

CITY of CASPIAN

Code of City Ordinances

Caspian City Government

Caspian City Charter

Caspian City Code of Ordinances

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CHARTER
of the
CITY OF CASPIAN
Iron County, Michigan

The following Caspian City Charter is a combination of that which was adopted by the residents of the City of Caspian at the November 2, 1982 regular election, and numerous amendments adopted by the residents of the

City of Caspian on November 3, 2009.

**Charter
of the
City of Caspian
Iron County, State of Michigan**

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PREAMBLE

We, the electors of the City of Caspian, County of Iron, State of Michigan, pursuant to the authority granted by the Constitution and General Laws of the State of Michigan, in order to obtain the benefits of home rule, of more direct and business like methods in the transaction of municipal affairs and generally to promote civic advancements and welfare do adopt the following charter:

Chapter 1

NAME, POWERS, BOUNDARIES

NAME: The name of this organized city is "**City of Caspian**"

Section 1.1 The City of Caspian shall be and constitute a body politic and corporate under the Constitution and Laws of the State of Michigan.

POWERS OF THE CITY:

Section 1.2 The City shall have all powers, privileges and immunities possible for a city to have under the Constitution and laws of this state as dully and completely as though they were specifically enumerated in this Charter.

Section 1.3 The powers of the City under this Charter shall be construed liberally in favor of the City, and specific mention of particular powers in the Charter shall not be construed as limited in any way the general power stated in this chapter.

INTERGOVERNMENTAL CONTRACTS:

Section 1.4 The City shall have power to join with any governmental unit or agency, or with any number or combination thereof by contract, or otherwise as may be permitted by law, to perform jointly or by one or more, for or on behalf of the other or others any power or duty which is permitted to be so performed by law or which is possessed or

imposed upon each such governmental unit or agency.

OUTSIDE FIRE PROTECTION:

Section 1.5 In exercise of the powers contained in Section 1.2 herein, the City Commission shall have the right to contract with individuals or governing bodies to furnish fire protection to property outside the corporate limits of the City of Caspian for a fair consideration, if the Commission shall find that the financial interests of the City are advanced by obtaining payments thereof: and/or that the prosperity of the municipality and its inhabitants is advanced through preventing a conflagration which might spread within the City limits or through protecting from fire, industrial or commercial properties which employ residents of the City of Caspian.

EXERCISE OF POWER:

Section 1.6 Where no procedure is set forth in this Charter for the exercise of any power granted to or possessed by the City and its officers, resort may be had to the procedure set forth in any statute of the State of Michigan including statutes passed for the government of townships. If alternate procedures are to be found in different statutes, then the City Commission shall select that procedure which it deems to be most expeditious and to the best advantage of the City and its inhabitants. Where no procedure for the exercise of any power of the City is set forth, either in this Charter or in any statute of the State of Michigan, the City Commission shall prescribe a reasonable procedure for the exercise thereof by ordinance.

BOUNDARIES:

Section 1.7 The boundaries of the City of Caspian shall embrace the following described territory, together with such territory as may from time to time be attached thereto in accordance with the state law.

Said territory includes all of Section one (1) Town forty-two (42) North, Range thirty-five (35) and the West half (W1/2) of the Northwest quarter (NW1/4) and the West half (W1/2) of the Southwest quarter (SW1/4) of Section 6 Town forty-two (42) North, Range thirty-four (34) West and the East half (E1/2) of the Southeast quarter (SE1/4) of Section two (2) Town forty-two (42), Range thirty-five (35) West and containing twenty-two (22) government subdivisions of land of forty acres each, all of them situated in the Township of Stambaugh, Iron County, Michigan.

CHAPTER 2

ELECTIONS

QUALIFICATION OF ELECTORS:

Section 2.1 The inhabitants of the City of Caspian having the qualifications of electors under the Constitution and statutes of the State of Michigan and no others, shall be electors of the City.

ELECTION PROCEDURES:

Section 2.2 The election of all City officers shall be on a non-partisan basis. The general election laws of the State shall apply to and control, as clear as may be to all procedures relating to registration and city elections except as such general laws relate to political parties or partisan procedures and except as otherwise provided in this Charter.

ELECTION COMMISSION:

Section 2.3 An election commission is hereby created, consisting of the Clerk, the Mayor and the Treasurer. The Mayor shall be Chairman. The Commission shall have charge of all activities and duties required of it by state law and this Charter relating to the conduct of elections in the City.

The compensation of election personnel shall be determined in advance by the Commission. In any case where election procedure is in doubt, the election commission shall prescribe the procedure to be followed.

WARDS AND PRECINCTS:

Section 2.4 The City of Caspian shall consist of one ward. The Commission shall from time to time establish by ordinance convenient election precincts.

PRIMARIES AND ELECTIONS:

Section 2.5 Primary elections shall be held on the Tuesday following the first Monday in August of each odd numbered year. The primary election, in even numbered years, shall be held on the Tuesday succeeding the first Monday in August, preceding every general November election. If upon the expiration of the time for filing nominating petitions for any election office it appears that petitions have been filed for no more than two times the number of vacancies to be filled at the next city election, then no primary

election shall be held in respect to such office and the City Clerk shall publish notice of such fact; provided that city primaries shall be held jointly with the state primaries whenever practicable.

A non-artisan City election shall be held on the first Tuesday after the first Monday of November of each year. Special elections shall be held when called by resolution of the City Commission at least sixty (60) days in advance of such election or when required by the Charter or general laws of the State. Such resolution shall set forth the purpose of the election. No more than two special city elections shall be held in any one calendar year.

ELECTION NOTICES:

Section 2.6 Notice of the time and place of holding any City primary or general election and of the officers to be elected and the questions to be voted upon, shall, except as herein otherwise provided, be given by the Clerk as provided in the state election laws.

ELECTION HOURS:

Section 2.7 The polls of all elections shall be opened and closed at the time prescribed by the State Law, subject to the right of the Commission to adjust the hours to local time when permitted by statute.

ELECTIVE OFFICERS AND TERMS:

Section 2.8 At the election to be held on April 4, 1983, there shall be elected three (3) Commissioners for a term of one year and eight months of whose term will expire at the end of the regular meeting on the second Tuesday of January, 1985. At the election to be held on April 2, 1984, there shall be elected two (2) Commissioners for a term of one year and eight months and whose term will expire at the end of the regular meeting on the second Tuesday of January, 1986. At the regular election to be held in November, 1984, and every two (2) years thereafter, there shall be elected three (3) Commissioners for a two (2) year term. At the regular election to be held in November, 1985, and every two (2) years thereafter, there shall be elected two (2) Commissioners for a two (2) year term.

Each Commission term shall commence at the end of the regular meeting on the second Tuesday of January of the year following the regular election year of each Commission term. Said term shall expire at the end of the regular meeting on the

second Tuesday of January two years after the year in which said term commenced.

NOMINATING PETITIONS:

Section 2.9 Candidates for all elective officers shall be nominated by petitions. Nominating petitions, complying with the requirements of the Michigan Election Law, signed by not less than twenty (20) and not more than thirty (30) of the registered electors of the City shall be filed with the City Clerk not later than four o'clock P.M. on the ninth Tuesday prior to the date of the City primary election. However, if a local primary election is to be held on the same day as any State or County primary election, the last day for local candidates to file nominating petitions shall be the same as the last date to file petitions for state and county officers. Blank petitions shall be provided by the City Clerk and shall be furnished upon request. No person shall sign his name to a greater number of petitions for any City office than there are officers to be filled at the following regular City election. The Clerk shall also be in charge of canvassing the Petitions.

CANVASS OF PETITIONS:

Section 2.10 The City Clerk shall determine the legality of nominating petitions filed and the necessity of a primary election.

FORM OF BALLOT:

Section 2.11 The form, printing and numbering of ballots or the preparation of the voting machine in any city election shall conform as nearly as may be to that prescribed by the general laws of the state, except that no party designations or emblem shall appear upon any city ballot. The names of qualified nominees for each office shall be listed in a single column, and shall be rotated systematically on the ballots. In all other respects, the printing and numbering of ballots shall conform to the general laws of the state, relating to elections.

CANVASS OF VOTES:

Section 2.12 The County Board of Canvassers shall canvass the votes at all elections under this Charter, and shall determine the vote upon all questions and propositions and declare whether the same have been adopted or rejected and what persons have been elected at such election. The candidate or candidates (whether more than one are to be elected to the same office) who shall receive the greatest number of votes shall be declared elected.

TIE VOTE:

Section 2.13 If, at any City election, there shall be no choice between candidates by reason of two (2) or more persons having received an equal number of votes, then the Board of Canvassers shall name a date for the appearance of such persons for the purpose of determining the nomination or election of such candidates by lot as provided by state law.

RECOUNT:

Section 2.14 A recount of the votes cast at any City election for any office, or upon any proposition, may be had in accordance with the general election laws of the state.

QUALIFICATION OF ELECTIVE OFFICERS:

Section 2.15 No person shall hold any elective officer under this Charter unless he shall be at least eighteen (18) years of age, qualified elector, a resident to the City and not in default to the City. To hold office, the minimum requirements according to state statute must be met. The commission shall enforce the observance of the above qualifications and its decision shall be subject only to review by the courts.

OATH OF OFFICE REQUIRED:

Section 2.16 Every officer elected or appointed in the City before entering upon the duties of office shall take and subscribe an oath of office. In case of failure to do so, he shall be deemed to have declined the office.

CHAPTER 3**ORGANIZATION****COMMISSION-MANAGER GOVERNMENT:**

Section 3.1 The City shall have the Commission-Manager form of government.

THE COMMISSION:

Section 3.2 The Commission shall consist of five (5) members nominated and elected at large, and shall be vested with all legislative powers of the City except as otherwise provided by State law and this Charter.

ELECTION OF MAYOR AND MAYOR-PRO TEM:

Section 3.3 The City Commission, shall, at the first meeting of April, 1983, select one of its members to serve as Mayor and one of its members to serve as Mayor-Pro Tem, each to serve for a term of one year but not to exceed two consecutive terms. The City Commission shall, at the first meeting in April, 1984, select one of its members to serve as Mayor and one of its members to serve as Mayor-Pro Tem, each to serve for a term of eight months but not to exceed two consecutive terms. The City Commission shall, at the first meeting in January, 1985, select one of its members to serve as Mayor and one of its members to serve as Mayor-Pro Tem, each to serve for a term of one year but not to exceed two consecutive terms. The City Commission shall, at the first meeting in January, 1986, select one of its members to serve as Mayor and one of its members to serve as Mayor-Pro Tem, each to serve for a term of one year but not to exceed two consecutive terms. Each to serve for a term of one (1) year but not to exceed two (2) consecutive terms. In the event of a vacancy occurring in the office of Mayor, the Commission shall choose one of its members as Mayor at the next regular meeting to serve for the unexpired term. The Mayor-Pro Tem shall act in the absence or disability of the Mayor.

The term of Mayor and Mayor-Pro Tem shall commence upon the selecting of same as provided in this section. Said terms shall expire at the end of the regular meeting held on the second Tuesday of January in the year following the year in which said term commenced.

RECALL:

Section 3.4 Any elected official may be recalled from office by the electors of the City in the manner provided by statute. A vacancy created by such recall shall be filled in the manner prescribed by statute.

DECLARING VACANCIES IN ELECTIVE OFFICES:

Section 3.5 Any elective City office shall be declared vacant by the Commission before the expiration of the term of such office:

- (a) For any reason specified by statute or by this Charter as creating a vacancy in office; or
- (b) If no person is elected to or qualified for the office at the election at which such

office should be filled; or

(c) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this Charter; or

(d) In case any member of the Commission shall miss five (5) consecutive regular meetings of the Commission or twenty-five percent (25%) of such meetings in any fiscal year of the City, unless such absence shall be excused by the Commission and the reason therefor entered in its proceeding at the time of each absence.

BONDS REQUIRED:

Section 3.6 All officers receiving or disbursing City funds shall be bonded in addition to any other positions required by State law. The premiums thereon shall be payable by the City. All official bonds shall be filed with the Clerk, except that the bond of the Clerk shall be filed with the treasurer.

NOTICE OF ELECTION OR APPOINTMENT:

Section 3.7 Notice of the election or appointment of any officer of the City, and of the requirement of any official bond to be given by any officer, shall be given him personally by the City Clerk within two days after election or appointment. If within ten days from the date of notice, such officer shall not take, subscribed and file with the Clerk his oath of office, or shall not execute and file with the Clerk the required bond, such neglect shall be deemed a refusal to serve and the office shall thereupon be deemed vacant, unless the Commission shall extend and time in which such officer may qualify as above set forth.

COMPENSATION OF CITY COMMISSION:

Section 3.8 The Mayor and Commissioners shall receive as compensated \$10.00 a month for their attendance at City meetings. Attendance at the regular meetings is a prerequisite for the monthly compensation. Commissioners shall be paid an additional \$10.00 per month for attendance at meetings other than City meetings if same are actually attended on behalf of the City. Maximum annual compensation to be paid to any Commissioner is \$240.00.

RESIGNATION; TO WHOM MADE:

Section 3.9 Resignation of elected officers and officers appointed by the Mayor or

Commissioner shall be made to the Commission. All other officers shall present their resignations to the City Manager.

CHANGE OF RESIDENCE:

Section 3.10 If any officer required to be a resident of said City shall cease to be a resident thereof during his term of office, the office shall thereby be declared vacated.

VACANCY TO BE FILLED:

Section 3.11 Any vacancy occurring in the office of Commissioner or any other elective office shall be filled by appointment by the Commission and such appointee shall hold his office until the next annual city election thereafter, at which election the vacancy shall be filled for the unexpired term.

SURETIES RETAINED:

Section 3.12 The resignation or removal of any officer shall not, nor shall the election or appointment of another to the office exonerate such officer or his sureties from any liabilities incurred by him or them.

DELIVERY OF OFFICE:

Section 3.13 Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, he shall within five days, and sooner on demand, deliver to his successor in office or to his superior all the books, papers, money and effects in his custody as such officer or employee.

Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under statute. Any employee found guilty of violating this provision by a court of competent jurisdiction may be punished by a fine of not to exceed five hundred dollars (\$500) or imprisonment for not to exceed ninety days or both in the discretion of the court.

CHANGE IN TERM OF OFFICE OR COMPENSATION:

Section 3.14 Except by procedures provided in this Charter, the terms of Office of the elective Officers and of the members of Boards and Commissions appointed for a definite term shall not be shortened. The terms of elective Officers shall not be extended beyond the period for which any such Officer was elected except that an elective Officer shall, after his term has expired, continue to hold office until his successor is elected and his qualified. The Commission shall not grant or authorize

extra compensation to any officer or employee after service has been rendered, however this provision shall not prevent the Commission from a "buy out" or other modification of an employment contract with a City employee.

CHAPTER 4

POWERS AND DUTIES OF MAYOR

Section 4.1 The Mayor shall be a full voting member of the Commission and shall preside at its meetings and perform such other duties consistent with his office as may be imposed by the Commission. He shall be recognized as the official head of the City by the Courts for the purpose of serving civil process by the Governor for military purposes, for all ceremonial purposes, and for authenticating with his signature such instruments as the Commission, this Charter, or the State or Federal law shall require. At times of public danger or emergency, he may command the assistance of able-bodied citizens to aid in the enforcement of the ordinances of the Commission and exercise within the City the powers conferred upon sheriffs to suppress disordered and riots.

CHAPTER 5

COMMISSION-POWER, DUTIES

ALLOWING ACCOUNTS AND CLAIMS:

Section 5.1 The Commission shall audit and allow all accounts chargeable against the City; but no account or claim or contract shall be received for audit or allowance, unless it shall be accompanied with a certificate of an officer of the City.

POWERS TO CHANGE DUTIES:

Section 5.2 The Commission shall have power to supplement or change the duties of the Clerk and Treasurer, and to prescribe, change or alter the duties of such other officers, departments of government, or administrative boards as it may from time to time deem necessary for the public good.

JANUARY MEETING:

Section 5.3 The regular January meeting of the Commission shall be held on the second Tuesday of January. At said meeting, only items of old business shall be acted

on. No new business shall be acted on.

Immediately following adjournment of said regular meeting, the reorganizational meeting shall be convened at which time the oaths of office shall be administered to all officials commencing a term. Following the administration of said oaths of office, the Commission shall select a Mayor and Mayor-Pro Tem as provided herein. Upon selection, the Mayor shall preside over the meeting as provided herein. The Commission shall thereafter consider matters pending.

REGULAR MEETINGS:

Section 5.4 At the first meeting in January of each year, the Commission shall provide by resolution, for the time and place of its regular meetings and shall hold at least one (1) regular meeting each month.

SPECIAL MEETINGS:

Section 5.5 Special meetings shall be called by the Clerk on the written request of the Mayor, the City Manager or any two members of the Commission provided a public notice stating the date, time and place of the meeting shall be posted at least eighteen (18) hours before the meeting.

BUSINESS AT SPECIAL MEETINGS:

Section 5.6 No business shall be transacted at any special meeting of the Commission unless the same has been stated in the notice of such meeting. However, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the Commission present consent thereto and all the members absent filed their written consent.

MEETINGS TO BE PUBLIC:

Section 5.7 All regular and special meetings of the Commission shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Commission may prescribe except as may otherwise be provided by statute.

QUORUM: MAJORITY VOTE:

Section 5.8 Three members of the Commission shall constitute a quorum for the transaction of business at all meetings of the Commission, but, in the absence of a quorum, two members may adjourn any meeting to a later date. When a quorum is

present, the majority vote of those present shall determine an issue.

RIGHT TO COMPEL ATTENDANCE:

Section 5.9 The Commission may, by vote of not less than two of the members, compel the attendance of its members and other officers of the City at its regular and special meetings and enforce orderly conduct therein. Any member of the Commission or other officer of the City who refuses to attend such meetings or conduct himself in an orderly manner thereat shall be deemed guilty of misconduct in office. The Chief of Police shall serve as sergeant-at-arms of the Commission in the enforcement of the provisions of this section.

ORDER OF BUSINESS:

Section 5.10 The Commission shall determine its own rules and order of business, and shall keep a journal of its proceedings in the English language, which shall be signed by the Mayor and Clerk. Provided, however that the vote upon all ordinances and resolutions shall be taken by yes and no vote and entered upon the record, except that where the vote is unanimous it shall only be necessary to so state. No member shall vote on any questions in which he has a financial interest (other than the common public interest) or any questions concerning his own official conduct, but on all other questions each member who is present shall vote unless excused by the unanimous consent of the other members present. Provided, further, that any citizen or tax payer shall have access to the minutes and record of all meetings of the Commission at all reasonable times.

CONTINUANCE OF BY-LAWS, ORDINANCE, ETC.:

Section 5.11 All by-laws, ordinances, resolutions, rules and regulations of the City of Caspian which are not inconsistent with this Charter and which are in force and effect at the time of the adoption of this Charter shall continue in full force and effect until repealed or amended.

ORDINANCES AND RESOLUTIONS:

Section 5.12 All official action of the Commission shall be by ordinance or by resolution, motion or order. Action by resolution, motion or order shall be limited to matters required or permitted to be so done by this Charter or by State or Federal law or pertaining to the internal affairs or concerns of the City government. All other acts of the Commission, and all acts carrying a penalty for the violation thereof, shall be by ordinance. Each ordinance shall be identified by a serial number and a short title. Each

proposed ordinance shall be introduced in written or printed form. The style of all ordinances enacted by the Commission shall be "The City of Caspian ordains".

ENACTMENT, AMENDMENT, REPEAL AND EFFECTIVE DATE OF ORDINANCES:

Section 5.13 Subject to the exceptions which follow hereafter:

(a) Ordinances may be enacted, amended or repealed by the affirmative vote of not less than three (3) members of the Commission.

(b) The time when any ordinance shall take effect shall be prescribed therein, which time shall not be less than twenty (20) days from the date of its publication in a paper circulated within the city and by posting in two (2) public places within the city, except emergency ordinances, which may be given immediate effect. No ordinance shall be finally passed on the day it is introduced, except in cases of public emergency. An emergency ordinance shall be defined to be one necessary for the immediate preservation of the public peace, property, health, safety, or providing for the usual daily operation of a department and which contains a statement of its urgency.

(c) No ordinance shall be amended by reference to its title only, but the revised sections of the ordinance, as amended, shall be enacted and published as provided in Section 5.13 (b). However, an ordinance or section thereof may be repealed by reference to its title and ordinance.

PUBLICATION OF ORDINANCES:

Section 5.14 Each ordinance passed by the Commission shall be published at least once within fourteen (14) days after its adoption in a newspaper or local circulation in the City. All ordinances and revisions, alterations, or amendments of same shall be recorded by the Clerk in a book to be called "The Ordinance Book", and it shall be the duty of the Mayor and Clerk to authenticate such records by their official signatures thereon.

REQUIREMENTS FOR COMPETITIVE SEALED BIDS:

Section 5.15 The Commission shall be responsible for all transactions exceeding \$3,000.00. Sealed bids must be obtained for same if the items or service is available from more than one source. If same is not available from more than one source and therefore competitive bids are not taken, the Commission shall be advised of same and such advisement noted in the minutes. The Commission shall have the right to reject any and all bids. The Commission shall not be bound by the minimum bid and may

reject same in favor of a higher bid based on factors such as, but not exclusively, timeliness of delivery, quality of workmanship and the like. The Manager shall be responsible for all purchase transactions of \$3,000.00 or less so long as the transaction does not cause a line item budget overrun. The Commission must give prior approval to all proposed expenditures which exceed \$3,000.00 and/or will cause a line item budget overrun. However, competitive bids are not required for City attorneys and City auditors.

CONTRACT - HOW LET:

Section 5.16 No contract in excess of the amount requiring competitive bidding in 5.15 hereof, for any City transactions shall be let, until sufficient funds have been appropriated or established and sealed bids for the construction of improvements, doing of such work, or furnishing of such materials or labor have been received by the Commission as specified in 5.15. The Commission may require a bid bond to accompany bids in such amount as the Commission may prescribe.

Any contract or agreement in an amount of \$5,000.00 or more made with form or terms other than the standard City purchase order form shall before execution be submitted to an Attorney, and his opinion obtained with respect to its form and legality. A copy of all contracts or agreements requiring such opinion shall be filed in the office of the Clerk together with a copy of the opinion.

No contract shall be amended after the same has been made except upon the authority of the Commission.

No compensation shall be paid in any contractor except in accordance with the terms of the contract.

No contract shall be made with any person, firm or corporation who is in default of the City.

OFFICIAL INTEREST IN CONTRACTS:

Section 5.17 All City officers or employees shall be governed as to conflicts of interest in the same manner as provided by state law.

EMPLOYMENT CONTRACTS:

Section 5.18 The provisions of 5.15, 5.16 and 5.17 shall not apply to contracts for regular employment or for City attorneys, auditors or engineers.

APPOINTMENT OF ADMINISTRATIVE OFFICERS:

Section 5.19 The Commission shall have sole authority for appointment and termination of administrative officers and for the employment and termination of attorneys and auditors and engineers.

PERSONAL PROPERTY:

Section 5.20 The City Manager shall have the power and authority to lease or sell any of the excess personal property of the City with a fair market value of less than \$3,000.00. For the sale or lease of such property with value less than \$500.00 the Manager must post the offer to sell or lease and request bids for two (2) weeks at the City Hall and another public place within the City.

If the property has a fair market value of \$500.00 but less than \$3,000.00, the offer to sell or lease and request for bids must be published at least twice in the local newspaper.

If the property is valued at \$3,000.00 or more, its sale or lease shall be made only with the approval of the Commission after two (2) newspaper publications of the offer to sell or lease and request for bids.

All sales or leases shall be to the highest bidder. If no bids are received the sale or lease price may be negotiated by the Manager.

CHAPTER 6

ADMINISTRATIVE SERVICES

ADMINISTRATIVE OFFICERS:

Section 6.1 The Manager, Clerk, Treasurer, Assessor, Chief-Of-Police, Chief of the Fire Department, Members of City Boards and others which the Commission may designate as administrative officers from time to time, by specific reference to this Chapter and Section, shall be considered administrative officers and the only administrative officer of the City. All agents and other persons in the employ of the City, except elected officials, are deemed to be employees of the City, except independent contractors.

Unless the Commission, by its appointment specifically designated to the

contrary, the Manager shall be the Clerk.

FUNCTIONS OF CITY MANAGER:

Section 6.2 The City Manager shall be the Chief Administrative Officer of the City. He shall be appointment by the Commission on the basis of his education, executive and administrative qualifications and experience.

No member of the Commission shall be eligible for appointment as a Manager until six (6) Months subsequent to the termination of his service on the Commission.

Section 6.3 The City Manager shall function as the purchasing agent for the City, and shall make all purchases of supplies for the City, subject to such limitations as the Commission may prescribe.

FURTHER FUNCTIONS OF THE CITY MANAGER:

Section 6.4 The City Manager shall have the following further functions:

- (a) To see that all laws and ordinances are enforced.
- (b) Except as provided herein as within the authority of the Commission, the Manager shall have sole authority and responsibility for employment and discharge from employment of all persons including independent contractors.
- (c) To see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed.
- (d) To attend all meetings of the Commission with the right to take part in discussions, but without the right to vote.
- (e) To be a member, ex officio, of all committees of the Commission.
- (f) To manage and supervise all public improvements works and undertakings of the City.
- (g) To prepare and administer the annual budget under policies formulated by the Commission and keep the Commission fully advised at all times as to the financial conditions and needs of the City.
- (h) To recommend to the Commission for adoption such measures as he may deem necessary or expedient.

- (i) To be responsible to the Commission for the efficient administration of all departments of the City government
- (j) To assume all the duties and responsibilities as personnel director of all City employees or delegate such duties to some other officer or employees of the City. No such delegation shall relieve him of any responsibility for the proper conduct of such duties.
- (k) To exercise and perform all administrative functions of the city that are not imposed by this Charter or any city ordinance upon some other official.
- (l) To perform such other duties as may be prescribed by this Charter or as may be required of him by ordinance or by direction of the Commission.
- (m) The Manager shall obtain sealed bids for all transactions requiring same as provided in Chapter 5, Section 14.

CITY CLERK:

Section 6.5 (a) The Clerk shall be Clerk of the Commission. He shall attend the meetings of the Commission and shall keep a permanent journal in the English language of its proceedings. He shall keep a record of all ordinances, resolutions and regulations of the Commission.

(b) He shall be custodian of the City seal, and shall affix it to all documents and instruments requiring the seal and shall attest the same. He shall also be custodian of all papers, documents, and records pertaining to the City of Caspian, the custody of which is not otherwise provided for. He shall give to the proper department officials, ample notice of the expiration or termination of any franchises, contracts or agreements.

(c) He shall provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose, by the provisions of this Charter, or as prescribed by state law and shall accept any petitions which substantially comply with the petition forms required by state law.

(d) He shall certify by his signature all ordinances and resolutions enacted or passed by the Commission and perform any other duties required of him by state law, this Charter or by the Commission.

(e) He shall have power to administer oaths of office.

(f) He shall perform such other duties as may be prescribed for him by this Charter or by the Commission.

(g) The Clerk shall keep books of account of the receipts and expenditures of the City. The system of accounts of the City shall conform to such uniform systems as may be required by law. All the books of account of the City shall be balanced at the end of each calendar month, and a report made thereon to the Commission.

CITY TREASURER:

Section 6.7 (a) The Treasurer shall have the custody of all moneys of the City, the Clerk's bond, and all evidences of value belonging to the City or held in trust by the City.

(b) He shall receive all moneys belonging to and receivable by the City, that may be collected by any officials or employees of the City, including license fees, taxes, assessments, utility charges and all other charges belonging to and payable to the City, and shall in all cases give a receipt therefor.

(c) He shall keep and deposit all moneys or funds in such manner and only in such places as the Commission may determine and shall report the same in detail to the Clerk.

(d) He shall have such powers, duties and prerogatives in regard to the collection and custody of state, county and school district and City taxes and moneys as are conferred by law to enforce the collection of state, county and school district and City taxes upon real and personal property.

(e) He shall perform such other duties as may be prescribed for him by state or federal law, this Charter, or by the City Manager or City Commission.

CITY ASSESSOR:

Section 6.8 The City Assessor shall possess all the powers vested in, and shall be charged with all the duties imposed upon, assessing officers by the general laws of the state. He shall make and prepare all regular and special assessment rolls in the manner prescribed by this Charter and the general laws of the state. He shall perform such other duties as may be prescribed for him in this Charter or by the Commission.

POLICE DEPARTMENT:

Section 6.9 (a) The Commission shall provide for and establish a Police force.

(b) The Chief of Police shall be subject to the direction of the City Manager and shall keep a permanent record to be furnished by the City, of all arrests and the cause thereof, and shall enter therein, within twenty-four (24) hours after any person shall be arrested, the name of the person so arrested, and if discharged without being taken before a court, the reason for such discharge, and if tried, the result of such trial and punishment inflicted and amount of fines and costs, if any paid, and name of the judicial officer before whom such person was tried, which record shall be the property of the City. He shall report in writing and on oath to the Commission at their first meeting in each month, all arrests made by him. All moneys collected or received by the Chief, unless otherwise directed by this Charter, shall be paid into the City treasury.

FIRE DEPARTMENT:

Section 6.10 The Commission shall have power to provide for the equipment, maintenance, and the training of a Fire Department, and to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and the persons of the citizens against damage and accidents resulting therefrom; and to establish rules and regulations for the firemen and officers of the department, and for the care and management of the engines, apparatus, property and buildings pertaining to the Department.

FIRE CHIEF:

Section 6.11 The Chief of the Fire Department shall be subject to the direction of the City Manager, and shall have the supervision and the direction of the department, the care and management of fire engines, apparatus and property. Excluding the regular employees in the Fire Department, the Fire Department shall consist of a Volunteer Fire Department to number not less than twenty (20) members and not to exceed twenty-five (25) members. The Commission shall have the power to order the Volunteer Fire Department to increase its membership to more than 25 if it so deems necessary for the welfare of the public.

The Volunteer Fire Department shall make its own rules and regulations for its internal government, and shall choose one of its own members as Chief, subject to the approval of the City Commission.

CITY ATTORNEYS, AUDITORS AND ENGINEERS:

Section 6.12 The City attorneys, auditors and engineers shall serve as independent

contractors for the City and not as Officers or employees. The City attorneys, auditors and engineers shall function on behalf of the City at the direction of the Commission.

ADDITION OF OFFICES AND DEPARTMENTS:

Section 6.13 The Commission may create additional administrative offices and departments in any manner it deems necessary for the proper operation of the government and may prescribe the duties thereof.

COMPENSATION OF EMPLOYEES AND OFFICERS:

Section 6.14 The Compensation for the City Manager, City attorneys, auditors, engineers, and independent contractors shall be set from time to time by the Commission. The Manager shall set from time to time, the compensation of all other Officers and employees. All compensation shall be set within the limits of budget appropriations.

TERMINATION OF OFFICERS:

Section 6.15 Appointed City officers may be removed by a majority vote of the members of the Commission, except no appointed officer who has been in the service of the City for one (1) or more years prior to a regular City election shall be removed within the ninety (90) days subsequent to such election unless by a four-fifths vote of the members of the Commission. At least thirty (30) days before removal of an appointed officer the Commission shall adopt a resolution stating its intention to remove him and the reasons therefore, a copy of which shall be served forthwith on this appointed officer. Upon passage of a resolution stating the Commission's intention to remove the appointed officer, the appointed officer may, within ten (10) days demand a public hearing before the Commission and the removal shall not be effective until after the hearing is held. The Commission may suspend him from duty, but his pay shall continue until his removal. The action of the Commission in removing the officer shall be continued until his removal.

CHAPTER 7

BUDGET PROCEDURE

CITY MANAGER TO PRESENT BUDGET:

Section 7.1 At the first regular Commission meeting in May, or prior thereto, the City

Manager shall prepare and submit to the Commission a budget document covering the next fiscal year, which shall include, but not exclusively, at least the following information:

- (a) Expenditure date for the most recently completed fiscal year and estimated expenditures for the current fiscal year.
- (b) An estimate of the expenditure amounts required to conduct, in the ensuring fiscal year, the government of the city, including its budgetary centers.
- (c) Revenue date for the most recently completed fiscal year and estimated revenues for the current fiscal year.
- (d) An estimate of the revenues, by source of revenue, to be raised or received by the City in the ensuring fiscal year.
- (e) The amount of surplus or deficit that has accumulated from prior fiscal years, together with an estimate of the amount of surplus or deficit expected in the current fiscal year. The inclusion of the amount of an authorized debt obligation to fund a deficit shall be sufficient to satisfy the requirement of funding the amount of a deficit estimated under this subsection.
- (f) An estimate of the amounts needed for deficiency, contingent, or emergency purposes, and the amounts needed to pay and to discharge the principal and interest of debt of the City due in the ensuing fiscal year.
- (g) The amount of proposed capital outlay expenditures, except those financed by enterprise, public improvement or building and site, or special assessment funds, including the estimated total cost and proposed method of financing of each capital construction project and the projected additional annual operating cost and the method of financing the operating costs of each capital construction project for three (3) years beyond the fiscal year covered by the budget.
- (h) An informational summary of projected revenues and expenditures of any special assessment funds, public improvement or building and site funds, intragovernmental service funds, or enterprise funds, including the estimated total cost and proposed method of financing each capital construction project, and the projected additional annual operating cost and the method of financing the operating costs of each capital construction project for three (3) years beyond the fiscal year covered by the budget.
- (i) Other data relating to fiscal conditions that the City Manager considers to be useful in

considering the financial needs of the City.

(j) Any additional information that may be required by state law.

BUDGET HEARING:

Section 7.2 A public hearing on the proposed budget shall be held before its final adoption at such time and place as the Commission shall direct. Notice of such public hearing, a summary of the proposed budget and notice that the proposed budget is on file in the office of the Clerk, shall be published at least one (1) week in advance of the hearing. The complete proposed budget shall be on file for public inspection during office hours at the office of the Clerk for a period of not less than one (1) week prior to such public hearing.

ADOPTION OF BUDGET:

Section 7.3 Not later than the third Monday in May, the Commission shall, by resolution, adopt a budget for the next fiscal year and shall appropriate the money needed for municipal purposes during the next fiscal year of the City, and shall provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes subject to the limitation contained in Section 8.3 of this Charter.

ADDITIONAL CONTENTS OF ANNUAL APPROPRIATION BILL:

Section 7.4 The Annual Appropriation Bill shall also contain, under the heading, "Special Assessments" the amount of all special assessments finally returned by the Treasurer as "unpaid"; and which are to be reassessed in the next general tax roll of the City.

BUDGET CONTROL:

Section 7.5 Except for purposes which are to be financed by a method not requiring a budget appropriation, no money shall be drawn from the treasury of the City without an appropriation thereof, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments which will be due under such obligation in the current fiscal year. The Commission may transfer any unencumbered appropriation balance or any portion thereof, from one department, fund or agency to

another. In the case of emergency arising from fire, flood or other calamity, the Commission may make additional appropriations to cover unanticipated expenditures required of the City because of such emergency. The balance in any appropriation which has not been encumbered at the end of the fiscal year shall revert to the general fund.

At the beginning of each quarterly period during the fiscal year, and more often, if required by the Commission, the officer responsible for the maintenance of the City accounting system shall review estimated and actual revenues and expenditures to date; and if it shall appear that the revenues are less than anticipated, the Commission may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the revenues.

CLERK TO CERTIFY TAX LEVY:

Section 7.6 Within three (3) days after the Commission has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Commission determines shall be raised by general tax. He shall also certify all amounts of current or delinquent special assessments and all other amounts which the Commission requires to be assessed, reassessed or charged upon any property or against any person.

CHAPTER 8

TAXATION

FISCAL YEAR:

Section 8.1 The fiscal year of the City shall end with the last day in June of each year.

RIGHT TO ASSESS AND LEVY TAXES, ETC.:

Section 8.2 In order to carry out the purposes, powers and duties of the City Government established by this Charter, the City may assess, levy and collect taxes, rents, tolls and excises. The subjects of taxation for municipal purposes will be the same as for state, county and school purposes under the general law.

TAX LIMIT:

Section 8.3 Exclusive of any levies authorized by statute to be made beyond Charter

tax rate limitations, such annual levy shall not exceed two percent (2%) of the assessed value of all real and personal property subject to taxation in the City.

ASSESSMENT OF TAXES:

Section 8.4 After the last day for the meeting of the Board of Review, the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll", and upon receipt of the information as to the several amounts to be raised for City taxes, special assessments and other purposes, the Assessor shall proceed forthwith to spread upon said tax roll the several amounts of the general City tax according to, and in proportion to, the several valuation set forth in said assessment roll and also any other amounts determined by the Council to be charged, assessed or reassessed against persons of property.

The Assessor shall assess the taxes for state, county and school purposes apportioned to the City upon a roll to be known as "State, County and School Tax Roll", and the City shall be considered the same as a township for the purposes of assessing and collecting such taxes, and all provisions of statute relative to the collection of and accounting therefor shall apply.

The Assessor shall also upon the State, County and School Tax Roll reassess in a separate column all City taxes and special assessments not paid on the first day of October next following the levy of such City taxes and special assessments, together with interest thereon at four percent (4%) placing said interest in a separate column headed "Penalty", and said penalty shall thereafter be treated in all respects as an item of taxes; and if such taxes and penalties remain unpaid to the Treasurer, the same shall be returned certified by the Mayor.

For the purpose of collecting said state, county and school taxes, the Treasurer shall perform the same duties and have the same powers as Township Treasurers under statute.

TAX ROLL CERTIFIED FOR COLLECTION:

Section 8.5 Within three (3) days after the Commission has adopted the budget for the ensuing year, The Clerk shall certify to the Assessor the total amount which the Commission determines shall be raised by general ad valorem tax. He shall also certify all amounts which the Commission requires to be assessed, reassessed or charged upon any property or against any person.

TAX LIEN:

Section 8.6 On July 1, the amounts assessed on any interest in real property shall become a lien upon such real property for such amounts and of all interest and charges thereon and all personal taxes shall become a first lien on all personal property of such persons so assessed. Such lien shall take precedence over all other claims, encumbrances and liens to the extent provided by statute and shall continue until such taxes, interest and charges are paid.

TAX DUE; NOTIFICATION THEREOF:

Section 8.7 City taxes shall be due on the first day of July. The Treasurer shall not be required to call upon the persons named in the City tax roll, nor to make personal demand for the payment of taxes, but he shall publish, between June 15 and July 11, notice of the time when said taxes will be due for collection and the penalties for late payment of same.

Failure on the part of the Treasurer to give said notice shall not invalidate the taxes on said tax roll nor release the person or property assessed from the penalty provided in this chapter in case of non-payment of same.

COLLECTION FEES:

Section 8.8 All taxes paid on or before September 1 of each year may be collected by the Treasurer without collection fee. On September 1, the Treasurer shall add to all taxes paid thereafter, a collection fee of six percent (6%) of the amount of said taxes. Such collection fee shall belong to the City and constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectable in the same manner as the taxes to which they are added.

FAILURE OR REFUSAL TO PAY:

Section 8.9 If any person, firm or corporation shall neglect or refuse to pay any tax assessed to him, the Treasurer shall collect the same by seizing the personal property of such person, firm or corporation, to an amount sufficient to pay such tax, fees and charges for subsequent sale, wherever the same may be found in the state, and from which seizure, no property shall be exempt. He may sell the property seized to an amount sufficient to pay the taxes and all charges in accordance with statutory provisions. The Treasurer may, if otherwise unable to collect a tax on personal property, sue the person, firm or corporation to whom it is assessed in accordance with statute.

RETURN OF TAX ROLL TO COUNTY TREASURER:

Section 8.10 On the first day of March, following the due date thereof, the Treasurer shall return all unpaid taxes and assessments on real property to the Treasurer of Iron County in the manner as prescribed by state law. The taxes and assessments thus returned shall be collected in the same manner as other taxes returned to such Treasurer are collected under the provisions of the general tax laws of the state, as the same now or hereafter may exist, and the same rate of interest and the same amount of charges shall be collected thereon, and all taxes and assessments upon lands so returned upon lands as delinquent, shall be and remain a lien thereon until paid.

APPLICATION OF STATE LAWS TO TAX COLLECTIONS:

Section 8.11 For the purpose of assessing taxes in the City for state, county and school purposes, the City shall be considered the same as a Township, and all provisions of state law relative to the collection of such taxes and the fees to be paid therefore, the accounting therefore to the appropriate taxing units, and the returning of property to the County Treasurer for non-payment thereof shall apply to the performance thereof by the Treasurer, who shall perform the same duties and have the same powers as Township Treasurers under state law.

LIMITATION ON SPECIAL TAX VOTED:

Section 8.12 Should any amount of money be required in any fiscal year for any public City purpose greater than the amount provided by the Annual Appropriation Bill and the Commission deems it advisable to raise the same by tax rather than by the issue of bonds, such amount of money may be raised by tax if authorized by the affirmative vote of the majority of the qualified electors of the City voting thereon at an annual or special City election; provided that such tax, together with the general taxes provided in the Annual Appropriation Bill and all other taxes voted during the same fiscal year under the provisions of this section, shall not exceed the statutory limitations as they do not or shall hereafter exist.

ELECTION TO VOTE SPECIAL TAX:

Section 8.13 The provisions of the Charter insofar as the same are applicable, shall

control the calling and the holding of an election to vote upon such special tax.

ASSESSOR TO SPREAD SPECIAL TAX:

Section 8.14 At its first regular meeting following the canvass of the results of such election, the Commission shall order the Assessor to spread the special tax in full upon a special tax roll in the same manner in which he spreads the annual City taxes upon the annual City tax roll; and shall direct the Treasurer in a like manner to collect such special tax within twenty (20) days of the due date of such special tax, which due date shall correspond to the first day of which Treasurer is authorized to collect such special tax.

TREASURER'S POWERS AND DUTIES; SPECIAL TAX COLLECTION:

Section 8.15 The treasurer shall possess the same powers and perform the same duties in the collection of a tax specially voted as he does in the collection of the annual City tax.

CHAPTER 9

SPECIAL ASSESSMENTS

GENERAL POWER RELATIVE TO SPECIAL ASSESSMENTS:

Section 9.1 The Commission shall have the power to determine that the whole or any part of the expense of any public improvement be defrayed by special assessment upon the property specially benefitted upon petition in the discretion of the Commission provided that all special assessments levied shall be based upon or be in proportion to the benefits derived or to be derived. Such resolution or ordinance shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessments, and what part, if any, shall be a general obligation of the City, and the number of installments in which assessments may be paid, and shall designated the districts or land and premises upon which special assessments shall be levied.

PETITIONS - CONTENTS:

Section 9.2 At its first regular meeting thereafter, the Manager shall present to the Commission such petition, and the Commission shall proceed to investigate the sufficiency thereof, and if sufficient and in compliance with this Charter, the Commission shall so determine by resolution, whereupon the right action may be taken

as it provided by Section 9.1.

SUFICIENCY OF PETITION:

Section 9.3 At its first regular meeting thereafter, the Manager shall present to the Commission such petition, and the Commission shall proceed to investigate the sufficiency thereof, and if sufficient and in compliance with this Chapter, the Commission shall so determine by resolution, whereupon the right action may be taken as is provided by Section 9.1.

ESTIMATES TO BE MADE:

Section 9.4 Before ordering any improvements or repairs, any part of the expense of which is to be defrayed by special assessment, the Commission shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable of the locality to be improved, and deposit the same with the Manager for public examination and shall give notice thereof by posting written notices in six (6) conspicuous places in the City at least two (2) weeks prior to the time the Commission shall meet to consider objections thereto, or by publication of said notice at least one time two (2) weeks prior to such meeting in a newspaper published or circulated in the City. The cost and expense of any improvement which may be defrayed by special assessment shall include the cost of surveys, plans, assessment and construction. No such improvement or work shall be ordered unless by concurrent vote of four (4) members of the Commission. Special assessments shall be levied for the estimated cost of such improvement before the making of such improvement.

DIRECTION TO ASSESSOR:

Section 9.5 When any special assessment has been ordered, the Commission shall be resolution direct the same to the Assessor and shall state therein the amount to be assessed, and whether according to frontage or benefits, and describe or designate the lots of premises or locality constituting the district to be assessed.

PREPARATION OF ASSESSMENT ROLL:

Section 9.6 Upon receiving such order or directions, the Assessor shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed with the names of the person, if know, chargeable with the assessments thereon, and shall levy thereon and against such property the amount to

be assessed in the manner directed by the Commission and the provisions of this Charter applicable to the Assessment.

ASSESSMENT BY FRONTAGE OR BENEFIT:

Section 9.7 Such assessment may be either according to frontage or benefits: If the assessment is required to be according to frontage, the Assessor shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, provided, if by reason of the shape or size of any lot or parcel, such assessment may be inequitable, the relative frontage may be charged to meet such conditions. If the assessment is directed to be according to benefits, the Assessor shall assess upon each lot or parcel of land or premises such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from such improvement. When the Assessor shall have completed the assessment, he shall report the same to the Commission, such report being in the form of a certificate dated and signed by him and endorsed on the assessment roll.

ADOPTION OF ASSESSMENT - NOTICES:

Section 9.8 When any special assessment shall be reported by the Assessor to the Commission, as herein before directed, the same shall be filed in the office of the City Manager. Before adopting such assessment, the Commission shall cause notice to be given at least ten (10) days prior to the time when the Commission shall meet, by causing said notice to be published in some newspaper circulated in the City, which notice shall also appoint the time and place when and where the Commission and Assessor shall meet to review said special assessment. Any person objecting to the assessment may file his objections thereto in writing with the Manager. The notice provided for in this section may also be sent by first class mail to all property owners in the proposed district as shown upon either the special assessment roll or current assessment roll or the City and to all other persons interested therein.

SPECIAL ASSESSMENT POWERS:

Section 9.9 The Commission shall, in the exercise of its powers of special assessment, have power to provide for the following, but this list shall not be exclusive:

(a) For the payment of special assessments in annual installments not to exceed fifteen (15) in number, the first such installment to be due either upon confirmation of the special assessment roll or on the following July 1 of succeeding years and to be placed

upon the annual City tax roll, and for an interest charge until the due date of each such deferred installment not to exceed prevailing rate per year, subject to the right of advance payment of any such installment with interest only to the date of payment;

(b) For making additional pro rata assessments when any special assessment roll proves insufficient to pay for the improvement for which it was levied and the expenses incident thereto, provided that the additional pro rata assessment shall not exceed twenty-five percent (25%) of the assessment as originally confirmed unless a meeting of the Commission be held to review such additional assessment, for which meeting notices shall be given as provided in the case of review of the original special assessment roll.

(c) To Construct, establish and extend facilities for the storage and parking of vehicles within its incorporate limits as a public improvement.

(d) To install a boulevard lighting system on any street and finance the same in whole or in part by special assessment upon land abutting thereon.

(e) To install and connect sewers and waterworks on and to property within the City.

ASSESSMENT FOR SIDEWALKS OR ABATEMENT OF HAZARDS OR NUISANCES:

Section 9.10 The assessment for the cost of the construction or maintenance of any sidewalk or the abatement of any hazard or nuisance, shall be made by resolution of the Commission. Notice of the time at which the Commission will act thereon shall be given by first class mail to the owners of the property to be assessed as shown by the current tax roll of the City. For the purposes of collection of such assessment, the adoption of such resolution shall be equivalent to the confirmation of a special assessment and shall become a debt due to the City upon adoption of such resolution, by payable and subject to the collection fees and shall become a lien, all as provided in Section 9.12. Every such assessment shall also be subject to Section 9.11 and 9.13.

CORRECTION OF INVALID SPECIAL ASSESSMENT:

Section 9.11 Whenever any special assessment shall, in the opinion of the Commission, be invalid by reason of irregularity or informality in the proceedings, or if any Court of competent jurisdiction shall adjudge such assessment to be illegal, the Commission shall, whether the improvement has been made or not, have power to cause a new assessment to be made for the same purpose for which the former

assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum of part thereof levied upon any property in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment, or if the payments exceed the amount of the reassessment refunds shall be made.

No judgment or decree nor any act of the Commission vacating a special assessment shall destroy or impair the lien of the City upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or as by regular mode of proceeding might have been lawfully assessed thereupon.

COLLECTION OF SPECIAL ASSESSMENTS:

Section 9.12 Upon the confirmation of each special assessment roll, the special assessments shall become a debt to the City from the persons to whom they are assessed and shall, until paid, be a lien upon the property assessed for the amount of such assessment and all interest and charges thereon. Such lien shall be of the same character and effect as created by this Charter for City taxes. Such assessments shall become due upon confirmation of the special assessment roll except as may be provided by the Commission pursuant to 9.9(a).

Each special assessment, or each installment of such assessment when installment payments are provided for, shall be collected by the Treasurer without collection fee for a period ending on the last day of the second month following the due date of such assessment or installment. On the first day of the third month following each such due date, the Treasurer shall add to all assessments or installments paid thereafter a collection fee of three percent (3%) of the amount of the assessment. All collection fees shall belong to the City and be collected in the same manner as the collection fee on City taxes.

Special assessments, or installments thereof, which become due on July 1 of any year, shall be collected in all respects as are City taxes due on such date and if uncollected on the following first day of March, shall be returned to the County Treasurer with unpaid taxes as provided in Section 8.11.

Special assessments which become due other than on July 1 shall, if unpaid for ninety (90) days or more on May 1 of any year be certified as delinquent to the Commission by the Treasurer and the Commission shall place such delinquent assessments on the tax roll for that year together with accrued collection fees to July 1

of such year. The total amount of such assessment and fees shall thereafter be collected in all respects as are City taxes due on July 1 of that year, and such total amount shall be subject to the same fees and penalties as are City taxes due on that date, and if uncollected on the following first day of March, shall be returned to the County Treasurer with unpaid taxes as provided in Section 8.11

SPECIAL ASSESSMENT ACCOUNTS:

Section 9.13 Except as otherwise provided in this Charter, moneys raised by special assessment for any public improvement shall be segregated in a special fund or account and may be used only to pay for the costs of the improvement for which the assessment was levied and expenses incidental thereto or to repay any money borrowed therefore.

CONTESTED ASSESSMENTS:

Section 9.14 No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoying the collection of any special assessment (a) unless within thirty (30) days after the confirmation of the special assessment roll, written notice is given to the Commission of intention to file such suit or action stating the grounds on which it is claimed such assessment is illegal, and (b) unless such suit or action shall be commenced within sixty (60) days after confirmation of the roll.

DISPOSITION OF EXCESSIVE SPECIAL ASSESSMENT:

Section 9.15 The excess by which any special assessment proves larger than the actual cost of the improvement and expenses incidental thereto, may be placed in the general fund of the City if such excess is five percent (5%) or less of the assessment, but should the assessment prove larger than necessary by more than five percent (5%), the entire excess shall be refunded on a pro rata basis to the owners of the property assessed. Such refund shall be made by credit against future unpaid installments to the extent such installment refunds may be made which contravene the provisions of any outstanding evidence of indebtedness secured in whole or part by such special assessment.

NO LAND EXEMPT:

Section 9.16 No lands in the City of Caspian, regardless of use which may be made thereof, shall be exempt from special assessments as in this chapter provided.

CHAPTER 10

BOARD OF REVIEW

BOARD OF REVIEW: DUTIES, ETC.:

Section 10.1 The Board of Review, the duties of which Board shall be to review the annual assessment roll of the City and to hear the objections of all persons deeming themselves aggrieved by the assessment in such rolls made against them. The Board of Review shall be composed of three (3) freeholders of the City who meet the eligibility requirements for elective office of the City and who, during that term of office, shall not be City officers or employees or be nominees or candidates for elective City office. The members shall be appointed by the City Commission and the City Treasurer shall be the Clerk of the Board but a non-voting member. The members of the Board of Review shall appoint its own chairman.

MEETINGS OF BOARD OF REVIEW:

Section 10.2 The Board of Review shall convene on the Tuesday next following the first Monday in March to review and correct the assessment roll as provided by statute, and shall remain in session for not less than one (1) day. Whenever the Board of Review makes a change in the assessment of property or adds property to the assessment roll, the person chargeable with such assessment shall be promptly notified by first class mail in a manner as will assure him opportunity to attend the second meeting of the Board of Review which shall be on the second Monday in March at 9:00 A.M. and shall continue in session until all interested persons have had an opportunity to be heard. Notice of the date, time and place of the meetings of the Board of Review shall be given at least two (2) weeks prior to such meetings by publication in a newspaper of general circulation.

DUTIES AND FUNCTIONS OF BOARD OF REVIEW:

Section 10.3 For the purpose of revising and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are by the general tax laws conferred upon and required of boards of review in townships, except as otherwise provided in this Charter. It shall hear the complaints of all persons considering themselves aggrieved by assessments, and if it shall appear that any person or property has been wrongfully assessed or appear that any person or property has been omitted from the roll, the Board shall correct the roll in such manner as it

deems just. In all cases the roll shall be reviewed according to the facts existing on the tax day and no change of the status of any property after said day shall be considered by the Board in making its decisions. Except as otherwise provided by statute, no person other than the Board of Review shall make or authorize any change upon, or additions or corrections to, the assessment roll. It shall be the duty of the Assessor to keep a permanent record of all proceedings and to enter therein all resolutions and decisions of the Board.

ENDORSEMENT OF ROLL:

Section 10.4 After the Board of Review has completed its review of the assessment roll and not later than the first Monday in April, the majority of its members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the City for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll.

ASSESSMENT ROLL CONCLUSIVELY VALID:

Section 10.5 Such assessment roll so made shall be conclusively presumed by all courts and tribunals to be valid and shall not be set aside except for causes mentions in the general laws of the state relating to the assessment of property and levying and collection of taxes thereon. The omission of the endorsement required by the preceding section shall not affect the validity of such roll.

CHAPTER 11

DEPOSITORIES, AUDIT

DESIGNATION OF DEPOSITORIES:

Section 11.1 The Commission shall designate a depository or depositories for City funds, and shall provide for the regular deposit of all City moneys. The Commission shall provide for such security for City deposits as is authorized or permitted by the general laws of the state, except that personal surety bonds shall not be deemed proper security.

AUDIT:

Section 11.2 An independent audit, by a Certified Public Accountant shall be made of all financial records, accounts and procedures of the City government deemed as necessary by the Commission but not less frequently than required by state law.

The City Manager shall prepare an annual report of the City business and same shall be made available to the public by the City Manager in such form as will disclose pertinent facts concerning the activities and finances of the City government.

CHAPTER 12

SALE OR LEASE OF REAL PROPERTY

POWER:

Section 12.1 The Commission shall have full power and authority to lease or sell any of the real property of the City, except those properties, the sale of which state law requires approval by a majority vote of the electors of the City. However, such lease or sale shall require advertisement for competitive sealed bids for same. The City, if it deems to do so, shall lease or sell to the highest bidder. Should the City so advertise and receive no bids, the Commission may negotiate such lease or sale.

CHAPTER 13

UTILITIES, IMPROVEMENTS, BORROWING POWERS

POWERS RESERVED BY CITY:

Section 13.1 The City shall possess and hereby reserves to itself all the powers granted the cities by the Constitution and general laws of the State of Michigan, to

acquire, construct, own, operate, improve, enlarge, extend, repair and maintain either within or without its corporate limits, including, but not by the way of limitation, public utilities for supplying water, light, heat, power, gas, sewage treatment and garbage disposal facilities and projects for the housing of its citizens, or any of them to the municipality and the inhabitants thereof; and also to sell and deliver water, light, heat, power, gas, and other public utility services without its corporate limits to any amount not to exceed limitations set by state law and the Constitution. The City may also acquire, own, improve, maintain, construct and operate parks, boulevards, cemeteries, hospitals, alms-houses, trunk sewers and plants necessary for the disposal of sewage and garbage and all other works which involve the public health and safety, and also any land necessary for such improvements, or for use in connection with any other public purpose.

POWER TO ACQUIRE PUBLIC UTILITIES:

Section 13.2 The City shall have no power to acquire any public utilities unless the proposition to acquire such utility shall have first received an affirmative vote of three-fifths of the electors of the City voting thereon at any regular, special or municipal election; provided, however, that only those works, improvements and utilities designed for use for the supplying of water, heat, light and power transportation to the municipality and the inhabitants thereof, shall be deemed public utilities falling within the restriction of this section.

The question of raising the money required for such purpose by borrowing and issuing the bonds of the City, may be submitted at the same time either as an independent question or as part of the same questions.

MANAGEMENT OF MUNICIPALLY OWNED OR OPERATED UTILITIES:

Section 13.3 Each municipally owned or operated utility shall be administered as a regular department of the City government under the management and supervision of the City Manager.

POWER TO FIX UTILITY RATES, ETC.:

Section 13.4 The Commission shall have the power to fix, from time to time, such just and equitable rates as may be deemed advisable for supplying the inhabitants of the

City with such utility services as the City may provide. Higher rates may be charged for services outside the City limits.

ORDINANCE TO COLLECT UTILITY RATES, ETC.:

Section 13.5 The Commission shall provide, by ordinance, for the collection of all public utility charges made by the City. With respect to water and sewer, the City shall have all the power granted to Cities by Act 178 of the Public Acts of 1939, as amended. When any person or persons or any firm or corporation shall fail or refuse to pay to the City any sums due on utility bills, service or services upon which such delinquency exists may be shut off or discontinued and suit may be instituted by the City for the collection of the same in any court of competent jurisdiction. In addition, the City shall have as security for the collection of such utility rates and charges a lien upon the real property supplied by such utility, which lien shall become effective immediately upon the supplying of such utility service and shall be enforced in the manner provided in such ordinance.

UTILITY ACCOUNTS TO BE SEPARATE:

Section 13.6 Separate accounts, distinct from any other City accounts shall be kept for each public utility owned or operated by the City in such manner as to show the true and complete financial results of such City ownership or operation, or both, including all assets, liabilities, revenues and expenses.

POWER TO SELL, EXCHANGE OR LEASE:

Section 13.7 The City shall not have power to sell, exchange, lease or in any way alien or dispose of the property, easements, income, or other equipment, privilege or asset belonging to and appertaining to any utility, which is not operated out of the general fund of the City, which it may acquire, unless the proposition for such purpose shall first have been submitted, at an election held for that purpose in the manner provided in this Charter, to the electors of the City and approved by them by a three-fifths majority vote of those voting thereon.

The restrictions of this section shall not apply to the sale or exchange of any articles of machinery or requirement of any City owned public utility which are worn out or useless or which have been, or could with advantage to the service be, replaced by new and improved machinery or requirement, to the leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or easements.

GENERAL BORROWING:

Section 13.8 Subject to the applicable provisions of state law and this Charter, the Commission by proper ordinance or resolution may authorize the borrowing of money for any purpose within the scope of the powers vested in the City and the issuance of bonds of the City or other evidences of indebtedness therefore, and may pledge the full faith, credit and resources of the City for the payment of the obligation created therefor.

SPECIAL ASSESSMENT BONDS:

Section 13.9 The Commission shall, subject to the applicable provisions of the general laws of the State, have authority to borrow money in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments, and to issue bonds therefor. Such special assessment bonds may be an obligation of the special assessment district or districts, or may be both an obligation of the special assessment district or districts and a general obligation of the City. All collections on each special assessment roll or combination of rolls shall be set apart in a separate fund for the payment of the principal and interest of the bonds issued in anticipation of the payment of such special assessment, and shall be used for no other purpose.

OTHER BONDS:

Section 13.10 The City Commission shall have power to issue revenue or other types of bonds in the manner and for the purposes permitted by the Constitution and general laws of the State of Michigan.

PREPARATION AND RECORD:

Section 13.11 Each bond, or other evidence of indebtedness, shall contain on its face a statement specifying the purpose for which the same is issued, and it shall be unlawful for any officer of the City to use the proceeds thereof for any other purpose, and any officer who shall violate this provision shall be deemed guilty of misconduct in office. All bonds and other evidence of indebtedness issued by the City shall be signed by the Mayor and countersigned by the Clerk, under the seal of the City. Interest coupons may be executed with the facsimile signatures of the Mayor and Clerk. A complete detailed record of all bonds and other evidence of indebtedness, the same shall be marked "cancelled".

UNISSUED BONDS:

Section 13.12 No unissued bonds of the City shall be issued or sold to secure funds for any purpose other than that for which they were specifically authorized, and if any such bonds are not sold within three (3) years after authorization, such authorization shall, as to such bonds, be null and void, and such bonds shall be cancelled.

CHAPTER 14

FRANCHISES, REGULATION OF UTILITIES, LEASE

FRANCHISES AND LEASES REMAIN IN EFFECT:

Section 14.1 All franchises, contracts and leases to which the City is a party when this Charter becomes effective shall remain in full force and effect in accordance with their respective terms and conditions.

GRANTING OF PUBLIC UTILITY FRANCHISES:

Section 14.2 Public utility franchises and all renewals and extensions thereof, and amendments thereto, shall be granted by ordinance only. No exclusive franchise shall ever be granted. No franchise shall be granted for a longer period than thirty (30) years.

No franchise ordinance which is not subject to revocation at the will of the City shall be enacted nor become operative until the same shall have first been referred to the people at a regular or special election and received the affirmative vote of three-fifths of the electors voting thereon. No such franchise ordinance shall be approved by the Commission for referral to the electorate before thirty (30) days after application thereof has been filed with the Commission, nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk, his unconditional acceptance of all terms of such franchise. No special election for such purpose shall be ordered by the Commission unless the expense of holding such election, as determined by the Commission, shall have first been paid to the Treasurer by the grantee.

A franchise ordinance which is subject to revocation at the will of the City may be enacted by the Commission without referral to the voters, but shall not be enacted nor become operative, unless it shall have been completed in the form in which it is finally enacted and remain on file with the Clerk for public inspection for at least four (4) weeks

before the final enactment thereof.

CONTROL AND REVOCATION OF FRANCHISES:

Section 14.3 The Commission shall cause to be instituted such actions or proceedings as may be necessary to prosecute a public utility company for violations of its franchise, the City Charter or ordinances of the City, and may revoke, cancel or annul all franchises that may have been granted by the City which, for any reason, have become inoperative, illegal, or void and not binding upon the City.

CONDITIONS OF PUBLIC UTILITY FRANCHISES:

Section 14.4 All public utility franchises granted after the adoption of this Charter, whether it be so provided in the granting ordinance or not, shall be subject to the following rights of the City, provided however, that this enumeration is not to be construed as being exclusive or as impairing the right of the Commission to insert in such franchise any provision as may be within the power of the City to impose or require:

- (a) To repeal the same for misuse, or non-use, or for failure to comply with the provisions thereof.
- (b) To require proper and adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency.
- (c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
- (d) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof.
- (e) To impose such other regulations as may be determined by the Commission to be conducive to the safety, welfare and accommodation of the public.
- (f) To use, control and regulate the use of its streets, alleys, bridges and public places and the space above the beneath them.

REGULATION OF RATES:

Section 14.5 All public utility franchises shall make provisions therein for fixing rates,

fares and charges, and for readjustments thereof at periodic intervals at the discretion of the City. The value of the property of the utility used as a basis for fixing such rates, fares, and charges shall in no event include a value predicted upon the franchise, goodwill or prospective profits.

USE OF PUBLIC PLACES BY UTILITIES:

Section 14.6 Every public utility whether it has a franchise or not, shall pay a reasonable compensation as determined by the Commission for the use of property located in streets, alleys, and public places in the operation of a public utility and for such part of the cost of improvement or maintenance of streets, alleys, bridges and public places as shall arise from its use thereof and shall protect and save the City harmless from all damages arising from said use, as determined by the Commission. Every such public utility may be required by the City to permit joint use of its property and appurtenances located in the streets, alleys and other public places of the City, by the City and by other utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental thereof. In the absence of agreement and upon application by any public utility, the Commission shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor, and the arbitration award shall be final.

CHAPTER 15

CEMETERY

POWER TO CREATE CEMETERY:

Section 15.1 The Commission is hereby authorized to create a Cemetery Board consisting of members appointed by the Mayor, in proportional numbers, to act with any other Municipality, and shall have the power to authorize the payment out of funds of the City in accordance with the appropriations therefore, for the share of the City in operating said Cemetery or Cemeteries.

CHAPTER 16

MISCELLANEOUS

VESTED RIGHTS AND LIABILITIES:

Section 16.1 After the effective date of this Charter, the City shall be vested with all property, moneys, contracts, rights, credits, effects and the records, files, books and papers belonging to it under and by virtue of the previous Charter. No right or liability, either in favor of or against the City, existing at a time this Charter becomes effective and no suit or prosecution of any character, shall in any manner be affected by any change resulting from the adoption of this Charter, but the same shall stand or proceed as if no change had been made. All debts and liabilities of the City shall continue to be its debts and liabilities and all fines and penalties imposed at the time of such change shall be collected by the City.

WORKMEN'S COMPENSATION LAW:

Section 16.2 The City shall be subject to the provisions of the Workmen's Compensation Law, being Chapter No. 101 of the Compiled Laws of the State of Michigan of 1915, as the same now or hereafter may exist.

SUNDAYS AND HOLIDAYS:

Section 16.3 Whenever the day on which something is to be done under the provision of this Charter, is a Sunday or holiday, such thing shall be done on the next succeeding day which is not a Sunday or a holiday.

DEFINITION OF "CONSTRUCT":

Section 16.4 Whenever the Commission, in this Charter, is given the power to construct, the term "construct" shall mean, not only "construction" by the City itself, buying material and labor and constructing under the supervision of some property City official or agent but also "construction" by letting contracts, in the manner in this Charter provided, for the whole or different portions of the work to be done.

INSPECTION OF RECORDS AND BOOKS:

Section 16.5 All books, papers, records and accounts of any officer, elected or appointed, or of any office or department of the City, shall be the property of the City, and shall at all times be subject to audit, examination or inspection by any members of the Commission, or by any person employed or designated by the Commission for that purpose.

EMPLOYEE WELFARE BENEFITS:

Section 16.6 The Commission shall have the power to make available to the administrative officers and employees of the City and its departments and boards, a plan or plans of group life, hospital, health or accident insurance and may appropriate funds therefore.

DEFINITION OF DEFAULTER:

Section 16.7 For the purpose of this Charter, a defaulter shall be anyone who has failed to complete any legal obligation owed to the City, and has failed to correct and/or satisfy such legal obligation for more than ninety (90) days following notification thereof by the City.

DEFINITION OF PUBLICATION; MAILING OF NOTICES:

Section 16.8 The requirement contained in this Charter for publishing or publication of notices, ordinances or proceedings shall, unless otherwise specifically provided herein by as required by state statutes.

CHAPTER AND SECTION HEADINGS:

Section 16.9 The chapter, section and sub-section headings used in this Charter are for convenience only and shall not be construed as part of the substance of this Charter.

CONSTRUCTION:

Section 16.10 When the construction of this Charter so requires, the plural form shall be construed to include singular and vice versa; and the masculine form of nouns and pronouns shall be construed to include the feminine and vice versa.

OTHER INTERPETATIONS:

Section 16.11 Except as otherwise specifically provided or indicated by the context of this Charter:

- (a) All words indicating the present tense shall not be limited to the time of the adoption of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein.
- (b) The work "Person" may extend and be applied to bodies politic and corporate and to

partnerships as well as to individuals.

(c) The words "printed" and "printing" shall include reproductions by printing, engraving, stencil duplicating, lithographing and any similar method.

(d) Except in reference to signatures, the words "written" and "in writing" shall include printing and typewriting.

(e) The word "statute" shall denote the Public Acts of the State of Michigan as they are in effect at the time the provision containing the word "statute" is to be applied.

(f) The word "Constitution" shall denote the Constitution of the State of Michigan as it is in effect at the time the reference to such act is to be applied.

(g) The words "laws" or "general laws of the State" shall denote the Constitution and statutes of Michigan as herein defined and applicable common law.

(h) All references to section numbers shall refer to section numbers of this Charter.

(i) The word "plant" shall include all wiring, poles, pipes and all other assets appurtenant to the utility.

PENALTIES FOR VIOLATIONS OF CHARTER:

Section 16.12 Any officer of the City found guilty by a court of competent jurisdiction of any act declared by this Charter to constitute misconduct in office may be punished by a fine of not more than Five Hundred and no/100ths (\$500.00) dollars or imprisonment for not more than ninety (90) days or both in the discretion of the court.

AMENDMENTS:

Section 16.13 This Charter may be amended at any time in the manner provided by statute. Should two or more amendments, adopted at the same election, have conflicting provisions, the provisions in the amendment receiving the highest number of affirmative votes shall govern.

CONTINUATION OF APPOINTED OFFICERS AND EMPLOYEES:

Section 16.14 All changes established by this Charter shall become effective immediately following the first regularly scheduled City election. Said changes shall include the continuation of appointed officers and employees.

SEVERABILITY OF CHARTER PROVISIONS:

Section 16.15 If any provision, section, article or clause of this Charter or the publication thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect any remaining portion or application of the Charter which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the courts to be inoperable, and to this end, this Charter is declared to be severable.

CHAPTER 17

SCHEDULE

STATUS OF SCHEDULE CHAPTER:

Section 17.1 The purpose of this schedule chapter is to inaugurate the government of the City under this Charter and to accomplish the transition from the old to the new Charter, and it shall constitute a part of this Charter only to the extent and for the time required to accomplish this end.

ELECTION TO ADOPT THIS CHARTER:

Section 17.2 This Charter shall be submitted to a vote of the qualified electors of the City of Caspian at this election to be held on November 2, 1982. This election shall be conducted by the officers under the existing charter charged with the conduct and supervision of election and shall follow the election procedure and be canvassed in the manner provided in the existing City Charter.

FORM OF BALLOT:

Section 17.3 The form of the ballot for the submission of this Charter shall be as follows:

INSTRUCTIONS: a cross (x) in the square ☐ before the word "Yes" is in favor of the proposed Charter, and a cross (x) in the square box before the word "No" is against the proposed Charter.

Shall the proposed Charter for the City of Caspian drafted by the Charter

Commission elected on August 7, 1978 be adopted:

☐ Yes

☐ No

EFFECTIVE DAY OF THIS CHARTER:

Section 17.4 For all purposes not otherwise provided herein, this Charter shall take effect at 7:00 P.M. at the then prevailing local time on December 14, 1982.

FIRST OFFICERS UNDER THIS CHARTER:

Section 17.5 The terms of each of the members of the Commission with current term expirations as set forth opposite their names are as follows:

Melvin Masuga (for his successor) April 13, 1984

Edward Battye (or his successor) April 13, 1984

Joseph Shepich (or his successor) April 12, 1983

Leo Remondini (or his successor) April 12, 1983

John Archocosky, Jr. (or his successor) April 12, 1983

In order to provide for the transition from an April election date to a November election date, the following election scheduling provisions shall apply:

On April 4, 1983, three (3) Commissioners, whose current terms will expire on April 12, 1983, shall be elected for a term of one year and eight months and whose term will expire at the end of the regular meeting on the second Tuesday of January, 1985. At the first meeting after April 4, 1983, the Commission will elect a Mayor and Mayor-Pro Tem for a term of one (1) year as provided in Section 3.3

On April 2, 1984, two (2) Commissioners, whose current terms will expire on April 10, 1984, shall be elected for a term of one year and eight months and whose term will expire at the end of the regular meeting on the second Tuesday of January 1986. At the first meeting after April 2, 1984, the Commission will elect a Mayor and

Mayor-Pro Tem for a term of eight (8) months, as provided in Section 3.3

On the first Tuesday after the first Monday of November, 1984, three (3) Commissioners shall be elected for a term of two years whose term will expire at the end of the regular meeting on the second Tuesday of January 1987. At the first meeting after said election, the Commission will elect a Mayor and Mayor-Pro Tem according to the provisions of Section 3.3 hereof.

On the first Tuesday after the first Monday of November, 1985, two (2) Commissioners shall be elected for a term of two (2) years whose term will expire at the end of the regular meeting on the second Tuesday of January 1988. At the first meeting after said election, the Commission will elect a Mayor and Mayor-Pro Tem according to the provisions of Section 3.3 hereof.

Thereafter, their respective successor, elected in accordance with Section 2.8, shall assume and hold office to which they have been elected or appointed in accordance with the provisions of this Charter.

The Commissioners of the City of Caspian who held such offices at the time this Charter became law as the Charter of the City, shall constitute and Commission of the City of Caspian subject to the provisions of this Charter, until term expiration as set forth herein, when their successors in office will have assumed the duties of such office as provided in this Charter.

CONTINUATION OF APPOINTED OFFICERS AND EMPLOYEES:

Section 17.6 Except as otherwise provided herein, after the effective date of this Charter, all appointive officers and all employees of the City shall continue in that City office or employment which corresponds to the City office or employment which they held prior to the effective date of the Charter as though they have been appointed or employed in the manner provided in this Charter and they shall in all respects be subject to the provisions of this Charter; except that any officer or employee who holds

a position which this Charter provides be held at the pleasure of the appointing officer or body shall hold such position only at such pleasure regardless of the term for which originally appointed.

Preamble:

The City of Caspian through the actions of the City Commission hereby adopt this City Code of Ordinances, which is a codification, revision, and updating of previously adopted City Ordinances and newly adopted Ordinances. All prior Ordinances of the City of Caspian shall be deemed repealed and void on and after the effective date of this Code of Ordinances. This City Code is a comprehensive set of city ordinances, regulations, and procedures governing all matters within the Caspian city boundaries.

All matters adopted as City Code of Ordinances shall be set forth in the Arial font not less than 12 point font size, and recorded with the Caspian City Clerk after publication and for distribution to the general public.

Except as noted in specific Code Sections after the codification adoption date, the following Caspian City Code of Ordinances was adopted at a City Commission meeting held on August 14, 2019, Published on August 27, 2019 and effective enforceable on and after September 16, 2019.

THEREFORE THE CITY OF CASPIAN HEREBY ORDAINS:

CASPIAN CITY COMMISSION RULES OF ORDER

PUBLIC PARTICIPATION

Commission meetings - Regular meetings of the Commission, unless otherwise set forth by resolution of the City Commission, shall be held on the second Wednesday of each month at 5:15 p.m. at the Caspian chalet. Special meetings may be called as provided in the City Charter and in accordance with Michigan's Open Meetings Act.

Rule 1 – Agenda. All meetings of the City Commission shall follow the order of business presented in the agenda. Citizens are afforded the time to speak publicly during the “public comment” designated on the agenda. All public comments should be framed to provide a point of view or express a concern.

Rule 2 – Sign In Sheet. Persons wishing to address the City Commission during public comments are encourage to sign in before the start of public participation. Sign in sheets will be located next to the entry door and shall be used to establish priority of those who wish to speak. The mayor will call each person to speak and when the person is called upon the person shall identify themselves as described in Rule 4.

Rule 3 – Audience. All members of the audience shall remain quiet and courteous during the meeting. Audience members shall remain this way during the public comment time until being called upon by the Mayor and given the floor to speak for their allotted time.

Rule 4 – Speaker Identification. Each person making a comment during the appropriate time shall identify themselves with their name and address.

Rule 5 – Time. Each person requesting to speak during the public comment portion of the meeting shall be afforded three minutes to speak. This time may be shortened based on the amount of people wanting to speak to ensure everyone has a chance to address the commission.

Rule 6 – Interruptions. No member of the audience shall interrupt a speaker while they have the floor.

Rule 7 – Response; Reply. No time shall be afforded to the members of the audience to reply to a speaker's comments. No speaker shall be given extra time after they speak to reply or comment on a speaker's comments. A speaker may use their allotted time to respond to other speaker's comments.

Rule 8 – Commission Response. Public comment will not be used as a debate session. The City Commission may choose not to respond to a comment as they see fit.

For further response, speaker should contact a member of City Commission directly after the meeting has ended.

Rule 9 – Written Comments. Any person may write their name, address and comment on a sheet of paper and give the paper to a Commission member prior to the start of the meeting. During public comment the Commission will then address these comments, calling on the person giving them a chance to speak for their allotted three minutes.

Rule 10 – Scope of Comment. Public comments may be on any governmental issue that a member of the public feels may be of concern to the residents of the municipality; however, comments shall not be made to personally attack any member of the community or any member of the City Commission. This includes slanderous or profane remark(s) which disturb, disrupt, or otherwise impede the orderly conduct of the City Commission meeting.

Rule 11 – Disruptions. Should any person disrupt the City Commission meeting or commit a breach of peace at the meeting, that person shall be issued a warning. Should the same person commit a second disruption or breach of peace that person shall be removed from the remainder of the meeting. Persons may also be arrested for any unlawful behavior at the City Commission meeting.

Rule 12 – Violent Threats or Acts. Should any person become violent at a city commission meeting or threaten any violence to a member of the commission or a member of the public, the City of Caspian reserves the right to file charges against said person and to request an injunction to permanently ban that person's attendance at any future meetings of the City Commission.

Rule 13 – Chart.

1. Conduct of Speakers
 - a. Speakers shall not share, loan or borrow time,
 - b. Speakers shall abide by all rules set forth herein as well as all laws of the State of Michigan and United States.
 - c. Comments must be civil and respectful and comments on physical appearance or character not related to job performance will not be tolerated.
 - d. Other members of the audience are expected to respect the view of others and not harass speakers.
2. Participation
 - a. Audience participation shall take place at the time designated in the agenda.
 - b. Priority will be given first to those who used the sign in sheet, next to those who gave written comments, and last to those in the audience by show of hands.
 - c. Speakers will be given three minutes.

3. Any violation of the above shall result in action being taken as proscribed in Rules 11 and 12 above.

As stated above public comment is not a debate and it is not the practice of the City Commission to respond directly during this portion of the meeting. The City Commission may choose, under their complete discretion, which, if any, comments they want to directly respond to.

These Rules shall be in effect for all general meetings, special meetings and public hearings of the City of Caspian.

All citizens are encouraged to contact the mayor or other members of the City Commission with any concern or issue that they feel needs to be discussed for longer than three minutes.

**AN ORDINANCE TO ADOPT AND APPROVE
A DEVELOPMENT PLAN AND A TAX INCREMENT FINANCING PLAN
FOR THE CITY OF CASPIAN DEVELOPMENT AREA
PURSUANT TO THE PROVISIONS OF ACT 197
PUBLIC ACTS OF MICHIGAN OF 1975, AS AMENDED,
AND TO PROVIDE FOR ALL MATTERS RELATED THERETO**

WHEREAS, The City Commission of the City of Caspian held a public hearing on May 11, 1993, to hear comments on the adoption of a "Tax Increment Financing and Development Plan" for the City of Caspian Development Area, and;

WHEREAS, the Commission has determined that the plan constitutes a public purpose; and

WHEREAS, the Plan as submitted meets the requirements set forth in Act 197, P.A. of 1975, as amended; and

WHEREAS, the proposed method of financing and development is feasible and the Caspian Downtown Development Authority has the ability to arrange the financing; and

WHEREAS, the development is reasonable and necessary to carry out the purposes of Act 197, P.A. 1975, as amended; and

WHEREAS, the Development Plan is in reasonable accord with the approved Master Plan of the City of Caspian; and

WHEREAS, the public services are or will be adequate to service the Development Area; and

WHEREAS, no zoning changes; or significant changes in streets, street levels, or intersections are anticipated; and

WHEREAS, the improvements and activities identified in the Plan are necessary for the project and the City.

NOW, THEREFORE, BE IT ORDAINED, that the City Commission of the City of Caspian does hereby approve the "Tax Increment Financing and Development Plan" for the City of Caspian Development Area.

BE IT FURTHER ORDAINED that the following sections are adopted as a part of the ordinance and shall apply to the City of Caspian Development Area.

Section 1. Definitions.

The terms used in this ordinance shall have the following meanings respectively ascribed unless the context clearly requires otherwise:

- (a) “Act 197”
The term Act 197 means the Downtown Development Authority Act No. 197, Public Acts of Michigan of 1975, as amended.
- (b) “Base Year Assessment Roll”
The term Base Year Assessment Roll means the Base Year Assessment Roll prepared by the City Assessor in accordance with Section 4 of this Ordinance and Exhibit A of the Tax Increment Plan.
- (c) “Captured Assessed Value”
The term Captured Assessed Value means the amount in any one year by which the current assessed value as finally equalized by the State Board of Equalization for all real and personal property in the City of Caspian Development Area exceeds the “Initial Assessed Value” of the Area.
- (d) “Development Area”
The term Development Area means the area herein referred to as the City of Caspian Development Area.
- (e) “Development Plan”
The term Development Plan means the Tax Increment financing and Development Plan for the City of Caspian Development Area dated May 11, 1993 and transmitted to the City Commission by the City of Caspian Downtown Development Authority for public hearing, as approved by action of the City of Caspian Commission and confirmed by this Ordinance, copies of which are on file in the office of the City Clerk.
- (f) “Downtown Development Authority”
The term Downtown Development Authority means the City of Caspian Downtown Development Authority as established in accordance with Act 197.
- (g) “Initial Assessed Value”
The term Initial Assessed Value means the most recently assessed value as finally equalized by the State Board of Equalization of all real and personal property within the boundaries of the Development Area at the time of adoption of this Ordinance.

- (h) "Project Fund"
The term Project Fund means the Downtown Development Authority Project Fund established pursuant to Section 6 of this Ordinance.
- (i) "Taxing Jurisdiction"
The term Taxing Jurisdiction means each governmental unit levying an ad valorem property tax on all real and personal property in the Development Area including taxes levied by the school boards of all school districts, the Iron County Board of Commissioners, the City of Caspian, and the Caspian Athletic Association.
- (j) "Tax Increment Financing Plan"
The term Tax Increment Financing Plan means the method of financing the activities outlined in the Development Plan for the City of Caspian's Development Area.
- (k) "Tax Increment Revenue"
The term Tax Increment Revenue means the revenue generated as captured assessed value which is intended to be used to finance the activities outlined in Section 8 of the Ordinance.

Section 2. Approval and Adoption of Tax Increment Financing and Development Plan.

The Tax Increment Financing and Development Plan, as amended by the City of Caspian, is hereby approved and adopted. The duration of the plan shall be 25 years from the date of adoption of the plans, except as it may be extended or reduced by subsequent amendment of the plan and this Ordinance. A copy of the plan and all amendments thereto shall be maintained on file in the City Clerk's office.

Section 3. Boundaries of the Development Area.

The boundaries of the Development Area as set forth in the Development Plan are hereby adopted, confirmed, and established for the duration of the Development Plan.

Section 4. Preparation of the Base Year Assessment Roll.

Within 60 days of the effective date of this Ordinance, the City Assessor shall prepare the initial Base Year Assessment Roll. The initial Base Year Assessment Roll shall list each taxing jurisdiction in which the Development Area is located, the initial assessed value of the Development Area on the effective date of this Ordinance and the amount of tax revenue derived by each taxing jurisdiction from valorem taxes on the property in the Development Area. In accordance with the boundaries set for the Downtown

Development Authority Development Area, the Assessor shall list the individual parcels of real property by permanent parcel number and assessed value opposite the owner of said property. For personal property, the Assessor shall list the individual parcel account number, and place the initial assessed value on the roll for the personal property located within the Development Area opposite the name of the taxpayer. The Assessor shall transmit copies of the initial base year assessment roll to the City Treasurer, County Treasurer, Downtown Development Authority and each taxing jurisdiction, together with a notice that the Assessment Roll has been prepared in accordance with this Ordinance and the Tax Increment Financing Plan contained in the Development Plan approved by this Ordinance.

Section 5. Preparation of Annual Development Area Assessment Roll.

Each year within 30 days following the final State Equalization of property, the Assessor shall prepare an updated Base Year Assessment Roll. The updated Base Year Assessment Roll shall show the information required in the initial Base Year Assessment Roll, and, in addition, the captured assessed value for the current year. Copies of the annual Base Year Assessment Roll for the Development Area shall be transmitted by the Assessor to the same persons and entities as the initial Base Year Assessment Roll, together with a notice that it has been prepared in accordance with this Ordinance and the Development Plan.

Section 6. Establishment of Project Fund; Approval of Depository.

The Treasurer of the Downtown Development Authority shall establish a separate fund which shall be kept in a depository bank account or accounts in a bank approved by the City Treasurer, to be designated the City of Caspian's Downtown Development Authority Project Fund. All monies received by the Downtown Development Authority pursuant to the Tax Increment Financing and Development Plan shall be deposited in the project fund. All monies in that fund and earning thereon shall be used only in accordance with the Tax Increment Financing and Development Plan and this Ordinance.

Section 7. Payment of Tax Increment Revenue to Downtown Development Authority.

The City and County Treasurers shall, as ad valorem taxes are collected on the property in the development area, pay that proportion of taxes, except for penalties and collection fees, that the captured assessed value bears to the initial assessed value to the Treasurer of the Downtown Development Authority for deposit in the project fund. The payments shall be made on the date or dates on which the City and County Treasurers are required to remit taxes on each of the taxing jurisdictions.

Section 8. Use of Monies in the Project Fund.

The money credited to the Project Fund and on hand therein from time to time shall be annually used in the manner described in Section C – Use of Tax Revenue in the Tax Increment Financing Plan.

Section 9. Annual Report.

Within 90 days after the end of each fiscal year, the Downtown Development Authority shall submit to the City Commission, with copies to each taxing jurisdiction and the Michigan Department of Education, a report on the status of the project fund. The report shall include the amount and source of revenue in the account, the amount and purpose of expenditures from the account, the initial assessed value of the Development Area, and captured assessed value of the Development Area, the tax increments received and the amount of any surplus from prior years, and any additional information requested by the City of Caspian or as deemed necessary by the Downtown Development Authority. The Secretary of the Downtown Development Authority shall cause a copy of the report to be published once in full in a newspaper of general circulation in the City.

Section 10. Refund of Surplus Tax Increments.

Any surplus money on the Project fund upon termination of the Development Plan shall be paid by the Downtown Development Authority to the City or County Treasurers, as the case may be, rebated to them to the appropriate taxing jurisdiction.

Section 11. Annual Budget.

The Downtown Development Authority shall prepare and submit, for the approval of the City Commission, a budget for the operation of the Downtown Development Authority for the ensuing fiscal year. The budget shall be prepared in a manner and contain the information required of the City Commission. Before the budget may be adopted by the Downtown Development Authority, it shall be approved by the City of Caspian Board.

Effective Date: This Ordinance shall be in full force and effect May 12, 1993.

ADOPTED: May 11, 1993
EFFECTIVE DATE: May 12, 1993
PUBLISHED: May 19, 1993

DATE FILED WITH IRON COUNTY CLERK: May 19, 1993.

**AN ORDINANCE TO AMEND AND DISSOLVE THE
CASPIAN TAX INCREMENT FINANCING PLAN AND DOWNTOWN
DEVELOPMENT AUTHORITY FORMED UNDER ORDINANCE NO. 93-1
(Amended October 14, 2009) and re-codified as Section 1.2 of Chapter I**

WHEREAS, The City Commission of the city of Caspian has accepted an offer to settle all future sums captured by the County of Iron under the Tax Increment Financing Plan and Downtown Development Authority previously adopted by the City in 1993; and

WHEREAS, Upon Dissolution of the Tax Increment Financing Plan and Downtown Development Authority the Authority shall pay all remaining funds held in the project fund to the Caspian City Treasurer to be accounted for by the City of Caspian; and

WHEREAS, the City may use all remaining funds and all settlement funds from the Iron County Treasurer for any and all purposes necessary for the City of Caspian to operate in a fiscally responsible manner.

NOW, THEREFORE, BE IT ORDAINED, that the City Commission of the city of Caspian does hereby approve dissolving the "Tax Increment Financing Plan" and the Caspian Downtown Development Authority.

BE IT FUTHER ORDAINED that adoption of this ordinance shall also dissolve to the City of Caspian Development Area, and remove Ordinance Section 1.2 from the codified Caspian City Code of Ordinances.

This Ordinance shall be in full force and effect 20 days after publication.


Gary Sabol, Mayor


John Stokoski, Clerk

ADOPTED: June 14, 2023
PUBLISHED: June 21, 2023
EFFECTIVE DATE: July 12, 2023

CITY OF CASPIAN

TITLE VI NON-DISCRIMINATION PLAN

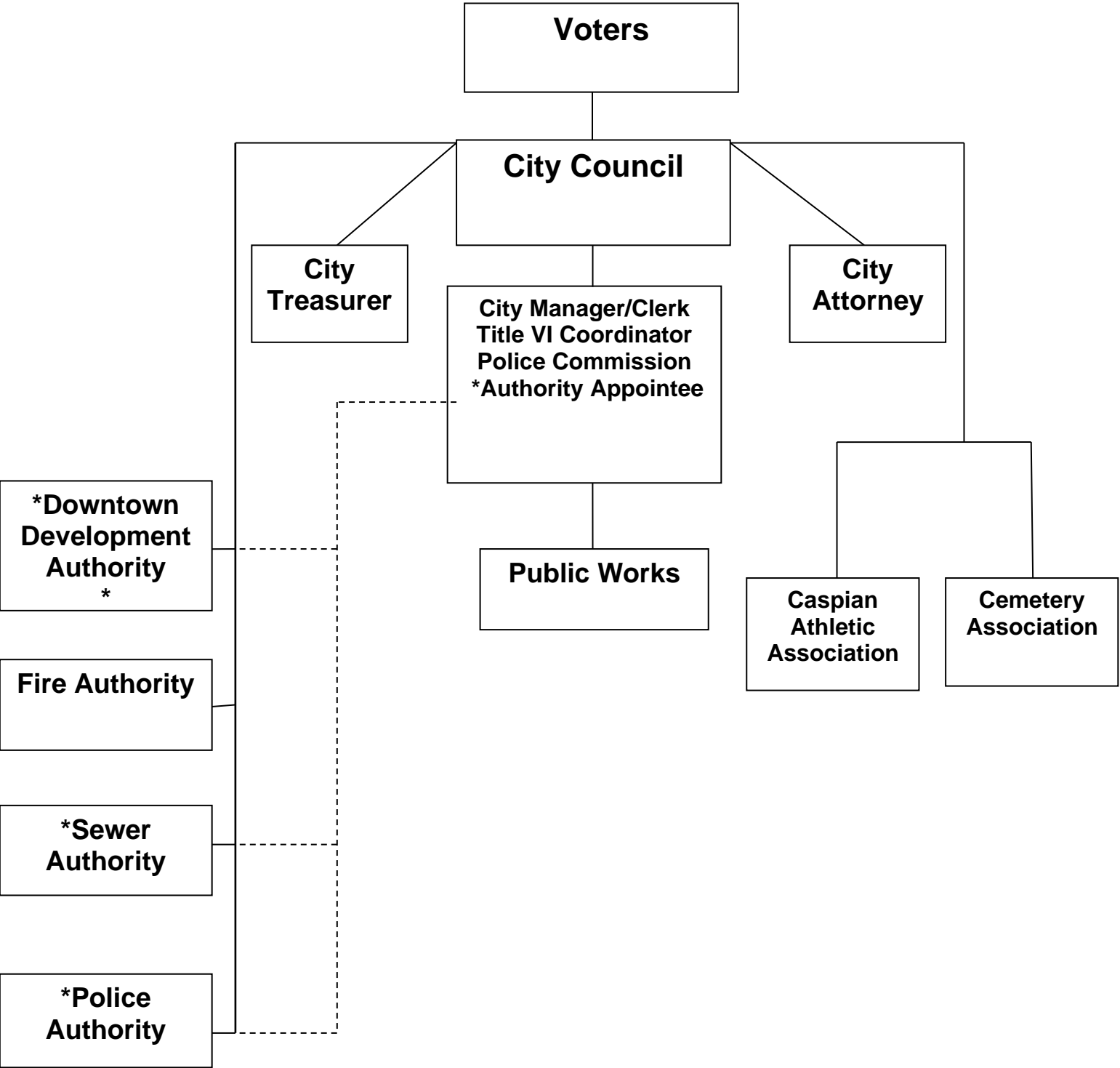
**500 West Railroad Street
P.O. Box 273
Caspian, MI 49915
Phone (906) 265-2514
Fax (906) 265-2536
Website: www.caspiancity.org**

**Title VI Coordinator:
John Stokoski, City Manager
Phone: (906) 265-2514
Fax: (906) 265-2536
Email: jstokoski@caspiancity.org**

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**CITY OF CASPIAN
ORGANIZATIONCHART**



INTRODUCTION

The City of Caspian is located in the Upper Peninsula of Michigan in beautiful and historic Iron County. A small rural type city of over 1,000 residents nestled amongst similar neighboring cities. The City of Caspian strives to provide a stress free lifestyle with all the qualities that today's families require. Caspian has a large variety of ethnic and cultural groups throughout the community, including Italians, Croatians, Finnish, Polish, and more than a dozen other nationalities. In spite of this broad ethnic make-up, Caspian is a cohesive settlement, whose citizens have developed a strong sense of community. The City of Caspian is a home rule city organized pursuant to Michigan's Home Rule City Act being Chapter 117 section 117.4 et seq. of the Michigan Compiled Laws. The City of Caspian serves a diverse group of people both residents and nonresidents, including minority populations, low-income populations, the elderly, persons with disabilities, and those who visit the City both for recreational and/or temporary residency. The City of Caspian recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities, and that it must abide by and enforce federal and state civil rights legislation.

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law which prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance." Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice Initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)," provides that no person shall be subjected to discrimination on the

basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

As a recipient of federal financial assistance, the City of Caspian must provide access to individuals with limited ability to speak, write, or understand the English language. The City will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or national origin. Therefore, the primary goals and objectives of the City's Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by the City's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in the City's programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create illegal adverse discrimination on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, and all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance within specific program areas within the city;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in the city's services, programs or activities.

As the sub-recipient of federal transportation funds, the City of Caspian must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, religion, national origin, sex, socio-economic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

The City of Caspian shall also ensure that their sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-

recipient must comply with Title VI and other related statutes. The City of Caspian, as a sub-recipient who distributes federal transportation funds, shall monitor their sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the City will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

Discrimination under Title VI

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is “disparate treatment.” Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is “disparate impact.” Disparate impact discrimination occurs when a “neutral procedure or practice” results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The City of Caspian’s efforts to prevent such discrimination must address, but not be limited to, a program’s impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the overarching functions of planning, project development and delivery, right-of-way, construction, and research.

The City of Caspian has developed this Title VI Plan to assure that services, programs, and activities of the City are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities (see Title VI Assurances).

CITY OF CASPIAN NON-DISCRIMINATION POLICY STATEMENT

The City of Caspian reaffirms its policy to allow all individuals the opportunity to participate in federal financially assisted services and adopts the following provision:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” In applying this policy, the city and its sub-recipients of federal funds shall not:

1. Deny any individual with any services, opportunity, or other benefit for which such individual is otherwise qualified;
2. Provide any individual with any service, or other benefit, which is inferior (in quantity or quality) to, or which is provided in a different manner from that which is provided to others;
3. Subject any individual to segregated or disparate treatment in any manner related to such individual's receipt of services or benefits;
4. Restrict an individual in any way from the enjoyment of services, facilities or any other advantage, privilege or other benefit provided to others;
5. Adopt or use methods of administration, which would limit participation by any group of recipients or subject any individual to discrimination;
6. Address any individual in a manner that denotes inferiority because of race, color, or national origin;
7. Permit discriminatory activity in a facility built in whole or in part with federal funds;
8. Deny any segment of the population the opportunity to participate in the operations of a planning or advisory body that is an integral part of a federally funded program;
9. Fail to provide information in a language other than English to potential or actual beneficiaries who are of limited English speaking ability, when requested and as appropriate;
10. Subject an individual to discriminatory employment practices under any federally funded program whose objective is to provide employment;

11. Locate a facility in any way, which would limit or impede access to a federally-funded service or benefit.

The City of Caspian will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues all within a period not to exceed 90 days.

The City of Caspian designates John Stokoski, City Manager, as the Title VI Coordinator. The City Manager will be responsible for initiating and monitoring Title VI activities and other required matters, ensuring that the City of Caspian complies with the Title VI regulations and pursues prevention of Title VI deficiencies or violations. Inquiries concerning the City of Caspian and Title VI may be directed to John Stokoski, City Manager at 500 West Railroad Street; P.O. Box 273, Caspian, MI 49915; Phone: (906) 265-2514; Fax:(906) 265-2536; Email: jstokoski@caspiancity.org.

Gary Sabol
Mayor

John Stokoski
City Manager / Title VI Coordinator

CITY OF CASPIAN TITLE VI ASSURANCES

The City of Caspian (hereinafter referred to as the "Recipient") hereby agrees that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs for the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of gender, race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient received Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and hereby gives assurances that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a) (1) and (b) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurance with respect to the Federal Aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

"The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom it delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

City of Caspian

Gary Sabol, Mayor

Date

AUTHORITIES

Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h);

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin (including Limited English Proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, sex, low income, and disability.

The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

Federal Aid Highway Act of 1973, 23 USC 324: No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

Age Discrimination Act of 1975, 42 USC 6101: No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.

Americans With Disabilities Act of 1990 PL 101-336: No qualified individual with a disability shall, by reason of his/her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government.

Section 504 of the Rehabilitation Act of 1973: No qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

USDOT Order 1050.2: Standard Title VI Assurances

EO12250: Department of Justice Leadership and coordination of Non-discrimination Laws.

EO12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

28 CFR 50.3: Guidelines for the enforcement of Title VI of the Civil Rights Act of 1964.

EO13166: Improving Access to Services for Persons with Limited English Proficiency.

DEFINITIONS

Adverse Effects – The totality of significant individual or cumulative human health or environmental effects including interrelated social and economic effects, which may include, but are not limited to: (See Appendix E for additional discussion of “significant”)

- Bodily impairment, infirmity, illness or death
- Air, noise and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or community’s economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of person’s businesses, farms or non-profit organizations
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
- Denial of, reduction in, or significant delay in the receipt of benefits of the City programs, policies and activities

Federal Assistance – Includes grants and loans of federal funds; the grant or donation of federal property and interests in property; the detail of federal personnel, federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and any federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.

Limited English Proficiency - Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the City.

Low-Income – A person whose median household income is at or below the Department of Health and Human Service Poverty guidelines (see <http://aspe.hhs.gov/poverty/>).

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Minority – A person who is:

- a. Black – A person having origins in any of the black racial groups of Africa;
- b. Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- c. Asian American – A person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or
- d. American Indian and Alaskan Native – A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

Minority Population – Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Non-Compliance – A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

Persons – Where designation of persons by race, color or national origin is required, the following designation ordinarily may be used; “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native”. Additional sub-categories based on national origin of primary language spoken may be used, where appropriate, on either a national or a regional basis.

Program – Includes any road or park project including planning or any activity for the provision of services financial aid or other benefits to individuals. This includes education or training, work opportunities, health welfare, rehabilitation, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Recipient - Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

Significant Adverse effects on Minority and Low-Income Populations – An adverse effect that:

- a. is predominantly borne by a minority population and/or a low-income population, or
- b. will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse

effect that will be suffered by the non-minority population and/or non-low-income population.

Sub-Recipient – Any agency such as a council of governments, regional planning agency, or educational institution, for example, that received Federal Highway Administration (FHWA) funds through the State DOT and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

ADMINISTRATION – GENERAL

The City of Caspian designates John Stokoski, City Manager, as the Title VI Coordinator (hereinafter referred to as the “Title VI Coordinator”). Mr. Stokoski shall have lead responsibility for coordinating the administration of the Title VI and related statutes, programs, plans, and assurances.

Complaints: If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or disability, he/she may exercise his/her right to file a complaint with the City. Complaints may be filed with the Title VI Coordinator. Every effort will be made to resolve complaints informally at the lowest level.

Data Collection: Statistical data on race, color, national origin, English language ability and sex of participants in and beneficiaries of the City’s programs; e.g., impacted citizens and affected communities will be gathered and maintained by the City. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

Program Reviews: Special emphasis program reviews will be conducted based on the annual summary of Title VI activities, accomplishments, and problems. The reviews will be conducted by the Title VI Coordinator to assure effectiveness in their compliance of Title VI provisions. The Title VI Coordinator will coordinate efforts to ensure the equal participation in all their programs and activities at all levels. The City does not have any special emphasis programs at this time.

Title VI Reviews on Sub-Recipients: Title VI compliance reviews will be conducted annually by the Title VI Coordinator. Priority for conducting reviews will be given to those recipients of federal (U.S. Department of Transportation) funds with the greatest potential of impact to those groups covered by the Act. The reviews will entail examination of the recipients’ adherence to all Title VI requirements. The status of each review will be reported in the annual update and reported to relevant U.S. Department of Transportation (USDOT) modes upon request.

Annual Reporting Form: The Title VI Coordinator will be responsible for coordination, compilation, and submission of the annual reporting form data to the Michigan Department of Transportation (MDOT), Civil Rights Program Unit via the Sub-Recipient Annual Certification Form (MDOT form #0179) by October 5th.

Title VI Plan Updates: If updated, a copy of Title VI Plan will be submitted to the MDOT, Civil Rights Program Unit, as soon as the update has been completed, or as soon as practicable, and no later than 30 days if significant changes are made.

Public Dissemination: The City will disseminate Title VI Program information to the City employees and to the general public. Title VI Program information will be submitted to

sub-recipients, contractors and beneficiaries. Public dissemination will include inclusions of Title VI language in contracts and publishing the Title VI Plan on the main page of the City's internet website, at www.caspiancity.org

Remedial Action: The City, through the Title VI Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

LIMITED ENGLISH PROFICIENCY (LEP)

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiencyⁱ, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounterⁱⁱ. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, "LEP," or Limited English Proficient. The Executive Order states that:

"Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities."

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient's entire program or activity. This means all parts of a recipient's operations are covered, even if only one part of a recipient's organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

The City of Caspian receives funds from the US Department of Transportation via the Federal Highway Administration.

The US Department of Transportation published *Policy Guidance Concerning Recipients' responsibilities to Limited English Proficient Person* in the December 14th, 2005 Federal Register.ⁱⁱⁱ

The Guidance implies that the City of Caspian is an organization that must follow this guidance:

This guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one part of the recipient receives the Federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation—not just the particular highway program or project—are covered by the DOT guidance.

Elements of an Effective LEP Policy

The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing an LEP policy or plan. These elements include:

1. Identifying LEP persons who need language assistance
2. Identifying ways in which language assistance will be provided
3. Training Staff
4. Providing notice to LEP persons
5. The recommended method of evaluating accessibility to available transportation services is the Four-Factor Analysis identified by the USDOT.

These recommended plan elements have been incorporated into this plan.

Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy

The DOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.

3. The nature and importance of the program, activity, or service provided by the recipient to the LEP Community.
4. The resources available to the City of Caspian and overall cost.

The greater the number or proportion of eligible LEP persons, the greater the frequency with which they have contact with a program, activity, or service and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of DOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The DOT guidance is modeled after the Department of Justice's guidance and requires recipients and sub-recipients to take steps to ensure meaningful access to their programs and activities to LEP persons. More information for recipients and sub-recipients can be found at <http://www.lep.gov>.

The Four-Factor Analysis

This plan uses the recommended four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to the City of Caspian's services and activities that may affect their quality of life. Recommendations are then based on the results of the analysis.

Factor 1: The Proportion, Numbers and Distribution of LEP Persons

The Census Bureau has a range for four classifications of how well people speak English. The classifications are: 'very well,' 'well,' 'not well,' and 'not at all.' For our planning purposes, we are considering people that speak English less than 'very well' as Limited English Proficient persons.

As seen in Table #1, the Census 2011 Data for the city of Caspian shows no amount of the population that would speak English less than 'very well.'

Table #1

| LANGUAGE SPOKEN AT HOME | # of Individuals | Percentage |
|--------------------------------------|------------------|------------|
| Population 5 years and over | 739 | 739 |
| English only | 723 | 97.8% |
| Language other than English | 16 | 2.2% |
| Speak English less than "very well" | 0 | 0.0% |
| Spanish | 13 | 1.8% |
| Speak English less than "very well" | 0 | 0.0% |
| Other Indo-European languages | 3 | 0.4% |
| Speak English less than "very well" | 0 | 0.0% |
| Asian and Pacific Islander languages | 0 | 0.0% |
| Speak English less than "very well" | 0 | 0.0% |
| Other languages | 0 | 0.0% |
| Speak English less than "very well" | 0 | 0.0% |

Factor 2: Frequency of Contact with LEP Individuals

The City has conducted an informal survey of our employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions and found that they have not had any encounters with LEP individuals. We have offices accessible to the public and therefore accessible to LEP individuals and we have staff that work in the field that could encounter LEP individuals. Additionally, regular City Council meetings which are open to the public are held once a month on the 2nd Wednesday of each month which would potentially bring LEP individuals to these meetings. Given the lack of LEP individuals as displayed in Table #1 (above) the probability of our employees to encounter and LEP individual is extremely low.

Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP

The City of Caspian serves individuals throughout the City in a variety of ways including managing roads, water, sewer, police, fire, elections, and other services to citizens of the City and individuals from outside of the City, such as visitors and those traversing the state. The nature of the services that the City provides is very important to an individual's day-to-day life. Therefore the denial of services to an LEP individual could have a significant detrimental effect. Although the LEP population in the city is non-existent, we will ensure accessibility to all of our programs, services, and activities.

Factor 4: The Resources Available to the City of Caspian and Overall Cost

US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states:

“Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan.”

The City of Caspian does not have any identified LEP persons and has very limited resources; therefore it has decided to include a LEP section in its Title VI Plan in order to comply with the Executive Order.

Safe Harbor Stipulation

Federal law provides a “Safe Harbor” situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A “Safe Harbor” means that if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient’s written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is non-compliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis. For example, even if a Safe Harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient’s written translation obligations under “Safe Harbor” includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally.

This “Safe Harbor” provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Given the lack of LEP language group members, the City of Caspian's budget and number of staff, it is deemed that written translations of vital documents at this point are not necessary and would be so burdensome as to defeat the legitimate objectives of our programs. It is more appropriate for the City of Caspian to proceed with oral interpretation options for compliance with LEP regulations if language assistance is requested.

Providing Notice to LEP Persons

USDOT LEP guidance says:

Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.

The guidance provides several examples of notification including:

1. Signage in languages that an LEP individual would understand when free language assistance is available with advance notice.
2. Stating in outreach documents that free language services are available from the agency.
3. Working with community-based organizations and other stakeholders to inform LEP individuals of the recipient's services, including the availability of language assistance services.

The City will periodically review their demographic data to determine if their LEP population [has grown to](#) meet the Safe Harbor threshold. If it is found that a particular language group meets the threshold, statements in languages that those identified LEP individuals would understand will be placed in public information and public notices. This notice will inform [the public](#) that persons requiring language assistance and/or special accommodations will be provided [for](#), free of charge, with reasonable advance notice to the City of Caspian.

Options and Proposed Actions

Options:

Federal fund recipients have two (2) main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written

translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.^{iv}

The City of Caspian is defining an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language or who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.^v

Considering the relatively small size of the City of Caspian, the lack of LEP individuals in the service area, and limited financial resources, it is necessary to limit language aid to the most basic and cost-effective services. However, upon request the City will provide appropriate assistance to those individuals.

What the City of Caspian will do and what actions it will take.

- Notify the public that interpreter services are available upon request, with seven day advance notice.
- With advance notice of seven calendar days, the City will provide interpreter services at public meetings, including language translation and signage for the hearing impaired.
- The City will utilize the *Translators Resource List* as provided by MDOT for translation services and verbal interpretation.
- The Census Bureau “I-speak” Language Identification Card will be distributed to all employees that may potentially encounter LEP individuals.
- Once the LEP individual’s language has been identified, an agency from the *Translators Resource List* will be contacted to provide interpretation services.
- Publications of the City’s complaint form will be made available online and upon request.
- In the event that a City employee encounters a LEP individual, they will follow the procedure listed below:

OFFICE ENCOUNTER

1. Provide an I-speak language identification card to determine the language spoken of the LEP individual.

2. Once the foreign language is determined, provide information to Title VI coordinator who will contact an interpreter from MDOT's *Translators Resource List*.
3. If the need is for a document to be translated, the Title VI coordinator will have the document translated and provided to the requestor as soon as possible.

ROAD ENCOUNTER

1. Road crew employee will immediately contact the Title VI coordinator for assistance, and provide an I-speak language identification card to the LEP individual to determine the language spoken of the individual.
2. Once the foreign language is determined, provide information to Title VI coordinator who will contact an interpreter from MDOT's *Translators Resource List* to provide telephonic interpretation.
3. If the need is for a document to be translated, the Title VI coordinator will have the document translated and provided to the requestor as soon as possible.

IN WRITING

1. Once a letter has been received it will be immediately forwarded to the Title VI Coordinator.
2. The Title VI Coordinator will contact an translator from the MDOT's *Translators Resource List* to determine the specifics of the letter request information.
3. The Title VI Coordinator will work with the selected agency to provide the requested service to the individual in a timely manner.

OVER THE PHONE

1. If someone calls into our office speaking another language every attempt will be made to keep that individual on the line until an interpreter can be conferenced into the line and if possible determine the language spoken of the caller.
2. Once the language spoken by the caller has been identified, we will proceed with providing the requested assistance to the LEP individual.

The City of Caspian's Staff Training

The City of Caspian's staff will be provided training on the requirements for providing meaningful access to services for LEP persons.

ENVIRONMENTAL JUSTICE

Compliance with Title VI includes ensuring that no minority or low income population suffers “disproportionately high and adverse human health or environmental effect” due to any “programs, policies and activities” undertaken by any agency receiving federal funds. This obligation will be met by the City in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, following mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. The City will use U.S. Census data to identify low income and minority populations.

Where a project impacts a small number or area of low income or minority populations, the City will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment; etc.
- The project’s impact is unavoidable;
- The benefits of the project far out-weigh the overall impacts; and
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

If it is concluded that no minority and/or low income population groups are present in the project area, the City will document how the conclusion was reached. If it is determined that one or more of these population groups are present in the area, the City will administer potential disproportionate effects test.

The following steps will be taken to assess the impact of the project on minority and/or low income population groups:

STEP ONE: Determine if a minority or low income population is present within the project area. If the conclusion is that no minority and/or low income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority population and/or low income population groups present, proceed to Step Two.

STEP TWO: Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts and questions contained in Appendix E. If it is determined that there are disproportionately high and adverse impacts to minority and low income populations, proceed to Step Three.

STEP THREE: Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

STEP FOUR: If after mitigation, enhancements and off setting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low income populations, then the following questions must be considered:

Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low income population?

Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?

Question 3: Considering the overall public interest, is there a substantial need for the project?

Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

STEP FIVE: Include all findings, determinations or demonstrations in the environmental document prepared for the project.

FILING A TITLE VI COMPLAINT

I. Introduction

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the City's programs, activities, and services as required by statute.

II. Purpose

The purpose of the discrimination complaint procedures is to describe the process used by the City for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

III. Roles and Responsibilities

The Title VI Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI Coordinator may, at his/her discretion assign a capable person to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

IV. Filing a Complaint

The complainant shall make himself/herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

Applicability: The complaint procedures apply to the beneficiaries of City programs, activities, and services, including but not limited to: the public, contractors, sub-contractors, consultants, and other sub-recipients of federal and state funds.

Eligibility: Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the City or its sub-recipients, consultants, and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age or disability may bring forth a complaint of discrimination under Title VI.

Time Limitation on Filing Complaints: Title VI complaints may be filed with the Title VI Coordinator's office. In all situations, the employees of the City must contact the Title VI Coordinator immediately upon receipt of Title VI related complaints.

Complaints must be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know that the act was discriminatory within the 180 day period, he/she will have 60 additional days after becoming aware of the illegal discrimination to file the complaint.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

Items that should not be considered a formal complaint: (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include but are not limited to:

1. An anonymous complaint that is too vague to obtain required information
2. Inquiries seeking advice or information

3. Courtesy copies of court pleadings
4. Newspaper articles
5. Courtesy copies of internal grievances

V. Investigation

Investigation Plan: The investigator shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s)
- Basis for complaint
- Issues, events or circumstances that caused the person to believe that he/she has been discriminated against
- Information needed to address the issue
- Criteria, sources necessary to obtain the information
- Identification of key people
- Estimated investigation time line
- Remedy sought by the complainant(s)

Conducting the Investigation:

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.
- If a Title VI complaint is received on a MDOT related contract against the City of Caspian, MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a Title VI complaint filed against the City of Caspian, the complaint and any pertinent information should immediately be forwarded to the MDOT, Civil Rights Program Unit.

Investigation Reporting Process:

- Complaints made against a City of Caspian sub-recipient should be investigated by the City following the internal complaint process.
- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the office of the City Manager for review.
- The City Manager reviews the file and investigative report. Subsequent to the review, the City Manager makes a determination of “probable cause” or “no probable cause” and prepares the decision letter.

Retaliation:

The laws enforced by the City of Caspian prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint please contact:

John Stokoski, City Manager
500 West Railroad Street
P.O. Box 273
Caspian, MI 49915
Phone: (906) 265-2514
Fax: (906) 265-2536
Email: jstokoski@caspiancity.org

Reporting Requirements to an External Agency

A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the MDOT, Civil Rights Program Unit within 60 days of the date the complaint was received.

Records

All records and investigative working files are maintained in a confidential area. Records are kept for three years.

APPENDIX A - [TO BE INSERTED IN ALL FEDERAL-AID CONTRACTS]

During the performance of this contract, the contractor, for itself, its assignees and successors, in interest (hereinafter referred to as the “contractor”) agrees, as follows:

1. **Compliance with Regulations:** The contractor shall comply with Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulation, including employment practices when the contractor covers a program set for in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issues pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event the contractor’s noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. Withholding payments to the contractor under the contract until the contractor complies and/or
 - b. Cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include provisions of paragraphs (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State Highway Department to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B - TRANSFER OF PROPERTY

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the State of Michigan, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the State of Michigan all the right, title and interest of the Department of Transportation in and to said lands described Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)*

TO HAVE AND TO HOLD said lands and interests therein unto the State of Michigan, and its successors forever, subject, however, the covenant, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the State of Michigan, its successors and assigns.

The State of Michigan, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on, over, or under such lands hereby conveyed (,) (and)*(2) that the State of Michigan shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title

VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this deed.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

APPENDIX C - PERMITS, LEASES AND LICENSES

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 7(a).

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself, his heirs, personal representative, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases, add, "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall remain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to terminate the license, lease, permit, etc., and to re-enter and repossess said land and the facilities thereon, and hold the same as if said license, lease, permit, etc., had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to re-enter lands and facilities hereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Michigan Department of Transportation and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of the Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

APPENDIX D - TITLE VI COMPLAINT FORM

CITY OF CASPIAN TITLE VI COMPLAINT FORM

Title VI of the Civil Rights Act of 1964 states that "No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination in any program, service, or activity receiving federal assistance."

This form may be used to file a complaint with the city of Caspian based on violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint. **Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180 day period, you have 60 days after you became aware to file your complaint.**

If you need assistance completing this form, please contact John Stokoski by phone at 906-265-2514 or via e-mail at jstokoski@caspiancity.org.

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

Individual(s) discriminated against, if different than above (use additional pages, if needed).

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

Please explain your relationship with the individual(s) indicated above: _____

Name of agency and department or program that discriminated:

Agency or department name: _____

Name of individual (if known): _____

Address: _____

City: _____ State: _____ Zip: _____
Date(s) of alleged discrimination: _____
Date discrimination began _____ Last or most recent date _____

ALLEGED DISCRIMINATION:

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

| | |
|------------------|-----------------------|
| _____ Race | _____ Religion |
| _____ Color | _____ National Origin |
| _____ Age | _____ Sex |
| _____ Disability | _____ Income |

Explain: Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. (Attach additional sheets, if necessary, and provide a copy of written material pertaining to your case).

Signature: _____ Date: _____

Please return completed form to: John Stokoski, City Manager, 500 West Railroad Street, P.O. Box 273 Caspian, MI. 49915; Phone (906) 265-2514; Fax (906) 265-2536; Email: jstokoski@caspiancity.org.

Note: *The City of Caspian prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the City. Please inform the person listed above if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.*

APPENDIX E - DETERMINE/DISTINGUISH SIGNIFICANT/NON-SIGNIFICANT EFFECTS

“Significant” requires considerations of both context and intensity:

- (a) *Context*. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, nation), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area rather than in the world as a whole. Both short-and long-term effects are relevant.
- (b) *Intensity*. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:
 - (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if, on balance, the effect would be beneficial.

“Non-significant effect” means no substantial change to an environmental component and this no material bearing on the decision-making process.

Scientific, technical, institutional, the public’s value, and the local economic conditions influence the meaning of significant effect.

If an alternative would provide a beneficial effect, then the alternative would cause no significant adverse effect. If an alternative would provide an adverse effect, the effect might be significant or the effect might be non-significant.

Determinations of “significant” and “non-significant” effects will be made by the City Manager.

APPENDIX F - PROGRAM COMPLIANCE/PROGRAM REVIEW GOALS FOR CURRENT PLAN YEAR

1. The City of Caspian's Title VI Plan will be communicated to each City Department Head who will review the plan with departmental employees.
2. The City of Caspian's Title VI Plan will be published on the main page of the City's website.
3. Appendix A will be included in all City contracts as outlined in the Title VI Plan.
4. The language in Number 2 of the City of Caspian's Title VI Assurance will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.
5. The procedure(s) for responding to individuals with Limited English Proficiency will be implemented.
6. All City of Caspian employees will be trained or made aware of the LEP procedure and the Title VI complaint procedure.
7. A review of the City of Caspian's facilities will be conducted in reference to compliance with the American Disabilities Act.
8. The following data will be collected and reviewed by the Title VI Coordinator and included, where appropriate, in the annual report submitted to MDOT.
 - a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
 - b. **Public Meetings:** The number of open meetings; how meeting dates and times are communicated to the general public and to individuals directly affected by the meeting.
 - c. **Construction Projects:** The number of construction projects and minority contractors bidding and the number selected; verification that Title VI language was included in bids and contracts for each project.
 - d. **LEP Needs:** The number of requests for language assistance that were requested or required and the outcome of these requests.
 - e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
 - f. **Timeliness of Services:** The number of requests for services; amount of time from request to when service was delivered; number of requests denied.
 - g. **Right of Way/Imminent Domain:** The number of such actions and diversity of individual affected.
 - h. **Program Participants:** Racial Data of program participants where possible.

ⁱ The executive order verbatim can be found online at <http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>.

ⁱⁱ Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

ⁱⁱⁱ The DOT has also posted an abbreviated version of this guidance on their website at <http://www.dotcr.ost.dot.gov/asp/lep.asp>.

^{iv} <http://www.dotcr.ost.dot.gov/asp/lep.asp>

^v Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-Vol. 67-Number 117.

EMERGENCY RESPONSE COST RECOVERY ORDINANCE

This Ordinance shall be known as the Caspian Emergency Response Cost Recovery Ordinance.

Purpose The purpose of this Ordinance is to provide a legal method for the Caspian Gaastra Fire Authority to recover its cost for responding to Fire Emergencies, Emergencies related to accidents involving potential fires or explosions, Emergencies related to personal injuries or potential personal injuries, and Emergencies related to the release of hazardous materials. This Ordinance is adopted by the City of Caspian as a partner in the Caspian Gaastra Fire Authority, being the legal entity under which the fire protection is provided to the City of Caspian.

Definitions The following shall apply to the enforcement of this Ordinance.

“Fire Emergency” shall include any fire not started in compliance with Local Ordinance or which although started in accordance with Local Ordinance results in a fire not in compliance with Local Ordinance. Local Ordinance does not permit the burning of a structure, therefore, all structure fires shall be considered a fire emergency. Also included are any fires that threaten the safety of any personal property or real estate of another.

“Emergencies related to accidents involving potential fires or explosions” shall include, but are not limited to, vehicle accidents, machine accidents, aircraft accidents, boating accidents, electrical service failures or equipment malfunctions regardless of the cause and all of which have the potential for fire or explosion. Also included are false alarms reported to the police or fire department, either directly or by third persons.

“Emergencies related to personal injuries or potential personal injuries” shall include, but are not limited to, all matters defined above as well as all emergencies that may involve personal injuries or potential injuries and for which the fire authorities assistance is requested by another emergency responder.

“Emergencies related to the release of hazardous materials” shall include, but are not limited to, the release of a chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment, including natural gas, propane, or smoke or fumes from unauthorized fires. Also included are releases or threatened releases of “hazardous substances” as defined in the Comprehensive Environmental Response Compensation and Liability Act of 1980 set forth in 42 U.S.C. section 9601 et seq., and “Hazardous Waste” as defined in the Natural Resources and Environmental Protection Act, as set forth in M.C.L.A. section 324.21101 et seq.

“Release” is defined as any spilling, purging, emitting, emptying, discharging, injecting, leaching, dumping, burning or disposing into the environment.

“Responsible Party” includes an individual, firm corporation, association, partnership, commercial entity, joint venture, government entity, property owner, property renter or tenant that causes in whole or in part an emergency defined above or is the owner of the real or personal property which is involved in the emergency.

Charges imposed upon Responsible Party A Responsible Party is established when the Caspian Gaastra Fire Authority responds to a police dispatch or call for assistance in connection with an emergency situation sited within this Ordinance. Upon responding, the Authority shall be entitled to recover its actual costs incurred in such response against the Responsible Party or Parties, including but not limited to:

- A) \$100 dollars per call for each pumper truck and for each piece of fire apparatus required, in the opinion of the officer in command.
- B) \$100 dollars for each water tender required, in the opinion of the officer in command.
- C) \$100 dollars for each additional Fire Authority vehicle required, in the opinion of the officer in command, to be utilized in responding to the emergency situation.
- D) All personnel-related costs incurred by the Fire Authority in providing fire protection and/or response to an emergency situation. The costs may include, but are not limited to, wages, salaries, and fringe benefits and insurance for full-time and part-time firefighters; overtime pay and related fringe benefit costs for hourly employees; and fire run fees paid to on-call and volunteer firefighters at the rates approved by the Authority and in effect at the time of the fire call.
- E) All other expenses incurred by the Fire Authority in providing fire protection and/or response to an emergency situation, including but not limited to, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, and the replacement costs of equipment broken or injured during the response, including municipal equipment, such as hydrants and water purchased from the municipal water system.
- F) All charges to the Fire Authority by outside agencies that were called as back up or in place of the Fire Authority in response to an emergency situation, and as authorized by the officer in command. These charges may include mutual aid costs and fees.
- G) All legal fees incurred by the Fire Authority in collecting the above charges incurred in responding to an emergency situation for which the Responsible Party refuses to pay after receipt of a detailed invoice as provided for in this Ordinance.

Billing Procedures Following the conclusion of the response to an emergency situation as defined in this Ordinance, the Fire Chief shall submit a detailed listing of all known expenses to the authority Secretary, who shall prepare an invoice to the Responsible Party or Parties for payment. The invoice shall demand payment within 30 days of the receipt of the invoice and shall be sent by certified mail or delivered in person.

Any additional expenses that become known to the Fire Chief after delivery of the initial invoice may be billed in the same manner on a subsequent bill to the Responsible Party or Parties.

The Fire Authority is authorized to charge a late fee in the amount of 1% per month for any amounts due that remain unpaid after the 30 days within which payment demand is made.

Other Remedies The Caspian Gaastra Fire Authority may pursue any other remedy, or may institute an appropriate action or proceeding, in a court of competent jurisdiction to collect charges imposed under this Ordinance, along with the actual attorney fees incurred. The recovery of charges imposed under this Ordinance does not limit the liability of the Responsible Party or Parties under any other Local Ordinance or State or Federal Law, Rule or Regulation.

Effective Date As a general Ordinance adopted by the City of Caspian, enforcement shall be effective for 30 days after adoption by the Caspian City Commission, and shall include enforcement of any outstanding charges that are defined within the Ordinance but which were incurred in response to a defined emergency situation, even though prior to adoption of this Ordinance.

CODE ENFORCEMENT

All Caspian Ordinances shall be enforced either by an authorized and designated Code Enforcement Officer, the City Clerk or a City Police Officer.

Penalties and Sanctions

- A) Every violation of City Code, unless designated as a misdemeanor, shall be a civil infraction.
- B) Unless specifically designated within a particular section of the City Code, the penalty for a first offense of a civil infraction violation shall be a civil fine in the amount of \$50.00, plus any costs, attorney fees, damages, expense and other sanctions, as authorized under Public Act 236 of 1961, M.C.L.A. §§ 600.8701 to 600.8735 and other applicable laws.
- C) A second (or any subsequent) civil infraction violation is considered a violation of the same requirement or provision, committed by a person within any six-months of a person's admission to responsibility or after having been determined to be responsible for a violation. The penalty for a first offense of a civil infraction violation shall be a civil fine in the amount of \$100.00, plus any costs, attorney fees, damages, expense and other sanctions, as authorized under Public Act 236 of 1961, M.C.L.A. §§ 600.8701 to 600.8735 and other applicable laws.

Civil Infraction Action; Commencement A Civil Infraction Action may be commenced upon either the issuance of a Civil law suit commenced in the Iron County Courts, Civil Citation or Notice of Civil Infraction Violation and only by an appointed City Official or City Police Officer. The Civil Citation shall direct the alleged violator to appear in person at the Iron County District Court at a certain date and time.

Notice of Civil Infraction Violation; Issuance and Service A Notice of Civil Infraction Violation shall be issued and served by authorized city officials as follows.

- A) The time for appearance specified in the Notice shall be within a reasonable time after the Notice is issued which shall not exceed 15 calendar days following the issuance.
- B) The place for appearance specified in a Notice shall be the Caspian City Hall.

- C) A Notice of Violation for a Civil Infraction signed by an Authorized City Official shall be treated as made under oath if the violation alleged in the Notice occurred in the presence of the official signing the complaint and if the notice contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief."
- D) An Authorized City Official may issue a Notice of Violation to a person if:
 - 1) Based upon investigation, the official has reasonable cause to believe that person is responsible for a Civil Infraction; or
 - 2) Based upon investigation of a complaint by someone who allegedly witnesses the person commit a Civil Infraction and the official has reasonable cause to believe that the person is responsible for an infraction.
- E) A Notice of Civil Infraction Violation shall be served by an Authorized City Official as follows.
 - 1) Except as provided by division (E)(2) below, an Authorized City Official shall personally serve a copy of the Notice of Violation upon the Alleged Violator.
 - 2) If the Municipal Civil Infraction Action involves the use or occupancy of land, a building or other structure, a copy of the Notice of Violations does not need to be personally served upon the Alleged Violator, but may be served upon an owner or occupant of the land, building or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the Notice of Violation shall be sent by first class mail to the owner of the land, building or structure at the owner's last known address.

Civil Infraction Citations; issuance and service Civil Infraction Citations shall be issued and served by Authorized City Officials as follows.

- A) The time for appearance specified in the citation shall be within a reasonable time after the citation is issued which shall not exceed 15 calendar days following the issuance.
- B) The place for appearance specified in a citation shall be the Iron County District Court.

- C) Each citation shall be numbered consecutively and shall be in a form approved by the State Court Administrator. The original citation shall be filed with the District Court. Copies of the citation shall be retained by the City and issued to the alleged violator, as provided by Public Act 236 of 1961, M.L.C.A. § 600.8705.
- D) A citation for a Civil Infraction signed by an Authorized City Official shall be treated as made under oath if the violation alleged in the Notice occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief."
- E) An Authorized City Official who witnesses a person commit a Civil Infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a Citation.
- F) An Authorized City Official may issue a Citation to a person if:
 - 1) Based upon investigation, the official has reasonable cause to believe that person is responsible for a Municipal Civil Infraction; or
 - 2) Based upon investigation of a complaint by someone who allegedly witnesses the person commit a Municipal Civil Infraction and the official has reasonable cause to believe that the person is responsible for an infraction.
- G) Civil Infraction Citations shall be served by an Authorized City Official as follows.
 - 1) Except as provided by division (G)(2) below, an Authorized City Official shall personally serve a copy of the Citation upon the Alleged Violator.
 - 2) If the Civil Infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the Alleged Violator, but may be served upon an owner or occupant of the land, building or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the Citation shall be sent by first

class mail to the owner of the land, building or structure at the owner's last known address.

Civil Infraction Citations; contents

- A) A Civil infraction Citation shall contain the name and address of the Alleged Violator, the Municipal Civil Infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
- B) Further, the Citation shall inform the Alleged Violator that he or she may do one of the following:
 - 1) Admit responsibility for the Civil Infraction by mail, in person, or by representation, at or by the time specified for appearance;
 - 2) Admit responsibility for the Civil Infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation; or
 - 3) Deny responsibility for the Civil Infraction by doing any of the following:
 - a) Appearing in person for an Informal Hearing before a Judge or District Court Magistrate, without the opportunity of being represented by an Attorney, unless a Formal Hearing before a Judge is requested by the City; or
 - b) Appearing in Court for a Formal Hearing before a judge, with the opportunity of being represented by an Attorney.
- C) The Citation shall also inform the Alleged Violator of all the following.
 - 1) That if the Alleged Violator desires to admit responsibility "with explanation" in person or by representation, the Alleged Violator must apply to the Court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled time for an appearance;
 - 2) That if the Alleged Violator desires to deny responsibility, the Alleged Violator must apply to the Court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a Hearing, unless a Hearing date is specified on the Citation;

3) That a Hearing shall be an Informal Hearing unless a Formal Hearing is requested by the Alleged Violator or the City;

4) That at an Informal Hearing the Alleged Violator must appear in person before a Judge or District Court Magistrate, without the opportunity of being represented by an Attorney; and

5) That at Formal Hearing, the Alleged Violator must appear in person before a Judge with the opportunity of being represented by an Attorney.

D) The Citation shall contain a notice in boldface type that the failure of the Alleged Violator to appear within the time specified in the Citation or at the time scheduled for a Hearing or Appearance is a Misdemeanor and will result in entry of a default judgment against the Alleged Violator of the Civil Infraction.

**AN ORDINANCE TO PROVIDE FOR THE USE AND SERVICE
AND FOR THE RATES FOR SERVICE OF THE WATER DISTRIBUTION
SYSTEM OF THE CITY OF CASPIAN**

**ARTICLE I
DEFINITIONS**

1.1 Definitions In the interpretation of this ordinance, the following definitions shall apply unless the context clearly indicates otherwise:

- (a) "Backflow" means water of questionable quality, wastes or other contaminants entering a public water supply system due to a reversal of flow.
- (b) "City" means the City of Caspian, Iron County, Michigan.
- (c) "Commercial user" means a person whose premises are used to offer services and/or products such as, for example, retail and wholesale stores, gasoline stations, restaurants, schools, churches, hotels, motels, nursing homes, private clubs, theaters and governmental buildings.
- (d) "Commission" means the governing body of the City.
- (e) "Commodity charge" means a charge payable by a user based on water consumption.
- (f) "Connection charge" means the charge imposed to defray a portion of the capital costs of construction of the System.
- (g) "County" means Iron County, Michigan.
- (h) "Cross-connection" means a connection or arrangement of piping or appurtenances through which a backflow could occur.
- (i) "Domestic user" means a person whose premises are domiciles for single or multiple family use.

(j) "Industrial user" means a person who operates a manufacturing or process facility which is engaged in producing a product.

(k) "Local distribution lines" means those pipes which serve only the abutting property within only one local service area.

(l) "Meter installation charge" means the charge for the water meter, meter installation, and necessary inspections.

(m) "Meter test charge" means the charge imposed for the costs of determining the accuracy of the water meter.

(n) "Premises" means each lot or parcel of land, building, premises, dwelling unit or apartment unit having any connection to the water distribution system.

(o) "Readiness to serve charge" means the charge imposed for the availability of the water from a distribution line.

(p) "Secondary water supply" means a water supply system maintained in addition to a public water supply, including but not limited to water systems from ground or surface sources not meeting the requirements of Act No. 98 of the Public Acts of 1913, as amended, being Sections 325.201 to 325.214 of the Compiled Laws of 1948.

(q) "Service charge" means the minimum charge payable by the user for the provisions of water service.

(r) "Service line" means the line on the premises, installed and maintained by user, connecting the System to the premises.

(s) "Submerged inlet" means a water pipe or extension thereto from a public water supply termination in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminants and which is unprotected against backflow.

(t) "System" or "water distribution system" means the City water supply and distribution system.

(u) "Tap-on charge" means the charge imposed to defray the cost of making a

water connection.

(v) "User" means the owner, lessee or occupant of any premises connected to or served by the System.

(w) "Water connection" means that part of the water distribution system connecting the system to the service line.

(x) "Water main" means the primary and intermediate transmission and local distribution lines of the water distribution system.

ARTICLE II CONNECTIONS

2.1 Water Connection Required The owner of each house, building or property used for human occupancy, employment, recreation or other purposes (the "premises"), constructed subsequent to the existence of public water, situated within the City and abutting on any street, alley, or right-of-way in which there is located a water main or local distribution line of the System shall, provided said water main is within 200 feet of said premises, at owners expense (unless such expense is expressly provided by other sources) install suitable plumbing facilities therein and connect such facilities directly to the water distribution system.

2.2 Connections Applications for connections shall be made to the City on forms prescribed and furnished by it. Water connections, plumbing and water meters shall be installed in accordance with the specifications, rules and regulations of the City and upon payment of all charges established from time to time by the Commission. Water meters shall be installed by the City, unless otherwise provided by resolution of the Commission. All meters and water connections shall be the property of the City. Water service will not commence until payment in full for the installation has been made to the City. Construction of a water service line shall be done by, and at the expense of, the user, as expeditiously as possible after written notice to proceed, but the time for construction of the service line shall be at the convenience of the City.

2.3 Institution of or Restarting Water Service Written notice given not less than 48 hours in advance shall be made to the City by the property owner and/or occupant of the premises when water service is desired. It shall be unlawful for any person to connect to or use water supplied by the City without first giving notice as provided herein. The City reserves the right to require that an amount of money equal to anticipated bills for three months of water service by placed on deposit with the City for

the purpose of establishing or maintaining any customer's credit. No person, other than an authorized employee of the City, shall turn on or off any water service, except that a licensed plumber may, with the prior express approval of the City, turn on water service for testing his work (when it must be turned off immediately following such testing) or upon receiving a written order from the City; provided, that upon written permit from the City, water may be turned on for construction purposes upon payment to the City of the charges applicable thereto.

2.4 Meters All premises using water shall be metered, except as otherwise provided herein. The City reserves the right to determine the size and type of meter used. Meters shall be installed in an accessible location approved by the City. The City reserves the right to install remote meter reading equipment.

2.5 Access to Meters The City shall have the right to shut off the supply of water to any premises where the City is not able to obtain access to the meter. Any qualified employee of the City shall, at all reasonable hours, have the right to enter the premises where such meters are installed for the purpose of reading, testing, removing or inspecting the same and no person shall hinder, obstruct, or interfere with such employee in the lawful discharge of his duties in relation to the care and maintenance of such water meter.

2.6 Injury to Facilities No person, except an employee of the City in the performance of his duties, shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the water distribution system. The owner shall report to the City any theft or damage to the meter or any other structure, appurtenance or equipment which is a part of the water distribution system at once.

2.7 Reimbursement for Damage Any damage which a meter may sustain, including that resulting from carelessness of the owner, agent, tenant or others, or from neglect of either of them to properly secure and protect the meter, as well as any damage which may be wrought by frost, hot water, or steam backing from a boiler, shall be paid by the owner of the property to the City on presentation of a bill therefore; and in cases where the bill is not paid, the water may be shut off and shall not be turned on until all such charges have been paid.

2.8 Responsibility for Damages The City shall not be responsible for any damages because of failures of the System, or actions by the City to correct such failures.

2.9 Water Leakage It shall be the responsibility of the owner to repair any leaks in the service line within 72 hours of notice by the City or an additional fee shall be charged for estimated water loss. If a leak is not repaired, the water may be shut off until the leak is repaired.

2.10 Hydrant Use No person, except an employee of, or a person approved by the City in the performance of his duties, shall open or use any fire hydrant, except in case of emergency, without first securing a written permit from the City and paying such charges as may be prescribed by the City.

2.11 Unlawful Connections Unless by written approval of the City, no person shall make a connection on a service line between the water meter and the local distribution lines, or install a by-pass around the meter.

2.12 Sale By Owner Unlawful It shall be unlawful for any owner or user to sell water or to make any connection through which water may pass from one property or premises to another, even if the ownership of the property or premises is the same, except as approved in writing by the City.

2.13 Cross-Connections Control Program for the City of Caspian It shall be unlawful for any owner to install, and the City shall eliminate and prevent, all cross-connections, except as authorized by the City and approved by the Department of Public Health, pursuant to the requirements of Sections 325.11401 through 325.11407 of the 1979 Michigan Administrative Code, as the same may be amended from time to time.

(a) Introduction. In accordance with the requirements set forth by the Michigan Department of Environmental Quality (DEQ), the City of Caspian has officially adopted the State of Michigan cross connection control rule to protect the public water supply system. "Cross Connection" is defined as a connection or arrangement of piping or appurtenances through which a backflow could occur. "Backflow" means water of questionable quality, waste, or other contaminants entering a public water supply system due to a reversal of flow. The cross connection control program will take effect immediately upon approval of the DEQ.

(b) Inspections. The water superintendent and/or his designated agent shall be

responsible for making the initial cross connection inspection and re-inspections to check for the presence of cross connections within the municipal water supply system. Individuals responsible for carrying out the cross connection inspections and re-inspections shall have obtained necessary training through any available manuals on cross connection prevention, including the Cross Connection Rules Manual as published by the DEQ and attendance at any cross connection training sessions sponsored by the DEQ or other recognized agencies.

(i) Known or suspected secondary water supply cross connections shall be inspected first (surface water, private wells and storage tanks, recirculated water, etc.).

(ii) Known or Suspected Submerged Inlet Cross Connections All suspected high hazard establishments, including all industrial, commercial and municipal buildings will be inspected first, typically within 6 months following the approval of this program. All other buildings and water system connections, including residential accounts, shall be inspected in a logical sequence as time permits.

(iii) Re-inspection schedule In order to ensure against the hazards of cross connections, it will be necessary to periodically and systematically re-inspect for the presence of cross connections. The schedule for re-inspection shall be in accordance with the schedule as noted in the Cross Connection Rules Manual. Whenever it is suspected or known that modifications have taken place with piping systems serving a particular water customer, re-inspections of the premise will be made.

(iv) Protective Devices The methods to protect against hazards of cross connections as outlined in the Cross Connection Rules Manual will be incorporated in the cities cross connection control program.

(v) Compliance Time The time allowed for correction or elimination of any cross connections found shall be as follows:

A. Cross connections which pose an imminent extreme hazard shall be disconnected immediately and so maintained until necessary protective devices or modifications are made.

B. Other cross connections which do not pose an extreme hazard to the water supply system should be corrected as soon as

possible. The length of time allowed for correction should be reasonable and may vary depending on the type of device necessary for protection. The water utility shall indicate to each customer the time period allowed for compliance.

(vi) Frequency of testing All testable backflow prevention assemblies shall be tested at the time of installation or relocation and after any repair. *In addition, all high hazard and reduced pressure principle backflow preventers shall be tested annually. All other assemblies shall be tested at least once every three years.* Records of test results shall be maintained by the water utility. Only individuals that hold a valid Michigan plumbing license and have successfully passed an approved backflow testing class shall perform such testing. Each tester shall also be approved by the City of Caspian. Individual(s) performing assembly testing shall certify the results of their testing.

(vii) Testing backflow prevention assemblies When all initial inspections have been completed, a comprehensive list of backflow preventors installed on customers plumbing systems will be on record. The backflow preventors that are testable assemblies shall be placed on a routine testing schedule. Bases on the associated degree of hazard and probability of backflow each assembly will be assigned a testing frequency. Assemblies in place on high hazard connections must be tested annually. All other accounts must be tested once every 3 years. In addition all assemblies must be tested immediately following installation and repair. Only individuals holding an active ASSE 5110 Certification (backflow prevention assembly testing) shall perform such testing. Upon notice from the City of Caspian it shall be the responsibility of the water customer to arrange for the assembly to be tested and submit the completed test form.

Following the initial cross connection inspections and subsequent classification of accounts (e.g. assigning a degree of hazard), assembly testing notices shall be sent to customers each year. The notices shall be sent out in a timely manner in order to provide adequate time for customers to comply, and the timing will consider seasonal assemblies. Template notices in Appendix A may be used to inform customers of testing requirements. These notices will:

- Clearly identify the assembly requiring testing (size, make, model, location, etc.)
- Stipulate the date by which the assembly must be tested.
- Indicate that testing must be completed by an ASSE Certified tester.
- Enclose a standard test form

When assembly testing reports are received by the utility, they will be checked for the following:

- All the necessary information was provided
- Name and identification number of the tester is provided
- The test results appear valid
- The assembly tested matches the assembly requiring testing (Make, Model, etc.)
- The assembly is ASSE certified

Cross connection control program staff will follow up with owner or tester on questionable test forms. A customer may be asked to have an assembly re-tested if the original test results do not appear valid. Test forms must be received and kept on record for each required test.

The water utility shall maintain sufficient and accurate records of its local cross connection control program and report annually on the status of the program to the DEQ on a form provided by the department. All records will be retained for a minimum of 12 years.

(c) Right of Entry. A representative of the City shall have the right to enter at any reasonable time any property served by a connection to the water distribution system 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 City any pertinent information regarding the piping system or systems on such property. The refusal to provide such information or access to the property, when reasonably requested, shall be deemed evidence of the presence of

cross-connections.

2.14 Protection of Water Supply The potable water supply made available on the premises served by the System shall be protected from possible contamination as specified by this ordinance and by the State of Michigan's and any other applicable plumbing codes. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the water distribution system must be labeled in a conspicuous manner as water unsafe for drinking.

2.15 Discontinuance of Service In the event a user of the System desires water service to be discontinued, said user shall so request in writing not less than 48 hours prior to the time such discontinuance of service is desired. The City will not recognize the discontinuance of water service unless the provisions of the foregoing sentence have been fully met. Under any other circumstances, discontinuance of service will be charged to the customer at the actual cost of labor, materials and equipment. The City may refuse or discontinue water service for any violation of any rule, regulation, or condition of service.

2.16 Shut off of Water The City reserves the right at all times (and will endeavor to give due notice) to shut off the water at the water mains or local distribution lines or to require reduced use or no use of the System for the purpose of making repairs or extensions or for other purposes. All persons having equipment on their premises and depending on water from the water mains or local distribution lines are hereby cautioned against damage which might arise from emergency shutting off of water. In the event of such emergency, the City may designate in any notice the extent of any regulation, limitation or prohibition and the date and time on which it shall take effect.

There shall be a charge of \$50.00 for shutting off the water supply and a further charge of \$50.00 for turning on the water for resumption of the water supply when required by a consumer. There shall be no charge to the consumer for shutting off or turning on the water supply for emergency or general maintenance of service lines when required by the consumer. In the event that any shutting off or turning on the water supply at any time required by a consumer is required to be done outside the regular working hours of the water and sewer department employees, including holidays and weekends, the consumer, in such event or events, shall pay, in addition to the said \$5 standard charge, all of the actual cost of such work in excess of \$5.00 for each shutting off or turning on the water supply.

2.17 Additional Regulations The Commission may make and issue additional rules and regulations concerning the water distribution system, connections thereto, meter installations and maintenance, connection and meter installation fees, hydrants and water mains and the appurtenances thereto, not inconsistent herewith.

2.18 Other Laws If any statutes of the State of Michigan shall impose greater restrictions than herein set forth, then such ordinances or statutes shall control.

ARTICLE III CONTROLLED USE

3.1 Limitation of Water Use The Commission may regulate, limit or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for firefighting. No such regulation, limitation or prohibition shall be effective until twenty-four (24) hours after the publication thereof in a newspaper of general circulation in the City, except in an emergency as may be determined by the Mayor of the City. In case of an emergency the regulation, limitation or prohibition shall be and take effect as indicated by the Mayor and notice shall be given on a local radio station. Any person violating such rule or regulation shall, upon conviction thereof, be punished as prescribed in this ordinance.

ARTICLE IV WATER RATES AND CHARGES

4.1 Applicability The users of the System shall pay rates and charges as set forth in this section. The rates and charges shall be designed to produce revenues which are proportionate to the cost of providing water service to the users of the System. Such cost shall include but not be limited to the cost of the operation, maintenance, replacement, depreciation, administration and a rate of return on the System's investment. No free water service shall be furnished to any user of the System.

4.2 Commodity Charge A commodity charge shall be payable by every user of the System based on water consumption as determined by the meter installed on the premises.

The minimum monthly charge for water service provided by the system shall be \$19.31 for domestic and light and medium commercial users. This rate includes the service charge provided for in 4.3 hereof as to domestic and light commercial and medium commercial use. The monthly charge for water consumed over 5,000 gallons

per month shall be \$3.00 per 1,000 gallons.

4.3 Service Charge A service charge shall be payable by every user of the System. The service charge shall be an amount based on the use of the premises, in accordance with Exhibit A, payable monthly, as follows:

| <u>Use</u> | <u>Monthly Service Charge</u> |
|---------------------------------|-------------------------------|
| Domestic | \$ 9.00 |
| Light Commercial | \$ 9.00 |
| Medium Commercial | \$ 9.00 |
| Heavy Commercial/ Industrial | \$ 400.00 |

If the use of the premises is not specifically set forth in Exhibit A, the Commission shall determine the monthly service charge based upon similar uses listed on Exhibit A.

Each residential unit in a multifamily building and each separate residential commercial or industrial use in the same structure shall be considered a separate user for payment of the service charge.

4.4 Tap-on Charge A tap-on charge of \$450.00, to defray the cost of making a water connection, shall be paid by the user at the time service is requested for water connections of up to one (1) inch in size. The tap-on charge for water connections larger than one (1) inch shall be determined by the Water Department based on actual costs of labor, equipment and material. For water connections larger than one (1) inch, a deposit of \$500.00 shall be paid at the time service is requested.

If pavement removal and replacement is required, an additional charge of \$150.00 shall be paid.

4.5 Meter Installation Charge A meter installation charge of \$75.00 shall be paid by the user at the time service is requested for meter sizes of 5/8" and 3/4". The meter installation charge for meters larger than 3/4" shall be determined by the Water Department based on actual costs of labor, equipment and material. For meter sizes larger than 3/4", a deposit of \$100.00 shall be paid at the time service is requested.

4.6 Meter Test Charge A meter test charge of \$25.00 shall be paid by the person requesting the meter test at the time of the request for meters 1" and smaller. For 1-1/2" meters, the charge shall be \$35.00. For 2" meters, the charge shall be \$50.00. For meters larger than 2", or for any size meter of the compound type, the meter test

charge shall be determined by the Water Department based on the actual costs of labor, equipment and material. For meters larger than 2", or any meter of the compound type, a deposit of \$100.00 shall be paid at the time the test is requested.

4.7 Connection Charge The connection charge of \$300.00 per unit, based on the use of the premises as determined by and set forth on Exhibit A of this Ordinance, shall be paid by the user at the time service is request.

If the use or size of the premises is changed and the change results in an increase in the number of units determined for the premises, an additional connection charge of \$300.00 per unit shall be paid by the user prior to the use of the premises.

If the use of the premises is not specifically set forth in Exhibit A, the Commission shall determine the unit factor based upon similar uses listed on Exhibit A.

4.8 Review of Rates and Charges The Commission shall annually review the rates and charges. A report of the review of the System shall be prepared by the Water Department Director prior to April 1st, in each year, and presented to the Commission recommending rates and charges to assure that all costs of the System will be recovered from users of the System.

4.9 Billing and penalties and Remedies for Non-Payment or Late Payment The owner of the premises served by the System and the occupants thereof shall be jointly and severally liable for the water service provided to said premises. Tenants or land contract purchasers requesting water services in their name shall deposit with the City the estimated bill for three (3) months in advance of receiving service. Deposits shall be applied to any bill, including interest, for water service more than thirty (30) days delinquent. Any deposit, in the case of tenant, shall be returned, less any balance due, when service is discontinued. In the case of land contract purchasers, the deposit shall be returned less any balance due when the service is discontinued or the purchaser obtains a deed for the premises.

Billing for the commodity charge shall be based upon the next whole 1,000-gallon increment. The commodity charge of \$3.50 shall be applied against each 1,000 gallons, or any portion thereof.

Bills for rates and charges as herein established shall be mailed to users monthly. All bills shall be payable on the 20th day of the month following the period of service and shall be payable to the City. If any bill shall not be paid as required, a late charge of ten percent (10%) of the amount billed shall be applied to the current amount past due and collected therewith. Penalty charges will not be compounded.

Water service may be discontinued to any premises to enforce the payment of rates and charges after the user has been given the opportunity for review by the Mayor

or designated representative to show cause why service should not be discontinued. Services so discontinued shall not be restored until such time as all the rates, charges and penalties are paid or satisfactory arrangements made for the payments thereof.

Delinquent bills may be collected by any method authorized by the law including, without limitation, making such amounts due a lien on the premises served.

4.10 Unpaid Charges Any rates or charges remaining unpaid shall be charged against the real property on which the service was rendered, and may be spread on the next regular City and valorem property tax roll after the date on which such charge shall become due and payable, and shall become a lien of the same character and effect as the lien created by State of Michigan and City taxes, until paid.

4.11 Failure of the System There shall be no reduction in water rates or charges in case of failure of the supply of water regardless of the reason for the failure.

4.12 Meter Accuracy A user may require that the meter be tested by paying the meter test charge.

If the meter registers more than 3% over the actual flow, the meter will be repaired or replaced, the test charge will be refunded and the bill will be reduced.

If the meter registers from 5% under the actual flow to 3% over the actual flow, the meter is considered correct and no adjustments or refunds will be made.

If the meter registers more than 5% under the actual flow, the meter will be repaired or replaced and the bill will be adjusted based on estimated usage.

4.13 Hydrant Rental For water used through fire hydrants and for the availability of such water and for the general fire protection furnished the City and its inhabitants, the City shall pay a charge of One Thousand Two Hundred Fifty Dollars (\$1,250.00) per month, from funds of the City or from the proceeds of taxes which the City, within constitutional and statutory limits, is hereby authorized and required to levy in an amount sufficient for that purpose or from the proceeds of special assessments.

ARTICLE V ENFORCEMENT

5.1 Penalties for Violation of Ordinance Whoever violates or fails to comply with any provision of this ordinance shall be fined up to Five Hundred Dollars (\$500.00), imprisoned not more than ninety (90) days, or both. A separate offense shall be deemed committed for each day during which a violation or noncompliance occurs or continues. The City Manager may issue appearance citations for violations of this

ordinance.

5.2 Civil Action The City may institute any action at law or equity to compel compliance with this ordinance or to collect amounts due under this ordinance. If such action is instituted the City shall recover the costs and expenses incurred to bring and maintain the action including, without limitation, actual reasonable attorneys' fees.

5.3 Lien All rates, fees and charges billed or due hereunder including those due pursuant to Section 6.2 hereof shall to the extent permitted by law by liens upon the premises served from the delivery of such service which shall be enforceable in the same manner as ad valorem property tax lien.

ARTICLE VI MISCELLANEOUS

6.1 The City Clerk shall publish this ordinance in a newspaper of general circulation in the City of Caspian, Iron County, Michigan.

6.2 The City reserves the right to amend, revise, repeal or supplement this ordinance.

6.3 Any ordinances or resolutions or parts of same conflicting with this ordinance are hereby repealed.

6.4 Each section of this ordinance, and every paragraph of each section is hereby declared to be separable and the holding of any section or paragraph thereof to be void, ineffective or unconstitutional for any cause shall not affect any other section or part thereof.

6.5 This ordinance supersedes in its entirety Ordinance No. 1-4 entitled "An Ordinance Establishing Rates and Providing for the Enforcement thereof for the use of Service of the Public Water System of the City of Caspian, Iron County, Michigan to Provide for the Connection of said System and to Provide for Other Matters Relative to said System".

Section 2.13

Amended: 9/11/19

Published: 9/25/19

Effective: 10/15/19

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS AND THE DISCHARGE OF WATERS AND WASTES INTO THE CITY'S SEWER SYSTEM; AND ESTABLISHING AND PROVIDING FOR THE COLLECTION OF RATES AND CHARGES FOR USE OF THE CITY'S SYSTEM IN THE CITY OF CASPIAN, IRON COUNTY, MICHIGAN.

**ARTICLE I
DEFINITIONS**

"Act" or "The Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

"Approval Authority" shall mean the Director in a National Pollution Discharge Elimination System (NPDES) state with an approved State Pretreatment Program and the Administrator of the Environmental Protection Agency (EPA) is a non-NPDES state or NPDES state without an Approved State Pretreatment Program.

"Authorized Representative of Industrial User:" An authorized representative of an Industrial User may be:

- (a) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation;
- (b) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively;
- (c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

"Benefit Charge" shall mean the amount charged at the time, and in the amount hereinafter provided, to each premise in the City which must connect to the System. The charge is based upon the proportionate cost allocable to such premises of the trunkage and availability costs associated with providing sanitary sewers and sewage treatment.

"B.O.D." (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20°) degrees centigrade.

"Building drains" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside or outside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

"Building sewer" shall mean the extension from the building drain to the public sewer or other places of disposal.

"Categorical Standards" shall mean National Categorical Pretreatment Standards or Pretreatment Standard.

"City" shall mean the City of Caspian, County of Iron, Michigan.

"City Commission" shall mean the City Commission of the City.

"Commercial user" shall mean an establishment listed in the Office of the Management and Budget's Standard Industrial Classification Manual (1972 edition) involved in a commercial enterprise, business or service which, based on a determination by the City, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

"Cooling water" shall mean the water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is a temperature change.

"Debt retirement charge" shall mean the charge levied to all users for retirement of bonded indebtedness associated with the System.

"Environmental Protection Agency, or EPA" shall mean the U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

"Garbage" shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

"Grab sample" shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration

of time.

"Governmental user" shall mean any federal, state or local government user of the System.

"High strength waste" shall mean any waste having waste characteristics greater than normal domestic sewage.

"Holding tank waste" shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

"Indirect discharge" shall mean the discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the System (including holding tank waste discharged into the System).

"Industrial cost recovery" shall mean the recovery from each eligible industrial user of that portion of U.S. Environmental Protection Agency grants which are allocable to the collection and treatment of industrial wastes from said users.

"Industrial user" shall mean any user of the System that is involved in a profit-seeking venture which discharges a trade or processes waste.

"Industrial waste" shall mean the wastewater discharges from industrial, trade or business process, as distinct from their employees' domestic wastes or wastes from sanitary conveniences.

"Institutional user" shall mean nongovernmental, noncommercial, nonresidential, nonindustrial users of the System.

"Inspector" shall mean any person or persons duly authorized by the City Commission to inspect and approve the installation of sewers.

"National Categorical Pretreatment Standard or Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) or (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

"Normal domestic sewage" shall mean a combination of the water carried domestic wastes from residences, business buildings, institutions and industrial establishments, and normal amounts of infiltration. The normal domestic sewage shall be considered to have a loading of 200 mg/l BOD and 250 mg/l suspended solids.

"O, M&R charge" shall mean the charge levied to all users for operation, maintenance, replacement and customer related administrative costs associated with the System.

"Operation and maintenance costs" shall mean all costs direct and indirect, necessary to provide adequate wastewater collection and treatment on a continuing basis, to conform with all federal, state and local wastewater management requirements, and to assure optimum long-term management of the sewage works. Operation and maintenance costs shall include replacement costs.

"Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

"PH" shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

"Pollution" shall mean the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of the water.

"Pollutant" shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat wrecked or discharged equipment, rock, sand, cellar, dirt and industrial, municipal and agricultural waste discharged into water.

"Pretreatment or treatment" shall mean the reduction of the amount of pollutants, the elimination 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 the System. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).

"Pretreatment requirements" shall mean any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

"Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights, is controlled by the City, and is located within the public right-of-way

or a public easement.

"POTW treatment plant" shall mean that portion of the POTW designed to provide treatment to wastewater.

"Replacement costs" shall mean expenditures made during the service life of the System to replace equipment, appurtenances and accessories necessary to maintain the intended performance of the System.

"Residential user" shall mean all dwelling units used as domiciles.

"Revenues" and "net revenues" shall have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.

"Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

"Service demand charge" shall mean the charge levied to all customers for customer related administrative costs associated with the System.

"Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

"Service demand charge" shall mean the charge levied to all customers for customer related administrative costs associated with the System.

"Sewage" shall mean a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground waters as may be present.

"Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

"Sewage works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

"Sewer" shall mean a pipe or conduit for carrying sewage.

"Sewer service charges" shall mean the sum of the applicable user charge, surcharges and debt service charges.

"Shall" is mandatory. "May" is permissive.

"State" shall mean the State of Michigan.

"Standard industrial classification (SIC)" shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

"Storm sewer" or "storm drain" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial waste.

"Storm water" shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

"Suspended solids" shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

"System" shall mean all facilities of the City and all subsequent additions, including all sewers, pumps, lift stations and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.

"Toxic pollutant" shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other acts.

"User" shall mean any person who contributes, causes or permits the contribution of wastewater into the City System.

"User charge" shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

"User class" shall mean the kind of user connected to sanitary sewers including, but not limited to, residential, industrial, commercial, institutional and governmental.

(a) Residential User. A user of the System whose premises or building is used primarily as a domicile for one or more persons, including dwelling units such as detached, semi-detached and row houses, mobile homes, apartments, or permanent multi-family dwellings (transit lodging is not included, it is considered

commercial).

- (b) Industrial User. Any profit-seeking enterprise which possesses or discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gasses in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in or have an adverse effect on the waters receiving any discharge from the System.
- (c) Commercial User. An establishment listed in the Office of the Management and Budget's "Standard Industrial Classification Manual" (1972 Edition) involved in a commercial enterprise, business or service which, based on a determination by the Local Agency, discharges primarily segregated domestic wastes or wastes from sanitary conveniences and which is not a residential User or an industrial User.
- (d) Institutional User. Nongovernmental, noncommercial, nonresidential, nonindustrial Users of the System.
- (e) Governmental User. Any federal, state, or local government User of the wastewater treatment System.

"Wastewater" shall mean the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, which together may be present, whether treated or untreated, which is contributed into or permitted to enter the System.

"Water meter" shall mean a water volume measuring and recording device, furnished and/or installed by a User and approved by the City.

"WICSA" shall mean the West Iron County Sewer Authority, County of Iron, Michigan.

"Abbreviations"

The following abbreviations shall have the designated meanings:

- (1) BOD - Biochemical Oxygen Demand.

- (2) CFR - Code of Federal Regulations.
- (3) COD - Chemical Oxygen Demand.
- (4) EPA - Environmental Protection Agency.
- (5) l - Liter.
- (6) mg - Milligrams.
- (7) mg/l - Milligrams per liter.
- (8) NPDES - National Pollutant Discharge Elimination System.
- (9) POTW - Publicly Owned Treatment Works.
- (10) SIC - Standard Industrial Classification.
- (11) SWDA - Solid Waste Disposal Act, 42 U.S.C. 6902 et. seq.
- (12) USC - United States Code.
- (13) TSS - Total Suspended Solids.

ARTICLE II **OPERATION**

Section 1 The operation, maintenance, alteration, repair and management of the System shall be under the supervision and control of the City. The City may employ such person or persons in such capacity or capacities as it deems advisable to carry out the efficient management and operations of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System. As part of the operation of the System the City shall review not less than every 2 years and waste water contribution of users and user classes, the total costs of operation and maintenance of the sewage works, and its approved user charge system. The City shall revise the charges for users or user classes within sixty (60) days following the completion of any such review, and at such other times as may be required, to accomplish the following:

- (a) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required by applicable federal regulation;

- (b) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the sewage works; and
- (c) Apply excess revenue collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

Section 2 Use of Public Sewers Required

A. It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the City (or any area under its jurisdiction), any human or animal excrement, garbage or other objectionable waste.

B. It shall be unlawful to discharge to any natural outlet any sanitary sewage, industrial wastes or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

D. Each person having control of a structure in which sanitary sewage originates, and each owner and each occupant of such a structure, shall cause such structure to be connected to an available public sanitary sewer. Such connection shall be completed promptly but in no case later than 30 days from the date of occurrence of the last of the following events:

- (i) Publication of a notice by the City Clerk of the availability of the public sanitary system in a newspaper of general circulation in the City.
- (ii) Modification of a structure so as to become a structure in which sanitary sewage originates.
- (iii) This Ordinance becomes effective.

E. Failure to complete connection where the structure in which sanitary sewage originates has not been connected to an available public sanitary sewer within the 30 days of the period provided in Item D above, City Clerk shall require the connection to

be made forthwith after notice by first class mail or certified mail to the owners, occupants and person having control of the property on which the structure is located. The notice shall give the approximate location of the public sanitary sewer which is available for connection of the structure involved and shall advise such persons of the requirements and the enforcement provisions of this ordinance.

F. Where any structure in which sanitary sewage originates is not connected to an available public sanitary sewer system within 30 days after the date of mailing or posting of the written notice, the City may bring an action for a mandatory injunction or order in the district, municipal or circuit court in the county in which the structure is situated to compel the owner to connect to the available sanitary sewer system forthwith. The City in one or more of such actions may join any number of owners of structures situated within the City to compel each owner to connect to the available sanitary sewer system forthwith.

Section 3 Private Sewage Disposal

A. Where a public sanitary sewer is not available under the provisions hereof, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the State Board of Health.

B. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

C. At such times as a public sewer becomes available to a property served by the System as provided herein, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned, and filled with suitable material.

D. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the State Board of Health.

Section 4 Building Sewers and Connections

A. No unauthorized person shall uncover, make any connections with, or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the City Commission. Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the City, and deposited with the Treasurer a

corporate surety or cash bond acceptable to the City Commission in the sum of \$10,000.00, conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any ordinances of the City, pertaining to the plumbing. This bond shall state that the person will indemnify and save harmless the City and the owner of the premises against all damages, costs, expenses, outlays and or negligence on his part in connection with plumbing or excavating for plumbing as prescribed in this ordinance. Such bond shall remain in force and must be executed for a period of two years except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

B. There shall be two (2) classes of building sewer permits; one for residential service, and the second for service to establishments producing industrial waste. In either case the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City. A permit and inspection fee of ten (10) dollars for a residential or commercial building sewer permit and an amount established on an individual basis for an industrial building sewer permit shall be paid to the City Treasurer at the time the application is filed.

C. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner (the "Owner"). The Owner or the person installing the building sewer for the Owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by said installation.

D. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the Inspector.

E. Old building sewers or portions thereof may be used in connection with new buildings only when they are found on examination and test by the City to meet all requirements of this Ordinance.

F. Each building sewer shall be constructed of Polyvinyl Chloride (P.V.C.) plastic pipe SDR-35 meeting the current requirements of A.S.T.M. D-3034 and as approved by the City's Inspector.

G. All joints and connections shall be made gas tight and water tight. All P.V.C. plastic pipe joints shall be the push-on type equal to A.S.T.M. D3212. The joints and connections shall conform to the manufacture's recommendations. All fittings shall be as manufactured by the pipe supplier with joints equal to that of the pipe.

H. The size and slope of the building sewers shall be subject to the approval of the City, but in no event shall the diameter be less than four (4) inches. The slope of such four (4) inch pipe shall not be less than one-fourth ($1/4$) inch per foot, except as otherwise approved by the Inspector. All building sewers shall be laid on a sand cushion having a minimum thickness of three (3) inches. All irregularities and depressions in the subgrade shall be fitted with sand so the pipe will be firmly supported for its entire length. To provide sewer embedment the remainder of the trench to the top of the pipe shall be backfilled with compacted sand. The sand adjacent to the pipe shall be shovel sliced.

I. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the City Inspector. Pipe laying and backfill shall be performed in accordance with current A.S.T.M. Specifications except that no backfill shall be placed until the work has been inspected by the City.

J. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer.

K. The connection of the building sewer into the public sewer shall be made at a location designated by the Inspector.

L. The applicant for the building sewer shall notify the City when the building

sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city during such regular hours as the City may establish from time to time.

M. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. If such restoration work is not done by the Owner, the City shall perform the necessary restoration and charge the cost thereof back to the Owner.

N. As of the 1st of March, 2001, all building sewers shall contain a ball or check valve that prevents back up of sewage from the City line to the building. Such valves shall be installed by the property owner at the property owners expense. The property owner shall be responsible for repair and maintenance of said valve in all respects. The property owner is responsible for any and all damage whatsoever resulting from sewage backup from the City line; including any and all damage from such sewer backup in facilities without said valves. After the date for installation, as required herein, owners have not installed said valve are presumed to have accepted any and all risks of every kind whatsoever related to sewer backups. This subsection is deemed to be necessary for the protection of the health and general welfare of the Residents of the City of Caspian.

Section 5 Use of the Public Sewers The provisions of this Section shall apply to each commercial, governmental, industrial, institutional and residential User of the System. Each local unit that connects any public sewer to the System shall adopt an ordinance containing similar provisions.

A. "General Discharge Prohibitions" No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the System. These general prohibitions apply to all such users of a System whether or not the User is subject to National Categorical Pretreatment Standards or any other National, State or local Pretreatment Standards or Requirements. A user may not contribute the following substances to any System:

- (a) Any liquids, solids or gasses which by reason of their nature or quantity are, or may be sufficient either along or by interaction with other substances to cause fire or explosion or be injurious in any other way to the System or to the operation of the POTW. Prohibited materials, include, but are not limited to, gasoline,

kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Local Unit or EPA has notified the User is a fire hazard or a hazard to the System.

- (b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch, manure, bones, hair hides or fleshing's, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble, dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- (c) Any wastewater having a Ph less than 5.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures equipment, and/or personnel of the POTW.
- (d) Any wastewater containing toxic pollutants in sufficient quantity, whether singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the System, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not limited to, any pollutant identified pursuant to Section 307(2) of the Act.
- (e) Any noxious or malodorous liquids, gasses or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge's, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation and reuse or to interfere with the reclamation process.

In no case, shall a substance discharged to the System cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

- (g) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.
- (h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 ° C (104 ° F) unless the POTW treatment plant is designed to accommodate such temperature.
- (j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.
- (k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- (l) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (m) Any unpolluted water including, but not limited to non-contact cooling water.

- (n) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

If the WICSA determines that a User(s) is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Authority, through its Administrator, shall:

- (1) Advise the User(s) of the impact of the contribution on the POTW;
and
- (2) Develop effluent limitation(s) for such User(s) to correct the interference with the POTW.

B. Specific Pollutant Limitations No person shall discharge wastewater containing in excess of:

- (a) 3.0 mg/l arsenic
- (b) 0.7 mg/l cadmium
- (c) 4.5 mg/l copper
- (d) 1.0 mg/l cyanide
- (e) 1.5 mg/l lead
- (f) 0.05 mg/l mercury
- (g) 2.0 mg/l nickel
- (h) 4.5 mg/l total chromium
- (i) 10.1 mg/l zinc
- (j) 0.2 mg/l total phenols
- (k) 100 mg/l oil and grease
- (l) 300 mg/l BOD
- (m) 350 mg/l suspended solids
- (n) 20 mg/l total phosphorus

- (o) 30 mg/l chlorine demand at 30 minutes' contact time
- (p) 40 mg/l total kjeldahl nitrogen
- (q) 0-40 ° C (32-104 ° F) temperature
- (r) 6.0-9.5 S.U.ph

C. Federal Pretreatment Standards_ Upon the promulgation of the National Categorical Pretreatment Standards for a particular industrial 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 WICSA shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

D. State Requirements State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Ordinance.

E. City's Right of Revision City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this Ordinance.

F. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, water from footing drains, or roof water to any sanitary sewer or sewer connection except as otherwise provided in this Ordinance.

G. Downspouts and roof leaders shall be disconnected from sanitary sewers.

H. Storm water, groundwater, water from footing drains and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as storm sewers, or to a natural outlet, except as otherwise provided in this Ordinance. Industrial cooling water or unpolluted process waters may be discharged upon application and approval of the WICSA and the appropriate State agency to a storm sewer, or natural outlet.

I. Grease, oil and sand interceptors shall be provided when liquid wastes contain grease in excessive amounts, or other harmful ingredients; except that such interceptors shall not be required for single family or multiple family dwelling units. All interceptors shall be of a type and capacity approved by the WICSA and shall be

located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted into place shall be gastight and watertight.

J. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

K. No statement contained in this Section shall be construed as preventing any special agreement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted, subject to payment therefore by the industrial concern, provided such agreement shall not violate NPDES requirements, National Categorical Pretreatment Standards, and provided User charges, and surcharges as provided in the ordinance are agreed to in the agreement.

L. Excessive Discharge. No User shall ever increase the use of process water or, in any water, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant specific limitation developed by the City, the WICSA or the State.

M. Accidental Discharge. Where required a User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the owner's or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to WICSA review, and shall be approved by WICSA before construction of the facility. All required users shall complete such a plant within one (1) year from the effective date of the ordinance. If required by the City a User who commences contribution to the POTW after the effective date of this Ordinance shall not be permitted to introduce pollutants into the System until accidental discharge procedures have been approved by WICSA. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the POTW of the incident. The notification shall include the location of discharge, type of waste, concentration and volume, and corrective actions.

(a) **Written Notice.** Within five (5) days following an accidental discharge, the

User shall submit to the WICSA a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(b) Notice to Employees. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees of whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

N. It shall be unlawful for any person to place, deposit or permit to be deposited substances as are listed in Exhibit A attached hereto and made part hereof deposited in an unsanitary manner upon public or private property within the City (or any area under its jurisdiction), any human or animal excrement, garbage or other objectionable waste including but not limited to such substances as are listed in Exhibit A attached hereto and made part hereof.

O. When required by the City, the Owner of any property served by a building sewer carrying high strength wastes shall install and maintain at his expense suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. All measurements, tests and analysis of the characteristics of waters and wastes shall be determined in accordance with "Guidelines Establishing Test procedures for Analysis of Pollutants" (40CFR 136, October 16, 1973) and shall be determined at the control manhole or upon suitable samples taken as said control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

P. The City may exclude from the System a portion or all waste from a User which may be harmful to or have a deleterious effect on the System.

Q. A surcharge may be imposed on the rate charged to Users for the treatment of high strength waste. The surcharge shall be based on the volume, strength and character of the high strength waste treated as compared to the volume, strength and

character of the normal domestic sewage experienced in the City.

R. Special assessments or contracts may be executed with Users which shall be coordinated with this Ordinance for the derivation of the rate to be used for the receiving of high strength waste, where such high strength wastes are of unusual strength or volume and the treatment facility is capable of handling such high strength waste.

Section 6 Protection from Damage No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 7 Powers and Authority of Inspectors The duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Ordinance.

Section 8 Penalties

A. Any person found to be violating any provision of this Ordinance except Section 6, shall be served by the City Commission with written notice the nature of the violation and providing a reasonable time limit or the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violation beyond the time limit provided for in Section 8A, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not less than fifteen dollars (\$15.00) and not more than one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

C. Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

Section 9 Conditions of Service

A. The City shall install at its expense that portion of the building sewer from the public sewer to near the lot or easement line, and the customer shall install at his expense that part of the building sewer from the lot or easement line to and on his premises, and shall maintain at his expense that portion of the building sewer from the public sewer to his premises. The size and slope of the building sewers shall be subject to the approval of the authorized personnel of the City, but in no event shall the diameter be less than four (4) inches. Whenever possible, the building sewer shall be brought to the building at an elevator below the basement floor.

B. Upon the abandonment or destruction of any building connected to the System, the Owner shall, at his expense, disconnect the building sewer from the public sewer at a point at least five (5) feet outside the inner face of the building wall. Such disconnection shall be made under the supervision of the City during such regular hours as the City may establish from time to time.

C. Applications may be canceled and/or sewer service discontinued by the City for any violation of any rules, regulation, or condition of service, and especially for any of the following reasons.

1. Misrepresentation in the application as to the property or fixtures to be serviced by the System.
2. Nonpayment of bills.
3. Improper or imperfect service pipes and fixtures or failure to keep same in suitable state of repair.

D. Bills and notices relating to the conduct of the business of the City will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the City Commission; and the City shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in said notice.

E. The City shall, in no event, be held responsible for claim made against it by reason of the breaking of any mains for service pipes, or by reason of any other interruption of the service caused by the braking of machinery or stoppage for necessary repairs, and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

F. The premises receiving sanitary sewer service shall at all reasonable hours be

subject to inspection by duly authorized personnel of the City.

Article III Rates and Charges

Section 10 Sewage Charges for Premises Connected to the System Commencing with the effective date of this Ordinance, each commercial, governmental, industrial, institutional and residential User of the System which connects directly to the System shall pay charges for sewage disposal services to such premises at the rates established and fixed from time to time by the City. The same rates will be charged to all Users inside the boundaries of the City. Commencing on the effective date of this Ordinance charges to the Users for services to the System shall be as provided in **Exhibit A.** hereto.

Any user of the system who uses more than 5,000 gallons of water per month that does not enter the City's sewer may enter a separate meter to measure the amount of water not entering the sewer system. Such meter installation must be: downstream from the User's original water meter; in a manner that only measures water that cannot enter the City's sewer system. Such meters and meter installations must be pre-approved by the City Manager, inspected upon installation by the City Manager, and accessible for routine inspection by the City Manager.

Users who install such meters shall only pay regular sewer rates for the first 5,000 gallons per month of water measured by such meter.

The City Manager shall approve request for such metering only when the applicant:

1. Demonstrates a routine, regular use of water which will not enter the sewer system.
2. Demonstrates that the plumbing systems for water and sewer are adequately separated to assure that only water that is not entering the sewer system is measured and that such water cannot enter the sewer system.

If an applicant does not comply with 1 and 2 above, the City Manager shall not approve the request.

Section 11 No free service shall be furnished by the System to any person, firm, or corporation, public or private, or to any public agency or instrumentality.

Section 12 The rates hereby fixed are estimated to be sufficient to provide for the

payment of the expenses of administration and operation and such expenses for maintenance 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 this Ordinance may require. Such rates shall be fixed and revised periodically as may be necessary to produce these amounts. Further the rates for use of the System shall be based on the following:

(a) Debt Retirement Charge: Each User of the System shall pay a monthly debt retirement charge to be determined from time to time by the City Commission.

(b) O,M&R Charge: Each User of the System shall pay a monthly, O,M&R charge in proportion to the User's wastewater contributions to the System. Users that are also metered customers of the City water system shall be charged in an amount equal to the charge for the water system use. Users that are not metered water customers shall be charged a flat amount per residential equivalent unit assigned to the User's premises, as hereinafter stated.

(c) Surcharges: Each non-residential type User, as previously defined, shall pay a proportionate amount of the surcharge assessed to the City by the WICSA in proportion to its percentage of the total non-domestic use. All non-residential Users shall be converted to EDUs by dividing the User's total consumption for the average month by 6000, to equate to one (1) EDU. New customer's EDU value shall be estimated for the first year.

Section 13 The System shall be operated on the basis of the same operating year as the City.

Article IV **Billing**

Sewer bills for the rates herein charged shall be rendered at least bimonthly during each operating year on the first day of January, March, May, July, September and November and shall represent charges for the period immediately preceding the date of rendering the bill. The bills shall be due and payable within thirty (30) days from the date thereof, and all bills not paid when due shall be deemed delinquent and a penalty of ten percent (10%) of the amount of such billing shall be added thereto and become due and owing as a part hereof.

Article V

Enforcement

Benefit charges and charges for sewage disposal services are made a lien on all premises served thereby, are hereby recognized to constitute such lien and whenever any such charge against any property shall be delinquent for six (6) Months, the City official or officials in charge of the collection thereof shall certify annually, not later than June first of each year, to the tax assessing officer, the fact 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 taxes against such premises are collected and the lien thereof enforced.

Rate Setting Methodology - Equivalent Dwelling Unit (EDU) The rate structure shall assure that a uniform rate is assessed on all Users, based on the discharge volume and strength of the predominant User which is identified as the residential class. Increments of the rate shall be assigned to classes other than residential based upon an appropriate factor that equates the flow and strength to that of the residential Users.

Section 14 The City will maintain and keep proper books of records and accounts, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the System. The City will cause an audit of such books of record and account of the preceding operating year to be made as often as required by State statute by a recognized independent certified public accountant, and will supply such audit report to authorized public officials on request.

The City will maintain and carry insurance on all physical properties of the System, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewage disposal systems. All moneys received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed.

Section 15 If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Section 16 All Ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Exhibit A

Total monthly sewer charges shall consist of the following components:

- A. \$1.41 per thousand gallons for WICSA, O,M&R and adjustments;
 - B. \$2.85 per non-residential EDU for WICSA strength surcharge;
 - C. \$.30 per thousand gallons for City internal maintenance / replacement;
 - D. \$5.47 per hookup for debt retirement to WICSA and capital acquisition.
- facilities

Heavy Industrial Sewer Rate- For Heavy Industrial Sewer Users, the rate shall be:

\$4,069.00 per Month, covering up to 1,300,000 Gallons.

The rate for flow greater than 1,300,000 Gallons will be \$3.13 per thousand gallons or part thereof.

This rate modification is made as of September 1, 2011 and as approved by the Caspian City Commission at its regular meeting on September 14, 2011 and effective October 1, 2011.

ARTICLE II, Section 4 Sub F and G, Building Sewers and Connections was amended as written herein:
Amended: 6/10/2020
Published: 6/23/2020
Effective: 7/13/2020

A RESOLUTION TO PROVIDE FOR THE ACQUISITION, CONSTRUCTION AND IMPROVEMENT OF THE WATER SUPPLY SYSTEM FACILITIES FOR THE CITY OF CASPIAN, IRON COUNTY, MICHIGAN; TO AUTHORIZE THE ISSUANCE OF WATER SUPPLY SYSTEM REVENUE BONDS, BY THE CITY OF CASPIAN, PURSUANT TO THE PROVISIONS OF ACT 94, PUBLIC ACTS OF MICHIGAN, 1933, AS AMENDED, TO FINANCE THE COST THEREOF; TO PRESCRIBE THE FORM OF BONDS; TO PROVIDE FOR THE COLLECTION OF REVENUES FOR THE PURPOSE OF PAYING THE BONDS; TO PROVIDE FOR THE PAYMENT AND SECURITY OF THE BONDS AND, TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE BONDS IN ENFORCEMENT THEREOF AND OTHER MATTERS RELATIVE TO THE BONDS AND SAID SYSTEM AND FOR THE USE THEREOF FOR THE PRESERVATION OF THE PUBLIC HEALTH, SAFETY AND WELFARE.

Minutes of a regular meeting of the City Commission of the City of Caspian, Iron County, Michigan, held in the Caspian City Hall, Caspian, Michigan on Tuesday January 10, 1995 at 7:00 p.m., local time.

PRESENT: Commissioner: Anderson, Laviolette, Remondini, Hamacher and Mayor Sabol.

ABSENT: Commissioner: None

The following resolution was offered by Commissioner Laviolette and supported by Commissioner Hamacher:

WHEREAS, the following resolution, prepared by Clary, Nantz, Wood, Hoffius, Rankin & Cooper, Bond Counsel, was presented to the City Commission provided for financing the acquisition and construction of improvements to the City's Water Supply System in accordance with plans and specifications prepared by Sundburg, Carlson & Associates, Inc., Consulting Engineers, Marquette, Michigan, the estimated cost of which is \$3,168,000. The public improvements shall be financed in part by a grant of \$2,020,000 from the United States of America and the balance shall be financed by the issuance of revenue bonds or other evidences of indebtedness in the amount of \$1,148,000 for a period of 40 years, pursuant to Act 94 of the Public Acts of 1933, as amended.

NOW THEREFORE, BE IT HEREBY Resolved as follows:

Section 1 Definitions Whenever used in this Bond Resolution or in the bonds to be issued hereunder, except when otherwise indicated by context, the following definitions shall apply:

(a) "Acquired" shall include acquisition by purchase, construction or by any other method.

(b) "Act" means Act 94 Public Acts of Michigan of 1933, as amended, referred to as the Revenue Bond Act.

(c) "Bonds" or "bonds" means the City of Caspian Water Supply System Revenue Bonds, Series 1995, authorized and issued pursuant to the Act, and this Bond Resolution.

(d) "Bond Resolution" means this resolution and all amendments hereto.

(e) "City" means the City of Caspian, Iron County, Michigan.

(f) "City Commission" means the City Commission of the City of Caspian, the legislative and governing body thereof.

(g) "Public improvements" means the improvements authorized to be acquired pursuant to this Bond Resolution as described in Section 2 hereof.

(h) "Revenues" Shall have the same meaning as defined in Section 3 of the Act and shall include all earnings on investments of funds of the System and all other revenues derived from or pledged to operation of the System.

(i) "Net revenues" shall have the same meaning as defined in Section 3 of the Act.

(j) "Water Supply System" or "System" means the complete Water Supply System of the City, including treatment facilities and all appurtenances thereto now owned by the City, acquired pursuant to this Bond Resolution and all extensions and improvements thereto hereafter made.

Section 2 Necessity; Description of Project It is hereby determined to be necessary for the public health, safety and welfare of the City to acquire and construct, in accordance with detailed maps, plans and specifications therefor prepared by Sundburg, Carlson & Associates, Inc., Consulting Engineers of Marquette, Michigan,

improvements to the Water Supply System consisting of the acquisition of water mains to replace and improve the existing System and the addition of new hydrants, controls, and to make other improvements to the System (hereinafter called the "public improvements").

Section 3 Estimated Cost; Period of Usefulness The cost of the public improvements has been estimated by the engineers to be \$3,168,000 including the payment of which estimate of cost is hereby approved and confirmed, and the period of usefulness of the public improvements is estimated to be greater than forty (40) years.

Section 4 Issuance of Bonds To defray the cost of acquiring and constructing said public improvements, including the payment of legal, engineering, financial and other expenses incident thereto and incident to the issuance and sale of the Bonds, it is hereby determined that the City borrow the sum of \$1,148,000 and that revenue bonds be issued therefor pursuant to the provisions of the Act. The balance of the cost of the public improvements shall be paid by local funds.

Section 5 Bond Information The Bonds authorized to be issued and sold pursuant to the provisions of the Act and this Bond Resolution in the aggregate principal sum of \$1,148,000 shall be known as "Water Supply System Revenue Bonds, Series 1995"; shall be bonds payable out of the net revenues collected by the City from users of the Water Supply System after provision has been made for the payment of expenses of administration, operation and maintenance of the System; shall be dated February 1, 1995; shall be numbered consecutively in the direct order of their maturity from R-1 upward; shall be fully registered bonds (without coupons) in the denomination of \$5,000.00 each, or any whole multiple thereof, including one manuscript bond for all bonds and all maturities. The Bonds shall bear interest at a rate or rates to be hereafter determined not exceeding 5.0% per annum, payable semi-annually on the first day of February and August of each year commencing August 1, 1995, and continuing thereafter until the principal of and interest on the Bonds is fully paid. The Bonds shall mature serially on the first (1st) day of February of each year as follows:

| <u>Year</u> | <u>Amount</u> | <u>Year</u> | <u>Amount</u> |
|-------------|---------------|-------------|---------------|
| 1996 | 8,000 | 2016 | 26,000 |
| 1997 | 10,000 | 2017 | 28,000 |
| 1998 | 10,000 | 2018 | 28,000 |

| | | | |
|------|--------|------|--------|
| 1999 | 10,000 | 2019 | 30,000 |
| 2000 | 12,000 | 2020 | 30,000 |
| 2001 | 12,000 | 2021 | 32,000 |
| 2002 | 14,000 | 2022 | 32,000 |
| 2003 | 14,000 | 2023 | 34,000 |
| 2004 | 14,000 | 2024 | 34,000 |
| 2005 | 16,000 | 2025 | 36,000 |
| 2006 | 16,000 | 2026 | 36,000 |
| 2007 | 18,000 | 2027 | 40,000 |
| 2008 | 18,000 | 2028 | 40,000 |
| 2009 | 20,000 | 2029 | 45,000 |
| 2010 | 20,000 | 2030 | 45,000 |
| 2011 | 22,000 | 2031 | 50,000 |
| 2012 | 22,000 | 2032 | 50,000 |
| 2013 | 24,000 | 2033 | 60,000 |
| 2014 | 24,000 | 2034 | 70,000 |
| 2015 | 26,000 | 2035 | 72,000 |

Principal of and interest on the Bonds shall be paid in lawful money of the United States of America to the person appearing on the Bond registration books as the Registered Owner thereof payment of principal on the Bonds shall be made at the principal office of the Transfer Agent, as paying agent, upon surrender of the Bonds. Payment of interest on the Bonds shall be paid by draft or check mailed to the Registered Owner at his/her address as it appears on the registration books.

Section 6 Prior Redemption Bonds maturing in the years 1996 to 2005, both inclusive, shall not be subject to redemption prior to maturity. Bonds maturing on or after February 1, 2006 shall be subject to redemption prior to maturity, as a whole or in part, in such order as the City may determine, and at the option of the City on any one or more interest payment dates, on or after February 1, 2005. Bonds so called for redemption shall be redeemed at the par value thereof and accrued interest to the date fixed for redemption plus a premium as follows:

2% of the par value of each bond redeemed on or after February 1, 2005 but prior to February 1, 2007;

1% of the par value of each bond redeemed on or after February 1, 2007 but prior to February 1, 2009;

No premium shall be paid on bonds redeemed on or after February 1, 2009.

Notice of redemption of bonds shall be given to the holders of the bonds to be redeemed, by notice in writing, not less than thirty (30) days prior to the date fixed for redemption, by registered United States mail, addressed to the Registered Owner

thereof at the registered address as shown on the registration books of the City maintained by the Transfer Agent. Bonds so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the Transfer Agent, as paying agent, to redeem the same.

Notwithstanding the foregoing, as long as the Bonds are held by the United States of America, the Bonds shall be subject to redemption upon agreement of the City and the Bondholder.

Section 7 Transfer Agent and Registration The City shall, from time to time, designate and appoint a Transfer Agent, which shall also act as paying agent and bond registrar. The initial Transfer Agent shall be the City Treasurer. In the event of a change in the Transfer Agent, notice shall be given in writing, by certified mail, to each Registered Owner not less than sixty (60) days prior to the next interest payment date. The Transfer Agent shall keep the official books for the recordation of the Registered Owners of the Bonds.

Registration of the Bonds shall be recorded in the registration books of the City to be kept by the Transfer Agent. Bonds may be transferred only by submitting the same, together with a satisfactory instrument of transfer signed by the Registered Owner or his legal representative duly authorized in writing, to the Transfer Agent, after which a new Bond or Bonds shall be issued by the Transfer Agent to the transferee (new registered owner) in denominations of \$5,000.00 or any integral multiple thereof, in the same aggregate principal amount as the Bond submitted for transfer. No transfer of Bonds shall be valid unless and until recorded on the bond registration books in accordance with the foregoing. The person in whose name any Bond is registered may for all purposes, notwithstanding any notice to the contrary, be deemed and treated by the City and the Transfer Agent as the absolute owner thereof, and any payment of principal and interest on any Bond to the Registered Owner thereof shall constitute a valid discharge of the City's liability upon such Bond to the extent of such payment. No Bond shall be transferred less than fifteen (15) days prior to an interest payment date nor after the Bond has been called for redemption.

Section 8 Execution. The Bonds shall be signed by manual or facsimile signature of the Mayor of the City and by the City Clerk, and they are hereby authorized and directed to execute the Bonds for and on behalf of the City. Upon the execution of the Bonds, the same shall be delivered to the Treasurer of the City who is hereby authorized and directed to deliver the Bonds to the purchaser thereof, upon receipt of the purchase price therefor, plus the accrued interest, if any, to the date of delivery. No installment of Bonds proceeds shall be valid until registered by the City's Treasurer or by a person designated in writing by the Treasurer to act as Bond Registrar.

Section 9 Bond Form. The form and tenor of the Bonds shall be substantially set forth on Exhibit A, attached hereto.

Section 10 Revenue as Sole Security; No General Obligation of City. The Bonds, including both principal and interest thereon, shall not be a general obligation of the City and shall not constitute an indebtedness of the City for purposes of any debt limitations imposed by any constitutional provision or any statutory or charter limitation. The principal of and interest on the Bonds shall be payable solely from the net revenues derived from the operation of the Water Supply System, including future improvements, enlargements and extensions thereof. The net revenues from the System, including future enlargements, improvements, and extensions thereto, are hereby pledged to the payment of the principal of and interest on the Bonds. To secure the payment of the principal of and interest on the Bonds. To secure the payment of the and interest on the Bonds issued hereunder and on any additional bonds of equal standing which may be issued as provided by the terms of this Bond Resolution, there is hereby created to and in favor of the holders of the Bonds, a lien, considered a statutory first lien upon the net revenues from the System, including future enlargements, improvements and extensions thereof. The net revenues so pledged shall be deposited in the Bond and Interest Redemption Fund and shall be and remain subject to said lien until the payment in full of the principal of and interest on said Bonds.

Section 11 Rights of Bondholders The holder or holders of the Bonds representing in the aggregated not less than 20 percent (20%) of the entire issue then outstanding may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce said statutory lien and enforce and compel the performance of all duties of the officials of the City, including the fixing of sufficient rates, the collection of revenues, the proper segregation of revenues and the proper application thereof: Provided, however, that said statutory lien shall not be construed to give any Registered Owner of any Bond authority to compel the sale of the public improvement, the revenues of which are pledged thereto.

If there be any default in the payment of the principal of or interest upon any of said Bonds, any court having jurisdiction in any proper action may appoint a receiver to administer and operate the System on behalf of the City and under the direction of said court, and by and with the approval of said court, to fix and charge rates and collect revenues sufficient to provide for the payment of any Bonds or other obligations outstanding against the revenues of the System and for the payment of the expenses of operating and maintaining the System and to apply the income and revenues of the System in conformity with the Act and of this Bond Resolution.

The owners or holders, from time to time, of said Bonds herein authorized to be issued, shall have all the rights and remedies given by law and particularly by the Act, for the collection and enforcement of said Bonds and the security therefor.

Section 12 Management of System Except as provided in Section 13, below, the construction, alteration, repair and management of the System shall be under the

supervision and control of the City Commission. The City may employ such persons in such capacities as it deems advisable to carry on the efficient management and operation of the System. The City Commission may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

Section 13 Supervised Bank Accounts The Treasurer of the City shall be custodian of all funds belonging to and/or associated with the System and such funds shall be deposited in a bank or banks, each of which has unimpaired capital and surplus of at least \$2,000,000, or which are each a member of the Federal Deposit Insurance Corporation.

Section 14 Funds The City Treasurer is hereby directed to create the following funds into which the bond proceeds and the revenues and income from the System shall be deposited, which accounts shall be established and maintained, except as otherwise provided, so long as any of the Bonds hereby authorized remain unpaid.

A. Construction Fund. After deducting a sum equal to (i) the amount of any premium paid by the purchaser of the Bonds, (ii) capitalized interest, if any, and (iii) accrued interest from the date of the Bonds to the date of delivery thereof, which sums shall be deposited in the Bond and Interest Redemption Fund, the balance of the proceeds of the Bonds hereby authorized shall be deposited in a separate depository account designated the 1995 Water Supply System Revenue Bonds Construction Fund (the "Construction Fund"). Said moneys shall be used solely for the purpose for which the Bonds were issued.

Any unexpended balance in the Construction Fund remaining after completion of the Project herein authorized may be used for such purposes as allowed by law; thereafter, any remaining balance shall be repaid to the United States of America.

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

B. Receiving Funds. The gross income and revenue of the System shall be set aside into a separate depository fund to be designated the Receiving Fund (the "Receiving Fund") and moneys so deposited therein as pledged shall be expended and used only in the manner and order as follows:

1). Operation and Maintenance Fund. There is hereby established a fund known as the Operation and Maintenance Fund. Prior to the beginning of each fiscal year, the City Commission shall prepare an annual budget of the System for the ensuing fiscal year itemized on the basis of monthly requirements. Out of the revenues in the Receiving Fund, there shall be set aside quarterly and deposited into the Operation and Maintenance Fund a sum sufficient to pay the reasonable and necessary

current expenses of administering, operating and maintaining the System for the ensuing three (3) months.

2). Bond and Interest Redemption Fund. There is hereby established as separate depository account with the bank or trust company currently appointed as the Transfer Agent for the Bonds, a fund known as the "Revenue Bond and Interest Redemption Fund" (the Bond and Interest Redemption Fund"). After transfer to the Operation and Maintenance Fund required in (1) above, there shall be transferred quarterly from the Receiving Fund, before any other expenditures or transfer therefrom, and deposited in the Bond and Interest Redemption Fund, for payment of principal and interest on the Bonds, a sum equal to at least 1/2 of the amount of the interest due on the next ensuing interest payment date plus not less than 1/4 of the principal maturing on the next ensuing principal payment date in each year. If for any reason there is a failure to make sure quarterly deposit or for any reason there is a deficiency in the Bond and Interest Redemption Fund, then an amount equal to the deficiency shall be set aside and deposited in the Bond and Interest Redemption Fund from the net revenues in the next succeeding period, which amount shall be in addition to the regular quarterly deposit required during such succeeding period.

3). Bond Reserve Account. There is hereby established within the Bond and Interest Redemption Fund a separate account to be known as the Bond Reserve Account. Into the Bond Reserve Account there shall be paid in quarterly installments from the revenues of the System after provision has been made for the Operation and Maintenance Fund and the current requirements of the Bond and Interest Redemption Fund, all the remaining revenues of the System in the Receiving Fund, but not less than \$1,562.50, being April 1, 1995, until there has been accumulated a sum in the amount of \$62,500.00 (the "Reserve Amount"). The Reserve Amount shall be achieved within ten (10) years after the date of issuance of the Bonds. Except as hereinafter provided, no further deposits need be made into the Bond Reserve Account once the Reserve Amount has been deposited therein. The moneys in the said Bond Reserve Account shall be used solely for the payment of the principal of and interest on said Bonds as to which there would otherwise be default.

If at any time it shall be necessary to use moneys in the Bond Reserve Account for payment of principal and/or interest on said Bonds, then the moneys so used shall be replaced from the revenues first received thereafter which are not required by this Resolution to be used for operation and maintenance or for current principal and interest requirements.

No further payments need be made into the Bond and Interest Redemption Fund after the amount accumulated and held in said Fund and in the Bond Reserve Account, is sufficient to pay, when due, the entire amount of principal and interest which will be payable at the time of maturity or at an earlier redemption date of all the Bonds then remaining outstanding.

4). Improvement and Repair Fund. There is hereby established an Improvement and Repair Fund, into which there shall be placed each quarter, after meeting the foregoing requirements, such sums as the City Commission shall determine to be used for the purpose of acquiring and construction improvements, additions and extensions to the System and for the purpose of making repairs and replacements to the System.

5). Surplus Moneys. All moneys remaining in the Receiving Fund at the end of any operating year after satisfying the above requirements may be transferred to the Bond and Interest Redemption Fund and used as authorized in this Bond Resolution or at the option of the City transferred to the Improvement and Repair Fund and used for the purposes for which said Fund was established. Provided, however, that if there should be a deficit in the Operation and Maintenance Fund or Bond and Interest Redemption Fund or the Bond Reserve Account on account of defaults in setting aside therein the amounts hereinbefore required, then transfers shall be made from the moneys remaining in the Receiving Fund at the end of any operating year to such funds in the priority and order named, to the extent of such deficits. Available surplus moneys may be used to retire any outstanding obligations of the City incurred for the construction, expansion or addition to the System including additional bonds, the issuance of which is authorized by this Bond Resolution, or if no other disposition has been provided for, such moneys may be used for such other purpose or purposes as the City Commission may deem to be for the best interest of the City.

Section 15 Investment of Funds Moneys in the several funds and accounts herein established, including the moneys derived from the proceeds of sale of the Bonds, may be invested in obligations of the United States of America, subject to the limitation provided in the Act, and subject to the applicable limitations imposed by the arbitrage regulations issued pursuant to Section 148 of the Internal Revenue Code of 1986, as amended. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made, to the extent such credit would not cause the Bonds to be treated as arbitrage bonds within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder.

Section 16 Rates and Charges Prior to the issuance of the Bonds, the City Commission shall have established rates and charges for the services of the System in an amount sufficient to pay the expenses of administration and the costs of operation and maintenance of the System; to provide an amount of revenues adequate for the payment of principal of and interest on the Bonds, debt service, reserve, replacement and improvement requirements and all other requirements provided herein, and otherwise comply with the covenants herein provided. The rates and charges for all

services and facilities rendered by the System shall be reasonable and just, taking into consideration the costs and value of the System and the cost of maintaining, repairing and operating the same and the amounts necessary for the retirement of all Bonds and accruing interest on all Bonds, and there shall be charged such rates and charges as shall be adequate to meet the requirement of this and preceding sections.

Section 17 Lien The rates and charges for all services furnished by the System to any premises shall be a lien thereon. There is hereby created a lien made a statutory lien by Section 8 of the Act, upon the net revenues pledged to the payment of the principal of and interest upon the Bonds, to and in favor of the holders of the Bonds, which liens shall be a first lien upon such net reserves, except where there exists a prior lien.

The charges for service of the System furnished to any premises is, by Section 21 of the Act, and by this Bond Resolution, made a lien thereon, and those charges delinquent for six (6) months or more shall be certified by the City annually on September 1 of each year to the City tax assessing officer who shall enter the same upon the next tax roll against the premises to which the service shall have been rendered, and the charges shall be collected and the lien shall be enforced in the same manner as provided for the collection of taxes assessed upon such roll and the enforcement of the lien therefor. However, in all cases where a tenant is responsible for the payment of the charges and the City is so notified in writing (including a true copy of the lease), then the charges shall not become a lien against the premises from and after the date of the notice. From and after such notice, no further service shall be rendered to the premises until a cash deposit of not less than one (1) full years' service shall have been made as security for payment of the charges.

Section 18 No Free Service No free service shall be furnished by the System to the City or to any individual, firm or corporation, public or private or to any agency or instrumentality.

Section 19 Covenants The City covenants and agrees, so long as any of the Bonds hereby authorized remain unpaid, as follows:

A. That it will punctually perform all duties with reference to the System and comply with applicable State laws and regulations and continually operate and maintain the System in good condition.

B. That it will construct the Project herein provided in substantial accordance with the plans and specifications hereinbefore referred to, and will have the same in operation at the earliest possible time and that it will not sell, lease, mortgage or in any manner dispose of the System, or any substantial part thereof until all Bonds payable from the revenues thereof shall have been paid in full or provision has been made for the payment of the Bonds.

C. That it will cause an annual review of rates and charges to be made and based thereon will adjust such rates and charges to provide the amounts required by Section 16 hereof.

D. That it will maintain complete books and records relating to the operation of the System and its financial affairs and will cause such books and records to be audited annually at the end of each fiscal year and an audit report prepared, and furnish any holder of any Bonds a copy of such report upon written request.

E. That it will prepare, keep and file such records, statements and accounts as may be required by law and that it will file, if required by law, with the Michigan Department of Treasury, as soon as it 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 municipality, completely setting forth the financial operation of such fiscal year for its own purpose.

F. That 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. All moneys 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.

G. That it hereby pledges, from other funds of the City, available for such purpose, such moneys as may be necessary on an annual basis to maintain the requirements of Section 20 hereof for the issuance of additional bonds.

Section 20 Additional Bonds The City may issue additional bonds of equal standing in an amount necessary to complete construction of the public improvements according to the plans set forth in Section 2, or for the purpose of making reasonable repair, replacement or extension of the System. Additional Bonds for repair, replacement or extension of the System may be issued only if (i) the net revenues of the System for the fiscal year next following the year in which such additional bonds are to be issued are estimated to be 110 percent (110%) of the average annual debt service requirements on all Bonds then outstanding and those proposed to be issued; or, (ii) the holders of at least 75 percent (75%) of the then outstanding bonds and notes, if any, issued for acquisition of the System consent to such issue in writing.

Any additional bonds shall be subject to the various funds herein established as if said bonds were part of the original bond issue herein authorized, and all revenue from any such extension or replacement constructed by the proceeds of an additional bond issue shall be paid into the Receiving Fund.

Section 21 Bond Resolution Shall Constitute Contract The provisions of this Bond

Resolution shall constitute a contract between the City and the bondholders and after the issuance of such Bonds, this Bond Resolution shall not be repealed or amended in any respect which will adversely affect the rights and interest of the holders nor shall the City adopt any law, ordinance or resolutions in any way adversely affecting the rights of the holders so long as the Bonds or interest thereon remains unpaid.

Section 22 Default of the City If there shall be default in the Bond and Interest Redemption Fund, provisions of this Bond Resolution or in the payment of principal or interest of any of the bonds, upon the filing of a suit by twenty percent (20%) of the holders of the Bonds any court having jurisdiction of the action may appoint a receiver to administer said System on behalf of the City with power to charge and collect rates sufficient to provide for the payment of the Bonds and for the payment of operation expenses and to apply income and revenues in accordance with this Resolution and the laws of the State of Michigan.

The City 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 of payment of City obligations, all contracts and other rights of the City conditionally, for such time only as such receiver or operator shall operate by authority of the court.

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

Section 23 Internal Revenue Code of 1986 The City has consulted with its attorney and understands that the Internal Revenue Code of 1986, as amended, contains certain requirements on (i) the expenditure of proceeds from the sale of the Bonds (ii) the investment of the proceeds from the issuance of the Bonds and (iii) the rebate of interest earned on the investment of the proceeds of the Bonds under certain circumstances. The City hereby covenants to comply with such requirements.

Section 24 Qualified Tax-Exempt Obligation The City reasonably anticipates that the amount of qualified tax-exempt obligations which will be issued by the City and all subordinate entities during the calendar year 1995 shall not exceed \$5,000,000. The City hereby designated the Water Revenue Bonds Revenue Bonds, Series 1994 in the principal amount of \$1,148,000 as "qualified tax-exempt obligations" for purposes of Section 265(b) (3)(B) of the Internal Revenue Code of 1986, as amended (the "Code"). The City hereby certifies that the Bonds are not private activity bonds as defined in Section 141 of the Code.

Section 25 Fiscal Year of System The fiscal year for operating the System shall coincide with the fiscal year of the City.

Section 26 Michigan Department of Treasury The City Clerk is authorized and

directed to file a Notice of Intent to Issue an Obligation with the Michigan Department of Treasury and to make such application for approval to issue the Bonds as may be required by the Department of Treasury, for authority to issue and sell said Bonds and to do all other acts and take all necessary procedures required to effectuate the sale, issuance and delivery of the Bonds in accordance with the provisions of the Act.

Section 27 Sale of Bonds The Bonds shall be sold to the United States of America or at public sale at a time to be later determined by the City Clerk. The Bonds shall not be sold at public sale at a price which would make the interest cost on the money borrowed, after deducting any premium or adding any discount, exceed seven percent (7%) per annum or sold at a discount exceeding two percent (2%) of the principal amount of the Bonds, plus accrued interest on the Bonds to the date of delivery of the Bonds to the original purchaser thereof. Notice of the public sale of the Bonds shall be published in accordance with law in the Detroit Legal News or in the Bond Buyer.

Section 28 Bond Resolution Subject to Michigan Law The provisions of this Bond Resolution are subject to the laws of the State of Michigan.

Section 29 Paragraph Headings The paragraph headings in this Bond Resolution are furnished for convenience of reference only and shall not be considered to be a part of this Bond Resolution.

Section 30 Publication and Recordation This Bond Resolution shall be published once in full in a newspaper of general circulation in the City of Caspian qualified under State law to publish legal notices, within fifteen (15) days after its adoption and the same shall be recorded in the records of the City and such recording authenticated by the signature of the City Clerk.

Section 31 Severability If any section, paragraph, sentence, clause or phrase of this Bond Resolution shall be held invalid, the same shall not affect any other part of this Bond Resolution.

Section 32 Conflict All ordinances and resolutions or parts thereof, as the same may be in conflict herewith, are hereby repealed; provided, that the foregoing shall not operate to repeal any provisions thereof, the repeal of which would impair the obligation on the Bonds.

Section 33 Effective Date This Bond Resolution is hereby determined by the City Commission to be immediately necessary for the preservation of the peace, health and safety of the City and shall be in full force and effect from and after its passage and publication as required by law.

EXHIBIT A
UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNT OF IRON CITY OF CASPIAN
WATER SUPPLY SYSTEM REVENUE BONDS, SERIES 1995
NO. R-95-1 DATE OF ORIGINAL ISSUE **FEBRUARY 1, 1995**

Registered Owner: United States of America

Principal Amount: One Million One Hundred Forty-Eight Thousand Dollars (\$1,148,000)

The City of Caspian, County of Iron, State of Michigan, for value received, hereby promises to pay to the Registered Owner, specified above, or registered assigns, but only out of the net revenues of the Water Supply System of the City of Caspian, including all appurtenances, additions, extensions and improvements thereto, the Principal Amount specified above, in the amounts and on the dates of maturity as set forth on Section A attached hereto and incorporated herein, together with interest thereon from the date such funds were delivered to the City or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, payable semi-annual on the first day of February and August of each year, commencing on August 1, 1995, until the Principal Amount hereof and interest thereon is paid, except as the provisions hereinafter set forth with respect to redemption of this Bond prior to maturity may become applicable hereto.

Principal of this Bond is payable in lawful money of the United States of America to the United States of America. Interest on this Bond shall be paid by check or draft mailed to the Registered Owner at the address shown on the registration books of the City Treasurer (the "Registrar") as of the fifteenth (15th) day of the month proceeding such interest payment date.

For the prompt payment of principal of and interest on this Bond, the revenues of the Water Supply System of the City, including all appurtenances, additions, extensions and improvements less reasonable expenses of operation, administration and maintenance are hereby irrevocably pledged and a statutory first lien thereon is hereby created.

This Bond is the total authorized series of Bonds of even date and lien tenor, aggregating the principal sum of \$1,148,000, issued pursuant to Resolution No. 95-1, duly adopted by the City on January 10, 1995, and under and in substantial 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 defraying part of the cost of acquiring, constructing and improving the Water Supply System facilities of the City consisting of additional hydrants, together with the necessary appurtenances, attachments and equipment related thereto. 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 may hereafter be issued, and the general covenants and provisions pursuant to which this Bond is issued, reference is made to the above described Resolution.

The Bonds of this series held by the United States of America, shall be subject to redemption as a whole or in part, at the option of the City, prior to maturity on any interest payment dates with the approval of the United States of America.

This Bond shall be registered in the name of the Registered Owner on the registration books kept by the Registrar, and such registration noted hereon and

thereafter no transfer shall be valid unless made upon the registration books and likewise noted hereon. This Bond is exchangeable at the request of the Registered Owner hereof, in person or by his attorney duly authorized in writing, at the office of the Registrar, but only in the manner, subject to the limitations and at his sole expense, for other bonds of an equal aggregate amount, upon surrender of the Bond to the Registrar. Upon such transfer, a new registered Bond or Bonds of the same series and the same maturity of authorized denomination will be issued to the transferee in exchange therefor.

This Bond is a self-liquidating Bond, and is not a general obligation of the City within any constitutional or statutory limitation, but is payable, both as to principal and interest solely from the net revenues of the Water Supply System of the City. The principal of and interest on this Bond are secured by the statutory lien hereinbefore mentioned.

The City hereby covenants and agrees to fix and maintain at all times which any of such bonds shall be outstanding, such rates for service furnished by the Water Supply System as shall be sufficient to provide for payment of the principal of and interest upon all such bonds as and when the same become due and payable, and to create a bond and interest redemption fund (including a bond reserve account) therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of said system as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for said System as are required by said Resolution.

The City has designated the Water Revenue Bonds, Series 1994 as qualified tax-exempt obligations for purposes of Section 265(b) (3)(B) of the Internal Revenue Code of 1986, as amended.

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

IN WITNESS WHEREOF, the City of Caspian, County of Iron, State of Michigan, by its City Commission has caused this Bond to be signed in the name of the City by the (manual or facsimile) signature of its Mayor and its City Clerk, all as of February 1, 1995.

REFUSE, REFUSE CONTAINERS, COLLECTION & RATES

Within the City of Caspian, regulation of refuse and refuse containment and collection is governed by this Ordinance:

ARTICLE I
GENERAL PROVISIONS

1. **Refuse:** Refuse shall mean garbage, and rubbish which includes but is not limited to, accumulations of food, paper, cardboard, plastics, metal, and tin in residential portions, clothing, wood and wood products. Refuse does not include liquids of any type, and none shall be placed for collection.

2. **Importing:** All Refuse placed for collection within the City shall be generated within the City by the resident placing such Refuse for collection. It shall be a violation of this ordinance for anyone to import and or place for collection refuse generated outside the City of Caspian.

3. Refuse shall only be maintained in approved containers, and only at authorized locations as provided herein.

4. No refuse shall be maintained in an unsanitary and/or unsightly manner, and/or in any way that attracts invasion by animals and/or birds and/or vandals, or is otherwise unsafe to the residents and/or visitors of the City of Caspian.

5. No refuse container shall be placed within the right-of-way of any street, sidewalk or alley, except as permitted herein.

6. All refuse containers shall be securely closed such that the contents are concealed, weather tight, cannot be invaded by animals or birds, or accessed by unauthorized people. It shall be a violation of this ordinance for any person to place, or permit another person to place any refuse in any containers at any refuse collection point unless the refuse is from the premises at which the container or collection point is located.

7. No refuse shall be placed for collection earlier than 6:00 AM or remain so placed after 4:00 PM of the scheduled collection day. Refuse placed for collection shall not be placed in a manner that interferes with traffic on the street, including visibility and shall not be placed on public sidewalks or in any manner that interferes with use of

public sidewalks.

8. Refuse placed for collection is the responsibility of the resident placing it. No such refuse shall be allowed to be spread and/or go uncollected.

9. All refuse containers shall be inconspicuously placed/stored such that visibility of such containers from neighboring property and streets is restricted to the greatest practical extent. When inconspicuous placement is not possible, containers (including dumpsters) shall be maintained in an enclosure of building materials compatible with the residence and other outbuildings which completely hides the containers.

10. No refuse shall be stored for more than: 1 week April-October, 2 weeks November-March.

ARTICLE II

RESIDENTIAL REFUSE / CONTAINERS

1. No residence is permitted more than four (4) refuse containers for collection/storage of refuse.

2. The only approved refuse containers are solid containers not exceeding 33 gallons in size which are able to be securely closed and maintained as required herein.

3. The owner of each house, building or structure used for human occupancy, employment, recreation or other purpose (the premises) shall be required to use the municipal contracted refuse pick up service.

4. The City shall determine the monthly rate charged to each "premises" based on the contracted city wide service.

ARTICLE III

GENERAL BUSINESS REFUSE CONTAINERS "DUMPSTERS"

1. A general business entity located in a residential zone, must comply with the residential provisions hereof.

2. General business entities shall abide by the requirements hereof governing residential refuse containers unless they are a party to a contract with a refuse collection company which provides general business containers (Dumpsters) and which provides for pick-up of refuse not less frequently than weekly April-October and bi-weekly November-March.

3. "Dumpsters" shall only be used and maintained by general business entities. Residential properties shall not be considered general business entities for the purpose

of this Ordinance regardless of the area's zoning designation. A general business entity shall be limited to one dumpster not exceeding dimensions of 6'W x 6'L x 5'H or not more than four (4) solid containers not exceeding 33 gallons which are able to be securely closed as required herein.

4. Those “premises” used by business entities may have the residential refuse charge removed from their monthly City utility bill, upon proof that the business has contracted with a refuse removal company for the use of a Dumpster as defined above.

ARTICLE IV **TEMPORARY DUMPSTERS**

1. Temporary dumpsters are defined as large dumpsters contracted for delivery and pick up by a refuse collection company and intended for short term, large projects, such as new construction, remodeling, demolition or large scale household and yard cleaning.

2. Temporary dumpsters shall only be permitted when they are located at a property where there is a valid building permit or demolition permit, or in accordance with Section C below. Such dumpsters shall not be permitted for more than six (6) months.

3. Temporary dumpsters for purposes permitted by Section A, but not under a permit as provided by Section B shall only be allowed upon issuance of a written permit issued by the City Manager. Each request for a temporary dumpster under this Section must be in writing and must state the specific purpose for which a permit is being requested as well as the number of days the dumpster will be needed, and must attach a copy of the contract with the refuse company. Each permit issued shall be in writing and shall state the address at which the dumpster will be located and the specific number of days for which the permit will be effective.

ARTICLE I, paragraph 2 added, ARTICLE II, paragraph 3 & 4 added, ARTICLE III, paragraph 3 amended, and paragraph 4 added:

Amended: 6/10/2020

Published: 6/23/2020

Effective: 7/13/2020

SIDEWALK, CONSTRUCTION AND MAINTENANCE

An Ordinance providing for the construction, repair, and maintenance of sidewalks, and for the removal of obstructions therefrom, defining the manner in which sidewalks shall be constructed, repaired and maintained and providing for the payment thereof and for the collection of costs of same by taxation or otherwise.

1. All sidewalks hereafter constructed within the City of Caspian shall conform to the grade, quality and specifications established by the City Manager.

2. The City Commission shall by resolution duly adopted at any meeting of the Commission and to be made of record in the minutes of the proceedings thereof, decide and declare where any sidewalks shall be constructed within the City, and make assessment for the cost of construction of any sidewalk, in accordance with the requirements of the City Charter.

3. In making an assessment with regard to the cost of construction of sidewalks within the City, the City may either assess costs of all materials to the property owner(s), or assess 50% of all costs related to the construction of a sidewalk, to the property owner(s) abutting same. After making an assessment of construction costs upon the property owner(s), the City may proceed immediately with the construction of the sidewalk; provided however, that the City may, at its discretion and option, await payment of the assessed amount before proceeding with the construction of the sidewalk. Nothing herein shall be construed to obligate the City to pay costs of sidewalk construction, unless the construction is ordered by the City pursuant to this Ordinance.

4. It shall be the duty of the owner(s) of the lots or premises abutting upon any of the streets of the City of Caspian upon which the sidewalks are in need of repair, to immediately cause the same to be put in repair and in proper condition, upon notice from the City Manager of the City of Caspian to that effect. If the owner(s) fail to repair sidewalks within 10 days of receiving notice to that effect, the City may proceed to make repairs and assessments for the cost of repairs, as hereinbefore described. If such sidewalks are in such conditions so as to require substantial replacement, the City may, in its discretion, undertake construction and make assessment for the costs of the construction, as provided in Sections 2 and 3 above. It shall be the duty of such owner(s) or occupant(s) of the lots or premises abutting upon any of the streets of the City to keep such sidewalks free from any and all obstructions and to remove any and all obstructions from such sidewalks within forty-eight (48) hours after receipt of notice given by the City Manager of the City of Caspian, and in case of non-compliance with

such notice, said official may move or cause to be moved, said obstruction, at the cost and expense of such owner(s) or occupant(s)s, which costs and expense may be collected by an action at law against the owner(s) or occupant(s), or which may be assessed against the property abutting such sidewalk, or sidewalks and be collected according to law as other special assessments.

5. In case any sidewalks within Caspian hereafter to be constructed, maintained or repaired, are constructed, maintained, or repaired contrary to this Ordinance and the specifications then in effect, then and in such case said sidewalks shall be torn up by order of the Commission of said City and constructed according to this Ordinance, with tearing up, construction and assessment of costs of construction to proceed as provided for construction in Sections 2 and 3 above.

6. Nothing herein shall be construed in any fashion to limit the right of the City of Caspian to subcontract construction, maintenance, or repair and/or maintenance.

7. Nothing herein shall be construed as imposing any duties or obligations upon the City of Caspian with regard to sidewalk construction, repair and/or maintenance.

CATASTROPHIC EVENTS IMPACTING WATER USAGE

In accordance with Section 2.1 of this Chapter, the City shall charge each water user the applicable fees for water usage at each of the subject properties. The City has adopted one exception to the applicable fees, which exception is due to catastrophic events which cause an increased use of water in excess of the subject property's immediately preceding 6 month average.

In such cases it is the obligation of the property owner to make a written request to the city manager with proof of the catastrophic event. If sufficient evidence is presented to show:

- A) That the catastrophic event was not due to the property owner's, or resident's intentional acts
- B) That the event was or caused a malfunction or failure in the homes internal plumbing lines or fixtures and in fact was the cause of the increased water usage

The City may adjust the monthly billing for the month in which the event occurred in order to adjust the monthly rate to an amount equal to twice the immediately preceding 6 month average, and forgive the balance.

A written request concerning a catastrophic event must be made to the City manager before the monthly utility bill is paid.

A property owner may only make one written request in any 24 month period.

WELLHEAD PROTECTION ZONING ORDINANCE

An ordinance to provide for and to regulate the protection of groundwater resources in the City of Caspian that are located within a Michigan Department of Environmental Quality approved wellhead protection area.

The City of Caspian Ordains:

ARTICLE I: GENERAL PROVISIONS

SECTION 1:01 Title This Ordinance shall be known and cited as the WELLHEAD PROTECTION ZONING ORDINANCE.

SECTION 1:02 Purpose The CITY OF CASPIAN has determined that:

- A. Certain groundwater underlying the City is a highly vulnerable course of the City's drinking water.
- B. Groundwater aquifers are integrally connected with the surface water, lakes and streams which constitute significant public health, recreational and economic resources of the City and surrounding area.
- C. Spills and discharges of petroleum products, sewage and hazardous substances threaten the quality of the groundwater supplies and other water related resources, posing a potential public health and safety hazard and threatening economic losses.

THEREFORE, the CITY OF CASPIAN has enacted this Zoning Ordinance to initiate the following actions.

- 1. Preserve and maintain existing and potential groundwater supplies, Aquifers, and groundwater recharge areas of the City, and protect Them from adverse development or land use practices.
- 2. Preserve and protect present and potential sources of drinking water supply for public health and safety.
- 3. Conserve the natural resources of the City.
- 4. Protect the financial investment of the City in its drinking water supply and to meet State requirements for wellhead protection.

5. Assure that State regulations which help protect groundwater are implemented consistently when new or expanded development proposals are reviewed.

ARTICLE II: DEFINITIONS

AQUIFER: Means a geologic formation, group of formations or part of a formation capable of storing and yielding a significant amount of groundwater to wells or springs.

BEST MANAGEMENT PRACTICES: Means measures, either managerial or structural to prevent or reduce pollution inputs to soil, surface water or groundwater.

DEVELOPMENT: The carrying out of any construction, reconstruction, alteration of surface or structure or change of land use or intensity of use.

ENVIRONMENTAL CONTAMINATION: Means the presence or release of a hazardous substance, or the potential release of a discarded hazardous substance, in a quantity which is, or may become, injurious to the environment or to the public health, safety, or welfare.

FACILITY: Means any building, structure, installation or property from which there may be a discharge of hazardous substances.

HAZARDOUS SUBSTANCE: Means a chemical or other material which is or may become injurious to the public health, safety, or welfare, or to the environment or to the public health, safety, or welfare.

- A. Hazardous Substances as defined in the Comprehensive Environmental Response Compensation and Liability Act of 1980 ("CERCLA" also commonly known as "Super Fund") 42 U.S.C. Sec. 9601 et seq., as amended from time to time.
- B. Hazardous Waste as defined in Part III of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, MCL 324.11101 et seq., as amended from time to time.
- C. Regulated Substance as defined in Part 213 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, MCL 324.21301 et seq., as amended from time to time.
- D. Hazardous Substance as defined in Part 201 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, MCL 324.20101 et seq., as amended from time to time.

PRIMARY CONTAINMENT FACILITY: Means a tank, pit, container, pipe or vessel of first containment for a hazardous substance.

SECONDARY CONTAINMENT FACILITY: Means a second tank, catchment pit, or vessel that limits and contains liquid or hazardous substance or hazardous chemical leaking or leaking from a primary containment area. Containment systems shall be constructed of materials of sufficient thickness, density and composition to prevent future environmental contamination of land, ground water or surface water.

UNDERGROUND STORAGE TANK SYSTEM: Means a tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain an accumulation of hazardous substances, as defined in Part 213 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.

USED OIL: Means any oil which had been (a) refined from crude oil, (b) used, and (c) as a result of such use, contaminated by physical or chemical impurities.

WELL: Means a permanent or temporary opening in the surface of the earth for the purpose of removing fresh water, testing water quality, measuring water characteristics, liquid recharge, waste disposal, for dewatering purposes during construction, as defined in the Michigan Water Well Construction and Pump Installation Code, Part 127, Act 368 of the Public Acts of 1978, MCL 333.12701, et seq., as amended from time to time.

WELLHEAD PROTECTION AREA (WHPA): Means the area(s) around and up gradient from the public water supply wells delineated by the ten-year travel time contour capture boundary.

WELLHEAD PROTECTION OVERLAY ZONE: Means the Wellhead Protection Area(s) as outlined on the Wellhead Protection Zoning Map(s), which maps are attached hereto and made a part of this Ordinance and are on file with the City Clerk.

ZONING ORDINANCE: Means the City of Caspian Zoning Ordinance No. 68, as amended, or subsequently adopted.

ARTICLE III: PRINCIPAL LAND USES PERMITTED, PROHIBITED

SECTION 3.01 Proposed land use specified by applicant Permitted land uses in the Wellhead Protection Area include all permitted uses allowed in the underlying zoning district, except for the following:

- A. Petroleum product manufacturing (including coal).
- B. Commercial salvage yards and/or scrap processing.
- C. Oil and gas drilling.
- D. Vehicle maintenance services, including public and private garages.
- E. Chemical and paint manufacturing operations.
- F. Laundry and dry cleaner operations.
- G. Electronic equipment manufacturing operations.

- H. Electro-plating and chemical coating operations.
- I. Application of chemicals to preserve timber products.
- J. Extraction of sand, gravel, and other earthen materials to a depth where the extraction will result in less than 10 feet of undisturbed geologic formation above the saturate portion of the first water-bearing geologic formation unit encountered.

ARTICLE IV: GENERAL PROVISIONS

These provisions shall apply to all properties within the Wellhead Protection Area, including private, commercial, industrial, residential and public properties, which use includes the storage or generation of hazardous substances in quantities greater than 100 kilograms (approximately 220 pounds or 25 gallons) per month. The provisions apply to entire property parcels, providing the parcel is at last partially included in the Wellhead Protection Area.

SECTION 4.01: Groundwater protection standards

- A. Any proposed project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, flood plains and groundwater, and to ensure the absence of any impairment, pollution, and/or destruction of water, natural resources, and the public trust therein.
- B. Storm water management and drainage facilities shall be designed to maintain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding, or the potential for environmental contamination, on-site or off-site, and shall not result in loss of the use of property by any third party.
- C. Facilities with a point source discharge of storm water shall maintain a Storm Water Pollution Prevention Plan in accordance with applicable state and federal regulations.
- D. General purpose floor drains shall be connected to a public sewer system, an on-site holding tank, or a system authorized through a State surface or groundwater discharge permit.
- E. Sites that at any time use, store or generate substances in quantities greater than 100 kilograms (approximately 220 pounds or 25 gallons) per month that include hazardous substances shall be designed to prevent spills and unpermitted discharges to the surface of the ground, groundwater, lakes, streams, rivers or wetlands.
- F. State and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and the disposal of hazardous

substances and polluting materials shall be met. No discharges to groundwater, including direct or indirect discharges, shall be allowed without applicable permits and approvals.

- G. Bulk storage of pesticides shall be in accordance with any applicable County, State and Federal regulations.

SECTION 4.02: Above ground storage and use areas for hazardous substances

- A. Primary containment of hazardous substances shall be product tight.
- B. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance. Products held in container with a volume of less than 40 gallons and packaged for retail use shall be exempt from this requirement.
- C. Outdoor storage of hazardous substances shall be prohibited except in product tight containers which are protected from weather, leakage, accidental damages and vandalism, including an allowance for the expected accumulation of precipitation.
- D. Outbuildings, storage rooms, sheds and pole barns which are utilized as secondary containment shall not have floor drains which outlet to the soil, public sewer systems, groundwater, or nearby drains or natural water bodies unless a surface or groundwater discharge permit has been obtained pursuant to applicable County, State and Federal regulations.
- E. Areas and facilities for loading and unloading of hazardous substances as well as areas where such materials are handled and stored, shall be designed and constructed to prevent unpermitted discharges to floor drains, rivers, lakes, wetlands, groundwater or soils.
- F. Heating fuel tanks shall be located on site such that the tanks are protected from chunks of snow, ice and other overhead objects falling on the tank or its appurtenances.
- G. All petroleum hydrocarbon tanks regardless of size, location and use of the stored material shall have suitable secondary containment designed to handle 125% of the stored liquid volume of over 40 gallons that contains hazardous substances shall have secondary containment.

SECTION 4.03: Underground storage tank systems

- A. Existing and new underground storage tanks shall be registered with the authorized State agency in accordance with applicable requirements of the U.S. Environmental Protection Agency and the Michigan Department of Environmental Quality.
- B. Installation, operation, maintenance, closure and removal of underground storage tanks shall be in accordance with the applicable requirements of the Michigan Department of Environmental Quality. Leak detection, secondary

containment, corrosion protection, spill prevention and overflow protection requirements shall be met.

SECTION 4.04: Well abandonment Out of service wells shall be sealed and abandoned in accordance with applicable State, County and local requirements.

SECTION 4.05: Well construction

- A. Well drilling, construction and installation shall only be performed by State of Michigan Registered Well Drillers.
- B. Well construction shall be completed in accordance with Part 127 of Act 368 of the Public Acts of 1978, MCL333.12701 et seq., as amended from time to time.
- C. Well construction shall include full grouting for the entire length of the well casing in accordance with Part 127 of Act 368 of the Public Acts of 1978, MCL 333.12701 et seq., as amended from time to time.

SECTION 4.06: Sites with contaminated soils and/or groundwater

- A. Site plans shall take into consideration the location and extent of any contaminated soils and/or ground water on the site, and the need to protect health, safety, welfare and the environment.
- B. Information must be provided regarding the type, concentration and extent of identified contamination, land use deed restrictions and any remedial action plans.
- C. Excavation, drilling, direct-push and other earth penetration shall be sealed with grout, or with soil material exhibiting a lower hydraulic permeability than the native soil.

SECTION 4.07: Construction standards

- A. The general contractor, or if none, the property owner, shall be responsible for assuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for handling any hazardous substances, i.e. the handling of hazardous substances in proximity to water bodies of wetlands which maybe improper.
- B. Hazardous substances stored on the construction site during the construction process, shall be stored in a location and manner designed to prevent spills and unpermitted discharges to the surface of the ground, groundwater, lakes, streams, rivers, or wetlands. Any storage container volume of over 40 gallons that contains hazardous substances shall have secondary containment.
- C. If the contractor will be storing or handling hazardous substances that require a Material Safety Data Sheet (MSDS, SDS or similar document)

the contractor shall become familiar with all the requirements; and shall follow the required procedures to contain and clean up any release of the hazardous substance.

- D. Upon completion of construction, all hazardous substances and containment systems no longer used or not needed in the operation of the facility shall be removed from the construction site by the responsible contractor or, if none, the property owner and shall be disposed of, recycled, or reused in a proper manner as prescribed by applicable State and Federal Regulations.
- E. Excavation, drilling, direct-push and other earth penetration shall be sealed with grout, or with soil material exhibiting a lower hydraulic permeability than the native soil.

SECTION 4.08: Maintenance In areas where hazardous substances are handled, structural integrity of the building must be maintained to avoid inadvertent discharge of chemicals to soil and groundwater. Cracks and holes in floors, foundations and walls must be sealed in areas where hazardous substances are handled or stored.

SECTION 4.09: Exclusions

A. A limited exclusion from the General Provisions is hereby authorized for hazardous substances if both:

- 1. The hazardous substance is packaged for personal or Household use or is present in the same form and Concentration as a product packaged for use by the public, and
- 2. The total exclude substances containing hazardous substances does not exceed fifty gallons or 400 pounds at any time.

B. A limited exclusion from the General Provisions is hereby authorized for non-routine maintenance or repair of property in the WellHead Protection Area provided the uses are limited as follows:

- 1. The aggregated hazardous substances may not exceed (50) gallons or four hundred (400) pounds at any time.
- 2. The total use of substances containing hazardous substances may not exceed one hundred (100) gallons or eight hundred (800) pounds at any time.

ARTICLE V: NONCONFORMING FACILITIES

A facility not in compliance with one or more of the requirements or provisions of this Ordinance on the effective date of this Ordinance shall have two (2) years from the effective date of this article to eliminate such noncompliance(s) or otherwise obtain the

necessary Variance(s) or Special Use Permit(s) to allow the noncompliance to continue,. Notwithstanding the foregoing, if the Zoning Administrator, based on the location, use and size of a facility, that the facility poses a greater than normal risk to the ground water, the Zoning Administrator may require compliance (subject to any variances or special use permits granted) with this Ordinance within one year of receiving notice of the shorter time period from the City.

ARTICLE VI: SITE PLAN REVIEW REQUIREMENTS

SECTION 6.01: Creation of site plan A site plan conforming to all of the requirements of the City Zoning Ordinance shall be submitted to the City Zoning Administrator. In addition, the plan shall:

- A. Specify the location and size of interior and exterior area(s) and structure(s) to be used for onsite storage, use, loading/unloading, recycling, or disposal of hazardous substances.
- B. Specify the location of all underground and above ground storage Tanks for all such uses as fuel storage, waste oil holding tanks, hazardous substance storage, collection of contaminated storm water or wash water; and all other similar uses.
- C. Specify the location of existing and proposed wells.
- D. Specify the location of exterior drains, dry wells, catch basins, retention/detention area, sumps and other facilities designed to collect, store or transport storm water or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
- E. Specify the areas on the site plan that the applicant has reason to believe are contaminated, together with a written report on the status of any site remedial action plans and copies of land use deed restriction, if applicable.
- F. A fully completed "CITY OF CASPIAN, State and County Environmental Permits Checklist," shall be submitted along with the site plan.

SECTION 6.02: Determination of applicability It shall be the responsibility of any person and/or legal entity owning real property and/or owning and operating a business with the corporate boundaries of the CITY OF CASPIAN to make a determination of the applicability of this Ordinance as it pertains to their property and/or business under ownership or operation. Failure to determine the applicability of this Ordinance shall not excuse any violations of this Ordinance.

SECTION 6.03: Conditions for approval or denial

- A. The Zoning Administrator, upon reviewing a site plan, shall take one of the following actions:

1. Approval. If the site plan meets all of the requirements of this Ordinance and related development requirements and standards The Zoning Administrator shall notify the applicant in writing of Such approval. The Zoning Administrator shall sign three copies of the site plan, filing two in the official site plan file maintained by the Zoning Administrator and returning one to the applicant.
2. Denial. If the site plan does not meet the requirements of this Ordinance and the site plan requirements of the City Zoning Ordinance and related development standards, the Zoning Administrator shall notify the applicant the reasons for denial, in writing. The applicant may either refile a corrected site plan under the same procedures or request a hearing before the City Zoning Board of Appeals pursuant to Paragraph 3.
3. Appeal. If the site plan and application is denied by the Zoning Administrator, the applicant may apply to the City Zoning Board of Appeals and seek review of the City Zoning Administrator's decision. The procedure for review of the site plan and application shall be that which is set forth in the City Zoning Ordinance for seeking a special land use.
4. Table. If the site plan is found to be in violation of the requirements of this Ordinance and/or the City Zoning Ordinance, incomplete with respect to necessary information or presenting a unique situation, the Zoning Board of Appeals may table the site plan and request that the applicant revise its site plan to be in compliance with this ordinance and the City Zoning Ordinance.
5. Conditional Approval. Conditions on approval of the site plan may be imposed meeting the requirements specified in the Michigan Zoning Enabling Act (MCL 125.3101 et seq.), the City Zoning Ordinance, this Ordinance and City Wellhead Protection Plan. The conditions are:
 - a. Designed to protect natural resources, the health, safety and welfare and the social and economic well-being of residents, neighbors, and the community a whole.
 - b. Related to the valid exercise of the police power.
 - c. Necessary to meet the purposes of this Ordinance, the City Zoning Ordinance and be related to the standards in the Zoning Ordinance for the land use or the activity under consideration.

ARTICLE VII: EXEMPTIONS AND WAIVERS

SECTION 7.01: Transportation of hazardous substances The transportation of any hazardous substance shall be exempt from the provisions of this Ordinance provided the transporting motor vehicle or rail is in continuous transit, or that it is transporting substances to or from a state licensed hazardous waste treatment, storage or disposal facility. Recreational boating shall be exempt from the provisions of this Ordinance on lakes, rivers and ponds within the wellhead protection delineation area.

ARTICLE VIII: ZONING BOARD OF APPEALS

SECTION 8.01: Variances A Variance may be obtained pursuant to Section 18 of the City Zoning Ordinance.

ARTICLE IX: PENALTIES, REMEDIES AND COSTS

SECTION 9.01: Falsifying information Any person and/or entity that knowingly makes any false statements, representation or certification on any application, records, report, plan permit or other document filed or required to be maintained pursuant to this Ordinance, or falsifies, tampers with, or knowingly renders inaccurate any method required under this Ordinance, shall be fined, upon conviction, no more than two thousand (\$2,000.00) Dollars per occurrence,.

SECTION 9.02 Violations

1. Any person and/or entity found to have violated any provisions of this Ordinance, or who willfully or negligently fails to comply with any provision of this Ordinance, rules and regulations and permits issued thereunder, shall be fined, conviction, not more than two thousand (\$2000.00) dollars per occurrence.
2. Each day in which a violation occurs, or continues to occur, shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, Court costs and other expenses of litigation against the person and/or Entity found to have violated, in whole or in part, this Ordinance or the rules, regulations and permits issued thereunder.
3. The City is authorized to take or contract with others to take reasonable and necessary abatement or remedial activities whenever the City determines a violation of this Ordinance has occurred and that the responsible party cannot or will not timely correct the violation or when no known responsible party exists. A responsible party shall reimburse the The City for all reasonable expenses thus incurred by the City.
4. If a person and/or entity threatens to violate, has violated or continues to violate any provision of this Ordinance, the City may petition the Iron County Circuit Court or other court of competent jurisdiction for injunctive

relief restraining the person and/or entity from activities that would create further violations.

5. Any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance per se, and may be summarily abated or restored at violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be commenced by the City.
6. The remedies listed in this section are not exclusive of each other or of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies.
7. Nothing in this section shall require the City to issue a written notice of a Violation before pursuing any remedy, including court action.

ARTICLE X: SEVERABILITY

If any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraph, words, sections and chapters shall not be affected and shall continue in full force and effect.

ARTICLE XI: ENACTMENT, EFFECTIVE DATE, SIGNATURES

This Ordinance shall be in effect and enforceable 15 days after publication.

Moved by Board Member Mark Stauber Supported by Board Member Jody Menghini that the foregoing Ordinance be adopted.

AYES: 4

NAYS: 0

ORDINANCE NO. 2.8

AN ORDINANCE TO PROVIDE FOR THE REFUNDING OF THE OUTSTANDING WATER SUPPLY SYSTEM REVENUE BONDS OF THE CITY OF CASPIAN; TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE REFUNDING BONDS TO PAY THE COST THEREOF; TO PRESCRIBE THE FORM OF THE SERIES 2021 BOND; 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 SERIES 2021 BOND; TO PROVIDE AN ADEQUATE RESERVE ACCOUNT FOR THE SERIES 2021 BOND; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES OF THE SYSTEM; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE SERIES 2021 BOND IN ENFORCEMENT THEREOF; TO PROVIDE FOR OTHER MATTERS RELATING TO THE SERIES 2021 BOND AND THE SYSTEM; AND TO REPEAL CERTAIN PRIOR ORDINANCES OF THE CITY OF CASPIAN.

THE CITY OF CASPIAN ORDAINS:

Section 1. Definitions. In addition to the words and terms defined elsewhere in this Ordinance, the following words and terms as used in this Ordinance shall have the meanings assigned in this Section, unless the context clearly indicates another or different meaning or intent.

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

"Additional Bonds" shall mean any additional bonds of equal standing with the Series 2021 Bond issued pursuant to Section 17 of this Ordinance.

"Authorized Officer" shall mean each of the Mayor, Clerk, City Manager and Treasurer of the City, acting individually.

"Bond Reserve Account" shall mean the subaccount in the 2021 Bond and Interest Redemption Account established in accordance with Section 12 of this Ordinance.

"Bond" or "Bonds" shall mean, collectively, the Series 2021 Bond and any Additional Bonds hereafter issued.

"Fiscal Year" shall mean the fiscal year of the Issuer and the operating year of the System, commencing July 1 and ending June 30, as such year may be changed from time to time.

"Issuer" or "City" shall mean the City of Caspian, County of Iron, 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.

"Outstanding Bonds" shall mean the Issuer's outstanding 1995 Water Supply System Revenue Bonds, dated February 1, 1995.

"Purchaser" shall mean Huntington Public Capital Corporation.

"Refunded Bonds" shall mean all of the outstanding Series 1995 Bond in the current outstanding principal amount of \$644,000.

"Reserve Requirement" shall mean, with respect to the Series 2021 Bond, the lesser of (i) the maximum annual debt service due on the Series 2021 Bond in the current or any future year, (ii) 125% of the average annual debt service on the Series 2021 Bond, or (iii) 10% of the outstanding principal amount of the Series 2021 Bond on the date of issuance of the Series 2021 Bond.

"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 1995 Bond" shall mean the Issuer's 1995 Water Supply System Bonds.

"Series 2021 Bond" shall mean the Issuer's Water Supply System Revenue Refunding Bond, Series 2021, authorized to be issued pursuant to this Ordinance.

"Sufficient Government Obligations" means direct obligations of the United States of America or obligations the principal and interest on which is fully guaranteed by the United States of America, not redeemable at the option of the issuer, the principal and interest payments upon which, without reinvestment of the interest, come due at such times and in such amounts as to be fully sufficient to pay the interest as it comes due on the Bonds and the principal and redemption premium, if any, on the Bonds as it comes due whether on the stated maturity date or upon earlier redemption. Securities representing such obligations shall be placed in trust with a bank or trust company, and if any of the Bonds are to be called for redemption prior to maturity, irrevocable instructions to call the Bonds for redemption shall be given to the transfer agent.

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

"Transfer Agent" shall mean the Treasurer or such other paying agent, transfer agent and bond registrar for the Series 2021 Bond appointed 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 Section 6 of this Ordinance.

Section 2. Necessity; Public Purpose; Estimated Cost. It is hereby determined to be a necessary public purpose of the Issuer to refund the Refunded Bonds. The estimated cost of refunding the Refunded Bonds, including legal and financing expenses, in the amount of not to exceed Seven Hundred Forty-Five Thousand Five Hundred Dollars (\$745,500) is hereby approved.

Section 3. Series 2021 Bond Authorized. To pay all or part of the cost of refunding the Refunded Bonds, including payment of all legal, financial and other expenses incident thereto and incident to the issuance and sale of the Series 2021 Bond, the Issuer shall borrow the sum of Six Hundred Eighty-Three Thousand Dollars (\$683,000), and issue the Series 2021 Bond therefor pursuant to the provisions of Act 94. The remaining cost of refunding the Refunded Bonds, if any, shall be defrayed from System funds on hand and legally available for such use including monies in the bond and interest redemption fund and the bond reserve account for the Refunded Bonds.

Section 4. Series 2021 Bond Details. The Series 2021 Bond shall be designated WATER SUPPLY SYSTEM REVENUE REFUNDING BOND, SERIES 2021, shall be payable out of the Net Revenues as set forth more fully in Section 7 hereof. The Series 2021 Bond shall consist of a single fully-registered, non-convertible term bond with annual principal installments representing mandatory redemptions in the denomination of \$683,000. The Series 2021 Bond shall be dated as of the date of delivery of the Series 2021 Bond and shall be payable in annual principal installments on February 1 of the years 2022 to 2035, inclusive.

Principal installments of the Series 2021 Bond subject to mandatory redemption in the years 2022 through 2031 shall not be subject to redemption prior to maturity. Principal installments or portions thereof in multiples of \$1,000 of the Series 2021 Bond maturing or subject to mandatory redemption on February 1, 2032 and thereafter, shall be subject to redemption prior to maturity, at the option of the Issuer, in such order as the Issuer shall determine and by lot within any maturity, on any date on or after February 1, 2031, at par and accrued interest to the date fixed for redemption.

The Authorized Officers are each hereby authorized to decrease the principal amount of the Series 2021 Bond if it is determined to be in the best interest of the Issuer. Any decrease in the principal amount of the Series 2021 Bond shall be evidenced by execution of the Series 2021 Bond by the Mayor and City Clerk.

The Series 2021 Bond shall be sold to the Purchaser at a purchase price of 100% of the principal amount thereof.

The Series 2021 Bond shall bear interest at the rate of Two and Forty-Six Hundredths percent (2.46%) per annum, payable semiannually on each February 1 and August 1, commencing February 1, 2022. Interest on the Series 2021 Bond shall be payable by check or draft mailed by the Transfer Agent to the person or entity which is, as of the 15th day of the month preceding the interest payment date, the registered owner at the registered address as shown on the registration books of the Issuer maintained by the transfer agent. The date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the Issuer to conform to market practice in the future.

Section 5. Execution and Delivery of the Series 2021 Bond. The Series 2021 Bond shall be executed in the name of the Issuer with the manual or facsimile signatures of the Mayor and Clerk of the Issuer and shall have the Issuer's seal printed or impressed thereon. If the Series 2021 Bond is executed by manual signatures, no further authentication shall be required. If the Series 2021 Bond is executed by facsimile signatures, the Series 2021 Bond shall not be valid until authenticated by the Transfer Agent. The Series 2021 Bond shall be delivered to the Transfer Agent for authentication, if required, and be delivered by the Transfer Agent to the Purchaser in accordance with instructions from an Authorized Officer upon payment of the purchase price for the Series 2021 Bond in accordance with the bid of the Purchaser therefor.

Section 6. Bond Registration and Transfer. Any bond may be transferred upon the books required to be kept pursuant to this section by the person in whose name it is registered, in person or by the registered owner's duly authorized attorney, upon surrender of the bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any bond or bonds shall be surrendered for transfer, the Issuer shall execute and the transfer agent shall authenticate and deliver a new bond or bonds, for like aggregate principal amount. The Transfer Agent shall require payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The Transfer Agent shall not be required (i) to issue, register the transfer of or exchange any bond during a period beginning at the opening of business 15 days before the day of the giving of a notice of redemption of bonds selected for redemption as described in the form of bond contained in Section 9 of this Ordinance and ending at the close of business on the day of that giving of notice, or (ii) to register the transfer of or exchange any bond so selected for redemption in whole or in part, except the unredeemed portion of bonds being redeemed in part. The Issuer shall give the Transfer Agent notice of call for redemption at least 20 days prior to the date notice of redemption is to be given.

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; and, upon presentation for such purpose, the Transfer Agent shall, under such reasonable regulations as it may prescribe, transfer or cause to be transferred, on said books, bonds as hereinbefore provided.

If any bond shall become mutilated, the Issuer, at the expense of the holder of the bond, shall execute, and the Transfer Agent shall authenticate and deliver, a new bond of like tenor in exchange and substitution for the mutilated bond, upon surrender to the Transfer Agent of the mutilated bond. If any bond issued under this Ordinance shall be lost, destroyed or stolen, evidence of the loss, destruction or theft may be submitted to the Transfer Agent and, if this evidence is satisfactory to both and indemnity satisfactory to the Transfer Agent shall be given, and if all requirements of any applicable law including Act 354, Public Acts of Michigan, 1972, as amended ("Act 354"), being sections 129.131 to 129.135, inclusive, of the Michigan Compiled Laws have been met, the Issuer, at the expense of the owner, shall execute, and the Transfer Agent shall thereupon authenticate and deliver, a new bond of like tenor and bearing the statement required by Act 354, or any applicable law hereafter enacted, in lieu of and in substitution for the bond so lost, destroyed or stolen. If any such bond shall have matured or shall be about to mature, instead of issuing a substitute bond the Transfer Agent may pay the same without surrender thereof.

The Issuer reserves the right to replace the Transfer Agent at any time upon written notice to the registered owners of the Series 2021 Bond not less than sixty (60) days prior to any interest payment date.

Section 7. Payment of the Series 2021 Bond. The Series 2021 Bond and the interest thereon shall be payable solely from the Net Revenues, and to secure such payment, there is hereby created a statutory lien upon the whole of the Net Revenues, which shall be a first lien, to continue until payment in full of the principal of and interest on all Bonds payable from the Net Revenues, or, until sufficient cash or Sufficient Government Obligations have been deposited in trust for payment in full of all principal and interest on all Bonds then outstanding to maturity, or, if called for redemption, to the date fixed for redemption, together with the amount of the redemption premium, if any, due and payable in connection with such redemption. Upon deposit of cash or Sufficient Government Obligations for payment in full all principal and interest on all Bonds outstanding, as provided in the preceding sentence, the statutory lien shall be terminated with respect to the Series 2021 Bond, the holders of the Series 2021 Bond shall have no further rights under this Ordinance except for payment from the deposited funds, and the Series 2021 Bond shall no longer be considered to be outstanding under this Ordinance.

Section 8. Bondholders' Rights; Receiver. The holder or holders of the Series 2021 Bond representing in the aggregate not less than twenty percent (20%) of the entire principal amount thereof then outstanding, may, by suit, action, mandamus or other proceedings, protect and enforce the statutory lien upon the Net Revenues of the System, and may, by suit, action, mandamus or other proceedings, enforce and compel performance of all duties of the officers of the Issuer, including the fixing of sufficient rates, the collection of Revenues, the proper segregation of the Revenues of the System and the proper application thereof. The statutory lien upon the Net Revenues, however, shall not be construed as to compel the sale of the System or any part thereof.

If there is a default in the payment of the principal of or interest on the Series 2021 Bond, any court having jurisdiction in any proper action may appoint a receiver to administer and operate the System on behalf of the Issuer and under the direction of the court, and by and with the approval of the court to perform all of the duties of the officers of the Issuer more particularly set forth herein and in Act 94.

The holder or holders of the Series 2021 Bond shall have all other rights and remedies given by Act 94 and law, for the payment and enforcement of the Series 2021 Bond and the security therefor.

Section 9. Bond Form. The Series 2021 Bond shall be in substantially the following form, with such changes or completions as are determined by an Authorized Officer to be necessary or appropriate to give effect to the intent of this Ordinance:

THIS BOND HAS NOT BEEN REGISTERED UNDER THE SECURITIES ACT OF 1933, AS AMENDED, OR THE MICHIGAN UNIFORM SECURITIES ACT, AS AMENDED, IN RELIANCE UPON EXEMPTIONS THEREUNDER. ANY RESALE OR OTHER TRANSFER OF THIS BOND MAY BE MADE ONLY UPON REGISTRATION UNDER SUCH ACTS OR IN AN EXEMPT TRANSACTION UNDER SUCH ACTS AND UPON COMPLIANCE WITH THE CONDITIONS SET FORTH HEREIN AND MAY BE OFFERED AND SOLD ONLY IF REGISTERED PURSUANT TO THE PROVISIONS OF THOSE ACTS OR IF AN EXEMPTION FROM REGISTRATION IS AVAILABLE.

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF IRON

CITY OF CASPIAN

WATER SUPPLY SYSTEM REVENUE REFUNDING BOND, SERIES 2021

| <u>Interest Rate</u> | <u>Maturity Date</u> | <u>Date of Original Issue</u> |
|----------------------|----------------------|-------------------------------|
| 2.46% | February 1, 2035__ | November 10, 2021 |

REGISTERED OWNER: Huntington Public

PRINCIPAL AMOUNT: Six Hundred Eighty-Three Thousand Dollars

The City of Caspian, County of Iron, State of Michigan (the "Issuer"), acknowledges itself to owe and for value received, hereby promises to pay, but only out of the hereinafter described Net Revenues of the Issuer's Water Supply System (hereinafter defined), the Principal Amount shown above in lawful money of the United States of America to the Registered Owner shown above, or registered assigns, on the Maturity Date shown above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue shown above, or such later date to which interest has been paid, until paid, at the Interest Rate per annum shown above, payable on February 1, 2022 and semiannually thereafter. Principal of this bond is payable by the City Treasurer, or such other transfer agent as the Issuer may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to any interest payment date (the "Transfer Agent"). Interest on this bond is payable by check or draft mailed to the person or entity who is, as of the fifteenth (15th) day of the month preceding the interest payment date, the registered owner of record, at the registered address as shown on the registration books of the Issuer kept by the Transfer Agent. For prompt payment of principal and interest on this bond, the Issuer has irrevocably pledged the revenues of the Water Supply System of the Issuer, including all appurtenances, extensions and improvements thereto (the "System"), after provision has been made for reasonable and necessary expenses of operation, maintenance and administration (the "Net Revenues"), and a statutory first lien thereon is hereby recognized and created.

This bond is a single, fully-registered, non-convertible bond dated as of the Date of Original Issue in the principal amount of \$683,000 issued pursuant to Ordinance No. 2.8 duly adopted by the Issuer (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 paying the cost of refunding all of the Issuer’s outstanding 1995 Water Supply System Bonds.

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 as to the Net Revenues may hereafter be issued, and the general covenants and provisions pursuant to which this bond is issued, reference is made to the Ordinance.

Principal installments of this bond subject to mandatory redemption in the years 2022 through 2031, inclusive, shall not be subject to redemption prior to maturity. Principal installments of this bond or portions thereof in multiples of \$1,000 maturing or subject to mandatory redemption in the year 2032 and thereafter, shall be subject to redemption prior to maturity at the option of the Issuer, in such order as the Issuer may determine and by lot within any maturity, on any date, on or after February 1, 2031, at par and accrued interest to the date fixed for redemption.

In case less than the full outstanding amount of this bond is called for redemption, the Transfer Agent, upon presentation of the bond called for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for redemption.

This bond matures on February 1, 2035 as a term bond, subject to mandatory redemption, in part, by lot, on the redemption dates and in the principal amounts set forth below at a redemption price equal to the principal amount thereof, without premium, together with interest thereon to the redemption date as set forth in the following schedule:

Term Bond Due February 1, 2035

| <u>Redemption Dates</u> | <u>Principal Amount</u> |
|-------------------------|-------------------------|
| February 1, 2022 | \$38,000 |
| February 1, 2023 | \$41,000 |
| February 1, 2024 | \$40,000 |
| February 1, 2025 | \$42,000 |
| February 1, 2026 | \$41,000 |
| February 1, 2027 | \$45,000 |
| February 1, 2028 | \$44,000 |
| February 1, 2029 | \$48,000 |
| February 1, 2030 | \$47,000 |
| February 1, 2031 | \$51,000 |
| February 1, 2032 | \$50,000 |
| February 1, 2033 | \$59,000 |

| | |
|------------------|----------|
| February 1, 2034 | \$68,000 |
| February 1, 2035 | \$69,000 |

Notwithstanding anything in this bond or in the ordinance authorizing this bond to the contrary, for so long as Huntington Public Capital Corporation is the registered owner of this bond, the registered owner shall not be required to present this bond to the Transfer Agent for any mandatory redemption payment or at maturity, and all payments of principal of and interest on this bond shall be made directly to the registered owner by wire transfer or other means satisfactory to the registered owner.

Notice of redemption shall be given to the registered owner of this bond by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered address of the registered owner of record.

This bond is a self-liquidating bond and is not a general obligation of the Issuer and does not constitute an indebtedness of the Issuer within any constitutional or statutory debt limitation of the Issuer but is payable solely and only, both 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.

The Issuer has covenanted and agreed, and does hereby covenant and agree, to fix and maintain at all times while any bonds 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 on and the principal of this bond, and any additional bonds of equal standing as and when the same shall become due and payable, and to create and maintain 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.

This bond is transferable only upon the books of the Issuer kept for that purpose at the office of the Transfer Agent by the registered owner hereof in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the Ordinance authorizing this bond, and upon the payment of the charges, if any, therein prescribed.

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 have been done and performed in regular and due time and form as required by law.

[This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.]

IN WITNESS WHEREOF, the Issuer, by its City Council, has caused this bond to be executed with the [manual][facsimile] signatures of its Mayor and its Clerk, and the corporate seal of the Issuer to be impressed hereon, all as of the Date of Original Issue.

CITY OF CASPIAN
COUNTY OF IRON
STATE OF MICHIGAN

By

Its: Mayor

(Seal)

Countersigned:

By _____
Its: Clerk

Section 10. No Free Service or Use. No free service or use of the System, or service or use of the System at less than the reasonable cost and value thereof, shall be furnished by the System to any person, firm or corporation, public or private, or to any public agency or instrumentality, including the Issuer.

Section 11. Fixing and Revising Rates; Rate Covenant. The rates presently in effect in the Issuer are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the System as are necessary to preserve the System in good repair and working order, to provide for the payment of the principal of and interest on the Series 2021 Bond as the same become due and payable, and to provide for all other obligations, expenditures and funds for the System required by law and this Ordinance. In addition, it is covenanted and agreed that the rates shall be set from time to time so that there shall be produced in each Fiscal Year, Net Revenues in an amount not less than 100% of the principal of and interest on the Series 2021 Bond coming due in such Fiscal Year. The rates shall be reviewed not less than once a year and shall be fixed and revised from time to time as may be necessary to produce these amounts, and it is hereby covenanted and agreed to fix and maintain rates for services furnished by the System at all times sufficient to provide for the foregoing.

Section 12. Funds and Accounts; Flow of Funds. The Treasurer is hereby directed to create and maintain the following funds and accounts into which the Revenues from the System shall be deposited in the manner and at the times provided in this Ordinance, which accounts shall be established and maintained, except as otherwise provided, so long as the Series 2021 Bond hereby authorized remain unpaid. Commencing on the date of delivery of the Series 2021 Bond, all funds belonging to the System shall be transferred as herein indicated and all Revenues of the System shall be set aside into a separate account to be designated the WATER SUPPLY SYSTEM RECEIVING ACCOUNT (the "Receiving Account"), and moneys so deposited therein shall be transferred, expended and used only in the manner and order as follows:

(A) Operation and Maintenance Account. There is hereby established and there shall be maintained a separate account to be designated the OPERATION AND MAINTENANCE ACCOUNT (the "Operation and Maintenance Account"). Revenues shall be transferred on the first day of each quarter of the Fiscal Year from the Receiving Account 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.

(B) Bond and Interest Redemption Account. There is hereby established and there shall be maintained a separate account to be designated as the 2021 BOND AND INTEREST REDEMPTION ACCOUNT (the "Redemption Account"), the moneys on deposit therein from time to time used solely for the purpose of paying the principal of and interest on the Series 2021 Bond.

Out of the Revenues remaining in the Receiving Fund, after provision for the Operation and Maintenance Account, there shall be set aside each quarter, in the Redemption Account, a sum proportionately sufficient to provide for the payment of the principal of and interest due on the Series 2021 Bond on the next succeeding principal and interest payment date, less any amounts in the Redemption Account representing investment income on amounts on deposit in the Redemption Account. The amount to be set aside each quarter for interest, after taking into account moneys in the Redemption Account as provided above, shall be one-half ($\frac{1}{2}$) of the total amount of interest on the Series 2021 Bond next coming due, or such greater or lesser amount in approximately equal quarterly installments necessary to accumulate the amount of interest next coming due by the date such interest is to be paid. The amount set aside each quarter for principal shall be one-quarter ($\frac{1}{4}$) of the principal of the Series 2021 Bond next coming due, or such greater or lesser amount in approximately equal quarterly installments necessary to accumulate the principal amount next coming due by the date such principal is to be paid. If there is any deficiency in the amounts previously set aside, that deficiency shall be added to the next succeeding quarterly requirements. The amount to be set aside for the payment of principal and interest on any date shall not exceed the amount which, when added to the money on deposit in the Redemption Account, including investment income thereon, is necessary to pay principal and interest due on the Series 2021 Bond on the next succeeding principal payment date.

There is established a subaccount in the Redemption Account to be known as the Bond Reserve Account (the "Bond Reserve Account"). Upon delivery of a series of the Series 2021 Bond, there shall be deposited in the Bond Reserve Account, from the proceeds of such Bonds or from System funds on hand and legally available for such use, the amount which, when added to the amount on deposit therein on the date of delivery of such series of Bonds, if any, will equal the Reserve Requirement for all Bonds then outstanding (including the Series 2021 Bond to be delivered on such date); provided, however, that the Reserve Requirement shall not at any time exceed the amount allowed to be invested at an unrestricted yield pursuant to Treas. Reg. Section 1.148-2(f)(2) or any successor provision thereto as applicable to the Series 2021 Bond. Interest on the Bond Reserve Account shall be transferred into the Redemption Account once the Reserve Requirement has been reached.

Except as otherwise provided in this Section, the moneys credited to the Bond Reserve Account shall be used solely for the payment of the principal of, redemption premiums (if any) and interest on the Series 2021 Bond as to which there would otherwise be a default. If at any time it shall be necessary to use moneys credited to the Bond Reserve Account for such payment, then the moneys so used shall be replaced from the Net Revenues first received thereafter which are not required for current principal and interest requirements on all Bonds then outstanding until the amount on deposit equals the Reserve Requirement.

No further payments need be made into Redemption Account after enough of the Series 2021 Bond has been retired so that the amount then held in the Redemption Account is equal to the entire amount of principal and interest which will be payable at the time of maturity of all of the Series 2021 Bond then remaining outstanding.

The moneys in the Redemption 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.

(C) Reverse Flow of Funds; Surplus Money. In the event the moneys in the Receiving Account are insufficient to provide for the current requirements of the Operation and Maintenance Account, the Redemption Account (including the Bond Reserve Account) or the Junior Lien Redemption Account (including any bond reserve account established therein), any moneys and/or securities in the funds of the System described by this Ordinance shall be transferred, first, to the Operation and Maintenance Account, and second, to the Redemption Account.

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

Section 13. Investments. Monies in the funds and accounts established in this Ordinance may be invested by 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. Profit realized or interest income earned on investment of funds in the Receiving Account and the Operation and Maintenance Account shall be deposited in or credited to the Receiving Account at the end of each Fiscal Year. Profit realized on interest income earned on investment of moneys in the Redemption Account (including income derived from the Bond Reserve Account) shall be credited to the Receiving Account at the end of each Fiscal Year except as otherwise required by Section 12 of this Ordinance.

Section 14. Issuance Fund; Proceeds of Bond Sale. The Treasurer is authorized and directed to open a separate depository account with a bank or trust company or establish a separate account on the books of the Issuer, to be designated 2021 REFUNDING BOND ISSUANCE FUND (the "Issuance Fund") and deposit into the Issuance Fund a portion of the proceeds of the Series 2021 Bond sufficient to pay the costs of issuance of the Series 2021 Bond. The moneys in the Issuance Fund shall be used solely to pay the costs of issuance of the Series 2021 Bond. Any amounts remaining in the Issuance Fund after payment of issuance expenses shall be

transferred to the Bond and Interest Redemption Fund for the Series 2021 Bond.

The balance of the proceeds of the Series 2021 Bond shall be paid directly by the purchaser, together with moneys on hand in the 2021 Bond and Interest Redemption Fund, including the Bond Reserve Account, for the Refunded Bonds transferred by the Issuer, to the United States Government as holder of the Prior Bonds, or deposited into a separate account established by the Treasurer (the "Prior Bonds Payment Account") in which case the Treasurer shall use the money deposited into the Prior Bonds Payment Account to redeem the Prior Bonds then outstanding.

Section 15. Security for Bonds. To pay the principal of and interest on the Series 2021 Bond as and when the same shall become due, there is hereby created a statutory first 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 the purpose and identified as the Bond and Interest Redemption Fund, as hereinafter specified.

Section 16. Covenants. The Issuer covenants and agrees with the holders of the Series 2021 Bond that so long as any of the Series 2021 Bond remain outstanding and unpaid as to either principal or interest:

(a) The Issuer will maintain the System in good repair and working order and will operate the same efficiently and will faithfully and punctually perform all duties with reference to the System required by the Constitution and laws of the State of Michigan and this Ordinance.

(b) The Issuer will keep proper books of record and account separate from all other records and accounts of the Issuer, in which shall be made full and correct entries of all transactions relating to the System. The Issuer shall have an annual audit of the books of record and account of the System for the preceding operating year made each year by an independent certified public accountant, and a copy of the audit shall be mailed to the manager of each syndicate or account originally purchasing any issue of the Series 2021 Bond. The auditor shall comment on the manner in which the Issuer is complying with the requirements of the Ordinance with respect to setting aside and investing moneys and meeting the requirements for acquiring and maintaining insurance. The audit shall be completed and so made available not later than six (6) months after the close of each operating year.

(c) The Issuer will maintain and carry, for the benefit of the holders of the Series 2021 Bond, insurance on all physical properties of the System and liability insurance, of the kinds and in the amounts normally carried by municipalities engaged in the operation of similar sanitary sewer systems, including self-insurance. All moneys 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 redeeming or purchasing Bonds.

(d) The Issuer will not sell, lease or dispose of the System, or any substantial part, until all of the Series 2021 Bond has been paid in full, both as to principal and interest or provision made thereof as herein provided. The Issuer will operate the System as economically as possible, will make all repairs and replacements necessary to keep the System in good repair and working order, and will not do or suffer to be done any act which would affect the System in such a way as to have a material adverse effect on the security for the Series 2021 Bond.

(e) The Issuer will not grant any franchise or other rights to any person, firm or corporation to operate a System that will compete with the System and the Issuer will not operate a system that will compete with the System.

Section 17. Additional Bonds. The Issuer may issue Additional Bonds of equal standing with the Series 2021 Bond but only for subsequent extensions of and improvements to the System or for the purpose of refunding any of the Series 2021 Bond or any Additional Bonds hereafter issued. Bonds for such purpose shall not be issued unless the average actual or augmented net revenues (hereinafter defined) of the System for the then last two (2) preceding twelve month operating years, or the actual or augmented net revenues for the last preceding twelve month operating year, if the same shall be lower than the average, shall be at least equal to one hundred percent (100%) of the average annual amount of principal and interest thereafter maturing in future operating years on all Bonds payable from the Net Revenues together with the Additional Bonds. If the Additional Bonds are to be issued in whole or in part for refunding outstanding bonds, the maximum annual principal and interest requirement shall be determined by deducting the aforesaid principal and interest requirements of any Bonds to be refunded with the proceeds of the Additional Bonds.

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 consultant filed with the Clerk of the Issuer. If a new bond is issued within 4 months of the end of a Fiscal Year, the determination made above may be based upon the results of a Fiscal Year ending within 16 months of the date of issuance of the new bond.

Except as otherwise specifically provided herein, so long as the Series 2021 Bond 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 Series 2021 Bond herein authorized.

Section 18. Management; Fiscal Year. The operation, repair and management of the System shall continue to be under the supervision and control of the Issuer. The Issuer may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the System. The Issuer may make such rules and regulations as it deems advisable and necessary to assure the efficient management and operation of the System. The System shall be operated on the basis of an operating year which shall coincide with the Issuer's Fiscal Year.

Section 19. Negotiated Sale; Acceptance of Offer. The Issuer has considered the option of selling the Series 2021 Bond through a competitive sale and a negotiated sale and has determined that the sale of the Series 2021 Bond by means of a negotiated sale to the Purchaser will result in the most cost-efficient and expeditious means of selling the Series 2021 Bond and will result in the lowest interest cost to the Issuer. The offer of the Purchaser to purchase the Series 2021 Bond in accordance with terms of the proposal of the Purchaser attached hereto as Appendix A is hereby accepted and approved.

Section 20. Adjustment of Bond Terms. The Authorized Officers are each hereby authorized to adjust the final bond details as set forth herein to the extent necessary or convenient to complete the sale of the Series 2021 Bond and in pursuance of the foregoing is each authorized to exercise the authority and make the determinations pursuant to Sections 7a(1)(c) of Act 94, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, date of issuance, interest payment dates, redemption rights, the portion or portions of the Outstanding Bonds to be refunded, and other matters within the parameters established by this Ordinance.

Section 21. Authorization of other Actions. Each Authorized Officer is individually authorized and directed to execute all other agreements, documents and certificates, and to take all other actions necessary or advisable, to complete the issuance, sale and delivery of the Series 2021 Bond as contemplated herein.

Section 22. Tax Covenant. The Issuer hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest on the Series 2021 Bond from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditure and investment of Series 2021 Bond proceeds and moneys deemed to be Series 2021 Bond proceeds.

Section 23. Qualified Tax-Exempt Obligations. The Issuer hereby designates the Series 2021 Bond as a "qualified tax-exempt obligation" for purposes of the deduction of interest expense by financial institutions pursuant to the Code.

Section 24. Retention of Bond Counsel. The City Council hereby retains Miller, Canfield, Paddock and Stone, P.L.C. as Bond Counsel with respect to the Series 2021 Bond.

Section 25. Financial Advisor. Baker Tilly Municipal Advisors LLC is hereby retained as the registered municipal financial advisor in connection with the issuance of the Series 2021 Bond.

Section 26. Repeal of Outstanding Ordinances. Immediately upon repayment or redemption in full of the Refunded Bonds, the outstanding ordinances authorizing the issuance of the Series 1995 Bond is hereby repealed and of no further force or effect.

Section 27. Severability; Paragraph Headings; and Conflict. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

Section 28. Publication and Recordation. The Clerk shall cause this Ordinance to be published once in full in a newspaper of general circulation in the Issuer qualified under State law to publish legal notices promptly after its adoption, and shall be recorded in the Ordinance Book of the Issuer and such recording authenticated by the signatures of the Mayor and Clerk.

Section 29. Effective Date. Pursuant to the provisions of Section 6 of Act 94, this Ordinance shall be approved on the date of first reading and accordingly this Ordinance shall immediately be effective upon its adoption.

Passed and adopted by the City Council of the City of Caspian, County of Iron, State of Michigan, on October 19, 2021.

Mayor

Attest:

Clerk

Adopted October 19, 2021

Published October 26, 2021

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Caspian, County of Iron, State of Michigan, at a special meeting held on the 19th day of October, 2021, 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, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting: Robert Ketchum, Robert Remondini, Matthew Jacks, Ancella Thurston, and Michael Stachowicz, and that the following Members were absent: all present.

I further certify that Member Ancella Thurston moved adoption of said Ordinance, and that said motion was supported by Member Michael Stachowicz.

I further certify that the following Members voted for adoption of said Ordinance: Robert Ketchum, Robert Remondini, Matthew Jacks, Ancella Thurston and Michael Stachowicz and that the following Members voted against adoption of said Ordinance: none.

I further certify that said Ordinance has been recorded in the Ordinance Book and that such recording has been authenticated by the signatures of the Mayor and the Clerk.

Clerk

APPENDIX A



TERM SHEET

| | |
|------------------------------|---|
| Date: | October 12, 2021 |
| Issue: | Water Supply System Revenue Refunding Bonds, Series 2021 (the "Bonds") |
| Issuer/Borrower: | City of Caspian, County of Iron, State of Michigan ("Issuer") |
| Purchaser/Lender: | Huntington Public Capital Corporation ("Huntington") |
| Security: | Net Water Supply System Revenues |
| Principal Amount: | \$683,000 |
| Use of Proceeds: | To pay for the costs of refunding the remaining principal of the Water System Revenue Bonds, dated as of February 1, 1995. |
| Bond Counsel: | Miller, Canfield, Paddock and Stone, P.L.C. |
| Purchaser's Counsel: | TBD |
| Closing Date: | November 10, 2021 (Estimated) |
| Tax Status: | Qualified Tax-Exempt (Bank Qualified) |
| Final Maturity: | February 1, 2035 |
| Interest Rate: | 2.46% |
| Rate Adjustment: | If the funding of the Bonds has not occurred by December 10, 2021, then the Interest Rate and payment will be adjusted to maintain Huntington's economics as of the date of issuing this Term Sheet. |
| Debt Service Reserve: | The Bond Reserve Account shall be equal to the amount of the lesser of the following: 10% of par, 100% of the maximum annual debt service payment or 125% of the average annual debt service payment. |
| Rate Covenant: | The rates shall be set from time to time so that there shall be produced Net Revenues in an amount not less than 100% of the principal of and interest on the Bonds coming due in each fiscal year. The rates shall be reviewed not less than once a year and shall be fixed and revised from time to time as may be necessary to produce these amounts. |
| Fee to Huntington: | None |
| Transaction Fees: | All transaction fees, including those of Bond Counsel, shall be the responsibility of the Issuer. |
| Interest Payments: | Due and payable semi-annually on February 1 and August 1, commencing on February 1, 2022. |
| Principal Payments: | Due and payable as provided in the RFP. |
| Optional Prepayment: | Bonds of this issue maturing February 1, 2022 through February 1, 2031 shall not be subject to redemption prior to maturity. Bonds maturing in years 2032 and thereafter, shall be subject to redemption prior to maturity, at the option of the City, in such order as the City may determine and by lot within any maturity, on any date, on or after February 1, 2031, at par and accrued interest to the date fixed for redemption. |

Public

| | |
|--------------------------------|--|
| Direct Placement: | Huntington is extending credit as a lender in the usual course of its loan business through the purchase of the Bonds for its own account in its normal and customary business practice, with no current intention on the resale, distribution or transfer thereof. |
| Term Bond Election: | The Bonds will be a single certificate term bond, with principal payments representing mandatory principal redemptions. |
| Required Documentation: | Draft transaction documents prepared by Issuer Counsel will need to be reviewed by Huntington and its Purchaser's Counsel prior to signature. Huntington also requires a closing memo, with wire instructions, signed by an officer of the Issuer authorized in the resolution. In addition, Huntington requires the original note or bond (without the word specimen on it), or IPA, the certified resolution(s), all the signed closing certificates, the signed legal opinion and a signed 8038G and non-arbitrage and tax certificate, if the issue is tax-exempt, all emailed two days prior to the closing date. |
| Paying Agent: | Not required by Huntington |
| Rating: | Not required by Huntington |
| POS/Official Statement: | Not required by Huntington |
| CUSIP: | Not required by Huntington |
| DTC Closing: | Not required by Huntington |
| Proposal Expiration: | This proposal shall expire at Huntington's option if (a) Huntington has not received the Issuer's written acceptance by October 14, 2021; and (b) if the closing date of the Bonds has not occurred by December 10, 2021. |

Thank you for the opportunity to offer a proposal on this request. We appreciate your consideration and look forward to your favorable response. Should you have any questions regarding this term sheet, please do not hesitate to contact me.

Respectfully Submitted,

Meredith A. Shanle

Meredith A. Shanle, Vice President
Huntington Public Capital
Phone: 313-410-8771
Email: Meredith.A.Shanle@Huntington.com

Marc Reen

Marc Reen, Vice President, Government Banking
Huntington National Bank
Phone: 616-235-6486
Email: Marc.Reen@Huntington.com

Accepted By:
City of Caspian

By _____
Name _____
Title _____
Date _____

Huntington Public Capital® ("HPC"), a division of The Huntington National Bank (the "Bank"), is providing the information contained in this document for discussion purposes only in connection with an arm's-length transaction under discussion between you and HPC. If you are a "municipal entity" or "obligated person" within the meaning of the municipal advisor rules (the "Rules") of the Securities and Exchange Commission, Rule 15Ba1-1 et seq. this information is provided to you pursuant to and in reliance upon the "bank exemption," and/or other exemptions and/or the "general information" exclusion provided under the Rules. HPC is acting for its own interest and has financial and other interests that differ from yours. HPC is not acting as a municipal advisor or financial advisor, and has no fiduciary duty, to you or any other person pursuant to the Rules. The information provided in this

Public

document is not intended to be and should not be construed as "advice" within the meaning of the Rules. HPC is not recommending that you take or refrain from taking any action with respect to the information contained in this document. Before acting on this information, you should discuss it with your own financial and/or municipal, legal, accounting, tax and other advisors as you deem appropriate. As used in this notice, the "Rules" means Section 15B of the Securities Exchange Act of 1934, the Securities and Exchange Commission's Rule 15Ba1-1, et seq., and any related municipal advisor rules of the Municipal Securities Rulemaking Board, all as they may be amended from time to time.

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**METROPOLITAN EXTENSION TELECOMMUNICATIONS
RIGHTS-OF-WAY OVERSIGHT ACT**

Section 1 Purpose The purposes of this Ordinance are to regulate access to and ongoing use of public right-of-way by telecommunications provided for their telecommunications facilities while protecting the public health, safety and welfare and exercising reasonable control of the public right-of-way in compliance with the Metropolitan Extension Telecommunications right-of-way Oversight Act (Act No. 48 of the Public Acts of 2002) ("Act") and other applicable law, and to ensure that the City qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.

Section 2 Conflict Nothing in this Ordinance shall be construed in such a manner as to conflict with the Act or other applicable law.

Section 3 Terms Defined The terms used in this Ordinance shall have the following meanings:

- (a) "Act" means the metropolitan Extension Telecommunications right-of-way Oversight Act (Act No 48 of the Public Acts of 2002), as amended from time to time.
- (b) "City" means the City of Caspian, Iron County, Michigan.
- (c) "City Commission" means the City Commission of the City of Caspian or its designee. This section does not authorize delegation of any decision or function that is required by law to be made by the City Commission.
- (d) "City Manager" means the City Manager or his or her designee.
- (e) "Permit" means a non-exclusive permit issued pursuant to the Act and this Ordinance to a telecommunications provider to use the public right-of-way in the City for its telecommunications facilities.

All other terms used in this Ordinance shall have the same meaning as defined or as provided in the Act, including without limitation to the following:

- (f) "Authority" means the Metropolitan Extension Telecommunications right-

of-way Oversight Authority created pursuant to Section 3 of the Act.

(g) "MPSC" means the Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term "Commission" in the Act.

(h) "Person" means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

(i) "Public Right-of-Way" means the area on, below, or above a public roadway, highway, street, alley, easement or waterway. Public right-of-way does not include a federal, state, or private right-of-way.

(j) "Telecommunication Facilities or Facilities" means the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipe and sheath, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 332(d) of Part I of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3 and service provided by any wireless, two-way communication device.

(k) "Telecommunications Provider, Provider and Telecommunications Services" means those terms as defined in Section 102 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2102. Telecommunication provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332(d) of Part I of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this Ordinance only, a provider also includes all of the following:

(i) A cable television operator that provides a telecommunications service.

(ii) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.

(iii) A person providing broadband internet transport access service.

Section 4 Permit Required

(a) Permit Required. Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public right-of-ways in the City for its telecommunications facilities shall apply for and obtain a permit pursuant to this Ordinance.

(b) Application. Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(1) of the Act. A telecommunications provider shall file one copy of the application with the City Clerk, one copy with the City Manager, and one copy with the City Attorney. Upon receipt, the City Clerk shall make copies of the application and distribute a copy to all entities involved in the construction. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with Section 6(5) of the Act.

(c) Confidential Information. If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary or confidential information which is exempt from the Freedom of Information Act 1976 PA 442, MCL 15.231 to 15.246, pursuant to Section 6(5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.

(d) Application Fee. Exempt as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee in the amount of \$500.00.

(e) Additional Information. The City Manager may request an applicant to submit such additional information which the City Manager deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the City Manager. If the City and the applicant cannot agree on the requirement of additional information requested by the City, the City or the applicant shall notify the MPSC as provided in Section 6(2) of the Act.

(f) Previously Issued Permits. Pursuant to Section 5(1) of the Act, authorizations or permits previously issued by the City under Section 251 of the Michigan

Telecommunications Act, 1991 PA 179, MCL 484.2251 and authorizations or permit used by the City to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan Telecommunications Act but after 1985 shall satisfy the permit requirements of this Ordinance.

(g) Existing Providers. Pursuant to Section 5(3) of the Act, within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the City as of such date, that has not previously obtained authorization or a permit under Section 251 of the Michigan Telecommunications Act, 1991 PA 179 MCL 484.2251, shall submit to the City an application for a permit in accordance with the requirements of this Ordinance. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this subsection is not required to pay \$500.00 application fee required under subsection (d) above. A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the Authority, as provided in Section 5(4) of the Act.

Section 5 Issuance of Permit

(a) Approval or Denial. The authority to approve or deny an application for a permit is hereby delegated in the City Manager. Pursuant to Section 15(3) of the Act, the City Manager shall approve or deny an application for a permit within forty-five (45) days from the date a telecommunications provider filed an application for a permit under Section 4(b) of this Ordinance for access to a public right-of-way within the City. Pursuant to Section 6(6) of the Act, the City Manager shall notify the MPSC when the City Manager has granted or denied a permit, including information regarding the date on which the application was filed and the date on which permit was granted or denied. The City Manager shall not unreasonably deny an application for a permit.

(b) Form of Permit. If an application for permit is approved, the City Manager shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Section 6(1), 6(2) and 15 of the Act.

(c) Conditions. Pursuant to Section 15(4) of the Act, the City Manager may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.

(d) Bond Requirement. Pursuant to Section 15(3) of the Act, and without limitation on subsection (c) above, the City Manager may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

Section 6 Construction/Engineering Permit A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the City without first obtaining a construction or engineering permit as required under this Code, as amended for construction within the public right-of-ways. No fee shall be charged for such a constructions or engineering permit.

Section 7 Conduit or Utility Poles Pursuant to Section 4(3) of the Act, obtaining a permit or paying the fees required under the Act or under this Ordinance does not give a telecommunications provider a right to use conduit or utility poles.

Section 8 Route Maps Pursuant to Section 6(7) of the Act, a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the City, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the City. The route maps should be in paper or electronic format unless and until the MPSC determines otherwise in accordance with Section 6(8) of the Act.

Section 9 Repair of Damage Pursuant to Section 15(5) of the Act, a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the City, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

Section 10 Establishment of Payment of Maintenance Fee In addition to the non-refundable application fee paid to the City set forth in subsection 4(d) above, a telecommunications provider with telecommunications facilities in the City's public rights-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.

Section 11 Modification of Existing Fees In compliance with the requirements of Section 13(1) of the Act, the City hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002 the effective date of the Act, relating to access and usage of the public right-of-ways to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority. In compliance with the requirements of Section 13(4) of the Act, the City also hereby approves modification of the fees of providers with telecommunication facilities in public right-of-ways within the City's boundaries, so that those providers pay only those fees required under Section 8 of the Act. the City shall provide each telecommunications provider affected by the fee with a copy of this Ordinance, in compliance with the requirement of Section 13(4) of the Act. to the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the City's policy and intent, and upon application by a provider or discovery by the City, shall be promptly refunded as having been charged in error.

Section 12 Savings Clause Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 11 above shall be void from the date the modification was made.

Section 13 Use of Funds Pursuant to Section 10(4) of the Act, all amounts received by the City from the Authority shall be used by the City solely for right-of-ways related purposes. In conformance with the requirement, all funds received by the City from the Authority shall be deposited into the Major Street Fund and/or the Local Street Fund maintained by the City under Act No. 51 of the Public Acts of 1951.

Section 14 Annual Report Pursuant to Section 10(5) of the Act, the City Manager shall file an annual report with the Authority on the use and disposition of funds annual distributed by the Authority.

Section 15 Cable Television Operators Pursuant to Section 13(6) of the Act, the City shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002 the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator receiver for cable modem services provided through broadband internet transport access services.

Section 16 Existing Rights Pursuant to Section 4(2) of the Act, except as expressly provided herein with respect to fees, this Ordinance shall not affect any existing rights that a telecommunications provider or the City may have under a permit used by the City or under a contract between the City and a telecommunications provider related to the use of the public right-of-ways.

Section 17 Compliance The City hereby declares that its policy and intent in adopting this Ordinance is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve the purpose. The City shall comply in all respects with the requirements of the Act, including but not limited to the following:

- (a) Exempting certain route maps from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, as provided in Section 4(c) of this Ordinance;
- (b) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with Section 4(f) of this Ordinance;
- (c) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the \$500.00 application fee, in accordance with Section 4(g) of this Ordinance;
- (d) Approving or denying an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit to access to and usage of a public right-of-way within the City, in accordance with Section 5(a) of this Ordinance;
- (e) Notifying the MPSC when the City has granted or denied a permit, in accordance with Section 5(a) of this Ordinance;
- (f) Not unreasonably denying an application for a permit, in accordance with Section 5(a) of this Ordinance;
- (g) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in Section 5(b) of this Ordinance;
- (h) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with Section 5(c) of this Ordinance;

(i) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with Section 5(d) of this Ordinance;

(j) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with Section 6 of this Ordinance;

(k) Providing each telecommunications provider affected by the City's right-of-way fees with a copy of this Ordinance, in accordance with Section 11 of this Ordinance;

(l) Submitting an annual report to the Authority, in accordance with Section 14 of this Ordinance; and

(m) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with Section 15 of this Ordinance.

Section 18 Reservation of Policy Powers Pursuant to Section 15(2) of the Act, this Ordinance shall not limit the City's right to review and approve a telecommunication provider's access to and ongoing use of the public right-of-way or limit the City's Authority to ensure and protect the health, safety, and welfare of the public.

Section 19 Severability The various parts, sentences, paragraphs, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause of this Ordinance is adjudged unconstitutional or invalid by the court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this Ordinance.

Section 20 Authorized City Officials The City Manager or his or her designee is hereby designated as the authorized City official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the municipal chapter violations bureau) for violations under this Ordinance as provided by the City Code.

Section 21 Municipal Civil Infraction A person who violates any provision of this Ordinance or the terms or conditions of a permit is responsible for a municipal civil infraction, and shall be subject to (specify local civil infraction fines or ordinance section references here). (If the City does not have a municipal civil infraction ordinance: a

violation of this ordinance shall be a violation of the City Code). Nothing in this Section 21 shall be construed to limit the remedies available to the City in the event of a violation by a person of this ordinance or a permit.

Section 22 Repealed All ordinances and portions of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 23 Effective Date This Ordinance shall take effect on or before November 1, 2002.

**NATURAL GAS FRANCHISE
MICHIGAN CONSOLIDATED GAS COMPANY
GAS FRANCHISE ORDINANCE**

An Ordinance, granting to Michigan Consolidated Gas Company, 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 and other public places and to do a local gas business in the City of Caspian, Iron County, Michigan for a period of thirty (30) years.

THE CITY OF CASPIAN ORDAINS:

Section 1 Grant of Gas Franchise and Consent to Laying of Pipes, Etc. 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 (the "Company"), 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, alley and other necessary equipment in the highways, streets, alleys and other public places in the City of Caspian, Iron County, Michigan. A franchise is hereby granted to the Company, its successors and assigns, to transact local business in said City of Caspian for the purposes of conveying gas into and through and supplying and selling gas in said City of Caspian and all other matters incidental thereto.

Section 2 Gas Service and Extension of System If the provisions and conditions herein contained are accepted by the Company, as in Section 6 hereof provided, then the Company shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations; and provided further that such initial installation and any extensions shall be subject to the Main Extension provisions, the Area Expansion Program provisions (if and where applicable), and other applicable provisions now or from time to time hereafter contained in the Company's Rules and

Regulations for Gas Service as filed with the Michigan Public Service Commission or successor agency having similar jurisdiction.

Section 3 Use of Streets and Other Public Places The Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys or other public places within said City of Caspian 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 City of Caspian for all damages and costs which may be recovered against the City of Caspian 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 truck lines or lateral mains except upon application to the Highway Commissioner or the City of Caspian 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 Commissioners or the city Commission, or such other authority as may have jurisdiction, to issue a permit to the Company to do the work proposed.

Section 4 Standards and Conditions of Service; Rules, Regulations and Rates The Company is now under the jurisdiction of the Michigan Public Service Commission to the extent provided by statute; and the rates to be charged for gas and the standards and conditions of service and operation hereunder, shall be the same as set forth in the Company's schedule of rules, regulations and rates as applicable in the several cities, villages and townships in which the Company is now rendering gas service, or as shall hereafter be validly prescribed for the City of Caspian under the orders, rules and regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises.

Section 5 Successors and Assigns 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 6 Effective Date; Term of Franchise Ordinance; Acceptance by Company

This Ordinance shall take effect twenty (20) days following the date of publication thereof, which publication shall be made within fourteen (14) 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 City of Caspian at any time during said thirty (30) year period; provided, however, that when this Ordinance shall become effective the City 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 the Company shall, sixty (60) days after receiving the above mentioned documents, file with the City Clerk its written acceptance of the conditions and provisions hereof.

Section 7 Effect and Interpretation of Ordinance All ordinances and resolutions, and parts thereof, which conflict with any of the terms of this Ordinance are hereby rescinded. In the case of conflict between this Ordinance and any such ordinances or resolutions, this Ordinance shall control. The Catch line headings which precede each Section of this Ordinance are for convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this Ordinance.

UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT

This Uniform Video Service Local Franchise Agreement ("Agreement") is made, pursuant to 2006 PA 480, MCL 484.3301 et seq, (the "Act") by and between the City of Caspian, a Michigan Municipal Corporation (the "Franchising Entity") and Iron River Cooperative TV Antenna Corporation, a Michigan corporation doing business as Iron River Co-Operative.

Section 1 Definitions For purpose of this Agreement, the following terms shall have the following meanings as defined in the Act:

- (a) "Cable Operator" means that term as defined in 47 USC 522(5)
- (b) "Cable Service" means that term as defined in 47 USC 522(6)
- (c) "Cable System" means that term as defined in 47 USC 522(7)
- (d) "Commission" means the Michigan Public Service Commission.
- (e) "Franchising Entity" means the local unit of government in which a provider offers video services through a franchise.
- (f) "FCC" means the Federal Communications Commission.
- (g) "Household" means a house, an apartment, a mobile home, or any other structure or part of a structure intended for residential occupancy as separate living quarters.
- (h) "Incumbent video provider" means a cable operator serving cable subscribers or a telecommunication provider providing video services through the provider's existing telephone exchange boundaries in a particular franchise area within a local unit of government on the effective date of this Act.
- (i) "IPTV" means Internet Protocol Television.
- (j) "Local unit of government" means a city, village or township.
- (k) "Low-income household" means a household with an average annual household income of less than \$35,000 as determined by the most recent

decennial census.

(l) "METRO Act" means the Metropolitan Extension Telecommunications Right-of-Way Oversight Act, 2002 PA 48, MCL 484.3101 et seq.

(m) "Open video system" or "OVS" means that term as defined in 47 USC 573.

(n) "Person" means an individual, corporation, association, partnership, governmental entity, or any other legal entity.

(o) "Public Right-of-Way" means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway or utility easements dedicated for compatible uses.

(p) "Term" means the period of time provided for in Section V of this Agreement.

(q) "Uniform video service local franchise agreement" or "franchise agreement" means the franchise agreement required under the Act to be the operating agreement between each franchising entity and video provider in this state.

(r) "Video programming" means that term as defined in 47 USC 522(20).

(s) "Video service" mean video programming, cable services, IPTV or OVS provided through facilities located in part in the public right-of-way without regard to delivery technology, including internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 USC 332(d) or provided solely as part of, and via, a service that enables users to access content, information, electronic mail, or other services offered over the public internet.

(t) "Video service provider" or "provider" means a person authorized under the Act to provide video service.

(u) "Video service provider fee" means the amount paid by a video service provider or incumbent video provider under Section 6 of the Act and Section VI of this Agreement.

Section 2 Requirements of the Provider

(a) An unfranchised Provider will not provide video services in any local unit of

government without first obtaining a uniform video service local franchise agreement as provided under Section 3 of the Act (except as otherwise provided by the Act).

(b) The Provider shall file in a timely manner with the FCC all forms required by that agency in advance of offering video service in Michigan.

(c) The Provider agrees to comply with all valid and enforceable federal and state statutes and regulations.

(d) The Provider agrees to comply with all valid and enforceable local regulations regarding the use and occupation of public right-of-ways in the delivery of the video service, including the policy powers of the Franchising Entity.

(e) The Provider shall comply with all FCC requirements involving the distribution and notification of federal, state and local emergency messages over the emergency alert system applicable to cable operators.

(f) The Provider shall comply with the public, education and government programming requirements of Section 4 of the Act.

47 (g) The Provider shall comply with all customer service rules of the FCC under CFR 76.309(c) applicable to cable operators and applicable provisions of the Michigan Consumer Protection Act, 1976 PA 331, MCL 445.901 to 445.922.

(l) Including but not limited to: MCL 445.902; MCL 445.903(1)(a) through (cc); MCL 445.903(1)(ff) through (jj); MCL 445.903(2); MCL 445.905; MCL 445.906; MCL 445.907; MCL 445.908; MCL 445.910; MCL 445.914; MCL 445.915; MCL 445.916; MCL 445.918.

(h) The Provider agrees to comply with in-house wiring and consumer premises wiring rules of the FCC applicable to cable operators.

(i) The Provider shall comply with the Consumer Privacy Requirements of 47 USC 551 applicable to cable operators.

(j) If the Provider is an incumbent video provider, it shall comply with the terms which provide insurance for right-of-way related activities that are contained in its last cable franchise or consent agreement from the Franchising Entity entered before the effective date of the Act.

(k) The Provider agrees that before offering video services within the boundaries of a local unit of government, the video provider shall enter into a Franchise Agreement with the local unit of government as required by the Act.

(l) The Provider understands that as of the effective date of the Act, no existing Franchise Agreement with a Franchising Entity shall be renewed or extended upon the expiration date of the Agreement.

Section 3 Provider Providing Access

(a) The Provider shall not deny access to service to any group of potential residential subscribers because of the race or income of the residents in the local area in which the group resides.

(b) It is a defense to an alleged violation of Paragraph A if the provider has met either of the following conditions:

(I) Within three (3) years of the date it began providing video service under the Act and the Agreement; at least 25% of the households with access to the Provider's video service are low-income households.

(II) Within five (5) years of the date it began providing video service under the Act and Agreement and from that point forward, at least 30% of the households with access to the Provider's video service are low-income households.

(c) If the Provider is using telecommunications facilities to provide video services and has more than 1,000,000 telecommunications access lines in Michigan, the Provider shall provide access to its video service to a number of households equal to at least 25% of the households in the Provider's telecommunication service area in Michigan within three (3) years of the date it began providing video service under the Act and Agreement and to a number not less than 50% of these households within six (6) years. The video service provider is not required to meet the 50% requirements in this paragraph until two (2) years after at least 30% of the households with access to the Provider's video service subscribe to the service for six (6) consecutive months.

(d) The Provider may apply to the Franchising Entity, and in the area of Paragraph C, the Commission, for a waiver of or for an extension of time to meet

the requirements of this Section if 1 or more of the following apply:

I. The inability to obtain access to public and private right-of-ways under reasonable terms and conditions.

II. Developments or buildings not being subject to competition because of existing exclusive service arrangements.

III. Developments or buildings being inaccessible using reasonable technical solutions under commercial reasonable terms and conditions.

IV. Natural disasters.

V. Factors beyond the control of the Provider.

the (e) The Franchising Entity or Commission may grant the waiver or extension only if the Provider has made substantial and continuous effort to meet the requirements of this Section. If an extension is granted, the Franchising Entity or Commission shall establish a new compliance deadline. If a waiver is granted, Franchising Entity or Commission shall specify the requirements or requirements waived.

(f) The Provider shall file an annual report with the Franchising Entity and the Commission regarding the progress that has been made toward compliance with paragraphs B and C.

(g) Except for satellite service, the Provider may satisfy the requirements of this paragraph and Section 9 of the Act through the use of alternative technology that offers service, functionally, and content which is demonstrably similar to that provided through the Provider's video service system and may include a technology that does not require the use of any public right-of-way. The technology utilized to comply with the requirements of this Section shall include local public, education and government channels and messages over the emergency alert system as required under Paragraph II(e) of this Agreement.

Section 4 Responsibility of the Franchising Entity

(a) The Franchising Entity hereby grants authority to the Provider to provide video service in the video service area footprint, as described in this Agreement and Attachments, as well as the Act.

(b) The Franchising Entity hereby grants authority to the Provider to use and occupy the Public right-of-ways in the delivery of video service, subject to the laws of the State of Michigan and the policy powers of the Franchising Entity.

(c) The Franchising Entity shall allow a Provider to install, construct and maintain a video service of communications network within a public right-of-way and shall provide the provider with open, comparable, nondiscriminatory and competitively neutral access to the public right-of-way.

(d) The Franchising Entity may not discriminate against a video service provider to provide video service for any of the following:

(I) The authorization or placement of a video service or communications network in public right-of-way.

(II) Access to a building owned by a governmental entity.

(III) A municipal utility pole attachment.

(e) The Franchising Entity shall not require the Provider to obtain any other franchise, assess any other fee or charge, or impose any other franchise requirement than is allowed under the Act and this Agreement. For purposes of this Agreement, a franchise requirement includes but is not limited to, a provision regulating rates charged by video service providers, requiring the video service providers to satisfy any build-out requirements or a requirement for the deployment of any facilities or equipment.

(f) Notwithstanding any other provision of this Act, the Provider shall not be required to comply with, and the Franchising Entity may not impose or enforce, any mandatory build-out or deployment provisions, schedules, or requirements except as required by Section 9 of the Act.

(g) The Franchising Entity is subject to the penalties provided for under Section 14 of the Act.

Section 5 Term

(a) This Franchise Agreement shall be for a period of ten (10) years from the date it is issued.

(b) Before the expiration of the initial Franchise Agreement or any subsequent renewals the Provider may apply for an additional ten (10) year renewal under

Section 3(7) of the Act.

Section 6 Public, Education and Government (PEG) Channels

(a) The video service Provider shall designate a sufficient amount of capacity on its network to provide for the same number of public, education and government access channels that are in actual use on the incumbent video provider system on the effective date of the Act or as provided under Section 4(14) of the Act.

(b) Any public, education or government channel provided under this Section that is not utilized by the Franchising Entity may be programmed at the Provider's discretion. At such a time as the Franchising Entity can certify a schedule for at least eight (8) hours of daily programming for a period of three (3) consecutive months, the Provider shall restore the previously allocated channel.

(c) The Franchising Entity shall ensure that all transmissions, content, or programming to be retransmitted by a video service Provider is providing in a manner or form that is capable of being acceptable and retransmitted by a Provider, without requirement for additional alteration or change in the content by the Provider, over the particular network of the Provider, which is compatible with the technology and protocol utilized by the Provider to deliver services.

(d) The person producing the broadcast is solely responsible for all content provided over designated public, education or government channels. The video service Provider shall not exercise any editorial control over any programming on any channel designed for public, education or government use.

(e) The video service Provider is not subject to any civil or criminal liability for any program carried on any channel designated for public, education, or government use.

(f) If a Franchising Entity seeks to utilize capacity pursuant to Section 4(1) of the Act or an agreement under Section 13 of the Act to provide access to video programming over one or more PEG channels, the Franchising Entity shall give the Provider a written request specifying the number of channels in actual use on the incumbent video Provider's system or specified in the agreement entered into under Section 13 of the Act. The video service Provider shall have 90 days to being providing access as requested by the Franchising Entity. The number and designation of PEG access channels shall be set forth in an addendum to this Agreement effective 90 days after the request is submitted by the Franchising

Entity.

(g) A "PEG" channel shall only be used for noncommercial purposes.

Section 7 Termination and Modification This Franchise Agreement issued by a Franchising Entity may be terminated or the video service area footprint may be modified, except as provided under Section 9 of the Act, by the Provider by submitting notice to the Franchising Entity.

Section 8 Transferability This Franchise Agreement issued by a Franchising Entity or an existing franchise of an incumbent video service Provider is fully transferable to any successor in interest to the Provider to which it is initially granted. A notice of transfer shall be filed with the Franchising Entity within fifteen (15) days of the completion of the transfer. The successor in interest will assume the rights and responsibilities of the original provider.

Section 9 Change of Information If any of the information contained in the Franchise Agreement changes, the Provider shall timely notify the Franchising Entity.

Section 10 Confidentiality Pursuant to Section 11 of the Act; Except under the terms of a mandatory protective order, trade secrets and commercial or financial information designated as such and submitted under the Act to the Franchising Entity or Commission are exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246 and MUST BE KEPT CONFIDENTIAL.

(a) The Provider may specify which items of information should be deemed "confidential". It is the responsibility of the Provider to clearly identify and segregate any confidential information submitted to the franchising entity with the following information: "Provider's Name, CONFIDENTIAL INFORMATION"

(b) The Franchising Entity receiving the information so designated as confidential is required (a) to protect such information from public disclosure, (b) exempt such information from any response to a FOIA request, and (c) make the information available only to and for use only by such local officials as are necessary to approve the franchise agreement or perform any other task for which the information is submitted.

(c) Any Franchising Entity which disputes whether certain information submitted to it by a provider is entitled to confidential treatment under the Act may apply to the Commission for resolution of such a dispute. Unless and until the Commission determines that part or all of the information is not entitled to

confidential treatment under the Act, the Franchising Entity shall keep the information confidential.

Section 11 Complaints/Customer Service

- (a) The Provider shall establish a dispute resolution process for its customers. Provider shall maintain a local or toll-free telephone number for customer service contact.
- (b) The Provider shall be subjected to the penalties, as described under Section 14 of the Act and the Franchising Entity and Provider may be subjected to the dispute process as described in Section 10 of the Act.
- (c) Each Provider shall annually notify its customers of the dispute resolution process as required under Section 10 of the Act. Each Provider shall include the dispute resolution process on its website.
- (d) Before a customer may file a complaint with the Commission under Section 10(5) of the Act, the customer shall first attempt to resolve the dispute through the dispute resolution process established by the Provider in Section 10(2) of the Act.
- (e) A complaint between a customer and a Provider shall be handled by the Commission pursuant to the process as described in Section 10(5) of the Act.
- (f) A complaint between a Provider and a franchising entity or between two or more Providers shall be handled by the Commission pursuant to the process described in Section 10(6) of the Act.
- (g) In connection with providing video services to the subscribers, a provider shall not do any act prohibited by Section 10(1)(a-f) of the Act. The Commission may enforce compliance to the extent that the activities are not converted by Section 2(3)(l) in the Act

Section 12 Notices Any notices to be given under this Franchise Agreement shall be in writing and delivered to a part personally, by facsimile or by certified, registered, or first-class mail, with postage prepaid and return receipt requested, or by a nationally recognized overnight delivery service, addressed as follows:

If to the Franchising Entity:

Caspian

If to the Provider:

Iron River Co-Operative TV

Attn: City Manager
500 West Railroad St.
PO Box 273
Caspian, MI 49915
Fax No.: 906.265.2536

Antenna Corp.
Attn: Office Manager
316 North 2nd Ave.
Iron River, MI 49935
Fax No.: 906.265.3020

Or such other addresses or facsimile numbers as the parties may designate by written notice from time to time.

Section 13 Miscellaneous

(a) Governing Law. This Franchise Agreement shall be governed by and construed in accordance with, applicable Federal laws of the State of Michigan.

(b) The parties to this Franchise Agreement are subject to all valid and enforceable provisions of the Act.

(c) Counterparts. This agreement may be signed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same agreement.

(d) Power to Enter. Each party hereby warrants to the other Party that it has the requisite power and authority to enter into this Franchise Agreement and to perform according to the terms hereof.

(e) The Provider and Franchising Entity are subject to the provisions of 2006 Public Act 480.

UNIFORM TRAFFIC CODE

An ordinance to adopt by reference the Uniform Traffic Code for Michigan Cities, Townships and Villages.

Section 1 Code and Amendments and Revisions adopted The Uniform Traffic Code for Cities, Townships and Villages as promulgated by the Director of the Michigan department of state police pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328 and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code when they are promulgated and effective in this state are incorporated by reference.

Section 2 References in Code References in the Uniform Traffic Code for Michigan Cities, Townships and Villages to "governmental unit" shall mean the City of Caspian.

Section 3 Notice to be Published The City Clerk shall publish this ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Uniform Traffic Code for Cities, Townships, and Villages and the fact that a complete copy of the code is available to the public at the office of the clerk for inspection.

Section 4 Penalties The penalties provided for in the Uniform Traffic Code for Cities, Townships, and Villages are adopted by reference.

WINTER TRAFFIC REGULATIONS

ARTICLE I
Snow Removal

1.1. Owners of Gasoline stations, and other such privately owned and operated expansive areas shall be totally responsible for the removal and disposal of snow from these areas.

1.2. The removal of snow from said expansive private areas shall be done in a manner so as not to cause any obstruction of sidewalks, or street crosswalks designated as such by Municipal, County or State authority.

1.3. It shall be unlawful for owners or occupants of the area described in Section 1.1 of this Ordinance to place piles of snow at any intersection of City streets or alleys, either on or off private property, if such piling results in a pile or piles of a height which impair the proper visibility of motorist or pedestrians at the particular intersection concerned in each case.

1.4. Snow removal may be deposited in the street, roadway (curb to curb) and then only just before City equipment starts clearing the particular street area in front of the private property concerned in each case; provided the property owner spreads the snow along his own property frontage and does not "pile" it in one spot or area, or in violation of Sections 1.2 and 1.3 of this Ordinance.

1.5. In residential areas, snow removal from private driveways shall be deposited on or removed to private property. If this is not possible, such snow may be spread in the streets or alleys along the owner's property frontage provided that it is spread in such a way that it will not impede traffic and provided further that this is done BEFORE City equipment starts clearing the particular street or alley area adjacent to the private

property concerned in each case. Snow from sidewalks in front of residence shall not be cast into parkway or tree-bed, that is, the area between sidewalk and curb.

1.6. Snow accumulations on private property resulting from snow removal by the property owned or occupant are not the responsibilities of the City, but may be removed or caused to be removed by the City if any pedestrian or traffic safety hazards are caused by the same, and the actual cost of such removal billed to the property owner or occupant.

1.7. Snow shall not be deposited in any street or alley area AFTER it has been cleared of snow by City equipment.

1.8. Snow, ice or other material moved, piled or dumped in violation of this Ordinance may be moved or caused to be moved by the City and the expense of such removal charged to the party found in violation of this Ordinance.

1.9. Any person, firm or corporation, whether as owner, occupant or hired contractor, shall not violate this ordinance.

SAFE STREET INTERSECTIONS AND THE CREATION OF CLEAR VISION AREAS AT STREET INTERSECTIONS

Article I

Obstruction of Vision at Street Intersections

For the general safety of all drivers and pedestrians within the city of Caspian no plantings, personal property, vehicles, equipment, machinery or structures shall be parked, stored, established or maintained on any corner lot or along any driveway, street or alley that will likely result in obstructing the view of a vehicle driver approaching the intersection or entering or exiting the driveway street or alley. In determining whether an obstruction exists, the City shall consider the nature of the intersection, the speed limits upon the intersecting streets, the volume of traffic routinely entering the intersection, the permanent or temporary nature of the obstruction, the existing traffic control devices located at the intersection, and any other factors affecting the safety of the intersection.

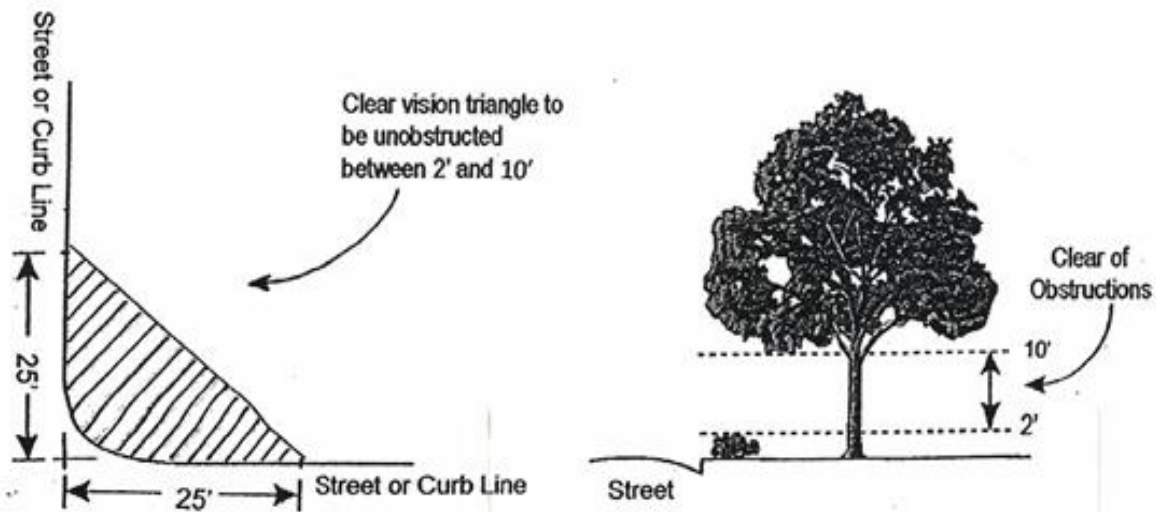
Article II

Clear Vision Triangle

Consistent with the above objective of creating safe intersections within the city of Caspian there shall be enforced clear vision triangles at all street and alley intersections. On corner lots, a clear vision triangle is the triangle formed by the intersecting street and or alley curb lines or if curbs do not exist, the street property lines and a line connecting them at a point twenty-five (25) feet from the intersecting point.

Within that area no fence, wall, ornamental gate or portal, bushes, shrubbery, hedges, vehicles, equipment, machinery, stored material or personal property shall be permitted beyond a height of two (2) feet above the average finished grade of the lot. Trees shall be permitted within the area only if maintained and trimmed so that no branches or foliage are less than ten (10) feet above the average finished grade of the lot. Trees shall be considered to be within the clear vision triangle if any part of the tree extends into the vertical planes of the triangle as they extend skyward from the ground. No buildings shall be constructed within these defined areas.

This Ordinance shall upon and after its effective date be enforceable against all nonconforming uses except buildings and structures existing prior to the adoption of this ordinance and which continue in existence and that are not in violation of any zoning or other city ordinance. In the event an existing building or structure which is located within the clear view triangle is hereafter destroyed, this Ordinance shall prohibit the rebuilding of the building or structure within the clear view triangle.



Article III **Abatement**

Upon issuance of a notice of violation of this Ordinance, the property owner shall have 14 days to correct the violation. If the property owner does not bring the property into compliance with this Ordinance, the City will issue a citation and abate the violation at the expense of the owner. The City's cost including all administrative costs and all overhead involved in the abatement shall be charged and paid by the property owner. Should the owner not pay, the City's costs shall become a lien on the property, which lien shall be enforced in the manner prescribed in the Charter, Section 8.6 or by the laws of this state provided for the enforcement of tax liens.

Article IV **Administration and Enforcement**

The City Manager, City Police and or Caspian Ordinance Enforcement Officer shall be responsible for administration and enforcement of this Ordinance.

Article V
Partial Invalidation

Should any part of this Ordinance be declared invalid, such declaration shall not invalidate the balance hereof.

**AN ORDINANCE ESTABLISHING A PARKING VIOLATIONS BUREAU
FOR THE CITY OF CASPIAN, AND PRESCRIBING PENALTIES RELATED TO
PARKING OFFENSES**

**ARTICLE I
PARKING VIOLATIONS BUREAU**

1. Pursuant to Section 8395 of the Revised Judicature Act, State of Michigan, as added by Public Act 154 of 1968, a parking violations bureau, for the purpose of handling alleged parking violations within the City, is hereby established. The parking violations bureau shall be under the supervision and control of the Caspian City Police Department.

2. The Caspian City Police Department shall, subject to the approval of the City Commission, established a convenient location for the parking violations bureau, hire necessary employees to administer the bureau and adopt rules and regulations for the operation thereof.

3. No violation not scheduled in Section 8 of this Ordinance shall be disposed of by the parking violations bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the bureau and in any case the person in charge of such bureau may refuse to dispose of such violation in which case any person having knowledge of the facts may make a sworn complaint before any court having jurisdiction of the offense as provided by law.

4. No violation may be settled at the parking violations bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the bureau determine, or attempt to determine, the truth or falsity of any fact or matter related to such alleged violation. No person shall be required to dispose of a parking violation at the parking violations bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violation at the parking violations bureau shall not prejudice him or in any way diminish the rights, privileges and protection accorded to him by law.

5. The issuance of a traffic ticket or notice of violation by a police officer of the

City shall be deemed an allegation of a parking violation, such traffic ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the parking violations bureau. It shall also indicate the address of the bureau, the hours during which the bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued and advise that a warrant for the arrest of the person to whom the ticket was issued will be sought if such person failed to respond within the time limits.

ARTICLE II **SNOW BAN PARKING**

1. In order to facilitate snow plowing during winter months, owners of vehicles shall not permit their vehicles to be parked on any street within the City of Caspian between the hours of 2:30 a.m. and 7:00 a.m., from the beginning of November through the end of April, inclusive.

2. Any vehicle parked on any street within the City in violation of this Article may be towed from its location to a location designated by the Chief of Police at the direction of a Caspian City Police Officer, in order to facilitate snow removal from City streets. The owner of the towed vehicle shall be responsible for towing expenses, in addition to the civil infraction assessment.

ARTICLE III **PARKING**

1. The following City streets are streets where parking will be prohibited on one side or both as signs may designate:

- (a) Brady Avenue between Caspian Avenue and Morgan Street.
- (b) Brady Avenue between Jobe Street and East 1st Street.

2. A separate offense shall be deemed committed under Section 7.1 on each day during which a violation occurs or continues.

3. A violation of any provision of this Ordinance is a civil infraction. Any person convicted of violating any provision of this Ordinance shall be liable for a fine in the amount listed on the schedule described at Article IV, Appendix A, plus costs of prosecution.

ARTICLE IV
APPENDIX A

Schedule (Uniform Traffic Code Violations)

| <u>OFFENSE</u> | <u>UTC SECTION</u> | <u>PENALTY</u> |
|--|---------------------------|-----------------------|
| Parking too far from Curb | (8.1, 8.2) | \$25.00 |
| Angle Parking Violations | (8.3) | \$25.00 |
| Obstructing Traffic | (8.5) | \$25.00 |
| Prohibited Parking (signs unnecessary) | (8.10) | |
| (a) on sidewalk | | \$25.00 |
| (b) in front of drive | | \$25.00 |
| (c) within intersection | | \$25.00 |
| (d) within 15 feet of hydrant | | \$25.00 |
| (e) on cross-walk | | \$25.00 |
| (f) within 20 feet of cross-walk or 15 feet of corner lot lines | | \$25.00 |
| (g) within 30 feet of street side traffic sign or signal | | \$25.00 |
| (h) within 50 feet of railroad crossing | | \$25.00 |
| (i) within 20 feet of fire station entrance | | \$25.00 |
| (j) Within 85 feet of fire stations entrance on opposite side of street (signs required) | | \$25.00 |
| (k) beside street excavation when traffic obstructed | | \$25.00 |
| (l) double parking | | \$25.00 |
| (m) on bridge of viaduct or within tunnel | | \$25.00 |
| (n) within 20 feet of accident where police in attendance | | \$25.00 |
| (o) in front of theater | | \$25.00 |
| (p) blocking emergency exit | | \$25.00 |
| (q) blocking fire escape | | \$25.00 |
| In prohibited zone (signs required) | (8.10(r)) | \$25.00 |
| In alley | (8.13) | \$25.00 |
| Wrong side of street | (8.15) | \$25.00 |
| Loading zone violation | (8.16, 8.17) | \$25.00 |
| Bus, parking other than bus stop | (8.19) | \$25.00 |
| Parking during "snow ban" hours | | \$25.00 |

AN ORDINANCE TO REGULATE THE WEIGHT OF VEHICLES OPERATED ON THE STREETS, THROUGHWAYS AND ALLEYWAYS OF THE CITY OF CASPIAN

Section 1 No single-axle vehicle weighing over 16,000 pounds, or any tandem-axle vehicle weighing over 26,000 pounds, may be operated upon any street, throughway, or alleyway within the City of Caspian, other than on Caspian Avenue, Route 424/Brady Avenue, the Caspian Cut-Off Road, or East First Street, for any purpose, except to make a pick-up from, or delivery to, a specified location, of manufactured products, materials, goods, wares, or merchandise and then only by using the shortest route from the nearest of Caspian Avenue, Route 424, Brady Avenue, the Caspian Cut-Off Road, or East First Street, to the point of pick-up or delivery.

Section 2 Caspian Avenue, Route 424, Brady Avenue, the Caspian Cut-Off Road and East First Street shall be designated as the only permissible truck routes within the City of Caspian, and the City Manager and/or the Chief of Police shall post official signs indicating permissible truck routes within the City and the fact that the weights of vehicles operated upon all other streets within the City is restricted.

Section 3 Upon Caspian Avenue, Route 424, Brady Avenue, the Caspian Cut-Off Road and East First Street, when the space between axles is greater than or equal to 9 feet, maximum axle load shall not exceed 16,000 pounds for vehicles equipped with solid rubber tires and shall not exceed 18,000 pounds for vehicles equipped with pneumatic tires; when the distance between axles is greater than 3 1/2 feet but less than 9 feet, maximum axle load shall not exceed 11,600 pounds for vehicles equipped with solid rubber tires, and shall not exceed 13,000 pounds for vehicles equipped with pneumatic tires; when the space between axles is less than or equal to 3 1/2 feet, the combined axle load shall be considered as a single-axle load for purposes of this Ordinance. Provided, however, that in no case may wheel load for any wheel exceed 700 pounds

per inch of width of tire.

Section 4 During the months of March, April and May, the maximum axle loads for vehicles using Caspian Avenue, Route 424, Brady Avenue, the Caspian Cut-Off Road or East First Street shall be reduced by 25% for those road surfaces with a concrete pavement or base, provided, however, during March, April and May maximum wheel load shall not exceed 525 pounds per inch of tire width. During March, April and May, for vehicles using Caspian Avenue, Route 424, Brady Avenue, the Caspian Cut-Off Road or East First Street, the maximum axle load shall be reduced by 35% upon those road surfaces not having a concrete pavement or concrete base construction, provided, however, that the maximum wheel load shall not exceed 450 pounds per inch of tire width. The City Manager may suspend the restrictions contained in this Section of this Ordinance, during the months of March, April and May, when and where, in his/her discretion, street conditions of Caspian Avenue, Route 424, Brady Avenue, the Caspian Cut-Off Road or East First Street so warrant.

Section 5 When operating a vehicle, which by its weight is restricted to operation upon Caspian Avenue, Route 424, Brady Avenue, the Caspian Cut-Off Road or East first Street, upon any street, throughway, or alleyway within the City of Caspian, the operator shall have in his or her possession a certificate of truck weight and load in transport.

Section 6 Reference to weight of any vehicle shall include the weight of the vehicle, and any load carried upon the vehicle.

AN ORDINANCE TO REGULATE THE USE OF OFF ROAD VEHICLES

Section 1 Definition ORV means a motor driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow ice, marsh, swampland, or other natural terrain. It includes, but is not limited to a multi-track or multi-wheel drive or low pressure tire vehicle, a motorcycle or related two, three or four-wheeled vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motor power from a source other than muscle or wind. ORV does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a construction or logging vehicle used in performance of its common function, or a registered aircraft.

Section 2 Registration All ORV's must be registered with the Michigan Secretary of State except:

- (a) ORV's operated exclusively on lands owned or under the control of the vehicle owner.
- (b) a vehicle licensed under the Michigan Vehicle Code, unless the vehicle is operated as an ORV off highways, roadways, streets and forest roads.
- (c) ORV's operated exclusively in a special event conducted under permit.
- (d) ORV's used exclusively in a safety and training program conducted by a certified ORV safety instruction.

Section 3 Operational Regulations A person shall not operate an ORV which is not licensed, under the Michigan Vehicle Code, on any public highway, street, alley or right of way except:

- (a) On those streets or alleys which are specifically designated as an ORV trail, but only if not at a speed greater than five (5) miles per hour.
- (b) To cross a street for purpose of getting to and from a designated trail, but only if the ORV is brought to a complete stop before crossing each street.

(c) For a special event of limited duration under permit from the City.

(d) A person shall not operate any ORV:

I. At a rate of speed greater than is reasonable and proper, having due regard for existing conditions.

II. In a careless manner.

III. While under the influence of intoxicating liquor or controlled substance, or by a person who is incompetent to operate the ORV.

IV. Within one hundred (100) feet of a dwelling at speed greater than the minimum required to maintain controlled forward movement, unless the operator is an invited guest of the dwelling.

V. On any public property or right-of-way, unless specifically designated as an ORV trail or area.

Section 4 Equipment A person shall not operate an ORV unless equipped:

(a) With a braking system.

(b) A brake light brighter than the trail light when the vehicle is operated during the hours of one-half (1/2) Hour after sunset and one-half (1/2) hour before sunrise.

(c) A throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.

(d) With a spark arrestor type muffler in good working order.

Section 5 Noise Emission Noise emission under full throttle at fifty (50) feet at right angles from the vehicle path shall not:

(a) Exceed 90 decibels on a vehicle manufactured or assembled prior to January 1, 1973.

(b) Exceed 88 decibels on a vehicle manufactured or assembled after January 1, 1973.

(c) Exceed 86 decibels on a vehicle manufactured or assembled after

January 1, 1975.

Section 6 Trespass A person shall not operate an ORV in or upon private property without the written consent of the owner of the land. Private property need not be fenced or posted to exclude trespassers.

Section 7 Stream Crossing A person shall not operate an ORV in or upon waters of any Stream. Except for the purpose of crossing the stream over a bridge or culvert. Or, by operating the vehicle at the minimum speed required to maintain controlled forward movement and crossing in the most direct manner from and to an established trail. Or, to travel up or down stream in any river or stream unless of a water depth sufficient to permit flotation of the vehicle at all times.

Section 8 Safety Training for Youngsters Youngsters under the age of twelve (12) years are not permitted to ride ORV's in the City of Caspian unless such riding is done exclusively on land owned or under the control of the vehicle owner. Youngster twelve (12) through fifteen (15) years of age may operate an ORV if:

- (a) He is under the direct supervision of a person eighteen (18) years of age or older.
- (b) He is on lands owned or under the control of the vehicle owner.
- (c) He has in his possession an ORV safety certificate issued by a certified Department of Natural Resources instructor; or he possesses an ORV certificate issued by another state or province of Canada.

Section 9 Enforcement A ORV operator must bring his vehicle to a stop:

- (a) When requested by hand, voice, emergency lights, siren or audible signal by a law enforcement officer.
- (b) When operated on private premises of another and visible hailed to stop by the owner or authorizing agent.
- (c) A person who willfully fails to obey the signal of an officer to stop or refuses to provide personal identification to a private land owner is guilty of a misdemeanor.
- (d) In a violation of the ORV Ordinance, the registration number shall constitute prima facie evidence that the owner of the vehicle was the person operating the vehicle at the time of the offense.

Section 10 Accident Reporting The operator of a vehicle involved in an accident resulting in injuries or death, or in property damage in an estimated amount of \$50.00 or more shall immediately notify the Caspian City Police Department. All accident reports are forwarded to the Michigan State Police. The operator of a vehicle involved in an accident on public or private property shall immediately stop at the scene and render reasonable assistance in securing medical aid or transportation.

Section 11 The sections and provisions of this Ordinance are declared to be severable and any portion which is declared to be unconstitutional or inoperative for any reason shall in no way affect the other provisions of this Ordinance.

AN ORDINANCE TO REGULATE WATERCRAFT OPERATION

Section 1 Intent It is the intent of this Ordinance to supplement the statutes of the State of Michigan in respect to the operation of watercraft in any and all bodies of water located within the City. This Ordinance is not intended to allow what the state statutes prohibit.

Section 2 Definitions As used in this Ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (a) "Operate" means to ride in or on and control the operations of a watercraft.
- (b) "Person" means an individual, partnership, corporation and anybody or association of individuals.
- (c) "Watercraft" means any floating device primarily designed or altered for travel in water.

Section 3 Operation of Watercraft Permitted Watercraft may be operated in any and all bodies of water within the City.

Section 4 Prohibited Acts It shall be unlawful to operate any watercraft equipped with a motor other than an electric motor in any and all bodies of water within the City and in any manner prohibited by the laws of the State of Michigan.

Section 5 Criminal Liability Imposed on Parents or Guardians The parent or guardian of any juvenile shall not authorize or permit any such juvenile to violate any provision of this article.

Section 6 The sections and provisions of this Ordinance are declared to be severable, and any portion which is declared to be unconstitutional or inoperative for any reason shall in no way affect the other provisions of this Ordinance.

Section 7 All ordinances, resolutions or orders, or parts thereof, in conflict with the

provisions of this Ordinance are to the extent of such conflict hereby repealed.

CURFEW

An Ordinance relative to children going abroad on the streets, alleys and public grounds of the City of Caspian.

1. No minor under the age of 12 years shall loiter, idle or congregate on any public street, highway, alley or park between the hours of 9:00 p.m. and 6:00 a.m., unless the minor is accompanied by parent(s) or guardian(s), or an adult delegated by a parent(s) or guardian(s) to accompany the child.

2. A minor under the age of 16 years shall not loiter, idle or congregate on any public street, highway, alley or park between the hours of 10:00 p.m. and 6:00 a.m., unless the minor is accompanied by parent(s) or guardian(s), or an adult delegated by a parent(s) or guardian(s) to accompany the minor, or where the minor is upon an errand or other legitimate business directed by the parent(s) or guardian(s).

3. No person of the age of 16 years or over shall assist, aid, abet, allow, permit or encouraging any minor under the age of 16 years to violate the provisions of paragraphs 1 or 2 hereof.

4. A parent or legal guardian of a minor under the age of 16 shall be responsible for that minor's violation of paragraphs 1 or 2 hereof regardless of the parent's actual knowledge of the minor's violation.

DISCHARGE OF FIREARMS, BOW & ARROW

An Ordinance to prohibit the discharge of firearms, regulated the use of bow and arrows and provide a penalty for violation of same, within the City limits of the City of Caspian, Iron County, Michigan.

**ARTICLE I
FIREARM USAGE**

1.1 Firearm Discharge It shall be unlawful for any person to fire shoot or cause any firearm to be discharged within the City limits.

1.2 Firearm Defined For the purpose of this Ordinance "a firearm" shall be defined as any gun, rifle, pistol, revolver, shotgun or any other device which is capable of projecting any object a distance of forty (40) feet.

**ARTICLE II
BOW & ARROW**

2.1 Bow & Arrow Usage It shall be unlawful for any person to cause a bow and arrow to shoot or fire an arrow within the City limits, unless such is restricted to an archery practice site.

2.2 Bow & Arrow Defined For the purpose of this Ordinance, "a bow and arrow" shall be defined as any device which is capable of projecting arrow more than twenty (20) feet.

2.3 Archery Practice Site Defined For the purpose of this Ordinance, an "archery practice site" shall be defined as:

A designated area in which arrows are shot at a fixed target which has either:

- (a) A Backstop, with the target centered on, of a minimum size of eight (8) feet in length and eight (8) feet width and being of a material and thickness of which no arrow, when shot from a bow, can dully penetrate; or
- (b) A buffer zone of two hundred fifty (250) feet from the target to any adjoining land owner's property.

All arrows used in "an archery practice site" shall be equipped with target tips, no hunting or razor type tips shall be used.

AN ORDINANCE GOVERNING BURNING WITHIN THE CITY OF CASPAIN

Burning Prohibited Burning within the City of Caspian is prohibited, except as permitted herein.

Permitted Burning Under the terms hereof burning is permitted as follows:

(a) Structure heating fires within an approved furnace, stove, fireplace and/or similar device located within the structure to be heated, using approved fuels such as natural and propane gas, oil, clean wood and processed alternative fuels, e.g. wood pellets, subject to the terms hereof.

(b) Recreational fires within a confining unit of noncombustible material not exceeding 3 feet in diameter, including a dirt pit encircled by at least 6 inches of noncombustible material; subject to the terms hereof, and provided:

I. Fire is attended continually until ashes are cold.

II. Only clean, dry firewood is burned.

(c) Cooking fires for cooking or smoking of food within a confining unit of noncombustible material not exceeding 36 inches in diameter, subject to the terms hereof and provided only approved gases and/or charcoal and/or clean dry firewood are burned.

(d) Fires started by an appropriate public official (e.g. Fire Chief or City Manager) within the scope of their official duty, for a public service that cannot be reasonably managed by an alternate method.

(e) Allowed outdoor wood burners, as provided for in Chapter VIII being the Caspian's Zoning Ordinance.

Prohibited Burning

(a) Any burning within 15 feet of the property of another including public property.

(b) Any burning that will endanger persons or property.

(c) Any burning wherein the emissions of smoke, smell, fumes, soot, ash and the

like will or are likely to endanger, irritate, annoy and/or constitute a nuisance to persons or property.

(d) Burning which causes smoke, and/or smells and/or fumes and/or soot and/or ash over and/or on the property of another including public property.

Other Law The requirements of all other laws controlling burning shall supersede this Ordinance to the extent that they are more restrictive.

Building Code, Electrical, Mechanical, Plumbing

An ordinance to regulate the uniform application and enforcement of the State of Michigan's Building, Electrical, Mechanical, and Plumbing Codes, within the City of Caspian.

It is the position and belief of the Caspian City Commission that uniform application and enforcement of Michigan's Building, Electrical, Mechanical and Plumbing Codes is in the best interest of the residents of the City of Caspian.

Therefore, from this day forward the City of Caspian shall be governed by all State of Michigan Building, Electrical, Mechanical and Plumbing Codes now in force or hereafter amended and or adopted. Enforcement of all such Codes shall be undertaken and administered by the ***Iron County Construction Code Office*** located in the Iron County Courthouse, Crystal Falls, Michigan, and or the building inspector, electrical inspector, mechanical inspector and plumbing inspector working through such office.

Administration and enforcement of Michigan's above stated construction codes will provide for uniform enforcement, inspection and result in safer more reliable structures.

The City of Caspian hereby repeals all prior Building, Electrical, Mechanical and Plumbing Code Ordinances previously adopted by the City.

**AN ORDINANCE TO REGULATE AND CONTROL PROPERTY CONDITIONS:
OUTDOOR STORAGE, GRASS, WEEDS, BRUSH, TREES,
UNSAFE PROPERTY**

It is the City of Caspian's intent that this Ordinance regulate and promote the safety and appearance of property within the City to assure that properties are safe and do not create a risk to the community and to assure that properties are maintained in a manner consistent with the general community standards so as not to create blight or potential blight or create a nuisance or hazard to the community or diminish the safety, health and welfare of citizens of the City and/or diminish the value of or enjoyment of property within the City of Caspian.

**ARTICLE I:
GRASS, WEEDS, BRUSH, TREES**

This Article shall apply to all land areas of the City that are within neighborhoods and/or areas where the residents generally maintain landscaped, mowed yards and including areas within 30 feet thereof.

The property owner shall be responsible for maintaining said areas in a manner that prevents the unsightly growth of vegetation and the spread of noxious and poisonous weeds and/or invasive growth. Such maintenance shall be done as necessary to maintain said land area in a manner consistent with other properties in the neighborhood and similarly situated properties through the City.

The term "noxious and poisonous weeds" shall include Canada Thistles, milkweed, wild carrots, oxeye daisies, ragweed, goldenrod, burdock, poison ivy, poison sumac or any other plant, which in the opinion of the City Commission is regarded as a common nuisance.

Such maintenance shall include:

- Mowing of the lawn on a consistent enough basis to prevent the lawn from exceeding the height of 6 inches
- Existence of excessive vegetation shall be a prima facie violation of this Ordinance and constitutes an immediate hazard to the public health and safety.
- The property owner shall maintain all land areas contiguous to sidewalks and/or alleys and/or street as necessary to prevent vegetation from obstructing and/or interfering with these public ways and/or diminishing the structural soundness thereof.

- The property owner shall cut, destroy, and remove from said land all noxious and poisonous weeds growing thereon, at least twice in each year. Once within the first half of June and other within the first half of August, in order to prevent such weeds from growing to seed or to blossom, and to prevent such dead weeds from becoming a fire hazard.
- Maintenance activities including mowing of grass shall not impact or obstruct city sidewalks, streets or alleys. No grass clippings or vegetation shall be thrown, discarded or swept onto the city sidewalks, streets or alleys.

ARTICLE II

OUTDOOR STORAGE

The following objects and/or materials shall not be stored outdoors in either the General Business or Residential Districts:

- A. Indoor Appliances including but not limited to, refrigerators, ovens, washers, dryers, water heaters, and furnaces.
- B. Indoor furniture including but not limited to, couches, beds, tables, and book cases.
- C. Scrap metal, used sheet metal or piping and used car parts
- D. Used tires
- E. Motor Vehicles that are not classified as road legal, partially dismantled, damaged to the point that they are not able to be operated on the road and those without current Michigan Registration
- F. Building materials including but not limited to, lumber concrete block, trusses, and roofing materials, EXCEPT for those building materials that are being used to complete a project on the specific real estate and for which a valid current building permit has been issued.

This Article is generally not applicable to industrial sites except such site that shares a common boundary with a residential and/or general business property; for such properties the provisions of this Article shall apply on that part of the industrial property, which is within 50 feet of the said residential, and/or general business property.

ARTICLE III

UNSAFE, HAZARDOUS PROPERTY

Any property not maintained as provided herein shall constitute a violation of this Ordinance

- A. All property within the City shall be maintained in a safe and orderly conditions. All property shall be structurally sound and secure from invasion by animals, birds, reptiles and/or trespassers. The appearance of all property shall be reasonably consistent with the appearance of the general community.
- B. No property condition shall create a hazard of any kind. All property shall be maintained to eliminate blight and/or potential blight and/or blighting factors.
- C. It shall be unlawful for any person, firm or corporation to have in their possession either inside or outside of any building, structure or dwelling place, so as to be accessible to children, any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight, snap latch or other type of located device, or removal of the door from the icebox, refrigerator or other airtight container.
- D. This article refers to all forms of property's including (but not exclusively) land, structures and personal property.

ARTICLE IV **UTILITIES**

All occupied structures within the City shall have running water, an approved sewer system and a source of electricity.

ARTICLE V **NUISANCES**

No property condition is permitted that creates a nuisance (public or private). Any property condition, which creates a nuisance, is a violation hereof.

ARTICLE VI **NOTICE**

No notice is required for any property condition constituting a violation hereof that creates an immediate hazard and/or risk to the public safety and welfare. In other cases, the City shall give notice of violation by mail to the owner (addressed according to the City Tax Records). The notice will generally describe the violation, describe the remedy and provide the owner/occupant a reasonable time to remedy the violation.

ARTICLE VII **ABATEMENT**

If the property owner does not abate the violation, the City may do so, at the expense of the owner. Abatement may include demolition. The City's cost (including all administrative costs and all overhead) to abate shall be paid by the

property owner. Should the owner not pay, the City's costs shall become a lien on the property. The lien provide for in this Section shall be enforced in the manner prescribed in the Charter, Section 8.6, or by the laws of this state provided for the enforcement of tax liens.

ARTICLE VIII

CIRCUIT ACTION TO ABATE

In addition to the other remedies available to the City as provided herein and/or elsewhere by City Ordinances, State and Federal Law, the City may proceed with Circuit Court suit seeking the Court's Judgment that the property condition violates this Ordinance (or said additional Ordinances and/or laws) and as part of said suit the City may take Judgment against the property owner providing for the City's abatement of the conditions and awarding the City all of it's costs associated with enforcement and abatement including action attorney fees.

ARTICLE IX

COSTS OF ENFORCEMENT

In addition to said fines, the violator shall pay the actual costs incurred by the City for enforcement, including investigation, overhead, time, mileage and actual attorney fees.

The City may also issue an Order enjoining further violations and as necessary obtain injunction relief from State Court.

ARTICLE X

ADMINISTRATION AND ENFORCEMENT

The City Manager, Chief of Police or the Manager's designee shall be responsible for administration and enforcement of this ordinance.

ARTICLE XI

PARTIAL INVALIDATION

Should any part of this Ordinance be declared invalid, such declaration shall not invalidate the balance hereof.

| | |
|--------------------|--------------|
| Amendment Adopted: | 9 /14 /2022 |
| Published: | 9 /28 /2022 |
| Effective: | 10 /18 /2022 |

NOISE ORDINANCE

An Ordinance to prohibit the making, creation or maintenance of any excessive, unnecessary natural or unusually loud noises which are prolonged, unusual and unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place, use and effect and are a detriment to the public health, comfort, convenience, safety, welfare, and prosperity of the residents of the City of Caspian.

Section 1 Unlawful Noise Prohibited It shall be unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any excessive, unnecessary, unnatural or unusually loud noise, or any noise which either annoys, disturbs, injures or endangers the comfort, response, health, peace or safety of others within the City. The following Acts, are declared to be loud, disturbing, injurious and unnecessary and unlawful noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

- (a) Horns and Signal Devices. The sounding of any horn or signal device of any automobile, motorcycle, bus, train or other vehicle while not in motion, except as a danger signal or to give warning of intent to get into motion, or, if in motion, only as a danger signal; the creation by means of such signal devices of any unreasonably loud or harsh sounds; and the sounding of any signal device for any signal device for any unreasonably or unnecessary period of time.
- (b) Radio, Phonograph, Musical Instrument. The playing or use of any radio, phonograph, television set, amplified or unamplified musical instruments, loudspeaker, tape recorder, or other electronic sound producing devices, in such a manner or with volume at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel, hospital or other type of residence, or of any persons in the neighborhood or community. The operation of any such set, instrument, phonograph, machine, or device in such a manner as to be plainly audible on a property, in a dwelling unit other than that in which it is sound complained of emanates between the hours of 10:00 p.m. and 7:00 a.m. shall be prima facie evidence of a violation of this section.
- (c) Shouting and Whistling. Yelling, shouting, hooting, whistling, singing, or the making any other loud noises on the public streets, between the hours of 10:00 p.m. and 7:00 a.m. or the making of any such noise at any time or place so as to

annoy or disturb the quiet, comfort or response of persons in any dwelling, hotel, hospital or other type of residence, or in any office, school, church or court or of any person in the neighborhood or vicinity.

(d) Hawking. The hawking of any goods, merchandise, or newspapers in a loud or boisterous manner.

(e) Animal and Bird Noises. The keeping of any animal or bird which by causing frequent or long continued noise, shall disturb the comfort or response of any person in the neighborhood or community.

of (f) Whistle or Siren. The blowing of any whistles or sirens, except to give notice the time to begin or stop work or as a warning of fire; or danger and except for the whistles regularly sounded at the City Fire Hall.

(g) Engine Exhaust. The discharge into the open air of the exhaust of any steam engine, or stationary internal combustion engine, except through a muffler or other device which effectively prevents loud or explosive noises therefrom.

(h) Construction Noises. The erection, including excavation therefore, demolition, alternative or repair of any building, and the excavation of streets and highways on Sunday and other days except between the hours of 7:00 a.m. and 9:00 p.m. except in case of urgent necessity in the interest of public health and safety and a permit therefore has first been obtained from the City Manager.

(i) Handling Merchandise. The creation of any loud and excessive noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

(j) Devices to Attract Attention. The use of any drum, loudspeaker, amplifier or other instrument or device for the purpose of attracting attention for any purpose.

Section 2 Exceptions None of the terms or prohibitions of the previous section shall apply or be in force against:

(a) Emergency Vehicles. Any police or fire vehicles or any ambulance, while engaged upon necessary emergency business.

(b) Highway and utility maintenance and construction. Necessary excavation in or repairs or maintenance of bridges, streets or highways, including snow removal, or any public utility installation by or on behalf of the City or any public

utility or any agency of the State of Michigan, during the night or on Sunday, which the public safety, welfare and convenience necessitates the performance of the work at such times.

(c) Public Addresses. The reasonable use of stationary amplifiers or loudspeakers for public addresses which are noncommercial in character.

(d) Sacred Music. The use of sound amplifiers or other such devices by churches, or other organizations approved in advance by the City Commission.

(e) Public Events. Organized public events operated under permit granted by the City prior to the holding of said event. The permit shall, on its face, identify the particular event for which the permit is being issued and state what time the event is to end.

AN ORDINANCE FOR OFFENSES AGAINST THE PUBLIC PEACE

It is the City of Caspian's intent that this Ordinance protect its citizens from offenses against the public.

Section 1 Disorderly Conduct It shall be unlawful for any person in the City to be a disorderly person as defined by MCL 750.167.

Section 2 Create Disturbance at Public Places or Assembly It shall be unlawful for any person in the City to create any disturbance or contention in any tavern, store or grocery, manufacturing establishment or in any street, lane, alley, highway, public building, grounds or park or at any election or other public meeting where citizens are peacefully and lawfully assembled. MCL 750.170.

Section 3 Disturbing Meetings or Congregations It shall be unlawful for any person in the City to disturb any meeting or congregation lawfully assembled whether religious, political or otherwise. Disturbances include but are not limited to, the person disobeying time limits, becoming repetitious, otherwise disrupting the orderly progress of the meeting or failing to abide by established rules for conduct at meetings.

Section 4 Abusive or Obscene Language or Gestures No person within the City shall use abusive or obscene language or make an obscene or abusive gesture to any other person when such words, by their very utterance or such act, by its very performance tend to incite an immediate breach of the peace.

Section 5 Public Intoxication It shall be unlawful for any person within the City to be intoxicated in a public place and to either endanger directly the safety of another person or of property or act in a manner that causes a public disturbance.

Section 6 Punishment upon Conviction A person convicted of being a disorderly person is guilty of a misdemeanor punishable by imprisonment for not more than ninety (90) days or a fine of not more than five hundred dollars (\$500.00) or both.

COMMERCIAL MARIHUANA ESTABLISHMENT ORDINANCE**Article 1. Title.**

This Section of the Caspian City Code of Ordinances shall be known and cited as the “City of Caspian Commercial Marihuana Establishment Ordinance.”

Article 2. Definitions.

- A. As used in this chapter, the following terms shall have the meanings indicated:
1. “Act” means the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 *et seq.*
 2. “Agency” means the Michigan Marihuana Regulatory Agency or its successor agency.
 3. “City” means the City of Caspian.
 4. “Clerk” means the clerk of the City of Caspian.
 5. “Commission” means the City Commission of Caspian.
 6. “Designated Consumption Establishment” means a commercial space that is licensed by the Agency and authorized to permit adults 21 years of age and older to consume Marihuana products at the location indicated on the state license issued under the Act.
 7. “Excess Marihuana Grower” means a licensed issued by the Agency to a Person holding 5 Class C Marihuana Grower licenses and licensed to cultivate Marihuana and sell or otherwise transfer Marihuana to Marihuana Establishments.
 8. “Marihuana Establishment” means a Marihuana Grower, Marihuana Safety Compliance Facility, Marihuana Processor, Marihuana Microbusiness, Marihuana Retailer, Marihuana Secure Transporter, or any other type of business licensed by the Agency to operate under the Act, including, but not limited to, a Designated Consumption Establishment, an Excess Marihuana Grower, and a Marihuana Event Organizer.
 9. “Marihuana Event Organizer” means a Person licensed to apply for a Temporary Marihuana Event license.

10. “Marihuana Grower” means a person licensed by the Agency to cultivate Marihuana and sell or otherwise transfer Marihuana to Marihuana Establishments.
11. “Marihuana Microbusiness” means a person licensed by the Agency to cultivate not more than 150 Marihuana plants; process and package Marihuana; and sell or otherwise transfer Marihuana to individuals who are 21 years of age or older or to a Marihuana Safety Compliance Facility, but not to other Marihuana Establishments.
12. “Marihuana Processor” means a person licensed by the Agency to obtain Marihuana from Marihuana Establishments; process and package Marihuana; and sell or otherwise transfer Marihuana to Marihuana Establishments.
13. “Marihuana Retailer” means a person licensed by the Agency to obtain Marihuana from Marihuana Establishments and to sell or otherwise transfer Marihuana to Marihuana Establishments and to individuals who are 21 years of age or older.
14. “Marihuana Safety Compliance Facility” means a person licensed by the Agency to test Marihuana, including certification for potency and the presence of contaminants.
15. “Marihuana Secure Transporter” means a person licensed by the Agency to obtain Marihuana from Marihuana Establishments in order to transport Marihuana to Marihuana Establishments.
16. “Ordinance” means this corpus and any amendments thereto.
17. “Ownership Interest” means a direct or indirect ownership interest of more than 10% of an entity.
18. “Person” means any firm, person, partnership, association, corporation, company, or legal entity of any kind.
19. “Temporary Marihuana Event” means an event where the onsite sale or consumption of Marihuana products, or both, are authorized by the Agency at the location indicated on a state license.

Article 3. Operation Without a Permit.

- A. No person shall operate a Marihuana Establishment in the City without first obtaining a permit to do so from the Clerk.

Article 4. Permits Generally.

- A. The City shall not issue permits for any type of Marihuana Establishment other than a Marihuana Retailer and a Designated Consumption Establishment.
- B. The City shall not place a limit on the number of permits available to operate a Marihuana Retailer or a Designated Consumption Establishment within the City.
- C. Any applicant awarded a permit for a Marihuana Retailer or Designated Consumption Establishment shall comply with all provisions of the Caspian City Zoning Ordinance as well as all other local, County, and State Construction Codes.
- D. The City Commission may establish, by resolution, an appropriate nonrefundable permit application fee, not to exceed five thousand dollars (\$5,000.00), to help defray application and administrative costs.

Article 5. Permit Application Submission.

- A. Applications for a permit shall be made in writing to the Clerk. All completed applications submitted to the Clerk shall be considered for issuance of a permit. Completed applications shall be considered in the order in which received by the Clerk.
- B. An application for a permit required by this Ordinance shall be made under oath on forms provided by the City, and shall be deemed to be complete only if it contains all of the following:
 - 1. The appropriate nonrefundable permit fee in the amount set by Council resolution pursuant to Article 4 sub D above.
 - 2. If the applicant is an individual, the applicant's name, date of birth, mailing address, email address, and one or more phone numbers;
 - 3. If the applicant is an entity, the names, dates of birth, mailing addresses, email addresses, and one or more phone numbers of each individual with an Ownership Interest, including designation of one such individual as the primary point of contact;
 - 4. The name and physical address of the proposed Marihuana Establishment;
 - 5. A professionally drawn, detailed, to scale site plan for the proposed real estate and business building showing all boundaries, set-backs, right of ways and proposed utilities.
 - 6. One of the following: (a) proof of ownership of the entire premises wherein the Marihuana Establishment is to be operated, which may be satisfied by a written agreement to purchase the premises; or (b) written consent from the property owner or a party with an option to purchase the property for the

use of the premises in a manner requiring licensure under the Act along with a copy of the lease for the premises.

- C. Nothing in this Ordinance shall be read as prohibiting a Person from obtaining multiple permits under this Ordinance. An individual or entity must apply for a permit for each Marihuana Establishment that the individual or entity intends to operate in the City.

Article 6. Permit Application Evaluation.

- A. Upon receipt of a completed application meeting the requirements of this Ordinance, the Clerk shall refer a copy of the application to the Zoning Administrator.
- B. No application shall be approved unless:
 - 1. The Planning & Zoning Administrator has confirmed that the proposed location complies with this Ordinance and the Zoning Ordinance.
- C. Upon written approval by Zoning administrator, the Clerk shall if all other requirements in the application are met, issue a permit to the applicant.
- D. Permits issued under this Ordinance may be transferred to another person only after prior approval of the Clerk. For purposes of this subsection, a change in, transfer of, or acquisition of a controlling interest of an entity holding permit is considered to be a transfer. In order to receive approval to transfer a permit to a different person, the permittee must make a written request to the Clerk, indicating the current permittee and the proposed permittee. The Clerk shall approve the transfer of a permit to a different person if the Agency approves the transfer.
- E. Permits issued under this Ordinance may not be transferred to a different location within the City of Caspian without the approval of the Clerk. In order to receive approval to transfer a permit to a different location, the permittee must make a written request to the Clerk, indicating the current location and the proposed location. The Clerk shall refer a copy of the application to the Zoning Administrator. The Clerk may approve an application to transfer a permit to a different location if:
 - 1. The Zoning Administrator has confirmed that the proposed new location complies with this Ordinance and the Zoning Ordinance.

Article 7. Operations Generally.

- A. Except for a Designated Consumption Establishment with a valid permit, no consumption of Marihuana shall be permitted on the premises of a Marihuana Establishment.
- B. The permit required by this Ordinance shall be prominently displayed in the premises of the Marihuana Establishment.

- C. A Marihuana Establishment receiving a permit under this Ordinance shall be subject to inspection by the City Law Enforcement Agency at any time.
- D. All necessary building, electrical, plumbing, and/or mechanical permits shall be obtained from the City or other applicable governmental authority.
- E. All individuals working in direct contact with Marihuana shall conform to hygienic practices while on duty, including, but not limited to:
 - 1. Maintaining adequate personal cleanliness.
 - 2. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated.
 - 3. Refraining from having direct contact with Marihuana if the person has or may have an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination, until such condition is corrected.
- F. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where Marihuana is exposed.
- G. Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.
- H. There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for waste becoming an attractant, harborage, or breeding place for pests.
- I. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.
- J. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of those microorganisms.
- K. Marihuana Establishments shall be free from infestation by insects, rodents, birds, or vermin of any kind.
- L. A Marihuana Establishment shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras. The video recordings from such systems shall be maintained in a secure, off-site location for a period of fourteen (14) days. Further, the Marihuana Establishment shall provide local law enforcement 24 hour access to the surveillance system allowing law enforcement to view all areas of the premises.

- M. No Marihuana Establishment shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the Marihuana Establishment is operated.
- N. Disposal of Marihuana shall be accomplished by a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with the Act and the rules promulgated thereunder.
- O. It shall be prohibited to display any signs that are inconsistent with this Ordinance, local ordinances, the Act, or rules promulgated thereunder.
- P. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors.
- Q. Any Marihuana Secure Transporter who has been granted a license under the Act may transport Marihuana or money associated with the purchase or sale of Marihuana through the City, but may not store Marihuana or money associated with the purchase or sale of Marihuana in the City.
- R. In addition to the permit application fee established in Article 4, the Council may establish, by resolution, an appropriate nonrefundable annual permit fee, not to exceed five thousand dollars (\$5,000.00), to help defray application renewal, administrative, and enforcement costs associated with the operation of Marihuana Establishments in the City.
- S. An applicant or permittee shall notify the Clerk of any changes in the information submitted in Article 5(B) within two (2) business days of such changes occurring.

Article 8. Permit Renewal

- A. The term of each permit shall be one year. Within thirty (30) days of the expiration of a permit, the permittee shall apply to renew its permit. Applications to renew a permit shall be made in writing to the Clerk. If a permittee fails to file an application to renew a permit prior to the date that the permit expires, the permit shall be deemed forfeited.
- B. An application to renew a permit required by this Ordinance shall be made under oath on forms provided by the City, and shall contain substantially the same information as required in Section 5(B), as well as the appropriate nonrefundable annual permit fee in the amount set by Council resolution pursuant to Article 7(R).
- C. Unless the Clerk finds that denial of a renewal application is warranted pursuant to Article 12, the Clerk shall grant a renewal permit to a permittee as long as the permittee has a valid state license issued by the Agency to operate that Marihuana Establishment.

Article 9. Marihuana Retailer or Designated Consumption Establishment.

- A. A Marihuana Retailer may only be open to the public between the hours of 9:00 a.m. and 9:00 p.m.
- B. A Designated Consumption Establishment may only be open to the public between the hours of 9:00 a.m. and 12:00 a.m.
- C. A Marihuana Retailer or Designated Consumption Establishment shall not permit a person under twenty-one (21) years of age on its premises.

Article 10. Location of Marihuana Retailers or Designated Consumption Establishments.

All permitted Marihuana Establishments shall be located in Zone C being the industrial zone as set forth by Caspian City's Zoning Ordinance and shall be located on real estate that has direct frontage on a class A road and which land consists of a minimum of 2 acres of buildable land. No Marihuana Establishment may be located within 500 feet of an existing residential structure.

Article 11. Exterior Signage.

Establishments may not use exterior signage or displays with neon, flashing lights, or similarly noxious or obtrusive lighting or effects. Establishments may not use exterior signage or displays that contain an image of a Marihuana leaf or other commonly recognized symbol for Marihuana or which utilizes any of the following words: Marihuana, Marijuana, Mary Jane, weed, cannabis, blunt, doobie, joint, hooch, hash or other similar slang terms for Marihuana.

Article 12. Denial and Revocation.

- A. An initial or renewal permit application shall be denied if it does not meet the requirements of this Ordinance.
- B. A permit issued under this Ordinance may be revoked after an administrative hearing at which the Clerk determines that any grounds for revocation under subsection C exist. Notice of the time and place of the hearing and the grounds for revocation must be given to the permittee at least seven (7) calendar days prior to the date of the hearing, by first class mail, to the address given on the permit application.
- C. A permit issued under this Ordinance may be revoked for a violation of this Ordinance or a adjudicated violation of state law governing the operation of Marihuana Establishments. If a permit issued under this Ordinance is revoked, the Clerk shall notify the Agency of the revocation within seven (7) calendar days.

Article 13. No Vested Rights.

A property owner, lessor, permit applicant, or permittee shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this Ordinance.

Article 14. Penalties.

Any person in violation of any provision of this Ordinance or any provision of a permit issued under this Ordinance is responsible for a civil infraction, punishable by a fine of up to five hundred dollars (\$500.00) for each violation. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of. In addition to any and all fines assessed for a violation of this ordinance the violator shall be responsible for the Cities actual attorney fees incurred in the enforcement action taken pursuant to this ordinance.

Article 15. Severability.

Nothing in this Ordinance is intended to limit an individual's or entity's rights under the Act. The Act or the rules promulgated thereunder supersede this Ordinance where there is a conflict between them. This Ordinance and various parts, sections and clauses thereof, are hereby declared severable. If any parts, sections, paragraphs or clauses are adjudged invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

Article 16. Repealer

Adoption of this Ordinance shall upon its effective date completely repeal and replace Section 5.8 of Chapter V of the Caspian City Code of Ordinances.

Adopted: August 12, 2021

Published August 18, 2021

Effective September 8, 2021. This ordinance shall be effective 20 days after publication in the Iron County Reporter.

Regulation of Fireworks

The Michigan Fireworks Safety Act, Act 256 of 2011, effective January 1, 2012, legalized the sale of consumer fireworks in Michigan, and delegated to local communities limited control over the use and discharge of fireworks. The following ordinance is adopted to repeal the existing fireworks ordinance that conflicted with the Act and to amend the ordinance to comply with the same and regulations promulgated thereto governing fireworks.

Definitions:

“Consumer Fireworks” means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 100 and 1507 and that are listed in APA Standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does not include low impact fireworks.

“APA Standard 87-1” means the APA Standard 87-1, Standard or Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, 2001 edition, published by the American Pyrotechnics Association of Bethesda, Maryland.

“Low-impact fireworks” means ground and handheld sparkling devices as that phrase is defined under APA Standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8 and 3.5.

Use of Consumer Fireworks Prohibited:

No person shall ignite discharge or use consumer fireworks in the City of Caspian except within the below times and dates:

- A) December 31st between 11a.m. and 1 a.m. on the January 1st.
- B) The Saturday and Sunday immediately preceding Memorial Day between 11a.m. and 11:45p.m. each day
- C) June 29th through July 4th between 11a.m. and 11:45p.m. each day
- D) July 5th, if that date is a Friday or Saturday between 11a.m. and 11:45p.m.
- E) The Saturday and Sunday immediately preceding Labor Day between 11a.m. and 11:45p.m. each day

Fireworks Safety:

No person shall recklessly endanger the life, health, safety or well being of any person by ignition, discharge, or use of consumer fireworks.

Violations, Fines and Penalties:

Any person who violates any provision of this ordinance shall be deemed to have committed a civil infraction and shall be ordered to pay a civil fine of One Thousand dollars (\$1,000.00) dollars, plus costs or prosecution. Upon payment or collection of the fine \$500.00 of the fine shall be remitted to the local law enforcement agency responsible for enforcing the ordinance.

Effective Date:

This Ordinance shall take effect September 16, 2019

DOG CONTROL ORDINANCE

An ordinance to regulate the possession and control of dogs; to protect the public health by preventing unsanitary conditions from occurring; and to provide penalties for violations hereof.

Section 1 Title The Ordinance shall be known and cited as the "Caspian Dog Control Ordinance."

Section 2 Definitions

(a) "Owner" Any person who (1) harbors or keeps any dogs; (2) has a right or property interest in any dog; or (3) any person who shall permit any dog to remain about any premises owned or occupied by him or her for a period of five days shall be deemed to be the owner of such dog for the purpose of this Ordinance.

(b) "Custodian" A person who has charge of the dog.

(c) "Dangerous Dog" means a dog that bites or attacks a person, or other dog and as a result of the bite or attack punctures the persons skin or coat of the other dog drawing blood. A Dangerous Dog does not include any of the following:

- i. A dog that bites or attacks a person who is trespassing on the property of the dog's owner.
- ii. A dog that bites or attacks a person who provokes or torments the dog.
- iii. A dog that is responding in a manner that an ordinary and reasonable person would conclude was intended to protect the owner if the owner is engaged in a lawful activity or is being assaulted.

Section 3 Licensure It shall be unlawful for any person to keep, harbor or have the care or charge of any dog three (3) months of age or older within the City of Caspian

unless the dog is licensed and wearing a collar to which the license is attached as provided for by the laws of the State of Michigan.

Section 4 Noise Control No person shall keep, harbor or have the care of charge of any dog which by loud, frequent, or persistent barking, howling or yelping shall cause annoyance, disturbance or a nuisance to occupiers of neighboring property.

Section 5 Leash Requirements No person who owns or has custody of a dog shall permit the dog to run unleashed on property open to the public or on private property not owned or leased by the owner or custodian of the dog unless that owner or custodian has permission; provided, however that if such dog is removed from the owner's premises it shall be securely held upon a leash not more than 8 feet in length and in custody of a responsible person, or the dog shall be securely held in a kennel or in a closed motor vehicle.

It shall be lawful for any law enforcement officer to seize any dog running at large in the City of Caspian in violation of this Ordinance.

Section 6 Removal of Dog Excrement If a dog is not within the limits of the owner's premises, the owner or person in custody of the dog shall be required to pick up, remove and properly dispose of all excrement left by the dog.

Section 7 Confinement It shall be unlawful for any person owning, keeping, harboring or having charge of any dog to confine, keep or harbor such dog in a structure, pen, or coop so as to create an unsanitary, unwholesome, malodorous or obnoxious condition. Any structure, pen or coop maintained for the purpose of confining, keeping or harboring any dog shall not be constructed nor maintained so as to be nearer than 15 feet to any property line nor in violation of Article XXIV of the Caspian Zoning Ordinance.

Section 8 Enforcement The Caspian City Police Officers are hereby deemed the primary enforcing agents of the City of Caspian and responsible for enforcement of this Ordinance. Any other law enforcement officer may exercise authority under this Ordinance at their own discretion.

(a) Dangerous Dog Enforcement The Caspian City Police Officers upon a sworn complaint that a dog is a dangerous dog and a finding of probable cause that a dog meets the definition of a dangerous dog may seek the issuance of a

civil complaint against the owner. Based on the above the Caspian City Police Officers may seize the dog and place the dog at the Northwoods Animal Shelter until there has been a court order concerning the disposition of the dog. The owner shall be responsible for the cost of the impoundment at the Shelter.

(b) Dangerous Dog Disposition Upon a finding that the dog is a dangerous dog and based on the severity of the bite or attack and whether the dog has previously bitten or attacked another person or dog, the Court may do any of the following:

- i. Order the dangerous dog destroyed at the expense of the owner,
- ii. Order the dangerous dog to be kept on the owners property using methods that prevent the dog from getting loose and or having contact with anyone other than the owners.
- iii. Order that the dangerous dog be given a rabies vaccination and that license be issued and worn by the dog.
- iv. Order the owner to obtain and maintain so long as the dog resides with the owner liability insurance coverage sufficient to protect the public from any damages or harm that may be caused by the dog in the future.

Section 9 Seizure In addition to other penalties provided in this Ordinance, enforcement may include seizure of any dog in violation of Section 5 of this Ordinance. Any official authorized under Section 8 above shall have authority to take up, seize and place such dog in violation, at the Northwoods Animal Shelter. Such impoundment shall be at the cost of the owner of the dog.

Section 10 Severability and Saving Clause Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part declared to be invalid.

Section 2 (c) and 8 (a) & (b) were added by amendment
Amended 11/11/20
Published 11/18/20
Effective 12/9/20

CAT CONTROL ORDINANCE

An ordinance to regulate the possession and control of Cats; to protect the public health by preventing unsanitary conditions from occurring; and to provide penalties for violations hereof.

Section 1 Title The Ordinance shall be known and cited as the "Caspian Cat Control Ordinance."

Section 2 Definitions

(a) "Owner" Any person who (1) harbors or keeps any Cats; (2) has a right or property interest in any Cat; or (3) any person who shall permit any Cat to remain about any premises owned or occupied by him or her for a period of five days shall be deemed to be the owner of such Cat for the purpose of this Ordinance.

(b) "Custodian" A person who has charge of the Cat.

Section 3 Noise Control No person shall keep, harbor or have the care of charge of any Cat which by loud, frequent, or persistent moaning, calling or screeching shall cause annoyance, disturbance or a nuisance to occupiers of neighboring property.

Section 4 Leash Requirements No person who owns or has custody of a Cat shall permit the Cat to run unleashed on property open to the public or on private property not owned or leased by the owner or custodian of the Cat unless that owner or custodian has permission; provided, however that if such Cat is removed from the owner's premises it shall be securely held upon a leash not more than 8 feet in length and in custody of a responsible person, or the Cat shall be securely held in a kennel or in a closed motor vehicle.

It shall be lawful for any law enforcement officer to seize any Cat running at large in the City of Caspian in violation of this Ordinance.

Section 5 Removal of Cat Excrement If a Cat is not within the limits of the owner's premises, the owner or person in custody of the Cat shall be required to pick up, remove and properly dispose of all excrement left by the Cat.

Section 6 Confinement It shall be unlawful for any person owning, keeping, harboring

or having charge of any Cat to confine, keep or harbor such Cat in a structure, pen, or coop so as to create an unsanitary, unwholesome, malodorous or obnoxious condition. Any structure, pen or coop maintained for the purpose of confining, keeping or harboring any Cat shall not be constructed nor maintained so as to be nearer than 15 feet to any property line nor in violation of Article XXIV of the Caspian Zoning Ordinance.

Section 7 Enforcement The Caspian City Police Officers are hereby deemed the primary enforcing agents of the City of Caspian and responsible for enforcement of this Ordinance. Any other law enforcement officer may exercise authority under this Ordinance at their own discretion.

Section 8 Seizure In addition to other penalties provided in this Ordinance, enforcement may include seizure of any Cat in violation of Section 5 of this Ordinance. Any official authorized under Section 9 above shall have authority to take up, seize and place such Cat in violation at the Iron County Animal Shelter. Such impoundment shall be at the cost of the owner of the Cat.

Section 9 Severability and Saving Clause Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part declared to be invalid.

LIVESTOCK AND FARM ANIMALS

The City of Caspian has undertaken to establish this Farm Animal Ordinance to protect the public health and safety of its citizens and to promote the general welfare of the citizens residing within the City. Farm Animal ownership is prohibited and ownership of such animals within the City is considered a public nuisance.

Definitions: For purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Farm Animals: Include but not limited to the following, Cows, Calves, Bulls, Steers, Horses, Mules, Burros, Donkeys, Mules, Goats, Hogs, Pigs, Sheep, Roosters, Chickens, Hens, Lamas, Alpacas, Pigeons, and Turkey.

Ownership: Includes feeding, housing, storing, stabling, raising and breeding any of the above named farm animals.

Prohibited Acts It shall be unlawful for any person to knowingly undertake ownership of any Farm Animal within the City either on private property or on public property.

Exception The prohibitions of this ordinance do not apply to such ownership occurring upon property zoned as “***Agricultural***” and in compliance with Article XXIV of Caspian’s Zoning Ordinance.

ANIMAL NUISANCE ORDINANCE

Section 1 It shall be unlawful for any owner to fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking, molesting passersby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds, or trespassing upon private property in such manner as to damage property, shall be deemed a nuisance.

Section 2 No proceedings shall be instituted to enforce this Ordinance unless there have been 2 complaints made within a 30 day period and which complaints are signed by at least two (2) adult person and investigated by the Caspian City Police Department.

FEEDING OF WILD ANIMALS AND BIRDS

The City of Caspian has undertaken to establish this Wild Animal Ordinance to protect the public health and safety of its citizens and domestic pets and to promote the general welfare of the citizens residing within the City. It is the purpose of this ordinance to prevent such conduct that may attract and concentrate certain animals, birds and waterfowl within the city limits of the city as it has been determined that the presence of certain animals, birds and waterfowl especially in large numbers, poses a public health nuisance by contaminating drinking water supplies, beaches, swimming facilities and the private property of residents of the city. It has also been determined that the congregation of certain animals, birds and waterfowl create a hazard to motorists and or residents.

Definitions For purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) ***Wild Animals and birds:*** Include the following, deer, moose, bear, coyote, fox, wolf, raccoon, pine martin, ducks, geese, swans, seagulls, crows, turkeys and pigeons which reside or otherwise spend time in this area on either a temporary or permanent basis.
- (b) ***Deer:*** Any ruminant animal of the family of Cervidae having deciduous antlers, usually in the male only.
- (c) ***Feed or feeding:*** The intentional act of furnishing of, or otherwise making available, any human food, pet food, hay, forage product or supplement, or other substance which is likely to be consumed by certain animals, birds and waterfowl; or To give or supply food to and/or providing items of nourishment which are likely to attract certain animals, birds and waterfowl.
- (d) ***Natural unintentional feeding:*** Food or other substances consumed by certain animals, birds and waterfowl produced by, or existing in nature; not items that are artificial or brought to or transferred to a particular place from another location.

Prohibited Acts It shall be unlawful for any person to knowingly or intentionally keep, maintain or cause to be fed or provide or make available food or other substance for the consumption by certain animals, birds and waterfowl as described by this section within the city, either on private property or on public property, excepting that feeding activity further described below.

Exceptions This section shall not apply to feeding activities supervised and conducted by the city in conjunction with its city parks, or by the city in the conduct of management practices for the control of certain animals, birds and waterfowl as defined by this section. This section shall not apply to a person engaged in the feeding

of wild birds at a single location using an above ground suspended bird feeder that holds no more than 10 pounds of seed, and so long as the food and manner of feeding is not attracting animals, birds, and or waterfowl as described in this section. This section shall not apply to natural conditions which result in unintentional feeding such as the cultivation of a lawn, garden or landscaping, nor shall it apply to natural, unintentional feeding as described in this section.

AN ORDINANCE TO REGULATE SKATEBOARDS WITHIN THE CITY OF CASPIAN

Definitions Words and phrases defined for the purposes of this Ordinance shall have the meanings set forth in this section, unless normal construction in context shall clearly indicates to the contrary:

(a) "Skateboard" has its ordinary meaning and includes a board of any material with wheels affixed to the underside, designed to be ridden by a person. For the purposes of this Ordinance the term "skateboard" shall include the terms "scooter" and "coaster".

(b) "Riding a Skateboard" means standing with one or both feet touching the skateboard, crouching, sitting or lying upon the skateboard while it is in motion and/or propelling a skateboard.

(c) "Negligent Maneuver" means any maneuver that may or cause injury to a person, including the rider, and/or damage to property and/or any maneuver that threatens such injury or damage.

Skateboarding Prohibited It shall be unlawful for any person to ride a skateboard in any area of the City designated herein as an area where skateboarding is prohibited and/or in a negligent manner as provided herein.

Areas of City, Skateboarding is Prohibited Skateboarding shall be prohibited in the City of Caspian as follows:

- (1) City Hall and City Hall grounds including sidewalks, parking areas, driveway, stairs and rails, yards and all areas associated with the City Hall;
- (2) City Garage and City Garage grounds including sidewalks, parking areas, driveway, stairs and rails, yards and all areas associated with the City Garage;
- (3) Apple Blossom Trail, including the trail, shoulders and surrounding area;
- (4) Caspian Avenue from County Road 424 to Brady Avenue;
- (5) Brady Avenue; and
- (6) Including sidewalks adjacent to said avenues and streets.

Negligent Skateboarding It shall be a violation of this Ordinance for any person to ride a skateboard in a negligent manner within the City of Caspian.

Compliance with Traffic Regulations In areas of the City where skateboarding is not prohibited, it shall be a violation of this Ordinance for any person to ride a skateboard in a manner contrary to traffic and/or pedestrian regulations.

Uncontrolled Skateboard Prohibited It shall be a violation of this Ordinance for any skateboard to be out of the direct physical control of the owner or used while it is in motion anywhere within the City of Caspian. Any skateboard in violation of this provision is subject to seizure and forfeiture as provided herein.

Seizure and Forfeiture Whenever a law enforcement officer has probable cause to believe that a skateboard was used or is intended to be used in violation of this Ordinance, such skateboard is subject to seizure and forfeiture. In the event of seizure pursuant to this Ordinance, forfeiture shall be deemed complete unless the owner requests a hearing before the Magistrate. At such hearing the forfeiture shall be ordered upon the officer's showing of probable cause as provided herein.

Penalties In addition, to any fines and costs associated with a violation of this ordinance a violators shall be responsible for reimbursement restitution for any damage caused by the violation.

**AN ORDINANCE TO REGULATE SHIPPING / STORAGE CONTAINERS
WITHIN THE CITY OF CASPIAN**

The City of Caspian with the adoption of this ordinance seeks to establish regulations for the possession and use of storage containers and or shipping containers. This ordinance has been determined to be needed due to the increased availability and use of such containers by the general public. Historically these containers were available only to shipping companies and used exclusively in rail, trucking and ship transportation.

(a) "Shipping Container" has its ordinary meaning and includes metal containers used to ship goods and materials internationally and by Rail, Trucked, or by Ship. These containers generally have doors at one end, and are in excess of 37 cubic yards. Often, the containers have large writing on the sides and are constructed of corrugated heavy gauge metal. Shipping Container includes Semi-Truck box trailers with or without axels and wheels and regardless of a valid registration.

(b) "Storage Container" is any container made of various materials used for the storage and or transportation of personal property, goods and or materials from one location to another.

Shipping and Storage Containers Prohibited It shall be unlawful for any person to possess and or place a shipping container or storage container on property within the City of Caspian except consistent with the below terms.

Permits A permit shall be required in order to locate any Shipping or Storage Container on property within the City of Caspian. Each permit shall describe the Container by serial number, and or color and dimension, describe the location where the container is being located, that all zoning setbacks are being complied with and the name, address and telephone number of the owner of the container. Each permit shall cost \$50 to be paid in advance

Zoning Shipping or Storage Containers shall only be located long term in an industrial, or agricultural zoned district. Containers may be located temporarily (being a period less than 30 days) within any zoned district so long as the container can be located in accordance with the zoning regulations governing accessory buildings and the purpose is for assisting with the moving of the current or future resident or temporary storage of the residents personal property.

Advertising / Appearance No containers shall be used for any advertising purposes.

Stacking Shipping and Storage Containers shall not be stacked above the height of a single container.

Penalties In addition, to any fines and costs associated with a violation of this ordinance a violator shall be responsible for reimbursement and or restitution for any damage caused by the violation.

Pre-existing Nonconforming Structures Any structures defined above and which are in existence prior to the adoption of this ordinance are considered nonconforming structures and are hereby allowed to continue in their current size and location. In the event the nonconforming structure is moved, destroyed or becomes a violation of another city ordinance the structure will lose its status and removal of the structure will be required and or replacement will be prohibited.

ADOPTED on the 11th day of November, 2020

CITY OF CASPIAN

By: 


John Stokoski
Caspian City Manager

STATE OF MICHIGAN)

COUNTY OF IRON)

) ss

The foregoing instrument was acknowledged before me this 12th day of November, 2020, by John Stokoski, Caspian City Manager.


*Dennis Tousignant
Notary Public, Iron County, MI
My Commission expires on: 4-2-25

Adopted: 11/11/2020
Published: 11/18/2020
Effective: 12/9/2020

Amendments to paragraphs Zoning and Advertising

Adopted: 8/10/2022
Published: 9/14/2022
Effective: 10/ 4/2022

Amendments to paragraphs Zoning and Advertising

Adopted: 1/11/2023
Published: 1/25/2023
Effective: 2/14/2023

**AMENDMENT OF SECTION 7.2 OF CHAPTER VII
CASPIAN CITY CODE OF ORDINANCES**

**AS TO SECTION 7.2, BEING AN ORDINANCE TO REGULATE SHIPPING / STORAGE
CONTAINERS WITHIN THE CITY OF CASPIAN, IRON COUNTY, MICHIGAN THE FOLLOWING
AMENDMENTS ARE MADE:**

As to Paragraph titled Zoning - The following lined out language is removed:

Shipping or Storage Containers shall only be located long term in an industrial, ~~general~~
~~business~~ or agricultural zoned district. Containers may be located temporarily (being a period less
than 30 days) within any zoned district so long as the container can be located in accordance with the
zoning regulations governing accessory buildings and the purpose is for assisting with the moving of
the current or future resident or temporary storage of the residents personal property.

**As to Paragraph titled Advertising / Appearance - The following lined out language is
removed:**

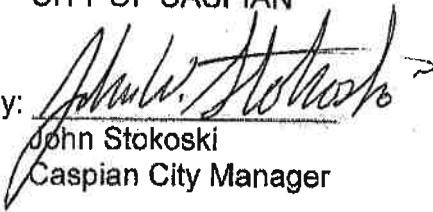
Advertising / Appearance - No containers shall be used for any advertising purposes. All
~~containers located in the general business district based on a long term permit shall be painted to~~
~~match the color of an existing structure.~~

These amendments to **SECTION 7.2 OF CHAPTER VII CASPIAN CITY CODE OF ORDINANCES,**
Sections, titled Zoning and Advertising / Appearance, shall become effective and enforceable
within the City of Casplan 20 days after the date of publication.

ADOPTED on the 11th day of January, 2023

CITY OF CASPIAN

By:


John Stokoski
Caspian City Manager

STATE OF MICHIGAN }
COUNTY OF IRON } ss

The foregoing instrument was acknowledged before me this
13th day of January, 2023, by John Stokoski, Casplan City Manager.


*Dennis Tousignant
Notary Public, Iron County, MI
My Commission expires on: 4-2-25

Amendment Adopted: 1/11/2023
Published: 1/25/2023
Effective: 2/14/2023

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AUTHENTICATION

I hereby certify that this map is a genuine representation of the Zoning Map of the City of Caspian, Iron County, Michigan, which was prepared to establish zoning districts in conjunction with Zoning Ordinance Number 68, which was adopted by the Caspian City Commission on August 31, 1988, and became effective on October 1, 1988.

Edward P. Battye
Edward Battye, Mayor

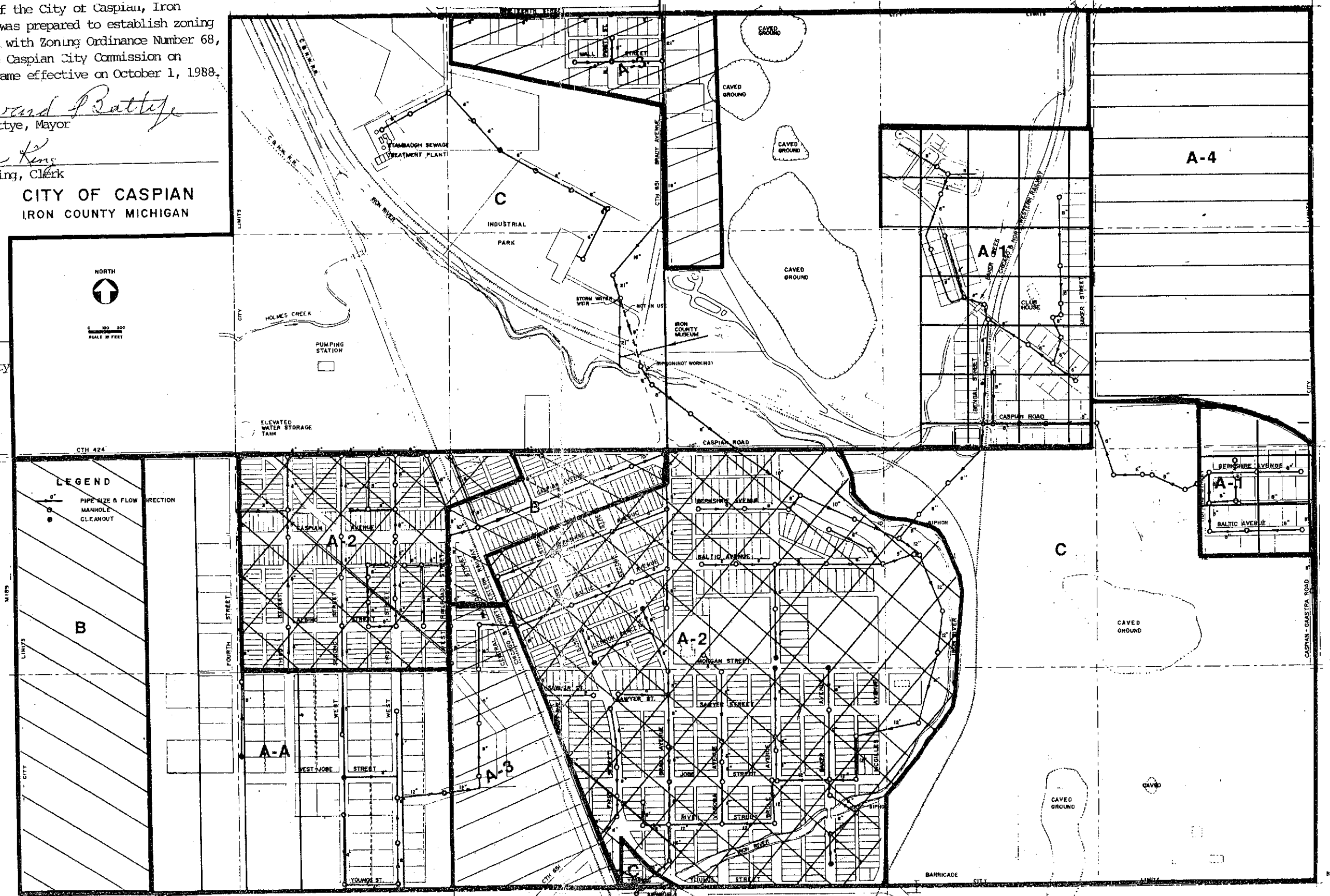
Rosalie King
Rosalie King, Clerk

STATE OF MICHIGAN)
)ss.
County of Iron)

CITY OF CASPIAN
IRON COUNTY MICHIGAN

Subscribed and sworn to
before me this 25th day
of January, 1989.

Denise D. Townsend
Denise D. Townsend
Notary Public, Iron County
MI, My commission
expires: 12/27/89



- Key
- A-A Single Family Residential
 - A-1 Single Family Residential
 - A-2 Multi-Family Residential
 - A-3 Apartment
 - A-4 Agriculture
 - B General Business
 - C Industrial

ZONING ORDINANCE

An Ordinance to establish zoning districts in the City of Caspian, Iron County, Michigan and to establish land, building and structure use regulations within the districts, in accordance with Public Act 207 of the Public Acts of Michigan of 1912, as amended; to provide for uses of land, buildings and structures henceforth from the effective date of this Ordinance, to provide for administration of this Ordinance, including penalties for violations to provide for a zoning board and a board of appeals; and to provide for amendments.

Article I Name The Ordinance shall be known and cited as the CITY OF CASPIAN ZONING ORDINANCE.

Article II Purpose The fundamental purpose of this Ordinance is to promote public health, safety, morals and welfare of the residents of the City of Caspian by dividing the City into districts where the uses of lands, buildings and structures will be regulated. Regulations adopted for each zoning district are adopted with due consideration given to the following factors: the character of each district; suitability of the district to the various purposes to which property within the district may be put to use, conservation of property values and natural resources; the capacity of each district to provide adequate and efficient transportation, sewage disposal, water, energy, education and other public services; and the general trend and character of land, buildings, structure and population development, as authorized under Public Act 207 of the Public Acts of 1912.

Article III Regulation of Use No person shall use any land, building or structure, except as provided by this Ordinance.

Article IV Annexation Any property annexed to the City of Caspian shall be designated Single Family Residential District A-1, unless and until otherwise designated by amendment hereto.

Article V Essential Services The erection, construction, alternation or maintenance of facilities, buildings, or structures by public utilities, municipal departments and commissions, necessary for the furnishing of adequate services for the public health, safety, morals or general welfare, shall be exempt from this Ordinance.

Article VI Pre-Existing Non-Conforming Use Lawful use of land, buildings or structures existing at the time of passage of this Ordinance may be continued, even though the use is not in conformity with the regulations imposed hereby. No pre-existing non-conforming use may be extended, added to or altered unless the extension, addition or alternation is in conformity with this Ordinance.

Article VII Non-Conforming Use Due to Reclassification Any use of land, buildings or structures that become non-conforming due to reclassification of a district or portion of a district under this Ordinance shall be treated as those lawful non-conforming uses that existed as of the effective date of this Ordinance.

Article VIII Termination of Non-Conforming Use If a non-conforming use is not made of a particular land, building or structure for a continuous period of time of one (1) year or more, the non-conforming use shall be terminated. Any use of the land, building or structure after termination of the non-conforming use shall be in conformity with regulations of this Ordinance.

Article IX Restoration of a Non-Conforming Building or Structure No person shall restore or replace a non-conforming building or structure. For purposes of this Section "restore or replace" refers to when expenditures on the building or structure for labor and materials within any one-year period exceed fifty percent (50%) of the total replacement cost of the pre-restored/pre-replaced building or structure.

Article X Repairs Repairs and maintenance work necessary to keep a non-conforming building structure in a sound condition shall be made in conformity with the provisions of this Ordinance.

Article XI Unlawful Use Not Authorized Nothing in this Ordinance shall be interpreted to be authorization for the continued use of land, buildings or structures in violation of any Zoning Ordinance in effect immediately prior to the effective date of this Ordinance.

Section 11.1 Visual Address Each residence shall have its street address posted on the residence in a minimum of 3 inch numbers contrasting in color from that of the residence and clearly visible from the street that the front of the residence faces. Each accessory or commercial building located upon a parcel of property that does not have a residence located upon it shall have its street address posted on the building in a minimum of 3 inch numbers contrasting in color from that of the building and clearly visible from the street that the front of the building faces.

Article XII Zoning Board A ZONING BOARD is hereby established for the purpose of advising the City Commission with regard to zoning matters generally, including administration and amendment of this Ordinance. The Zoning Board shall consist of five (5) members appointed annually by the City Commission. Members must be legal residents of the City of Caspian and of legal age. The Zoning Administrator shall be one

of the members of the five-member Zoning Board. The Zoning Board shall meet twice annually, once during January and once during July of each year. Following each meeting, minutes thereof shall be submitted to the City Commission. The City Commission shall not act on matter of Zoning, particularly as to amendments and ordinances, until proposed amendments have been submitted to the Zoning Board. On such issues, the Zoning Board shall hold a public hearing, determine its recommendation and report same to the City Commission. The Zoning Board recommendations are advisory, not binding, on the City Commission. The Zoning Administrator shall be the Recording Secretary of the Zoning Board.

Article XIII Zoning Board of Appeals A ZONING BOARD OF APPEALS is hereby established for purposes as provided herein with all powers provided herein and by Statute. The Zoning Board of Appeals shall consist of five (5) members appointed by the City Commission. The first appointments shall be for a term of one (1) year for two (2) members, two (2) years for two (2) members and three (3) years for one (1) member. After such initial appointments, each member shall hold office for terms of three (3) years. Members must be legal residents of the City of Caspian and of legal age. City Commissioners shall not be members of the Zoning Board of Appeals. One (1) member of the Zoning Board shall be appointed to the Zoning Board of Appeals. However, the Zoning Administrator shall not be a member of the Zoning Board of Appeals. The Zoning Board of Appeals shall meet as necessary as provided herein and by Statute.

Article XIV Zone District For the purposes of this Ordinance, the City of Caspian is divided into the following seven (7) classes of ZONE DISTRICTS:

- A-A Single Family Residential
- A-1 Single Family Residential
- A-2 Multi-Family Residential
- A-3 Apartment
- A-4 Agriculture
- B General Business
- C Industrial

Article XV Zone District Map The ZONE DISTRICT MAP showing the above ZONE DISTRICTS is declared to be a part of this Ordinance. The ZONE DISTRICT MAP shall be authenticated by the signatures of the Mayor and the Clerk and shall indicate the effective date of this Ordinance.

Article XVI Zoning Administrator The provisions of this Ordinance shall be administered by a Zoning Administrator. The Zoning Administrator shall be a legal residence of the City of Caspian and be of legal age. Unless any other person is designated by the City of Caspian, the Zoning Administrator shall be the City Manager of the City of Caspian. Appointment to the office of the Zoning Administrator shall be for

a term of one (1) year, with the Zoning Administrator to hold office at the pleasure of the Commission of the City of Caspian, and to receive such compensation as shall be determined by the City of Caspian. The duties of the Zoning Administrator shall be as provided by this Ordinance, including, but not limited to, the receipt of application for zoning permits, receipt of requests for planning unit developments and variances, review of applications and requests, granting or denying applications or requests, other enforcement of this Ordinance and acting as recording secretary to the Zoning Board.

Article XVII Permits

Section 17.1 Permits Required Any and all use, change of use, modification of use, construction, destruction, repair, remodeling, renovation or conversion of any building, structure, land or other real property or fixtures upon real property shall be performed only when a permit to do so has been obtained before performance. Permits shall be obtained from the Zoning Administrator.

Section 17.2 Application Procedure The Zoning Administrator shall issue a permit for permissible uses within the applicable zone district. No permit shall be issued by the Zoning Administrator when the application shows a proposed use is inconsistent with the requirements of the applicable zone district. Applications for a permit for a variance from applicable zone district provisions as well as for approval of a planned unit development shall be governed by the Sections of this Ordinance related to Variances and Planned Unit Developments, respectively.

Section 17.3 Sign and Other Permits Other permits required by this Ordinance, including, but not limited to, advertising sign permits, shall be issued by the Zoning Administrator. Application, review of the applications and issuance of such permits shall proceed in the same manner as specified herein for zoning permits.

Section 17.4 Duplicate Application and Fee All applications for permits under this Ordinance must be in duplicate and accompanied by the application fee, as established from time to time by the City Commission.

Section 17.5 Persons Who May Apply for Permit An application shall be filed by the owner of the premises and shall be accompanied by detailed plans and specifications drawn to scale, including current boundaries, buildings and structures and all proposed uses. The drawing shall be so drawn as to enable the Zoning Administrator to verify ownership of the premises to be covered by the permit and compliance of the proposal with the requirements of this Ordinance.

Section 17.6 Filing, Approval, Denial of Permit If the application conforms to the requirements of the Ordinance, both copies shall be signed and dated by the Zoning Administrator, one copy of the application shall be filed with the Zoning Administrator. The other shall be returned to the applicant. Applications shall be granted or denied within ten (10) business days after the written application is presented to the Zoning Administrator. Failure by the Zoning Administrator to grant or deny an application within ten (10) days shall be deemed a denial of the application for the purposes of authorizing the institution of an appeal to the Zoning Board of Appeals. When an application is granted, the Zoning Administrator shall deliver a zoning permit to the applicant along with a copy of the application.

Section 17.7 Expiration and Renewal Any zoning permit under which no construction, renovation or remodeling has been completed within twelve (12) months of the date of issuance of the zoning permit or under which no change in use has been undertaken within twelve (12) months of the date of issuance shall expire at the end of twelve (12) months, but shall be renewable upon reapplication and payment of the application fee, subject, however, to the provisions of any Zoning Ordinance then in effect.

Section 17.8 Revocation, Cancellation The Zoning Administrator shall have the power to revoke or cancel any certificate in the case of failure or neglect to comply with the provisions of this Ordinance or in the case of false statements or misrepresentations made in the application. Any applicant performing work on or making use of any premises pursuant to a zoning permit must discontinue the performance of work or use within ten (10) days after the Zoning Administrator sends written notification of the revocation to the applicant in the mail.

Section 17.9 Appeal of Denial Denial of an application for a zoning permit, expiration of a permit, revocation of a permit or cancellation of a permit may be appealed to the Zoning Board of Appeals as provided herein in the APPEALS article hereof.

Article XVIII Variance

Section 18.1 Application Application of a request to approve a variance shall be made to the Zoning Administrator. The application shall include all of the following information:

- (1) A plan of the variance as completed, in appropriate scale,
indicating the proposed use, the exact boundaries, existing and
proposed location and dimension of all buildings and structures,

locations of
the property.

all streets, alleys and other traffic ways adjacent to

- (2) A written text shall accompany the plan of the variance. The application shall:
 - (a) explain in detail the extraordinary circumstances or conditions which the applicant believes justifies granting of a variance;
 - (b) indicate how granting a variance will preserve enjoyment by the other property within the same zone district;
 - (c) show that authorization of a variance will not impair the intents and purposes;
 - (d) demonstrate the use for which exception is sought is not so common to other properties so that a general regulation is more appropriate; and
 - (e) show that the use or activity for which a variance is sought is compatible with adjacent uses of land, the natural environment, the capacity of public facilities affected by the procedures.
- (3) Demonstrate that the proposed use is consistent with the public health, safety and welfare of the City.

Section 18.2 Hearings and Notice Within sixty (60) days of the filing of the application for approval of a variance, the Zoning Board of Appeals shall hold a public hearing on the request for the variance. Notification of the public hearing shall be given to a property owner and the occupant of the property located within three hundred (300) feet of the property being considered. A notice that a request for a variance has been received should also be published in a newspaper of general circulation. The notice shall be given not less than five (5) and not more than fifteen (15) days before the application will be considered. Notification may be sent by regular mail or personal delivery, and if the name of the occupant of the premises is not known, the name "Occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

- (1) Describe the nature of the variance request;
- (2) Indicate the property which is the subject of the variance request;

- (3) State when and where the variance request will be considered;
- (4) Indicate where and when the written comments will be received concerning the request; and
- (5) Indicate that a public hearing on the variance request may be requested by the property owner or occupant of any structure located within three hundred (300) feet of the boundary line of the property being considered for the variance.

Section 18.3 Prerequisites for Variance No variance in the provisions or requirements of this Ordinance shall be authorized by the Zoning Board of Appeals unless the Zoning Board of Appeals finds that all of the following facts and conditions exist:

- (1) There are exceptional or extraordinary circumstances or conditions applying to the property in question with regard to its intended use, and they do not apply generally to other property or premises in the same ZONE DISTRICT;
- (2) The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same ZONE DISTRICT and vicinity (the possibility of increased financial returns shall not of itself be deemed significant to warrant an exception);
- (3) The authorization of the variance will not be a substantial detriment to adjacent property and will not materially impair the intents and purposes of this Ordinance or the public health, safety and welfare; and
- (4) The condition or situation of the specific piece of property or the intended use of said property, for which the exception is sought, is not so general or recurrent nature as to make reasonably practical the formulation of a general regulation for such conditions or situations as part of this Zoning Ordinance.

Section 18.4 Conditional Variance The Zoning Board of Appeals may attach in writing any condition in connection with the granting of a variance that is necessary to protect the health, safety and welfare of the people of the City of Caspian. The breach of a condition shall automatically invalidate the variance and any permit granted on the basis of it. In no case shall more than the minimum variance from the Ordinance be granted than is necessary to alleviate the exceptional difficulty.

Section 18.5 Decisions Within fifteen (15) days after the public hearing, the Zoning Board of Appeals shall deny, approve, or approve with conditions the request. A written report shall be prepared stating the Zoning Board of Appeals

shall deny, approve or approve with conditions the request. A written report shall be prepared stating the Zoning Board of Appeals' conclusions on the request for a variance, the basis for the decision, the decision and any conditions thereto.

Article XIX District Permitted Uses and Requirements

Section 19.1 Single Family Residential District A-A

Section 19.1(a) Permitted Uses

- (1) Single-Family Residential use.
- (2) Professional and personal services, including, for example, architectural, accounting, chiropractic, dental, dressmaking, hygiene/grooming, engineering, legal, medical, osteopathic, physical therapy, real estate and stockbroker services. The services may only be provided inside the principal building on the premises, and then only if the principal building is occupied by the provider(s) of the services as a primary residence. The service provider(s) may employ no more than one (1) non-resident assistant to simultaneously work at the premises. Services may not be provided in any accessory building or structure. No external indication other than permissible sign may be used to indicate the premises are used for any purpose other than a dwelling. No goods may be sold on a retail basis.
- (3) Publicly owned parks and playgrounds.
- (4) One (1) accessory building or structure.

Section 19.1(b) Restrictions

- (1) Floor area of the principal building used for residential purposes, when measured along the outside perimeter of the building, shall be no less than fourteen hundred (1400) square feet.
- (2) Lots shall have a minimum area of nine thousand (9,000) square feet, minimum width at all points of seventy-five (75) feet, and a minimum depth at all points of one hundred twenty (120) feet. Front yard set-back shall be no less than twenty (20) feet from the front lot line of the owner's premises. Rear yard set-back shall be no less than twenty (20) feet from the rear lot line of the owner's premises. Side yard set-back shall be no less than ten (10) feet from the side lot line of the owner's premises, but no less than twenty (20) feet

from the curb line of any abutting street.

- than
- (3) Lots in this District having an area of at least twenty thousand (20,000) square feet shall have a front yard set-back of no less than twenty-two (22) feet from the front lot line of the owner's premises, a rear yard set-back no less than twenty-two (22) feet from the rear lot line of the owner's premises, and a side yard set-back of no less than twenty (20) feet from the side lot line of the owner's premises.
- (22) (4) Lots in this District having an area of at least twenty-seven thousand (27,000) square feet shall have a front yard set-back of no less than twenty-five (25) feet from the front lot line of the owner's premises, a rear yard set-back no less than twenty-two feet from the rear lot line of the owner's premises, and a side yard set-back of no less than twenty (20) feet from the side lot line of the owner's premises.
- (5) Lots which have been platted in this District prior to enactment of this Ordinance which have less than the minimum area of nine thousand (9,000) square feet shall have a front yard set-back of no less than twenty (20) feet from the front lot line of the owner's premises, and a rear yard set-back no less than twenty (20) feet from the rear lot line of the owner's premises. Such lots shall have side yard set-back from the side lot line of the owner's premises of no less than that fraction of ten (10) feet which the lot area is of nine thousand (9,000) square feet, or four (4) feet, whichever is greater, but no less than twenty (20) feet from the curb line of any abutting street.

Section 19.2 Single Family Residential District A-1

Section 19.2(a) Permitted uses

- (1) Single-Family Residential use.
- (2) Professional and personal services, including, for example, architectural, accounting, chiropractic, dental, dressmaking, hygiene/grooming, engineering, legal, medical, osteopathic, physical therapy, real estate and stockbroker services. The services may only be provided inside the principal building on the premises, and then only if the principal building is occupied by the provider(s) of the services as a primary residence. The service provider(s) may employ no more than one (1) non-resident assistant to simultaneously work at the premises. Services may not

be provided in any accessory building or structure No external indication other than permissible sign may be used to indicate the premises are used for any purpose other than a dwelling. No goods may be sold on a retail basis.

- (3) Publicly owned parks and playgrounds.
- (4) One (1) accessory building or structure.

Section 19.2(b) Restrictions

- (1) Floor area of the principal building used for residential purposes, when measured along the outside perimeter of the building, shall be no less than one hundred (1000) square feet.
- (2) Lots shall have a minimum area of nine thousand (9,000) square feet, minimum width at all points of seventy-five (75) feet, and a minimum depth at all points of one hundred twenty (120) feet. Front yard set-back shall be no less than twenty (20) feet from the front lot line of the owner's premises. Rear yard set-back shall be no less than twenty (20) feet from the rear lot line of the owner's premises. Side yard set-back shall be no less than ten (10) feet from the side lot line of the owner's premises, but no less than twenty (20) feet from the curb line of any abutting street.
- (3) Lots in this District having an area of at least twenty thousand (20,000) square feet shall have a front yard set-back of no less than twenty-two (22) feet from the front lot line of the owner's premises, a rear yard set-back no less than twenty-two (22) feet from the rear lot line of the owner's premises, and a side yard set-back of no less than twenty (20) feet from the side lot line of the owner's premises.
- (4) Lots in this District having an area of at least twenty-seven thousand (27,000) square feet shall have a front yard set-back of no less than twenty-five (25) feet from the front lot line of the owner's premises, a rear yard set-back no less than twenty-two (22) feet from the rear lot line of the owner's premises, and a side yard set-back of no less than twenty (20) feet from the side lot line of the owner's premises.
- (5) Lots which have been platted in this District prior to enactment of this Ordinance which have less than the minimum area of nine thousand (9,000) square feet shall have a front yard set-back of no less than twenty (20) feet from the front lot line of the owner's

premises, and a rear yard set-back no less than twenty (20) feet from the rear lot line of the owner's premises. Such lots shall have side yard set-back from the side lot line of the owner's premises of no less than that fraction of ten (10) feet which the lot area is of nine thousand (9,000) square feet, or four (4) feet, whichever is greater, but no less than twenty (20) feet from the curb line of any abutting street.

Section 19.3 Multi-Family Residential District A-2

Section 19.3(a) Permitted Uses

- (1) Those uses permitted in Single Family Residential District A-1.
- (2) Residential use as no more than four (4) residences.
- (3) Child-care, nursery and day care.
- (4) Temporary tourist bed and breakfast accommodations, providing lodging for no more than eight (8) lodgers at full capacity, so long as conducted at the residence of the proprietor and in full compliance with applicable State Law.
- (5) Churches and schools and recreational, civic, social and fraternal buildings.

Section 19.3(b) Restrictions

- (1) Floor area of the principal building used for residential purposes, when measured along the outside perimeter of the building, shall be no less than six hundred (600) square feet per residential unit.
- (2) Set-back for all yards shall be the same as for the A-1 District.

Section 19.4 Apartment District A-3

Section 19.4(a) Permitted Uses

- (1) Those uses permitted in Single Family Residential District A-1 and Multi-Family Residential District A-2.
- (2) Residential use as apartments without limit on number of units.

Section 19.4(b) Restrictions

- (1) Floor area of the principal building used for residential purposes, when measured along the outside perimeter of the building, shall be no less than four hundred (400) square feet per residential unit.

- (2) Set-back for all yards shall be the same as for the A-1 District.

Section 19.5 Agricultural District A-4

Section 19.5(a) Permitted Uses

- (1) Uses permitted in Residential Districts A-1, A-2 and A-3.
- (2) Raising and cultivation of livestock, plants, produce or any item lawful for human consumption or use, including, but not limited to cows, calves, bulls, steers, horses, mules, burros, donkeys, goats, hogs, sheep, chickens, roosters, turkeys, guinea hens, ducks, geese, any wild game and the like.
- (3) Greenhouses.
- (4) Retail sale of any products produced on the premises that could aid in the production of products on the premises.
- (5) Dog Kennels.

Section 19.5(b) Restrictions

- (1) Floor area restrictions as those governing Multi-Family Residential District A-2.
- (2) Set-back for all yards shall be the same as for the A-1 District except that any buildings or structures not used for human residential purposes shall have a minimum front yard set-back of sixty (60) feet from the lot line of the owner's premises.

Section 19.6 General Business District B

Section 19.6(a) Permitted Uses

- (1) Those permitted in Residential Districts A-1 and A-2.
- (2) Otherwise lawful wholesale or retail sale of goods and/or services, including, but not limited to, motels, hotels, libraries, greenhouses, parking lots and restaurants, taverns and drive-in eateries and motor vehicles service stations.
- (3) Assembly-only manufacturing operations.

- (4) Warehouse facilities.

Section 19.6(b) Restrictions

- (1) Lots shall have a minimum area of six thousand (6,000) square feet, minimum width of sixty (60) feet at all points and a minimum depth of one hundred (100) feet at all points.
- (2) Front yard set-back shall be no less than ten (10) feet from the lot line of the owner's premises. Rear yard set-back shall be no less than ten (10) feet from the rear lot line of the owner's premises. Side yard set-backs shall be no less than ten (10) feet from the lot line of the owner's premises, but no less than twenty (20) feet from the curb line of any abutting street. Common walls are prohibited.

front

side

Section 19.7 Industrial District C

Section 19.7(a) Permitted Uses

- (1) All uses permitted in General Business District B, except that no residential use whatsoever is to be made of premises within Industrial District C.
- (2) All types of manufacturing operations.
- (3) Gravel and mineral exploration, extraction, removal and mining.
- (4) Junkyards.
- (5) All types of industrial operations.

Section 19.7(b) Restrictions

- (1) Lots shall have a minimum area of forty-two thousand eight hundred forty-nine (42,849) square feet, with a minimum width at all points and a minimum depth at all points of two hundred seven (207) feet.
- (2) Front yard set-back shall be no less than sixty (60) feet from the front lot line of the owner's premises.

- (3) Rear yard set-back shall be no less than thirty (30) feet from the rear lot line of the owner's premises.
- (4) Side yard set-back shall be no less than twenty (20) feet from the side lot line of the owner's premises.

Article XX Yards

Section 20.1 Front Yard All premises shall provide according to the ZONE DISTRICT a front yard consisting of an open, unoccupied space extending across the full width of the lot and lying between the most prominent portion of the front facade(s) of the principal building and the abutting street.

Section 20.2 Side Yard All premises shall provide, according to the ZONE DISTRICT, two (2) side yards consisting of the area bounded by the most prominent portion of the side facade(s) of the principal building, the side lot line, the rear yard and the front yard.

Section 20.3 Rear Yard All premises shall provide, according to the ZONE DISTRICT, a rear yard extending across the full width of the lot, lying between the most prominent portion of the rear facade(s) of the principal building and the rear lot line.

Article XXI Lot Lines

Section 21.1 Front Lot Line The front lot line is that which is adjacent to and closet to the street on which the premises are listed as having an address.

Section 21.2 Side Lot Line The side lot lines are those other than the front and rear lot lines.

Section 21.3 Rear Lot Line The rear lot line is parallel to and furthest from the front lot line.

Article XXII Accessory Buildings Accessory buildings, structures or wood piles may be built on side or rear yards of premises on which there is a principal building or structure. Side and rear yard set-back required for the principal building apply to accessory buildings, structures and wood piles. No accessory building shall be located in any front yard in any District. Only one (1) accessory building may be located on any lot without a principal building

Article XXIII Signs

Section 23.1 Restrictions Signs shall be permissible within any ZONE DISTRICT according to the following dimensional restrictions:

- (1) ZONE DISTRICTS A-A, A-1 and A-2; One (1) square foot
- (2) ZONE DISTRICTS A-3, A-4 and B; Sixteen (16) square feet
- (3) ZONE DISTRICT C; Fifty (50) square feet (industrial)

Section 23.2 Application of Other Restrictions All signs must comply with height restrictions contained elsewhere in this Ordinance. No sign shall be located closer than ten (10) feet from an adjoining property line. No sign shall be erected or maintained in set-back area required of any yard in which the sign is located. No sign shall be positioned other than parallel to the principal building.

Section 23.3 Distance Between Signs No sign shall be erected or maintained within fifty (50) feet of any other sign.

Section 23.4 Permits Required A yearly permit is required for advertising signs to be maintained for one (1) year or more. Advertising sign permits shall be issued by the Zoning Administrator for a fee established by the City Commission, payable in advance. The permit shall be permanently affixed to the advertising sign.

Section 23.5 Political Campaign Signs Signs supporting, opposing or notifying of an issue or a candidate in an election shall not be posted more than three (3) months prior to the election and must be removed within ten (10) days after the date of the election or the date when the candidate ceased to be a candidate, whichever is earlier.

Section 23.6 Lighted Signs Lighted signs are prohibited in Zoning Districts A-A, A-1, A-2 and A-3. The use of all flashing, rotating, oscillating and self-illuminating signs is prohibited.

Article XXIV Animals

Section 24.1 Dogs Dogs may be kept in any ZONE DISTRICT. No more than four (4) dogs may be maintained at any residential unit in the following ZONE DISTRICT:

- Single Family Residential District A-A
- Single Family Residential District A-1
- Multi-Family Residential District A-2
- Apartment District A-3

If more than two (2) dogs are maintained in any ZONE DISTRICT, a secure dog kennel, with a minimum floor area of fifty (50) square feet per dog shall be erected and maintained in a safe and sanitary manner. No such kennel may be maintained in any front yard or in any side yard, and it shall comply with applicable rear yard set-back requirements.

Section 24.2 Cats Cats may be maintained in any ZONE DISTRICT. No more than four (4) cats may be maintained at any residential unit in the following ZONE DISTRICTS:

Single Family Residential District A-A
Single Family Residential District A-1
Multi-Family Residential District A-2
Apartment District A-3

If more than two (2) cats are maintained in any ZONE DISTRICT, a secure cat kennel, with a minimum floor area of twenty-five (25) square feet per cat shall be erected and maintained in a safe and sanitary manner. No such kennel may be maintained in any front yard or in any side yard and it shall comply with applicable rear yard set-back requirements.

Section 24.3 Dogs and Cats Owners of dogs and cats who own more than two (2) animals in any combination shall erect and maintain at least one (1) kennel consistent with the requirements for owners of more than two (2) dogs.

Section 24.4 Rabbits Rabbits may be maintained as a family pet in any ZONE DISTRICT. No more than one (1) rabbit may be maintained at any residential unit in the following ZONE DISTRICTS:

Single Family Residential District A-A
Single Family Residential District A-1
Multi-Family Residential District A-2
Apartment District A-3

If more than one (1) rabbit is maintained in any ZONE DISTRICT, a secure rabbit pen, with a minimum floor area of twenty-five (25) square feet per rabbit shall be erected and maintained in a safe and sanitary manner. No such rabbit pen shall be maintained in any front yard or in any side yard, and it shall comply with applicable rear yard set-back requirements.

Section 24.5 Livestock and Wild Game No livestock, including, but not limited to, cows, calves, bulls, steers, horses, mules, burros, donkeys, goats, hogs,

sheep, chicken, roosters, turkeys, guinea hens, ducks, geese or any wild game shall be maintained in any of the following ZONE DISTRICTS:

Single Family Residential District A-A
Single Family Residential District A-1
Multi-Family Residential District A-2
Apartment District A-3
General Business District B
Industrial District C

Article XXV Basement/Temporary Dwelling

Section 25.1 Prohibition The use of a basement or the basement of a partially built or planned building or structure as a residence or dwelling unit is prohibited in all zone areas.

Section 25.2 Travel Trailers A travel trailer may be used as a temporary dwelling on a lot in any ZONE DISTRICT other than General Business District B and Industrial District C. The use of such trailer as a temporary residence shall be allowed only after a temporary dwelling permit for such use has been obtained from the ZONING ADMINISTRATOR. The permit shall be for the duration of no longer than one (1) year. Extensions of the permit may be allowed if approved by the Zoning Board of Appeals on request of the permit holder. Approval of a request for extension of a temporary dwelling shall be left to the discretion of the Zoning Board of Appeals. In order to have a request for extension of a temporary dwelling permit considered, a permit holder shall be required to show construction of the permanent residence has been delayed by extreme weather conditions beyond the ordinary, labor dispute, materials shortage, national emergency or other event beyond the control of the permit holder.

Any travel trailer used as a temporary dwelling shall comply with all set-back and other requirements of this Ordinance and be fully connected to city water and sewer services.

Use of a travel trailer as a dwelling, except as provided herein, is prohibited.

Article XXVI Building Height

Section 26.1 Maximum No building or structure shall be of a height exceeding the lesser of thirty-five (35) feet or two and one-half (2 1/2) stories in any ZONE DISTRICT except for Industrial District C, where there shall be no height restriction and except for Agricultural District A-4, where the foregoing restriction shall not apply for silos and farm barns.

Section 26.2 Exempt Projections Chimneys, radio and television antennas and ornamental projections such as flagpoles, spires and cupolas are exempt from the foregoing height requirement.

Article XXVII Corner Lots Lots where the side yard abuts a street shall be deemed as having two (2) front yards, one being the side yard abutting the street. In such a case, the side yard abutting the street shall be deemed to be that portion of the premises extending from the front yard to the rear lot line and lying between the most prominent portion of the side facade(s) of the principal building and abutting street. All requirements and restrictions related to the front yard shall be equally applicable to any side yard abutting a street.

Article XXVIII Fences, Walls, Shrubbery and Visibility Any owner or occupant that erects a fence within the City of Caspian shall release and hold harmless the City of Caspian and its employees and agents for any damage or injury to the fence while performing routine City operations including but not limited to, road maintenance, snow plowing and water and sewer line maintenance or repairs.

Section 28.1 Front and Side Yard Height Restrictions No fences, walls or shrubbery greater than three (3) feet in height shall be permitted in any front yard in any ZONE DISTRICT. No fences, walls or shrubbery greater than three (3) feet in height shall be allowed in any side yard which abuts any street or alley. Other than trees, no fence, building, structure, sign or other material over thirty (30) inches in height, which could obstruct clear view, shall be erected or maintained on a corner lot within twenty (20) feet of either of the intersection streets forming the corner.

Section 28.2 Side and Rear Yard Height Restrictions No fences, walls or shrubbery greater than six (6) feet in height shall be permitted in any side or rear yard in any ZONE DISTRICT, except within Industrial District C.

Section 28.3 Adjacent Zone Restrictions All fences, walls and shrubbery shall be a distance of at least ten (10) feet from an adjoining ZONE DISTRICT.

Section 28.4 Side Yard Set-Back Restrictions Side yard set-back shall be two (2) feet for all fences, walls and shrubbery. Except when the side yard abuts a street or alley in which case the set-back shall be 20 feet. All measurements shall be from the outside most point of the fence, Wall or branch of the shrubbery to the property line. Front and rear yard set-back for fences, walls and shrubbery shall be the same as for any structure.

Section 28.5 Shrubbery Measurement For the purposes of determining shrubbery or planting compliance with the spacing requirements of this

Ordinance, measurements shall be taken from the perimeter of the growth of the shrubbery or planting.

Section 28.6 Prohibition Wire Fence No fence shall be permitted which consists of a wire strand, whether a single piece of wire or multiple wires or any cording substance which would act as a trip-wire, which is fastened from one point to another at any level.

Section 28.7 Outside Restriction The finished side of any fence or wall shall face outward toward an adjoining lot, street or alley.

Article XXIX Lighting and Screening Requirement Lighting of premises shall not illuminate adjoining premises or abutting streets so as to constitute a nuisance to any adjoining owner or to the public. Lighting of premises in General Business District B or in Industrial District C shall be screened from adjoining premises located in Single Family Residential District A-A and A-1, Multi-Family Residential District A-2, Apartment District A-3 and Agricultural District A-4 either of the following:

- (1) A natural compact planting of evergreens, shrubbery or hedges which maintain their density and screening effect through all seasons, not less than four (4) feet high; or
- (2) A wall or fence of sufficient density of compactness not less than five (5) feet high.

Neither shall violate the other height restrictions for fences or hedges provided herein.

Article XXX Parking and Deliveries

Section 30.1 Requirements All premises shall provide sufficient off-street parking as follows:

- (1) Single Family Residential District A-A and A-1 premises shall provide a minimum of one (1) parking space;
- (2) Multi-Family Residential District A-2 premises and Apartment District A-3 premises shall provide at least one (1) parking space for every residential unit.
- (3) General Business District B and Industrial District C shall provide at least one (1) parking space for every employee to be simultaneously employed. Additional parking space must be provided for customers or patrons, computed on the basis of one

(1) additional parking space for every four (4) customers at maximum occupancy or one (1) additional parking space per two hundred (200) square feet of customer accessible floor space, whichever is greater.

Section 30.2 Deliveries Any premises to which regular deliveries are made to replenish inventories or supplies shall provide for such deliveries to be made at the rear of the premises. Any and all delivery bays, loading docks or like installations made to any building or structure shall be made to the rear of the building or structure.

Section 30.3 Front Yard Parking Restrictions No portion of a front yard shall be used to provide the off-street parking required by this Ordinance in Single Family Residential District A-A or A-1, or in Multi-Family Residential District A-2 No portion of the front, side or rear yard set-back shall be used to provide parking.

Section 30.4 Size of Space For the purposes of determining compliance with this Ordinance, parking space shall be defined to be a contiguous area measuring no less than twenty (20) feet by eight (8) feet which may include floor area of a garage to be used for parking and vacant portions of driveways, except for that part of the driveway between the lot line and the required set-back line. In multiple-vehicle parking facilities, access ways shall be provided to each space, and the access ways shall not be included in determining compliance.

Section 30.5 Drainage Off-street parking facilities shall be drained so as to prevent damage to adjoining properties or abutting roads.

Section 30.6 Set-Back No parking shall be closer than five (5) feet from the property line.

Section 30.7 Screening Off-street parking in General Business District B or in Industrial District C shall be screened from adjoining premises located in Single Family Residential District A-A and A-1, Multi-Family Residential District A-2, Apartment District A-3 and Agricultural District A-4 by either of the following:

- (1) A natural, compact planting of evergreens, shrubbery or hedges which maintain their density and screening effect through all seasons, not less than four (4) feet high; or
- (2) An opaque wall or fence of sufficient density or compactness not less than five (5) feet high.

Section 30.8 Reduction Restricted No parking area, parking space or delivery/loading space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this Ordinance within three hundred (300) feet of the proposed or existing uses for which such parking will be available.

Article XXXI Repair and Storage of Machinery and Vehicles

Section 31.1 Use of Front Yard, Side Yard or Set-Back Prohibited The front yard and side yard(s) abutting a street on a corner lot of any premises located in Single Family Residential District A-A or A-1, Multi-Family Residential District A-2, Apartment District A-3 or General Business District B and any required set-back in any ZONE DISTRICT shall not be used for repair or storage of machinery or vehicles.

Section 31.2 Machinery and Vehicles Defined For the purposes of this Ordinance, machinery and vehicles included but are not limited to the following items: automobiles, trucks, trailers, motorcycles, watercraft, all-terrain vehicles, tractors, machines or tools weighing over fifty (50) pounds or any parts thereof.

Section 31.3 Restrictions on Numbers In Single Family Residential District, A-A and A-1 and Multi-Family Residential District A-2, there shall be no outdoor storage of more than four (4) items of machinery or vehicles on the premises.

Section 31.4 Permissive Activities Outdoor storage of machinery and vehicles permissible hereunder shall only be as follows:

- (1) In Single Family Residential District A-A and A-1, Multi-Family Residential District A-2, Apartment District A-3 and General Business District B, outdoor storage of machinery and vehicles shall be only in the rear yard, exclusive of the required set-back.
- (2) All machinery and vehicles stored outdoors shall be fully covered by a tarp or equivalent covering which shall be secured to the stored vehicle or machinery and maintained in a neat and orderly manner.
- (3) Outdoor storage of inoperable machinery and vehicles, including, but not limited to, those inoperable motor vehicles as defined by the Michigan Motor Vehicle Code, which by reason of accident, mechanical condition or otherwise are not operational and safe as

required by law, or those vehicles not displaying evidence of current registration, plus inoperative parts of machinery or vehicles, shall not exceed thirty (30) days, or the time needed to repair, whichever is shorter, when storage is located in Single Family Residential District A-A and A-1, Multi-Family Residential District A-2, Apartment District A-3 and General Business District B.

- (4) Outdoor storage of machinery and vehicles shall be maintained in all ZONE DISTRICTS so as to preclude access to items containing broken glass, plastic or sharp edges, metallic or otherwise; and so as to preclude access to compartments of items which provide no readily-accessible means of escape from the interior of the compartments; and so as to preclude access to poisonous or otherwise hazardous substances, by the outdoor erection of suitable walls or fences or otherwise.
- (5) When outdoor storage of machinery and vehicles is not precluded by the terms of this Ordinance and more than four (4) items are stored, the storage shall be screened from adjoining premises located in Single Family Residential District A-A and A-1, Multi-Family Residential District A-2 and Apartment District A-3 by either of the following:
 - (a) A natural compact planting of evergreens, shrubbery or hedges which maintain their density and screening effect through all seasons, not less than five (5) feet high; or
 - (b) A wall or fence of sufficient density or compactness, not less than five (5) feet high.

Neither shall violate the other height restrictions for fences or hedges provided herein.

Section 31.5 Extension Permit For the purposes of this Ordinance, if, for a reason beyond the control of the owner of an inoperable piece of machinery or vehicle, same cannot be removed within the thirty (30) days period stated in Paragraph 3 of the Permissive Activities Article, application for a permit for an extension of time can be submitted by the owner of the inoperable piece of machinery or vehicle to the Zoning Administrator. Said permit shall be for an extension period of not more than fifteen (15) days. The fee for said permit shall be as set forth from time to time by the City Commission.

Section 31.6 Storage Defined For the purposes of this Ordinance, storage of machinery or vehicles shall include, but not be limited to, instances where those

items are permitted to remain on the premises for a period of three (3) days or more.

Article XXXII Mobile Homes

Section 32.1 Requirements A person desiring to use a mobile home permanently in any ZONE DISTRICT shall comply with all applicable provisions of this Ordinance including, but not limited to, obtaining a zoning permit as mobile home or structure on any premises. The permit shall be obtainable upon proper application and fee payment showing compliance with requirements of this Ordinance for the applicable ZONE DISTRICT.

Section 32.2 Installation Installation shall be according to manufacturer's instructions. Wheels shall be removed. Connection to a foundation shall be by means of an anchoring system, and in the case of a mobile home, in accordance with those required by the Michigan Mobile Home Commission.

Section 32.3 Variance Planned Unit Development When any person wishes to install one or more mobile homes without being in total conformity to this Ordinance for the applicable ZONE DISTRICT, application shall be made either for approval of a variance or planned unit development as set forth elsewhere in this Ordinance.

Article XXXIII Planned Unit Development

Section 33.1 Purpose In order to provide flexibility in the regulation of land development, encourage innovation in land use and variety in design, layout and type of structures constructed and in order to achieve economy and efficiency in the use of land, natural resources, energy and in the providing of public services and utilities and to encourage useful open space, the provision of better housing, employment and shopping opportunities and for the benefit of the health, welfare and morals of the people of the City of Caspian, a permit for the construction and occupancy of a planned unit development may be issued by the Zoning Administrator pursuant to the requirements, standards and procedures set forth in this Ordinance.

Section 33.2 Application A request for approval of a planned unit development shall be by application made to the Zoning Administrator. An application shall include the following information:

- (1) A plan of the planned unit development, in appropriate scale, indicating the proposed use for each individual site in the development, the exact boundaries, existing and proposed location

and dimension of all buildings and structures, points of entry and exit from each site in the development and into and from the development itself, locations of all streets, alleys and other traffic ways, and an indication of the use to which each site in the planned unit development will be put.

- (2) A written text shall accompany the plan for the planned unit development indicating compliance with the following criteria:
- (a) The minimum size of the planned unit development shall be at least ten (10) acres.
 - (b) The uses permitted in the planned unit development may include single family residences, multiple family residences and businesses permissible in General Business District B.
 - (c) The number of units established for the planned unit development may not exceed the number of units which would be permitted if the entire property was developed under the density standard of the district where the development is located.
 - (d) Detailed explanation showing in what respects the planned unit development is or is not consistent with the purposes and intents of this section.
 - (e) Indications of where and to what extent the plan departs from the zoning requirements otherwise applicable to the district in which the development is proposed.
 - (f) The nature and extent of the common space in the planned unit development and the adequacy or inadequacy of the amount and function of the space as it relates to the overall project.
 - (g) The types of services to be rendered in the planned unit development and the necessity for the services to the development.
 - (h) The manner in which the planned unit development makes adequate provisions for all public services, provides efficient pedestrian and vehicular traffic movement and furthers recreation and visual enjoyment.

development
Zoning

(i) The compatibility and beneficial and adverse effect of the proposed unit development on the neighborhood in which the planned unit development is to be established.

(j) The facts of the planned unit development on the provision of water, sewer and other public services to the planned unit development and the differing effect of the planned unit development when compared with according to the normal requirements of this Ordinance.

(k) The manner in which Single Family Residential District A-A and A-1, Multi-Family Residential District A-2 and Apartment District A-3 will be insulated from the effects of the planned unit development. In particular, the way in which those four districts are to be insulated by open spaces or residential premises from business establishments.

(l) The manner in which sale of the property within the planned unit development assures the common theme and aesthetic nature of the plan will continue into the future.

Application shall be accompanied by a filing fee set by the City of Caspian.

Section 33.3 Consideration of the Application Within sixty (60) days of the filing of the application for approval of a planned unit development, the Zoning Administrator shall hold a public hearing on the request of the planned unit development. Notification of the public hearing shall be given to a property owner and the occupant of the structure located within three hundred (300) feet of the property being considered for the planned unit development. A notice that a request for a planned unit development has been received should also be published in the newspaper of general circulation. The notice shall be given not less than five (5) and not more than fifteen (15) days before the application will be considered. Notification may be sent by regular mail or personal delivery, and if the name of the occupant of the premises is not known, the name "Occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who will be requested to post the notice at the

primary entrance to the structure. The notice shall:

- (1) Describe the nature of the planned unit development request;
- (2) Indicate the property which is the subject of the planned unit development request;
- (3) State when and where the planned unit development request will be considered;
- (4) Indicate where and when the written comments will be received concerning the request; and
- (5) Indicate that a public hearing on the planned unit development request may be requested by a property owner or occupant of a structure located within three hundred (300) feet of the boundary line of the property being considered for the planned unit development.

Section 33.4 Decision Within fifteen (15) days after the public hearing, the Zoning Administrator shall deny, approve, or approve with conditions the request. A written report shall be prepared stating the Zoning Administrator's conclusions on the request for a planned unit development, the basis for the decision, the decision and any conditions relating to an affirmative decision.

Section 33.5 Restriction No amendment of the Zoning Ordinance shall be required for approval of a planned unit development request. Planned unit developments may be approved only if located in a ZONE DISTRICT other than Industrial District C.

Article XXXIV Appeals

Section 34.1 Decisions of the Zoning Administrator

Section 34.1(a) Filing Requirements Appeals of decisions of the ZONING ADMINISTRATOR may be taken by an owner or occupant of property either directly affected or within three hundred (300) feet of property directly affected by the decision. The appeal must be made within fifteen (15) days of mailing of the decision on an application made under this Ordinance. If no decision has been mailed, the appeal must be made within fifteen (15) days of the last day on which the Zoning Administrator may mail a decision. The appeal shall be made only be a written appeal received by the Zoning Board of Appeals. Receipt shall be by way of the City Clerk. The appeal shall specify the alleged wrong of the Zoning Administrator.

Section 34.1(b) Hearing and Decision An appeal of a decision by the Zoning Administrator shall be heard by the Zoning Board of Appeals. The Zoning Board of Appeals shall determine whether the correct decision was made by the Zoning

Administrator on the basis of those facts presented to the Zoning Administrator. The Zoning Board of Appeals shall hear the appeal within thirty (30) days of making the appeal by the appellant. A decision shall be rendered by the Zoning Board of Appeals within fifteen (15) days of the hearing on the appeal. The decision shall be in writing and mailed by that date. If no decision has been mailed by the Zoning Board of Appeals at the conclusion of the fifteen days, the appeal shall be deemed denied.

Section 34.2 Decisions of the Zoning Board of Appeals

Section 34.2(a) Procedure Appeals of the decisions of the Zoning Board of Appeals may be taken, as may be provided under applicable Michigan Statutes, to the appropriate Courts within the State of Michigan.

Article XXXV Validity Other Ordinances Any and all ordinances or parts thereof in conflict with or inconsistent with any of the terms of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent, however provided, that the adoption of this Ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any existing Ordinance.

Article XXXVI Violations and Penalties Any person who shall violate the provisions of this Ordinance or otherwise fail to comply with this Ordinance or any part of the requirements of this Ordinance shall be deemed to have committed a criminal violations and shall be liable for a fine not more than one hundred dollars (\$100), or to imprisonment for not more than ninety (90) days, or to both fine and imprisonment, plus costs of prosecution. Each day a violation continues is deemed to be a separate and distinct violation of this Ordinance. The Zoning Administrator and/or the City Police shall take such measures as necessary to enforce and prevent violations of this Ordinance, including issuance of District Court complaints and warrants and prosecution thereof by the City Attorney. The City shall also be entitled to seek injunctive civil relief against a violator or other civil relief that may be provided by law.

Article XXXVII Amendments Amendments to this Ordinance may be adopted as provided by law.

Article XXXVIII Validity Should any section, subsection, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unenforceable, all provisions of this Ordinance excepting the invalidated or unenforceable section, subsection, clause or provision shall remain in full force and affect.

Article XXXIX Effective Date This Zoning Ordinance took effect on October 1, 1988, with subsequent amendments which are now effective September 16th, 2019

Article XL Adoption This Zoning Ordinance was adopted by the Caspian City Commission on August 31, 1988 and amended and codified into Caspian's City Code of Ordinances on August 14th, 2019.

Article XLI Certification I certify that the foregoing constitutes a true and complete copy of a Zoning Ordinance duly adopted by the City Commission of the City of Caspian, Iron County, MI at a regular meeting held on the 14th day of August, 2019 and that said meeting was conducted, and public notice of said meeting was given pursuant and in full compliance with the Michigan's Open Meetings Act, being public act 267 of 1976 and that minutes of said meeting were kept and will be or have been made available as required by said act.

John Stokoski
City Manager

BOARD RESOLUTION OF THE CITY OF CASPIAN

We, the undersigned, being the City Council, for the City of Caspian, hereby certify the following is a true and correct copy of the resolution adopted at a meeting of the City Council duly held and convened on February 10, 2021 at which a quorum of the City Council was present.

Therefore, be it resolved:

That persons granted a Poverty Exemption in 2019 or 2020 are allowed to carry forward the exemption to 2021, 2022, and 2023. These persons who receive a fixed income solely from public assistance that is not subject to significant annual increases (Federal Supplemental Security Income, Social Security disability or retirement benefits.)

New exemptions granted in 2021, 2022 or 2023 will remain exempt for up to three (3) years for persons who receive a fixed income.

If the person meets all eligibility requirements in statute, the Board of Review must grant a full exemption equal to a 100% reduction in taxable value OR a partial exemption equal to a 25% or 50% reduction in taxable value OR any other percentage reduction in taxable value approved by the STC.

Mayor: Matt Jacks

Member: Michael Stachowicz (Absent)

Member: Mark Stauber

Member: Robert Ketchum

Member: Robert Remondini

**CITY OF CASPIAN RESOLUTION ADOPTING
FIVE YEAR RECREATION PLAN**

WHEREAS, The City of Caspian has undertaken a planning process to determine the recreation and natural resources conservation needs and desires of its residents during a five-year period covering the years 2022 through 2027, and

WHEREAS, the Caspian recreation committee is made up of representatives from the Caspian City Commission, local residents and representatives of local recreation boards.

WHEREAS, the City of Caspian began the process of developing a community recreation and natural resources conservation plan in accordance with the most recent guidelines developed by the Department of Natural Resources and made available to local communities, and

WHEREAS, residents of the City of Caspian were provided with a well-advertised opportunity during the development of the draft plan to express opinions, ask questions and discuss all aspects of the recreation and natural resources conservation plan, and

WHEREAS, the public as given a well-advertised opportunity and reasonable accommodations to review the final draft plan for a period in excess of 30 days, and

WHEREAS, a public hearing was held on September 14th, 2022 at the Caspian Fire Hall located in the City of Caspian which provided an opportunity for all residents of Caspian as well as other interested persons from the surrounding communities to express opinions, ask questions and discuss all aspects of the Caspian Recreation Plan, and

WHEREAS, the City of Caspian has developed the plan as a guideline for improving recreation and enhancing natural resources conservation within the City of Caspian, and

WHEREAS, after the public hearing, the Caspian City Commission voted to adopt the presented Recreation Plan.

NOW, THEREFORE BE IT RESOLVED the City of Caspian hereby adopts the City of Caspian Recreation Plan for years 2022 – 2027.

Yeas: 3 Nays: 0 Absent: 2

I John Stokoski, City Manager do hereby certify that the foregoing is a true and original copy of the resolution adopted by the City of Caspian's City Commission at their regular meeting held on the 12th day of October, 2022.

