

**CHIPPEWA COUNTY
BOARD OF COMMISSIONERS**

Regular Session
October 15, 2020

The Chippewa County Board of Commissioners met in regular session on Thursday, October 15, 2020, at 5:30 p.m. in the 91st District Courtroom of the Chippewa County Building.

Chairman Jim Martin called the meeting to order at 5:30 p.m. with a quorum present. The meeting was also available via Zoom. Commissioner McLean led the Pledge of Allegiance.

PRESENT: Commissioners Don McLean, Robert Savoie, Scott Shackleton, and Chairman Jim Martin.

ABSENT: Commissioner Conor Egan.

ALSO, PRESENT: Deputy Administrator Kelly Church, Administrator Jim German and Cathy Maleport, Clerk. *Present via Zoom:* Greg Grant (1st closed session only), Sharon Kennedy, Suzanne Lieurance and Maggie Merchberger.

ADDITIONS AND DELETIONS TO THE AGENDA

It was moved by Commissioner Shackleton, seconded by Commissioner Savoie, to approve the agenda as submitted with the exception of moving public comments, and correspondence received in the clerk's office, items 8 and 9, upward in the agenda as to be items 4a and 4b. On a voice vote, the motion carried.

CORRESPONDENCE RECEIVED IN THE CLERK'S OFFICE

It was moved by Commissioner McLean, seconded by Commissioner Savoie, to acknowledge the correspondence received in the clerk's office and forward as appropriate. On a voice vote, the motion carried.

PUBLIC COMMENTS

Maggie Merchberger, 4-H program coordinator for Chippewa County, provided an update on the 4-H program. She stated that they are doing things virtually currently and are not charging a fee for 2020-2021 4H-year other than doing virtual programming. She also referenced a current project she is working on, Hidden in Plain Sight, and would like to go into more detail on the project and do a future presentation.

It was moved by Commissioner Shackleton, seconded by Commissioner McLean, to enter into closed session, to discuss with the County's attorney trial and/or settlement strategy in the pending lawsuit of *Keller v. Scharrer, et al, Case No. 19-15802-NO*, pursuant to MCL 15268(e) as a discussion on the open record would be detrimental to our position, and also to discuss material exempt from disclosure under the attorney-client privilege, MCL 15.243(1) (g) and MCL 15.268(h).

A roll call vote was taken as follows:

Commissioner McLean *Yes*

Commissioner Savoie *Yes*
Commissioner Shackleton *Yes*
Chairman Martin *Yes*

The motion carried 4-0.

It was moved by Commissioner Shackleton, seconded by Commissioner Savoie, to exit closed session wherein we discussed with the County's attorney trial and/or settlement strategy in the pending lawsuit *Keller v. Scharrer, et al, Case No. 19-15802-NO*, pursuant to MCL 15.268(e) as a discussion on the open record would have been detrimental to our position, and also discussed material exempt from disclosure under the attorney-client privilege, MCL 15.243(1)(g) and MCL 15.268(h).

A roll call vote was taken as follows:

Commissioner McLean *Yes*
Commissioner Savoie *Yes*
Commissioner Shackleton *Yes*
Chairman Martin *Yes*

The motion carried 4-0.

Chairman Martin declared we are now in open session.

It was moved by Commissioner Shackleton, seconded by Commissioner McLean to accept the advice of counsel regarding settlement discussions of the case of *Keller v Scharrer, et al, Case No. 19-15802-NO*, within the certain parameters discussed during the closed session as part of the County's trial and/or settlement strategy. On a voice vote, the motion carried.

It was moved by Commissioner Savoie, seconded by Commissioner Shackleton to enter into closed Session to discuss Attorney/Client pursuant to Written Opinion.

A roll call vote was taken as follows:

Commissioner McLean *Yes*
Commissioner Savoie *Yes*
Commissioner Shackleton *Yes*
Chairman Martin *Yes*

The motion carried 4-0.

The Board met in closed session at approximately 6:10 p.m. to discuss Attorney/Client opinion.

It was moved by Commissioner Shackleton, seconded by Commissioner Savoie, to return to the open meeting of the Board.

A roll call vote was taken as follows:

Commissioner McLean *Yes*
Commissioner Savoie *Yes*
Commissioner Shackleton *Yes*
Chairman Martin *Yes*

The motion carried 4-0 at 7:00 p.m.
Chairman Martin declared we are now in open session.

ADMINISTRATOR'S REPORT

Jim German - provided for informational purposes only - *no action items*.
Commissioner McLean referenced a Menominee County's Resolution in Support of House Bill Establishing a Tourism reinvestment Excise Tax. He explained that this is a way of raising money to pay for emergency services and asked the Administrator to do some research on such and provide a resolution for next month's meeting for the Board to consider. A discussion followed.

APPROVAL OF COUNTY BOARD MINUTES

It was moved by Commissioner McLean, seconded by Commissioner Savoie, to approve the September 10, 2020, Regular Board Meeting minutes as presented. On a voice vote, the motion carried.

NEW BUSINESS

(A) Board/Committee/Agency/Authority vacancies announcement

It was moved by Commissioner Shackleton, seconded by Commissioner McLean, to advertise positions to be filled on the various Boards presented below. On a voice vote, the motion carried.

According to the Chippewa County Board of Commissioners Policies and Procedures, of the vacancies that will occur on various Boards/Committees/Authority's/Agencies on the dates shown. The current members are noted, as is the term of office. These vacancies will be announced in the local media and on the County's website, which will be able interested County residents to submit Applications of Interest before 3:00 p.m., on November 9, 2020. The names submitted will be presented to the Board at its regular Thursday, November 12, 2020 meeting, and the applications will be tabled until the appointments are made at the January 2021 Organizational meeting.

Chippewa County Building Authority

Expires 12/31/20 (2-year appointment)

2 appointments

Current: James Traynor, one vacant

Chippewa County Building Code Board of Appeals

Expires 12/31/20 (2-year appointment)

3 appointments

Current: Kathy Cairns, Clayton McGahey, Samuel White

Department of Health & Human Services

Expires 10/31/20 (3-year appointment)

1 appointment

Current: Christine Curtis

Department of Veterans Affairs

Expires 3/31/21 (4-year appointment)

1 appointment

Current: Robert Savoie

Economic Development Corporation
Expires 12/31/2020 & 3/31/21 (6-year appointment)
2 appointment
Current: Dick Timmer, Jim Quinnet
*Note: Both appointment terms will expire 3/31/2027

E 9-1-1 Chippewa County Central Dispatch – Citizen Position
Expires 12/31/20 (2-year appointment)
1 appointment
Current: Raymond Johnson

EUP Transportation Authority
Expires 12/31/20 (3-year appointment)
1 appointment
Current: Lynda Garlitz

Jury Commission
Expires 4/30/21 (6-year appointment)
1 appointment
Current: Jay Porcaro

Hiawatha Behavioral Health Authority
Expires 3/31/21 (3-year appointment)
2 appointment
Current: Jim Moore, Rudy Johnson

Road Commission
Expires 12/31/2020 (6-year appointment)
1 appointment
Current: Jeremy Gagnon

War Memorial Hospital, Inc.
Expires 12/31/20
1 appointment (4-year appointment)
Current: Ted Postula

(B) The Upper Peninsula Environmental Health Code for Chippewa County effective January 1, 2021.

It was moved by Commissioner Savoie, seconded by Commissioner McLean, to adopt the Upper Peninsula Environmental Health Code for Chippewa County effective January 1, 2021. On a voice vote, the motion carried. *See attached*

(C) Resolution 2020-12 Apportionment of 2020 Millages

It was moved by Commissioner McLean, seconded by Commissioner Shackleton, to accept Resolution 2020-12 as follows:

**CHIPPEWA COUNTY BOARD OF COMMISSIONERS
RESOLUTION 2020 - 12
APPORTIONMENT OF 2020 MILLAGES**

WHEREAS, the County Board has reviewed all of the millages requested by the various taxing entities operating within the County, and has considered the allocated and extra voted millages to which each entity is entitled, and determined that the levy of the millage rates listed on the 2020 MILLAGE REPORT presented to the Board by the Equalization Director and made a part of the minutes, will be necessary for the sound management and operation of the taxing jurisdictions, and

WHEREAS, the County Equalization Director has informed the County Board that pursuant to MCL 211.34D, each requested operating millage on said report has been reduced, if necessary, in compliance with Section 31 of Article 9 of the State Constitution of 1963, and

NOW, THEREFORE, BE IT RESOLVED THAT:

1. THE 2020 MILLAGE REPORT BE APPROVED AS PRESENTED
2. THE CLERK AND EQUALIZATION DIRECTOR ARE HEREBY AUTHORIZED AND DIRECTED TO COMPLETE AND FILE ANY REPORT REQUIRED BY THE STATE OF MICHIGAN, RELATIVE TO THE MILLAGES AUTHORIZED BY THIS BOARD, INCLUDING THE 2020 APPORTIONMENT REPORT.
3. THE MILLAGES SO APPROVED SHALL BE SPREAD AGAINST THE APPROPRIATE TAXABLE VALUES IN THE VARIOUS TAXING UNITS WITHIN THE COUNTY TO PRODUCE THE 2020 TAX ROLLS AND THOSE RESPONSIBLE FOR THE SPREADING AND COLLECTING THOSE TAXES SHALL BE CHARGED WITH THE PROCESSING AND COLLECTING OF THOSE TAXES ACCORDING TO STATUTE.

A roll call vote was taken as follows:

Yeas: Commissioners McLean, Savoie, Shackleton and Chairman Martin

Nays: None

THE RESOLUTION WAS DECLARED ADOPTED.

(D) Resolution 2020-13 In Appreciation and Recognition of Cynthia Morley

It was moved by Commissioner McLean, seconded by Commissioner Shackleton to adopt Resolution 2020-13 as follows:

RESOLUTION NO. 2020-13

RESOLUTION IN APPRECIATION AND SPECIAL RECOGNITION

OF CYNTHIA MORLEY

WHEREAS, *Cynthia Morley* began her career with Chippewa County February 2000 as part-time Equalization Department Clerk; she became full-time December 2000; and was named Chief Deputy Register of Deeds December 2017 and will be retiring effective December 31, 2020; and

WHEREAS, *Cynthia Morley* will retire from service with Chippewa County, after serving over twenty (20) plus years of exceptional service to the citizens of Chippewa County; and

WHEREAS, *Cynthia Morley* has worked diligently and tirelessly examining, documenting and recording all manner of documents affecting real estate of Chippewa County residents; she will be leaving after setting a high professional standard for the Chippewa County Register of Deeds Office; and

WHEREAS, *Cynthia Morley's* work ethic, reliability and attention to detail have earned her the highest regard by her supervisor, co-workers, peers and citizens of the county; and

WHEREAS, *Cynthia Morley* during her career with Chippewa County's Register of Deeds has assisted 1000's of residents with questions and the helped countless vendors in searching for the information they sought.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the Chippewa County Board of Commissioners respectfully dedicates this document to honor and thank ***Cynthia Morley*** for her many years of public service with the County of Chippewa.
2. That the Chippewa County Board of Commissioners extends their best wishes to ***Cynthia Morley*** for many years of enjoyment in her retirement.

A roll call vote was taken as follows:

Yeas: Commissioners McLean, Savoie, Shackleton and Chairman Martin

Nays: None

THE RESOLUTION WAS DECLARED ADOPTED.

(E) Resolution 2020-14 To US Senator Gary Peters

It was moved by Commissioner McLean, to adopt Resolution 2020-13 as follows:

**RESOLUTION 2020-14
Chippewa County, MI. Resolution
To US Senator Gary Peters**

Whereas, US Senator Gary Peters has submitted a bill to the to the US Senate entitled "The Great Lakes Commercial Icebreaking Act of 2020",

Whereas, the bill codifies the requirements for USCG icebreaking for private ships over 500 tons and the performance standards therefore,

Whereas, the bill does not set forth performance standards for public passenger ferries in the Great lakes,

Whereas, the Eastern Upper Peninsula ferry system needs performance standards and has asked US Senator Gary Peters for assistance on this issue in recent years,

Whereas, the population of Sugar and Neebish Islands is approximately 650 persons needing to go to work or school or have home health care each day. Our St. Mary's River ferry crossings carry food, fuel and medical assistance every day. Our crossings are naturally ice free. Federal government activity causes our ferry disruptions.

Whereas, from 1974 until 2003 performance standards or levels of service existed for USCG ice breaking services to the St. Mary's River ferry system during Winter Navigation. The level of service in writing has gone from "all possible assistance" in the 1970's, 80's and 90's to "immediate need of food, fuel or medical assistance".

Whereas, these requested matters were all part of the Demonstration Program that satisfied Congress that island transportation would not be infringed upon by Winter Navigation.

Whereas, the St Mary's River ferry transportation was a large and important concern of the 1970's Winter Navigation Demonstration Program. The Winter Navigation Final Study in 1979 said in the very first paragraph of the preface; "this program was undertaken to demonstrate the practicability of extending the navigation season on the Great Lakes and St Lawrence Seaway System. It is important to note that while the program and study are in response to specific legislation by Congress, participating Federal agencies have continuing responsibilities for development of ice control measures; these are funded and carried out under normal mission activities, funded under individual agency programs."

Therefore, Be It Resolved, Chippewa County, MI respectfully requests US Senator Gary Peters to include performance standards for passenger ferries on the Great Lakes in the Great Lakes Commercial Icebreaking Act of 2020.

Having no second, THE RESOLUTION FAILED.

(F) Resolution 2020-15 2021 Borrowing Resolution (2020 Delinquent Taxes)

It was moved by Commissioner Savoie, seconded by Commissioner Shackleton, to adopt Resolution 2020-15 as follows:

Please see attached.

A roll call vote was taken as follows:

Yeas: Commissioners McLean, Savoie, Shackleton and Chairman Martin

Nays: None

THE RESOLUTION WAS DECLARED ADOPTED.

STANDING COMMITTEE REPORTS

FINANCE, CLAIMS AND ACCOUNTS COMMITTEE MEETING MINUTES

October 8, 2020

Chairman – Commissioner Savoie

AGENDA ITEMS

Sheriff Department – \$7,500 advance for Stonegarden parts

The Committee reviewed a request for the County to front \$7,500 to get parts ordered for the new pick-up truck being purchased with Stonegarden grant monies. This money will be reimbursed.

It was moved by Commissioner Savoie, seconded by Commissioner Shackleton, to approve and authorize fronting \$7,500 to purchase parts for the Stonegarden pick-up truck, with the monies being reimbursed. On a voice vote, the motion carried.

50th Circuit Court – FY2021 Hybrid DWI/Drug Court \$53,500 Award

The Committee reviewed the Michigan Drug Court Grant Program Award Notification to 50th Circuit Court for the Hybrid DWI/Drug Court program in the amount of \$53,500.00

It was moved by Commissioner Savoie, seconded by Commissioner McLean, to approve and authorize the acceptance of the FY2021 Hybrid DWI/Drug Court grant in the of amount of \$53,500. On a voice vote, the motion carried.

91st District Court FY2021

FY2021 Hybrid DWI/Drug Court \$54,000 Award

Adult Mental Health Court \$76,700 Award

Erin Yates \$26,000 subcontractor contract

The Committee reviewed the National Highway Traffic Safety Administration Office of Highway Safety Planning Grant Award Notification to 91st District Court for the Hybrid DWI/Drug Court program in the amount of \$54,000.00; the Michigan Mental Health Court Grant program Award Notification to 91st District Court for the Adult Mental Health Court program in the amount of \$76,700.00 and the subcontractor contract of \$26,000 to Erin Yates.

It was moved by Commissioner Savoie, seconded by Commissioner Shackleton, to approve and authorize the acceptance of the FY2021 Hybrid DWI/Drug Court of \$54,000; the Adult Mental Health Court for \$76,700 and the subcontractor contract to Erin Yates in the amount of \$26,000; all as presented. On a voice vote, the motion carried.

Chippewa County Courts – Coronavirus Emergency Supplemental Funding - \$56,108.47

The Chippewa County Courts was awarded \$56,108.47 from the Coronavirus Emergency Supplemental Funding (CESF); to be utilized for COVID-19 expenses to maintain public safety through prevention, preparation and response during the pandemic. The contract is due back by November 30, 2020; this is strictly a reimbursement-only grant.

It was moved by Commissioner Savoie, seconded by Commissioner McLean, to accept and authorize the Coronavirus Emergency Supplemental Funding of \$56,108.47; which is a reimbursement-only grant through the Michigan State Police and the Department of Justice. On a voice vote, the motion carried.

MIDC/Public Defender contracts – FY2021- Legal Services

Diane Marie Kay PLC

Wm. H. Houghaboom JD PLLC

Dyke Justin

Upon review; the Committee approved the contract as presented.

It was moved by Commissioner Savoie, seconded by Commissioner Shackleton, to approve and authorize the FY2021 Legal Services contract for Diane Marie Kay PLC, Wm. H. Houghaboom JD PLLC and Dyke Justin, as presented. On a voice vote, the motion carried.

Central Dispatch – 2021 Emergency Management Performance Grant

The Committee reviewed the annual FY2021 Emergency Management Performance Grant initial work agreement.

It was moved by Commissioner Savoie, seconded by Commissioner Shackleton, to approve the FY2021 Annual Emergency Management Performance Grant as presented. On a voice vote, the motion carried.

Information Systems – Virtual Infrastructure replacement \$48,666

The Committee was asked to review a request for replacement hardware, that was not budgeted, but is necessary due to the risk of failure. The new “Server” would actually run eight (8) services, two (2) workstations; new phone system in a virtual environment. The purchasing policy would also need to be waived due to sole proprietor agreements with DSTech.

It was moved by Commissioner Savoie, supported by Commissioner McLean, to approve and authorize the quote from DSTech to provide a new virtual server; to budget \$48,666 and to waive the County purchasing policy. On a voice vote, the motion carried.

Prosecuting Attorney – Services Agreement with the City of Sault Ste. Marie

The Committee reviewed a new agreement for services with the City of Sault Ste. Marie and the Chippewa County Prosecutor’s Office; to prosecute violations of city ordinances. Contract totaling \$22,500 annually; with \$7,500 being budgeted to add to the Chief Assistant Prosecutor’s salary. This contract would replace the former STOP Grant proceeds, that previously covered the additional \$7,500.

It was moved by Commissioner Savoie, seconded by Commissioner Shackleton, to approve and authorize signature for the Prosecution Services Agreement between the City of Sault Ste. Marie and Chippewa County as presented, with \$7,500 being allocated to the salary of the Chief Assistant Prosecutor. On a voice vote, the motion carried.

Register of Deeds – Internet Access to Real Estate Records

The Committee reviewed agreements for Mackinac Abstract & Title and Cynthia Polega.

It was moved by Commissioner Savoie, supported by Commissioner McLean, to authorize the Internet Access Agreements with Mackinac Abstract & Title and Cynthia Polega, as presented. On a voice vote, the motion carried.

Equalization – Designated Assessor

The Committee reviewed additional information regarding the Designated Assessor Reform, under PA 660 of 2018; in addition to information previously shared via email or listening to at various meetings include the local Township Association meeting. The Committee reviewed an Interlocal Agreement for County Designated Assessor; which will be signed each political subdivision or Assessing Districts, it determines the performance of duties, scope of services and identifies the County's proposed Designated Assessor and determines cost and compensation to the County. Administration will be sending out informational packets to the Assessing Districts.

It was moved by Commissioner Savoie, seconded by Commissioner McLean, to approve and appoint Sharon Kennedy, the Designated Assessor for Chippewa County and to authorize the Interlocal Agreement for County Designated Assessor for Chippewa County as presented. On a voice vote, the motion carried.

Administration – 44 North – Health Care Renewal

The Committee reviewed the health care renewal from 44North for FY2021, reviewed the line of business; showing an overall proposed savings of 0.67% from the FY2020 rates. (prior year savings was 3.66%)

It was moved by Commissioner Savoie, seconded by Commissioner Shackleton, to approve and authorize the FY2021 health care renewal with 44North, with an overall 0.67% savings from FY20, and to adopt the line of business as presented. On a voice vote, the motion carried.

Administration – DTRF – OPEB Health Care Annual contribution \$660,654.00

The Committee reviewed the annual contribution to the MERS Health Care Retiree Vehicle from the Delinquent Tax Revolving Fund following County Policy 314; this year's amount being \$660,654.00.

It was moved by Commissioner Savoie, seconded by Commissioner McLean, to acknowledge the contribution from the DTRF following policy 314 of \$660,654.00 to the MERS Health Care Retiree Vehicle. On a voice vote, the motion carried.

Administration – CMDA General Representation – Civil suit not covered by MMRMAThe Committee reviewed a General Representation Agreement from Cummings~McCloy~Davis & Aho, P.L.C. to provide legal services for a civil suit filed in the Prosecutor's Office from a criminal case; which our insurance MMRMA does not cover.

It was moved by Commissioner Savoie, seconded by Commissioner Shackleton, to approve and authorize the CMDA General Representation Agreement to provide legal services for the civil suit filed in the Prosecutor's Office. On a voice vote, the motion carried.

Administration – EDC Letter of Support – Command and Control Center (C3) Site Selection at Chippewa County International Airport

The Committee review the letter of support for the Command and Control Center (C#) Site Selection at Chippewa County International Airport (CIU).

It was moved by Commissioner Savoie, seconded by Commissioner McLean, to approve and authorize signature of supporting the C3 Site Selection at Chippewa County International Airport (CIU). On a voice vote, the motion carried.

Administration – MERS Temporary Modification to Benefit Provisions

The Committee was updated on the need to approve the Temporary Modification for MERS to exclude the Hazard Pay related to COVID-19 from being MERS eligible. The temporary period is March 1, 2020 to December 31, 2020.

It was moved by Commissioner Savoie, seconded by Commissioner Shackleton, to authorize and approve the Temporary Modification to Benefits Provision with MERS, as presented to exclude COVID-19 related pays. On a voice vote, the motion carried.

Administration – NorthCare Network – SUD Intergovernmental Agreement

The Committee reviewed the Substance Use Disorder Intergovernmental Agreement between NorthCare Network and the County to set forth terms and conditions for the establishment of a SUB Policy Board pursuant to MCL 330.1287(5).

It was moved by Commissioner Savoie, seconded by Commissioner McLean, to approve the Substance Use Disorder Intergovernmental Agreement as presented. On a voice vote, the motion carried.

Administration – Travel RE: Mediation

The Committee reviewed Administrator German’s travel request.

It was moved by Commissioner Savoie, seconded by Commissioner Shackleton, to approve Administrator German’s travel request to Traverse City for mediation hearing as presented. On a voice vote, the motion carried.

Administration – Snowplowing Bid Summaries

- Animal Control Shelter \$2,900.00
- Central Dispatch \$3,800.00
- Building 429 Kinross \$3,500.00
- County Building Parking Lot (8 spaces) \$3,000.00
- Courthouse Parking (32 spaces) \$4,500.00

The committee reviewed the snowplowing and removal bid summaries.

It was moved by Commissioner Savoie, seconded by Commissioner Shackleton, to approve the snowplowing and removal low bids as referenced above. On a voice vote, the motion carried.

Administration – Clock Arm Restoration

The Committee was updated on the clock arm restoration; and the issues with the weight of the arms either being too heavy or not balanced. The Committee held a discussion regarding options, costs and seeking out expertise on the 150-year-old clock.

It was moved by Commissioner Savoie, seconded by Commissioner McLean, to table any additional work on the clock arms, until additional research and resources can be sought. A brief discussion followed. On a voice vote, the motion carried.

Finance - Claims and Accounts and Millage Report

It was moved by Commissioner Savoie, seconded by Commissioner McLean, to recommend the approval of September County bills and payroll: general claims \$362,685.05 other fund claims \$2,374,802.04, payroll \$626,047.46, and Health Department claims \$278,221.62 and payroll \$184,551. total claims \$3,794,231.83. And to approve the 2020 Millage Report as presented. On a voice vote, the motion carried.

It was moved by Commissioner Savoie, seconded by Commissioner Shackleton, to accept the Finance Claims and Accounts Meeting minutes of October 8, 2020 as presented. On a voice vote, the motion carried.

COMMISSIONER REPORT ON MEETINGS AS BOARD
REPRESENTATIVE AND GENERAL COMMENTS

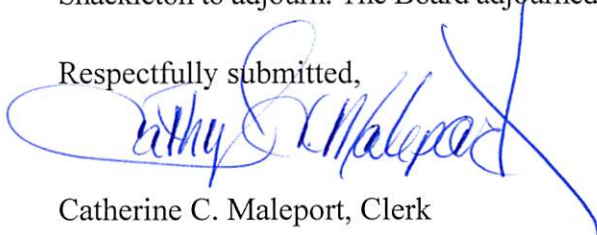
Among some of the comments were the following:

- *Commissioner McLean* expressed his disappointment that he could not get a second on the Resolution regarding contacting Senator Peters.

Chairman Martin, Commissioner Savoie, and Commissioner Shackleton all expressed why they did not support Commissioner McLean's above referenced motion.

Having completed the agenda items, it was moved by Commissioner Savoie, seconded by Commissioner Shackleton to adjourn. The Board adjourned at 7:31 p.m.

Respectfully submitted,



Catherine C. Maleport, Clerk

James Martin, Chairman

THE UPPER PENINSULA ENVIRONMENTAL HEALTH CODE

Chippewa County Michigan

Proposed to Become Effective
1/1/2021

Table of Contents

Article I – Title, Purpose, Authority, Jurisdiction, and Administration	1
1-1 Title	1
1-2 Purpose	1
1-3 Authority	1
1-4 Jurisdiction	1
1-5 Right of Entry and Inspection	2
1-6 Interference with Notice	2
1-7 Severability	2
1-8 Other Laws and Regulations	2
1-9 Fees	3
1-10 Approval and Effective Date	3
1-11 Repeal of Previous Regulations	3
1-12 Power to Establish Policy and Guidelines	4
1-13 Amendments	4
Article II – General Definitions	4
2-1 Interpretation	4
2-2 Definitions	4
Article III – On-site Sewage Treatment and Disposal	6
3-1 Applicability	6
3-2 Licensure	6
3-3 Technical Definitions - On-site Sewage Treatment and Disposal	7
3-4 Premises Occupancy/Condemnation	14
3-5 Public Sewer Connection	15
3-6 Permits Required	15
3-6.1 Permit Application	15
3-6.2 Construction Permits	15
3-6.3 Priority Over Building Permits	16
3-7 Use of Existing Systems	17
3-7.1 Authorization to Use an Existing OSTDS	17

3-7.2 Existing OSTDS of Permit Record	18
3-7.3 Existing OSTDS of No Record or Permitted Systems with No Record of a Final Inspection Performed by the Department	18
3-7.4 Failing Existing System	19
3-8 Connection of Discharges	19
3-9 Public or Private Drain of Unknown Course and Origin	20
3-10 Prohibitions	20
3-11 Site and System Evaluations	21
3-11.1 Minimum Test Excavations	21
3-11.2 Seasonal/Weather Restrictions	22
3-11.3 Final Construction Inspections	22
3-12 Commercial OSTDS	23
3-13 Lots less than 1 Acre, Subdivisions and Site Condominiums	24
3-14 Residential Single and Two-family On-site Sewage Treatment and Disposal System (OSTDS) Construction	24
3-14.1 Minimum Site Requirements	24
3-14.2 Construction Requirements	26
3-14.3 Aggregate/Stone	27
3-14.4 Absorption System Distribution	28
3-14.5 Septic Tanks	29
3-14.6 Experimental Systems	30
3-15 Privies/Outhouses	30
3-16 Abandonment of OSTDS	31
Article IV – Commercial OSTDS 1,000 gallons/day to 10,000 gallons/day	32
4-1 Applicability	32
4-2 Requirements	32
Article V – Water Wells	32
5-1 Applicability	32
5-2 Technical Definitions	33
5-3 – Well Permits	34
5-3.1 Application for Permit	34
5-3.2 Construction Permits	35

5-3.3 Construction Permit Not Required	36
5-4 Availability of Public Water Supply	36
5-5 Water Well and Pump Record	37
5-6 Priority Over Building and Occupancy Permits	37
5-7 Stop Work Order	38
5-8 Notification	38
5-9 Well Inspection and Approval	38
5-9.1 Inspection	38
5-9.2 Approval	38
5-10 Rental Properties	39
5-11 Emergency Conditions	39
5-12 Grouting Requirements for Bedrock Wells	40
5-13 Hydraulic Fracturing	40
5-14 Geothermal Wells	40
5-15 Lots Less than 1 acre, Subdivisions, and Site Condominiums	40
5-16 Well Abandonment and Plugging	41
Article VI – Public Health Nuisance/Imminent Danger	41
6-1 Technical Definitions	41
6-2 Public Health Nuisances Prohibited	41
6-3 Public Health Nuisance Investigation	41
6-4 Complaints Concerning Public Health Nuisance	42
6-5 Investigation of Complaints	42
6-6 Abatement of Public Health Nuisance	42
6-7 Imminent Danger	42
Article VII – Food Service	43
7-1 Compliance with State Law	43
7-2 Plan review for New Construction	43
Article VIII – Public Swimming Pools and Hot Tubs	44
8-1 Compliance with State Law	44
8-2 Certified Pool Operator	44
Article IX – Campgrounds	44
9-1 Compliance with State Law	44

Article X - Septic Tank Pumping and Land Application of Septage	44
10-1 Compliance with State Law	44
Article XI - Body Art.....	45
11-1 Compliance with State Law	45
Article XII – Cemeteries and Burials.....	45
12-1 Establishing Cemeteries.....	45
12-1.1 Minimum Site Criteria.....	46
12-1.2 Required Isolation Distances	47
12-1.3 Approval of Cemetery Plat.....	47
12-2 Disinterments and Vacating Cemeteries	47
12-3 Cemetery Related Complaints.....	48
Article XIII – Clandestine Drug Related Contamination	48
13-1 Clandestine Drug Laboratories	48
13-2 Other Drug-Related Contamination	49
13-3 Expansion of Condemnation.....	49
13-4 Lifting of Condemnation.....	49
Article XIV – Enforcement.....	49
14-1 Criminal Enforcement.....	49
14-2 Civil Enforcement	50
14-3 Appearance Tickets	50
14-4 Schedule of Civil Penalties.....	51
14-5 Inspections, Investigations and Warrants	51
14-6 Injunctions.....	51
14-7 Obstruction of Health Officer.....	52
Article XV – Variances	52
15-1 Variances	52
Article XVI - Appeals.....	52
16-1 Board of Appeals	52
16-2 Informal Resolution of Disputes.....	53
16-3 Formal Hearings.....	53

THE UPPER PENINSULA ENVIRONMENTAL HEALTH CODE

Article I - Title, Purpose, Authority, Jurisdiction, and Administration

1-1 Title

These regulations shall be identified by the title "The Upper Peninsula Environmental Health Code".

1-2 Purpose

These regulations are hereby adopted for the purpose of protecting public health and safety and the quality of the environment as it affects human health and to prevent the occurrence of public health nuisances for all habitants of Chippewa County and persons entering therein.

1-3 Authority

The regulations imposed by this code are hereby adopted pursuant to authority conferred upon local health departments by Section 2435 (D) and Section 2441 (1) of the Michigan Public Health Code, Act 368, P.A. 1978 as amended. (Mich. Comp. Laws § 333.2435(d) and 333.441).

1-4 Jurisdiction

- A. The Chippewa County Health Department and its duly appointed employees shall have jurisdiction throughout Chippewa County in all areas incorporated and unincorporated, which includes cities, villages, and townships for the administration and enforcement of these regulations.
- B. Nothing herein contained shall be construed to restrict or abrogate the authority of any municipality in Chippewa County to adopt more restrictive regulations or to enforce existing regulations relating to these regulations, control the issuance of licenses or the renewal or revocation thereof, or to charge and collect a fee, provided that whenever inspection relating to health and sanitation is required, no such

municipality shall issue or renew such license without first having obtained a written statement from the Chippewa County Health Department indicating compliance with the requirements of these regulations.

1-5 Right of Entry and Inspection

- A. To assure compliance with the provisions of this regulation, the Department may conduct investigations which may include collecting samples, conducting tests, inspecting any matter, thing, premises, place, person, record, vehicle, incident, or event as provided for by Section 2446 of the Michigan Public Health Code, Act 368, P.A. 1978 as amended. (Mich. Comp. Laws § 333.2446).
- B. It shall be unlawful for any person to molest, willfully oppose, verbally abuse, or otherwise obstruct the Department, or any other person charged with enforcement of these regulations, during, or as a result of performing, his or her professional duties.
- C. The Department may request the assistance of law enforcement agencies when necessary to execute the Department's duty in a manner prescribed by law.

1-6 Interference with Notice

No person shall remove, mutilate or conceal any notice or placard posted by the Department, except by permission of the Department.

1-7 Severability

If any section, subsection, clause or phrase of these regulations is for any reason declared unconstitutional or invalid, it is hereby provided that the remaining portions of these regulations shall not be affected.

1-8 Other Laws and Regulations

These regulations are supplemental to the Michigan Public Health Code, Act 368, P.A. 1978 as amended (Mich. Comp. Laws Ch 333) and to other statutes duly enacted by the State of Michigan relating to public health and safety. These regulations shall be liberally construed for the protection of the health, safety, and welfare of the people of Chippewa County, and shall control and prevail over a less stringent or inconsistent provision enacted by a local governmental entity for the protection of public health.

1-9 Fees

The Department reserves the right to set fee schedules, through approval by their governing board, to cover reasonable costs associated with the enforcement and administration of these regulations.

All fee schedules existing prior to the adoption of these regulations shall remain in effect until revised.

1-10 Approval and Effective Date

These regulations were approved by action of the Chippewa County Board of Commissioners on _____ to become effective [45 days from this date].

1-11 Repeal of Previous Regulations

- A. Previous regulations entitled "Superior Environmental Health Code" adopted by the Chippewa County Board of Health and approved by action of the Chippewa County Board of Commissioners on February 3, 1998 to become effective are hereby repealed.
- B. Previous regulations entitled "Wastewater Treatment Pond Regulations" (Lagoons) adopted by the Chippewa County Board of Health on April 11, 1983, and approved by action of the Chippewa County Board of Commissioners on April 11, 1983, to become effective on May 26, 1983, are hereby repealed.
- C. Any other Chippewa County Health Department regulations existing prior to the adoption of these regulations and in conflict with these regulations are hereby repealed.
- D. No violation of any repealed regulation or portion thereof shall be made legal by virtue of adoption of these regulations. Any act, situation or condition which when created or first allowed to exist that was previously a violation shall continue to be a violation under these regulations. Any action, issuance of a permit, etc., that was previously mandatory shall continue under these regulations to be mandatory if a similar requirement is provided herein.

1-12 Power to Establish Policy and Guidelines

- A. The Department is hereby granted the authority to adopt guidelines, not in conflict with the purpose and intent of these regulations, for the purpose of carrying out the responsibilities herein delegated to the Department by law and as necessary to conduct associated duties as required by contract with the State of Michigan.
- B. All such guidelines shall be in writing and shall be kept in a policy file available for public inspection upon request.

1-13 Amendments

The Department, through approval by the Chippewa County Board of Commissioners, may amend, supplement or change these regulations or portions thereof.

Article II - General Definitions

2-1 Interpretation

When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular. The word "shall" is always mandatory, and not merely directory. Words, terms or expressions not defined herein shall be interpreted in the manner of their commonly accepted meanings, in accordance with Standard English usage.

2-2 Definitions

- Approved -** Acceptable for intended use as determined by the Department.
- Board of Appeals -** A board appointed by the Board of County Commissioners whose purpose is to hear, pass judgment and make recommendations upon enforcement actions under these regulations that have been appealed above the Health Officer.
- Department -** The Chippewa County Health Department

4

- Owner -** Both the owner of title record, and those persons occupying or in possession of any property or premises, or their designated representative.
- Person -** Any individual, firm, partnership, party, corporation, company, society, association, local governmental entity or other legal entity responsible for the ownership or operation of a premise, or an employee or officer thereof.
- Permit -** A written document issued and signed by the Health Officer which authorizes a person to construct, repair, or install an OSTDS or well.
- Premises -** A tract or parcel of land on which a habitable building or dwelling is, or would be, located and shall include the building or dwelling.

Article III - On-site Sewage Treatment and Disposal

3-1 Applicability

This article shall apply to single and two-family On-Site Sewage Treatment and Disposal Systems (OSTDS) and OSTDS other than private single or two-family residences, which utilize septic tanks and absorption system for peak daily flows less than 1,000 gallons per day.

Appeals on all sites which serve buildings other than single and two-family residences, including those with peak daily flows of less than 1,000 gallons per day evaluated under these regulations, shall be made to the Michigan Department of Environment Great Lakes and Energy or current State agency responsible under the Michigan Criteria for Subsurface Sewage Disposal, as written by the Division of Environmental Health, Bureau of Environmental and Occupational Health, Michigan Department of Public Health, April 1994, By authority of Act 368, P.A. 1978, as amended (Mich. Comp. Laws Ch 333) and Act 451, P.A. 1994, as amended (Mich. Comp. Laws § 324.101 - 324.90106), or current State requirement.

3-2 Licensure

- A. All OSTDS installers shall be licensed by the Department. No person shall install, alter, or repair an OSTDS unless they are a licensed sewage system installer.
- B. Nothing in this code shall preclude a property owner, who is not a licensed OSTDS installer, from installing an OSTDS for his own use under a valid permit.

6

- Dwelling -** Any house, building, structure, tent, watercraft, shelter, mobile home, camper, vehicle, or portion thereof which is occupied or adopted in whole or in part as a home, residence, or living or sleeping place for one or more occupants.
- Environmental Health -** Per Mich. Comp. Laws § 333.12101, the area of activity that deals with the protection of human health through the management, control, and prevention of environmental factors, which may adversely affect the health of individuals. This activity is concerned with the existence of substances, conditions or facilities in quantities, of characteristics, and under conditions, circumstances, or duration which are or can be injurious to human health.
- Governing Board -** The Board of County Commissioners to which the Department reports.
- Habitable Building -** Any building, or other place where occupants reside, are employed, or congregate, or any building adopted for such purposes.
- Hazard -** A condition or practice which could reasonably be expected to cause death, disease, or serious physical harm immediately or before the danger can be eliminated through normal enforcement procedures established in this code.
- Health Officer -** The administrative officer appointed by the local governing board who is responsible for the operations of the Department and the administration and enforcement of Michigan's Public Health Code, Act 368, P.A. 1978 as amended (Mich. Comp. Laws Ch 333) and associated statutes within the legal jurisdiction of the Department. Health Officer also includes any employee or designee of the Department acting under the direction of the Health Officer during their normal course of duties.
- His/He -** Shall be construed as non-gender specific.
- License -** Includes the whole or part of a Department permit, certificate, approval, registration, charter, or similar form of permission required by law.
- Occupant -** Those persons who occupy, live, habitually use, or otherwise are in possession of any property or premise.

5

- C. The Department shall have authority to promulgate standards for licenses, registrations, renewals, and examinations.
- D. In developing minimum standards for licensing or registration, the Department shall consider equivalency and proficiency testing and where appropriate, grant credit for past training, education, or experience in related fields.
- E. An individual shall not make a false representation or impersonation or act as a proxy for another individual in connection with an examination or application for licensure or registration or a request to be examined, licensed or registered.
- F. The Department shall issue a certificate of licensure or registration to an applicant who has satisfied all of the requirements set forth in this code.
- G. A licensee or registrant shall have available for inspection a certificate issued by the Department.
- H. A license is not transferable.
- I. No person shall permit anyone to operate under his license without supervision by the licensee.
- J. The Department may deny, suspend, revoke, or refuse to renew any license for fraud or deceit in obtaining the license or for violating, or aiding or abetting in a violation of this code.
- K. An applicant or licensee may request an informal hearing in connection with the suspension, revocation, or denial of a license or registration in accordance with Article XVI.

3-3 Technical Definitions - On-site Sewage Treatment and Disposal

- Absorption System -** The part of an OSTDS in which septic tank effluent is distributed by arrangement of trenches, beds, that allows the effluent to be absorbed and treated by the surrounding soil.
- Absorption Bed -** An absorption system with a minimum of two lateral lines in a distribution system wider than three feet installed below natural grade, at natural grade, or above natural grade on fill.
- Absorption Trench -** An absorption system twelve to thirty-six (12-36") inches in width with one distribution line and installed below grade.

7

Native soils shall remain in place between trenches in multiple trench systems.

Alter - To change the design or location of an existing OSTDS or any part of a system.

Alternative Sewage System - Any OSTDS that is not a conventional sewage system and meets NSF/ANSI Standard 40 or equivalent.

Available Sewer - A public sewer that is physically and politically available, of acceptable design and capacity, within 200 feet of the proposed origin of sewage.

Cesspool - A pit which receives raw sanitary sewage, allows separation of solids and liquids, retains the solids, and allows liquids to seep into the surrounding soil through perforations in the lining.

Commercial Facility - Any structure or building, or any portion thereof, other than a single or two-family dwelling.

Conventional Sewage System - An OSTDS containing a septic tank used in conjunction with an absorption system.

Deep Cut - An excavation beginning at a depth of six (6') feet below ground surface and extending to a depth not to exceed twelve (12') feet below ground surface.

Distribution Pipe - Approved pipe used in the dispersion of septic tank effluent.

Drain - A pipe or manmade conduit used to carry surface water or other liquid material via pressure or gravity.

Earth Pit Privy - A structure used for the disposal of human waste which is discharged directly into the natural soils.

Effective Soil Depth - The depth of soil material between the natural grade and the limiting zone suitable for the installation of an absorption system.

Effluent - Partially treated sanitary sewage which is discharged from a septic tank or other sanitary sewage treatment system device.

Effluent Filter - A commercially produced filter designed to be installed in the outlet of a septic tank, or other approved location, for the

8

Footing drains - A conduit installed around foundation footings to transport groundwater away from the foundation.

Fragipan - A loamy subsurface horizon with high bulk density relative to the horizon above, seemingly cemented when dry, and weakly to moderately brittle when moist. Fragipans are mottled and low in organic matter. They impede movement of water and air, and growth of plant roots.

Groundwater Table - The saturated zone which exists below the ground surface throughout the year.

Hardpan - A hardened layer in soil caused by cementation of soil particles with either silica, calcium carbonate, magnesium carbonate, or iron and/or organic matter. The hardness does not change appreciably with changes in moisture content. Hardpan impedes movement of water and air, and growth of plant roots.

Header - That portion of a soil absorption system which receives effluent from the septic tank and interconnects the front portion of the distribution line laterals.

Holding Tank - A watertight receptacle designed to receive and store sanitary sewage effluent to be pumped, hauled, and disposed of in an approved manner by a licensed septage hauler.

Install - To alter, construct, place, or repair an OSTDS or any component thereof, or to provide labor or oversight under formal contract or informal agreement including excavation work, installation of fill material, placement of a tank or installation of associated piping.

Limiting Zone - Any horizon or condition in the soil profile or underlying strata which will interfere in any way with the treatment and/or infiltration of sewage effluent before entering the groundwater table. Such horizons include hardpans, fragipans, clay layers, compacted soils, bedrock, clayey soils, permanent and perched groundwater tables, and seasonal high water table.

Native Soil - Naturally occurring soil deposited through geologic processes and undisturbed by human activity. Native soil does not include soil deposited as fill.

10

Experimental System - A developed method of on-site sewage treatment that has not been fully proven in field tests.

Failing System - An OSTDS is considered to be failing if any one of the following conditions exists:

- (1) The OSTDS fails to accept effluent at the rate of application.
- (2) Sanitary sewage effluent seeps from, ponds on or around the OSTDS, or backs up into the structure.
- (3) The Department has determined that the OSTDS has contaminated the groundwater, surface water, or a water supply.
- (4) Any part of the OSTDS is bypassed; the system is the source of an illicit discharge; there is an absence of an absorption system and/or a septic tank, or there is a structural failure of a septic tank or other associated appurtenances.
- (5) The OSTDS is creating or contributing to a threat to public health or the environment.

Fill and Fill Material - Soil that is placed beneath the absorption system of an OSTDS for the purpose of improving the infiltrative capacity of the native soil or to elevate the absorption system above a limiting layer to improve system performance.

Filter Fabric - A permeable geotextile fabric made with polymer used to impede or prevent the movement of sand, silt, and clay into aggregate/filter media.

Floodplain - A nearly level alluvial plain that borders a river, lake, or stream and is subject to flooding unless protected artificially.

Footer - That portion of the soil absorption system which interconnects the rear portion of the distribution line laterals.

9

Natural Grade - The ground elevation as it exists in the natural state prior to the placement of any fill.

New or Increased Use - The connection of a new structure to an existing OSTDS or the addition to a structure of at least one bedroom, or a change to a structure resulting in an increase in one bedroom or increased sewage flow rate of 150 gallons per day or more.

OSTDS - An On-Site Sewage Treatment and Disposal System having the primary design that incorporates a septic tank and an absorption system, or a privy.

OSTDS Installer - A person licensed to alter, install or repair an OSTDS.

Perched Water Table - The upper surface of a saturation zone resulting from a limiting zone.

Permeability - The quality of the soil which enables it to transmit water or air. Permeability values in these regulations are based upon standard estimates derived from the United States Department of Agriculture (USDA) established soil texture classes.

Privy - An enclosed non-portable toilet into which non-water-carried human wastes are disposed. Privies may be of earth pit or vaulted design.

Public Sewer - A sanitary sewer or combined sanitary and storm sewer used or intended for use by the public for the collection and transportation of sanitary sewage. Commonly known as a municipal sewage system.

Riser - A watertight attachment to the top of a septic tank or dose chamber that allows at grade access to the tank for inspection and maintenance.

Sanitary Sewage - Human wastes discharging from any plumbing fixture within a residence, building, commercial establishment, or other place, including toilets, sinks, showers, dish-washing, laundry wastes, and/or other associated fixtures.

Saturated Zone - A three dimensional layer, lens, or other section of the subsurface in which all open spaces including joints, fractures, interstitial voids, or pores are filled with groundwater. The thickness and extent of a saturated zone may vary

11

	seasonally or periodically in response to changes in the rate or amount of groundwater recharge or discharge.
Seasonal High Water Table -	The elevation of the groundwater at the upper surface of the saturation zone as may occur during the wettest periods of the year, as indicated by mottling or a water surface in an unlined hole, whichever of the two levels is higher.
Septage Hauler -	A person who holds a Septage Waste Servicing License issued by the State of Michigan.
Septic Tank -	A watertight receptacle which receives sewage designed to separate solids from liquids, digest organic matter during a period of retention, and to allow the liquids to discharge into a second treatment unit or to a soil absorption system.
Sewer line -	That part of the system of drainage piping which conveys sanitary sewage from a building or dwelling into an OSTDS or public sewer.
Site and Soils Evaluation -	An on-site investigation to evaluate the suitability of a site (i.e., a specific location on each parcel) to support a functional, legally compliant, and environmentally sound OSTDS.
Slope -	The rate of fall or drop in feet per one hundred (100') feet of the ground surface. It is expressed as a percent of grade.
Soil Texture -	The relative proportions of sand, silt, and clay particles in a mass of soil. The United States Department of Agriculture (USDA) Soil texture classes used in this regulation are as follows:
Sand -	Individual grains which can be seen and felt readily. Squeezed in the hand when dry, this soil will fall apart when the pressure is released.
Loamy Sand -	Consists mainly of sand, but has a small amount of clay, and/or silt to give it some stability. It breaks very easily when handled and will not withstand much handling.
Sandy Loam -	Consists largely of sand, but has enough silt and clay present to give it a small amount of stability. Individual sand grains can be readily seen and felt.

12

Squeezed in the hand when dry, this soil will readily fall apart when the pressure is released. Squeezed when moist, it forms a cast which will not only hold its shape when the pressure is released, but will withstand careful handling without breaking. The stability of the moist cast differentiates this soil from loamy sand.

Loam -	Consists of an even mixture of the different sizes of sand, silt and clay. It is easily crumbled when dry and has a slightly gritty, yet fairly smooth feel. It is slightly plastic. Squeezed in the hand when dry, it will form a cast that will withstand careful handling. The cast formed of moist soil can be handled freely without breaking.
Silt Loam -	Consists of a moderate amount of fine grades of sand, a small amount of clay, and a large quantity of silt particles. Lumps in a dry, undisturbed state appear quite cloddy, but they can be pulverized readily; the soil then feels soft and floury. When wet, silt loam runs together in puddles. Either dry or moist, casts can be handled freely without breaking. When a ball of moist soil is pressed between thumb and finger, it will not press out into a small unbroken ribbon, but will have a broken appearance.
Sandy Clay Loam -	Consists of 20 to 35 percent clay, less than 28 percent silt, and 45 percent or more of sand. When moist, a thin ribbon of one-eighth inch (1/8") or less sized wire can be formed between the thumb and finger to a length of one to two inches before breaking under its own weight. Soil feels gritty when excessively wet.
Clay Loam -	Consists of an even mixture of sand, silt, and clay, which breaks into clods or lumps when dry. When a ball of moist soil is pressed between the thumb and finger, it will form a thin ribbon that will readily break, barely sustaining its own weight. The moist soil is plastic and will form a cast that will withstand considerable handling.
Silty Clay Loam -	Consists of a moderate amount of clay, a large amount of silt, and a small amount of sand. It breaks into moderately hard clods or lumps when dry. When moist, a thin ribbon or one-eighth (1/8") inch wire can

13

	be formed between thumb and finger that will sustain its weight and will withstand gentle movement.
Silty Clay -	Consists of even amounts of silt and clay and very small amounts of sand. It breaks into hard clods or lumps when dry. When moist, a thin ribbon of one-eighth (1/8") inch or less sized wire can be formed between thumb and finger that will withstand considerable movement and deformation.
Clay -	Consists of large amounts of clay and moderate to small amounts of sand. It breaks into very hard clods or lumps when dry. When moist, a thin long ribbon of one-sixteenth (1/16") inch wire can be molded with ease. Fingerprints will show on the soil, and a dull to bright polish is made on the soil by a shovel.
Stream -	A river, watercourse, creek, gully, ravine, or ditch, natural or manmade, which may or may not be serving as a drain, having definite banks, a bed, and visible evidence of flow, either continuous or intermittent, for a period of greater than two months in any one year.
Surface Water -	Any natural or manmade body of water that exists on the ground surface for greater than two months in any one year.
Technical Manual -	Guidelines, specifications and standard practices used to implement this code.
Test Pit -	An open pit of defined size and depth, to permit thorough examination of the soil.
Vaulted Privy -	A structure used for the disposal of human waste which is discharged into a watertight receptacle designed and constructed for the purpose of receiving sanitary sewage.

3-4 Premises Occupancy/Condemnation

It shall be unlawful for any person to occupy, or permit to be occupied, any premises not equipped with an approved OSTDS for the disposal of sanitary sewage unless properly connected to a public sewer. Any premises constructed or maintained contrary to these regulations may be declared unfit for habitation, posted and ordered to be vacated by the Health Officer.

14

3-5 Public Sewer Connection

All facilities from which sanitary sewage flows shall be connected to an available sewer. When the Department has determined a lack of an available sewer, all facilities from which sanitary sewage flows shall be connected to an approved OSTDS.

3-6 Permits Required

3-6.1 Permit Application

- A. An application to construct, alter, extend or replace a residential or commercial OSTDS shall be provided by the Department.
- B. An application for a permit to construct, alter, extend or replace a residential or commercial OSTDS shall be submitted by the property owner or his authorized representative using the appropriate form provided by the Department.
- C. The Department shall not act upon any application unless the application is complete.

3-6.2 Construction Permits

- A. No person shall construct, alter, extend, or replace a residential or commercial OSTDS without first having been issued a construction permit from the Department.
- B. Any permit issued pursuant to the requirements of this code shall be valid for the term of 24 months from the date of issuance unless declared void as provided in this code. After the expiration of the construction permit, a 30 day grace period shall exist for an extension request. A construction permit may be extended for a period of 24 months.
- C. A permit shall not be transferable from one person to another.
- D. A permit may be rescinded or declared void by the Department when one or more of the following conditions exist:
 1. The location of the OSTDS specified on the permit is altered.
 2. There is an increase in the scope of the project prior to, during, or following construction of the OSTDS.

15

3. The Department acquires new information indicating that the previous permit approval does not satisfy the requirements of this code.
 4. The construction standards and prohibitions set forth in this code are violated before, during, or after construction.
 5. The Department has reasonable cause to believe that an intentional misrepresentation has occurred, or continued operation of the OSTDS constitutes a nuisance.
- E. The Department shall not issue a construction permit for any residential OSTDS which does not meet the minimum criteria set forth in Section 3-14.1. The reasons for denial shall be furnished to the applicant in writing.
- F. The Department shall not issue a construction permit for any commercial OSTDS having a sewage flow rate of greater than 1,000 gallons per day, which does not meet the minimum criteria set forth in the Michigan Criteria for Subsurface Sewage Disposal, D48 Rev. 4/94, By authority of Act 368, P.A. 1978, as amended (Mich. Comp. Laws Ch 333) and Act 451, P.A. 1994, as amended (Mich. Comp. Laws § 324.101 - 324.90106), or current State of Michigan requirement governing the installation of subsurface sewage disposal and treatment systems designed to handle sanitary sewage. The reasons for denial shall be furnished to the applicant in writing.
- G. The Department may require specific technologies, procedures, or construction practices as a condition of the permit.
- H. The Department may require a third-party operation and maintenance agreement. Operation and maintenance manuals for specific system designs may be required from manufacturers and contractors for homeowner and/or third-party use.
- I. Any variance to the requirements of these regulations shall be documented by the Health Officer.
- J. The Health Officer shall have the authority to issue a construction permit for an alternative OSTDS if the site does not meet the site requirements for a conventional OSTDS.
- K. The OSTDS installation contractor shall have a valid permit in possession on-site at the time of construction.

3-6.3 Priority Over Building Permits

- A. No municipality, township, county, or other governing body shall issue a building permit for, or otherwise allow commencement of construction or placement of,

16

3-7.2 Existing OSTDS of Permit Record

When a permit record with a final inspection conducted by the Department is available for the existing OSTDS in question, the new or increased use of the system may be granted when the following conditions are met:

- A. A system evaluation, conducted by the Department or an authorized representative thereof, reveals no signs of system failure.
- B. The septic tank shall have been pumped and evaluated by a septage hauler within the last three years. A written report shall be provided by the septage hauler to the Department on forms provided. The report shall include information regarding the tank's materials and construction, condition, volume, and presence or absence of an outlet baffle.
- C. The proposed new/increased use is no greater than a one bedroom increase for residential structures or 150 gallons per day in the projected sanitary sewage flow for commercial structures.
- D. When the projected sanitary sewage flow is greater than 150 gallons per day or a one bedroom increase, the OSTDS shall be modified or replaced to meet the requirements of these regulations. Permits shall be obtained for any modification or replacement.

3-7.3 Existing OSTDS of No Record or Permitted Systems with No Record of a Final Inspection Performed by the Department.

When a permit record is not available, or when no record of a final inspection conducted by the Department is available, for the existing OSTDS in question, the new or increased use of the OSTDS may be granted when the following conditions are met:

- A. When adequate site and soil information, including water table information, is not recorded in the permit file, or when no permit exists, a site and soils evaluation shall be performed in the area of the existing OSTDS by the Department or an authorized representative thereof. It shall be the applicant's responsibility to provide excavations for the purpose of evaluation of soil conditions.
- B. Minimum of twenty four inches (24") of soil exists between the limiting zone and the bottom of the absorption system.
- C. Isolation distances meet the requirements of this code as specified in Table 3-14.2A.
- D. The septic tank shall be pumped and evaluated by a septage hauler, as part of the existing system evaluation process, with results reported to the Department on forms provided.

18

any habitable building on any land not served by an available sewer until a permit has first been obtained from the Department for an OSTDS and proof of a permit has been received.

- B. No municipality, township, county, or other governing body shall issue a building permit for, or allow commencement of construction of, any addition to or alteration of any habitable building which would result in an increase in the number of bedrooms and/or additional sewage flows for any habitable building located on any land not served by an available sewer until a permit has first been obtained for construction of an OSTDS or acceptance of continued use of existing OSTDS has been obtained from the Department.
- C. A municipality, township, or other agency or an officer or employee thereof shall not issue an occupancy permit for any newly constructed or placed habitable structure until final approval of the structure's water supply and sanitary sewage connection has been granted by the Department.

3-7 Use of Existing Systems

3-7.1 Authorization to Use an Existing OSTDS

- A. No person shall connect any habitable structure to an existing OSTDS except where allowed, in writing, by the Department.
- B. Sewage flow to an existing OSTDS shall not be increased beyond the original design capacity of the existing system except where permitted in writing by the Department.
- C. Approval of a new/increased use is not required for the following:
 1. A permit with a final inspection indicating OSTDS approval is on file and Department documentation indicates the water supply meets the required isolation distances and the proposed dwelling was not constructed and a new or increased use is not proposed.
 2. A permit with a final inspection indicating OSTDS approval was performed within the past five years and Department documentation indicates the water supply meets the required isolation distances, the proposed dwelling was constructed, and new or increased use does not occur.
 3. New or increased use was approved within the past two years, through the performance of an existing system evaluation, and an additional new or increased use has not occurred and is not proposed.

17

- E. An OSTDS evaluation, conducted by the Department or an authorized representative thereof, reveals no signs of OSTDS failure.
- F. The proposed new or increased use is no greater than a one bedroom increase for residential structures or 150 gallons per day in the projected sanitary sewage flow for commercial structures.
- G. When the projected sanitary sewage flow is greater than 150 gallons per day or a one bedroom increase, the OSTDS shall be modified or replaced to meet the sizing requirements of this code. Permits shall be obtained for any modification or replacement.

3-7.4 Failing Existing System

- A. The Department shall condemn any existing OSTDS meeting the definition of a failing system per these regulations.
- B. Any OSTDS so condemned shall be repaired, rebuilt or replaced by an OSTDS constructed according to the provisions of these regulations where possible, or by another method approved by the Department in order to abate a public health nuisance, within a specified period of time not to exceed 90 days after official notification from the Department, unless there is an imminent hazard to the public health, safety, and welfare by the continued improper drainage.

3-8 Connection of Discharges

- A. All facilities such as flush toilets, urinals, lavatories, sinks, bathtubs, showers, laundry or any other facility from which sanitary sewage flows shall be connected to an OSTDS, except that any such facilities hereafter installed on a premise where public sewer is available, shall be connected to said sewer.
- B. The following shall not be connected to an OSTDS:
 1. Seepage water from footing drains or underground flows.
 2. Surface runoff or roof drainage from rainfall or snow melts.
 3. A swimming pool, hot tub (spa) or its appurtenances.
 4. Brine or recharge water from any water treatment system.
 5. Chemical solutions or other wastes which would interfere with biological action in the treatment facilities.

19

- C. The Department may require suitable provisions for the proper discharge or disposal of liquid wastes listed above.

3-9 Public or Private Drain of Unknown Course and Origin

- A. Whenever the Department determines that improperly treated sanitary sewage is flowing from the outlet of any public or private drain, the Department shall notify in writing persons owning, leasing, or residing on the premises from which sanitary sewage originates to connect to a public sewer, an approved OSTDS, or to otherwise abate the discharge.
- B. The notice to the owners, leaseholder, or residents of such properties shall inform said persons of such unlawful discharge of improperly treated sanitary sewage into such drain and shall specify the maximum period of time not to exceed 90 days within which such unlawful discharge shall be terminated.
- C. If after the expiration of the minimum period of time specified in the notice, such unlawful discharge continues, the Department may plug or cause to be plugged the outlet(s) from the drain to render it incapable of discharge of improperly treated sanitary sewage.
- D. Where the Department is unable to plug the flow of sanitary sewage, the Department shall institute all necessary and proper legal remedies to abate the nuisance and threat to the public's health, safety, and welfare, which shall include restraining orders, temporary and permanent injunctions and summary proceedings to vacate the premises or condemnation until such time as the sources of pollution have been eliminated or the pollution properly controlled. Citation and proceedings shall be consistent with Article XIV and Article XVI of this code.

3-10 Prohibitions

- A. No person shall discharge sanitary sewage to the ground surface or surface water.
- B. Any substance not defined as sanitary sewage by this code shall not be discharged to the OSTDS without the approval from the Health Officer.
- C. Cesspools are prohibited.
- D. The disposal of sanitary sewage by facilities utilizing on-site storage, hauling and final disposal at an off-site receiving facility (pump and haul) is prohibited, except as follows:

- 6. Adequate area to maintain all required isolation distance.
- 7. A determination of any other limiting factor to the installation and performance of the proposed OSTDS.
- D. The Department may require as part of a soil evaluation, information including but not limited to engineering plans or drawings, topographic maps of a site indicating surface relief and/or grade elevations, soil analyses, additional soil test borings, groundwater elevations, flood elevations, information specific to easements, right-of-ways, parcel boundaries etc.
- E. A site and soil approval for the suitability of installation of an OSTDS shall be valid for not more than 24 months.
- F. Approval or denial of a site proposed for the installation of an OSTDS shall be provided in writing to the applicant.

3-11.2 Seasonal/Weather Restrictions

- A. A site and soils evaluation shall not occur when depth of snow cover, frost, or other impeding condition prohibits adequate evaluation of a parcel of land to determine the suitability of a site proposed for the installation of an OSTDS.
- B. Installation of an OSTDS shall not occur when it is reasonable to assume that weather and site conditions will result in a compromise to the construction, installation, and/or long-term operation of the proposed system.

3-11.3 Final Construction Inspections

- A. All permitted OSTDS installed shall receive a final construction inspection prior to being placed into use and prior to being approved by the Department.
- B. It shall be unlawful to backfill or cover any portion of a newly installed component of any OSTDS until a final construction inspection has been completed and/or approval to backfill has been granted by the Department.
- C. The Department shall deny final approval of any installation which does not comply with any permit condition, is of faulty workmanship and/or construction materials or otherwise does not meet requirements of these regulations.
- D. Installation contractors shall notify the Department 72 hours in advance of the date of completion of the OSTDS to schedule the final construction inspection. The Department shall perform the final inspection of the OSTDS within 72 hours of completion of installation, if advanced notification is provided as required.

- 1. During construction of a public sewer or approved sewage treatment facilities to serve the proposed development.
- 2. The installation of an approved OSTDS has been delayed by weather conditions or seasonal construction limitations.
- 3. The holding tank is serving a temporary construction site.
- 4. For existing development where previous OSTDS have failed and there are no other alternatives for on-site sewage disposal as determined by the Health Officer.
- 5. When an exception has been granted, the on-site storage, hauling and disposal methods and facilities shall be designed, constructed, and operated in accordance with the provisions of the technical manual.

3-11 Site and System Evaluations

3-11.1 Minimum Test Excavations

- A. Prior to the issuance of a permit to install a commercial or residential OSTDS, the Department shall conduct a site and soils evaluation to determine the ability of the parcel to meet the minimum requirements of these regulations. Backhoe cut excavations may be required and shall be provided at the expense of the applicant.
- B. The depth, number, type and location of soil excavations required to evaluate site suitability for the installation of a permitted OSTDS shall be determined by the Department and shall be consistent with the contract requirements of the State.
- C. A complete site and soil evaluation shall include, but shall not be limited to, the following information:
 - 1. Soil permeability, based upon soil texture and structure in the native soil profile to a depth of at least three feet below the proposed infiltrative surface beneath the absorption system.
 - 2. A determination of the seasonal high water table elevation.
 - 3. Slope limitations.
 - 4. Location of the site in relationship to flooding or seasonal ponding of surface water.
 - 5. Availability of sufficient area to install an adequate compliant OSTDS and an area for a replacement OSTDS when required.

- E. After Department final approval inspection of the construction of a newly installed OSTDS, or any newly installed component thereof, backfilling/covering shall be completed within 72 hours unless otherwise approved by the Health Officer.
- F. When a final construction inspection cannot be performed due to unforeseen circumstances, the Health Officer may allow submission of an affidavit of construction on a form provided by the Department in lieu of a final construction inspection.

3-12 Commercial OSTDS

- A. All OSTDS proposed to receive sanitary sewage from habitable buildings other than single and two-family residential structures shall comply with these regulations and the requirements of the Michigan Criteria for Subsurface Sewage Disposal, as written by the Division of Environmental Health, Bureau of Environmental and Occupational Health, Michigan Department of Public Health, April 1994, By authority of Act 368, P.A. 1978, as amended (Mich. Comp. Laws Ch 333) and Act 451, P.A. 1994, as amended (Mich. Comp. Laws § 324.101 – 324.90106), or current State requirements governing commercial OSTDS designed to receive sanitary sewage.
- B. The minimum site criteria for residential systems as specified in Section 3-14.1 of this code shall apply to those OSTDS which serve buildings other than single and two-family residences with peak daily flows of less than 1,000 gallons per day.
- C. The Department shall use the Michigan Criteria for Subsurface Sewage Disposal, as written by the Division of Environmental Health, Bureau of Environmental and Occupational Health, Michigan Department of Public Health, April 1994, By authority of Act 368, P.A. 1978, as amended (Mich. Comp. Laws Ch 333) and Act 451, P.A. 1994, as amended (Mich. Comp. Laws § 324.101 – 324.90106), or current State requirement, for sizing and design criteria for those systems less than 1,000 gallons per day serving a structure other than a single or two-family residence.
- D. The minimum size of any OSTDS proposed to receive sanitary sewage from habitable buildings other than single and two-family residential structures shall be a system of a 1,000 gallon septic tank connected to a 200 ft² absorption system or greater based upon estimated sewage flows and loading rates.
- E. OSTDS other than private single or two-family residences, which utilize septic tanks and absorption system for peak daily flows between 1,000 and 10,000 gallons per day flow, shall be sited and constructed in accordance with the

guidelines set forth by the Michigan Department of Environment Great Lakes and Energy in the most current revision of the publication entitled Michigan Criteria for Subsurface Sewage Disposal, as written by the Division of Environmental Health, Bureau of Environmental and Occupational Health, Michigan Department of Public Health, April 1994, by authority of Act 368, P.A. 1978, as amended (Mich. Comp. Laws Ch 333) and Act 451, P.A. 1994, as amended (Mich. Comp. Laws § 324.101 - 324.90106), or current State statute.

- F. All OSTDS proposed to receive sanitary sewage from habitable buildings other than single and two-family residential structures shall be equipped with the following:
1. A septic tank outfitted with an effluent filter designed for commercial applications.
 2. A septic tank equipped with a water-tight access riser installed to facilitate the pumping of the septic tank and the maintenance of the effluent filter, or other internal components, without the need to excavate the lid.

3-13 Lots less than 1 Acre, Subdivisions and Site Condominiums

Site and soils evaluations for an OSTDS proposed to be located on a parcel of less than one acre as created after March 31, 1997, a parcel within a subdivision, a parcel which is classified as a site condominium, or a parcel that was otherwise created in excess of the allowable number of exempt parcel splits under the Land Division Act, Act 288, PA 1967, (Mich. Comp. Laws Section 560) shall comply with all aspects of the rules entitled Part 4. Department of Environmental Quality On-site Water Supply and Sewage Disposal for Land Divisions and Subdivisions, being R560.401-R560.428 of the Michigan Administrative Code, or current State statute, prior to permitting.

3-14 Residential Single and Two-family On-site Sewage Treatment and Disposal System (OSTDS) Construction

The following requirements shall apply to the construction and installation of all OSTDS.

3-14.1 Minimum Site Requirements

A. Conventional Sewage System

B. Alternative OSTDS

Specific site requirements for the installation of an OSTDS employing alternative treatment technologies may be defined by the Health Officer on a case by case basis or may be defined in the technical manual.

C. Groundwater Control/Diversion

The Health Officer may consider the use of controls to modify surface runoff or groundwater elevation to permanently increase the effective soil depth by lowering the water table.

3-14.2 Construction Requirements

- The proposed OSTDS shall satisfy the isolation requirements as summarized in Table 3-14.2.A.
- The soil depth between the limiting zone and the aggregate/soil interface shall not be less than thirty-six inches (36").
- Prior to entering the soil absorption system, all sewage shall first be treated by a septic tank.
- The absorption system selected for use in a specific soil shall meet the minimum application rates and required absorption area as determined by the native soil and Table 3-14.2.B.
- The absorption system shall have a minimum absorption area of 400 ft² for a bed system, or 300 ft² for a trench system.
- Alternative sewage systems shall be designed in accordance with the specifications of the technical manual.

1. Soil permeability rates of the native soil in the proposed infiltrative area of the absorption system shall be between 3 and 45 minutes per inch, as estimated by the USDA soil texture class.
2. The effective native soil depth or depth to seasonal high water table shall be a minimum of twenty-four inches (24") from natural grade in stratified sand and gravel, medium sand; eighteen inches (18") in fine sand, loamy sand; twelve inches (12") in sandy loam, loam, silt loam, sandy clay loam.
3. The natural slope in the proposed infiltrative area of the system shall not exceed twelve percent (12%). When natural slopes are greater than 12%, the Department may require a detailed development plan to be submitted for review and approval by the Department.

Development plans shall be drafted by a licensed professional engineer, a professional surveyor, a registered sanitarian, a registered environmental health specialist, or other professional approved by the health department.

Development plans shall be to scale with a maximum two foot (2') contour interval, with both the existing and proposed contours indicated. The development plan shall show the proposed design for the initial and replacement OSTDS, and shall indicate the location of the existing or proposed dwelling and water supply well. Locations of the OSTDS and the water supply well shall facilitate ease of access for future maintenance and/or replacement.

4. Deep cut excavations to remove undesirable soil horizons shall be made to a soil horizon meeting the requirements of Section 3.14.1.A.1 and 2.
5. The isolation distances shall meet the requirements set forth in Section 3-14.2.A of this code.
6. The site of the proposed system shall not be located in a floodplain of 100 years or less, or in an area subject to seasonal flooding, runoff, or ponding of surface waters. It shall be the property owner's responsibility to document the 100 year flood plain as recognized by the Michigan Department of Environment Great Lakes and Energy (EGLE), or appropriate agency, at the request of the Department.
7. The system shall be located so that it is accessible for cleaning or inspection purposes.
8. The proposed site shall not have an available sewer by definition.

TABLE 3-14.2 A - Isolation Distances

From	To				
	Sewer Lines	Septic Tanks	Absorption System	Earth Pit Privies	Vented Privies
Residential Well	10	50	50	50	50
Type IIB and Type III public water supply wells	10	75	75	75	75
Type IIA and Type I public water supply wells	10	200	200	200	200
Property Lines	n/a	10	10	10	10
Foundations Walls/Footing drains	n/a	5	10	10	5
Storm/Seepage Drains	n/a	5	25	25	5
Water Lines	n/a	10	10	10	10
Embankments	n/a	10	20	20	10
Surface Water	n/a	75	75	75	75

TABLE 3-14.2 B - Absorption System Sizing - Minimum Sizing 400 ft² bed 300 ft² trench

Texture Class of Native Soil	Estimated Permeability Rate		Sewage Application Rate (gal/d-ft ²)		Minimum Absorption Area Required (ft ² /bedroom)	
	inches/hour	minutes/inch	bed	trench	bed	trench
Coarse Sand, Gravel, Gravelly Sand	>20	<3	Not Suitable - infiltrates too quickly to provide adequate treatment to protect groundwater/surface water.			
Stratified Sand and Gravel, Medium Sand	20-6.0	3-10	0.75	1.0	200	150
Fine Sand, Loamy Sand	6.0-3.0	11-20	0.5	0.75	300	200
Sandy Loam, Loam	3.0-2.0	21-30	0.375	0.5	400	300
Silt Loam, Sandy Clay Loam	2.0-1.35	31-45	0.3	0.4	500	375
Clay Loam, Silt Clay Loam, Silt Clay	Not Suitable - infiltrates too slowly to accept sewage at rates applied.					

3-14.3 Aggregate/Stone

A. Aggregate/Stone Material

1. Aggregate shall be washed stone ranging in size from three-eighths inch (3/8") to two and one-half inches (2 1/2") with a total fines content not exceeding five-tenths percent (0.5%) loss by washing. Stone aggregate shall rate three or more on Moh's scale of hardness. Sizing and hardness

specifications and testing methodology shall be defined in the technical manual.

2. Alternative aggregate may be approved by the Department.
3. Documentation shall be provided to the Department upon request that all aggregate used in sewage systems complies with above size and fines requirements.

B. Aggregate/Stone Installation

1. The aggregate in an absorption system shall be a minimum of twelve inches (12") in depth. There shall be a minimum of six inches (6") of aggregate below the distribution pipe. The aggregate in an absorption bed system shall extend a minimum of two feet (2') beyond the header, footer, and laterals.
2. The aggregate shall be continuous throughout the full width and length of the absorption bed or trench.
3. Aggregate shall not be mounded around the distribution pipe and shall be uniform in depth throughout the absorption bed or trench.

C. Aggregate Cover

1. Prior to backfilling the absorption system, the aggregate shall be covered with an approved filter fabric.
2. Other materials used as aggregate cover shall be approved by the Department or shall be consistent with the current technical manual.
3. The septic system shall be backfilled with a minimum of six inches (6") and a maximum of thirty inches (30") of soil cover.

3-14.4 Absorption System Distribution

A. Piping within a gravity distribution network of an absorption system shall meet the following conditions:

1. The septic tank effluent line shall be solid schedule 40 PVC and connect to the header at a ninety (90°) degree angle between the centermost laterals.
2. A double header or wye (Y) shall be required when seven or more laterals are used.

28

E. Septic tanks shall be equipped with a water tight access riser installed to grade to facilitate maintenance. Risers shall be installed with dual lids, leaving the concrete lid in place, or shall be equipped with other Department approved safety device to preclude accidental tank entry.

F. The Department may require septic tank vendors delivering septic tanks to construction sites to record addresses and names of locations and individuals receiving tanks. These records may be required to be made available to the Department for a running 24-month period.

G. All septic tanks shall be installed to be level and to flow in accordance with the manufacturer's design intent.

H. All systems receiving sewage from a grinder pump shall be equipped with a minimum of two 1,000 gallon septic tanks. The first septic tank shall be installed in series to allow the settling of sewage discharged by the pump and shall be equipped with an outlet baffle.

I. When septic tanks, privies, temporary privies, or portable toilets are cleaned or serviced, the agency performing such service shall comply with Part 117 P.A. 451 of 1994 (Mich. Comp. Laws § 324.11701 et seq.), as amended, or current State of Michigan requirement, and 40 CFR, Part 503 or current Federal requirements.

3-14.6 Experimental Systems

The use of experimental systems may be authorized at the discretion of the Health Officer. This authorization shall be for the purpose of testing new technologies.

3-15 Privies/Outhouses

A. Permitting of Privies

1. Privies may be permitted for public or private use.
2. Privies shall not be installed where not compliant with State of Michigan construction codes, associated Technical bulletins, policies, and advisories.
3. Privies shall not be permitted in lieu of the installation of a septic system for structures served by pressurized plumbing, or otherwise generating water carried sewage.
4. Vaulted or earth pit privies may be permitted if there is no available sewer for connection.

30

3. The header shall be solid piping installed to be level to allow even distribution of effluent throughout its length. The header shall connect all lateral distribution pipes within the absorption system.

4. The footer shall connect to all distribution line laterals within the absorption system.

5. Distribution line laterals for absorption bed installations shall be placed a minimum of three feet (3') and a maximum of four feet (4') on center unless otherwise approved by the Department.

6. The slope of the distribution lines shall not exceed four inches (4") in one hundred feet (100').

7. Trenches shall be installed so that a minimum of thirty-six inches (36") of undisturbed soil remains between each trench.

8. All piping and distribution products shall be approved by the Department.

B. All perforated pipe shall be installed with centerline markings facing up to allow for proper drainage.

C. Installation of technologies not comprising a conventional stone aggregate and perforated pipe design shall obtain approval of the Department prior to permitting and installation, or shall be designed specifically in accordance with the Department's technical manual.

3-14.5 Septic Tanks

A. Septic tanks shall be watertight and constructed of concrete or other materials approved by the Department.

B. Septic tanks shall have a liquid capacity of at least the average volume of sewage flowing into it during any 24-hour period, but in no case shall the liquid capacity of the first septic tank be less than 1,000 gallons.

C. The minimum capacity for septic tanks for a one, two, or three-bedroom dwelling shall be 1,000 gallons, except where in the opinion of the Department, increased capacities may be required. Each additional bedroom shall require an additional 250 gallons. Each garbage grinder shall require an additional 250 gallons.

D. Septic tanks shall be equipped with an approved effluent filter installed in the outlet baffle, or other approved location.

29

5. Privies shall not be permitted within a 100 year floodplain boundary. The property owner shall be responsible for documenting the 100 year floodplain elevation as recognized by the Michigan Department of Environment Great Lakes and Energy upon the Department's request.

B. Earth Pit Privies

Prior to an earth pit privy construction permit being issued the proposed location shall meet the following site requirements:

1. Soil permeability rates of the native soil in the proposed infiltrative area of the absorption system shall be between 3 and 45 minutes per inch, as estimated by the USDA soil texture class.

2. The effective soil depth shall be a minimum of sixty inches (60") from natural grade.

C. Privy Construction

1. All privies shall be constructed and maintained in accordance with Section 12771 of Act 368, P.A. of 1978 (Mich. Comp. Laws § 333.12771) and R 325.421 et seq. of the Michigan Administrative Code promulgated there under, or current State requirement.

2. The bottom of the pit of an earth pit privy shall terminate a minimum of thirty six inches (36") above the limiting zone.

3. Vault privies shall have a minimum tank capacity of 1,000 gallons, shall be of water tight construction, and shall be located to facilitate pumping of waste.

4. Privies shall be located at least fifty feet (50') from all habitable buildings other than that which they serve.

5. Privies shall be located as prescribed in Table 3-14.2.A of these regulations.

3-16 Abandonment of OSTDS

When an OSTDS is abandoned, it shall be rendered to prevent a potential safety hazard. Abandoned septic tanks shall be pumped and the contents disposed of by a licensed septage waste hauler according to law. The septic tank shall then be collapsed and filled with an approved material or shall be removed and transported and disposed of at a Type II landfill in accordance with law.

31

Article IV – Commercial OSTDS 1,000 gallons/day to 10,000 gallons/day

4-1 Applicability

This article shall apply to OSTDS other than private single or two-family residences, which utilize septic tanks and absorption system for peak daily flows greater than 1,000 gallons per day flow and less than 10,000 gallons per day flow.

Appeals on all sites which serve buildings other than single and two-family residences, including those with peak daily flows of less than 1,000 gallons per day evaluated under these regulations, shall be made to the Michigan Department of Environment Great Lakes and Energy or current State agency responsible under the Michigan Criteria for Subsurface Sewage Disposal, as written by the Division of Environmental Health, Bureau of Environmental and Occupational Health, Michigan Department of Public Health, April 1994, By authority of Act 368, P.A. 1978, as amended (Mich. Comp. Laws Ch 333) and Act 451, P.A. 1994, as amended (Mich. Comp. Laws § 324.101 – 324.90106), or current State requirement.

4-2 Requirements

- A. All OSTDS proposed to receive sanitary sewage from habitable buildings other than single and two-family residential structures shall comply with these regulations and the requirements of the Michigan Criteria for Subsurface Sewage Disposal, as written by the Division of Environmental Health, Bureau of Environmental and Occupational Health, Michigan Department of Public Health, April 1994, By authority of Act 368, P.A. 1978, as amended (Mich. Comp. Laws Ch 333) and Act 451, P.A. 1994, as amended (Mich. Comp. Laws § 324.101 – 324.90106), or current State requirements governing commercial OSTDS designed to receive sanitary sewage.

Article V – Water Wells

5-1 Applicability

This Article is intended to regulate the installation of water wells and water supply systems. Installation, operation, alteration, and maintenance shall be consistent with, and complementary to the Administrative Rules, as amended, of the Michigan Public Health Code, 1978 PA 368, Part 127 (Mich. Comp. Laws §333.12701), the Michigan Safe Drinking Water Act, 1976 PA 399 (Mich. Comp. Law Section 325), or current State requirement. This Article does not apply to the installation of wells, water mains, service lines, etc., which are part of a Community water supply as defined by the Michigan Safe Drinking Water Act.

32

surface water intakes, and hauled water; pumping and treatment equipment; storage tanks; pipes, and appurtenances, or a combination thereof, used or intended to furnish water for domestic or commercial use.

Well -

An opening in the surface of the earth for the purpose of obtaining groundwater, monitoring the quality and quantity of groundwater, obtaining geologic information on aquifers, recharging aquifers, purging aquifers, utilizing the geothermal properties of earth formations, or removing groundwater for any purpose. Wells, as defined in this Section, include but are not limited to:

1. A water supply well used to obtain water for drinking or domestic purposes.
2. A test well/monitoring well used to obtain information on groundwater quality, quantity, or aquifer characteristics for the purpose of designing or operating a water supply system.
3. A recharge well used to discharge water into an aquifer.
4. A heat exchange well used for the purpose of utilizing the geothermal properties of the earth formations for heating or air conditioning. This includes both supply and return wells and vertical bore holes for closed-loop systems.
5. An industrial well used to supply water for non-potable uses.
6. An irrigation well used to provide water for plants, livestock, or other agricultural processes.

Well Driller -

A person qualified to engage in well construction, well alteration, or well repair and pump installation, who supervises the construction of water wells and the installation of pumps, and who owns, rents, or leases equipment used in the construction of water wells.

5-3 - Well Permits

5-3.1 Application for Permit

- A. An application for a water supply construction permit shall be provided by the Department.

34

5-2 Technical Definitions

Abandoned Well -

A well which has its use discontinued, has been left uncompleted, is a threat to the groundwater resource, is or may be a health or safety hazard, or that is in such disrepair, or its construction is such, that its use for the purpose of obtaining groundwater is impractical.

Bedrock -

Consolidated and continuous geologic material, such as limestone, dolomite, shale, sandstone, basalt, or granite.

Bentonite -

A plastic, colloidal clay which has extensive ability to absorb fresh water and swell in volume and which is composed predominantly of the mineral Montmorillonite.

Concrete Grout -

A mixture of Portland cement, sand, and water in the proportion of one bag of cement (94 pounds), an equal volume (one cubic foot) of dry sand or gravel aggregate, and not more than six gallons of clean water.

Extensive Change -

Includes, but is not limited to, replacing the entire well casing, removing a well casing from the ground, changing aquifers, or increasing well capacity by more than 10 gpm.

Hydraulic Fracturing -

The application of liquids or gasses exceeding 250 pounds per square inch via confinement in a predetermined portion of borehole for the purpose of parting the rock matrix or opening existing rock fractures to increase permeability. The pressure is pump pressure, measured at the ground surface.

Neat Cement -

A mixture of one bag of Portland cement (94 pounds) and not more than six gallons of freshwater. Drilling fluid bentonite that is not more than 3% by weight of cement and additional water that is not more than 0.6 gallons for each 1% of bentonite may be added to neat cement. Other additives and admixtures shall be approved by the Department before use.

Pump Installer -

A person qualified to engage in the installation, removal, alteration, or repair of water well pumping equipment.

Rental Property -

A tract of land or dwelling offered for lease to the public for human living purposes which may consist of short or long-term use.

Water Supply System -

A system of pipes and structures through which water is obtained including, but not limited to, the source of water such as wells,

33

- B. An application for a water supply construction permit shall be made by the property owner or his authorized representative.

- C. The Department shall not act upon an application unless the application is complete.

5-3.2 Construction Permits

- A. No person shall begin construction of a well or water supply or make an extensive change to an existing water supply without first obtaining a water supply construction permit from the Department.

- B. Any construction permit issued pursuant to the requirements of this code shall be valid for a term of 24 months from the date of issuance unless declared void as provided in this code. After the expiration of the construction permit, a 30 day grace period shall exist for an extension request. A permit may be renewed (extended) one time for a period of 24 months.

- C. A permit shall not be transferable from one person to another.

- D. The Department may deny a water supply construction permit when incomplete, inaccurate, or false information has been supplied or when determined that the requirements of this code and/or applicable state statutes have not or cannot be met. The reasons for denial shall be furnished to the applicant in writing.

- E. The Department may allow a change in the proposed well location for a permitted supply without additional application fees. The Department may require a site plan signed by the property owner(s) or their authorized representative.

- F. A permit may be rescinded or declared void by the Department when one or more of the following conditions exist:

1. A change in the plans of the permit holder affecting circumstances relative to the water supply design, location, or use.
2. Misrepresentation, omission, or withholding pertinent information upon which compliance with the minimum requirements contained within this code are based.
3. Issuance of the permit, and/or the construction of facilities thereunder, may create a condition that constitutes a nuisance, or a threat to public health or the environment.

- G. The Department shall issue a water supply construction permit when an application containing all of the requested information has been received and the

35

proposal satisfies all the requirements of this code. An onsite evaluation may be required prior to issuance of the permit.

- H. The permit may impose limitations or require special construction practices which the Department deems necessary to protect public health or groundwater quality. An on-site inspection conducted by the Department during construction or portions thereof may be required as part of the water supply construction permit.
- I. The well driller/contractor shall have a valid permit in possession and on-site at the time of construction, unless operating under emergency conditions per Section 5-11.
- J. A separate water supply construction permit for each well on the premises may be required by the Department.
- K. Pressurized water shall not be plumbed to a building without an approved connection to an OSTDS, or available sewer.

5-3.3 Construction Permit Not Required

- A. A permit is not required for minor repairs to the water supply system such as replacing a telescoped well screen, changing a screen elevation, deepening or plugging back a bedrock well, installing a liner pipe, replacing a pump, pump controls, pump drop pipe or pressure tank, or chemical treatment or disinfection of the well.
- B. A permit is not required from the Department for the installation of any wells under the jurisdiction of Michigan's *Mineral Well Act*, Part 625, 1994 P.A. 451, (Mich. Comp. Laws Section 324) amended, or current State statute regulating mineral exploration.
- C. If the owner, owner's agent, well driller, or pump installer is required to obtain a permit directly from the Michigan Department of Environment Great Lakes and Energy in accordance with the requirements established under the provisions of the 1976 PA 399, Michigan's Safe Drinking Water Act (Mich. Comp. Laws Section 325), they shall not be required to obtain a permit from the local health department. When the Department issues a permit for the installation or extensive change of a public water supply system under agreement, contract or cooperative arrangement as stated in Act 399 (Mich. Comp. Laws Section 325), the permit shall be issued in accordance with Section 5-3 of this Article.

5-4 Availability of Public Water Supply

- A. The existence or availability of a public water supply shall not preclude the issuance of an individual water supply construction permit under this code unless

36

- A. A water supply construction permit has first been issued.
- B. Provisions for a water supply system have been accepted by the Department.
- C. The Department does not require a water supply system.

5-7 Stop Work Order

The Health Officer may issue a stop-work order when the water supply under construction does not comply with the requirements of this code and all applicable laws, regulations and ordinances. Work shall not resume until the owner and/or authorized agent has agreed to comply and the Health Officer rescinds the stop-work order.

5-8 Notification

The Department may require the well driller to notify the Department prior to or during construction of the water supply.

5-9 Well Inspection and Approval

5-9.1 Inspection

- A. The Department may inspect the water supply system construction or well drilling process.
- B. An inspection of a new or extensively changed water supply system may be required by the Department before the system is put into use.

5-9.2 Approval

- A. The final approval of a water supply system shall not be granted until all of the following conditions have been met:

prohibited by other regulations.

- B. When a public water supply is available the Department will contact the municipal water supplier prior to issuing a permit.

5-5 Water Well and Pump Record

A water well and pump record shall be submitted to the Department in accordance with Administrative Rule 325.175 adopted under authority of Part 127, of Act 368 (Mich. Comp. Laws Section 333), Michigan's Public Health Code, or current State requirement, and when any of the following conditions apply:

- A. A well is deepened after completion.
- B. A liner pipe is installed.
- C. The capacity of the well is increased by 10 gpm or more.
- D. A well screen is replaced.
- E. A different aquifer is utilized.
- F. A bedrock well is plugged back.
- G. A pump is replaced.
- H. An underground pressure tank is installed.
- I. A pitless adapter is installed.
- J. A well is hydraulically fractured.
- K. A water well and pump record is requested by the Department.

5-6 Priority Over Building and Occupancy Permits

Where a municipal water supply is not available, a municipality, township, or other agency shall not issue a building permit or otherwise allow construction to commence for any dwelling unless one of the following conditions exists:

37

- 1. The water supply system is found to be in compliance with this code, other applicable codes, and the permit requirements.
- 2. A completed "Water Well and Pump Record", and the associated abandoned well plugging record if applicable, has been submitted, reviewed, and approved.
- 3. The Department, upon review of the required water sample analysis results, has determined that the water quality meets safe drinking water standards for the parameters tested.

5-10 Rental Properties

- A. Water supplies serving rental properties may be condemned and ordered corrected by the Department when any one of the following conditions exists:
 - 1. The water quality from the well does not meet safe drinking water standards.
 - 2. The Department determines that continued use of a well represents a potential health hazard.
 - 3. A well is found to be in violation of previous applicable rules which were in effect at the time of construction.
- B. A condemnation order shall be provided by the Health Officer in writing to the owner of the water supply. The order shall specify the conditions and methods of correction and establish a compliance date not to exceed 90 days.
- C. The owner, upon receiving an order of condemnation, shall notify all tenants that continued use of the water supply represents a potential health hazard, and that precautionary measures should be taken to protect their health.

5-11 Emergency Conditions

When a lack of water results in undue hardship and the Department is closed, a well driller or property owner may initiate repair work or construction of a new well or water supply without prior notification or permit. The well driller or property owner shall contact the Department on the next working day to obtain a permit. The well driller or property owner shall be responsible for complying with all other provisions of this code.

38

39

5-12 Grouting Requirements for Bedrock Wells

Where bedrock is encountered within twenty five feet (25') of ground surface, an oversized borehole shall be drilled and the entire length of casing grouted with neat cement or concrete grout.

5-13 Hydraulic Fracturing

- A. Hydraulic fracturing to improve water well capacity shall be in accordance with the Michigan Department of Environment Great Lakes and Energy, Office of Drinking Water and Municipal Assistance, Policy and Procedure #ODWMA-368-127-005 (original effective date October 10, 1996, reformed date April 3, 2013) which was developed to assist in the application of Administrative Rule 325.16137 adopted under authority of Part 127, 1978 PA 368 (Mich. Comp. Laws Section 333, Michigan's Public Health Code, or current State requirement.
- B. All wells that have been hydraulically fractured shall be tested for the presence of coliform bacteria after completion of the hydraulic fracturing process and the disinfection/chlorination of the well.

5-14 Geothermal Wells

Vertical closed-loop geothermal wells shall be permitted as a water well and shall be constructed in accordance with Michigan Water Well Construction and Pump Installation Code, Ground Water Quality Control (R325.1601 et seq.), by authority provided in Part 127, Act 368, PA 1978 as amended (Mich. Comp. Laws § 333.12714) and rules, the Michigan Department of Natural Resources and Environment, Best Practices for Geothermal Closed-Loop Installations, April 2010, and the Upper Peninsula of Michigan Geothermal Technical Guidance document, or current State and regional technical guidance and/or statute.

5-15 Lots Less than 1 acre, Subdivisions, and Site Condominiums

Permit evaluations for wells proposed to be located on a parcel of less than one acre as created after March 31, 1997, a parcel within a subdivision, a parcel which is classified as a site condominium, or a parcel that was otherwise created in excess of the allowable number of exempt parcel splits under the Land Division Act, Act 288, PA 1967 (Mich. Comp. Laws Section 560), shall comply with all aspects of the rules entitled Part 4. Department of Environmental Quality On-site Water Supply and Sewage Disposal for Land Divisions and Subdivisions, being R560.401-R560.428 of the Michigan Administrative Code, or current State statute, prior to permitting.

40

5-16 Well Abandonment and Plugging

- A. Any abandoned well, dry hole, or well that has been determined to be contaminated or to be a safety hazard shall be plugged in accordance with Part 127 of Act 368, P.A. 1978 (Mich. Comp. Laws 333.12701 et seq.), as amended, or current State requirement.
- B. The plugging of any well or dry hole on a parcel containing a well that serves the public, or a residence other than that of the owner, shall be plugged by a State of Michigan registered well-drilling contractor.
- C. When a replacement well has been permitted and constructed, the existing well previously in service shall be abandoned and plugged unless remaining active and serving a beneficial use, or unless placed in a temporarily abandoned status in accordance with Part 127 of Act 368, P.A. 1978 (Mich. Comp. Laws 333.12701 et seq.), as amended, or current State requirement.

Article VI – Public Health Nuisance/Imminent Danger

6-1 Technical Definitions

Imminent Danger - An environmental health-related condition or practice which could reasonably be expected to cause death, disease, or serious physical harm immediately or before the imminence of the danger can be eliminated through enforcement procedures otherwise provided.

Public Health Nuisance - An environmental health-related activity, or failure to act, resulting in a condition known to, or reasonably expected to be capable of, significantly adversely affecting the health of the general public.

6-2 Public Health Nuisances Prohibited

A person shall not engage in an activity or create or permit a condition to exist, which is or may become a public health nuisance.

6-3 Public Health Nuisance Investigation

The Department may initiate investigations of public health nuisances and take all necessary action to abate the same. The Department may also investigate complaints concerning alleged public health nuisances as hereafter provided.

41

6-4 Complaints Concerning Public Health Nuisance

Complaints shall include specific details regarding the situation, including the nature and location of the alleged nuisance condition, the date and time of occurrence, the person responsible, the names of witnesses, and the contact information of the complainant. The Department may require such complaints to be submitted in writing and signed.

6-5 Investigation of Complaints

The Department, upon receipt of a complaint concerning a public health nuisance, may consider the information provided and may conduct such investigations, as deems necessary. If the investigation by the Department discloses that the alleged public health nuisance no longer exists or does not represent a threat to the health and safety of the public, the complainant may be notified of such findings.

If the investigation of the Department reveals that the complaint pertains to an activity or condition subject to the statutory regulation of an official agency, bureau, or department other than the Local Health Department, the Department may notify the appropriate agency, bureau, or department of the complaint, or otherwise refer the complaint to the appropriate authority.

6-6 Abatement of Public Health Nuisance

- A. The Department may issue an order to avoid, correct, or remove any condition the Department reasonably believes to be a public health nuisance.
- B. Upon issuance of an order by the Department to avoid, correct, or remove a public health nuisance, the person so named in the order shall immediately abate, mitigate, remove, or otherwise control the public health nuisance.
- C. All costs incurred as a result of the abatement of a public health nuisance shall be at the expense of the owner of the parcel and/or property from which the nuisance emanates.

6-7 Imminent Danger

- A. Upon determination that an imminent danger to the health or lives of individuals exists, the Department shall immediately inform the individuals affected by the imminent danger.
- B. Where imminent danger has been determined to exist, the Department shall issue an order to the person authorized to avoid, correct, or remove the condition creating the imminent danger. The order may be posted by the Department at or near the imminent danger. The order may specify actions to be taken, or prohibit

42

the presence of individuals in locations or under conditions where the imminent danger exists. Authorization for presence or access may be given to individuals whose presence is necessary to avoid, correct, or remove the imminent danger.

- C. Upon issuance of an order by the Department to avoid, correct or remove an imminent danger, the person so named in the order shall immediately abate, mitigate, remove, or otherwise control the imminent danger.
- D. The owner of the parcel or property from which the imminent danger emanates, or the person otherwise responsible for the creation or control of the imminent danger shall be responsible for all costs and expenses associated with the abatement, mitigation, removal, or control of the imminent danger.
- E. In accordance with Mich. Comp. Laws § 333.2451, the Department may petition the court to restrain the condition or practice or require action to avoid, correct or remove the imminent danger. Upon failure of the person to comply promptly with an order issued under this section, the Department may petition a circuit court or district court having jurisdiction to restrain a condition or practice which the Department determines causes the imminent danger or to require action to avoid, correct, or remove the imminent danger. Any action taken to correct, abate, or mitigate an imminent danger shall be at the expense of the owner of the parcel or property from which the imminent danger emanates.

Article VII - Food Service

7-1 Compliance with State Law

All operations, establishments, individuals, and entities providing food to the public shall fully comply with Michigan Food Law, Act 92 of 2000, as amended, (Mich Comp Laws §§ 289.1101-289.8111), and the regulations adopted pursuant to this act, or current State requirement.

7-2 Plan review for New Construction

No jurisdiction of authority shall issue a construction permit or building permit for a structure proposed to be used as a food service establishment without prior approval from the Department. Commencement of construction without Department approval will result in the issuance of a stop work order by the Department.

43

Article VIII - Public Swimming Pools and Hot Tubs

8-1 Compliance with State Law

All public swimming pools and hot tubs shall be fully compliant with the requirements of Part 125 of Article 12, Act 368, PA 1978, (Mich. Comp. Laws §§ 333.12521-333.12534) and the regulations adopted pursuant to this authority, or current State requirement.

8-2 Certified Pool Operator

All facilities operating and/or housing a public swimming pool or hot tub shall employ an operator possessing the National Swimming Pool Foundation (NSPF) Certified Pool Operator (CPO) credential or equivalent. The certified swimming pool operator shall be available for immediate response to the facility within 15 minutes.

Article IX - Campgrounds

9-1 Compliance with State Law

All permanent and temporary campgrounds, except children's camps that are licensed by the Michigan Department of Health and Human Services, shall be fully compliant with the requirements of Part 125 of Article 12, Act 368, PA 1978 (Mich. Comp. Laws §§ 333.12501-333.12515) and the regulations adopted pursuant to this authority, or current State requirement.

Article X - Septic Tank Pumping and Land Application of Septage

10-1 Compliance with State Law

All entities providing septic tank pumping service, or performing land application of septage waste, shall fully comply with Part 117 of the Natural Resources and Environmental Protection Act, Act 451, PA 1994, (Mich. Comp. Laws § 324.11701 et seq.) and the regulations adopted pursuant to this authority, or current State requirement.

44

complications during land sale or transfer and of the potential necessity of legally vacating and relocating the cemetery at a future date.

- D. Backhoe cut test holes for the purpose of soil suitability determination shall be provided by the applicant for on-site evaluation by the Department. The number of test holes required for approval shall be at the discretion of the Department based upon local soil, geological and hydro-geological conditions. Test holes shall be excavated to a depth of ten feet (10') below natural grade, or to a depth at which bedrock or water table is encountered.
- E. Crematory remains are exempt from these requirements. Cremated remains need not be buried. Ashes may be scattered, stored, or saved.

12-1.1 Minimum Site Criteria

A. Casket or Natural Burial

1. A minimum soil depth of ten (10') feet shall be required prior to encountering evidence of seasonal high water table or bedrock for a site to be considered suitable, allowing 4 feet of suitable soil to lie beneath the casket/body and 4 feet of soil cover once buried.
2. The initial 4 feet of soil located beneath the casket or body shall not have a percolation rate greater than 3 minutes per inch.

B. Burial Using Burial Vault

1. Where a watertight burial vault is used, sufficient soil depth shall be available to install the burial vault so that the bottom of the vault is above seasonal high water table, or bedrock.
2. A minimum of four feet (4') of soil cover shall be installed over the burial vault.

C. Clean soil fill with a percolation rate less than 3 minutes per inch may be installed to meet the vertical isolation and cover requirements of these rules. Fill containing sufficient organic content and possessing a percolation rate that optimizes nutrient and contamination removal should be used.

D. Construction of cemeteries will not be allowed in environmentally sensitive areas, such as: floodplains, swamps, wetlands, ravines, steep slopes, or drainage areas to rivers, lakes, or other waterways.

E. No burials shall lie at the cemetery boundary. A buffer zone of at least 25 feet shall be required along the cemetery boundary. A fence shall also surround the cemetery.

46

Article XI - Body Art

11-1 Compliance with State Law

All body art facilities, or individuals, performing tattooing, body piercing, branding, scarification, or other applicable body art activities shall fully comply with Act 375, PA 2010, as amended (Mich. Comp. Laws §§ 333.13101-333.13112) and the regulations adopted pursuant to this authority, or current State requirement.

Article XII - Cemeteries and Burials

12-1 Establishing Cemeteries

- A. Prior to the establishment of a cemetery, the landowner shall make application to the Department for review and plat approval of the proposed cemetery.
- B. The applicant shall submit two copies of a recorded survey with the location of the plat to the Department for review and approval. The plat plan shall include the following:
 1. The legal definition of the property.
 2. A scaled site plan with five foot (5') contour intervals, number lots, and the location of test holes.
 3. Soil information and seasonal water table elevation within the upper ten feet (10') of the soil profile.
 4. Current groundwater well locations and construction records in the vicinity and any proposed wells to be located within the proposed cemetery.
 5. Distances and locations to the nearest surface water bodies.
 6. Information regarding land uses, both current and future, for adjacent properties.
 7. Signature and seal of registered land surveyor or professional engineer.
- C. A landowner may establish a "Family Cemetery" as allowable and defined under Section 128.111 of Michigan Act 88 of 1875 as amended (Mich. Comp. Laws § 128.111), or current State regulation. A Family Cemetery shall meet the requirements of local zoning and Department review. Family cemeteries shall be one acre or less in size and be platted and deeded as a cemetery. Individuals applying for approval of a Family Cemetery shall be advised of potential future

45

- F. There is no minimum lot size for gravesites. However, for a "family cemetery", the cemetery area cannot exceed one acre.

12-1.2 Required Isolation Distances

- A. All burial sites within the cemetery shall be at least 100 feet from surface water.
- B. All burial sites in a cemetery shall be located beyond the 100-year floodplain boundary.
- C. All burial sites shall be located seventy five feet (75') from any water wellhead.
- D. All burial sites shall maintain required isolation distance to wellheads and/or wellhead protection zones of public water supply wells.

12-1.3 Approval of Cemetery Plat

- A. Upon approval, one copy of the plat and a letter of approval shall be returned to the applicant and the second copy and a copy of the letter of approval shall remain on file at the Department.
- B. The approved plat shall be recorded with the Register of Deeds by the applicant and shall meet the zoning/land use requirements of the local township.
- C. The Department shall reject the proposed cemetery if the conditions of these regulations cannot be met, or if any potential threat to public health, public safety, or the environment would be created by its approval.
- D. The owner of the cemetery shall be required to maintain retrievable and accurate records of burial dates and locations.

12-2 Disinterment and Vacating Cemeteries

- A. Pursuant to Mich. Comp. Law § 333.2853, a permit application shall be submitted to the Department on forms provided by the State and signed by a funeral director prior to being granted an approval and permit from the Health Officer, associated with any disinterment and reinterment of human remains or

47

the vacating of a cemetery containing human remains

- B. The Health Officer shall approve any disinterment or reinterment requests pursuant to Mich. Comp. Laws § 333.2853. A fee may be charged for review of disinterment and reinterment requests. The affidavit for interment or burial shall be signed by a licensed funeral director and specify surviving relatives. If the required signatures cannot be obtained, the licensed funeral director shall be advised to obtain a circuit court order.
- C. If a cemetery is to be vacated, a circuit court order is required and the Michigan Historical Commission shall be contacted. The Health Officer shall supervise the actual disinterment and reinterment of bodies and remains as required by Mich. Comp. Laws § 333.2458.

12-3 Cemetery Related Complaints

- A. All complaints regarding cemetery maintenance and operation are under the legal jurisdiction of the Cemetery Commissioner under authority of Michigan Cemetery Regulation Act, Act 251 of the Public Acts of 1968, as amended (Mich. Comp. Laws §§ 456.521-456.453), or current State regulations. Complaints regarding human cemeteries should be addressed to the Michigan Department of Licensing and Regulatory Affairs (LARA), or current designated State department.
- B. Complaints associated with animal burial fall under authority of the Bodies of Dead Animals Act (Mich. Comp. Laws §§ 287.651-287.683) and administrative rules adopted thereunder (Mich. Admin. Code R287.651-R287.657). Complaints associated with animal burial should be referred to the Michigan Department of Agriculture and Rural Development (MDARD) or current designated State department.

Article XIII – Clandestine Drug Related Contamination

13-1 Clandestine Drug Laboratories

The Department shall condemn and prohibit occupancy of any habitable building, or portion thereof, for which credible evidence or notification has been received indicating that a clandestine drug laboratory has been operated within that habitable building in accordance with

48

- C. Each act of violation shall constitute a separate offense.

14-2 Civil Enforcement

- A. Whenever the Health Officer determines that this code has been violated, he shall issue a notice of violation to the person responsible. The Health Officer shall issue this notice no later than 90 days after the discovery of the alleged violation.
- B. The notice shall be in writing and include the following information:
1. The nature of the violation, stated with particularity, including reference to the section alleged to have been violated.
 2. The civil penalty, if any, established for the violation.
 3. The remedial action required to comply with this code.
 4. A reasonable time, not to exceed 90 days, for compliance.
 5. A statement that failure to correct or abate the violation in the prescribed manner shall result in the issuance of an appearance ticket.
 6. A statement that the alleged violator has the right to appeal the notice in accordance with Article XVI.
 7. The notice of violation shall be served upon the alleged violator by delivering the notice to him in person; or by sending a copy of the notice by registered mail with proof of mailing to his last known address; or if the person to be served is unknown, by posting the notice in a conspicuous place on the premises.

14-3 Appearance Tickets

- A. The Health Officer is authorized, by authority of Michigan's Public Health Code Act 368, P.A. of 1978, Section 2463 (Mich. Comp. Laws § 333.2463), pursuant to Sections 9a to 9g of Chapter 4 of Act No. 175, P. A. of 1927, as amended, (Mich. Comp. Laws §§ 7.64.9a-7.64.9g), to issue and serve appearance tickets for violations of this code.
- B. No appearance ticket shall be issued for a violation of this code without first having served the alleged violator with a written notice of violation.

50

Michigan Public Health Code (Mich. Comp. Laws § 333.12103) and the Housing Law of Michigan (Mich. Comp. Laws § 125.485a).

13-2 Other Drug-Related Contamination

The Department shall condemn and prohibit occupancy of any habitable building or portion thereof for which credible evidence or notification has been received indicating that drug-related contamination exists within the structure posing a significant health risk to the occupants. Contaminants of concern may include, but are not limited to, methamphetamine, fentanyl, and carfentanyl.

13-3 Expansion of Condemnation

Condemnation of an individual residence or area within a habitable building may extend into other areas or residences in a habitable building based upon interconnectivity of building design. Justification for expansion of condemnation may include, but is not limited to, interconnectivity and environmental assessment of heating, ventilation and air conditioning (HVAC) ductwork. Environmental assessment and associated costs shall not be at the expense of the Department.

13-4 Lifting of Condemnation

Habitable buildings, or any portion thereof, condemned under this Article shall remain condemned until the Department has received and approved the laboratory results and reporting from an environmental assessment deemed acceptable by the Department and performed by a qualified third party environmental consulting professional, company, firm or agency and until such time that the Department has lifted the condemnation. The decontamination, environmental assessment, and associated costs shall not be at the expense of the Department.

Article XIV – Enforcement

14-1 Criminal Enforcement

- A. A person who violates this code or the rules promulgated under it is guilty of a misdemeanor.
- B. By authority of Michigan's Public Health Code, Act 368, P.A. of 1978, Section 2443, as amended (Mich. Comp. Laws § 333.2443), a misdemeanor committed under this code is punishable by imprisonment for not more than six months, or a fine of not more than \$200 or both.

49

14-4 Schedule of Civil Penalties

- A. Monetary civil penalties shall be imposed according to the following schedule for subsequent violations occurring within a rolling 24-month period. Violations occurring beyond 24 months of the initial violation will be considered first violation:
1. First violation: \$200.00
 2. Second violation: \$500.00
 3. Third and subsequent violations: \$1,000.00.
- B. A civil penalty levied under this Section shall be for each violation or day that the violation continues. The civil penalty may be assessed for a specified violation of this code or order issued which the Health Officer has the authority and duty to enforce. A civil penalty may be recovered in a civil action brought in the county in which the violation occurred or the defendant resides.

14-5 Inspections, Investigations and Warrants

To enforce this code, the Department may inspect or investigate any matter, thing, premises, place, person, record, vehicle, incident, or event. The Department may collect samples for laboratory examination. The standards and procedures for issuance of an inspection or investigation warrant shall be in accordance with Mich. Comp. Laws §§ 333.2242-2247.

14-6 Injunctions

The Health Officer, without posting bond, may maintain injunctive action to restrain, prevent, or correct a violation of a law, rule, or order which he has the duty to enforce, or to restrain, prevent, or correct an activity or condition which he believes adversely affects the public health. This remedy may be used notwithstanding the existence and pursuit of any other remedy.

51

14-7 Obstruction of Health Officer

It shall be unlawful for any person to molest, willfully oppose, or otherwise obstruct the Health Officer.

Article XV - Variances

15-1 Variances

- A. A variance from the specific requirements of this code may be granted by the Health Officer when all of the following conditions exist:
 1. No substantial health hazard or nuisance is likely to occur.
 2. Strict compliance with the code requirements would result in unnecessary or unreasonable hardship to the petitioner.
 3. No state, local statute, or other applicable laws would be violated.
 4. The protection of the health, safety, and general welfare of the public is assured.
- B. The variance request shall be in writing. The applicant shall demonstrate that the variance would pose no hazard to the public or the environment.
- C. The Health Officer may specify conditions necessary for the granting of the variance.

Article XVI - Appeals

16-1 Board of Appeals

- A. In order to provide for reasonable and equitable interpretations of the provisions of this code and associated technical manual, a board of appeals may be formed to hear appeals. The board shall have not less than three but not more than five

52

30 days after the receipt of the petition. The petitioner shall be notified in writing by registered mail, or personally served, at least five days before the hearing, of the time, date, and place. After the administrative hearing, the board of appeals, by resolution of the majority of the board, may affirm, dismiss, or modify the decision. The board of appeals shall state its decision on the record or shall furnish the petitioner with a written decision within 15 days following the hearing.

- B. Hearings shall be conducted in an impartial manner. The parties shall be given an opportunity to present oral and written arguments on issues of law and policy and an opportunity to present evidence and argument on issues of fact. The petitioner shall be allowed to present his argument and evidence first, followed by the respondent.
- C. A party may cross-examine a witness, including the author of a document prepared by, on behalf of, or for use of the Department and offered in evidence. A party may submit rebuttal evidence.
- D. The hearing shall be recorded, but need not be transcribed unless requested by a party, who shall pay for the transcription.
- E. The board of appeals shall set aside a decision of the Health Officer only if substantial rights of the petitioner have been prejudiced because the decision is any of the following:
 1. In violation of the constitution or a statute.
 2. In excess of the statutory authority or jurisdiction of the Department.
 3. Made upon unlawful procedure resulting in material prejudice to a party.
 4. Not supported by competent material and substantial evidence.
 5. Arbitrary, capricious or clearly an abuse or unwarranted exercise of discretion.
 6. Affected by other substantial and material error of law.
- F. The decision of the board of appeals in all cases is final and shall be subject to judicial review as provided by law. A person aggrieved by a decision of the board of appeals may petition the circuit court of the county in which the principal office of the Department is located for review. The petition shall be filed not later than 60 days following the receipt of the final decision.

54

members, appointed by the Board of County Commissioners. The appeals board shall be representative of varied interests.

- B. The membership of the board of appeals shall elect their own chairperson from among its membership.
- C. The Department shall provide administrative support to the board of appeals.
- D. Appeals on all sites which serve buildings other than single and two-family residences, including those with peak daily flows of less than 1,000 gallons per day evaluated under these regulations, shall be made to the Michigan Department of Environment Great Lakes and Energy or current State agency responsible under the Michigan Criteria for Subsurface Sewage Disposal, as written by the Division of Environmental Health, Bureau of Environmental and Occupational Health, Michigan Department of Public Health, April 1994, By authority of Act 368, P.A. 1978, as amended (Mich. Comp. Laws Ch 333) and Act 451, P.A. 1994, as amended (Mich. Comp. Laws § 324.101 - 324.90106), or current State requirement.

16-2 Informal Resolution of Disputes

- A. A person who disagrees with a decision of the Health Officer, arising out of this code, is encouraged to meet and resolve the dispute with the Supervisor of the Environmental Health Division or the Health Officer. At any time a person may cease efforts to reach an informal resolution and may request a formal hearing before the board of appeals.
- B. Before the Health Officer suspends or revokes a license, the Health Officer shall give notice, personally or by mail, to the licensee. The licensee shall be given an opportunity, at an informal meeting, to show compliance with all lawful requirements for retention of the license.
- C. In the absence of compliance, the Health Officer shall issue a notice of a formal hearing, followed by a hearing, in accordance with the procedures outlined in Section 16-3 below. The Health Officer may order a summary suspension of the license if the public health, safety, or welfare requires emergency action.

16-3 Formal Hearings

- A. A person who disagrees with the decision of the Health Officer, and who has been unable to resolve the dispute informally, may petition the Department for a formal administrative hearing before the board of appeals. The petitioner has 20 days after the receipt of an adverse decision to do so. The formal hearing shall be held within

53

COUNTY OF CHIPPEWA
2020-15

A Regular meeting of the Board of Commissioners of the County of Chippewa, Michigan (the "County"), was held in Sault Ste. Marie, Michigan, on October 15, 2020, held electronically and in conformance with Governor Gretchen Whitmer's Executive Order No. 2020-154, on October 15, 2020, beginning at 3:30 p.m., Eastern Time, the following Commissioners were:

PRESENT: Jim Martin, Don McLean, Scott Shackleton and Robert Savoie _____

ABSENT: Conor Egan _____

The resolution set forth below was offered by Commissioner Savoie and supported by Commissioner Shackleton.

2021 BORROWING RESOLUTION
(2020 DELINQUENT TAXES)

WHEREAS, ad valorem real property taxes are imposed by the County and the local taxing units within the County on July 1 and/or December 1 of each year; and

WHEREAS, a certain portion of these taxes remain unpaid and uncollected on March 1 of the year following assessment, at which time they are returned delinquent to the County's treasurer (the "Treasurer"); and

WHEREAS, the Treasurer is bound to collect all delinquent taxes, interest and property tax administration fees which would otherwise be payable to the local taxing units within the County; and

WHEREAS, the statutes of the State of Michigan authorize the County to establish a fund, in whole or in part from borrowed proceeds, to pay local taxing units within the County their respective shares of delinquent ad valorem real property taxes in anticipation of the collection of those taxes by the Treasurer; and

WHEREAS, the County Board of Commissioners (the "Board") has adopted a resolution authorizing the County's Delinquent Tax Revolving Fund (the "Revolving Fund Program"), pursuant to Section 87b of Act No. 206, Michigan Public Acts of 1893, as amended ("Act 206"); and

1

Delinquent Taxes, and (ii) any sums otherwise available to fund the Tax Payment Account established under Section 702 (including any monies held in respect of Section 704(a)).

(c) The aggregate amount of the Notes shall not be greater than the sum of (i) the actual amount of the Delinquent Taxes pledged to the payment of debt service on the Notes, plus (ii) the amount determined by the Treasurer to be allocated to a reserve fund. Original proceeds of the Notes devoted to a reserve fund shall not exceed the lesser of (A) the amount reasonably required for those of the Notes secured by the reserve fund, (B) 10% of the proceeds of such Notes, (C) the maximum amount of annual debt service on such Notes, or (D) 125% of average annual debt service on such Notes.

(d) The aggregate amount of the Notes shall be designated by the Treasurer by written order after (i) the amount of the Delinquent Taxes, or the amount of Delinquent Taxes to be funded by the issuance of the Notes, has been estimated or determined, and (ii) the amount of the reasonably required reserve fund has been calculated. Delinquent Taxes shall be estimated based on delinquencies experienced during the past three fiscal years and on demographic and economic data relevant to the current tax year, and shall be determined based on certification from each of the taxing units. The amount of the reasonably required reserve fund shall be calculated pursuant to such analyses and certificates as the Treasurer may request.

104. **Proceeds.** If the Notes is issued and sold before the Treasurer has received certification from the taxing units of the amount of the Delinquent Taxes and if such certification is not reasonably anticipated to occur to allow distribution of the proceeds of the Notes within 20 days after the date of issue, the proceeds of the Notes shall be deposited in the County's 2021 Delinquent Tax Project Account and thereafter used to fund the whole or a part of the County's 2021 Tax Payment Account, 2021 Notes Reserve Account and/or 2021 Note Payment Account, subject to and in accordance with Article VII. If the Notes is issued and sold on or after such time, the proceeds of the Notes shall be deposited directly into the County's 2021 Tax Payment Account, 2021 Notes Reserve Account and/or 2021 Note Payment Account, as provided in Article VII.

105. **Treasurer's Order Authorizing Notes and Establishing Delinquent Taxes.** At or prior to the time any Notes is issued pursuant to this resolution, the Treasurer, as authorized by Act 206, may issue a written order specifying the amount and character of the Delinquent Taxes, the Article or Articles under which the Notes is being issued and any other matters subject to the Treasurers control under either this resolution or Act 206.

II.
FIXED MATURITY NOTES

201. **Authority.** At the option of the Treasurer, exercisable by written order, the Notes may be issued in accordance with this Article II. All reference to "Notes" in Article II refers only to Notes issued pursuant to Article II, unless otherwise specified.

3

WHEREAS, such fund has been established to provide a source of monies from which the Treasurer may pay any or all delinquent ad valorem real property taxes which are due the County, and any city, township, school district, intermediate school district, community college district, special assessment district, drainage district, or other political unit within the geographical boundaries of the County participating in the County's Revolving Fund Program pursuant to Act 206 ("local units"); and

WHEREAS, the Treasurer is authorized under Act 206, and has been directed by the Board, to make such payments with respect to delinquent ad valorem real property taxes (including the property tax administration fees assessed under subsection (6) of Section 44 of Act 206) owed in 2020 to the County and the local units (collectively, the "taxing units") which will have remained unpaid on March 1, 2021 and the Treasurer is authorized to pledge these amounts in addition to any amounts not already pledged for repayment of prior series of Notes (or after such prior series of Notes is retired as a secondary pledge) all as the Treasurer shall specify in an order when the Notes authorized hereunder are issued (the "Delinquent Taxes"); and

WHEREAS, the Board has determined that in order to raise sufficient monies to adequately fund the Revolving Fund, the County must issue its General Obligation Limited Tax Notes, Series 2021 in one or more series, in accordance with Sections 87c, 87d, 87g and 89 of Act 206 and on the terms and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED:

I.
GENERAL PROVISIONS

101. **Establishment of 2021 Revolving Fund.** In order to implement the continuation of the Revolving Fund Program and in accordance with Act 206, the County hereby establishes a 2021 Delinquent Tax Revolving Fund (the "Revolving Fund") as a separate and segregated fund within the existing Delinquent Tax Revolving Fund of the County previously established by the Board pursuant to Section 87b of Act 206.

102. **Issuance of Notes.** The County shall issue its General Obligation Limited Tax Notes, Series 2021 in one or more series (the "Notes"), in accordance with this Resolution and Sections 87c, 87d, 87g and 89 of Act 206, payable in whole or in part from the Delinquent Taxes and/or from the other sources specified below.

103. **Aggregate Amount of Notes.**

(a) The Notes shall be issued in an aggregate amount to be determined in accordance with this Section by the Treasurer.

(b) The aggregate amount of the Notes shall not be less than the amount by which the actual or estimated Delinquent Taxes exceeds (i) the County's participating share of

2

202. **Date.** The Notes shall be dated as of the date of issue or as of such earlier date specified by written order of the Treasurer.

203. **Maturity and Amounts.** Notes issued pursuant to this Article II shall be structured in accordance with subsections (a) or (b) below as determined by the Treasurer pursuant to written order.

(a) The first maturity of the Notes or of a series of the Notes shall be determined by the Treasurer pursuant to written order, but shall not be later than three years after the date of issue. Later maturities of the Notes shall be on the first anniversary of the preceding maturity or on such earlier date as the Treasurer may specify by written order. The Notes shall be structured with the number of maturities determined by the Treasurer to be necessary or appropriate, and the last maturity shall be scheduled for no later than the sixth anniversary of the date of issue. The amount of each maturity or of any mandatory or optional call date shall be set by the Treasurer when the amount of Delinquent Taxes is determined by the Treasurer or when a reliable estimate of the Delinquent Taxes is available to the Treasurer. In determining the exact amount of each maturity or of any mandatory or optional call date the Treasurer shall consider the schedule of delinquent tax collections prepared for the tax years December 31, 2020, or of any other years and the corollary schedule setting forth the anticipated rate of collection of those Delinquent Taxes which are pledged to the repayment of the Notes. The amount of each maturity and the scheduled maturity dates of the Notes shall be established to take into account the dates on which the Treasurer reasonably anticipates the collection of such Delinquent Taxes and shall allow for no more than a 15% variance between the debt service payable on each maturity date, the Notes, and the anticipated amount of pledged monies available on such maturity date to make payment of such debt service.

(b) Alternatively, the Notes or a series of the Notes may be structured with a single stated maturity falling not later than the fourth anniversary of the date of issue. The Notes issued under this subsection (b) shall be subject to redemption on such terms consistent with the applicable parts of subsection (a) of this section and with Section 209 as shall be ordered by the Treasurer, but in no event shall such Notes be subject to redemption less frequently than annually.

204. **Interest Rate and Date of Record.**

(a) Except as otherwise provided in this paragraph, the Notes issued pursuant to subsection (a) of Section 203 shall bear interest payable semi-annually, with the first interest payment to be payable (i) on the first date, after issuance, corresponding to the day and month on which the maturity of such Notes falls, or (ii) if the Treasurer so orders, six months before such date. In the event (i) any maturity of the Notes arises either less than six months before the succeeding maturity date or less than six months after the preceding maturity date and (ii) the Treasurer so orders in writing, interest on the Notes shall be payable on such succeeding or preceding maturity date. Subject to the following sentence, the Notes issued pursuant to subsection (b) of Section 203 shall, pursuant to written order of the Treasurer, bear interest monthly, quarterly, or semiannually, as provided by written order of the Treasurer. If the Notes issued under this Article II are sold with a variable rate feature as provided in Article IV, such

4

Notes may, pursuant to written order of the Treasurer, bear interest weekly, monthly, quarterly or on any put date, or any combination of the foregoing, as provided by written order of the Treasurer.

(b) Interest shall not exceed the maximum rate permitted by law.

(c) Interest shall be mailed by first class mail to the registered owner of each Note as of the applicable date of record, provided, however, that the Treasurer may agree with the Registrar (as defined below) on a different method of payment.

(d) Subject to Section 403 in the case of variable rate Notes, the date of record shall be not fewer than 14 nor more than 31 days before the date of payment, as designated by the Treasurer prior to the sale of the Notes.

205. Note Form. The form of Note shall be consistent with the prescriptions of this Resolution and shall reflect all material terms of the Notes. Unless the Treasurer shall by written order specify the contrary, the Notes shall be issued in fully registered form both as to principal and interest, registrable upon the books of a Note Registrar (the "Registrar") to be named by the Treasurer. If the Notes is issued in bearer form the Treasurer shall appoint a paying agent (the "Paying Agent"). (The Registrar or Paying Agent so named may be any bank or trust company or other entity, including the County, offering the necessary services pertaining to the registration and transfer of negotiable securities.)

206. Denominations and Numbers. The Notes shall be issued in one or more denomination or denominations of \$1,000 each or any integral multiple of \$1,000 in excess of \$1,000, as determined by the Treasurer. Notwithstanding the foregoing, however, in the event the Notes is deposited under a book entry depository trust arrangement pursuant to Section 208, the Notes may, if required by the depository trustee, be issued in denominations of \$5,000 each or any integral multiple of \$5,000. The Notes shall be numbered from one upwards, regardless of maturity, in such order as the Registrar shall determine.

207. Transfer or Exchange of Notes.

(a) Notes issued in registered form shall be transferable on a Notes register maintained with respect to the Notes upon surrender of the transferred Notes, together with an assignment executed by the registered owner or his or her duly authorized attorney-in-fact in form satisfactory to the Registrar. Upon receipt of a properly assigned Note, the Registrar shall authenticate and deliver a new Note or Notes in equal aggregate principal amount and like interest rate and maturity to the designated transferee or transferees.

(b) The Notes may likewise be exchanged for one or more other Notes with the same interest rate and maturity in authorized denominations aggregating the same principal amount as the Note or Notes being exchanged, upon surrender of the Note or Notes and the submission of written instructions to the Registrar or, in the case of bearer Notes, to the Paying Agent. Upon receipt of a Note with proper written instructions the Registrar or Paying Agent

09998-3693\222452067.v4

5

more than 1%. Redemption may be made by lot or pro rata, as shall be determined by the Treasurer.

(e) With respect to partial redemptions, any portion of a Note outstanding in a denomination larger than the minimum authorized denomination may be redeemed, provided such portion as well as the amount not being redeemed constitute authorized denominations. In the event less than the entire principal amount of a Note is called for redemption, the Registrar or Paying Agent shall, upon surrender of the Note by the owner thereof, authenticate and deliver to the owner a new Note in the principal amount of the principal portion not redeemed.

(f) Notice of redemption shall be by first class mail 30 days prior to the date fixed for redemption, or such shorter time prior to the date fixed for redemption as may be consented to by the holders of all outstanding Notes to be called for redemption. Such notice shall fix the date of record with respect to the redemption if different than otherwise provided in this Resolution. Any defect in any notice shall not affect the validity of the redemption proceedings. Notes so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with a paying agent to redeem the same.

210. Discount. At the option of the Treasurer, the Notes may be offered for sale at a discount not to exceed 2%.

211. Public or Private Sale. The Treasurer may, at the Treasurer's option, conduct a public sale of the Notes after which sale the Treasurer shall either award the Notes to the lowest bidder or reject all bids. The conditions of sale shall be as specified in a published Notice of Sale prepared by the Treasurer announcing the principal terms of the Notes and the offering. Alternatively, the Treasurer may, at the Treasurer's option, negotiate a private sale of the Notes as provided in Act 206. If required by law, or if otherwise determined by the Treasurer to be in the best interest of the County, (a) the Notes shall be rated by a national rating agency selected by the Treasurer, (b) a good faith deposit shall be required of the winning bidder, and/or (c) CUSIP numbers shall be assigned to the Notes. If a public sale is conducted or if otherwise required by law or the purchaser of the Notes, the Treasurer shall prepare or cause to be prepared and disseminated an offering memorandum or official statement containing all material terms of the offer and sale of the Notes. Pursuant to any sale of the Notes, the County shall make such filings, shall solicit such information and shall obtain such governmental approvals as shall be required pursuant to any state or federal law respecting back-up income tax withholding, securities regulation, original issue discount or other regulated matter.

212. Execution and Delivery. The Treasurer is authorized and directed to execute the Notes on behalf of the County by manual or facsimile signature, provided that if the facsimile signature is used the Notes shall be authenticated by the Registrar or any tender agent as may be appointed pursuant to Section 801(c). The Notes shall be sealed with the County seal or imprinted with a facsimile of such seal. The Treasurer is authorized and directed to then deliver the Notes to the purchaser thereof upon receipt of the purchase price. The Notes shall be delivered at the expense of the County in such city or cities as may be designated by the Treasurer.

09998-3693\222452067.v4

7

shall authenticate and deliver a new Note or Notes to the owner thereof or to the owner's attorney-in-fact.

(c) Any service charge made by the Registrar or Paying Agent for any such registration, transfer or exchange shall be paid for by the County as an expense of borrowing, unless otherwise agreed by the Treasurer and the Registrar or Paying Agent. The Registrar or Paying Agent may, however, require payment by a Noteholder of a sum sufficient to cover any tax or other governmental charge payable in connection with any such registration, transfer or exchange.

208. Book Entry Depository Trust. At the option of the Treasurer, and notwithstanding any contrary provision of Section 212, the Notes may be deposited, in whole or in part, with a depository trustee designated by the Treasurer who shall transfer ownership of interests in the Notes by book entry and who shall issue depository trust receipts or acknowledgments to owners of interests in the Notes. Such book entry depository trust arrangement, and the form of depository trust receipts or acknowledgments, shall be as determined by the Treasurer after consultation with the depository trustee. The Treasurer is authorized to enter into any depository trust agreement on behalf of the County upon such terms and conditions as the Treasurer shall deem appropriate and not otherwise prohibited by the terms of this Resolution. The depository trustee may be the same as the Registrar otherwise named by the Treasurer, and the Notes may be transferred in part by depository trust and in part by transfer of physical certificates as the Treasurer may determine.

209. Redemption.

(a) Subject to the authority granted the Treasurer pursuant to subsection (c) of this Section (in the case of fixed rate Notes) and to the authority granted the Treasurer pursuant to Section 404 (in the case of variable rate Notes), the Notes or any maturity or maturities of the Notes shall be subject to redemption prior to maturity on the terms set forth in subsection (b) below.

(b) Notes scheduled to mature after the first date on which any Notes of the series are scheduled to mature shall be subject to redemption, in inverse order of maturity, on each interest payment date arising after the date of issue.

(c) If the Treasurer shall determine such action necessary to enhance the marketability of the Notes or to reduce the interest rate to be offered by prospective purchasers on any maturity of the Notes, the Treasurer may, by written order prior to the issuance of such Notes, (i) designate some or all of the Notes as non-callable, regardless of their maturity date, and/or (ii) delay the first date on which the redemption of callable Notes would otherwise be authorized under subsection (b) above.

(d) Notes of any maturity subject to redemption may be redeemed before their scheduled maturity date, in whole or in part, on any permitted redemption date or dates, subject to the written order of the Treasurer. The Notes called for redemption shall be redeemed at par, plus accrued interest to the redemption date, plus, if the Treasurer so orders, a premium of not

09998-3693\222452067.v4

6

213. Renewal, Refunding or Advance Refunding Notes. If at any time it appears to be in the best interests of the County, the Treasurer, by written order, may authorize the issuance of renewal, refunding or advance refunding Notes. The terms of such Notes, and the procedures incidental to their issuance, shall be set subject to Section 309 and, in appropriate cases, Article X.

III. SHORT-TERM NOTES

301. Authority. At the option of the Treasurer, exercisable by written order, the Notes may be issued in accordance with this Article III. All references to "Notes" in Article III refer only to Notes issued pursuant to Article III, unless otherwise specified.

302. Date and Maturity. The Notes shall be dated as of their date of issuance or any prior date selected by the Treasurer, and each issuance thereof shall mature on such date not exceeding three years from the date of their issuance as may be specified by written order of the Treasurer.

303. Interest and Date of Record. The Notes shall bear interest payable monthly, quarterly, or semi-annually and at maturity at such rate or rates as may be determined by the Treasurer not exceeding the maximum rate of interest permitted by law on the date the Notes is issued. The date of record shall be not fewer than two nor more than 31 days before the date of payment, as designated by the Treasurer prior to the sale of the Notes.

304. Note Form. The form of Note shall be consistent with the prescriptions of this Resolution and shall reflect all material terms of the Notes. The Notes shall, in the discretion of the Treasurer and consistent with Section 205, either be payable to bearer or be issued in registered form. If issued in registered form, the Notes may be constituted as book-entry securities consistent with Section 208, notwithstanding any contrary provision of Section 308.

305. Denomination and Numbers. The Notes shall be issued in one or more denomination or denominations, as determined by the Treasurer. The Notes shall be numbered from one upwards in such order as the Treasurer determines.

306. Redemption. The authority and obligations of the Treasurer set forth in subsections (b) and (c) of Section 209 (in the case of fixed rate Notes), or Section 404 (in the case of variable rate Notes), as the case may be, shall apply also to the Notes issued under Article III.

307. Sale of Notes. The authority and obligations of the Treasurer set forth in Sections 210 and 211 respecting Fixed Maturity Notes shall apply also to the Notes issued under Article III.

308. Execution and Delivery. The authority and obligations of the Treasurer set forth in Section 212 respecting Fixed Maturity Notes shall also apply to the Notes issued under Article III.

09998-3693\222452067.v4

8

309. Renewal or Refunding Notes.

(a) The Treasurer may by written order authorize the issuance of renewal or refunding Notes (collectively the "Renewal Notes"). Renewal Notes shall be sold on the maturity date of, and the proceeds applied to the payment of debt service on, the Notes to be renewed. The maturities and repayment terms of the Renewal Notes shall be set by written order of the Treasurer.

(b) In the order authorizing Renewal Notes, the Treasurer shall specify whether the Notes shall be issued in accordance with this Article III, in which event the provisions of Article III shall govern the issuance of the Notes, or whether the Notes shall be issued in accordance with Article II, in which event the provisions of Article II shall govern the issuance of the Notes. The order shall also provide for and shall also govern with respect to:

- (i) the aggregate amount of the Renewal Notes;
- (ii) the date of the Renewal Notes;
- (iii) the denominations of the Renewal Notes;
- (iv) the interest payment dates of the Renewal Notes;
- (v) the maturity or maturities of the Renewal Notes;
- (vi) the terms of sale of the Renewal Notes;
- (vii) whether any Renewal Notes issued in accordance with Article II shall be subject to redemption and, if so, the terms thereof; and
- (viii) any other terms of the Renewal Notes consistent with, but not specified in, Article II or Article III.

(c) Regardless of whether Renewal Notes need be approved by prior order of the Department of Treasury, the Treasurer, pursuant to Section 89(5)(d) of Act 206, shall promptly report to the Department of Treasury the issuance of any Renewal Notes.

IV. VARIABLE INTEREST RATE

401. **Variable Rate Option.** At the option of the Treasurer, exercisable by written order, the Notes, whether issued pursuant to Article II or Article III, may be issued with a variable interest rate, provided that the rate shall not exceed the maximum rate of interest permitted by law.

402. **Determination of Rate.** The order of the Treasurer shall provide how often the variable interest rate shall be subject to recalculation, the formula or procedure for determining

09998-3693222452067.v4

9

V. MULTIPLE SERIES

501. **Issuance of Multiple Series.** At the option of the Treasurer, exercisable by written order, the Note or Notes issued under Article II, Article III or Article X may be issued in two or more individually designated series. Each series shall bear its own rate of interest, which may be fixed or variable in accordance with Article IV. Various series need not be issued at the same time and may be issued from time to time in the discretion of the Treasurer exercisable by written order. In determining the dates of issuance of the respective series, the Treasurer shall consider, among other pertinent factors, the impact the dates selected may have on the marketability, rating and/or qualification for credit support or liquidity support for, or insurance of, the Note or Notes. The Note of each such series shall be issued according to this Resolution in all respects (and the term "Note" or "Notes" shall be deemed to include each series of Notes throughout this Resolution), provided that:

- (a) The aggregate principal amount of the Notes of all series shall not exceed the maximum aggregate amount permitted under Section 103;
- (b) Each series shall be issued pursuant to Article II or Article III, and different series may be issued pursuant to different Articles;
- (c) Each series shall be issued pursuant to Section 502 or Section 503, and different series may be issued pursuant to different Sections;
- (d) A series may be issued under Article II for one or more of the annual maturities set forth in Article II with the balance of the annual maturities being issued under Article II or under Article III in one or more other series, provided that the minimum annual maturities set forth in Section 203 shall be reduced and applied pro rata to all Notes so issued; and
- (e) The Notes of all series issued pursuant to Article II above shall not, in aggregate, mature in amounts or on dates exceeding the maximum authorized maturities set forth in Section 203.

502. **Series Secured *Par Passu*.** If the Notes are issued in multiple series pursuant to this Article V, each series of Notes may, by written order of the Treasurer, be secured *par passu* with the other by the security described in and the amounts pledged by Article VII below. Moreover, such security may, pursuant to further written order of the Treasurer, be segregated in accordance with the following provisions.

(a) The Treasurer may by written order establish separate sub-accounts in the County's 2021 Note Reserve Account for each series of Notes, into which shall be deposited the amount borrowed for the Note Reserve Account for each such series.

09998-3693222452067.v4

11

the variable interest rate, whether and on what terms the rate shall be determined by a remarketing agent in the case of demand obligations consistent with Section 801(d), and whether and on what terms a fixed rate of interest may be converted to or from a variable rate of interest. Such formula or procedure shall be as determined by the Treasurer, but shall track or float within a specified percentage band around the rates generated by any one or more of the following indices:

- (i) Publicly reported prices or yields of obligations of the United States of America;
- (ii) An index of municipal obligations periodically reported by a nationally recognized source;
- (iii) The prime lending rate from time to time set by any bank or trust company in the United States with unimpaired capital and surplus exceeding \$40,000,000;
- (iv) Any other rate or index that may be designated by order of the Treasurer provided such rate or index is set or reported by a source which is independent of and not controlled by the Treasurer or the County.

The procedure for determining the variable rate may involve one or more of the above indices as alternatives or may involve the setting of the rate by a municipal bond specialist provided such rate shall be within a stated percentage range of one or more of the indices set forth above.

403. **Date of Record.** The Date of Record shall be not fewer than one nor more than 31 days before the date of payment, as designated by written order of the Treasurer.

404. **Redemption.** Notwithstanding any contrary provision of subsections (b) and (c) of Section 209, but subject to the last sentence of this Section 404, Notes bearing interest at a variable rate may be subject to redemption by the County and/or put by the holder at any time or times and in any order, as may be determined pursuant to written order of the Treasurer. Notes shall not be subject to redemption more frequently than monthly.

405. Remarketing, Repurchase and Resale.

(a) In the event the Notes issued under this Article IV is constituted as demand obligation, the interest rate on the Notes shall be governed by, and shall be subject to, remarketing by a remarketing agent appointed in accordance with Section 801(c), under the terms of a put agreement employed in accordance with Section 801(d).

(b) The County shall be authorized, consistent with Act 206 and pursuant to order of the Treasurer, to participate in the repurchase and resale of the Notes in order to reduce the cost of, or increase the revenue, attendant to the establishment of the Revolving Fund and the issuance and discharge of the Notes. Any purchase of the Notes pursuant to this subsection (b) shall be made with unpledged monies drawn from revolving funds established by the County in connection with retired general obligation limited tax notes.

09998-3693222452067.v4

10

(b) The Treasurer may by written order establish separate sub-accounts in the County's 2021 Note Payment Account for each series of Notes, and all amounts deposited in the Note Payment Account shall be allocated to the sub-accounts.

(c)(i) In the event separate sub-accounts are established pursuant to subsection (b) above, and subject to Paragraph (ii) below, the percentage of deposits to the County's 2021 Note Payment Account allocated to each sub-account may be set equal to the percentage that Notes issued in the corresponding series bears to all Notes issued under this Resolution or to any other percentage designated by the Treasurer pursuant to written order; provided that if the various series are issued at different times or if the various series are structured with different maturity dates, (I) sums deposited in the Note Payment Account prior to the issuance of one or more series may upon the issuance of each such series be reallocated among the various sub-accounts established under Subsection (b) above to achieve a balance among the sub-accounts proportionate to the designated percentage allocation, and/or (II) deposits to the Note Payment Account may be allocated among the sub-accounts according to the total amount of debt service that will actually be paid from the respective sub-accounts.

(ii) Alternatively, the Treasurer may, by written order, rank the sub-accounts established under Subsection (b) above in order of priority, and specify that each such sub-account shall receive deposits only after all sub-accounts having a higher priority have received deposits sufficient to discharge all (or any specified percentage of) Notes whose series corresponds to any of the sub-accounts having priority.

(d) In the absence of a written order of the Treasurer to the contrary, the amounts in each sub-account established pursuant to this Section 502 shall secure only the Notes issued in the series for which such sub-account was established, until such Notes and interest on such Notes are paid in full, after which the amounts in such sub-account may, pursuant to written order of the Treasurer, be added pro rata to the amounts in the other sub-accounts and thereafter used as part of such other sub-accounts to secure all Notes and interest on such Notes for which such other sub-accounts were created, until paid in full. Alternatively, amounts held in two or more sub-accounts within either the Notes Reserve Account or the Notes Payment Account may be commingled, and if commingled shall be held *par passu* for the benefit of the holders of each series of Notes pertaining to the relevant sub-accounts.

503. **Series Independently Secured.** If the Notes are issued in multiple series pursuant to this Article V, each series of Notes may, by written order of the Treasurer, be independently secured in accordance with this Section 503.

(a) Each series of Notes shall pertain to one or more taxing units, as designated by the Treasurer pursuant to written order, and no two series of Notes shall pertain to the same taxing unit. A school district, intermediate school district, or community college district extending beyond the boundaries of a city in which it is located may, pursuant to written order of the Treasurer, be subdivided along the boundaries of one or more cities and each such subdivision shall be deemed a taxing unit for purposes of this Section 503.

09998-3693222452067.v4

12

(b) Separate sub-accounts shall be established in the County's 2021 Tax Payment Account. Each sub-account shall receive the proceeds of one and only one series of Notes, and amounts shall be disbursed from the sub-account to only those taxing units designated as being in that series.

(c) In the event Notes are issued for deposit into the Project Account established under Section 701, separate sub-accounts shall be established in the Project Account. Each sub-account shall receive the proceeds of one and only one series of Notes, and amounts shall be disbursed from the sub-account only to accounts, sub-accounts and/or taxing units designated as being in the series corresponding to the sub-account from which disbursement is being made.

(d) A separate sub-account shall be established in the County's 2021 Note Reserve Account for each series of Notes, into which shall be deposited the amount determined by the Treasurer under Section 103 or Section 703 with respect to the series. Each sub-account shall secure one and only one series.

(e) A separate sub-account shall be established in the County's 2021 Note Payment Account for each series of Notes. Each sub-account shall be allocated only those amounts described in Section 704 which pertain to the taxing units included in the series corresponding to the sub-account. Chargechecks received from a taxing unit pursuant to Section 905 shall be deposited in the sub-account corresponding to the series in which the taxing unit is included. Amounts held in each sub-account shall secure the debt represented by only those Notes included in the series corresponding to the sub-account, and disbursements from each sub-account may be applied toward the payment of only those Notes included in the series corresponding to the sub-account.

(f) The amounts in each sub-account established pursuant to this Section 503 shall secure only the Notes issued in the series for which such sub-account was established until such Notes and interest on such Notes are paid in full, after which any amounts remaining in such sub-account shall accrue to the County and shall no longer be pledged toward payment of the Notes.

VI. TAXABILITY OF INTEREST

601. Federal Tax. The County acknowledges that the current state of Federal law mandates that the Notes be structured as taxable obligations. Consequently, the Notes shall, subject to Article X, be issued as obligations the interest on which is not excluded from gross income for purposes of Federal income tax.

602. State of Michigan Tax. Consistent with the treatment accorded all obligations issued pursuant to Act 206, interest on the Notes shall be exempt from the imposition of the State of Michigan income tax and the State of Michigan single business tax, and the Notes shall not be subject to the State of Michigan intangibles tax.

13

09998-3691322452067-4

be traced to the particular taxing unit receiving the funds. Moreover, and regardless of whether multiple series of Notes are issued, the Tax Payment Account may be divided into separate sub-accounts in order to allow the Treasurer to designate which taxing units shall receive borrowed funds and which shall receive funds otherwise contributed by the County.

703. 2021 Note Reserve Account. In the event funding is provided as described in this Section 703, the Treasurer shall establish a 2021 Note Reserve Account (the "Note Reserve Account") as a distinct account within the Revolving Fund. After depositing all of the monies to fund the Tax Payment Account pursuant to Section 702, the Treasurer shall next transfer to the Note Reserve Account, either from the Project Account or directly from the proceeds of Notes, any proceeds remaining from the initial issuance of the Notes. In addition, the Treasurer may transfer unpledged monies from other County sources to the Note Reserve Account in an amount which, when added to any other amounts to be deposited in the Note Reserve Account, does not exceed the amount reasonably required for the Notes secured by the Reserve Account or, if less, 20% of the total amount of the Notes secured by the Reserve Account. Except as provided below, all monies in the Note Reserve Account shall be used solely for payment of principal of, premium, if any, and interest on the Notes to the extent that monies required for such payment are not available in the County's 2021 Note Payment Account. Monies in the Note Reserve Account shall be withdrawn first for payment of principal of, premium, if any, and interest on the Notes before County general funds are used to make the payments. All income or interest earned by, or increment to, the Note Reserve Account due to its investment or reinvestment shall be deposited in the Note Reserve Account. When the Note Reserve Account is sufficient to retire the Notes and accrued interest thereon, the Treasurer may order that the Note Reserve Account be used to purchase the Notes on the market, or, if the Notes is not available, to retire the Notes when due. If so ordered by the Treasurer, all or any specified portion of the Note Reserve Account may be applied toward the redemption of any Notes designated for redemption in accordance with Section 209.

704. 2021 Note Payment Account.

(a) The County's 2021 Note Payment Account is hereby established as a distinct account within the Revolving Fund. (The County's 2021 Note Payment Account, as supplemented by monies held in any interim account that are designated for transfer to the 2021 Note Payment Account, is herein referred to as the "Note Payment Account".) The Treasurer is directed to deposit into the Note Payment Account, promptly on receipt, those amounts described below in Paragraphs (i), (ii), (iv), and (v) that are not excluded pursuant to Subsection (c) below. Furthermore, the Treasurer may, by written order, deposit into the Note Payment Account all or any portion of the amounts described below in Paragraph (iii).

(i) All Delinquent Taxes.

(ii) All statutory interest on the Delinquent Taxes.

(iii) All property tax administration fees on the Delinquent Taxes, net of any amounts applied toward the expenses of this borrowing.

15

09998-3691322452067-4

603. Change in Federal Tax Status. In the event there is a change in the Federal tax law or regulations, a ruling by the U.S. Department of Treasury or Internal Revenue Service establishes that the Notes may be issued as exempt from Federal income taxes or a change in Michigan law causes the Notes in the opinion of counsel to be exempt from federal income taxes, the Notes may be so issued.

VII. FUNDS AND SECURITY

701. Delinquent Tax Project Account. If the Notes is issued and sold before the Treasurer has received certification from the taxing units of the amount of the Delinquent Taxes and if such certification is not reasonably anticipated in time to allow distribution of the proceeds of the Notes within 20 days after the date of issue, a 2021 Delinquent Tax Project Account (the "Project Account") shall be established by the Treasurer as a separate and distinct fund of the County within its general fund. The Project Account shall receive all proceeds from the sale of the Notes, including any premium or accrued interest received at the time of sale. The Project Account shall be held in trust by an escrow agent until the monies therein are disbursed in accordance with this Article VII. The escrow agent shall be a commercial bank, shall be located in Michigan, shall have authority to exercise trust powers, and shall have a net worth in excess of \$25,000,000. The form and content of the agreement between the County and the escrow agent shall be approved by the Treasurer. Subject to the following sentence, monies deposited in the Project Account shall be expended only (i) for the purpose of funding the Tax Payment Account established under Section 702 and (ii) to the extent permitted by Act 206, for the purpose of paying the expenses of the offering of the Notes. In the event the Treasurer by written order so directs, additional funding of the Project Account may be undertaken, and any surplus proceeds remaining in the Project Account after the Treasurer has completed the funding of the Tax Payment Account may be transferred to either the 2021 Note Reserve Account created under Section 703 or the 2021 Note Payment Account created under Section 704. Monies in the Project Account may be disbursed by the escrow agent to the County's 2021 Tax Payment Account at any time and from time to time, upon receipt of a written requisition signed by the Treasurer.

702. 2021 Tax Payment Account. The County's 2021 Tax Payment Account (the "Tax Payment Account") is hereby established as a distinct account within the Revolving Fund. The Treasurer shall designate all or a portion of the proceeds of the Notes, not to exceed the amount of Delinquent Taxes, for deposit in the Tax Payment Account. If, however, the proceeds of the Notes is initially deposited in the Project Account pursuant to Section 701, the Treasurer is instead authorized and directed to transfer monies included in the Project Account in accordance with the procedures set forth in Section 701. The County shall apply the monies in the Tax Payment Account to the payment of the Delinquent Taxes or expenses of the borrowing in accordance with Act 206. The allocation of monies from the Tax Payment Account may be made pursuant to a single, comprehensive disbursement or may instead be made from time to time, within the time constraints of Act 206, to particular taxing units as monies are paid into the Tax Payment Account, such that the source of the monies (whether from the County's own funds, from the proceeds of a tax exempt borrowing or from the proceeds of a taxable borrowing) may

14

09998-3691322452067-4

(iv) Any amounts which are received by the Treasurer from the taxing units within the County because of the uncollectability of the Delinquent Taxes.

(v) Any amounts remaining in the Project Account after the transfers to the Tax Payment Account and Note Reserve Account have been made as specified in Sections 702 and 703.

(b) Monies in the Note Payment Account shall be used by the County to pay principal of, premium, if any, and interest on the Notes as the same become due and payable.

(c)(i) The Treasurer may by written order provide that only a portion of the sums described above in Subsection (a) shall be deposited into the Note Payment Account and applied toward the payment of debt service on the Notes, in which event those sums which are withheld from the Note Payment Account shall be deposited into the Tax Payment Account or, pursuant to further order of the Treasurer, applied toward any other purpose consistent with Act 206. The portion of any sums described in Subsection (a) which are withheld from the Note Payment Account pursuant to this Subsection shall be determined in accordance with the following Paragraph.

(ii) Prior to the issuance of the Notes, the Treasurer may by written order specify a cut-off date not earlier than March 1, 2021, and only those sums payable to the Note Payment Account and received by the County after the cut-off date shall be applied to the Note Payment Account.

(d) The Treasurer may by written order provide that at such time as sufficient funds shall have been deposited into the Note Payment Account to pay all remaining amounts owed under the Notes the pledge on any additional monies otherwise payable to the Note Payment Account shall be discharged and such monies shall not be deposited into the Note Payment Account or otherwise pledged toward payment of the Notes.

(e) The Treasurer may by written order provide that in the event Notes is issued pursuant to Article III, amounts which would otherwise be included in the Note Payment Account or the Note Reserve Account (or any sub-account therein for a particular series of Notes) shall not include any amounts received by the County prior to the latest maturity date of any series of Notes previously issued under Article II and/or Article III.

705. Limited Tax General Obligation and Pledge.

(a) The Notes shall be the general obligation of the County, backed by the County's full faith and credit, the County's tax obligation (within applicable constitutional and statutory limits) and the County's general funds. The County budget shall provide that if the pledged monies are not collected in sufficient amounts to meet the payments of the principal and interest due on the Notes, the County, before paying any other budgeted amounts, shall promptly advance from its general funds sufficient monies to pay such principal and interest.

16

09998-3691322452067-4

(b) In addition, the monies listed below are pledged to the repayment of the Notes and, subject to Section 901, shall be used solely for repayment of the Notes until the principal of, premium, if any, and interest on the Notes is paid in full:

(i) All amounts deposited or earned in any Project Account, until disbursed in accordance with Section 701;

(ii) All net proceeds from the sale of the Notes deposited or earned in the Tax Payment Account, until disbursed in accordance with Section 702;

(iii) All amounts deposited in the Note Payment Account pursuant to Section 704(a);

(iv) All amounts deposited in the Note Reserve Account;

(v) All amounts earned from the investment of monies held in the Notes Payment Account or the Note Reserve Account; and

(vi) Any supplemental monies placed in the Note Payment Account and drawn in the discretion of the Treasurer from unpledged sums on the revolving funds, which pledge shall be subject to such limitations or exceptions as shall be set forth in the written order of the Treasurer.

(c) If the Notes shall be issued in various series pursuant to Article V, this pledge shall in the case of any independently secured series extend only to monies in accounts or sub-accounts pertaining to the particular series.

(d) If the amounts so pledged are not sufficient to pay the principal and interest when due, the County shall pay the same from its general funds or other available sources. Pursuant to written order of the Treasurer, the County may later reimburse itself for such payments from the Delinquent Taxes collected.

706. Security for Renewal, Refunding or Advance Refunding Notes. Renewal, refunding, or advance refunding Notes shall be secured by all or any portion of the same security securing the Notes being renewed, refunded or advance refunded. The monies pledged in Section 705 for the repayment of the Notes is also pledged for the repayment of the principal of, premium, if any, and interest on any renewal, refunding, or advance refunding Notes issued pursuant to this Resolution, and any such renewal, refunding, or advance refunding Notes shall be the general obligation of the County, backed by its full faith and credit, which shall include the tax obligation of the County, within applicable constitutional and statutory limits.

707. Use of Funds after Full Payment or Provision for Payment. After all principal of, premium, if any, and interest on the Notes have been paid in full or provision made therefor by investments of pledged amounts in direct noncallable obligations of the United States of America in amounts and with maturities sufficient to pay all such principal, premium, if any, and interest

09998-369322452067.v4

17

(c) The Treasurer may, at the time of the original issuance of the Notes, execute and deliver one Revolving Credit Note in a maximum principal amount not exceeding the lending commitment under the Agreement from time to time in force (and may substitute one such Note in a lesser principal amount for another in the event the lending commitment is reduced), provided that a schedule shall be attached to such Note on which loans and repayments of principal and interest are evidenced and further provided that the making of a loan and the evidencing of such loan on the schedule of any such Note shall constitute the issuance of a renewal Note for the purposes of this Resolution.

IX. MISCELLANEOUS PROVISIONS

901. Expenses. Expenses incurred in connection with the Notes shall be paid from the property tax administration fees collected on the Delinquent Taxes and, if so ordered by the Treasurer, from any earnings on the proceeds of the offering or from other monies available to the County.

902. Bond Counsel. The Notes (and any renewal, refunding or advance refunding Notes) shall be delivered with the unqualified opinion of Clark Hill PLC, attorneys of Detroit, Michigan, bond counsel chosen by the Treasurer, which selection may, at the option of the Treasurer, be for one or more years.

903. Financial Consultants. MFCL LLC, Milford, Michigan, is hereby retained to act as financial consultant and advisor to the County in connection with the sale and delivery of the Bonds.

904. Complete Records. The Treasurer shall keep full and complete records of all deposits to and withdrawals from each of the funds and accounts in the Revolving Fund and any account or sub-account created pursuant to this Resolution and of all other transactions relating to such funds, accounts and sub-accounts, including investments of money in, and gain derived from, such funds and accounts.

905. Chargebacks. If, by the date which is three months prior to the final maturity date of the Notes, sufficient monies are not on deposit in the Note Payment Account and the Note Reserve Account to pay all principal of and interest on the Notes when due, Delinquent Taxes not then paid or recovered at or prior to the latest tax sale transacted two or more months before the final maturity of the Notes shall, if necessary to ensure full and timely payment on the date of final maturity, be charged back to the local units in such fashion as the Treasurer may determine, and, subject to Article V, the proceeds of such chargebacks shall be deposited into the County's 2021 Note Payment Account no later than five weeks prior to the final maturity of the Notes. This Section 905 shall not be construed to limit the authority of the Treasurer under State law to charge back under other circumstances or at other times.

09998-369322452067.v4

19

when due, any further collection of Delinquent Taxes and all excess monies in any fund or account of the Revolving Fund, and any interest or income on any such amounts, may, pursuant to written order of the Treasurer and subject to Article V, be used for any proper purpose within the Revolving Fund including the securing of subsequent issues of Notes.

VIII. SUPPLEMENTAL AGREEMENTS

801. Supplemental Agreements and Documents. The Treasurer, on behalf of the County, is authorized to enter into any or all of the following agreements or commitments as may, in the Treasurer's discretion, be necessary, desirable or beneficial in connection with the issuance of the Notes, upon such terms and conditions as the Treasurer may determine appropriate:

(a) A letter of credit, line of credit, repurchase agreement, Note insurance, or similar instrument, providing backup liquidity and/or credit support for the Notes;

(b) A reimbursement agreement, revolving credit agreement, revolving credit Note, or similar instrument, setting forth repayments of and security for amounts drawn under the letter of credit, line of credit, repurchase agreement or similar instrument;

(c) A marketing, remarketing, placement, authenticating, paying or tender agent agreement or dealer agreement designating a marketing, remarketing, authenticating, paying, tender or placement agent or dealer and prescribing the duties of such person or persons with respect to the Notes; and

(d) A put agreement or provision allowing the purchaser of the Notes to require the County to repurchase the Notes upon demand at such times as may be provided in such put agreement or provision.

(e) An agreement to use amounts formerly pledged to other years borrowings as security for the Notes when no longer so pledged.

802. Revolving Credit Notes. If the Treasurer enters into a revolving credit agreement (the "Agreement") pursuant to Section 801 above, the Agreement may call for the issuance of one or more revolving credit Notes (the "Revolving Credit Notes") for the purpose of renewing all or part of maturing Note or Notes that have been put pursuant to a put agreement or provision. Such Revolving Credit Notes shall be issued pursuant to Article II or III, as appropriate, and in accordance with the following provisions:

(a) Interest on the Revolving Credit Notes may be payable on maturity, on prior redemption, monthly, bimonthly, quarterly, or as otherwise provided in the Agreement.

(b) The Revolving Credit Notes may mature on one or more date or dates not later than the final maturity date of the Notes, as provided in the Agreement.

09998-369322452067.v4

18

906. Investments. The Treasurer is authorized to invest all monies in the Project Account, in the Revolving Fund or in any account or sub-account therein which is established pursuant to this Resolution in any one or more of the investments authorized as lawful investments for counties under Act No. 20, Public Acts of 1943, as amended. The Treasurer is further authorized to enter into a contract on behalf of the County under the Surplus Funds Investment Pool Act, Act No. 367, Michigan Public Acts of 1982, as amended, and to invest in any investment pool created thereby monies held in the Project Account, in the Revolving Fund, or in any account or sub-account therein which is established pursuant to this Resolution.

907. Mutilated, Lost, Stolen or Destroyed Notes. In the event any Note is mutilated, lost, stolen, or destroyed, the Treasurer may, on behalf of the County, execute and deliver, or order the Registrar or Paying Agent to authenticate and deliver, a new Note having a number not then outstanding, of like date, maturity and denomination as that mutilated, lost, stolen, or destroyed. In the case of a mutilated Note, a replacement Note shall not be delivered unless and until such mutilated Note is surrendered to the Treasurer or the Registrar or Paying Agent. In the case of a lost, stolen or destroyed Note, a replacement Note shall not be delivered unless and until the Treasurer and the Registrar or Paying Agent shall have received such proof of ownership and loss and indemnity as they determine to be sufficient.

ARTICLE X. TAX-EXEMPT NOTES OR REFUNDING

1001. Refunding of Taxable Debt or Issuance of Tax-Exempt Debt. The County acknowledges that the current state of Federal law precludes the issuance of the Notes as obligations the interest on which is exempt from Federal income tax. However, the County presently contemplates that anticipated amendments to the Internal Revenue Code of 1986 (the "Code") and/or the Treasury Regulations issued thereunder (the "Regulations") or a change in Michigan law changing the character of the Notes may in the future permit the issuance of general obligation limited tax Notes on a tax-exempt basis, and, in view of this expectation, the County, through the offices of the Treasurer, shall issue tax-exempt Notes or issue obligations to refund any or all outstanding Notes issued as taxable obligations, at the time, on the terms, and to the extent set forth in this Article X.

1002. Timing of Refunding. The aforementioned refunding obligations (the "Refunding Notes") shall be issued after the effective date of any change in the Code, Regulations, Internal Revenue Service pronouncements or judicial rulings which, as confirmed by the written opinion of bond counsel, permit the refunding of all or some of the outstanding Notes with proceeds from obligations the interest on which is excluded from gross income for purposes of Federal income tax.

1003. Extent of Refunding. Subject to the other provisions of this Section 1003, the Refunding Notes shall refund all Notes outstanding at or after the effective date of any change in the law described in Section 1002. This Section 1003 shall not, however, be construed to require the refunding of any Note prior to the time such Note may be refunded on a tax-exempt basis, nor shall this Section 1003 be construed to require the refunding of any Note, if that refunding

09998-369322452067.v4

20

would result in greater cost to the County (including interest expense, professional fees and administrative outlays) than would arise if the Note were to remain outstanding.

1004. **Confirmatory Action.** Subsequent to any change in the law described in Section 1002, the Board shall convene to consider any terms of the Refunding Notes requiring specific ratification by the Board.

1005. **Arbitrage Covenant and Tax Law Compliance.** In the event tax-exempt Notes or Refunding Notes is issued pursuant to this Article X, the following covenants shall be observed by the County:

(i) the County will make no use of the proceeds of the Notes or Refunding Notes and will undertake no other intentional act with respect to the Notes or Refunding Notes which, if such use or act had been reasonably expected on the date of issuance of the Notes or Refunding Notes or if such use or act were intentionally made or undertaken after the date of issuance of the Notes or Refunding Notes, would cause the Notes or Refunding Notes to be "arbitrage bonds," as defined in Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), in the Regulations promulgated under Sections 103 and 148 of the Code or in any successor or supplementary provision of law hereinafter promulgated,

(ii) the County will undertake all actions as shall be necessary to maintain the Notes or Refunding Notes as obligations the interest on which qualifies for the tax exemption provided by Section 103(a) of the Code, including, where appropriate and without limitation, filing informational returns with the Secretary of Treasury, keeping accurate account of all monies earned in any fund, account or sub-account authorized by this Resolution or any resolution adopted in accordance with Section 1004 above, certifying cumulative cash flow deficits of the County and the local units, and investing any required portion of the gross proceeds of the Notes or Refunding Notes, whether on behalf of the County or the local units, in tax-exempt obligations or State and Local Government Series obligations, and

(iii) the County will make timely payment to the United States of any investment earnings, realized by the County on the gross proceeds of the Notes or Refunding Notes, as may be subject to rebate under Section 148(f) of the Code, and, to the extent required under applicable law or deemed by the Treasurer to be in the best interest of the County pursuant to written order, the County's obligation to make such payment to the United States shall also account for excess investment earnings realized by local units on all or a portion of the gross proceeds distributed to, and held by, the local units pursuant to Section 702.

(iv) the Treasurer shall be directed to take such actions and to enter into such agreements and certifications, on behalf of the County, as the Treasurer shall deem necessary or appropriate to comply with the foregoing covenants.

1006. **Undertaking to Provide Continuing Disclosure.** If necessary, this Board of Commissioners, for and on behalf of the County of CHIPPEWA, hereby covenants and agrees, for the benefit of the beneficial owners of the Notes to be issued by the County, to enter into a written undertaking (the "Undertaking") required by Rule 15c2-12 promulgated by the Securities

and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be substantially in the form as approved by the Underwriter of the Notes. The Undertaking shall be enforceable by the beneficial owners of the Notes or by the Underwriter on behalf of such beneficial owners (provided that the Underwriter's right to enforce the provisions of the Undertaking shall be limited to a right to obtain specific enforcement of the County's obligations hereunder and under the Undertaking), and any failure by the County to comply with the provisions of the Undertaking shall not be deemed a default with respect to the Notes.

The County Treasurer or other officer of the County charged with the responsibility for issuing the Notes shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the terms of the County's Undertaking.

After consideration of the borrowing resolution presented earlier this day with regard to Act 206 of the Public Acts of 1893, as amended ("Act 206"), and in respect of such borrowing resolution, the resolution set forth below was offered by Commissioner Savoie and seconded by Commissioner Shackleton.

RESOLUTION AUTHORIZING 2021 ADMINISTRATIVE FUND

IT IS RESOLVED BY THE CHIPPEWA COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

The County Treasurer, pursuant to Section 87e, Subsection (2), of Act 206, is designated as Agent for the County, and the Treasurer's office shall receive such sums as are provided in Section 87e, Subsection (3), to cover administrative expenses.

Discussion followed. A vote was thereupon taken on the foregoing resolution and the vote for each such resolution was as follows:

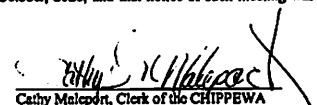
AYES: Jim Martin, Don McLean, Scott Shackleton and Robert Savoie _____

NAYS: None _____
ABSTAIN: None _____

A sufficient majority having voted therefor, the two resolutions appearing above were adopted.

STATE OF MICHIGAN
COUNTY OF CHIPPEWA

I certify that the foregoing is a true and accurate copy of the resolutions adopted by the Chippewa County Board of Commissioners, that such resolutions were duly adopted at a Regular meeting held on the 15th day of October, 2020, and that notice of such meeting was given as required by law.


Cathy Malepón, Clerk of the CHIPPEWA
County Board of Commissioners

[SEAL]