CALEDWELL TOWNSHIP ORDINANCE # 5

CALEDWELL TOWNSHIP PENSION PLAN ORDINANCE

ADOPTED: 10-17-91

EFFECTIVE: On the day of publication.

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

THE TOWNSHIP OF CALDWELL

MISSISSIPPI COUNTY, MICHIGAN

ORDAINS:

SECTION I.

This ordinance shall be known and cited as the "TOWNSHIP OF CALDWELL PENSION PLAN ORDINANCE."
SECTION II.

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

SECTION III.

The annuity or pension plan created, established and contracted for under this ordinance shall cover each person within the following classes of officers and employees:

- All members of the township board.
- All members of the township zoning board.
- All members of the township planning commission.
- All members of the township zoning board of appeals.
- All members of the township building board of appeals.
- All members of the township board of review.
- All members of the township park board.
- All members of the township library board.
- All township constables.
- All township building inspectors and their assistants.
- All township fire chiefs.
- The township police chief.
- All township volunteer firemen.
- All township volunteer ambulance drivers or attendants.
- The township attorney and/or engineer and/or accountant.
- The township unsafe building hearings officer.
- The township manager.
- All members of the township recreation board.
- All township assessors.
- All employees who meet minimum premium requirements based on annual compensation of the employee.
SECTION IV.

A. The Township of [Name of Township] shall annually contribute [5%] per centum [50%] of that portion of the premium or charges arising under such annuity or pension contract for each person within the class of officers and employees enumerated in Section III hereof. Such contributions shall be secured from the general fund of the township. Each person within such class of officers and employees shall be responsible for the remainder of the premium or charges and the township treasurer is hereby authorized to deduct the same from each person's pay, salary or compensation and to apply the same to such person's responsibility.

B. Each employee who is employed on the effective date of the annuity or pension plan shall be eligible for coverage on that day provided he or she then meets the following requirements, otherwise to be eligible on the first policy anniversary on which he or she meets them:

1. His or her age [nearest birthday] is at least [60] years and not more than [75] years.
2. He or she has completed at least [0] years of continuous employment.

C. Every employee who becomes subsequently employed shall be eligible on the first policy anniversary on which he or she meets the following requirements:

1. His or her age [nearest birthday] is at least [60] years and not more than [75] years.
2. He or she has completed at least [0] years of continuous employment.

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

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

SECTION V.

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

SECTION VI.

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

SECTION VII.

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

Nancy Wilson
Township Clerk

This ordinance was published on October 22, 1991.
ORDINANCE NO. \textsuperscript{6} X X X X

CONSUMERS POWER COMPANY GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS POWER 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 TOWNSHIP OF CALDWELL, MISSAUKEE COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF CALDWELL ORDAINS:

SECTION 1. GRANT. TERM. The Township of Caldwell, Missaukee County, Michigan, hereby grants to the Consumers Power Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," 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 Township of Caldwell, Missaukee County, Michigan for a period of thirty years.

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

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

SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Township on account of the permission herein given, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. EXTENSIONS. Said Grantee shall construct and extend its gas distribution system within said Township, and shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations.
SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

SECTION 7. RATES. Said Grantee shall be entitled to charge the inhabitants of said Township for gas furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate gas rates and rules regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.

SECTION 8. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said Township.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof; provided, however, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Township and said Grantee.
ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF CALDWELL, MISSAUKEE COUNTY, MICHIGAN:

The Consumers Power Company hereby accepts the franchise granted to it by your Board, on the 20th day of June, 1991, which said franchise is entitled as follows:

AN ORDINANCE, granting to CONSUMERS POWER 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 TOWNSHIP OF CALDWELL, MISSAUKEE COUNTY, MICHIGAN, for a period of thirty years.

CONSUMERS POWER COMPANY

By

K A Elbert, Vice President

Marketing, Rates and Wholesale Power Transactions

Dated: June 20, 1991.
I hereby certify that the acceptance, of which the foregoing is a true copy, was filed with me as Township Clerk, on the 26th day of June, 1991.

Dated: June 20th, 1991.

[Signature]

Township Clerk
CALDWELL TOWNSHIP
FIRE CHARGES ORDINANCE

AN ORDINANCE TO ESTABLISH CHARGES FOR FIRE DEPARTMENT SERVICES UNDER MICHIGAN PUBLIC ACT 33 OF 1951, AS AMENDED (COMPiled LAW 41.801 etc.) AND TO PROVIDE METHODS FOR THE COLLECTION OF SUCH CHARGES AND EXEMPTIONS THEREFROM.

THE TOWNSHIP OF CALDWELL, MISSAUKEE COUNTY, MICHIGAN ORDAINS:

Section 1: PURPOSE

The within ordinance is adopted for the purpose of providing financial assistance to the township in the operation of a fire department from those receiving direct benefits from the fire protection service. It is the further purpose of the within ordinance to provide for full funding of the fire department operation which remains, in part, an at large governmental expense based upon the general benefits derived by all property owners within the township from contacted fire departments and their availability to extinguish fires within the township and perform other emergency services.

Section 2: CHARGES

The charges shall hereafter be due and payable to the responding fire department at the current contracted rate with said fire department.

Section 3: TIME FOR PAYMENT FOR RUN

All charges shall be due and payable within 30 days from date of billing and in default of payment shall be collectable through proceedings in district court or in any other court of competent jurisdiction as a matured debt.

Section 4: EXEMPTIONS

The following properties and services shall be exempt from the foregoing charges:

A. False alarms.
B. Fires involving township buildings, grounds and/or property.

Section 5: COLLECTION OF CHARGES

The township may proceed in district court by suit to collect any monies remaining unpaid and shall have any and all other remedies provided by law for the collection of said charges.

Section 6: NON-EXCLUSIVE CHARGE

The rates and charges shall not be exclusive of the charges that may be made by the township for the costs and expenses of maintaining cost contracting with said fire departments. Charges may additionally be collected by the township through general taxation after a vote of the electorate approving the same or by a special assessment established under the Michigan statutes pertinent thereto. General fund appropriations may also be made to cover such additional costs and expenses.
Section 7: MULTIPLE PROPERTY PROTECTION

When a particular service rendered by a contracted fire department directly benefits more than one person or property, the owner of each property so benefited and each person so benefited where property protection is not involved shall be liable for the payment of the full charge for such service hereinbefore outlined. The interpretation and application of the within section is hereby delegated to the responding fire chief subject only to appeal, within the time limits for payment, to the township board and shall be administered so that charges shall only be collected from the recipients of the service.

Section 8: SEVERABILITY

Should any provision or part of the within ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not effect the validity or enforceability of the balance of this ordinance which shall remain in full force and effect.

Section 9: EFFECTIVE DATE

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

August 20, 1992

Ordinance #6