on the chest of his outer garment in such a way as to be conspicuous during such time as said licensee is engaged in peddling.

SECTION XI: EXHIBITION OF LICENSE

It shall be the duty of every person actively engaged in the business of peddler to carry his license on his person at all times and to exhibit his license at the request of any citizen, and to allow such citizen a reasonable period of time in which to inspect such license.

SECTION XII: NON-TRANSFERABILITY

No license or badge issued under the provisions of this ordinance shall be used or worn at any time by any person other than the one to whom it was issued.

SECTION XIII: LOUD NOISES AND SPEAKING DEVICES

No peddler, nor any person in his behalf, shall shout, make any cryout, blow a horn, ring a bell, or use any sound device, including any loud-speaking radio or sound-amplifying system upon any of the streets, alleys, parks or other public places of said Township or upon any private premises in the said Township where sound sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

SECTION XIV: USE OF STREETS

No peddler shall have any exclusive right to any location in the public streets, nor shall he be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this ordinance, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced. "Special Events Organizations may obtain use of public property by approval of the Township Board and other authorizing agencies during the term of the event.

SECTION XV: CONDUCT

No person engaged in the business of peddling shall conduct himself toward the public or any individual person in such a manner as to be offensive, disorderly or rude. No person engaged in the business of peddling shall enter or remain on any property or premises, contrary to the request of the owner or occupant thereof.

SECTION XVI: DAYLIGHT HOURS ONLY

Peddlers in the Township of St. Ignace shall limit their business operations to daylight hours. No person shall engage himself in the business of peddling from one hour before sunset until one hour after sunrise.

SECTION XVII: DUTY OF POLICE TO ENFORCE

It shall be the duty of any police officer of the Township of St. Ignace, Mackinac County Sheriff Department and Michigan State Police to require any person seen peddling and who is known by such officer to be duly licensed, to produce his peddler's license and to enforce the provisions of this ordinance against any person found to be violating the same.

SECTION XVIII: RECORDS

All convictions for violation of this ordinance shall be reported to the Township Clerk and the Township Clerk shall maintain a record for each license issued and record the reports of violation therein.

SECTION XIX: SUSPENSION AND REVOCATION OF LICENSES

Any license granted under the terms of this ordinance may be suspended by the Supervisor, or revoked by the Township Board for any of the following causes:

- (1) Fraud, misrepresentation, or false statement contained in the application for the license;
- (2) Fraud, misrepresentation, or false statement made in the course of carrying on his business as peddler;
- (3) Any violation of this ordinance;
- (4) Conviction of any crime or misdemeanor involving moral turpitude;
- (5) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the Public.

SECTION XX: APPEAL

Any person aggrieved by the action of the Supervisor or the Township Clerk in the denial of an application for license as provided in Section 8 of this ordinance, or in the decision with reference to the suspension or revocation of a license as provided in Section 19 of this ordinance, shall have the right to appeal to the St. Ignace Township Board. Such appeal shall be taken by filing with the Township Board, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Township Board shall set a time and place for a hearing on such appeal and 10 days notice of such hearing shall be given to the appellant. The decision and order of the Township Board on such appeal shall be final and conclusive.

SECTION XXI: EXPIRATION OF LICENSE.

All licenses issued under the provisions of this ordinance shall expire in the specified time of the date issued. All annual licenses issued under the provisions of this ordinance shall expire on the date specified in the license.

SECTION XXII: VIOLATION AND PENALTY

Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction therefore shall be punished by a fine not to exceed One Hundred Dollars (\$100.00) or by imprisonment not to exceed 90 days, or by both such fine and imprisonment at the discretion of the Court. Each day that a violation occurs shall constitute a separate offense.

SECTION XXIII: SEVERABILITY

The sections of this ordinance are hereby declared to be severable and if any portion or application shall be found to be invalid by a court of competent jurisdiction such invalidity shall not affect the remaining portions or applications of this ordinance.

SECTION XXIV: SPECIAL VENTS AND SPECIAL EVENTS ORGANIZATIONS

Special Events Organizations are those groups or organizations that are determined by resolution of the Township Board to be organized as such. The minimum criteria that the "Special Events Organization" shall meet prior to the approving resolution of the Township Board are:

- (1) The Township Board shall determine that the "Special Event" is in the public interest.
- (2) The Township Board shall determine that allowing of peddling and vending during the "Special Event" is in the public interest.
- (3) The "Special Event Organization" must be a non-profit organization.
- (4) The Township Board shall determine that the "Special Event" shall be organized as such for convenience and be necessary for the betterment of the general public.
- (5) Any other criteria that the Township Board may wish to establish.
The "Special Event" sponsoring organization shall be allowed to determine the vendors participating in the event and shall regulate license for same.
All fees as established in Section 7 may be waived by approval of the Township Board for "Special Events" vending sponsored by "Special Events Organization" as organized according to this section.

SECTION XXV: EFFECTIVE DATE

This ordinance shall become effective ten (10) days after enactment thereof and after publication thereof.

SECTION XXVI: ADOPTION

The named ordinance is hereby declared to have been passed and approved by the St. Ignace Township Board at the regular meeting Wednesday, May 10, 1990, and ordered to be published in The St. Ignace News, published in St. Ignace, Michigan, and circulated in St. Ignace Township, Mackinac County, Michigan.

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 22
ENFORCEMENT**

An ordinance to provide for the enforcement of the collection of delinquent water charges by the City of St. Ignace in St. Ignace Township.

ENFORCEMENT

The charges for service which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien, and whenever any such charge against any piece of property shall be delinquent for six (6) months, the City officials or officials in charge of the collection thereof shall certify annually, on March 1 of each year, to the tax-assessing officer of St. Ignace Township the facts of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced, in the same manner as General Township Taxes against such premises are collected and the lien thereof enforced; provided, however, where notice is given that a tenant is responsible for such charges and service as provided by said Section 21, no further service shall be rendered such premises until a cash deposit in the amount of \$100.00 shall have been made as security for payment of such charges and service.

Dated this 9th day of June, 1988, this ordinance shall take effect thirty (30) days upon publication as required by law.

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 23
DESIGNATE AN ENFORCING AGENCY**

An ordinance to designate an enforcing agency to discharge the responsibilities of the Township of St. Ignace under the provisions of the State Construction Code Act (Act 230 of the Public Acts of 1972, as amended).

SECTION I:

Agency Designated. Pursuant to the provisions of the Michigan Building Code, in accordance with Act 230 of the Public Acts of 1972, as amended, the Building official of the Township of St. Ignace is hereby designated as the enforcing agency to discharge the responsibilities of the Township of St. Ignace under Act 230 of the Public Acts of 1972, as amended, State of Michigan. The Township of St. Ignace assumed responsibility for the administration and enforcement of said Act throughout its corporate limits.

SECTION II:

All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION III:

This ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

Adopted: August 10, 1989

This ordinance duly adopted on August 10, 1989 at a regular meeting of the St. Ignace Township Board and will become effective September 10, 1989.

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 24
PENSION PLAN**

An ordinance to create and establish an annuity or pension plan for the officers and employees of St. Ignace Township and to authorize the township supervisor and township clerk to contract, in the name of the township, for such plan; to define those classes of officers and employees who shall be covered by such annuity or pension plan; to set forth the respective per centum shares which St. Ignace Township and the officers and employees shall contribute to the premium or charges arising under such annuity or pensions contract and to further provide for the deduction of contributions from officers' and employees' compensation; to establish the time at which present and future employees shall become eligible for such plan and to further establish the normal retirement date for all employees; to provide a method for non-coverage of an officer or employee of the annuity or pension plan; to set forth a date wherein each person covered under the annuity or pension plan shall have a vested right or interest in such plan; to ratify and confirm the validity of any annuity or pension plan in existence on the effective date of this ordinance; and to repeal all ordinances or parts of any ordinances in conflict herewith.

THE TOWNSHIP OF ST. IGNACE
MACKINAC COUNTY, MICHIGAN
ORDAINS:

SECTION I:

This ordinance shall be known and cited as the "TOWNSHIP OF ST. IGNACE PENSION PLAN ORDINANCE."

SECTION II:

Pursuant to Act #27 of the Public Acts of 1960, as amended, the Township of St. Ignace here by creates and establishes an annuity or pension plan and program for the pensioning of it's officers and employees, and, for such purposes, also authorizes the township clerk and the township supervisor to contract, in the name of the township, subject to approval of the township board, with any company authorized to transact such business within the State of Michigan for annuities or pensions.

SECTION III

The annuity or pension plan created, established and contracted for under this ordinance shall cover each person within the following classes of officers and employees: ALL employees who meet minimum premium requirements based on annual compensation of the employee.

SECTION IV:

- A. The Township of St. Ignace shall annually contribute one hundred per centum (100%) of that portion of the premium or charges arising under such annuity or pension contract for each person within the class of officers and employees enumerated in Section III hereof. Such contributions shall be secured from the general fund of the township. Each person within such class of officers and employees shall be responsible for the remainder of the premium or charges and the township treasurer is hereby authorized to deduct the same from each person's pay, salary or compensation and to apply the same to such person's responsibility.

- B. Each employee who is employed on the effective date of the annuity or pension plan shall be eligible for coverage on that day provided he or she then meets the following requirements, otherwise to be eligible on the first policy anniversary on which he or she meets them:
 - 1. His or her age (nearest birthday) is at least 18 years and not more than 75 years.
 - 2. He or she has completed at least 0 years of continuous employment.

- C. Every employee who becomes subsequently employed shall be eligible on the first policy anniversary on which he or she meets the following requirements:
 - 1. His or her age (nearest birthday) is at least 18 years and not more than 75 years.
 - 2. He or she has completed at least 0 years of continuous employment.

- D. An employee's normal retirement date shall be the policy anniversary of the annuity or pension plan nearest his or her 65th birthday.

- E. Any person desiring not to be so covered shall give written notice to the township clerk that he desires not to be covered, and if the notice is received before the person has become covered under the contract, he shall not be covered thereunder. If the notice is received after the individual has become covered, his coverage under the contract shall cease as provided for in the contract.

SECTION V:

Each person so covered under the annuity or pension plan shall have a vested right or interest in such plan 0 months from the date the plan becomes effective for such person.

SECTION VI:

The Township of St. Ignace hereby ratifies and confirms the validity of any annuity or pension plan in existence on the effective date of this ordinance.

SECTION VII:

This ordinance shall take effect on the date of its publication. ALL ordinances or parts of any ordinances in conflict herewith are hereby repealed.

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 25
REGULATE ADULT BOOKSTORES, ADULT THEATERS, LIVE
ENTERTAINMENT AND CABARETS**

AN ORDINANCE TO REGULATE ADULT BOOKSTORES, ADULT THEATERS,
LIVE ENTERTAINMENT AND CABARETS, TOWNSHIP OF ST. IGNACE, MICHIGAN.

THE TOWNSHIP OF ST. IGNACE ORDAINS:

SECTION I: Definitions

As used in this ordinance, unless the context clearly indicates a different meaning:

- (a) "Adult bookstore" means an establishment wherein more than twenty percent (20%) of its stock in trade is comprised of books, magazines and other periodicals having, as their dominant theme, matter depicting, describing or relating to sexual activities, as defined in this ordinance, or an establishment with a segment or section devoted to the sale or display of such material.
- (b) "Adult theater" means an enclosed building used for live performances or presenting material by means of motion pictures, video tapes or receivers, photographic slides or other similar means of projection or display, which performances or material is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified anatomical areas or specified sexual activities, as defined in this ordinance, for observation by patrons therein.
- (c) "Cabaret" means any place wherein food or any type of alcoholic or other beverage is sold or given away on the premises, the operator of which place may or may not hold a yearly license to sell such beverage by the glass.
- (d) "Live entertainment" means the presentation of acts which are presented live for the enjoyment of the audience.
- (e) "Specified anatomical areas" means:
 - (1) Less than completely and opaquely covered human genitals or human pubic regions, buttock or female breast below a point immediately above the top of the areola; and
 - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (f) "Specified sexual activities" means:
 - (1) Human genitals in a state of sexual stimulation or arousal;
 - (2) Acts of human masturbation, sexual intercourse or sodomy; and
 - (3) Fondling or other erotic touching of human genitals or a human pubic region, buttock or female breast.
- (g) Person(s) shall mean an individual person(s), co-partnership, firm, corporation, society, club, association, or other business or private entity.

SECTION II: Prohibition

- (a) No person, in the Township, shall own, operate or maintain, or permit to be owned, operated or maintained, an adult bookstore or adult theater, as defined in this ordinance.
- (b) No person shall present or allow to be presented, or participate in, any live acts or entertainment which are distinguished or characterized by their emphasis on

matters depicting, describing or relating to specific sexual activities or specified anatomical areas as herein defined.

- (c) No person owning, operating, managing or employed by or within a cabaret shall dance, perform or serve food, beverages or alcoholic beverages while displaying or allowing to be visible specified anatomical areas, as defined in this ordinance, or allow any other person to do so.
- (d) No person owning, operating, managing or employed by or within a cabaret shall, by means of dancing, acting or otherwise moving about, perform specified sexual activity, as defined in this ordinance, or allow any other person to do so.
- (e) No person owning a cabaret, or his or her agent or employee, shall knowingly permit any exhibition or advertising, in connection with any establishment prohibited under this section to be displayed in any manner which is visible from any public street or highway, which exhibition or advertising depicts, describes, or relates to specified sexual activities or specified anatomical areas, as defined in this ordinance.

SECTION III: Zoning Compliance,

No person shall operate an adult bookstore or cabaret, or place of live entertainment until he shall have complied with the requirements of the Zoning Ordinance, the provisions of this ordinance and other applicable ordinances of the Township of St. Ignace.

SECTION IV: Violations and Penalties.

- (a) Any person, member of a partnership, and/or officer and director of a corporation, violating any of the provision of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars (\$500.00) and be punished by imprisonment in the county jail for a period of not to exceed ninety (90) days for each offense.
- (b) A separate offense shall be deemed and committed upon that day during or when the violation occurs or continues.

SECTION V: Severability.

Each section and each subsection or provision thereof of this ordinance are declared to be separable and the holding of any section, subsection or provision thereof, to be invalid or unenforceable shall not affect the validity or enforceability of any other sections, subsections or provisions.

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 26
NUISANCE**

*Effective
JUNE 29, 1997*

An ordinance to prohibit public nuisances, to declare certain acts, omissions, conditions, apparatus and structures to be public nuisances per se, to regulate the storage of inoperable and abandoned motor vehicles, to provide for the abatement of public nuisances and the collection of expenses in connection therewith, to provide for a penalty for the violation thereof.

SECTION I: Short Title

This ordinance may be cited and referred to as the "Nuisance ordinance of St. Ignace Township, St. Ignace, Michigan".

SECTION II: Nuisance Defined and Prohibited:

Whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lakes or stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this ordinance. No person, firm or corporation shall commit, create, allow or maintain any public nuisance.

SECTION III: Nuisances per se:

The following acts, omissions, conditions, apparatus and structures are hereby declared to be nuisances per se:

- (1) The throwing, placing, depositing, keeping, maintaining or leaving in any street, highway, lane, alley, sidewalk or public place, or in any private place or premises, by any person, firm or corporation, of any animal or vegetable substance, dead animal, fish, shell, tin cans, metal, bottles, glass, stones, bricks, brush, litter or other rubbish, dirt, excrement, filth, unclean or nauseous water, liquid or gaseous fluids, hay, straw, soot, garbage, or any other offensive or dangerous article or substance whatever; provided, that nothing herein shall be construed prohibit the placing of litter in designated refuse receptacles, not the storage or refuse in sanitary containers for reasonable periods of time until disposed of, nor the dumping of refuse at any location designated by the Township of St. Ignace as an official dumping site.
- (2) The pollution of any stream, river, lake or other body of water by any garbage, rubbish, litter, foul or nauseous liquid or water, or commercial or industrial wastes.
- (3) The maintenance of any pond, pool or water, or vessel holding stagnant water.
- (4) The emission of noxious fumes or gas in such quantities as to render occupancy of property uncomfortable to a person of ordinary sensibilities.
- (5) The obstructing of or the discharge into of the depositing in any water course, drain or sewer of the Township, or in any drain or sewer connecting with those of the Township, of any oil grease, inflammable liquid, chemical, substance or material damaging or harmful to Township water courses, drains or sewers, or detrimental to the operation thereof or injurious to the health of the Township's inhabitants by reason of such discharge or deposit.

- (6) The placing, keeping, maintaining or leaving on any public or private place or premises, either inside or outside any building or structure in a place accessible to children, any unused, abandoned, unattended or discarded icebox, refrigerator or any other airtight container of any kind which has a snap latch or other kind of locking device thereon, without first removing the snap latch or other locking device, on the door, lid or cover from such icebox, refrigerator or other airtight container.
- (7) All explosives, inflammable liquids and other dangerous substances stored or kept in any manner or in any amount contrary to the statutes of the State of Michigan.
- (8) All dangerous, unguarded excavations or machinery in any public place, or so situated, left or operated on private property as to attract or be readily accessible to the public.
- (9) All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface of the ground.
- (10) All barbed wire fences which are located within three (3) feet from any Public walkway.
- (11) The distribution of samples of medicines, drugs or any product, object or substance of any kind which could be harmful if taken internally by children or other persons, unless each such sample is placed directly in the hand of an adult person.

SECTION IV: Abandoned Vehicles

No person, firm or corporation shall park, store, keep, maintain, leave or allow any dismantled, partially dismantled, wrecked, junked, discarded, abandoned or inoperable motor vehicle or any parts thereof on any private premises or property under his ownership, tenancy or control. An abandoned motor vehicle shall include and is declared to be a public nuisance if said vehicle is inoperative for any reason for period in excess of sixty (60) days, provided however, any inoperative vehicle which is not in operation for lack of a license, shall not be declared a public nuisance unless it has been unlicensed more than six (6) months. Such nuisances shall be abated according to the provisions of Section 6 of this ordinance. Provided, that this section shall not be deemed to apply to the storage of motor vehicles in a fully enclosed building, or by a licensed junk dealer. Provided further that notwithstanding any provisions herein to the contrary, the Zoning Inspector, upon written application, may exempt from the provisions of this ordinance for any reasonable period of time, and historic or classic vehicle, any vehicle in the process of restoration or repair, or any vehicle which by reason of special circumstances is deemed by him to warrant such exemption.

SECTION V: Other Nuisances

It is the legislative intent of St. Ignace Township, in adopting this ordinance, that all provisions and section herein be liberally construed to protect the peace, health, safety and welfare of the inhabitants of the Township and the Township Board hereby reserves the power and authority, to abate any public nuisance or hazard, whether specifically prohibited by this ordinance or not.

SECTION VI: Abatement of Nuisances

Any act, omission, condition, apparatus or structure prohibited by this ordinance shall be abated by the Township Board in accordance with the following procedure:

- (1) The Board shall first investigate the alleged nuisance to determine whether or not a public nuisance, as defined herein, exists, and to further determine the person or persons who are committing, creating, allowing or maintaining such nuisance.

- (2) The Clerk shall then give written notice to the person or persons responsible for committing, creating, allowing or maintaining such nuisance, specifying in particular the nature of such nuisance, the corrective action to be taken to abate such nuisance, and the time limit for abatement of such nuisance, which shall be a reasonable period of time but not to exceed ten (10) days from the time such notice is served. Such notice shall be given:
 - (a) by posting such notice upon the premises; or
 - (b) by personal service; or
 - (c) by registered or certified mail addressed to the address set forth in the current assessment roll of St. Ignace Township or the records of the Assessor.

- (3) If, at the expiration of the time limit in said notice, the person or persons responsible for committing, creating, allowing or maintaining such nuisance shall not have complied with the requirements thereof, the Board shall carry out the requirements of said notice by whatever reasonable means are necessary to accomplish it, including the use of contracted services. The cost of such abatement, including a reasonable overhead charge, shall be a debt owed to the Township by the person or persons responsible for committing, creating, allowing or maintaining such nuisance; and if such nuisance is attributable to the use, occupancy or ownership of any lands or premises within the Township, shall be charged against such premises in accordance with the provisions of the Township General Rule Authority.

SECTION VII: Appeal

Upon written request, the Township Board may make written exception in writing for a reasonable period of time under special circumstances which would prohibit or make impractical the enforcement of any section of this ordinance. The granting or rejection of such request shall be at the discretion of the Township Board.

SECTION VIII: Disregarding Notice or Orders

Any person who shall fail to comply with any notice or order under the provisions in this ordinance shall be deemed guilty of a violation of this ordinance.

SECTION IX: Emergency Cases

Notwithstanding the provisions in Section 8 of this ordinance, the Township Board is hereby authorized to abate immediately, by any reasonable means available, any public nuisance which constitutes an immediate danger to the life, health or safety of any person, after making a reasonable attempt to contact the person or persons responsible for committing, creating, allowing or maintaining such nuisance in person, by telephone and other available means of instantaneous communication. The cost for such abatement shall be charged and collected as provided for in Section 6 of this ordinance.

SECTION X: Abatement Does Not Preclude Court Action

Any action taken by the Township Board to abate any public nuisance shall not affect the Township's right to institute proceedings against the person or persons committing, creating, allowing or maintaining any public nuisance for violation of this ordinance, nor affect the imposition of the penalty prescribed for such violation. As an additional remedy, upon application by the Township to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation or threatened violation restrained or enjoined.

SECTION XI: Penalty

Any person, firm or corporation who violates this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment, at the discretion of the Court.

SECTION XII: Separability

Should any section of this ordinance be declared by any Court to be invalid, the case shall not affect the validity of the remaining portions of such section of the ordinance or part so declared to invalid.

SECTION XIII: Effective Date June 29, 1997

This ordinance should become effective ten (10) days after its enactment and after its publication.

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 27
LAND DIVISION**

An ordinance to regulate partitioning or division of parcels or tracts of land, pursuant but not limited to Michigan Public Act 288 of 1967, as amended, and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

The Township of St. Ignace Ordains:

SECTION I:

This ordinance shall be known and cited as the St. Ignace Township Land Division Ordinance.

SECTION II: Purpose

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Acts, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the municipality by establishing reasonable standards for prior review and approval of land divisions within the Township.

SECTION III: Definitions

For purposes of this ordinance certain terms and words used herein shall have the following meaning:

- A. "Applicant": a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. "Divide" or Division": The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act. "Divide" and Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, this ordinance, and other applicable ordinances.
- C. "Exempt split" or exempt division": The partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representative, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent; providing all the resulting parcels are accessible for vehicular travel and utilities from existing public roads through

existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access.

- D. "Forty acres or the equivalent": Either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- E. "Governing body": The St. Ignace Township Board.

SECTION IV: Prior Approval Requirement for Land Divisions

Land in the Township shall not be divided without the prior review and approval of the Township assessor, or other official designated by the governing body, in accordance with this ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.
- C. An exempt split as defined in this Ordinance.

SECTION V: Application for Land Division Approval

An applicant shall file all of the following with the Township assessor, or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development.

- A. A complete application form on such form as may be approved by the Township Board.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A survey map of the land proposed to be divided, prepared pursuant to the survey map requirements of 1970 Public Act 132, as amended, (MCL 54.211) by a land surveyor licensed by the State of Michigan, and showing the dimensions and legal descriptions of the existing structures and other improvements, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads. In lieu of such survey map, at the applicant's option, the applicant may waive the 30 day statutory requirement for a decision on the application until such survey map and legal description are filed with the Township, and submit a preliminary parcel map drawn to scale of not less than 200 feet to the inch including an accurate legal description of each proposed division, and showing the boundary lines, dimensions, and the accessibility of each division from existing or proposed public roads for automobile traffic and public utilities, for preliminary review, approval, and/or denial by the assessor or other official designated by the governing body prior to a final application under Section V. The assessor or other official designated by the governing body may waive the survey map requirement where the foregoing preliminary parcel map is deemed to contain adequate information to approve a proposed land division considering the size, simple nature of the divisions, and the undeveloped character of the territory within which the proposed divisions are located. An accurate legal description of all the proposed divisions, however, shall at all times be required.

- D. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- E. The history and specifications of the land proposed to be divided sufficient to establish that the proposed division complies with Section 108 of the State Land Division Act.
- F. Proof that all due and payable taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.
- G. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- H. Unless a division creates a parcel which is acknowledged and declared to be "not a development site" under Section VIII of this Ordinance, all divisions shall result in "buildable" parcels with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, approved on-site sewage disposal and water well locations (where public water and sewer service is not available), access to existing public utilities and public roads, and maximum allowed area coverage of buildings and structures on the site.
- I. The fee as may from time to time be established by resolution of the governing body of the Township for land reviews pursuant to this ordinance to cover the costs of review of the application and administration this Ordinance and the State Land Division Act.

SECTION VI: Procedure for review of Applications for Land Division Approval

- A. The assessor or other designee shall approve, approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and general welfare, or disapprove the land division applied for within 30 days (unless waived under Section V. C. after receipt of the application package conforming to this Ordinance's requirements, and shall promptly notify the applicant of the decision and the reasons for any denial. If the application package does not conform to this Ordinance's requirements and the State Land Division Act, the assessor or other designee shall return the same to the applicant for completion and refile in accordance with this Ordinance and the State Land Division Act.
- B. Any person or entity aggrieved by the decision of the assessor or designee may, within 30 days of said decision appeal the decision to the governing body of the Township or such other body or person designated by the governing body which shall consider and resolve such appeal by majority vote of said Board or by the designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.
- C. A decision approving a land division is effective for 90 days, after which it shall be considered revoked unless within such period a document is recorded with the County Register of Deeds office and filed with the Township Clerk or other designated official accomplishing the approved land division or transfer.
- D. The assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.

SECTION VII: Standards for Approval of Land Divisions

A proposed land division shall be approved if the following criteria are met:

- A. All the parcels to be created by the proposed land divisions(s) fully comply with the applicable lot (parcel), yard and area requirements of the pertinent Zoning

ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) coverage and minimum set-backs for existing buildings/structures or have received a variance from such requirement(s) from the appropriate Zoning Board of Appeals.

- B. The proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.
- C. All parcels created and remaining have existing adequate accessibility, or an area available therefor, to a public road for public utilities and emergency and other vehicles not less than the requirements of all applicable ordinances.
- D. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-buildable parcels created under Section VIII of this Ordinance. The Depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement. The width of a parcel shall be measured at the abutting road or right-of-way line, or as otherwise provided in any applicable ordinances.

SECTION VIII: Allowance for Approval of Other Land Divisions

Notwithstanding the provisions of Section VII of this ordinance, a division which creates a parcel that satisfies all of the requirements of Section VII except that it does not satisfy one or more of the standards of Subsections A and D of Section VII, shall be approved if the applicant executes and records an affidavit or deed restriction with the County Register of Deeds clearly designating the parcel as "not a development site," as defined under 1967 PA288, as amended. Any parcel so designated shall not thereafter be used as a development site as defined under 1967 PA 288 as amended.

SECTION IX: Conforming to Local Zoning Ordinances

All splits in land parcels (land division) shall conform with St. Ignace Township Zoning Ordinance(s).

SECTION X: Consequences of Non-compliance with Land Division Approval Requirement

Any parcel created in noncompliance with this ordinance shall not be eligible for any building permits, or zoning approvals, such as conditional land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this ordinance shall subject the violator to the penalties and enforcement actions set forth in Section XI of this ordinance, and as may otherwise be provided by law. An administrative fee determined by the St. Ignace Township Board of Trustees must accompany the applications.

SECTION XI: Penalties and Enforcement

Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the Mackinac County jail not to exceed 90 days or both such fine and imprisonment.

Any person who violates any of the provisions of this ordinance shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

SECTION XII: Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

SECTION XIII: Repeal

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the applicable Zoning Ordinance or Building Codes.

SECTION XIV: Adoption and Effective Date

Ordinance No. 27 was passed and approved by the St. Ignace Township Board of Trustees, at their regular meeting held on Thursday, June 12, 1997, and ordered to be published in The St. Ignace News, a newspaper published in the City of St. Ignace, Michigan, and circulating within St. Ignace Township, Mackinac County, Michigan.

Township of St. Ignace, Mackinac County, State of Michigan.

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 28
REGULATION OF ATVs,ORVs & SNOWMOBILES**

Notice is hereby given that at a Regular Meeting of The St. Ignace Township Board held on October 12,2000 it was moved and supported by the St. Ignace Township Board that the following ordinance be enacted.

ARTICLE #1

SECTION I:

MCL Act 319 of 1975 permits a Township to pass an ordinance establishing access to and along County roads within its jurisdiction.

SECTION II:

ALL TERRAIN VEHICLES, (ATVs), (ORVs),& (SNOWMOBILES) shall be understood to mean motorized vehicles intended to be operated off the roadway for the purpose of recreational riding.

SECTION III:

It shall be **LAWFUL** for ATVs,ORVs,& SNOWMOBILES to utilize the berm of County or Township roadways for access to established and designated Federal and State trail systems.

SECTION IV:

It shall be **UNLAWFUL** to use public access to trespass private property or **FEDERAL** or **STATE** trails posted **NO ORVs, ATVs,or SNOWMOBILES**.

ARTICLE # 2 ENFORCEMENT

Enforcement of this Ordinance shall be recognized by Law Enforcement agencies and all vehicles and operators shall comply with the State of Michigan Motor Vehicle laws.

This ordinance shall become effective 30 (thirty) days after publication in The St. Ignace News in the City of St. Ignace and circulation within St. Ignace Township and Mackinac County, Michigan.

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 29
DANGEROUS BUILDING**

An Ordinance to promote the health, safety, and welfare of the people of the Township of St. Ignace, Mackinac County, Michigan by regulating the maintenance and safety of certain buildings and structures, to define the classes of buildings and structures affected by the Ordinance; to establish administrative requirements and prescribe procedures for the maintenance or demolition of certain buildings and structures; to establish remedies; provide for enforcement; and fix penalties for the violation of this Ordinance; and to repeal all Ordinances or parts of Ordinances in conflict therewith.

THE TOWNSHIP OF ST. IGNACE, MACKINAC COUNTY, MICHIGAN ORDAINS:

SECTION I: TITLE

This Ordinance shall be known and cited as the Township of St. Ignace Dangerous Building Ordinance. (ord.no.29 eff.12-16-2000).

SECTION II: DEFINITIONS OF TERMS

As used in this Ordinance, including in this section, the following words and terms shall have the meanings stated herein:

- A. "Dangerous building" means any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:
1. A door, aisle, passageway, stairway or other means of exit that does not conform to the Township Fire or Building Codes. (State Adopted).
 2. A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being Section 125.401 et seq. of the Michigan Compiled Laws, or the Township Building Code for a new building or structure, purpose or location.
 3. A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.
 4. A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind that is required in the case of new construction by the Housing Law of the State of Michigan, Act. No. 167 of the Public Acts of 1917, as amended, being Section 125.401 et seq. of the Michigan Compiled Laws or the Township Building Code.
 5. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reasons is likely to partially or completely collapse, or some portion of

- the foundation or underpinning of the building or structure is likely to fall or give way.
6. The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose of which it is used.
 7. The building or structure is damaged by fire, wind, or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.
 8. A building or structure used for, or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer of the county determines is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.
 9. A building or structure is vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
 10. Those buildings which exist in violation of any provision of any ordinance or code of the Township of St. Ignace.
 11. A building or structure remains unoccupied for a period of one hundred eighty (180) consecutive days or longer, and is not listed as being available for sale, lease, or rent with a real estate broker licensed under Art. 25 of the Occupational Code, Act No. 299 of 1980, being Section 339.2501 et seq. of the Michigan Compiled Laws, or is not publicly offered for sale by the owner. This subdivision does not apply to either of the following:
 - a. A building or structure as to which the owner or agent does both of the following:
 - (1) Notifies the Township Board that the building or structure will remain unoccupied for a period of one hundred eighty (180) consecutive days. The notice shall be given by the owner or agent not more than thirty (30) days after the building or structure became occupied.
 - (2) Maintain the exterior of the building or structure and adjoining grounds in accordance with this Ordinance and the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being Section 125.401 et seq. of the Michigan Compiled Laws, and the Township Building Code.
 - b. A secondary dwelling of the owner that is regularly unoccupied for a period of one hundred eighty (180) days or longer each year, if the owner notifies the Township Board that the dwelling will remain unoccupied for a period of one hundred eighty (180) consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the Township Board not more than thirty (30) days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling such as a vacation home, or summer home, that is occupied by the owner or a member of the owner's family during part of the year.

- B. "Enforcing Agency" means this Township, through the Township Building Official and/or such other Official(s) or Agency as may be designated by the Township Board to enforce this Ordinance.
- C. "Township Building Code" means the building code administered and enforced in the Township pursuant to the State Construction Code Commission Act, Act No. 230 of the Public Acts of 1972, as amended, being Section 125.1501 et seq. of the Michigan Compiled Laws.

SECTION III: PROHIBITATION OF DANGEROUS BUILDINGS

It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in this Ordinance.

SECTION IV: STANDARDS FOR REPAIRS, ALTERATIONS, VACATION OR DEMOLITION

The following standards shall be followed in substance by the Building Inspector and the Township Board ordering repair, alterations, vacation, or demolition:

- a. If the "dangerous building" can reasonable be repaired or altered so that it will no longer exist in violation of the terms of this Ordinance, it shall be ordered repaired or altered.
- b. If the "dangerous building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.
- c. In any case where a "dangerous building" is at least fifty (50) percent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building can not be repaired or altered so that it will no longer exist in violation of the terms of this Ordinance, it shall be demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this Ordinance or any other Ordinance or code of the Township or statue of the State of Michigan, it shall be demolished.

SECTION V: DUTIES OF BUILDING INSPECTOR-INSPECTION

The Building Inspector shall:

- a. Inspect or cause to be inspected any building or other structure which in his opinion probably is existing in violation of the terms of this Ordinance, or about which a complaint is filed by any person to the effect that a building or other structure is or may be existing in violation of this Ordinance, or which is reported by the Township Board or County Health Department as probably existing in violation of the terms of this Ordinance.
- b. Determine for each inspection required, within the standards of Section II of this Ordinance, whether or not a violation in fact exists, and make a written record of such determination.

SECTION VI: DUTIES OF BUILDING INSPECTOR-NOTICE TO ABATE

Whenever the Building Inspector determines that a "dangerous building" exists within the standards of Section II of this Ordinance, the following action shall be taken by the Building Inspector:

- a. Notify in writing by certified mail or personal service the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Mackinac of any building found by him to be a "dangerous building" within the standards set forth in Section II of this Ordinance, that: (1) the owner must vacate, or repair, or alter, or demolish said

building in accordance with the terms of the notice and this Ordinance; (2) the occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession; (3) the mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Mackinac may at his own risk repair, alter, vacate, or demolish said building or have such work, or act done.

- b. Set forth in the notice provided for in subsection a. hereof, a description of the building, or structure deemed unsafe, a statement of the particulars which make the building or structure a "dangerous building:" and an order requiring the same to be put in such condition as to comply with the terms of this Ordinance within such length of time, not exceeding thirty (30) days, as is reasonable; provided that the Building Inspector may grant one or more extensions of time for compliance with said notice, upon request from the owner, occupant lessee, mortgagee, agent or other person or persons having an interest in said building, when in the opinion of the Building Inspector the need for such extension is justified by circumstances beyond the control of said interested person or persons, the total of all such extensions not to exceed sixty (60) days.
- c. Place a notice on all "dangerous buildings" reading as follows: "This building has been found to be a dangerous building by the Building Inspector." This Notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Mackinac. It is unlawful to remove this notice until such notice is complied with.
- d. Report to the Township Board any noncompliance with the "notice" provided for in subsections a., b. and c., hereof.
- e. Appear at all hearings conducted by the Township Board, and testify as to the condition of "dangerous buildings."

SECTION VII: DANGEROUS BUILDING HEARING PROCEDURE

The St. Ignace Township Board shall be authorized to conduct all required hearings and make all determinations necessary to comply with this Ordinance, following the procedures of Section VIII.

SECTION VIII: PROCEDURE FOR NON-COMPLIANCE

Upon receipt of a report from the Building Inspector as provided herein in Section VI subsection d. the Township Board shall:

- a. Give written notice by certified mail or personal service to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building as shown by land records of the Recorder of Deeds of the County of Mackinac to appear before them on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, altered, vacated, or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice provided for herein in Section VI, subsections a. and b.; said notice of hearing to be mailed at least ten (10) days prior to the date of said hearing.
- b. Hold a hearing and hear such testimony as the Building Inspector and the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Mackinac shall offer relative to the "dangerous building", as well as testimony from other citizens affected by said "dangerous building".

- c. Make written findings of fact from the testimony offered pursuant to subsection b. as to whether or not the building in question is a "dangerous building" within the terms of Section II.
- d. Issue an order based upon findings of fact made pursuant to subsection c. commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Mackinac, to repair, alter, vacate or demolish any building found to be a "dangerous building" within the terms of this Ordinance, and provided that any person so notified except the owners shall have the privilege of either vacating or repairing said "dangerous building"; or any person not the owner of said "dangerous building" but having an interest in the said building as shown by the land records of the Recorder of Deeds of the County of Mackinac may repair, alter, or demolish said "dangerous building" at his own risk to prevent the acquiring of a lien against the land upon which said "dangerous building" stands by the Township Board as provided by subsection e. hereof.
- e. Provide in said order that if the owner, occupant, mortgagee or lessee fails to comply with the order as provided in subsection d. hereof, within thirty (30) days, Township Board shall cause such "dangerous building" to be repaired, altered, vacated or demolished as the facts may warrant, under the standards provided in Section II of this Ordinance, and shall cause the costs of such repair, alteration, vacation, or demolition to be charged by special assessment against the property on which said "dangerous building" existed; provided, that in lieu of said special assessment, or as an additional remedy, the Township Board may bring a personal action against the owner or owners of said premises to recover the cost of such repair, alteration, or demolition; and provided further, that in cases where such procedure is desirable and any delay caused will not be dangerous to the health, morals, safety or general welfare of the people of the Township of St. Ignace, the Township Board may direct the Township Attorney to take legal action to force the owner or owners to make all necessary repairs; or alterations or demolish the building.

SECTION IX: EMERGENCY CASES

Notwithstanding the provisions of Section VI and Section VII of this Ordinance, in cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a "dangerous building" as defined herein is immediately repaired, altered, vacated, or demolished, the Building Inspector shall report such facts to the Township Board, which shall cause immediate repair, vacation, or demolition of such "dangerous building". The costs of such emergency repair, vacation or demolition of such "dangerous building" shall be collected in the same manner as provided in Section VIII subsection 3 of the Ordinance.

SECTION X: IMPLEMENTATION AND ENFORCEMENT OF REMEDIES

- A. Implementation of Order by Township Board: In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Township Board, the Township Board may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure.
- B. Reimbursement of Costs: The costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, incurred by the Township to bring the property into conformance with this Ordinance shall be reimbursed to the Township by the owner or party in interest in whose name the property appears.

- C. **Notice of Costs:** The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the Township Clerk of the amount of the costs of the demolition, or making the building safe, or of maintaining the exterior of the building or structure, by first class mail at the address shown on the Township Records.
- D. **Lien for Unpaid Costs:** If the owner or partner in interest fails to pay the costs within thirty (30) days after mailing by the Clerk of the notice of the amount of the cost, in the case of a single family dwelling or a two family dwelling the Township shall have a lien for the costs incurred by the Township to bring the property into conformance with this Ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have a priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Act No. 206 of the Public Acts of 1893, as amended, being Section 211.1 et seq. of the Michigan Compiled Laws.
- E. **Court Judgement for Unpaid Costs:** In addition to other remedies under this Ordinance, the Township may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. In the case of a single family dwelling or a two family dwelling, the Township shall have a lien on the property for the amount of a judgement obtained pursuant to this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed and recorded as provided by law. The lien does not have a priority over prior filed or recorded liens and encumbrances.
- F. **Enforcement of Judgement:** A judgement in an action brought pursuant to Section X of this ordinance may be enforced against assets of the owner rather than the building or structure.
- G. **Lien for Judgement Amount:** In the case of a single family dwelling or a two family dwelling, the Township shall have a lien for the amount of a judgement obtained pursuant to Section X of this Ordinance against owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against which the judgement is obtained. A lien provided for in this subsection does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.

SECTION XI: ADMINISTRATIVE LIABILITY

No officer, agent, or employee of the Township of St. Ignace shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Ordinance. Any suit brought against any officer, agent or employee of the Township of St. Ignace as a result of any act required or permitted in the discharge of his duties under this Ordinance shall be defended by the Township Attorney until the final determination of the proceedings therein.

SECTION XII: VIOLATIONS - PENALTY FOR DISREGARDING NOTICES OR ORDERS.

The owner of any "dangerous building" who shall fail to comply with any notice or order to repair, alter, vacate or demolish said building shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding five hundred dollars (\$500.00) for each offense and further sum of one hundred dollars (\$100.00) for each and every day such failure to comply continues beyond the date fixed for compliance. Any person removing the notice provided for in Section VI, subsection c. hereof, shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding five hundred dollars (\$500.00) for each offense.

SECTION XIII: APPEAL OF TOWNSHIP BOARD DECISION.

An owner aggrieved by any final decision or order of the Township Board, under this Ordinance, may appeal the decision or order to the Circuit Court by filing a petition for an order of superintending control within twenty (20) days from the date of the decision.

SECTION XIV: SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 30
REGULATING THE DISPOSITION OF WASTE, USE OF PUBLIC &
PRIVATE SEWERS & DRAINS**

AN ORDINANCE REGULATING THE DISPOSITION OF WASTES, USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM AND PROVIDING PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

TABLE OF CONTENTS

Section	100	Definition
Section	200	Required Use of Public Sewers
Section	300	Building and Connections
Section	400	Use of Public Sewers
Section	500	Industrial Wastes Directed to Public Sewers
Section	600	Power and Authority Inspectors
Section	700	Damage or Tampering with Sewage Facilities
Section	800	Violation and Penalties
Section	900	Administrative Appeals - Board of Appeals
Section	1000	Validity
Section	1100	Effective Date

SECTION 100 - DEFINITIONS

For the purpose of this ordinance the following words, phrases and abbreviations shall have the meanings set out below unless the context specifically indicates otherwise. Throughout the ordinance the verb "shall" indicates mandatory action, "may" indicates permissible action, and "will" is simple future.

101. **APPROVING AUTHORITY** shall mean the St. Ignace Township Board or its duly authorized agent or representative.

102. **BOD** (abbreviation for Biochemical Oxygen Demand) shall mean the quantity of oxygen used in the oxidation of organic matter under standard laboratory procedures in 5 days at 20° C., expressed in milligrams per liter as determined according to the most recent edition of Standard Methods for the Examination of Water and Wastewater.

103. **BUILDING DRAIN** shall mean the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning 5 feet (1.52 meters) outside the inner face of the building wall.

104. **BUILDING SEWER** shall mean the extension from the building drain to the public sewer or other place of disposal. (Also called **HOUSE CONNECTION** or **SERVICE CONNECTION**.)

105. **COMBINED SEWER** shall mean a sewer intended to receive both wastewater and storm or surface water.
106. **EASEMENT** shall mean an acquired legal right for the specific use of land owned by others.
107. **FLOATABLE OIL** shall mean oil, grease or fat in a physical state in which it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free from floatable oil if it is properly pretreated, and the wastewater does not interfere with the collection system.
108. **GARBAGE** shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
109. **GROUND GARBAGE** shall mean garbage which has been shredded to the degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than 1/2-inch (12.7 mm.) in any dimension.
110. **INDUSTRIAL WASTES** shall mean the wastewater from industrial processes or trade, as distinct from sanitary sewage.
111. **NATIONAL CATEGORICAL PRETREATMENT STANDARD OR PRETREATMENT STANDARD.** Any federal regulation containing pollutant discharge limits promulgated by the EPA which applies to a specific category of industrial users.
112. **NATURAL OUTLET** shall mean any outlet (including storm sewers and combined sewer overflows) into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
113. **NORMAL DOMESTIC STRENGTH WASTE** shall mean a liquid waste that is generated by a typical residence with the assumed concentrations of 200 mg/1 BOD, 240 mg/1 suspended solids, and 30 mg/1 ammonia.
114. **NPDES PERMIT (National Pollutant Discharge Elimination System Permit)** shall mean the licensing method used to maintain effluent quality standards by the Department of Natural Resources when authorizing the discharge of liquid pollutant into a surface water of the State, and includes monitoring requirements and maximum contaminant levels for the discharge.
115. **PARTS PER MILLION (also MILLIGRAMS PER LITER)** as a weight-to-volume ration. (To calculate pounds per million gallons multiply parts per million by 8.345.)
116. **PERSON** shall mean any individual, partnership, firm, group, company, association, corporation, or society.
117. **pH** shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

118. **PRETREATMENT OR TREATMENT** is the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a publically owned wastewater facility. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes, or other means, except as prohibited by 40 CFR Section 403.6(d).

119. **PUBLIC SEWER** shall mean a common sewer controlled by a governmental agency or a public utility.

120. **SANITARY SEWAGE (Also NORMAL DOMESTIC STRENGTH WASTE)** shall mean any combination of liquid and water-carried wastes discharged from sanitary plumbing facilities, which has waste concentrations equivalent to normal domestic strength waste.

121. **SANITARY SEWER** shall mean a sewer that carries liquid and water-borne wastes from residences, industrial plants, commercial buildings, and institutions together with minor quantities of groundwater, storm water and surface waters that are not admitted intentionally.

122. **SEWAGE** shall mean the spent water of a community. (The term **WASTEWATER** is preferable.)

123. **SEWER** shall mean a pipe or conduit that carries wastewater or drainage water.

124. **SLUG** shall mean any discharge of water or wastewater which, for any length of time greater than 15 minutes, exceeds five times the average twenty-four hour concentration of any particular constituent or the average rate of flow during normal operation, and which will adversely affect the collection system or performance of the wastewater treatment works.

125. **STANDARD METHODS** shall mean the methods used in the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, the American Water Works Association and the Federation of Sewage and Industrial Wastes Associations.

126. **STORM DRAIN (also STORM SEWER)** shall mean a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

127. **STORM WATER RUNOFF** shall mean that portion of rainwater that is drained into the sewers.

128. **SUSPENDED SOLIDS** shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater. It is referred to as non-filterable residue.

129. **UNPOLLUTED WATER** shall mean water of a quality equal to or better than the effluent criteria in effect, or water that would not cause violation of water quality standards and which would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

130. **USER** shall mean any individual, partnership, firm, group, company, association, corporation, or society served by the wastewater system.

131. **WASTEWATER** shall mean the spent water of a community. With reference to source, it may be a combination of the liquid and water-borne wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and storm water that may be present.

132. **WASTEWATER FACILITIES** shall mean the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastewater and to dispose of the effluent.

133. **WASTEWATER SERVICE AREA** shall mean that area which is served by the wastewater system operated by the Township of St. Ignace.

134. **WASTEWATER TREATMENT WORKS** shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge.

SECTION 200 - REQUIRED USE OF PUBLIC SEWERS

This ordinance pertains to all wastewater generators within the wastewater service area of St. Ignace Township.

201. **WASTE DISCHARGES PROHIBITED.** It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner on public or private property within the service area of any St. Ignace Township wastewater system any animal or human excrement, garbage or objectionable waste.

202. **WASTEWATER DISCHARGES PROHIBITED.** It shall be unlawful to discharge into any natural outlet within the wastewater system area any wastewater or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this ordinance.

203. **UNAPPROVED ON-SITE SYSTEMS.** Except as hereinafter provided. It shall be unlawful to construct or maintain within the wastewater system area any non-Health Department approved, on-site treatment and disposal system, such as a privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

204. **PUBLIC SEWER CONNECTION.** The owner or owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes and situated within the wastewater system area on any street, alley or right-of-way in which there is located a public sanitary sewer is hereby required at the expense of the owner or those owners, to install suitable toilet facilities therein and to connect those facilities directly with the proper public sewer in accordance with the provisions of this ordinance within ninety days after the date of an official notice to do so, provided that the public sewer is within two hundred feet (61 meters) of the building.

205. **ALLOWABLE ON-SITE SYSTEMS.** On-site disposal shall be allowed for all wastewater generators who do not have a public sewer within 200' of the property line and who have a construction permit from the Michigan Department of Public Health.

SECTION 300 - BUILDING AND CONNECTIONS

301. **SEWER PERMIT REQUIREMENTS.** No person or persons shall uncover, make any connections with, or opening into, use, alter or disturb any public sewer or appurtenance to a sewer without first obtaining a written permit from the Approving Authority. No connection to the wastewater system shall be made unless it is officially determined that the system capacity is available.

302. **SEWER PERMIT APPLICATIONS.** There shall be two classes of building sewer permits:
(a) for industrial service, and

(b) For non-industrial service. In either case, the owner(s) or his agent shall make application on a special form furnished by the Approving Authority. The permit application shall be supplemented, at the owners expense, by any plans, specifications, or other information requested by the Approving Authority. A permit and inspection fee of ten dollars (\$10.00) for a residential or commercial building sewer permit and twenty-five (\$25.00) for an industrial building sewer permit shall be paid to the Approving Authority at the time the application is filed.

303. **CONNECTION COSTS.** All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner or owners. The owner or owners shall indemnify the Approving Authority for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

304. **BUILDING SEWER REQUIREMENT.** A separate and independent building sewer shall be provided for every building discharging wastewater.

305. **USE OF OLD BUILDING SEWER.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Approving Authority, to meet all requirements of this ordinance.

306. **BUILDING SEWER CONSTRUCTION.** The size, slope, alignment, materials and construction of a building sewer and the methods to be used in excavating, placing of pipe, jointing, testing and backfilling shall all conform to the requirements of the building and plumbing codes and to other applicable rules and regulations of the Approving Authority. Wastewater facilities shall also conform to the provisions of the Water Pollution Control Federation Manual of Practice No. 9 Design and Construction of Sanitary and Storm Sewers and "10-States Standards".

307. **SEWER ELEVATION.** Whenever possible, the building sewer shall be brought to a building at a level below the level of the basement floor. In a building in which any building drain is too low to permit gravity flow into the public sewer, the wastewater carried by that low building drain shall be lifted by a pump or other approved means and discharged into the building sewer.

308. **CLEARWATER SOURCES NOT ALLOWED.** No person(s) shall connect downspouts, foundation drains, area-way drains, sump pumps or other surface runoff or groundwater to a building sewer or to a building drain which in turn is connected directly or indirectly to a public sewer, unless the connection is approved by the Approving Authority for the purpose of disposal of polluted surface drainage.

309. **BUILDING SEWER CONNECTION.** The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Approving Authority. All connections shall be made gas-tight and watertight and shall be verified by property testing. Any deviation from the prescribed procedures or materials must be approved by the Approving Authority before installation.

310. **CONNECTION APPROVAL.** An applicant for a building sewer installation shall notify the Approving Authority when the building sewer is ready for inspection and connection with the public sewer. The connection and testing shall be made under the supervision of the Approving Authority or his representative.

311. **CONSTRUCTION SAFETY.** All excavation for building sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Sidewalks, streets, parkways and other public property disturbed in the course of the work of installing a building sewer shall be restored in a manner satisfactory to the Approving Authority.

312. **CONNECTION CHARGE.** The Approving Authority may levy a connection charge upon the application for connection of a building sewer to the public sewer. The amount of this charge shall be determined by a resolution adopted by the Approving Authority. The amount shall be paid by the owner or owners of the building served by the building sewer.

SECTION 400 - USE OF THE PUBLIC SEWERS

401. **SANITARY SEWERS.** No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, surface drainage or cooling water to any sanitary sewer, except that storm water runoff from limited areas, which may be polluted at times, may be discharged into the public sewer by permission of the Approving Authority.

402. **INSPECTIONS.** Authorized persons of the Approving Authority may make inspections within the wastewater system area for sump pump connections to public sewers and illegal downspout connections. Violations shall be reported to the Approving Authority.

403. **STORM SEWERS.** Storm water other than that exempted under Section 401, and all other unpolluted drainage shall be discharged to such sewer specifically designated as storm sewers or to natural outlets approved by the Approving Authority. Unpolluted industrial cooling water or process water may be discharged, on approval of the Approving Authority, to a storm sewer or natural outlet.

404. **PROHIBITIONS AND LIMITATIONS.** Discharge of various substances, materials, waters, or wastes to the sewer system shall be limited to concentrations or quantities which in the judgment of the Approving Authority will not harm the sewers, wastewater treatment process or equipment, will not have an adverse effect on the groundwater, will not otherwise endanger life, limb, public property, and will not constitute a nuisance. The Approving Authority may set limitations more restrictive than the limitations established in the regulations below if, in its own opinion, such limitation established in the regulations below if, in its opinion, such limitations are necessary to meet the above prohibitions. In forming its opinion as to the acceptability of a particular waste being discharged to the sanitary sewer, the Approving Authority will have sole discretion, but will give consideration to such factors as the quantity of subject waste in relation to

flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer, are as follows:

1. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
2. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
3. Gasoline, benzine, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
4. Water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singularly or by interaction with other wastes, to injure or interfere with any waste treatment process, to constitute a hazard to humans or animals, or to create a toxic effect in the receiving waters of the wastewater treatment works or exceed the standard in the National Categorical Pretreatment Standard. This prohibition of toxic pollutant will conform to Section 307(a) of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended.
5. Wastewater from industrial plants containing floatable oil, fat or grease.
6. Solid or vicious substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, sand, mud, straw, shavings, metal, glass, rags, manure, hair and fleshing, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
7. Garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewer from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places.
8. Water or wastes containing objectionable or toxic substances in concentrations that would result in the composite wastewater at the wastewater treatment works exceeding the limits established by the Approving Authority.
9. Water or wastes containing odor-producing substances exceeding limits which may be established by the Approving Authority.
10. Water or wastes having a pH lower than 6.0 or having other corrosive properties capable of causing damage or hazard to structures, equipment or personnel of the wastewater facility.
11. Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the Approving Authority in compliance with State and Federal regulations.
12. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
13. Water or wastes containing substances which are not amendable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment site effluent cannot meet the requirements of the Approving Authority's NPDES Permit.

14. Water or wastes which, by interaction with other waste or wastes in the public sewer system, release obnoxious gases, which interfere with the collection system or create a condition deleterious to structures and treatment processes.
15. Material(s) which exert(s) or cause(s):
 - a. Unusual BOD, SS (suspended solids) or ammonia requirements in such quantities as to constitute a significant load on the wastewater treatment works.
 - b. Unusual flow volumes of concentrated wastes constituting "slugs" as defined herein.
 - c. Unusual concentrations of inert suspended solids (such as fuller's earth, lime slurries and lime residues) or dissolved solids (such as sodium sulfate).
 - d. Excessive discoloration (such as dye wastes and vegetable tanning solutions).

405. **VARIANCES.** Variance at its sole discretion may be issued upon application to the Approving Authority by a wastewater system user whereby wastes of unusual strength or character, either before or after pretreatment, may be accepted by the Approving Authority, provided there is not impairment of the functioning of the sewage disposal works or damage to the sewers or treatment facilities or receiving waters by reason of the admission of such wastes, and no extra costs are incurred by the Approving Authority without recompense by the person requesting admission of said waste into the sewage works.

SECTION 500 - INDUSTRIAL WASTES DIRECTED TO PUBLIC SEWERS

501. **INDUSTRIAL WASTE DISCHARGE CHARACTERIZATION.** Within three (3) months after the passage of this ordinance, each person who discharges industrial wastes to a public sewer shall prepare and file with the Approving Authority a report that shall include pertinent information relating to the quantity and characteristics of the wastes to be discharged into the wastewater works.

Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial waste shall prepare and provide to the Approving Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

502. **EXTENSION.** When it can be demonstrated that circumstances exist which would create an unreasonable burden on a person to comply with the schedule imposed by Section 501, a request for an extension of time may be presented for the consideration of the Approving Authority.

503. **ACCEPTANCE OF INDUSTRIAL WASTE.** If any waters or wastes are discharged or proposed to be discharged into the public sewers, and those waters or wastes contain substances or possess characteristics enlisted in Section 404 and which, in the judgment of the Approving Authority, may have a harmful effect upon the wastewater works, processes, equipment or

receiving waters, or which otherwise might create a hazard to life or health, or constitute a public nuisance, the Approving Authority may:

1. Reject the wastes
2. Require pretreatment to an acceptable condition for discharge into the public sewers
3. Require control over the quantities and rates of discharge, or
4. Require payment in addition to existing taxes or sewer charges to cover the added cost of handling and treating the wastes.

504. CONTROL MANHOLE(S). Each person discharging industrial wastes into a public sewer shall construct and maintain one or more manholes or access points to facilitate observation measurement and sampling of his wastes, including domestic wastewater. Control manholes and access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Approving Authority.

Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring devices are to be permanently installed, they shall be a type acceptable to the Approving Authority.

Control manholes, access facilities and related equipment shall be installed by the person discharging the waste, at this expense, and shall be maintained in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Approving Authority before the beginning of construction.

505. FLOW METERING. The volume of flow used for computing industrial waste collection and treatment charges shall be the metered water consumption of the wastewater system user as shown in the records of meter readings maintained by the owner except as noted in Section 2406.

506. RATE RELIEF. In the event that a wastewater system user discharging industrial waste into the public sewers produces evidence satisfactory to the Approving Authority that more than ten percent (10%) of the total annual volume of water used for all purposes does not reach the public sewer, than the determination of water consumption to be used in computing the waste volume discharged into the public sewer may be made a matter of agreement between the Approving Authority and the wastewater system user.

507. WASTEWATER SAMPLING. Devices for measuring the volume of waste discharged may be required by the Approving Authority if that volume cannot be otherwise determined or estimated. Metering devices shall be installed, owned and maintained by the person discharging the waste. After approval and installation, the metering devices may not be removed or altered without the consent of the Approving Authority.

Samples shall be collected in a manner to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical, electric or electronic equipment acceptable to the Approving Authority.

Installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the Approving Authority. Access to sampling locations shall be granted to the Approving Authority at all times.

Every care shall be exercised in the collection of samples to insure their preservation in a state similar to what it was at the time the sample was taken.

508. MONITORING CHANGES. The Approving Authority may, at its opinion, install structures and equipment, and perform the measuring and sampling called for above. In that case, all structures and equipment shall be considered part of the wastewater treatment works, and the costs of construction and maintenance shall be included in the service charge to the industrial user.

509. PRETREATMENT. When, in the opinion of the Approving Authority and in accordance with Title 40, Part 403 of the Code of Federal Regulations pursuant to Section 307 (b) of the Clear Water Act, as amended, and other applicable state and federal regulations, pretreatment is required to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment facility, the person so discharging shall provide, at his expense, the pretreatment facilities that the Approving Authority may deem necessary to render his waste acceptable for discharge into the public sewer.

Upon the promulgation of the National Categorical Pretreatment Standards for a particular subcategory, the Pretreatment Standard, if more stringent than limitations imposed under this Ordinance for sources in the subcategory, shall immediately supersede the limitations imposed under this Ordinance and shall be considered part of this Ordinance. The Approving Authority shall notify all affected users of the applicable reporting requirements.

510. INTERCEPTORS. Grease, oil and sand interceptor devices shall be provided by the user, at his expense when, in the judgment of the Approving Authority, such devices are necessary for the proper handling of liquid wastes as described in this ordinance, or any flammable wastes, sands or other harmful ingredients. Such interceptors shall not be required for private dwellings. All interceptors shall be located so as to be easily accessible for cleaning and inspection. In the maintenance of the interceptors, the user shall be responsible for the proper removal and disposal by appropriate means of the captured material, and shall keep records of the dates and means of disposal. The records are subject to review by the Approving Authority. Any removal and handling of the collected materials not performed by the user's personnel must be performed by licensed waste disposal firms.

511. MEASURING AND TESTING. All measurements, tests and analysis of the characteristics of the water and wastes to which reference is made in this ordinance shall be determined in accordance with Title 40, Part 136, of the Code of Federal Regulations and in accordance with the latest edition of Standard Methods for Examination of Water and Wastewater. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Approving Authority.

Determination of the character and concentration of the industrial wastes shall be made by the person discharging them. The Approving Authority may also make its own analysis of the wastes, and these determinations shall be binding as a basis for treatment service charges.

512. PLAN REVIEW. Plans, specification and any other pertinent information relating to proposed flow equalization pretreatment or processing facilities shall be submitted for review by the Approving Authority before the start of construction, if the effluent from those facilities is to be discharged into the public sewers.

SECTION 600 - POWER AND AUTHORITY OF INSPECTORS

601. **RIGHT OF ENTRY.** Duly authorized agents of the Approving Authority, bearing proper credentials and identification, shall be permitted to enter such properties as may be necessary for the purpose of inspecting, observing, measuring, sampling and testing to determine compliance with the provisions of this ordinance. They shall have no authority to inquire into any process beyond that point having direct bearing on the kind and source of discharge to the sewers, waterways or facilities for wastewater treatment.

602. **SAFETY.** While performing the necessary work on private premises, investigators shall observe all the safety rules applicable to the premises established by the user.

603. **RIGHT TO ENTER EASEMENTS.** Duly authorized agents of the Approving Authority, bearing proper credentials shall be permitted to enter all private properties through which the Approving Authority has duly negotiated easements, for the purpose of repair and maintenance of any portion of the wastewater works lying within the easement, subject to the terms, if any, in the agreement.

SECTION 700 - DAMAGE OR TAMPERING WITH WASTEWATER FACILITIES

701. **WILLFUL, NEGLIGENT OR MALICIOUS DAMAGE.** No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the wastewater facility.

SECTION 800 - VIOLATIONS AND PENALTIES

801. **WRITTEN NOTICE OF VIOLATION.** Any person found to be violating any provision of this Ordinance except Section 701 above shall be served by the Approving Authority with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The ceasing of violation will not absolve the violator of liability for any violation occurring prior to such cessation.

802. **ACCIDENTAL DISCHARGE.** Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall, in addition to a fine, pay the amount to cover damages as established by the Approving Authority.

803. **PENALTY FOR VIOLATIONS.** Any person, partnership, or corporation, or any officer, agent or employee thereof that shall violate this Ordinance shall upon conviction thereof, pay a fine of not more than \$500.00 together with the costs of prosecution. In default of payment of such fine and costs, said violator shall be imprisoned in the County Jail for a period of not to exceed thirty (30) days. Each day in which any continuing violation is continued beyond the aforementioned notice time limit shall be deemed a separate offense.

804. LIABILITY FOR LOSSES. Any person violating any provision of this Ordinance shall become liable to the Approving Authority for any expenses, loss or damage occasioned by reason of such violation which the Approving Authority may suffer as a result thereof.

SECTION 900 - ADMINISTRATIVE APPEALS - BOARD OF APPEALS

901. So provisions of the Ordinance may be reasonably applied and substantial justice done in instances where unnecessary hardship would result from carrying out the strict letter of this section, the Township Board shall serve as a Wastewater Board of Appeals. The duty of such Board shall be to consider appeals from the decision of the Township Supervisor and to determine, in particular cases, whether any deviation from strict enforcement will violate the intent of the order or jeopardize the public health or safety.

902. An informal hearing before the Township Supervisor may be requested in writing by any user or contractee deeming itself aggrieved by any citation, order, charge, fee, surcharge, penalty or action within ten days after the date thereof, stating the reasons therefore with supporting documents and data.

The informal hearing shall be scheduled at the earliest practicable date, but not later than five (5) days after receipt of the request, unless extended by mutual written agreement. The hearing shall be conducted at a place designated by the Supervisor.

903. Appeals from orders of the Supervisor may be made to the Township Board, acting as a Board of Appeals, within thirty (30) days from the date of any citation, order, charge, fee, surcharge, penalty or other action. Such appeal may be taken by any person aggrieved. The appellant shall file a Notice of Appeal with the Supervisor and with the Board, specifying the ground thereof. Prior to a hearing, the Supervisor shall transmit to the Board a summary report of all previous action taken. The final disposition of the appeal shall be in the form of a resolution, either reversing, modifying, or affirming, in whole or in part, the appealed decision or determination. In order to find for the appellant, a majority of the Board must concur.

The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to interested parties, and decide the same within a reasonable time. Within the limits of its jurisdiction, the Board may reverse or affirm, in whole or in part, or may make such order, requirements, decision or determination as, in its opinion, ought to be made in the case under consideration, and to that end have all the powers of the official from whom said appeal is taken. The decision of said Board shall be final.

The Board of Appeals shall meet at such times as the Board may determine. Meetings shall be open to the public in accordance with applicable laws. The Board shall adopt its own rules of procedure and keep a record of its proceedings, showing findings of fact, the action of the Board, and the vote of each member upon each questions considered. The presence of three (3) members shall be necessary to constitute a quorum.

The Board of Appeals may prescribe the sending of notice of such persons as it deems to be interested in any hearing by the Board.

904. All charges for service, penalties, fees or surcharges outstanding during any appeal process shall be due and payable to the Township. Upon resolution of any appeal, the Township shall

adjust such amounts accordingly; however, such adjustments shall be limited to the previous one year's billing unless otherwise directed by court order.

905. If an informal or formal hearing is not demanded within the periods specified herein, such administrative action shall be deemed final. In the event either or both such hearings are demanded, the action shall be suspended until a final determination has been made, except to Immediate Cease and Desist Orders issued pursuant to this Section.

906. Appeals from the determination of the Board of Appeals may be made to the Circuit Court for the County of Mackinac within twenty (20) days as provided by law. Such appeals shall be governed procedurally by the Administrative Procedures Act of the State of Michigan (1979 P.A. No. 306, MCLA 24.201 et seq). All findings of fact, if supported by the evidence, made by the Board shall be conclusive upon the Court.

SECTION 1000 - VALIDITY

1001. REPEAL OF CONFLICTING ORDINANCE. All ordinances or parts of ordinances or regulations in conflict with this ordinance are hereby repealed.

1002. VALIDATION CLAUSE. Invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other section, clause, sentence, or provision of this ordinance which can be given effect without the invalid part or parts.

SECTION 1100 - EFFECTIVE DATE

1101. DATE EFFECTIVE. This ordinance shall take effect and be in force from and after the 9th day of May, 2002.

1102. DATE OF ENACTMENT. Passed and adopted by the Township Board of the Township of St. Ignace in the County of Mackinac and the State of Michigan on this 9th day of May, 2002.

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 31
ESTABLISHING CHARGES**

AN ORDINANCE ESTABLISHING CHARGES FOR USERS OF ST. IGNACE
TOWNSHIP WASTEWATER DISPOSAL SYSTEM FACILITIES.

CONTENTS

Section - 100	Preamble
Section - 200	Definitions
Section - 300	General
Section - 400	Billing Practice
Section - 500	Funds from Sewer Service Charges
Section - 600	Unit Cost Categories
Section - 700	Debt Service Charge
Section - 800	Measurements of Strength and Volume
Section - 900	Operation and Maintenance Charges
Section -1000	Validity
Section -1100	Effective Date

SECTION 100 - PREAMBLE

The fees, rates and charges for using St. Ignace Township wastewater disposal system facilities shall be upon the conditions and in the amounts as established by resolution of the Township Board.

SECTION 200 - DEFINITIONS

For the purpose of this ordinance, the following words, terms and abbreviations shall have the meaning set out below, unless the context specifically indicates otherwise.

201. ADMINISTRATIVE COST means the cost to administer the wastewater disposal system, including billing and collecting charges, audits of accounts, and insurance.

202. BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees C., expressed in milligrams per liter, as determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

203. CAPITAL COST means all reasonable and necessary costs and expenses incurred by the Township in planning, designing, financing and constructing disposal system facilities, including, but not limited to costs and expenses for obtaining necessary permits, licenses, approvals, and grants for design and construction costs; fees for legal and consulting services; and acquisition.

204. **COMMERCIAL USER** means those commercial establishments, business establishments, or establishments seeking profit which contribute normal domestic sewage strength waste to the treatment facility.
205. **DEBT SERVICE** means the principal and/or interest necessary to pay bonded or other indebtedness related to capital costs.
206. **DEBT SERVICE CHARGE** means the charge related to the principal and interest necessary to pay bonded or other indebtedness related to capital costs for facilities owned or operated by the Township.
207. **DOMESTIC USER** or **RESIDENTIAL USER** means that discharge coming from domiciles in the service area which contribute that strength equal to or less than normal domestic waste.
208. **FLOW** means the quantity of sewage expressed in gallons or cubic feet per twenty-four (24) hours.
209. **GENERAL MUNICIPAL FLOW** means the total sewage flow discharged to the wastewater disposal system facilities, minus the flows from industrial users, other municipalities, and contract users and therefore, includes sanitary wastes and infiltration. General municipal flow includes flow from domestic users, commercial users, institutional users and government users.
210. **GENERAL MUNICIPAL USER** means any user discharging sewage to the general municipal flow other than industrial users and other contract users. This category of user includes as subcategories: domestic users, commercial users, institutional users, and governmental users, which are not contract users.
211. **GOVERNMENTAL USER** includes those establishments who function in the administration and/or execution of governmental programs as well as the office of executives, legislative bodies and agencies which provide general support services for government.
212. **INDUSTRIAL USER** means a user who discharges to the municipal wastewater disposal system liquid wastes resulting from the processes employed in industry, manufacturing or from the development of any natural resource. Industrial wastewater discharges are typically more concentrated than normal domestic strength wastewaters.
213. **INSTITUTIONAL USER** means those establishments engaged in activities of a non-economic nature, frequently being the performance of services for the general public (health, educational, social), and not classified as a governmental or commercial user in this ordinance.
214. **LOAD** means quantities of sewage characteristics such as BOD, SS, and other constituents as expressed in milligrams per liter (mg/l) or pounds per twenty-four (24) hours (lbs./24 hours).
215. **NORMAL DOMESTIC STRENGTH WASTE** shall mean a liquid waste that is generated by a typical residence, with an assumed concentration of 200 mg/l BOD, 240 mg/l suspended solids, and 30 mg/l ammonia.
216. **OPERATION AND MAINTENANCE COSTS (O & M COSTS)** means the expense related to the costs of the operation, maintenance, replacement and administration of the wastewater disposal system facilities.

217. **REPLACEMENT COSTS** means costs related to the expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the useful life of the wastewater disposal system facilities for which such facilities were designed and constructed. The term "operation and maintenance" includes replacement.

218. **RESIDENTIAL USER** means a user of the treatment works whose premises or buildings are used primarily as a domicile for one or more persons including dwelling units such as detached, semi-detached, rural houses, mobile homes, and multiple family dwellings.

219. **SANITARY WASTES** means the liquid and water carried wastes discharged from sanitary plumbing facilities.

220. **SEWAGE** means the liquid carried waste products from whatever source derived, together with such groundwater infiltration and surface water as may be present.

221. **SEWER** means a pipe or conduit for carrying sewage, industrial waste and other waste liquids.

222. **SEWER SERVICE CHARGE** means the aggregate of all the charges including the user charges, debt service charges and other sewer related charges that are billed periodically to users of the wastewater disposal system facilities.

223. **SEWER SYSTEMS** means pipelines or conduits, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage.

224. **SIGNIFICANT INDUSTRIAL USER** means any industrial user who discharges sewage which constitutes greater than ten percent (10%) of the design flow or design pollutant loading of the wastewater treatment plant.

225. **SS (DENOTING SUSPENDED SOLIDS)** means solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering, in accordance with the latest edition of Standards for the Examination of Water and Wastewater.

226. **TOWNSHIP** means Township of St. Ignace, Mackinac County, Michigan.

227. **USER** means any person, firm, corporation, or other entity, whether municipal or otherwise, discharging sewage into the Township wastewater disposal system.

228. **USER CHARGE** means a charge levied on users of wastewater disposal system facilities for the cost of operation and maintenance and debt service of such facilities.

229. **USER CLASS** refers to one of the following: residential user, commercial user, industrial user, institutional user and/or governmental user.

230. WASTEWATER DISPOSAL SYSTEM means any facility, appurtenant structures, or arrangement of devices used for the treatment of sewage, and includes the sewer system and any private disposal systems improved by federal funds obtained through the Township.

SECTION 300 - GENERAL

It is the purpose of this ordinance to recover from the users of the wastewater disposal system facilities, on an equitable and proportional basis, the overall share of the wastewater disposal system facilities costs attributed to such users, and to provide funds for the operation and maintenance, debt service, administration, replacement and improvements of the wastewater disposal system.

301. The sewer service charges provided in this section are hereby levied and assessed upon each parcel of land, building or premises having any connection with, or having a discharge into, whether directly or indirectly, the sanitary sewer system. No free services will be granted. Equal rates of treatment for all users will be enforced based upon the user charge system.

302. The Township Board shall determine and fix by resolution, the unit costs for use of the wastewater disposal system facilities on the basis of number of users, flow, BOD, SS, ammonia and any other pollutant, taking into consideration the cost of treatment of sewage and may increase or decrease such cost as often and in such amounts as may reasonably be required to accomplish the purposes of this section based upon the user charge system.

303. The Township Board shall compute the amount due the Township for sewer user charges and render a statement thereof, at the intervals determined by resolution of the Township Board to the owner or occupant of any premises using the wastewater disposal system facilities or any component thereof. Such charges shall be pursuant to the most recent resolution establishing charges and rates in accordance with this ordinance. All amounts due hereunder shall be payable at the Township office or other designated locations. Equal rates will be charged for all users of the system except as otherwise provided in this Ordinance.

SECTION 400 - BILLING PRACTICE

401. The debt service charge, operation and maintenance charge, and any required surcharge provided in this ordinance shall be included as separate items on the periodic billing statement. The bill will be payable in accordance with the schedule established by the Township.

402. All portions of the sewer service charge shall be payable at the time the bill for same is issued, and if not paid within 30 days of issue shall be delinquent.

403. If any billing for sewer or sewer services shall remain unpaid the amount thereof shall constitute a lien on the property to which such service is provided. If any bill remains unpaid for 60 days from the date of issue, then the Township Clerk shall serve notice, by registered mail to the sewer user with return receipt requested that if the amount owed is not paid in full within 20 days from mailing of such notice the sewer service will be discontinued until payment is made in full, including any charges for shutting off and reinstating sewer service. Any sewer service charges delinquent for six months or more shall be certified annually, on March 1, by the Clerk to the Assessor who shall place the same on the next tax roll of the Township. Such charges so

assessed shall be collected in the same manner as general Township taxes. In addition, the Township may, at its discretion, require an advance deposit as a protection against possible future delinquencies in an amount not to exceed a reasonable estimate of the two largest consecutive

billings. The deposit shall be refunded without interest when service is discontinued by the depositor or if the Township Board sooner decides the deposit is no longer required.

404. In the event of failure to pay sewer service charges after they become delinquent, the Township shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purposes.

The expenses of such removal or closing, as well as the expense of restoring service, shall likewise be a debt to the Township and lien upon the property and may be recovered by civil action in the name of the Township against the property owner, the person, or both.

Sewer services shall not be restored until all charges, including the expense of removal, closing and restoration, shall have been paid.

Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

405. The Township shall annually notify each user in conjunction with a regular bill of the breakdown of the rates and user charges related to the wastewater disposal system.

SECTION 500 - FUNDS FROM SEWER SERVICE CHARGES

The funds received from the collection of the charges authorized by the ordinance shall be deposited as collected in the Wastewater Disposal System Fund and shall be used for debt service, operation and maintenance, replacement, administration, and improvements to the wastewater disposal system except that the portion of any such funds which is limited to a particular use by applicable State and Federal rules or regulations shall be used in compliance with such restrictions. Separate accounts for each activity shall be maintained.

SECTION 600 - UNIT COST CATEGORIES

The cost to be recovered pursuant to this ordinance and the costs to be fixed by the Township in Subsection 302 shall be determined and allocated in each of the following categories:

601. "Category A, Debt Service for Wastewater Disposal System Facilities Project": This shall be the amount of the annual interest and principal cost necessary to retire the bond or bonds issued to pay for the local share of any necessary capital improvement projects along with any other interest and principal related to capital costs for facilities owned by the Township.

602. "Category B, Operation and Maintenance -- Wastewater Disposal System": This shall be the annual cost of operating and maintaining and administering the wastewater disposal system including an amount for replacement costs of equipment, which shall be segregated in a separate fund.

SECTION 700 - DEBT SERVICE CHARGES

701. The debt service charges for capital improvement projects (Subdivision 601) shall be determined by the flow measured by the water meter at each user's premises. The unit cost shall be calculated by dividing the debt service cost by the total metered water flow sold to users of the wastewater disposal system.

SECTION 800 - MEASUREMENTS OF STRENGTH AND VOLUME

801. When required by the Township, each user who discharges abnormally high strength or high volume wastewater shall install suitable wastewater measuring, sampling and analyzing devices in compliance with the Sewer Use Ordinance.

802. The Township shall not require the installation of measuring devices where the Township determines that a user has a wastewater with concentrations of BOD and ammonia that are no greater than the constituents in normal domestic strength waste and a satisfactory method and location exists for sampling and determining the total daily sewage flow. In such cases, the charges to those users shall be based on the flow rates as determined and on BOD, suspended solids, and ammonia load equal to the average load of the normal domestic strength waste.

803. Each user required by the Township to install and maintain wastewater monitoring facilities, shall submit to the Township a monthly report of daily flow, BOD, suspended solids, and ammonia or other constituent on a form approved by the Township. This report shall be used for billing purposes and shall be submitted prior to the 15th day of the subsequent month.

804. The Township shall have the right to periodically or continuously inspect the monitoring facilities, to measure, sample and analyze the samples obtained by the user. The Township may, at its direction, charge the user for any monitoring service performed, such charges shall be at cost.

In the event of any discrepancy between the flows or loads determined by the Township and the user, the values determined by the Township shall be used for the billing purposes.

SECTION 900 - OPERATION AND MAINTENANCE CHARGES

901. The charge for operation and maintenance shall be determined by the flow measured by the water meter at each user's premises and in cases of use by other than general municipal users, by the pollutant concentrations of the sewage.

The unit cost for flow shall be calculated by dividing the Category B (Operation and Maintenance) Cost by the total metered flow sold to users of the wastewater disposal system.

902. Users discharging wastewater exceeding the BOD, suspended solids (SS) and/or ammonia parameters of the general municipal flow shall pay an additional charge pro rata. The unit cost for BOD, SS, and ammonia shall be calculated by apportioning the Category B (Operation and Maintenance) Cost to flow, BOD, SS, and ammonia; and then dividing each cost so apportioned by the total billable flow, BOD, SS, and ammonia received at the wastewater treatment facility in that

year. The user charge shall be the sum of the products obtained by multiplying the unit costs as determined above by the user's actual flow, BOD, SS, and ammonia during the billing period.

903. In addition to the charges provided for herein, the Township must impose a surcharge on any user pursuant to the Sewer Use Ordinance or based on some other pollutant loading factor which requires special treatment at the wastewater treatment works.

904. Facilities not having a water supply that is metered or if the meter readings are not available, shall be charged based on the flow anticipated from a typical single family dwelling. The typical single family dwelling shall be assigned a flow value of 1 and shall pay for the wastewater disposal system use on a fixed monthly charge basis. Using this basic charge, sewer service charges for the other than residential dwellings shall be calculated by the Township as follows:

- a. Condominiums, duplex units and apartments shall have a value of 1.0 for each living unit.
- b. Mobile homes shall have a value of 1.0.
- c. Commercial and industrial building units shall be assigned a minimum value of 1 living unit.
- d. Other buildings and structures not listed in the table below shall be assigned a value of 1 for each multiple of the estimated annual wastewater discharge anticipated from the typical single family dwelling.
- e. All non-family dwellings may be required to install and maintain water meters at no charge to the Township. The Township reserves the right to require annual tests to insure accurate flow.

The following is a listing of standards used in assigning the flow value for various commercial, public and institutional facilities.

TYPE OF FACILITY	PARAMETER	FLOW VALUE
Automobile Service Center	2 service bays	1
Barber Shop	each	1
Boarding House	3 beds	1
Cabins, Modern(rental units & part of a resort	3 units	2
Car Wash	each	30
Car Wash (self service)	1 stall	1
Churches	250 seats	1
Cocktail Lounge	25 seats	1
General Office Building	2,400 sq.ft.	1
Laundromats or Laundry Rooms	Floor Space1 machine	1
Motels and Hotels(assume 2 persons per room)	2 rooms	1
Resorts (with housekeeping)	3 units	2

Retail Stores	3,000 sq.ft Floor Space	1
Schools (Elementary)	20 students	1
Schools (Secondary)	15 students	1
Service Station (gas pumping only)	each	1
Service Station w/service center and car wash	each	8
Swimming Pools	27 swimmers	1
Warehouses	14 employees	1

905. There shall be a minimum monthly sewer service charge that shall be equal to the debt service charge and the operations and maintenance charge for a flow specified by resolution of the Township Board.

906. Unmetered users may install their own meter and be charged in the same manner as metered customers if the meter is installed and maintained pursuant to Township rules and regulations.

907. If a substantial portion of the water utilized by any user is not discharged into the sewer system, the volume of such water shall be deducted in computing the sewer use charge, provided a separate meter is installed to measure such volume. The user desiring to install such separate meter shall make application and payment for the meter to the Township and engage, at their own expense, a plumber to affect the necessary piping changes and install the couplings so the meter can be set. The user may also make direct payment to the distributor for the necessary meter provided it is approved by the Township.

SECTION 1000 - VALIDITY

1001. All ordinances or parts of ordinances or regulations in conflict with this ordinance are hereby repealed.

1002. Invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other section, clause, sentence, or provision of this ordinance which can be given effect without the invalid part or parts.

1003. Public Notice shall be given in accordance with applicable provisions of the State and Federal law prior to adoption of any amendments to this ordinance.

SECTION 1100 - EFFECTIVE DATE

1101. DATE EFFECTIVE. This ordinance shall take effect and be in force from and after the 9th day of May, 2002.

1102. DATE OF ENACTMENT. Passed and adopted by the Township Board of the Township of St. Ignace in the County of Mackinac and the State of Michigan on this 9th day of May, 2002.

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 32
NOISE LIMITATION**

AN ORDINANCE TO PROVIDE FOR LIMITATION UPON NOISE EMISSIONS AND NOISE CREATION.

THE TOWNSHIP OF ST. IGNACE ORDAINS:

SECTION I: Definitions

As used in this section, the following terms shall have the described meanings:

(A) The term "Ambient noise" shall mean the all-encompassing noise associated with a given environment being a composite of sounds from all sources.

(B) The term "decibel" shall mean a unit or level of sound energy which denotes the ratio between two sound qualities, which are proportional to power as measured by a sound level meter.

(C) The term "person" shall mean any individual, firm co-partnership or corporation. In the case of corporations, the chief executive officer shall be the responsible party under the terms of this ordinance.

SECTION II: Prohibitions:

(A) It shall be unlawful for any person or the owner or occupant of any premises within the Township of St. Ignace, between the hours of 11:00 p.m. and 7:00 a.m., to cause or permit any noise to be emitted from any equipment, including by ways of example only, radios, phonographs, magnetic tape players, musical instruments, television sets, sound amplifiers, electric motors, gasoline engines or other mechanical equipment owned by such person or under the control of such person or located upon the premises owned or under the control of such person, which noise exceeds a sound level of 72 decibels in combination with and including ambient noise measured on a sound meter having characteristics defined by the American National Standards Institute Subsection 1.4-1971 set on the fast setting of the "A" scale.

(B) It shall be unlawful for any person to make, or cause to be made any noise or sound, whether measured or not, which creates a disturbance of the public peace, or which is of such a character as to be of actual physical discomfort to persons of ordinary sensibilities, taking into consideration the following factors:

- i. The volume of the sound;
- ii. The intensity and frequency of the sound;
- iii. Whether the nature of the sound is usual or unusual;
- iv. Whether the origin of the sound is natural or unnatural;
- v. The volume and intensity of the ambient sound, if any;
- vi. The proximity of the sound to residential sleeping facilities;
- vii. The nature and zoning of the area within which the sound emanates or is received;
- viii. The density and habitation of the area within which the sound emanates or is received;
- ix. The time of day or night the sound occurs;
- x. The duration of the sound;
- xi. Whether the sound is recurrent, intermittent, or constant;
- xii. Whether the sound is produced by a non-commercial or commercial type of activity; and
- xiii. Other appurtenant and applicable factors.

(C) It shall be unlawful for a person to use, operate, or permit to be played, any radio receiving set, musical instrument, television set, magnetic tape player, phonograph, or other machine or device for the production or reproduction of sound in such a manner as to disturb for the production or reproduction of sound in such a manner as to disturb the quiet, peaceful comfort and repose of any person. The operation of any such set, instrument, phonograph or device within the public right-of-way within the Township of St. Ignace, and/or in such a manner as to be in violation of Section II (A) shall be prima facie evidence of a violation of this Section.

SECTION III: Measurement

Noise levels shall be measured at a distance of a minimum of twenty (20) feet from the noise source located within any public right-of-way and if the noise source is located on private property or public property other than a public right-of-way, then the measurement shall be made at a distance of not less than fifteen (15) feet from the property line of the property on which the noise source is located.

SECTION IV: Exceptions

The prohibition of this ordinance shall not apply to:

(A) Any authorized, emergency vehicle or to those activities of a temporary duration permitted by law, and for which a license or permit therefor has been granted by the Township of St. Ignace including but not limited to parades and fireworks displays.

(B) Snowmobiles which are defined and governed by Act 74, P.A. 1968, State of Michigan, as amended, as if said section and act were incorporated herein and made a part hereof.

SECTION V: Existing Ordinances

Any ordinances concerning the emission of sound, or the regulation of sound equipment, not specifically in conflict with the terms of this ordinance are hereby saved and retained.

SECTION VI: Temporary Permits

Applications for a permit for relief from the noise level designated in this ordinance on the basis of undue hardship may be made to the Township Board or their designated representative. Any permit granted by the Township Board shall contain all conditions upon which the permit is granted, and shall specify the time for which such permit is granted. The Township Board or their designated representative may grant such a permit if he finds.

(A) The activity, operation or noise source will be of a temporary duration and cannot be done in a manner which will comply with the noise emission levels permitted by this ordinance; and

(B) No other reasonable alternative is available to the applicant.

The Township Board or their designated representatives shall prescribe any conditions or requirements he deems necessary to minimize adverse effects upon the community or surrounding neighborhood.

Any temporary permit issued by the Township Board shall be issued without any fee being charged therefor.

SECTION VII: Violations

Any person who shall violate the terms of this ordinance shall, upon conviction thereof, be subject to the following penalties:

(A) For the first conviction, a fine not to exceed One Hundred Dollars (\$100.00):

(B) For the second conviction, a fine not to exceed Five Hundred Dollars (\$500.00), or by imprisonment not to exceed ninety (90) days or by both such fine and imprisonment at the discretion of the Court:

SECTION VIII: Effective Date

This Ordinance shall become effective ten (10) days after the date of enactment and after publication thereof.

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 33
REVENUE BONDS**

AN ORDINANCE TO PROVIDE FOR THE CONSTRUCTION OF IMPROVEMENTS AND EXTENSIONS TO THE SEWAGE DISPOSAL SYSTEM OF THE TOWNSHIP OF ST. IGNACE, TOGETHER WITH RELATED SITES, STRUCTURES, EQUIPMENT AND APPURTENANCES; TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE BONDS TO PAY THE COST THEREOF; TO PRESCRIBE THE FORM OF THE BONDS; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; TO PROVIDE A RESERVE FUND FOR THE BONDS; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE BONDS IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE BONDS AND THE SYSTEM.

THE TOWNSHIP OF ST. IGNACE ORDAINS:

SECTION I: Definitions

The following words and terms used in this Ordinance shall have the meanings assigned in the preamble to this Ordinance and in this Section, unless the context clearly indicates otherwise.

The word "acquired," as used in this Ordinance, shall be construed to include acquisition by purchase, construction or by any other method.

"Act 94" shall mean Act 94, Public Acts of Michigan, 1933, as amended.

"Bonds" shall mean the Series 2004-A Bond and the Series 2004-B Bond, together with any additional bonds of equal standing hereafter issued.

"Bond Reserve Account" shall mean the subaccount in the Bond and Interest Redemption Account established in accordance with Section 12 of this Ordinance.

"Department of Treasury" shall mean the Department of Treasury of the State of Michigan.

"Depository Bank" shall mean Central Savings Bank in St. Ignace, Michigan, a member of the Federal Deposit Insurance Corporation, or other financial institution qualified to serve as depository bank and designated by resolution of the Issuer.

"Engineer" shall mean U.P. Engineers and Architects, Inc., of Norway, Michigan.

"Fiscal Year" shall mean the fiscal year of the Issuer and the operating year of the System, commencing April 1 and ending March 31 of the subsequent year, as such year may be changed from time to time.

"Government" shall mean the government of the United States of America or any agency thereof.

"Issuer" shall mean the Township of St. Ignace, County of Mackinac, State of Michigan.

"Ordinance" shall mean this ordinance and any ordinance or resolution of the Issuer amendatory or supplemental to this ordinance, including ordinances or resolutions authorizing issuance of additional bonds.

"Project" shall mean the construction of improvements and extensions to the sewage disposal system, together with related sites, structures, equipment and appurtenances to serve the Township.

"Public improvements," shall be understood to mean the public improvements, as defined in Section 3 of Act 94, which are authorized to be acquired and constructed under the provisions of this Ordinance.

"Reserve Amount" shall mean with respect to the Bonds the lesser of (1) the maximum annual debt service due on the Bonds in the current or any future year, (2) 125% of the average annual debt service of the Bonds, or (3) 10% of the principal amount of the Bonds on the date of issuance of the Bonds.

"Revenues" and "Net Revenues" shall mean the revenues and net revenues of the Issuer derived from the operation of the System and shall be construed as defined in Section 3 of Act 94, including with respect to "Revenues," the earnings derived from the investment of moneys in the various funds and accounts established by this Ordinance.

"Series 2004-A Bond" shall mean the Sewage Disposal System Revenue Bond, Series 2004A, in the principal amount of \$649,000 authorized to be issued pursuant to Sections 4 and 5A of this Ordinance.

"Series 2004-B Bond" shall mean the Sewage Disposal System Revenue Bond, Series 2004B, in the principal amount of \$121,000 authorized to be issued pursuant to Sections 4 and 5B of this Ordinance.

"System" shall mean the Issuer's sewage disposal system including such facilities thereof as are now existing, are acquired and constructed as the Project, and all enlargements, extensions, repairs and improvements thereto hereafter made.

"Township" shall mean the Township of St. Ignace, County of Mackinac, State of Michigan.

"Transfer Agent" shall mean the transfer agent and bond registrar for the Bonds as appointed from time to time by the Issuer as provided in Section 6 of this Ordinance and who or which shall carry out the duties and responsibilities as set forth in Sections 6 and 7 of this Ordinance.

SECTION II: Necessity; Approval of Plans and Specifications

It is hereby determined to be a necessary public purpose of the Issuer to acquire and construct the Project in accordance with detailed maps, plans and specifications therefor prepared by the Engineer, which maps, plans and specifications are hereby approved.

SECTION III: Costs; Useful Life

The total cost of the Project is estimated to be not less than Two Million Eight Hundred Fifty-One Thousand Dollars (\$2,851,000) including the payment of incidental expenses as specified in Section 4 of this Ordinance, which estimate of cost is hereby approved and confirmed, and the period of usefulness of the Project is estimated to be forty (40) years.

SECTION IV: Payment of Cost; Bond Authorized

To pay part of the cost of constructing the Project and the legal, engineering, and financial expenses incident to said construction and incident to the issuance and sale of the Bonds, including capitalized interest on the Series 2004-A Bond in the amount of not to exceed \$55,000, it is hereby determined that the Issuer borrow the sum of not to exceed Eight Hundred Seventy-Five Thousand Dollars (\$875,000) and that revenue bonds be issued therefor pursuant to the provisions of Act 94. The remaining cost of the Project, if any, shall be defrayed from grant funds and Issuer funds on hand and legally available for such use.

SECTION V-A: Series 2004-A Bond Details, Registration and Execution

The Series 2004-A Bond shall be designated SEWAGE DISPOSAL SYSTEM REVENUE BOND, SERIES 2004A shall be dated as of the date of delivery of the first installment, shall consist of one (1) single fully-registered nonconvertible bond of the denomination of \$649,000 and shall be payable in principal installments serially on December 1 of each year, as follows:

Year	Amount	Year	Amount
2005	\$0	2025	\$15,000
2006	6,000	2026	15,000
2007	7,000	2027	16,000
2008	7,000	2028	17,000
2009	7,000	2029	18,000
2010	8,000	2030	18,000
2011	8,000	2031	19,000
2012	8,000	2032	20,000
2013	9,000	2033	21,000
2014	9,000	2034	22,000
2015	10,000	2035	23,000
2016	10,000	2036	24,000
2017	10,000	2037	25,000
2018	11,000	2038	26,000
2019	11,000	2039	27,000
2020	12,000	2040	29,000
2021	12,000	2041	30,000
2022	13,000	2042	31,000
2023	14,000	2043	33,000
2024	14,000	2044	34,000

SECTION V-B: Series 2004-B Bond Details, Registration and Execution.

The Series 2004-B Bond shall be designated SEWAGE DISPOSAL SYSTEM REVENUE BOND, SERIES 2004B, shall be dated as of the date of delivery of the first installment, shall consist of one (1) single fully-registered nonconvertible bond of the denomination of \$121,000 and shall be payable in principal installments serially on December 1 of each year, as follows:

Year	Amount	Year	Amount
2005	\$ 1,000	2025	\$ 3,000
2006	1,000	2026	3,000
2007	1,000	2027	3,000
2008	1,000	2028	3,000
2009	1,000	2029	3,000
2010	1,000	2030	3,000
2011	1,000	2031	3,000
2012	1,000	2032	3,000
2013	1,000	2033	4,000
2014	2,000	2034	4,000
2015	2,000	2035	4,000
2016	2,000	2036	4,000
2017	2,000	2037	4,000
2018	2,000	2038	5,000
2019	2,000	2039	5,000
2020	2,000	2040	5,000
2021	2,000	2041	5,000
2022	2,000	2042	5,000
2023	2,000	2043	6,000
2024	2,000	2044	15,000

The Bonds are expected to be delivered to the Government as initial purchaser thereof in installments (the "delivery installments") and each delivery installment shall be noted on the registration grid set forth on the Bonds. The delivery installments shall be deemed to correspond to the serial principal installments of the Bonds in direct chronological order of said serial principal installments.

Prior to delivery of the first delivery installment of the Bonds, the Supervisor is authorized to decrease the aggregate principal amount of the Bonds and to change the principal installment amounts and to change the payment dates of principal of and interest on the Bonds.

The series designations of the Bonds may be changed by the Supervisor prior to delivery of the initial delivery installment to correspond to the year of delivery of the initial delivery installment without further action of the Issuer.

The serial principal installments of the Bonds will bear interest from the date of delivery of the corresponding delivery installment to the registered holder thereof as shown on the registration grid set forth on the Bonds at the rate of not to exceed four and one-half percent (4.50%) per annum for the Series 2004-A Bond and at the rate of not to exceed five percent (5%) per annum for the Series 2004-B Bond, payable on the first June 1 or December 1 following the date of delivery of said delivery installment, and semiannually thereafter on June 1 and December 1 of each year

until maturity or earlier prepayment of said installment. Acceptance of the interest rates on the Bonds shall be made by execution of the Bonds which so designates the rate or rates specified by the Government and accepted in writing by the Issuer. The Bonds shall be issued in fully-registered form and shall not be convertible or exchangeable into more than one fully-registered bond for each series.

The Bonds or installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of the Bonds set forth in Section 9 of this Ordinance.

The Issuer will file its Qualifying Statement with the Department of Treasury and if necessary will apply for and obtain prior approval of the issuance of the Bonds from the Department of Treasury; and the Supervisor is authorized to make such application to the Department of Treasury for and on behalf of the Issuer for an order approving the issuance of the Bonds and to pay any applicable fee therefor.

SECTION VI: Bond Registration and Transfer

The Transfer Agent shall keep or cause to be kept at its principal office sufficient books for the registration and transfer of the Bonds, which shall at all times be open to inspection by the Issuer. The Transfer Agent shall transfer or cause to be transferred on said books the Bonds presented for transfer, as hereinafter provided and subject to such reasonable regulations as it may prescribe.

Any Bond may be transferred upon the books required to be kept by the Transfer Agent pursuant to this Section, by the person in whose name it is registered, in person or by his duly authorized attorney, upon surrender of such Bond for transfer, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond shall be surrendered for transfer, the Transfer Agent shall record such transfer on the registration books and shall register such transfer on the registration grid attached to the Bond. At the time of such transfer the Transfer Agent shall note on the Bond the outstanding principal amount thereof at the time of such transfer. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The Issuer shall not be required (i) to issue, register the transfer of, or exchange any Bond during a period beginning at the opening of business fifteen days before the day of the mailing of a notice of prepayment of the Bonds or installments thereof selected for redemption and ending at the close of business on the day of that mailing, or (ii) to register the transfer of or exchange any Bond or portion thereof so selected for prepayment. In the event any Bond is called for prepayment in part, the Transfer Agent, upon surrender of the Bond, shall note on the Bond the principal amount prepaid and shall return the Bond to the registered owner thereof together with the prepayment amount on the prepayment date.

The Issuer's Treasurer is hereby appointed to act as Transfer Agent with respect to the Bonds. If and at such time as the Bonds are transferred to or held by any registered owner other than the Government, the Issuer by resolution may appoint a bank or trust company qualified under Michigan law to act as paying agent, transfer agent and bond registrar, and the Issuer may thereafter appoint a successor Transfer Agent upon sixty (60) days notice to the registered owner of the Bonds.

SECTION VII: Payment of the Bonds.

Principal of and interest on the Bonds shall be payable in lawful money of the United States of America by check or draft mailed by the Transfer Agent to the registered owner at the address of the registered owner as shown on the registration books of the Issuer kept by the Transfer Agent. If the Government shall no longer be the registered owner of the Bonds, then the principal of and interest on the Bonds shall be payable to the registered owner of record as of the fifteenth day of the month preceding the payment date by check or draft mailed to the registered owner at the registered address. Such date of determination of the registered owner for purposes of payment of principal or interest may be changed by the Issuer to conform to future market practice. The Issuer's Treasurer is hereby authorized to execute an agreement with any successor Transfer Agent.

The Transfer Agent shall record on the registration books the payment by the Issuer of each installment of principal or interest or both on the Bonds when made and the canceled checks or drafts representing such payments shall be returned to and retained by the Issuer's Treasurer, which canceled checks or drafts shall be conclusive evidence of such payments and the obligation of the Issuer with respect to such payments shall be discharged to the extent of such payments.

Upon payment by the Issuer of all outstanding principal of and interest on a series of the Bonds, the registered owner thereof shall deliver the Bond or Bonds of the series to the Issuer for cancellation.

SECTION VIII: Execution Sale and Delivery of the Bonds

The Bonds shall be manually signed by the Supervisor and countersigned by the Township Clerk and shall have the corporate seal of the Issuer impressed thereon. After execution, the Bonds shall be held by the Issuer's Treasurer for delivery to the Government. No Bond or any installment thereof shall be valid until registered by the Issuer's Treasurer or by another person designated in writing by the Issuer's Treasurer to act as Bond Registrar, or upon transfer by the Government and thereafter, by an authorized representative of the Transfer Agent.

The sale of the Series 2004-A Bond to the Government at an interest rate of not to exceed four and one-half percent (4.50%) per annum and at the par value thereof is hereby approved. The sale of the Series 2004-B Bond to the Government at an interest rate of not to exceed five percent (5%) per annum and at the par value thereof is also hereby approved. The Issuer's Treasurer is hereby authorized to deliver the Bonds in accordance with the delivery instructions of the Government, after approval of the issuance and sale thereof by the Department of Treasury, if such approval is at that time required, or receipt of an order providing exception of the Department of Treasury or expiration of the notice period without receipt of an order of denial of the Department of Treasury.

SECTION IX: Bond Forms

The form and tenor of the Bonds shall be substantially as follows:

REGISTERED

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF MACKINAC

TOWNSHIP OF ST. IGNACE
SEWAGE DISPOSAL SYSTEM
REVENUE BOND, SERIES 2004

No. R-1[A/B]

The Township of St. Ignace, County of Mackinac, State of Michigan (the "Issuer"), for value received, hereby promises to pay to the registered owner hereof, but only out of the hereinafter described Net Revenues of the Issuer's sewage disposal system including all appurtenances, additions, extensions and improvements thereto (the "System"), the sum of _____ Dollars

on the dates and in the principal installment amounts set forth in Exhibit A attached hereto and made a part hereof with interest on said installments from the date each installment is delivered to the Issuer and as set forth on the registration grid hereon until paid at the rate of _____ percent (___%) per annum, first payable on _____ 1, 2004, and semiannually thereafter; provided that the principal repayments required herein to the registered owner shall not exceed the total of the principal installments set forth on the registration grid hereon from time to time hereafter to acknowledge receipt of payment of the purchase price of this bond up to a total of \$_____. Both principal of and interest on this bond are payable in lawful money of the United States of America to the registered owner at the address shown on the Issuer's registration books by check or draft mailed to the registered holder at the address shown on the registration books of the Issuer, and for the prompt payment thereof, the revenues of the System, after provision has been made for reasonable and necessary expenses of operation, administration and maintenance thereof (the "Net Revenues"), are hereby irrevocably pledged and a statutory lien thereon is hereby recognized and created. This bond is of equal standing and priority of lien with the Issuer's Sewage Disposal System Revenue Bond, Series 2004__, dated _____, 200_ (the "Series 2004_Bond"), issued pursuant to Ordinance No.____(the "Ordinance"), duly adopted by the Issuer on November 11, 2004.

This bond is a single, fully-registered, non-convertible bond constituting a series that is part of an issue in the total aggregate principal sum of \$_____, issued pursuant to the Ordinance and under and in full compliance with the Constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of constructing certain improvements and extensions to the System consisting of the improvements and extensions to the sewage disposal system, together with all related sites, structures, equipment and appurtenances. For a complete statement of the revenues from which and the conditions under which this bond is payable, a statement of the conditions under which additional bonds of equal standing with this bond and the Series 2004_Bond may hereafter be issued, and the general

covenants and provisions pursuant to which this bond is issued, reference is made to the Ordinance.

This bond is a self-liquidating bond payable as to principal and interest from the Net Revenues of the System. The principal of and interest on this bond are secured by the statutory lien hereinbefore mentioned. [As additional security for the payment of the principal of and interest on this bond, the Issuer, pursuant to the Ordinance, has pledged its limited tax full faith and credit for the prompt payment of principal of and interest thereon. The full faith and credit pledge of the Issuer for the payment of this bond and the interest thereon is subject to applicable constitutional and statutory tax rate limitations.]

Principal installments of this bond are subject to prepayment prior to maturity, in inverse chronological order, at the Issuer's option, on any date on or after June 1, 2005, at par and accrued interest to the date fixed for prepayment.

Thirty days notice of the call of any principal installments for prepayment shall be given by mail to the registered owner at the registered address. The principal installments so called for prepayment shall not bear interest after the date fixed for prepayment, provided funds are on hand to prepay said installments.

This bond shall be registered as to principal and interest on the books of the Issuer kept by the Issuer's Treasurer or successor or written designee as bond registrar and transfer agent (the "Transfer Agent") and noted hereon, after which it shall be transferable only upon presentation to the Transfer Agent with a written transfer by the registered owner or the registered owner's attorney in fact. Such transfer shall be noted hereon and upon the books of the Issuer kept for that purpose by the Transfer Agent.

The Issuer has covenanted and agreed and does hereby covenant and agree to fix and maintain at all times while any bonds including any installments of this bond payable from the Net Revenues of the System shall be outstanding, such rates for service furnished by the System as shall be sufficient to provide for payment of the interest upon and the principal of this bond, the Series 2004_ Bond, and any additional bonds of equal standing payable from the Net Revenues of the System as and when the same become due and payable, and to create a Bond and Interest Redemption Account (including a bond reserve account) therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as are required by the Ordinance.

It is hereby certified and recited that all acts, conditions and things required by law to be done precedent to and in the issuance of this bond and the series of which it is one have been done and performed in regular and due time and form as required by law.

IN WITNESS WHEREOF, the Township of St. Ignace, County of Mackinac, State of Michigan, by its Township Board, has caused this bond to be signed in its name by its Supervisor and to be countersigned by its Township Clerk, and its corporate seal to be hereunto affixed, all as of November 11, 2004.

SECTION X: Security for Bonds

To pay the principal of and interest on the Bonds as and when the same shall become due, there is hereby created a statutory lien upon the whole of the Net Revenues of the System to continue until the payment in full of the principal of and interest on the Bonds and said Net Revenues shall be set aside for such purpose and identified as the Bond and Interest Redemption Account, as hereinafter specified.

If required by the Government, as additional security for the payment of the principal of and interest on the Bonds, the Issuer hereby irrevocably pledges its limited tax full faith and credit for the prompt payment of the principal of and interest on the Bonds. Such requirement of the Government will be evidenced by the Bonds as issued. If the Net Revenues of the System are insufficient for the payment of such principal and interest when due, the Issuer shall pay the amount of the insufficiency from its general fund as a first budget obligation. The Issuer is obligated, to the extent necessary, to levy ad valorem taxes on all taxable property in the Issuer for such purpose, subject to applicable constitutional and statutory tax rate limitations. If the Issuer shall be required to pay principal of and interest on the Bonds from its general fund, it shall be reimbursed the amount paid as soon as possible from the Net Revenues of the System.

SECTION XI: Budget

Immediately upon the effective date of this Ordinance for the remainder of the current Fiscal Year, and thereafter prior to the beginning of each Fiscal Year, the Issuer shall prepare an annual budget for the System for the ensuing Fiscal Year itemized on the basis of monthly requirements. A copy of such budget shall be mailed to the Government without request from the Government for review prior to adoption (as long as the Government is the registered owner of any of the Bonds), and upon written request to any other registered owners of the Bonds.

SECTION XII: Custodian of Funds; Funds

The Issuer's Treasurer shall be custodian of all funds belonging to or associated with the System and such funds shall be deposited in the Depository Bank. The Issuer's Treasurer shall execute a fidelity bond with a surety company in an amount at least equal to the maximum annual debt service for the Bonds.

The Issuer's Treasurer is hereby directed to create and maintain the following funds and accounts into which the proceeds of the Bonds and the Revenues from the System shall be deposited in the manner and at the times provided in this Ordinance, which funds and accounts shall be established and maintained, except as otherwise provided, so long as the Bonds hereby authorized remain unpaid.

(A) CONSTRUCTION ACCOUNT. There shall be created the SEWAGE DISPOSAL SYSTEM PROJECT CONSTRUCTION ACCOUNT (the "Construction Account"), in the Depository Bank. The proceeds of the Bonds shall be deposited in the Construction Account. Monies in the Construction Account shall be used solely for the purposes for which the Bonds are issued. If grant funds or monies other than proceeds of the Bonds are deposited into the Construction Account, then the monies constituting proceeds of the Bonds shall be accounted separately from such other funds or monies.

Any unexpected balance of the proceeds of sale of the Bonds remaining after completion of the Project herein authorized may in the discretion of the Issuer be used for further improvements, enlargements and extensions to the System, provided that at the time of such expenditure such use be approved by the Department of Treasury (if such approval is then required by law). Any

remaining balance after such expenditure shall be paid into the Bond and Interest Redemption Account and used as soon as is practical for the prepayment of installments of the Bonds or for the purchase of installments of the Bonds at not more than the fair market value thereof. Following completion of the Project, any unexpended balance of the Bonds shall be invested at a yield not to exceed the yield on the Bonds.

After completion of the Project and disposition of remaining proceeds, if any, of the Bonds pursuant to the provisions of this Section, the Construction Account shall be closed.

(B) **SEWAGE DISPOSAL SYSTEM RECEIVING FUND.** Upon and after the effective date of this Ordinance, the Revenues of the System shall be set aside into a separate fund to be designated the **SEWAGE DISPOSAL SYSTEM RECEIVING FUND** (the "Receiving Fund"), and monies so deposited therein shall be transferred, expended and used only in the manner and order as follows:

(1) **Operation and Maintenance Account.** There is hereby established a separate account to be designated the **OPERATION AND MAINTENANCE ACCOUNT** (the "Operation and Maintenance Account"). Revenues shall be transferred on the date of delivery of the first installment of the Bonds and on the first business day of each quarter of the Fiscal Year thereafter from the Receiving Fund to the Operation and Maintenance Account to pay the reasonable and necessary current expenses of administration and operating and maintaining the System for the ensuing quarter.

(2) **Sewage Disposal System Revenue Bond - Bond and Interest Redemption Account.** There is hereby established a separate account to be designated as the **2004[5] SEWAGE DISPOSAL SYSTEM REVENUE BOND - BOND AND INTEREST REDEMPTION ACCOUNT** (the "Bond and Interest Redemption Account"). After the transfer required in (1) above, Revenues shall be transferred on the date of delivery of the first installment of the Bonds and on the first business day of each quarter of the Fiscal Year thereafter from the Receiving Fund, before any other expenditures or transfer therefrom, and deposited in the Bond and Interest Redemption Account for payment of principal of and interest on the Bonds and to fund the Bond Reserve Account.

Upon any delivery of an installment of the Bonds there shall be set aside at the time of delivery and on the first day of each quarter of the Fiscal Year thereafter to the next interest payment date an amount equal to that fraction of the amount of interest due on the next interest payment date on said installment so delivered, the numerator of which is 1 and the denominator of which is the number of full and partial Fiscal Year quarters from the date of said delivery to the next interest payment date. There shall be set aside each Fiscal Year quarter on or after July 1, 2005, an amount not less than 1/2 of the amount of interest due on the next interest payment date on all outstanding installments of the Bonds not delivered during the then current interest payment period.

Upon any delivery of an installment of the Bonds on or after January 1, 2005, there shall be set aside at the time of such delivery and on the first day of each quarter of the Fiscal Year thereafter to the next principal payment date an amount equal to that fraction of the amount of principal due on the next principal payment date on said installment so delivered, the numerator of which is 1 and the denominator of which is the number of full and partial Fiscal Year quarters from the date of said delivery to the next principal payment date. There shall also be set aside on the first business day of each Fiscal Year quarter on or after January 1, 2006, an amount not less

than 1/4 of the amount of principal due on the next principal payment date. Except as hereinafter provided, no further deposits shall be made into the Bond and Interest Redemption Account (excluding the Bond Reserve Account) once the aforesaid sums have been deposited therein. Any amount on deposit in the Bond and Interest Redemption Account (excluding the Bond Reserve Account) in excess of (a.) the amount needed for payment of principal installments of the Bonds for the then current principal payment period, plus (b.) interest on the Bonds for the then current interest payment period, shall be used by the Issuer for redemption of principal installments of the Bonds in the manner set forth in Section 10 hereof, or if such use is impracticable, shall be deposited in or credited to the Receiving Fund.

If for any reason there is a failure to make such quarterly deposit in the amounts required, then the entire amount of the deficiency shall be set aside and deposited in the Bond and Interest Redemption Account out of the Revenues first received thereafter which are not required by this Ordinance to be deposited in the Operation and Maintenance Account or in the Bond and Interest Redemption Account, which amount shall be in addition to the regular quarterly deposit required during such succeeding quarter or quarters.

There is hereby established in the Bond and Interest Redemption Account a separate account to be designated the 2004[5] SEWAGE DISPOSAL SYSTEM REVENUE BOND RESERVE ACCOUNT (the "Bond Reserve Account"). Commencing April 1, 2005, there shall be withdrawn from the Receiving Fund at the beginning of each Fiscal Year quarter and set aside in and transferred to the Bond Reserve Account, after provision has been made for the Operation and Maintenance Account and the current requirements of the Bond and Interest Redemption Account, the sum of at least \$1,077 per quarter (\$4,308 annually) until there is accumulated in such fund the lesser of the sum of \$43,072 or the Reserve Amount. The quarterly deposits shall be made as follows: At least \$900 per quarter (\$3,600 annually) shall be deposited into a Series 2004-A Bond subaccount until there is accumulated in such subaccount the lesser of \$36,000 or the Reserve Amount for the Series 2004-A Bond; and at least \$177 per quarter (\$707 annually) shall be deposited into a Series 2004-A Bond subaccount until there is accumulated in such subaccount the lesser of \$7,070 or the Reserve Amount for the Series 2004-B Bond. Except as hereinafter provided, no further deposits shall be made into the Bond and Interest Redemption Account for the purposes of the Bond Reserve Account, after the sum of the lesser of \$43,072 or the Reserve Amount has been deposited therein. The monies in the Bond Reserve Account shall be used solely for the payment of the principal installments of and interest on the Bonds as to which there would otherwise be default; provided however, that in the event the amount on deposit in the Bond Reserve Account exceeds the Reserve Amount, the monies in excess of the Reserve Amount shall be used to pay principal installments of and interest on the Bonds on the next payment date.

If at any time it shall be necessary to use monies in the Bond Reserve Account for such payment, then the monies so used shall be replaced from the Net Revenues first received thereafter which are not required by this Ordinance to be used for operation and maintenance or for current principal and interest requirements for the Bonds.

No further payments need be made into the Bond and Interest Redemption Account after enough of the principal installments of the Bonds have been retired so that the amount then held in the Bond and Interest Redemption Account (including the Bond Reserve Account), is equal to the entire amount of principal and interest which will be payable at the time of maturity of all the principal installments of the Bonds then remaining outstanding.

The monies in the Bond and Interest Redemption Account and the Bond Reserve Account shall be invested in accordance with Section 13 of this Ordinance, and profit realized or income earned on such investment shall be used or transferred as provided in Section 13 of this Ordinance.

(3) **Repair, Replacement and Improvement Account.** There is hereby established a separate fund designated REPAIR, REPLACEMENT AND IMPROVEMENT ACCOUNT (the "RRI Account"). After the transfers required in (1) and (2) above, commencing April 1, 2005 revenues shall be transferred each quarter of the Fiscal Year from the Receiving Fund and deposited in the RRI Account in an amount not less than \$2,943 per quarter (\$11,772 per year), less the amount, if any, deposited in the Bond Reserve Account at the beginning of the same Fiscal Year quarter that is specified for the Bonds. Monies in the RRI Account shall be used and disbursed only for the purpose of paying the cost of (a) repairing any damage to and emergency maintenance of the System, (b) repairing or replacing obsolete, deteriorating, deteriorated or worn out portions of the System, (c) acquiring and constructing extensions and improvement to the System and (d) when necessary, for the purpose of making payments of principal and interest on the Bonds. If the amount in the Bond and Interest Redemption Account and the Bond Reserve Account is not sufficient to pay the principal of and interest on the Bonds when due, the monies in the RRI Account shall be transferred to the Bond and Interest Redemption Account and used for that purpose. Monies in the RRI Account may be invested in accordance with Section 13 of this Ordinance.

(4) **REVERSE FLOW OF FUNDS; SURPLUS MONEY.** In the event the monies in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Account, the Bond and Interest Redemption Account (including the Bond Reserve Account), the RRI Account, any monies and/or securities in the funds of the System described by this Ordinance shall be transferred, first, to the Operation and Maintenance Account, second, the Bond and Interest Redemption Account, third, to the RRI Account.

All monies remaining in the Receiving Fund at the end of any Fiscal Year after satisfying the above requirements for the deposit of monies into the Operation and Maintenance Account, the Bond and Interest Redemption Account and the RRI Account may be transferred to the Bond and Interest Redemption Account and used to call the Bonds or portions thereof for redemption, or at the option of the Issuer, transferred to the RRI Account and used for the purpose for which the funds were established; provided, however, that if there should be a deficit in the Operation and Maintenance Account, the Bond and Interest Redemption Account, the Bond Reserve Account or the RRI Account, on account of defaults in setting aside therein the amounts hereinbefore required, then transfers shall be made from such monies remaining in the Receiving Fund to such funds in the priority and order named in this Section, to the extent of such deficits.

SECTION XIII: Investments

Monies in the funds and accounts established herein and monies derived from the proceeds of sale of the Bonds may be invested by the legislative body of the Issuer on behalf of the Issuer in the obligations and instruments permitted for investment by Section 24 of Act 94, as the same may be amended from time to time; provided, however, that as long as the Bonds are held by the Government, then the investment may be limited to the obligations and instruments authorized by the Government. Investment of monies in the Bond and Interest Redemption Account being accumulated for payment on the next maturing principal or interest payment on the Bond shall be limited to obligations and instruments bearing maturity dates prior to the date of the next maturing principal or interest payment on the Bond. Investment of monies in the Bond Reserve Account shall be limited to Government obligations and instruments bearing maturity dates or subject to redemption, at the option of the holder thereof, not later than five (5) years from the date of the

investment. In the event investments are made, any securities representing the same shall be kept on deposit with the Depository Bank. Interest income earned on investment of funds in the Receiving Fund, the Operation and Maintenance Account, the Bond and Interest Redemption Account (including the Bond Reserve Account) and the RRI Account, shall be deposited in or credited to the Receiving Fund. Interest income earned on the investment of funds in the Bond Reserve Account shall be deposited in the Bond and Interest Redemption Account.

SECTION XIV: Rates and Charges

Rates and charges for the services of the System have been fixed pursuant to ordinance in an amount sufficient to pay the costs of operating, maintaining and administering the System, to pay the principal of and interest on the Bonds and to meet the requirements for repair, replacement, reconstruction and improvement and all other requirements provided herein, and otherwise comply with the covenants herein provided. The Issuer hereby covenants and agrees to fix and maintain at all times while any of the Bonds shall be outstanding such rates for service furnished by the System as shall be sufficient to provide for the foregoing expenses, requirements and covenants, and to create a Bond and Interest Redemption Account (including a bond reserve account) for all such Bonds. The rates and charges for all services and facilities rendered by the System shall be reasonable and just, taking into consideration the cost and value of the System and the cost of maintaining, repairing, and operating the same and the amounts necessary for the retirement of all of the Bonds and accruing interest on all of the Bonds, and there shall be charged such rates and charges as shall be adequate to meet the requirements of this Section and Section 12 of this Ordinance.

SECTION XV: No Free Service.

No free service shall be furnished by the System to any individual, firm or corporation, public or private or to any public agency or instrumentality.

SECTION XVI: Covenants

The Issuer covenants and agrees, so long as any of the Bond hereby authorized remain unpaid, as follows:

(a) It will comply with applicable State laws and regulations and continually operate and maintain the System in good condition.

(b)(i) It will maintain complete books and records relating to the operation and financial affairs of the System. If the Government is the holder of any of the Bonds, the Government shall have the right to inspect the System and the records, accounts, and data relating thereto at all reasonable times.

(ii) It will file with the Department of Treasury and the Government each year, as soon as is possible, not later than ninety (90) days after the close of the Fiscal Year, a report, on forms prepared by the Department of Treasury, made in accordance with the accounting method of the Issuer, completely setting forth the financial operation of such Fiscal Year.

(iii) It will cause an annual audit of such books of record and account for the preceding Fiscal Year to be made each year by a recognized independent certified public accountant, and will cause such accountant to mail a copy of such audit to the Government, without request of the Government, or to the manager of the syndicate or account purchasing any series of the Bonds. Such audit shall be completed and so made available not later than ninety (90) days after the close of each Fiscal Year, and said audit may, at the option of the Issuer, be used in lieu of the statement

on forms prepared by the Department of Treasury and all purposes for which said forms are required to be used by this Ordinance.

(c) It will maintain and carry, for the benefit of the holders of the Bonds, insurance on all physical properties of the System, of the kinds and in the amounts normally carried by municipalities engaged in the operation of similar systems. So long as the Government is holder of any of the Bonds, the amount of said insurance shall be approved by the Government. All monies received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed, and to the extent not so used, shall be used for the purpose of calling Bonds.

(d) So long as the Government is the holder of any of the Bonds, it will not borrow any money from any source or enter into any contract or agreement to incur any other liabilities that may in any way be a lien upon the Revenues or otherwise encumber the System so as to impair Revenues therefrom, without obtaining the prior written consent of the Government, nor shall it transfer or use any portion of the Revenues derived in the operation of the System for any purpose not herein specifically authorized.

(e) So long as the Government is the holder of any of the Bonds, it will not voluntarily dispose of or transfer its title to the System or any part thereof, including lands and interest in land, sale, mortgage, lease or other encumbrances, without obtaining the prior written consent of the Government.

(f) So long as the Government is the holder of any of the Bonds, any extensions to or improvements of the System shall be made according to sound engineering principles and specifications shall be submitted to the Government for prior review.

(g) To the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended, including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of proceeds of the Bonds and monies deemed to be proceeds of the Bonds.

SECTION XVII: Additional Bonds

The Issuer may issue additional bonds of equal standing with the Bonds for the following purposes and on the following conditions:

(a) To complete construction of the Project according to the plans referred to in Section 1.

(b) For the purpose of making reasonable replacement or extension of the System or refunding all or part of the Bonds if:

(i) The augmented net revenues of the System for the Fiscal Year preceding the year in which such additional bond is to be issued were 100 percent of the average annual debt service requirements on all Bonds then outstanding and those proposed to be issued net of any bond to be refunded by the new issue; or

(ii) The holders of at least 75 percent of the then outstanding bonds consent to such issue in writing.

For purposes of this Section the term "augmented net revenues" shall mean the Net Revenues of the System for a year, adjusted to reflect the effect of any rate increase placed in effect during that year (but not in effect for the whole year), placed in effect subsequent to the year or scheduled, at the time the new bond is authorized, to be placed in effect before principal of and interest on the new bond become payable from Revenues of the System, and augmented by any increase in Revenues or decrease in expenses estimated to accrue from the improvements to be acquired from the new bond. The adjustments and augmentations provided for in the preceding sentence shall be established by certificate of an independent certified public accountant or an independent consulting engineer filed with the Township Clerk of the Issuer. If a new bond is issued within 4 months of the end of a Fiscal Year, the determination made in subsection (b)(i) of this Section may be based upon the results of a Fiscal Year ending within 16 months of the date of issuance of the new bond.

The funds herein established shall be applied to all additional bonds issued pursuant to this Section as if said additional bonds were part of the original bond issue and all Revenue from any such extension or replacement constructed by the proceeds of an additional bond, issue shall be paid to the Receiving Fund mentioned in this Ordinance.

Except as otherwise specifically provided, so long as any of such Bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the Revenues of the System shall be incurred or issued by the Issuer unless the same shall be junior and subordinate in all respects to the Bond herein authorized.

SECTION XVIII: Ordinance Shall Constitute Contract

The provisions of this Ordinance shall constitute a contract between the Issuer and the bondholders and after the issuance of the Bonds this Ordinance shall not be repealed or amended in any respect which will adversely affect the rights and interests of the holders nor shall the Issuer adopt any law, ordinance or resolution in any way adversely affecting the rights or the holders so long as the Bonds or interest thereon remains unpaid.

SECTION XIX: Refunding of Bonds

If at any time it shall appear to the Government that the Issuer is able to refund upon call for redemption or with consent of the Government the then outstanding Bonds by obtaining a loan for such purposes from responsible cooperative or private credit sources at reasonable rates and terms for loans for similar purposes and periods of time, the Issuer will, upon request of the Government, apply for and accept such loan in sufficient amount to repay the Government, and will take all such actions as may be required in connection with such loans.

SECTION XX: Default of Issuer

If there shall be default in the Bond and Interest Redemption Account provisions of this Ordinance or in the payment of principal of or interest on any of the Bonds, upon the filing of a suit by 20 percent of the holders of the Bonds, any court having jurisdiction of the action may appoint a receiver to administer the System on behalf of the Issuer with power to charge and collect rates sufficient to provide for the payment of the Bonds and for the payment of operation, maintenance and administrative expenses and to apply Revenues in accordance with this Ordinance and the laws of the State of Michigan.

The Issuer hereby agrees to transfer to any bona fide receiver or other subsequent operator of the System, pursuant to any valid court order in a proceeding brought to enforce collection or

payment of the Issuer's obligations, all contracts and other rights of the Issuer, conditionally, for such time only as such receiver or operation shall operate by authority of the court.

The holders of 20 percent of the Bonds in the event of default may require by mandatory injunction the raising of rates in a reasonable amount.

SECTION XXI: Ordinance Subject to Michigan Law and Government Regulations

The provisions of this Ordinance are subject to the laws of the State of Michigan and to the present and future regulations of the Government not inconsistent with the express provisions hereof and Michigan law.

SECTION XXII: Fiscal Year of System

The fiscal year for operating the System shall be the Fiscal Year.

SECTION XXIII: Issuer Subject to Loan Resolution

So long as the Government is the holder of any of the Bonds, the Issuer shall be subject to the loan resolution (RUS Bulletin 1780-27) and shall comply with all provisions thereof.

SECTION XXIV: Covenant Not to Defeas

So long as the Government is the holder of any of the Bonds, the Issuer covenants that it will not defeas any of the Bonds held by the Government.

SECTION XXV: Conflict and Severability

All ordinances, resolutions and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed, and each section of this Ordinance and each subdivision of any section hereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Ordinance.

SECTION XXVI: Paragraph Headings

The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of this Ordinance.

SECTION XXVII: Publication and Recordation

This Ordinance shall be published in full in the St. Ignace News, St. Ignace, Michigan, a newspaper of general circulation in the Issuer, qualified under State law to publish legal notices, promptly after its adoption, and the same shall be recorded in the Ordinance Book of the Issuer and such recording authenticated by the signatures of the Supervisor and the Township Clerk.

SECTION XXVIII: Effective Date

This Ordinance is hereby determined by the Township Board to be immediately necessary for the preservation of the peace, health and safety of the Issuer and shall be in full force and effect from and after its passage and publication as required by law.

Passed and adopted by the Township of St. Ignace, County of Mackinac, State of Michigan, on November 11, 2004, and approved by me on November 11, 2004.

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Board of the Township of St. Ignace, County of Mackinac, State of Michigan, at a regular meeting held on the 11th day of November, 2004, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

**ST. IGNACE TOWNSHIP
ORDINANCE NO. 33
REVENUE BONDS**

AN ORDINANCE TO PROVIDE FOR THE CONSTRUCTION OF IMPROVEMENTS AND EXTENSIONS TO THE SEWAGE DISPOSAL SYSTEM OF THE TOWNSHIP OF ST. IGNACE, TOGETHER WITH RELATED SITES, STRUCTURES, EQUIPMENT AND APPURTENANCES; TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE BONDS TO PAY THE COST THEREOF; TO PRESCRIBE THE FORM OF THE BONDS; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; TO PROVIDE A RESERVE FUND FOR THE BONDS; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE BONDS IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE BONDS AND THE SYSTEM.

THE TOWNSHIP OF ST. IGNACE ORDAINS:

SECTION I: Definitions

The following words and terms used in this Ordinance shall have the meanings assigned in the preamble to this Ordinance and in this Section, unless the context clearly indicates otherwise.

The word "acquired," as used in this Ordinance, shall be construed to include acquisition by purchase, construction or by any other method.

"Act 94" shall mean Act 94, Public Acts of Michigan, 1933, as amended.

"Bonds" shall mean the Series 2004-A Bond and the Series 2004-B Bond, together with any additional bonds of equal standing hereafter issued.

"Bond Reserve Account" shall mean the subaccount in the Bond and Interest Redemption Account established in accordance with Section 12 of this Ordinance.

"Department of Treasury" shall mean the Department of Treasury of the State of Michigan.

"Depository Bank" shall mean Central Savings Bank in St. Ignace, Michigan, a member of the Federal Deposit Insurance Corporation, or other financial institution qualified to serve as depository bank and designated by resolution of the Issuer.

"Engineer" shall mean U.P. Engineers and Architects, Inc., of Norway, Michigan.

"Fiscal Year" shall mean the fiscal year of the Issuer and the operating year of the System, commencing April 1 and ending March 31 of the subsequent year, as such year may be changed from time to time.

"Government" shall mean the government of the United States of America or any agency thereof.

"Issuer" shall mean the Township of St. Ignace, County of Mackinac, State of Michigan.

"Ordinance" shall mean this ordinance and any ordinance or resolution of the Issuer amendatory or supplemental to this ordinance, including ordinances or resolutions authorizing issuance of additional bonds.

"Project" shall mean the construction of improvements and extensions to the sewage disposal system, together with related sites, structures, equipment and appurtenances to serve the Township.

"Public improvements," shall be understood to mean the public improvements, as defined in Section 3 of Act 94, which are authorized to be acquired and constructed under the provisions of this Ordinance.

"Reserve Amount" shall mean with respect to the Bonds the lesser of (1) the maximum annual debt service due on the Bonds in the current or any future year, (2) 125% of the average annual debt service of the Bonds, or (3) 10% of the principal amount of the Bonds on the date of issuance of the Bonds.

"Revenues" and "Net Revenues" shall mean the revenues and net revenues of the Issuer derived from the operation of the System and shall be construed as defined in Section 3 of Act 94, including with respect to "Revenues," the earnings derived from the investment of moneys in the various funds and accounts established by this Ordinance.

"Series 2004-A Bond" shall mean the Sewage Disposal System Revenue Bond, Series 2004A, in the principal amount of \$649,000 authorized to be issued pursuant to Sections 4 and 5A of this Ordinance.

"Series 2004-B Bond" shall mean the Sewage Disposal System Revenue Bond, Series 2004B, in the principal amount of \$121,000 authorized to be issued pursuant to Sections 4 and 5B of this Ordinance.

"System" shall mean the Issuer's sewage disposal system including such facilities thereof as are now existing, are acquired and constructed as the Project, and all enlargements, extensions, repairs and improvements thereto hereafter made.

"Township" shall mean the Township of St. Ignace, County of Mackinac, State of Michigan.

"Transfer Agent" shall mean the transfer agent and bond registrar for the Bonds as appointed from time to time by the Issuer as provided in Section 6 of this Ordinance and who or which shall carry out the duties and responsibilities as set forth in Sections 6 and 7 of this Ordinance.

SECTION II: Necessity; Approval of Plans and Specifications

It is hereby determined to be a necessary public purpose of the Issuer to acquire and construct the Project in accordance with detailed maps, plans and specifications therefor prepared by the Engineer, which maps, plans and specifications are hereby approved.

SECTION III: Costs; Useful Life

The total cost of the Project is estimated to be not less than Two Million Eight Hundred Fifty-One Thousand Dollars (\$2,851,000) including the payment of incidental expenses as specified in Section 4 of this Ordinance, which estimate of cost is hereby approved and confirmed, and the period of usefulness of the Project is estimated to be forty (40) years.

SECTION IV: Payment of Cost; Bond Authorized

To pay part of the cost of constructing the Project and the legal, engineering, and financial expenses incident to said construction and incident to the issuance and sale of the Bonds, including capitalized interest on the Series 2004-A Bond in the amount of not to exceed \$55,000, it is hereby determined that the Issuer borrow the sum of not to exceed Eight Hundred Seventy-Five Thousand Dollars (\$875,000) and that revenue bonds be issued therefor pursuant to the provisions of Act 94. The remaining cost of the Project, if any, shall be defrayed from grant funds and Issuer funds on hand and legally available for such use.

SECTION V-A: Series 2004-A Bond Details, Registration and Execution

The Series 2004-A Bond shall be designated SEWAGE DISPOSAL SYSTEM REVENUE BOND, SERIES 2004A shall be dated as of the date of delivery of the first installment, shall consist of one (1) single fully-registered nonconvertible bond of the denomination of \$649,000 and shall be payable in principal installments serially on December 1 of each year, as follows:

Year	Amount	Year	Amount
2005	\$0	2025	\$15,000
2006	6,000	2026	15,000
2007	7,000	2027	16,000
2008	7,000	2028	17,000
2009	7,000	2029	18,000
2010	8,000	2030	18,000
2011	8,000	2031	19,000
2012	8,000	2032	20,000
2013	9,000	2033	21,000
2014	9,000	2034	22,000
2015	10,000	2035	23,000
2016	10,000	2036	24,000
2017	10,000	2037	25,000
2018	11,000	2038	26,000
2019	11,000	2039	27,000
2020	12,000	2040	29,000
2021	12,000	2041	30,000
2022	13,000	2042	31,000
2023	14,000	2043	33,000
2024	14,000	2044	34,000

SECTION V-B: Series 2004-B Bond Details, Registration and Execution.

The Series 2004-B Bond shall be designated SEWAGE DISPOSAL SYSTEM REVENUE BOND, SERIES 2004B, shall be dated as of the date of delivery of the first installment, shall consist of one (1) single fully-registered nonconvertible bond of the denomination of \$121,000 and shall be payable in principal installments serially on December 1 of each year, as follows:

Year	Amount	Year	Amount
2005	\$ 1,000	2025	\$ 3,000
2006	1,000	2026	3,000
2007	1,000	2027	3,000
2008	1,000	2028	3,000
2009	1,000	2029	3,000
2010	1,000	2030	3,000
2011	1,000	2031	3,000
2012	1,000	2032	3,000
2013	1,000	2033	4,000
2014	2,000	2034	4,000
2015	2,000	2035	4,000
2016	2,000	2036	4,000
2017	2,000	2037	4,000
2018	2,000	2038	5,000
2019	2,000	2039	5,000
2020	2,000	2040	5,000
2021	2,000	2041	5,000
2022	2,000	2042	5,000
2023	2,000	2043	6,000
2024	2,000	2044	15,000

The Bonds are expected to be delivered to the Government as initial purchaser thereof in installments (the "delivery installments") and each delivery installment shall be noted on the registration grid set forth on the Bonds. The delivery installments shall be deemed to correspond to the serial principal installments of the Bonds in direct chronological order of said serial principal installments.

Prior to delivery of the first delivery installment of the Bonds, the Supervisor is authorized to decrease the aggregate principal amount of the Bonds and to change the principal installment amounts and to change the payment dates of principal of and interest on the Bonds.

The series designations of the Bonds may be changed by the Supervisor prior to delivery of the initial delivery installment to correspond to the year of delivery of the initial delivery installment without further action of the Issuer.

The serial principal installments of the Bonds will bear interest from the date of delivery of the corresponding delivery installment to the registered holder thereof as shown on the registration grid set forth on the Bonds at the rate of not to exceed four and one-half percent (4.50%) per annum for the Series 2004-A Bond and at the rate of not to exceed five percent (5%) per annum for the Series 2004-B Bond, payable on the first June 1 or December 1 following the date of delivery of said delivery installment, and semiannually thereafter on June 1 and December 1 of each year

until maturity or earlier prepayment of said installment. Acceptance of the interest rates on the Bonds shall be made by execution of the Bonds which so designates the rate or rates specified by the Government and accepted in writing by the Issuer. The Bonds shall be issued in fully-registered form and shall not be convertible or exchangeable into more than one fully-registered bond for each series.

The Bonds or installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of the Bonds set forth in Section 9 of this Ordinance.

The Issuer will file its Qualifying Statement with the Department of Treasury and if necessary will apply for and obtain prior approval of the issuance of the Bonds from the Department of Treasury; and the Supervisor is authorized to make such application to the Department of Treasury for and on behalf of the Issuer for an order approving the issuance of the Bonds and to pay any applicable fee therefor.

SECTION VI: Bond Registration and Transfer

The Transfer Agent shall keep or cause to be kept at its principal office sufficient books for the registration and transfer of the Bonds, which shall at all times be open to inspection by the Issuer. The Transfer Agent shall transfer or cause to be transferred on said books the Bonds presented for transfer, as hereinafter provided and subject to such reasonable regulations as it may prescribe.

Any Bond may be transferred upon the books required to be kept by the Transfer Agent pursuant to this Section, by the person in whose name it is registered, in person or by his duly authorized attorney, upon surrender of such Bond for transfer, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond shall be surrendered for transfer, the Transfer Agent shall record such transfer on the registration books and shall register such transfer on the registration grid attached to the Bond. At the time of such transfer the Transfer Agent shall note on the Bond the outstanding principal amount thereof at the time of such transfer. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The Issuer shall not be required (i) to issue, register the transfer of, or exchange any Bond during a period beginning at the opening of business fifteen days before the day of the mailing of a notice of prepayment of the Bonds or installments thereof selected for redemption and ending at the close of business on the day of that mailing, or (ii) to register the transfer of or exchange any Bond or portion thereof so selected for prepayment. In the event any Bond is called for prepayment in part, the Transfer Agent, upon surrender of the Bond, shall note on the Bond the principal amount prepaid and shall return the Bond to the registered owner thereof together with the prepayment amount on the prepayment date.

The Issuer's Treasurer is hereby appointed to act as Transfer Agent with respect to the Bonds. If and at such time as the Bonds are transferred to or held by any registered owner other than the Government, the Issuer by resolution may appoint a bank or trust company qualified under Michigan law to act as paying agent, transfer agent and bond registrar, and the Issuer may thereafter appoint a successor Transfer Agent upon sixty (60) days notice to the registered owner of the Bonds.

SECTION VII: Payment of the Bonds.

Principal of and interest on the Bonds shall be payable in lawful money of the United States of America by check or draft mailed by the Transfer Agent to the registered owner at the address of the registered owner as shown on the registration books of the Issuer kept by the Transfer Agent. If the Government shall no longer be the registered owner of the Bonds, then the principal of and interest on the Bonds shall be payable to the registered owner of record as of the fifteenth day of the month preceding the payment date by check or draft mailed to the registered owner at the registered address. Such date of determination of the registered owner for purposes of payment of principal or interest may be changed by the Issuer to conform to future market practice. The Issuer's Treasurer is hereby authorized to execute an agreement with any successor Transfer Agent.

The Transfer Agent shall record on the registration books the payment by the Issuer of each installment of principal or interest or both on the Bonds when made and the canceled checks or drafts representing such payments shall be returned to and retained by the Issuer's Treasurer, which canceled checks or drafts shall be conclusive evidence of such payments and the obligation of the Issuer with respect to such payments shall be discharged to the extent of such payments.

Upon payment by the Issuer of all outstanding principal of and interest on a series of the Bonds, the registered owner thereof shall deliver the Bond or Bonds of the series to the Issuer for cancellation.

SECTION VIII: Execution Sale and Delivery of the Bonds

The Bonds shall be manually signed by the Supervisor and countersigned by the Township Clerk and shall have the corporate seal of the Issuer impressed thereon. After execution, the Bonds shall be held by the Issuer's Treasurer for delivery to the Government. No Bond or any installment thereof shall be valid until registered by the Issuer's Treasurer or by another person designated in writing by the Issuer's Treasurer to act as Bond Registrar, or upon transfer by the Government and thereafter, by an authorized representative of the Transfer Agent.

The sale of the Series 2004-A Bond to the Government at an interest rate of not to exceed four and one-half percent (4.50%) per annum and at the par value thereof is hereby approved. The sale of the Series 2004-B Bond to the Government at an interest rate of not to exceed five percent (5%) per annum and at the par value thereof is also hereby approved. The Issuer's Treasurer is hereby authorized to deliver the Bonds in accordance with the delivery instructions of the Government, after approval of the issuance and sale thereof by the Department of Treasury, if such approval is at that time required, or receipt of an order providing exception of the Department of Treasury or expiration of the notice period without receipt of an order of denial of the Department of Treasury.

SECTION IX: Bond Forms

The form and tenor of the Bonds shall be substantially as follows:

REGISTERED

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF MACKINAC

TOWNSHIP OF ST. IGNACE
SEWAGE DISPOSAL SYSTEM
REVENUE BOND, SERIES 2004

No. R-1[A/B]

The Township of St. Ignace, County of Mackinac, State of Michigan (the "Issuer"), for value received, hereby promises to pay to the registered owner hereof, but only out of the hereinafter described Net Revenues of the Issuer's sewage disposal system including all appurtenances, additions, extensions and improvements thereto (the "System"), the sum of _____ Dollars

on the dates and in the principal installment amounts set forth in Exhibit A attached hereto and made a part hereof with interest on said installments from the date each installment is delivered to the Issuer and as set forth on the registration grid hereon until paid at the rate of _____ percent (___%) per annum, first payable on _____ 1, 2004, and semiannually thereafter; provided that the principal repayments required herein to the registered owner shall not exceed the total of the principal installments set forth on the registration grid hereon from time to time hereafter to acknowledge receipt of payment of the purchase price of this bond up to a total of \$_____. Both principal of and interest on this bond are payable in lawful money of the United States of America to the registered owner at the address shown on the Issuer's registration books by check or draft mailed to the registered holder at the address shown on the registration books of the Issuer, and for the prompt payment thereof, the revenues of the System, after provision has been made for reasonable and necessary expenses of operation, administration and maintenance thereof (the "Net Revenues"), are hereby irrevocably pledged and a statutory lien thereon is hereby recognized and created. This bond is of equal standing and priority of lien with the Issuer's Sewage Disposal System Revenue Bond, Series 2004__, dated _____, 200_ (the "Series 2004_Bond"), issued pursuant to Ordinance No.____(the "Ordinance"), duly adopted by the Issuer on November 11, 2004.

This bond is a single, fully-registered, non-convertible bond constituting a series that is part of an issue in the total aggregate principal sum of \$_____, issued pursuant to the Ordinance and under and in full compliance with the Constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of constructing certain improvements and extensions to the System consisting of the improvements and extensions to the sewage disposal system, together with all related sites, structures, equipment and appurtenances. For a complete statement of the revenues from which and the conditions under which this bond is payable, a statement of the conditions under which additional bonds of equal standing with this bond and the Series 2004_Bond may hereafter be issued, and the general

covenants and provisions pursuant to which this bond is issued, reference is made to the Ordinance.

This bond is a self-liquidating bond payable as to principal and interest from the Net Revenues of the System. The principal of and interest on this bond are secured by the statutory lien hereinbefore mentioned. [As additional security for the payment of the principal of and interest on this bond, the Issuer, pursuant to the Ordinance, has pledged its limited tax full faith and credit for the prompt payment of principal of and interest thereon. The full faith and credit pledge of the Issuer for the payment of this bond and the interest thereon is subject to applicable constitutional and statutory tax rate limitations.]

Principal installments of this bond are subject to prepayment prior to maturity, in inverse chronological order, at the Issuer's option, on any date on or after June 1, 2005, at par and accrued interest to the date fixed for prepayment.

Thirty days notice of the call of any principal installments for prepayment shall be given by mail to the registered owner at the registered address. The principal installments so called for prepayment shall not bear interest after the date fixed for prepayment, provided funds are on hand to prepay said installments.

This bond shall be registered as to principal and interest on the books of the Issuer kept by the Issuer's Treasurer or successor or written designee as bond registrar and transfer agent (the "Transfer Agent") and noted hereon, after which it shall be transferable only upon presentation to the Transfer Agent with a written transfer by the registered owner or the registered owner's attorney in fact. Such transfer shall be noted hereon and upon the books of the Issuer kept for that purpose by the Transfer Agent.

The Issuer has covenanted and agreed and does hereby covenant and agree to fix and maintain at all times while any bonds including any installments of this bond payable from the Net Revenues of the System shall be outstanding, such rates for service furnished by the System as shall be sufficient to provide for payment of the interest upon and the principal of this bond, the Series 2004_ Bond, and any additional bonds of equal standing payable from the Net Revenues of the System as and when the same become due and payable, and to create a Bond and Interest Redemption Account (including a bond reserve account) therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as are required by the Ordinance.

It is hereby certified and recited that all acts, conditions and things required by law to be done precedent to and in the issuance of this bond and the series of which it is one have been done and performed in regular and due time and form as required by law.

IN WITNESS WHEREOF, the Township of St. Ignace, County of Mackinac, State of Michigan, by its Township Board, has caused this bond to be signed in its name by its Supervisor and to be countersigned by its Township Clerk, and its corporate seal to be hereunto affixed, all as of November 11, 2004.

SECTION X: Security for Bonds

To pay the principal of and interest on the Bonds as and when the same shall become due, there is hereby created a statutory lien upon the whole of the Net Revenues of the System to continue until the payment in full of the principal of and interest on the Bonds and said Net Revenues shall be set aside for such purpose and identified as the Bond and Interest Redemption Account, as hereinafter specified.

If required by the Government, as additional security for the payment of the principal of and interest on the Bonds, the Issuer hereby irrevocably pledges its limited tax full faith and credit for the prompt payment of the principal of and interest on the Bonds. Such requirement of the Government will be evidenced by the Bonds as issued. If the Net Revenues of the System are insufficient for the payment of such principal and interest when due, the Issuer shall pay the amount of the insufficiency from its general fund as a first budget obligation. The Issuer is obligated, to the extent necessary, to levy ad valorem taxes on all taxable property in the Issuer for such purpose, subject to applicable constitutional and statutory tax rate limitations. If the Issuer shall be required to pay principal of and interest on the Bonds from its general fund, it shall be reimbursed the amount paid as soon as possible from the Net Revenues of the System.

SECTION XI: Budget

Immediately upon the effective date of this Ordinance for the remainder of the current Fiscal Year, and thereafter prior to the beginning of each Fiscal Year, the Issuer shall prepare an annual budget for the System for the ensuing Fiscal Year itemized on the basis of monthly requirements. A copy of such budget shall be mailed to the Government without request from the Government for review prior to adoption (as long as the Government is the registered owner of any of the Bonds), and upon written request to any other registered owners of the Bonds.

SECTION XII: Custodian of Funds; Funds

The Issuer's Treasurer shall be custodian of all funds belonging to or associated with the System and such funds shall be deposited in the Depository Bank. The Issuer's Treasurer shall execute a fidelity bond with a surety company in an amount at least equal to the maximum annual debt service for the Bonds.

The Issuer's Treasurer is hereby directed to create and maintain the following funds and accounts into which the proceeds of the Bonds and the Revenues from the System shall be deposited in the manner and at the times provided in this Ordinance, which funds and accounts shall be established and maintained, except as otherwise provided, so long as the Bonds hereby authorized remain unpaid.

(A) CONSTRUCTION ACCOUNT. There shall be created the SEWAGE DISPOSAL SYSTEM PROJECT CONSTRUCTION ACCOUNT (the "Construction Account"), in the Depository Bank. The proceeds of the Bonds shall be deposited in the Construction Account. Monies in the Construction Account shall be used solely for the purposes for which the Bonds are issued. If grant funds or monies other than proceeds of the Bonds are deposited into the Construction Account, then the monies constituting proceeds of the Bonds shall be accounted separately from such other funds or monies.

Any unexpected balance of the proceeds of sale of the Bonds remaining after completion of the Project herein authorized may in the discretion of the Issuer be used for further improvements, enlargements and extensions to the System, provided that at the time of such expenditure such use be approved by the Department of Treasury (if such approval is then required by law). Any

remaining balance after such expenditure shall be paid into the Bond and Interest Redemption Account and used as soon as is practical for the prepayment of installments of the Bonds or for the purchase of installments of the Bonds at not more than the fair market value thereof. Following completion of the Project, any unexpended balance of the Bonds shall be invested at a yield not to exceed the yield on the Bonds.

After completion of the Project and disposition of remaining proceeds, if any, of the Bonds pursuant to the provisions of this Section, the Construction Account shall be closed.

(B) **SEWAGE DISPOSAL SYSTEM RECEIVING FUND.** Upon and after the effective date of this Ordinance, the Revenues of the System shall be set aside into a separate fund to be designated the SEWAGE DISPOSAL SYSTEM RECEIVING FUND (the "Receiving Fund"), and monies so deposited therein shall be transferred, expended and used only in the manner and order as follows:

(1) **Operation and Maintenance Account.** There is hereby established a separate account to be designated the OPERATION AND MAINTENANCE ACCOUNT (the "Operation and Maintenance Account"). Revenues shall be transferred on the date of delivery of the first installment of the Bonds and on the first business day of each quarter of the Fiscal Year thereafter from the Receiving Fund to the Operation and Maintenance Account to pay the reasonable and necessary current expenses of administration and operating and maintaining the System for the ensuing quarter.

(2) **Sewage Disposal System Revenue Bond - Bond and Interest Redemption Account.** There is hereby established a separate account to be designated as the 2004[5] SEWAGE DISPOSAL SYSTEM REVENUE BOND - BOND AND INTEREST REDEMPTION ACCOUNT (the "Bond and Interest Redemption Account"). After the transfer required in (1) above, Revenues shall be transferred on the date of delivery of the first installment of the Bonds and on the first business day of each quarter of the Fiscal Year thereafter from the Receiving Fund, before any other expenditures or transfer therefrom, and deposited in the Bond and Interest Redemption Account for payment of principal of and interest on the Bonds and to fund the Bond Reserve Account.

Upon any delivery of an installment of the Bonds there shall be set aside at the time of delivery and on the first day of each quarter of the Fiscal Year thereafter to the next interest payment date an amount equal to that fraction of the amount of interest due on the next interest payment date on said installment so delivered, the numerator of which is 1 and the denominator of which is the number of full and partial Fiscal Year quarters from the date of said delivery to the next interest payment date. There shall be set aside each Fiscal Year quarter on or after July 1, 2005, an amount not less than 1/2 of the amount of interest due on the next interest payment date on all outstanding installments of the Bonds not delivered during the then current interest payment period.

Upon any delivery of an installment of the Bonds on or after January 1, 2005, there shall be set aside at the time of such delivery and on the first day of each quarter of the Fiscal Year thereafter to the next principal payment date an amount equal to that fraction of the amount of principal due on the next principal payment date on said installment so delivered, the numerator of which is 1 and the denominator of which is the number of full and partial Fiscal Year quarters from the date of said delivery to the next principal payment date. There shall also be set aside on the first business day of each Fiscal Year quarter on or after January 1, 2006, an amount not less

than 1/4 of the amount of principal due on the next principal payment date. Except as hereinafter provided, no further deposits shall be made into the Bond and Interest Redemption Account (excluding the Bond Reserve Account) once the aforesaid sums have been deposited therein. Any amount on deposit in the Bond and Interest Redemption Account (excluding the Bond Reserve Account) in excess of (a.) the amount needed for payment of principal installments of the Bonds for the then current principal payment period, plus (b.) interest on the Bonds for the then current interest payment period, shall be used by the Issuer for redemption of principal installments of the Bonds in the manner set forth in Section 10 hereof, or if such use is impracticable, shall be deposited in or credited to the Receiving Fund.

If for any reason there is a failure to make such quarterly deposit in the amounts required, then the entire amount of the deficiency shall be set aside and deposited in the Bond and Interest Redemption Account out of the Revenues first received thereafter which are not required by this Ordinance to be deposited in the Operation and Maintenance Account or in the Bond and Interest Redemption Account, which amount shall be in addition to the regular quarterly deposit required during such succeeding quarter or quarters.

There is hereby established in the Bond and Interest Redemption Account a separate account to be designated the 2004[5] SEWAGE DISPOSAL SYSTEM REVENUE BOND RESERVE ACCOUNT (the "Bond Reserve Account"). Commencing April 1, 2005, there shall be withdrawn from the Receiving Fund at the beginning of each Fiscal Year quarter and set aside in and transferred to the Bond Reserve Account, after provision has been made for the Operation and Maintenance Account and the current requirements of the Bond and Interest Redemption Account, the sum of at least \$1,077 per quarter (\$4,308 annually) until there is accumulated in such fund the lesser of the sum of \$43,072 or the Reserve Amount. The quarterly deposits shall be made as follows: At least \$900 per quarter (\$3,600 annually) shall be deposited into a Series 2004-A Bond subaccount until there is accumulated in such subaccount the lesser of \$36,000 or the Reserve Amount for the Series 2004-A Bond; and at least \$177 per quarter (\$707 annually) shall be deposited into a Series 2004-A Bond subaccount until there is accumulated in such subaccount the lesser of \$7,070 or the Reserve Amount for the Series 2004-B Bond. Except as hereinafter provided, no further deposits shall be made into the Bond and Interest Redemption Account for the purposes of the Bond Reserve Account, after the sum of the lesser of \$43,072 or the Reserve Amount has been deposited therein. The monies in the Bond Reserve Account shall be used solely for the payment of the principal installments of and interest on the Bonds as to which there would otherwise be default; provided however, that in the event the amount on deposit in the Bond Reserve Account exceeds the Reserve Amount, the monies in excess of the Reserve Amount shall be used to pay principal installments of and interest on the Bonds on the next payment date.

If at any time it shall be necessary to use monies in the Bond Reserve Account for such payment, then the monies so used shall be replaced from the Net Revenues first received thereafter which are not required by this Ordinance to be used for operation and maintenance or for current principal and interest requirements for the Bonds.

No further payments need be made into the Bond and Interest Redemption Account after enough of the principal installments of the Bonds have been retired so that the amount then held in the Bond and Interest Redemption Account (including the Bond Reserve Account), is equal to the entire amount of principal and interest which will be payable at the time of maturity of all the principal installments of the Bonds then remaining outstanding.

The monies in the Bond and Interest Redemption Account and the Bond Reserve Account shall be invested in accordance with Section 13 of this Ordinance, and profit realized or income earned on such investment shall be used or transferred as provided in Section 13 of this Ordinance.

(3) Repair, Replacement and Improvement Account. There is hereby established a separate fund designated REPAIR, REPLACEMENT AND IMPROVEMENT ACCOUNT (the "RRI Account"). After the transfers required in (1) and (2) above, commencing April 1, 2005 revenues shall be transferred each quarter of the Fiscal Year from the Receiving Fund and deposited in the RRI Account in an amount not less than \$2,943 per quarter (\$11,772 per year), less the amount, if any, deposited in the Bond Reserve Account at the beginning of the same Fiscal Year quarter that is specified for the Bonds. Monies in the RRI Account shall be used and disbursed only for the purpose of paying the cost of (a) repairing any damage to and emergency maintenance of the System, (b) repairing or replacing obsolete, deteriorating, deteriorated or worn out portions of the System, (c) acquiring and constructing extensions and improvement to the System and (d) when necessary, for the purpose of making payments of principal and interest on the Bonds. If the amount in the Bond and Interest Redemption Account and the Bond Reserve Account is not sufficient to pay the principal of and interest on the Bonds when due, the monies in the RRI Account shall be transferred to the Bond and Interest Redemption Account and used for that purpose. Monies in the RRI Account may be invested in accordance with Section 13 of this Ordinance.

(4) REVERSE FLOW OF FUNDS; SURPLUS MONEY. In the event the monies in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Account, the Bond and Interest Redemption Account (including the Bond Reserve Account), the RRI Account, any monies and/or securities in the funds of the System described by this Ordinance shall be transferred, first, to the Operation and Maintenance Account, second, the Bond and Interest Redemption Account, third, to the RRI Account.

All monies remaining in the Receiving Fund at the end of any Fiscal Year after satisfying the above requirements for the deposit of monies into the Operation and Maintenance Account, the Bond and Interest Redemption Account and the RRI Account may be transferred to the Bond and Interest Redemption Account and used to call the Bonds or portions thereof for redemption, or at the option of the Issuer, transferred to the RRI Account and used for the purpose for which the funds were established; provided, however, that if there should be a deficit in the Operation and Maintenance Account, the Bond and Interest Redemption Account, the Bond Reserve Account or the RRI Account, on account of defaults in setting aside therein the amounts hereinbefore required, then transfers shall be made from such monies remaining in the Receiving Fund to such funds in the priority and order named in this Section, to the extent of such deficits.

SECTION XIII: Investments

Monies in the funds and accounts established herein and monies derived from the proceeds of sale of the Bonds may be invested by the legislative body of the Issuer on behalf of the Issuer in the obligations and instruments permitted for investment by Section 24 of Act 94, as the same may be amended from time to time; provided, however, that as long as the Bonds are held by the Government, then the investment may be limited to the obligations and instruments authorized by the Government. Investment of monies in the Bond and Interest Redemption Account being accumulated for payment on the next maturing principal or interest payment on the Bond shall be limited to obligations and instruments bearing maturity dates prior to the date of the next maturing principal or interest payment on the Bond. Investment of monies in the Bond Reserve Account shall be limited to Government obligations and instruments bearing maturity dates or subject to redemption, at the option of the holder thereof, not later than five (5) years from the date of the

investment. In the event investments are made, any securities representing the same shall be kept on deposit with the Depository Bank. Interest income earned on investment of funds in the Receiving Fund, the Operation and Maintenance Account, the Bond and Interest Redemption Account (including the Bond Reserve Account) and the RRI Account, shall be deposited in or credited to the Receiving Fund. Interest income earned on the investment of funds in the Bond Reserve Account shall be deposited in the Bond and Interest Redemption Account.

SECTION XIV: Rates and Charges

Rates and charges for the services of the System have been fixed pursuant to ordinance in an amount sufficient to pay the costs of operating, maintaining and administering the System, to pay the principal of and interest on the Bonds and to meet the requirements for repair, replacement, reconstruction and improvement and all other requirements provided herein, and otherwise comply with the covenants herein provided. The Issuer hereby covenants and agrees to fix and maintain at all times while any of the Bonds shall be outstanding such rates for service furnished by the System as shall be sufficient to provide for the foregoing expenses, requirements and covenants, and to create a Bond and Interest Redemption Account (including a bond reserve account) for all such Bonds. The rates and charges for all services and facilities rendered by the System shall be reasonable and just, taking into consideration the cost and value of the System and the cost of maintaining, repairing, and operating the same and the amounts necessary for the retirement of all of the Bonds and accruing interest on all of the Bonds, and there shall be charged such rates and charges as shall be adequate to meet the requirements of this Section and Section 12 of this Ordinance.

SECTION XV: No Free Service.

No free service shall be furnished by the System to any individual, firm or corporation, public or private or to any public agency or instrumentality.

SECTION XVI: Covenants

The Issuer covenants and agrees, so long as any of the Bond hereby authorized remain unpaid, as follows:

(a) It will comply with applicable State laws and regulations and continually operate and maintain the System in good condition.

(b)(i) It will maintain complete books and records relating to the operation and financial affairs of the System. If the Government is the holder of any of the Bonds, the Government shall have the right to inspect the System and the records, accounts, and data relating thereto at all reasonable times.

(ii) It will file with the Department of Treasury and the Government each year, as soon as is possible, not later than ninety (90) days after the close of the Fiscal Year, a report, on forms prepared by the Department of Treasury, made in accordance with the accounting method of the Issuer, completely setting forth the financial operation of such Fiscal Year.

(iii) It will cause an annual audit of such books of record and account for the preceding Fiscal Year to be made each year by a recognized independent certified public accountant, and will cause such accountant to mail a copy of such audit to the Government, without request of the Government, or to the manager of the syndicate or account purchasing any series of the Bonds. Such audit shall be completed and so made available not later than ninety (90) days after the close of each Fiscal Year, and said audit may, at the option of the Issuer, be used in lieu of the statement

on forms prepared by the Department of Treasury and all purposes for which said forms are required to be used by this Ordinance.

(c) It will maintain and carry, for the benefit of the holders of the Bonds, insurance on all physical properties of the System, of the kinds and in the amounts normally carried by municipalities engaged in the operation of similar systems. So long as the Government is holder of any of the Bonds, the amount of said insurance shall be approved by the Government. All monies received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed, and to the extent not so used, shall be used for the purpose of calling Bonds.

(d) So long as the Government is the holder of any of the Bonds, it will not borrow any money from any source or enter into any contract or agreement to incur any other liabilities that may in any way be a lien upon the Revenues or otherwise encumber the System so as to impair Revenues therefrom, without obtaining the prior written consent of the Government, nor shall it transfer or use any portion of the Revenues derived in the operation of the System for any purpose not herein specifically authorized.

(e) So long as the Government is the holder of any of the Bonds, it will not voluntarily dispose of or transfer its title to the System or any part thereof, including lands and interest in land, sale, mortgage, lease or other encumbrances, without obtaining the prior written consent of the Government.

(f) So long as the Government is the holder of any of the Bonds, any extensions to or improvements of the System shall be made according to sound engineering principles and specifications shall be submitted to the Government for prior review.

(g) To the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended, including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of proceeds of the Bonds and monies deemed to be proceeds of the Bonds.

SECTION XVII: Additional Bonds

The Issuer may issue additional bonds of equal standing with the Bonds for the following purposes and on the following conditions:

(a) To complete construction of the Project according to the plans referred to in Section 1.

(b) For the purpose of making reasonable replacement or extension of the System or refunding all or part of the Bonds if:

(i) The augmented net revenues of the System for the Fiscal Year preceding the year in which such additional bond is to be issued were 100 percent of the average annual debt service requirements on all Bonds then outstanding and those proposed to be issued net of any bond to be refunded by the new issue; or

(ii) The holders of at least 75 percent of the then outstanding bonds consent to such issue in writing.

For purposes of this Section the term "augmented net revenues" shall mean the Net Revenues of the System for a year, adjusted to reflect the effect of any rate increase placed in effect during that year (but not in effect for the whole year), placed in effect subsequent to the year or scheduled, at the time the new bond is authorized, to be placed in effect before principal of and interest on the new bond become payable from Revenues of the System, and augmented by any increase in Revenues or decrease in expenses estimated to accrue from the improvements to be acquired from the new bond. The adjustments and augmentations provided for in the preceding sentence shall be established by certificate of an independent certified public accountant or an independent consulting engineer filed with the Township Clerk of the Issuer. If a new bond is issued within 4 months of the end of a Fiscal Year, the determination made in subsection (b)(i) of this Section may be based upon the results of a Fiscal Year ending within 16 months of the date of issuance of the new bond.

The funds herein established shall be applied to all additional bonds issued pursuant to this Section as if said additional bonds were part of the original bond issue and all Revenue from any such extension or replacement constructed by the proceeds of an additional bond, issue shall be paid to the Receiving Fund mentioned in this Ordinance.

Except as otherwise specifically provided, so long as any of such Bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the Revenues of the System shall be incurred or issued by the Issuer unless the same shall be junior and subordinate in all respects to the Bond herein authorized.

SECTION XVIII: Ordinance Shall Constitute Contract

The provisions of this Ordinance shall constitute a contract between the Issuer and the bondholders and after the issuance of the Bonds this Ordinance shall not be repealed or amended in any respect which will adversely affect the rights and interests of the holders nor shall the Issuer adopt any law, ordinance or resolution in any way adversely affecting the rights or the holders so long as the Bonds or interest thereon remains unpaid.

SECTION XIX: Refunding of Bonds

If at any time it shall appear to the Government that the Issuer is able to refund upon call for redemption or with consent of the Government the then outstanding Bonds by obtaining a loan for such purposes from responsible cooperative or private credit sources at reasonable rates and terms for loans for similar purposes and periods of time, the Issuer will, upon request of the Government, apply for and accept such loan in sufficient amount to repay the Government, and will take all such actions as may be required in connection with such loans.

SECTION XX: Default of Issuer

If there shall be default in the Bond and Interest Redemption Account provisions of this Ordinance or in the payment of principal of or interest on any of the Bonds, upon the filing of a suit by 20 percent of the holders of the Bonds, any court having jurisdiction of the action may appoint a receiver to administer the System on behalf of the Issuer with power to charge and collect rates sufficient to provide for the payment of the Bonds and for the payment of operation, maintenance and administrative expenses and to apply Revenues in accordance with this Ordinance and the laws of the State of Michigan.

The Issuer hereby agrees to transfer to any bona fide receiver or other subsequent operator of the System, pursuant to any valid court order in a proceeding brought to enforce collection or

payment of the Issuer's obligations, all contracts and other rights of the Issuer, conditionally, for such time only as such receiver or operation shall operate by authority of the court.

The holders of 20 percent of the Bonds in the event of default may require by mandatory injunction the raising of rates in a reasonable amount.

SECTION XXI: Ordinance Subject to Michigan Law and Government Regulations

The provisions of this Ordinance are subject to the laws of the State of Michigan and to the present and future regulations of the Government not inconsistent with the express provisions hereof and Michigan law.

SECTION XXII: Fiscal Year of System

The fiscal year for operating the System shall be the Fiscal Year.

SECTION XXIII: Issuer Subject to Loan Resolution

So long as the Government is the holder of any of the Bonds, the Issuer shall be subject to the loan resolution (RUS Bulletin 1780-27) and shall comply with all provisions thereof.

SECTION XXIV: Covenant Not to Defeas

So long as the Government is the holder of any of the Bonds, the Issuer covenants that it will not defeas any of the Bonds held by the Government.

SECTION XXV: Conflict and Severability

All ordinances, resolutions and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed, and each section of this Ordinance and each subdivision of any section hereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Ordinance.

SECTION XXVI: Paragraph Headings

The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of this Ordinance.

SECTION XXVII: Publication and Recordation

This Ordinance shall be published in full in the St. Ignace News, St. Ignace, Michigan, a newspaper of general circulation in the Issuer, qualified under State law to publish legal notices, promptly after its adoption, and the same shall be recorded in the Ordinance Book of the Issuer and such recording authenticated by the signatures of the Supervisor and the Township Clerk.

SECTION XXVIII: Effective Date

This Ordinance is hereby determined by the Township Board to be immediately necessary for the preservation of the peace, health and safety of the Issuer and shall be in full force and effect from and after its passage and publication as required by law.

Passed and adopted by the Township of St. Ignace, County of Mackinac, State of Michigan, on November 11, 2004, and approved by me on November 11, 2004.

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Board of the Township of St. Ignace, County of Mackinac, State of Michigan, at a regular meeting held on the 11th day of November, 2004, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

ST. IGNACE TOWNSHIP ORDINANCE # 37

An ordinance to repeal St. Ignace Township ordinance #11 and transfer responsibility for the administration and enforcement of its Building Codes to the Bureau of Construction Codes under the provisions of the State Construction Code Acts of 1972 (Acts 230 of Public Acts of 1972 ,as amended).

The Township of St. Ignace ordains:

Section 1. Pursuant to the provisions of Section 8b(7) of the State Construction Code Act of 1972 , as amended, the Township of St. Ignace hereby transfers responsibility for the administration and enforcement of its Building Codes provisions to the Bureau of Constructions Codes.

Section 2. All ordinances incosistent with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall be effective immediately upon legal publication, in accordance with provisions of the Act governing same.

Adopted May 12, 2011

Published May 19, 2011

**ST. IGNACE TOWNSHIP
MACKINAC COUNTY, MICHIGAN**

Ordinance #38, Effective July 27, 2012.

An ordinance amending Section 9.4 of St. Ignace Township Zoning Ordinance #35 relating to Outdoor privies.

THE TOWNSHIP OF ST. IGNACE HEREBY ORDAINS:

Section 9.4 entitled Accessory Uses or Building is hereby amended by way of adding a subparagraph F as follows:

F. Outhouses ,or privies ,are considered to be accessory structures and must comply with all applicable provisions of this Section 9.4. In addition, outhouses are allowed only when in compliance with the following conditions:

1. The outhouses permitted by the Mackinac County Health Department or other applicable Governmental agency.
2. Are located and used on parcels of land not less than ten acres in size.
3. Are located in the rear yard.
4. Shall be set back a minimum distance of 100 feet from the property line on the rear and side
5. Included a sealed containment to collect and store the sewage.
6. The sub-container shall be periodically pumped as is necessary to reduce odor.
7. Shall be properly vented to minimize odor.

Dated: 7-12-2012

Effective 7-27-2012



Township Clerk

THE TOWNSHIP OF ST. IGNACE
FRANCHISE GRANTED TO
SEMCO Energy Gas Company
Ordinance No. 39

An Ordinance, granting to SEMCO Energy Gas Company, a division of SEMCO Energy, Inc., a Michigan corporation, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to conduct a local gas business in the Township of St. Ignace, located in Mackinac County, Michigan, for a period of thirty years.

THE TOWNSHIP OF ST. IGNACE ORDAINS:

Section 1. GRANT OF FRANCHISE. The Township of St. Ignace, located in Mackinac County, Michigan (the "Township"), hereby grants to SEMCO Energy Gas Company, a division of SEMCO Energy, Inc., a Michigan corporation, its successors and assigns, (the "Grantee") the right, power and authority to construct, lay, operate, maintain and replace in the public streets, highways, alleys and other public places in the Township of St. Ignace, Michigan, all needful and proper gas pipes, mains, conductors, service pipes and other apparatus and facilities requisite for the manufacture, transmission and distribution of gas for all purposes to the Township of St. Ignace, and the inhabitants thereof, and for conducting gas elsewhere to supply neighboring cities, villages and other territories supplied with gas by said Grantee, for a period of thirty years.

Section 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, Grantee shall faithfully perform all things required by the terms hereof.

Section 3. CONDITIONS. No highway, street, alley, bridge or other public place used by Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the as good order and condition as when Grantee commenced the work. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes.

Section 4. HOLD HARMLESS. Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the Grantee's negligent construction and negligent maintenance of the structures and equipment hereby authorized. If any action is commenced against the Township resulting from Grantee's negligent construction and maintenance, Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

Section 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

Section 6. RATES. Grantee shall charge for gas furnished the rates, charges and special taxes as approved from time to time by the Michigan Public Service Commission, or its successors having authority and jurisdiction to fix and regulate gas rates and charges, or as otherwise permitted or required by applicable law or tariff, for the term of this franchise. Such rates shall be subject to Commission review and change at any time upon petition therefore being made by either said Township, acting by its Township Board, or by said Grantee.

Section 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

Section 8. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said township and shall provide service in accordance with the terms and conditions set forth in its applicable tariff as approved from time to time by the Michigan Public Service Commission or its successors.

Section 9. SUCCESSORS AND ASSIGNS. The words "SEMCO Energy Gas Company" and "SEMCO Energy, Inc.," wherever used herein, are intended and shall be held and construed to mean and include SEMCO Energy Gas Company and its parent, subsidiaries, successors, affiliates, and assigns, whether so expressed or not. The word "Grantee," wherever used herein, is intended and shall be held and construed to mean and include SEMCO Energy Gas Company, SEMCO Energy, Inc., and the successors and assigns of each, whether so expressed or not. Grantee may assign the rights and obligations under this agreement as long as the Grantee provides prior written notice to the Township of any such assignment.

Section 10. FORCE MAJEURE. The Grantee shall not be liable for failure to furnish service as herein provided, or for any breach of the Grantee's obligations hereunder, if such failure or breach is caused by acts of God, labor troubles, riot, or any other causes or contingencies not reasonably within the control of the Grantee.

Section 11. EFFECTIVE DATE. Upon adoption, the Township Clerk shall deliver to Grantee a certified copy of this ordinance. Additionally, the Township shall publish this ordinance within thirty (30) days of its adoption and this ordinance shall take effect upon the day after the date of publication thereof, continuing for a term of thirty (30) years from that date; provided, however, it shall cease and be of no effect after sixty (60) days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, the ordinance shall constitute a contract between said Township and said Grantee.

Ayes: 4
Nays: 0 + 1 Absent
Date Passed: March 13, 2013

Attested, by Order of the Township of
St. Ignace, Mackinac,

Donna B. Harju

St. Ignace Clerk

Dale E. Nelson

St. Ignace Supervisor