BRIDGMAN CODIFIED ORDINANCES

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OFFICERS COMPENSATION COMMISSION

Ordinance No. 57, effective April 26, 1976

100.000

AN ORDINANCE TO ESTABLISH A LOCAL OFFICERS COMPENSATION COMMISSION PURSUANT TO ACT 8 OF 1972, M.S.A. 5.2084 (3)

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1.1 COMPENSATION COMMISSION MEMBERSHIP 100.001

A Local Officers Compensation Commission is hereby created which shall determine the salaries of all local elected officials. The Commission shall consist of five (5) members who are registered electors of the City of Bridgman, appointed by the Mayor subject to confirmation by a majority of the members elected and serving on the City Commission. The terms of office shall be five (5) years, except that of the members first appointed, one (1) each shall be appointed for terms of one, two, three, four and five years. All first members shall be appointed within thirty (30) days after the effective date of the Ordinance. Thereafter members shall be appointed before October 1 of the year of appointment. Vacancies shall be filled for the remainder of the unexpired term. No member or employee of the legislative, judicial or executive branch of any level of government or members of the immediate family of such member or employee shall be eligible to be a member of the Commission. (*Ordinance No. 57, effective April 26, 1976*)

SECTION 1.2 DETERMINATION OF SALARY 100.002

The Commission shall determine the salaries of all local elected officials which determination shall be the salaries unless the City Commission by resolution adopted by two-thirds (2/3) of the members elected to and serving on the City Commission reject them. The determinations of the compensation commission shall be effective thirty (30) days following their filing with the City Clerk unless rejected by the City Commission. LII case of rejection the existing salary shall prevail. Any expense allowance or reimbursement paid to elected officials in addition to salary shall be for expenses incurred in the course of City business and accounted for to the City. (*Ordinance No. 57, effective April 26, 1976*)

SECTION 1.3 MEETINGS 100.003

The Commission shall meet for not more than fifteen (15) session days in 1976 and every odd numbered year thereafter and shall make its determination within forty five (45) calendar days of its first meeting. A majority of the members of the Commission constitute a quorum for conducting the business of the Commission. The Commission shall take no action or make determinations without a concurrence of a majority of the members appointed and serving on

the Commission. The Commission shall elect a chairman from among its members. "Session Days" means any calendar days on which the Commission meets and a quorum is present. The members of the Commission shall receive no compensation, but shall be entitled to their actual and necessary expenses incurred in the performance of their duties. (*Ordinance No. 57, effective April 26, 1976*)

SECTION 1.4 AMENDMENT **100.004**

The City Commission shall implement this provision by resolution. After one year following the date the Ordinance goes into effect, the procedure for establishing the compensation of elected officials may be changed by charter amendment or revision. (*Ordinance No. 57, effective April 26, 1976*)

SECTION 1. 5 REFERENDUM **100.005**

Within sixty (60) days after the effective date of the Ordinance, a petition for a referendum on the Ordinance may be filed in accordance with the procedure provided in the charter or otherwise by filing a petition with the City Clerk containing the signatures of at least five (5%) percent of the registered electors of such city on the effective date of the Ordinance in which case the election shall be conducted in the same manner as an election on a charter amendment. If a petition for referendum is filed, any determination of the Commission shall not be effective until the Ordinance has been approved by the electors. (*Ordinance No. 57, effective April 26, 1976*)

SECTION 1.6 ADOPTION **100.006**

Adopted this 5th day of April, 1976, to be published in the Community Enterprise on the 15th day of 1976 and to become effective on the 26th day of April, 1976 (*Ordinance No. 57, effective April 26, 1976*)

CITY SUPERINTENDENT

Ordinance No. 76, effective June 8, 1980

101.000

AN ORDINANCE CREATING THE OFFICE OF CITY SUPERINTENDENT OF THE CITY OF BRIDGMAN AND TO PROVIDE FOR THE DUTIES AND RESPONSIBILITIES OF SUCH OFFICE.

THE CITY OF BRIDGMAN ORDAINS:

ARTICLE I

ESTABLISHING, APPOINTMENT AND REMOVAL **101.100**

SECTION 1. CREATION OF OFFICE **101.101**

The office of City Superintendent is hereby created. (*Ordinance No. 76, effective June 8, 1980*)

SECTION 2. APPOINTMENT OF CITY SUPERINTENDENT **101.102**

The City Superintendent shall be appointed by the majority vote of the City Commission for an indefinite term to be more specifically defined by a contract of employment. The City Superintendent shall be selected by the Commission solely on the basis of his executive and administrative qualifications with special reference to his training and experience and without regard to his race, religion, sex or political preferences. No Commissioner shall receive such appointment during his term for which he was elected nor within one year after the expiration of his term. (*Ordinance No. 76, effective June 8, 1980*)

SECTION 3. RESIDENCY REQUIRED **101.103**

The City Superintendent need not be a resident of the City at the time of appointment but shall become a resident of the City within 90 days after his appointment and shall remain such throughout his tenure of office. (*Ordinance No. 76, effective June 8, 1980*)

SECTION 4. SALARY **101.104**

The Commission shall establish the salary of the City Superintendent at the time of appointment and shall have the power to adjust the same from time to time. Said salary shall be more specifically defied in a contract of employment. (*Ordinance No. 76, effective June 8, 1980*)

SECTION 5. ACTING CITY SUPERINTENDENT **101.105**

The Commission may appoint or designate an Acting City Superintendent during the period of a vacancy in the office or during the absence of the City Superintendent from the City. Such Acting City Superintendent shall, while he

is in such office, have all of the responsibilities, duties, and authority of the City Superintendent. (*Ordinance No. 76, effective June 8, 1980*)

SECTION 6. REMOVAL OF THE CITY SUPERINTENDENT 101.106

The City Superintendent may be removed from office by the Commission, with just cause. Said removal shall be more specifically defined in a contract of employment. (*Ordinance No. 76, effective June 8, 1980*)

ARTICLE II

POWERS, DUTIES AND RESPONSIBILITIES 101.200

SECTION 1. CHIEF ADMINISTRATIVE OFFICER 101.201

The City Superintendent shall be the Chief Administrative Officer of the City government and the head of the administrative branch of the City. He shall be responsible to the Mayor and Commission for the proper administrative and supervision over all departments created by the governing body or that may hereafter be created by said governing body of the City and to that end he shall have the power, and shall be required to perform as follows:

a. All city employees, department heads, chartered employees and independent contractors shall receive administrative direction from the City Superintendent and shall report directly to him;

b. Act in behalf of, and carry out the instructions of, and be the authorized representative of the City Commission;

c. Recommend to the Mayor and Commission the employment and discharge of the officers and employees in the departments under his jurisdiction;

d. Attend all meetings of the City Commission with the right to take part in discussions but without the right to vote;

e. Be a member ex-officio of all committees of the City Commission;

f. The City Superintendent shall be the liaison officer between all appointed and administrative bodies of the City of Bridgman and the City Commission. As such he shall be entitled to notice of all meetings whether regular or special;

g. The City Superintendent shall serve as the Finance Director of the City government. As such he shall cause the annual budget of the various departments of the City to be prepared and direct their presentation to the City Commission. He shall keep the City Commission informed as to the financial conditions and needs of the City. As such he shall give a state of the City report to the City Commissioners at least once a year to keep them apprised of the financial condition and budgeting issues of the City of Bridgman;

h. He shall see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise or in any contract are faithfully kept and performed;

i. He shall be charged with the efficient purchase of all materials, supplies, or equipment for which funds are provided in the budget appropriation, but he may not purchase any items which exceeds any budget appropriation until the Commission has increased the appropriation. For all purchases of more than $500 the Superintendent shall make recommendations to the City Commission for action.

j. He shall perform all such other duties as may be required of him by the City Commission, not inconsistent with the City Charter, law or Ordinance. (*Ordinance No. 76, effective June 8, 1980*)

ARTICLE III

PERFORMANCE EVALUATION **101.300**

SECTION 1. ANNUAL REVIEW AND EVALUATION **101.301**

The City's Mayor and Commission shall review and evaluate the City Superintendent's performance annually, to be more specifically defined in a contract of employment. (*Ordinance No. 76, effective June 8, 1980*)

ARTICLE IV

MISCELLANEOUS PROVISIONS **101.400**

SECTION 1. GENDER **101.401**

The masculine pronouns; he, his, and him; shall be understood to mean the City Superintendent position and as such do not indicate gender. (*Ordinance No. 76, effective June 8, 1980*)

SECTION 2. SEVERABILITY **101.402**

This Ordinance and the various parts, sentences and clauses thereof are hereby declared to be severable and if any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared to be unconstitutional and invalid. (*Ordinance No. 76, effective June 8, 1980*)

SECTION 3. REPEAL **101.403**

All Ordinances or parts of Ordinances a conflict with the terms and provisions of this Ordinance hereby repealed. (*Ordinance No. 76, effective June 8, 1980*)

SECTION 4. PUBLICATION **101.404**

This Ordinance shall be published at least once in the Community Enterprise, a newspaper of general circulation within the City of Bridgman. (*Ordinance No. 76, effective June 8, 1980*)

SECTION 5. EFFECTIVE DATE **101.405**

The effective date of this Ordinance shall be 20 days after the passage thereof.

Adopted: May 19, 1980
Effective June 8, 1980

CITY PLANNING COMMISSION

Ordinance No. 26, effective January 24, 1961
amended by Ordinance No. 52, effective May 12, 1975
further amended by Ordinance No. 80, effective May 10, 1981

102.000

AN ORDINANCE TO ESTABLISH A CITY PLANNING COMMISSION TO PROVIDE FOR THE APPOINTMENT AND TERM OF MEMBERS OF THE COMMISSION: TO PRESCRIBE THE FUNCTION, POWERS AND DUTIES OF THE COMMISSION; AND TO AUTHORIZE THE APPROPRIATION OF FUNDS THEREOF.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. CREATION AND NAME **102.001**

There is hereby created a City Planning Commission to be known as the "Bridgman City Planning Commission". (*Ordinance No. 26, effective January 24, 1961*)

SECTION 2. MEMBERSHIP **102.002**

The Commission shall consist of nine members who shall represent, insofar as is possible, different professions or occupations, who shall be appointed by the Mayor subject to the approval of the City Commission. Each member of the Commission shall receive compensation the $25.00 per regular meeting up to a maximum of twelve (12) meeting per year. Each member of the Commission must attend at least two third's (2/3) of the regular meetings to receive said compensation, as determined by the Commission secretary. This fee will be paid at least once a year or at closer intervals, as determined by the City Clerk. No member of the Commission shall hold any other municipal office except that one member may be a member of the Zoning Board of Appeals. The term of each member shall be three years from and after the second Monday in April of the year of appointment except that three members of the first commission shall serve until April 1, 1961, three members until April 1, 1962, three members until April 1, 1963, and thereafter three members shall be appointed for a term of three years from and after the second Monday in April of each and every year. All members shall hold office until their successors are appointed and any vacancies in the Commission shall be filled by appointment by the Mayor, subject to approval by the City Commission. The City Superintendent and/or City Assessor shall be an ex officio member of the Commission without voting privileges. (*Ordinance No. 26, effective January 24, 1961; amended by Ordinance No. 52, effective May 12, 1975; further amended by Ordinance No. 80, effective May 10, 1981*)

SECTION 3. OFFICERS, MEETINGS AND RECORDS **102.003**

The Commission shall elect a Chairman from among its member and fill such other offices as it may create from time to time. The Chairman shall hold office for one year and be eligible for reelection. The Commission shall hold at least one regular meeting each month and shall adopt rules for the transaction of its business and keep a record of its proceedings, which record shall be a public record. A majority of the members shall constitute a quorum for the transaction of business. The City Superintendent and/or City Assessor shall not be eligible to serve as an officer of the Commission. (*Ordinance No. 26, effective January 24, 1961, amended by Ordinance No. 52, effective May 12, 1975*)

SECTION 4. EMPLOYEES, EXPENDITURES 102.004

The Commission may appoint such employees as it deems necessary for its work and it may contract with planners, engineers, architects and consultants for such services as it may require. The expenditures of the Commission, exclusive of gifts, shall be within the amount appropriated for the purpose by the City Commission. (*Ordinance No. 26, effective January 24, 1961*)

SECTION 5. FUNCTION 102.005

It shall be the function and duty of the Commission to make and adopt a master plan for the physical development of the City of Bridgman, including any areas outside its boundaries which, in the Commission's judgment, bear relation to the planning of the City. (*Ordinance No. 26, effective January 24, 1961*)

SECTION 6. POWERS AND DUTIES 102.006

The Commission shall have such powers and duties as are set in the provisions of Act 285 of the Public Acts of 1931, as amended (Mich Stat. Ann. 5.2991, et seq) as well as such additional powers and duties as may be conferred or imposed upon it from time to time by the laws of the State of Michigan, including but not by way of limitation:

Preparation of a zoning plan for the control of the height, area, bulk, location and use of buildings and premises.

Preparation of comprehensive surveys and studies of present conditions and future growth of the city.

Formal adoption of the master plan, in whole or in part.

Approval of streets, parks, or other public ways, grounds, open spaces, public buildings or structures.

Recommending programs for public structures and improvements and for the financing thereof.

Publication and distribution of copies of the plan and any reports of the Commission.

Approval of plats and subdivisions prior to filing or recording and adoption of regulations governing the subdivision of land within the jurisdiction of the Commission.

In general, such powers as may be necessary to enable the commission to fulfill its function.

After adoption of a master plan, certification of plats as set forth in Act 222 Public Acts of 1943 (Mich. Stat. Ann. 5.3007 (I) et seq). (*Ordinance No. 26, effective January 24, 1961*)

SECTION 7. EFFECTIVE DATE **102.007**

This Ordinance shall take effect on the 24th day of January, 1961. (*Ordinance No. 26, effective January 24, 1961*)

ODD YEAR ELECTION

Ordinance No. 46, effective March 31, 1971

103.000

AN ORDINANCE TO PROVIDE FOR THE ELECTION OF CITY COMMISSIONERS FOR THE CITY OF BRIDGMAN FOR FOUR YEAR TERMS OF OFFICE AND THE HOLDING OF BIENNIAL ODD YEAR GENERAL ELECTIONS IN NOVEMBER OF SUCH YEARS, PURSUANT TO ACT NO. 239 OF THE PUBLIC ACTS OF 1970.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. ELECTION **103.001**

Pursuant to Act No. 239 of the Public Acts of 1970 after the effective date of this Ordinance, general elections for city offices of the City of Bridgman shall be held in November of biennial odd years beginning with the November 1971 general election and thereafter such elections shall be held every two years in November of odd numbered years pursuant to Act No. 116 of the Public Acts of 1954, the Michigan Election Law, as amended. (*Ordinance No. 46, effective March 31, 1971*)

SECTION 2. TERM OF OFFICE OF CITY COMMISSIONERS **103.002**

The term office of all City Commissioners shall be for a period of four year beginning with those commissioners elected at the general election held in November of 1971 and for all subsequent commissioners elected in the general November election of biennial odd years thereafter. Three commissioners shall be elected for a term of office of four years in the general November election of 1971 and four commissioners shall be elected for four year terms of office in the November general election of 1973. Thereafter, their respective successors shall be elected to four year terms of office in all biennial odd years following. The terms of office for all City Commissioners elected hereunder shall commence and date from the Monday next following the election at which they were elected to office and qualified as provided by the City Charter of the City of Bridgman. (*Ordinance No. 46, effective March 31, 1971*)

SECTION 3. CITY COMMISSION SUCCESSORS **103.003**

Incumbent City Commissioners whose terms of office expires under the City Charter in April of 1971 shall hold over in office until their successors are elected and qualified in the general election of November of 1971. Incumbent City Commissioners whose term of office expires in April of 1972 and 1973, respectively, under the City Charter shall hold over in office until their successors are elected and qualified in the general election of November of 1973. (*Ordinance No. 46, effective March 31, 1971*)

SECTION 4. NOMINATION OF CITY COMMISSIONERS 103.004

The method of nomination of City Commissioners for election shall be by petition as prescribed by the Charter of the City of Bridgman except that such petitions must be filed with the Clerk within the prescribed period of time therein specified prior to the date of holding all biennial odd year elections in November of such years. (*Ordinance No. 46, effective March 31, 1971*)

SECTION 5. CHARTER PROVISIONS 103.005

All Charter provisions of the City of Bridgman relating to the election of officers not inconsistent with this Ordinance, Act 239 of the Public Acts of 1970 and Act No. 116 of the Public Acts of 1954, the Michigan Election Law, are hereby preserved and remain in full force and effect. (*Ordinance No. 46, effective March 31, 1971*)

SECTION 6. EFFECTIVE DATE 103.006

This Ordinance was enacted on the 11th day of March, 1971 and published on the 11th day of March, 1971 and shall become effective twenty (20) days after the publication thereof. (*Ordinance No. 46, effective March 31, 1971*)

PURCHASING ORDINANCE

Ordinance No. 97, effective March 8, 1987

104.000

AN ORDINANCE TO ESTABLISH THE PROCEDURES FOR PURCHASING, AND FOR THE SALE OF PERSONAL PROPERTY AS PROVIDED IN CHAPTER 2, SECTION 55, OF THE CHARTER OF THE CITY OF BRIDGMAN.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. SHORT TITLE **104.001**

Hereinafter this Ordinance shall be known and referred to as the Purchasing Ordinance.

SECTION 2. DEFINITIONS **104.002**

1. The City Commission of the City of Bridgman, City Administrator and City Clerk shall be referred to as "Commission", "Administrator" and "Clerk" respectively.

2. The term "contract" shall include contracts for services, subject to the exclusion hereinafter mentioned, and shall include any type of service; leases for all grounds, buildings, offices and other space required by the City; and the rental, repair or maintenance of equipment, machinery and other City owned personal property. The term "contract" shall not include professional and other contract services which may be unique and not subject to competition.

3. The term "Agent" means the Administrator or any other officer or employee designated in writing by the Administrator to act as Purchasing Agent.

4. The term "public improvement or works" means capital projects which serve to further the operation of the City and shall include public buildings, parks, streets and water and sewer operating facilities, mains or lines.

SECTION 3. PURCHASING AGENT **104.003**

The Administrator shall act as Purchasing Agent of the City, unless he or she shall designate another Officer or employee of the City to act as Purchasing Agent. Any such designation shall be in writing filed with the Clerk. The Administrator shall, from time co time, adopt any necessary rules concerning routine requisitions and purchase orders.

SECTION 4. GENERAL POLICY **104.004**

Competitive prices for all purchases shall be obtained and the purchase made

from, or the contract awarded to, the lowest competent bidder, provided that in cases where the Commission indicates by formal unanimous resolution of those present at the meeting, based upon the written recommendation of the Administrator that it is clearly to the advantage of the City to contract without competitive bidding, it may so authorize. Formal sealed bids shall be obtained in all public works or improvements involving the expenditure of $1,000.00 or more, as provided in the City Charter, and the transaction shall be evidenced by written contract submitted to and approved by the Commission.

SECTION 5. PURCHASES OR CONTRACTS UNDER $3,000 104.005

Purchases of supplies, materials or equipment, the cost of which is less than $3,000.00 or such other lesser amount which may from time to time be established by the Commission by Resolution, may be made in open market, but such purchases shall be based on competitive prices and shall be awarded to the lowest competent bidder as defined in Section 6 of this Ordinance. The Purchasing Agent may solicit prices verbally or by telephone, or may contact prospective bidders by written communication. Where bids are solicited by written communication, a request for such bids shall also be so posted in the City Hall. A record of all prices shall be kept for six (6) months and shall be available for public inspection. Any or all bids may be rejected.

SECTION 6. AWARD OF CONTRACT 104.006

1. The Agent shall have the authority to award contracts within the purview of this Ordinance.

2. Contracts shall be awarded to the lowest competent bidder. In determining the "lowest competent bidder", in addition to the price, the agent shall consider:

a. The ability, capacity and the skill of the bidder to perform the contract or provide the service required;

b. Whether the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference;

c. The character, integrity, reputation, judgment, experience and efficiency of the bidder;

d. The quality of the performance of previous contract or services;

e. The previous and existing compliance by the bidder with laws and

Ordinances relating to the contract or services;

f. The financial resources and ability of the bidder to perform the contract or provide the services;

g. The quality, availability and adaptability of the supplies or contractual services to the particular use required;

h. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;

i. The number and scope of the conditions attached to the bid.

3. If the award is not made to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere prepared by the Agent and filed with the other papers relating to the transaction.

4. Tie Bids.

a. If the lowest competent bids are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to the local bidder.

b. Where a. above is not applicable, the Agent shall award the contract to one of the tie bidders by draining lots in public.

5. The Agent shall not award the bid to a contractor who is in default on the payment of taxes, licenses or other monies due the City.

6. The Agent shall have authority to require a performance bond before entering a contract, in such amount reasonably necessary to protect the best interest of the City.

SECTION 7. PROHIBITION AGAINST SUBDIVISION 104.007

No contract or purchase shall be subdivided to avoid the requirements of this Ordinance.

SECTION 8. PURCHASE OR CONTRACTS OVER $3,000.00 104.008

Any expenditure for supplies, materials, equipment or contract obligating the City, where the amount of the City's obligation is in excess of $3,000.00 or such lesser amount, which may from time to time be established by the

Commission by resolution, must be approved by the Commission and shall be approved only after competitive bidding as provided by the provisions of this Ordinance, unless such is covered by Section 9 of this Ordinance.

1. Such expenditure shall be made the subject of a written contract, unless excepted from such requirements by the Commission in writing. A purchase order shall be a sufficient written contract in cases where the expenditure is in the usual and ordinary course of the City's business.

2. Notices inviting sealed competitive bids may be published in the official newspaper at least five (5) calendar days prior to the final date for submitting bids.

3. In all cases where sealed bids are invited, a copy of the official notice shall be posted on a public bulletin board in the City Hall. The Agent shall mail copies of the official notice to such qualified vendors as he or she may deem necessary to give actual notice to interested bidders and to obtain competitive bidding.

4. Unless prescribed by the Commission, the Administrator shall prescribe the amount of any security to be deposited with any bid. Such deposit shall be in the form of cash, certified or cashier's check, or bond written by a surety company authorized to do business in the State of Michigan. The amount of such security shall be expressed in terms of percentage of the bid submitted. Unless fixed by the Commission or Charter, the Administrator shall fix the amount of the performance bond and in the case of construction contracts, the amount of the labor and materials bond to be required of the successful bidders.

5. Bids shall be opened in public at the time and place designated in the notice requesting bids in the presence of the Agent, the Clerk and at least one other City employee. The head of the department most closely concerned with the subject of the contract may also be present. The bids shall thereupon be carefully examined and tabulated and reported to the Commission with the recommendation of the Agent (as approved by the Administrator, if the Administrator is not acting as the Agent for this purchase) at the next Commission meeting. After tabulation, all bids may be inspected by the competing bidders. In lieu of the procedure for opening bids herein specified, the Commission may direct that bids be opened at a Commission meeting.

6. After the opening of the submitted bids, such bids may not be withdrawn prior to Commission action without forfeiture of the bid deposit.

7. When such bids are submitted to the Commission, if the Commission shall find any of the bids to be satisfactory, it shall accept that bid of the lowest competent bidder, as described in Section 6. However, the Commission shall have the right to reject any or all bids and to waive irregularities in bidding and to accept bids, which do not conform in every respect to the bidding requirements.

8. Parts 1, 2, 3, 4, 5 and 6 of Section 6 shall apply to this Section; provided, however, that the word "Commission" shall be substituted for the words "Agent" or "Administrator".

9. At the time the contract for a construction project is executed by the contractor, he or she shall file a bond executed by a surety company authorized to do business in the State of Michigan to the City, conditioned to pay all laborers, mechanics, subcontractors and material men, as well as all just debts, dues and demands incurred in the performance Of such work and shall file a performance bond when one if required. Said contractor shall also file evidence of public liability insurance in an amount satisfactory to the Administrator, and shall also agree to save the City harmless from loss or damage caused to any person or property by reason of the contractor's negligence.

10. All bids and deposits of certified or cashier's checks may be retained until the contract is awarded and signed. If any successful bidder fails or refuses to enter into the contract awarded to him within five (5) days after the same has been awarded, or file any bond required within the same time, the deposit accompanying his bid shall be forfeited to the City and the Commission may, in its discretion, award the contract to the next lower responsible bidder or said contract may be readvertised.

SECTION 9. EXCEPTIONS TO COMPETITIVE BIDDING 104.009

Competitive bidding may not be required in the following cases:

1. Where the subject of the contract is other than a public work or improvement.

2. When the product or material contracted for is not competitive in nature and/or no advantage to the City would result from requiring competitive bidding, and the Commission authorizes execution of a contract without competitive bidding by resolution passed by a unanimous vote of those Commissioners present at the meeting.

3. In the employment of professional services.

4. Where the City elects to do the work directly as provided by the Charter.

SECTION 10. PROHIBITION OF INTEREST 104.010

1. Any purchase order or contract within the purview of this Ordinance in which the Agent, or any Officer or employee of the City is financially interested, directly or indirectly, shall be void, except that before the execution of a purchase order or contract the Commission shall have the authority to waive compliance with this Section, pursuant to Section 5.10 of the Charter, when it finds such action to be in the best interest of the City. In the event of waiver, the procedures of Section 5.10 of the Charter shall apply.

2. The Agent and every Officer and employee of the City are expressly prohibited from accepting, directly or indirectly, from any parson, company, firm or corporation to which any purchase order or contract is, or might be awarded, any rebate, gift, money or anything of value whatsoever.

SECTION 11. EMERGENCY PURCHASES 104.011

1. In the event of an apparent emergency, endangering the public peace, health and safety of the City, the Commission may purchase directly any supplies, materials or equipment which it deems necessary during the duration of the apparent emergency at a Special meeting, if the Commission by unanimous vote declares its action to be in response to an emergency.

2. In the event of an emergency, endangering the public peace, health and/or safety of the City, the Administrator may purchase directly any supplies, materials or equipment, the immediate procurement of which is necessary to the continuation of the work of any department. A special meeting of the Commission shall be called as soon as possible and the Administrator shall furnish a written detailed explanation of the emergency and of the purchases made during said emergency to the Commission. The Commission may take such supplemental action as it deems necessary to complete the project.

3. The Administrator shall have the power to make any additional rules and regulations concerning emergency purchases he or she deems necessary.

SECTION 12. INSPECTION OF MATERIALS 104.012

The responsibility for the inspection and acceptance of all materials, supplies and equipment shall rest with the ordering department and the Administrator.

SECTION 13. SALE OF PROPERTY **104.013**

Whenever any City property, real or personal, is no longer needed for corporate or public purposes, the same may be offered for sale in accordance with the restrictions established by the City Charter; provided, however, that utility plants and property may be disposed of only in accordance with State law and the City Charter.

SECTION 14. COOPERATIVE PURCHASING **104.014**

The Commission or Agent shall have the power to enter into purchase contracts with and from other governmental agencies, should there be an opportunity for a saving to the City and/or where the Commission determines that it would be in the best interest of the City. Provided, however, that the Commission shall give its prior approval of such purchases, and provided further that all such purchases shall be in compliance with the provisions of this Ordinance and the City Charter.

SECTION 15. SEPARABILITY OF ORDINANCE **104.015**

This Ordinance is declared to be separable. Should any Section or part of a Section, of this Ordinance be found invalid, void or unconstitutional by any Court or Tribunal of competent jurisdiction, such findings will only affect that said Section. The validity or constitutionality of any other Section of this Ordinance shall not be affected by said finding.

SECTION 16. ORDINANCE REPEALED **104.016**

All Ordinances or resolutions and parts of Ordinances or resolutions inconsistent with this Ordinance are hereby repealed.

SECTION 17. PUBLICATION AND RECORDING **104.017**

This Ordinance shall be published and recorded as provided in the City Charter.

SECTION 18. EFFECTIVE DATE **104.018**

This Ordinance shall become effective the 8th day of March, 1987.

MUNICIPAL ORDINANCE VIOLATIONS BUREAU ORDINANCE

Ordinance No. 124, effective December 25, 1994

105.000

AN ORDINANCE TO ESTABLISH A MUNICIPAL ORDINANCE VIOLATIONS BUREAU TO ACCEPT ADMISSION OF RESPONSIBILITY OF MUNICIPAL CIVIL INFRACTIONS, TO COLLECT AND RETAIN FINES AND COSTS, AND TO PROSCRIBE THE OPERATIONS, THEREOF, ALL AS AUTHORIZED BY ACT 12 OF P.A. 1994.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. DEFINITIONS 105.001

As used in this Ordinance, the following definition shall apply:

"Authorized Municipal Official" means a police officer or other personnel of the City of Bridgman authorized by any Ordinance of the City of Bridgman to issue municipal civil infraction citations or municipal civil infraction violation notices.

"Bureau" means the City of Bridgman Municipal Ordinance Violations Bureau as established by this Ordinance.

"Municipal Civil Infraction Action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

"Municipal Civil Infraction Citation" means a written complaint or notice prepared by an authorized city official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

"Municipal Civil Infraction Violation Notice" means a written notice prepared by an authorized city official directing a person to appear at the City of Bridgman Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the City, as authorized under Sections 8396 and 8707(6) of the Act.

SECTION 2. MUNICIPAL CIVIL INFRACTION ENFORCEMENT 105.002

A municipal civil infraction enforcement is commenced when a police officer or other authorized municipal official as designed under the provision of one or more of the ordinances of the City of Bridgman issues either a municipal civil infraction citation or municipal civil infraction notice directing an alleged violator to appear at the City of Bridgman Municipal Ordinance Violations Bureau under the following circumstances or conditions:

A. An authorized municipal official who witnesses a person violate an ordinance a violation of which is a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and three (3) copies of a citation, except as provided in subsection (F).

B. An authorized municipal official may issue a citation to a person if, based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction. An authorized municipal official may issue a citation to a person, if based upon investigation of a complaint, by someone who allegedly witnessed the person violate an ordinance, a violation of which is a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction and if the prosecuting attorney or the city attorney of the City of Bridgman approves, in writing, the issuance of the citation.

C. Except as otherwise provided under subsection (D), the authorized municipal official shall personally serve the third copy of the citation upon the alleged violator.

D. In a municipal civil infraction action involving the use of occupancy of land or a building or other structure, a copy of the citation need not be personally served upon the alleged violator but may be served upon an owner or posting occupant of the land, building, or structure by the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first class mail to the owner of the land, building, or structure at the owner's last known address.

E. A citation served under subsection (D) for a violation involving the use or occupancy of land or a building or other structure shall be processed in the same manner as a citation served personally upon a defendant pursuant to subsection (A) or (B).

F. An authorized municipal official may issue and serve a municipal ordinance violation notice, instead of a citation, under the same circumstances and upon the same persons as provided in this section for the service of a citation. If an authorized municipal official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by ordinance of the violation are not paid at the municipal ordinance violations bureau, a citation may be filed with the court described in subsection (g) and a copy of the citation may be served by first class mail upon the alleged violator at his or her last known address.

The citation filed with the court pursuant to the subsection need not comply in all particulars with Section 3 but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the defendant how to respond to the citation. A citation issued under this subsection shall be processed in the same manner as a citation issued personally to a defendant pursuant to subsection (A) or (B).

SECTION 3. MUNICIPAL CIVIL INFRACTION CITATION CONTENTS **105.003**

Each municipal civil infraction citation shall:

A. Be numbered consecutively,

B. Shall consist of the following parts:

1. The original, which is a complaint and notice to appear by the authorized official and shall be filed with the court in which the appearance is to be made.

2. The first copy, which shall be retained by the ordinances enforcement agency.

3. The second copy, which shall be issued to the alleged violator if the violation is a misdemeanor.

4. The third copy, which shall be issued to the alleged violator if the violation is a municipal civil infraction.

C. A citation for a municipal civil infraction signed by an authorized local official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the authorized local official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties or perjury that the statements above are true to the best of my information knowledge, and belief."

D. Shall contain the following:

The name of the Plaintiff: City of Bridgman.

The name and address of the Defendant: alleged violator.

The municipal infraction alleged.

The place where the Defendant shall appear.

The telephone number of the place to appear.

The time at or by which the appearance must be made.

In addition, the citation shall inform the Defendant:

a. That if the defendant desires to admit responsibility with explanation, in person or by representation, the defendant must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.

b. That if the defendant desires to deny responsibility, the defendant must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing unless a hearing date is specified on the citation.

c. That a hearing shall be an informal hearing unless a formal hearing is requested by the defendant or the plaintiff political subdivision.

d. That at an informal hearing the defendant must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.

e. That at a formal hearing the defendant must appear in person before a judge with the opportunity of being represented by an attorney.

f. The citation shall contain a notice in bold faced type that the failure of the defendant to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the defendant on the municipal civil infraction. Return of the citation with an admission of responsibility and with full payment of applicable civil fines and costs, return of the citation with an admission of responsibility with explanation, or timely application to the court for a scheduled date and time for an appearance or a hearing constitutes a timely appearance.

SECTION 4. MUNICIPAL ORDINANCE VIOLATION BUREAU 105.004

The City of Bridgman hereby established the Municipal Ordinance Violation Bureau for the purpose of accepting admissions of responsibility for municipal civil infractions as shall be designated and defined under the Ordinances of the City of Bridgman, from time to time and to collect and retain fines and costs, as follow:

A. Address: The Municipal Ordinance Violation Bureau shall maintain its office in the City Hall of City of Bridgman 4234 Vine Street, Bridgman, Michigan. The mailing address for the Municipal Ordinance Violation Bureau is Municipal Ordinance Violation Bureau, c/o City of Bridgman, P.O. Box 366, Bridgman, Michigan.

B. Supervisor: The City Superintendent shall be responsible for the administration and operation of the Municipal Ordinance Violation Bureau. The City Superintendent shall, subject to the approval of the City Commission of the City of Bridgman, set policies and procedures and designate employees authorized to accept admissions of responsibility, collect and deposit fines and costs.

C. Default: Failure to Appear or Pay Fine. In the event the Defendant (alleged violator) fails to appear by or at the time set forth in the municipal civil infraction citation or municipal civil infraction notice and/or the fine is not paid, the City Superintendent or his or her designee may file the municipal civil infraction citation or municipal civil infraction notice with the Fifth Judicial District Court and shall mail to the Defendant (alleged violator) a copy thereof by first class mail. The filing and mailing shall include a sworn complaint containing the allegation set forth in the municipal civil infraction citation or municipal civil infraction notice.

SECTION 5. CIVIL FINES **105.005**

Civil fines payable to the Municipal Ordinance Violation Bureau shall be proscribed under the terms and conditions of each Ordinance of the City of Bridgman for which civil sanctions may be imposed. In the event, any Ordinance of the City of Bridgman shall provide for the imposition of civil sanctions, then the civil fines, plus any costs, damages, expenses and other sanctions as specifically provided in the applicable Ordinance shall be:

A. The Civil Fine for a first violation shall be not less than Fifty ($50.00) Dollars, not more than Fifty ($50.00) Dollars;

B. The civil fine for a repeat violation shall be:

1. The first repeat offense shall be not less than Two Hundred Fifty ($250.00) Dollars.

2. The fine for any subsequent repeat offense shall be no less than Five Hundred ($500.00) Dollars.

C. A repeat offense shall mean a second or subsequent violation of the same provision of a municipal ordinance committed by the same person.

PARKING VIOLATIONS BUREAU & SCHEDULE OF FINES

Ordinance No. 38, effective December 22, 1968

106.000

AN ORDINANCE ESTABLISHING A PARKING VIOLATIONS BUREAU FOR THE CITY OF BRIDGMAN.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. PARKING VIOLATIONS BUREAU 106.001

Pursuant to Section 8395 of the Revised Judicature Act, State of Michigan, as added by Public Act 154 of 1968, a parking violations bureau, for the purpose of handling alleged parking violations within the city, is hereby established. The parking violations bureau shall be under the supervision and control of the City Clerk. (*Ordinance No. 38, effective December 22, 1968*)

SECTION 2. LOCATION OF PARKING VIOLATIONS BUREAU 106.002

The City Clerk shall, subject to the approval of the City Commission, establish a convenient location for the parking violations bureau, appoint qualified city employees to administer the bureau and adopt rules and regulations for the operation thereof. (*Ordinance No. 38, effective December 22, 1968*)

SECTION 3. SCHEDULE OF VIOLATIONS 106.003

No violation not scheduled in Section 6 of this Ordinance shall be disposed of by the parking violations bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the bureau and in any case the person in charge of such bureau may refuse to dispose of such violation in which case any person having knowledge of the facts may make a sworn complaint before any court having jurisdiction of the offense as provided by law. (*Ordinance No. 38, effective December 22, 1968*)

SECTION 4. SETTLEMENT OF VIOLATIONS 106.004

No violation may be settled at the parking violations bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking violation at the parking violations bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violation at the parking violations bureau shall not prejudice him or in any way diminish the rights, privileges and protection accorded to him by law. (*Ordinance No. 38, effective December 22, 1968*)

SECTION 5. ISSUANCE OF CITATION **106.005**

The issuance of a traffic ticket or notice of violation by a police officer of the city shall be deemed an allegation of a parking violation. Such traffic ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the parking violations bureau. It shall also indicate the address of the bureau, the hours during which the bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued and advise that a warrant for the arrest of the person to whom the ticket was issued will be sought if such a person fails to respond within the time limited. (*Ordinance No. 38, effective December 22, 1968*)

SECTION 6. SCHEDULE OF OFFENSES AND FINES **106.006**

Appendix A - Schedule
UNIFORM TRAFFIC CODE VIOLATIONS

OFFENSE	*UTC SECTION*	*PENALTY*
Parking too far from curb	(8.1, 8.2)	$2.00
Angle parking violations	(8.3)	$2.00
Obstruction traffic	(8.5)	$5.00
Prohibited parking (signs unnecessary)	(8.10)	
(a) on sidewalk		$5.00
(b) in front of drive		$5.00
(c) within intersection		$10.00
(d) within 15 feet of hydrant		$5.00
(e) on cross walk		$5.00
(f) within 20 feet of cross walk or 15 feet of corner lot lines		$5.00
(g) within 30 feet of street side traffic sign or signal		$5.00
(h) within 50 feet of railroad crossing		$5.00
(i) within 20 feet of fire station entrance		$5.00
(j) within 75 feet of fire station entrance on opposite side of street (signs required)		$5.00
(k) beside street excavation when traffic obstructed		$5.00
(l) double parking		$5.00
(m) on bridge of viaduct or within tunnel		$10.00
(n) within 200 feet of accident where police in attendance		$3.00
(o) in front of theater		$3.00

(p) blocking emergency exit		$5.00
(q) blocking fire escape		$5.00
In prohibited zone (signs required)	(8.10 (r))	$3.00
In alley	(8.13)	$3.00
Parking for prohibited purpose	(8.14)	
(a) displaying vehicle for sale		$3.00
(b) working or repairing vehicle		$3.00
(c) displaying advertising		$3.00
(d) selling merchandise		$3.00
(e) storage over 48 hours		$5.00
Wrong side boulevard roadway	(8.15)	$2.00
Loading zone violation	(8.16, 8.17)	$2.00
Bus, parking other than bus stop	(8.19)	$5.00

Appendix B
(ADDITIONAL OFFENSES FREQUENTLY PROSCRIBED ORDINANCE AND PENALTY VARIATIONS)

	1ST Offense	2nd Offense	3RD & Subsequent Offense
Abandoned Vehicles (Plus towing and storage charge)	$5.00	$5.00	$5.00
Disabled vehicle, failure to move	$10.00	$10.00	$10.00
Keys in vehicle or motor running	$10.00	$10.00	$10.00
All night parking	$2.00	$5.00	$10.00
In prohibited zone			
(a) Prohibited zone	$2.00	$2.00	$2.00
(b) Tow away zone	$3.00	$5.00	$10.00
(c) Fire lane	$3.00	$5.00	$10.00
Between sidewalk and curb	$3.00	$5.00	$10.00
Private property, without owners consent	$5.00	$10.00	Court

(*Ordinance No. 38, effective December 22, 1968*)

SECTION 7. REPEALER **106.007**

All Ordinance or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed. *(Ordinance No. 38, effective December 22, 1968*)

SECTION 8. EFFECTIVE DATE **106.008**

This Ordinance shall become effective upon publication and on and after the expiration of the time prescribed by the City Charter.

Adopted by the City Commission of the City of Bridgman this 2nd day of December 1968 and was ordered to be made effective on the 22nd day of December 1968. (*Ordinance No. 38, effective December 22, 1968*)

PENAL CODE

Ordinance No. 109, effective September 24, 1990
as amended by Ordinance No. 129-B, adopted February 17, 1997
further amended by Ordinance No. 142, adopted July 19, 1999

200.0000

AN ORDINANCE TO REGULATE CONDUCT BY PERSONS IN THE CITY OF BRIDGMAN; DEFINE AND PROHIBIT DISORDERLY CONDUCT; PROHIBIT ACTS DETRIMENTAL TO THE PUBLIC MORALS; PRESERVE THE PEACE AND GOOD ORDER OF THE CITY OF BRIDGMAN; PROVIDE PENALTIES FOR THE VIOLATION HEREOF.

THE CITY OF BRIDGMAN ORDAINS:

CHAPTER 1

TITLE AND DEFINITIONS **200.0100**

SECTION 1. SHORT TITLE **200.0101**

This Ordinance may be cited as the "Penal Code".

CHAPTER 2

DEFINITIONS OF WORDS AND PHRASES **200.0200**

SECTION 2.1. PUBLIC PLACE **200.0201**

The term "public place" or "place" as used in this Ordinance shall mean any alley, street, privately owned area to which the public is invited, building, house, hall, room or other place to which the public or any number of persons of the public has access, or to which the public is customarily invited or permitted.

SECTION 2.2. NUDITY **200.0202**

The term "nudity" as used in this Ordinance shall mean knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. A woman's breast feeding of a baby does not under any circumstances constitute nudity irrespective of whether or not the nipple is covered during or incidental to the feeding. (*Amended by Ordinance No. 129-B, adopted February 17, 1997*)

SECTION 2.3. DOMESTIC ANIMAL **200.0203**

Domestic animal means any animal, whether mammal, birds under one pound, reptile or rodent that is tamed or domesticated and kept as a favorite or treated

with affection. (*Amended by Ordinance No. 142, adopted July 19, 1999*)

SECTION 2.4. LIVESTOCK **200.0204**

Livestock shall mean horses, stallions, colts, gelding, mares sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennies, burros, goats, kids, swine, and fur-bearing animals being raised in captivity, poultry, domestic fowl, large ornamental birds and game birds exceeding one pound in weight. (*Amended by Ordinance No. 142, adopted July 19, 1999*)

CHAPTER 3
OFFENSES AGAINST PUBLIC PEACE 200.0300

SECTION 3.1 CONDUCT OF CROWDS AND RIOTS **200.0301**

(a) No person shall make or assist in making any improper noise or disturbance, quarrel, demonstration, meeting or riot by which the peace or order of the community is disturbed; nor shall any person or persons collect or stand in crowds, or remain loitering in public or other places so as to interfere with free and uninterrupted passage of other persons; nor shall any person create any disturbance in any private place which shall result in any annoyance to the neighborhood.

(b) Obstruction of sidewalks, streets, etc., by persons. No person or persons shall stand, sit, assemble, or congregate upon any public place in such manner as to obstruct the free passage of persons who are lawfully passing along such public place; provided that, to constitute an offense under this Section, there shall also be a refusal or neglect on the part of such person to move and pass on when so ordered by a police officer.

SECTION 3.2 INTERFERENCE WITH GATHERINGS AND MEETINGS **200.0302**

No person shall disrupt or aid in disrupting in any manner any service or worship, or any other assemblage for lawful purposes.

SECTION 3.3 ASSAULT AND BATTERY **200.0303**

No person shall assault, beat, bruise or ill treat another person.

SECTION 3.4 FIGHTING AND QUARRELING **200.0304**

No person or persons shall be engaged in or aid or abet in any fight, quarrel, or disturbance in the City of Bridgman.

SECTION 3.5 THROWING STONES OR MISSILES **200.0305**

No person shall throw any stone, brick, snowball or any other missile at any property, real or personal; person or building.

SECTION 3.6 HARASSING, THREATENING AND OBSCENE TELEPHONE CALLS 200.0306

No person or persons shall telephone any other person repeatedly or cause any person to be telephoned repeatedly for the sole purpose of harassing or molesting such other person or his family whether or not conversation ensues, or use any threatening, vulgar, indecent, obscene, immoral or insulting language over any telephone.

SECTION 3.7 PENALTY 200.307

A person who violates this chapter is guilty of a misdemeanor. (*Amended by Ordinance No. 142, adopted July 19, 1999*)

CHAPTER 4

OFFENSES AGAINST PUBLIC MORALS 200.400

SECTION 4.1 INDECENT LANGUAGE 200.401

No person shall use indecent, immoral, profane or blasphemous language in any public way or place, or in such a way as to subject or expose the public or any member thereof to such language.

SECTION 4.2 PUBLIC NUDITY 200.402

a. No person shall exhibit or expose or display themselves in a public place in a nude fashion.

b. No person, corporation, association of other entity shall solicit, cause, promote, invite, or encourage nudity in a public place.
(*Amended by Ordinance No. 129-B, adopted February 17, 1997*)

SECTION 4.3 OBSCENE LITERATURE, DEVICES AND SHOWS 200.403

No person shall print, publish, show, sell or offer for sale, exhibit or otherwise dispose of any printed matter, pictures or devices containing indecent or obscene language or pictures, which by the context thereof or purpose thereof tends to corrupt public morals, nor shall any person have in his possession any such article. No person shall show, or cause to be shown, any show, or pictures whether a personal performance or by mechanical or other means, which is immoral, obscene or suggestive; or which tends to corrupt the public morals.

SECTION 4.4 HOUSE OF ILL FAME **200.404**

No person shall keep or maintain a house of ill fame or a place for the practice of fornication, prostitution or lewdness.

SECTION 4.5 PATRONS OR INMATES OF HOUSES OF ILL FAME **200.405**

No person shall patronize, frequent, be found in, or be an inmate of any house of ill fame or place for the practice of prostitution or lewdness.

SECTION 4.6 PANDERING **200.406**

No person shall be supported in whole or in part by any prostitute, or be interested as an employer, partner or agent in the proceeds or profits of prostitution or any act thereof, or receive as a gift or gratuity any part of the proceeds of any prostitute's gain, or be participating in the proceeds of prostitution.

SECTION 4.7 WINDOW PEEPING **200.407**

No person shall look, peer, or peep into, or be found loitering around, or within view of any window not on his own property, with the intent of invading the privacy of any person or dwelling place.

SECTION 4.8 PENALTY **200.408**

A person who violates this chapter is guilty of a misdemeanor. (*Amended by Ordinance No. 142, adopted July 19, 1999*)

CHAPTER 5

OFFENSES AGAINST PROPERTY **200.0500**

SECTION 5.1 MALICIOUS INJURY TO BUILDING OR PROPERTY OF ANOTHER **200.0501**

No person shall maliciously destroy or injure any house or structure of another or the appurtenances thereof, where the damage shall be One Hundred and no/100 ($100.00) Dollars or less, nor shall any person maliciously break down, injure, MARY A. FAHEY or deface any fence or gate belonging to or enclosing lands not his own; nor shall any person wrongfully take and carry away from any place any fruit tree, ornamental tree, shade tree, ornamental shrub, or any plant, vine, bush or vegetable there growing, standing or being, with intent to deprive the owner thereof, or without right and with wrongful intent to detach from the ground or injure any fruit trees, ornamental trees, shade tree, ornamental shrub, or any plant, vine, bush, vegetable or garden produce.

SECTION 5.2 MALICIOUS DESTRUCTION OF PUBLIC PROPERTY 200.0502

No person shall intentionally destroy, damage, injure, MARY A. FAHEY or deface any building, monument, sign, or structure or fence, tree, shrub, plant, park or public property of any kind which is owned, controlled or managed by any unit or agency of government nor shall any person commit any act of vandalism on or in any such property.

SECTION 5.3 TAMPERING WITH OR REMOVING PUBLIC PROPERTY 200.0503

No person shall intentionally tamper with, injure, destroy, steal or remove any lamp, lantern, lamp post, pole, cable, electric line, tool, hose, pipe, conduit, road material, earth, stone, or any other property or material owned or under the supervision or control of any unit or agency of government, nor shall any person, without being duly authorized, have in his or her control or possession any equipment, tools, implements, or other property belonging to any unit or agency of government.

SECTION 5.4 POSTING OF BILLS 200.0504

No person shall paint, print, write, paste, stencil, staple, nail or in any manner whatsoever, post any bill, sign, poster, notice, advertisement or any communication upon any pole, tree, wall, fence, building, or other structure standing on any public property nor shall any person so do to any private property without consent of the owner; provided that this Section shall not apply to the posting of a handbill or notice of public sale by a sheriff, administrator, executor, or any notice required by law to be posted.

SECTION 5.5 RETAIL FRAUD (SHOPLIFTING) 200.0505

No person shall do any of the following in a store, shop, restaurant or other commercial establishment or in their immediate vicinity:

a. While said establishment is open to the public, alter, transfer, remove or replace, conceal or otherwise misrepresent the price at which property is offered for sale, with the intent not to pay for the property or to pay less than the price at which the property is offered for sale.

b. While said establishment is open to the public, steal property of the establishment that is offered for sale.

c. With intent to defraud, obtain or attempt to obtain money or property from the establishment as a refund or exchange for property that was not paid

for and belongs to the establishment.

SECTION 5.6 PENALTY **200.0506**

A person who violates this chapter is guilty of a misdemeanor. (*Amended by Ordinance No. 142, adopted July 19, 1999*)

CHAPTER 6

ALCOHOLIC BEVERAGES 200.0600

SECTION 6.1 INTOXICATION, DRINKING IN PUBLIC PLACES 200.0601

No person shall drink any liquor, beer or wine in any public way, place, park, or outdoor area to which the public is admitted, except upon the following terms and conditions:

a. Any group, association or organization having a recognized local, national or fraternal affiliation or purpose not for profit, desiring to use such public place or outdoor area for a particular purpose, such as, picnics, parties, entertainment performances, athletic events or reunions, shall first obtain a permit from the City Commission of the City of Bridgman.

b. Said group shall obtain a Special Use License from the Michigan Liquor Control Commission when applicable.

c. All activities shall be restricted to the areas designated by the City Commission or Chief of Police during the time periods designated by the Chief of Police and/or the Michigan Liquor Control Commission.

d. No intoxicants shall be consumed within any public way, place or outdoor area except as purchased or received through the sponsoring organization.

e. No permit shall be issued for any public park or other area which is designed and used primarily for family or youth activities, playgrounds or tot lots.

SECTION 6.2 FURNISHING ALCOHOLIC BEVERAGES 200.0602

No person shall knowingly sell, give or furnish alcoholic liquor, beer or wine to any person in any public way, park or other public place except as provided in Section 6.1; nor shall any person sell, give or furnish alcoholic liquor, wine or beer to any person who is under 21 years of age.

SECTION 6.3 MINORS PROHIBITED FROM POSSESSING OR TRANSPORTING ALCOHOLIC BEVERAGES IN A MOTOR VEHICLE 200.0603

No person under 21 years of age shall possess or transport or have under his control in any motor vehicle, any beer, wine or other alcoholic beverage, unless such person is working for a licensee of the State Liquor Control Commission and is possessing, transporting or having such beer, wine or alcoholic beverages in a motor vehicle under his control during his regular working hours and in the course of his employment. Any person under the age of 21 years shall be in violation of this Ordinance whenever any beer, wine or alcoholic beverages are found in an automobile operated by him, even though he is not the registered owner of the automobile and notwithstanding that such beer, wine or alcoholic beverages were purchased by others or brought into the motor vehicle by others. The mere presence of beer, wine or alcoholic beverages of any type in the automobile, with the knowledge of the driver, shall constitute a violation of this Ordinance on the part of said driver.

SECTION 6.4 OPEN CONTAINERS CONTAINING ALCOHOLIC BEVERAGES IN MOTOR VEHICLES 200.0604

Any person occupying a motor vehicle in which motor vehicle there is found to be open or unsealed containers of beer, wine or alcoholic beverages, shall be guilty of disorderly conduct.

SECTION 6.5 PENALTY 200.0605

A person who violates this chapter is guilty of a misdemeanor. (*Amended by Ordinance No. 142, adopted July 19, 1999*)

CHAPTER 7
INTERFERENCE WITH POLICE DEPARTMENT 200.0700

SECTION 7.1. INTERFERENCE WITH POLICE OFFICERS 200.0701

No person shall resist any Police Officer or Officer of the Law in the City of Bridgman nor shall any person interfere or attempt to interfere with any Police or Law Officer in the performance of his duty.

SECTION 7.2 RESISTING ARREST 200.0702

No person shall resist arrest by any Police or Law Officer in the City of Bridgman while such officer is performing his duties.

SECTION 7.3 FALSE REPORT TO POLICE DEPARTMENT 200.0703

No person shall intentionally make, or aid and abet in making, with the intent

to deceive, any false, fictitious or deceptive alarm or call for police aid or protection, or make any false, or fictitious or deceptive report when requesting such aid or protection.

SECTION 7.4 IMPERSONATING A POLICE OFFICER 200.0704

No person, not a member of a Police Department or force or a legally elected public official, or commissioned by a proper legal authority, shall represent himself or herself to be a Police Officer, member of a Law Enforcement Agency, Sheriff, Deputy Sheriff, or Constable, nor shall any person not a member of the Police Department, for the purpose of such false representation, wear a badge, symbol, uniform or part thereof similar to that of a Police Officer.

SECTION 7.5 AID IN THE ESCAPE OF A PRISONER 200.0705

No person shall convey or attempt to convey anything to effect or aid in the escape of any prisoner charged with or convicted of a misdemeanor, and held in jail or other lawful custody.

SECTION 7.6 PENALTY 200.0706

A person who violates this chapter is guilty of a misdemeanor. (*Amended by Ordinance No. 142, adopted July 19, 1999*)

CHAPTER 8
INTERFERENCE WITH FIRE DEPARTMENT 200.0800

SECTION 8.1 FALSE ALARMS 200.0801

No person shall knowingly or willfully give a false alarm of fire.

SECTION 8.2. DAMAGE TO FIRE APPARATUS 200.0802

No person shall willfully in any manner injure, deface or destroy any hose, cart, engine, truck or fire apparatus or part thereof, belonging to the city or in use therein, nor shall any person willfully drive over or otherwise willfully or intentionally injure the fire hose of this City or any other hose in use therein.

SECTION 8.3 INTERFERENCE WITH FIREMEN 200.0803

No person shall knowingly or willfully hinder, obstruct or interfere with any fireman in the performance of his duties, nor shall any person, while in the vicinity of any fire willfully disobey any reasonable order, rule or regulation of the officer or officers commanding the Fire Department at such fire.

SECTION 8.4 PENALTY 200.0804

A person who violates this chapter is guilty of a misdemeanor. (*Amended by Ordinance No. 142, adopted July 19, 1999*)

CHAPTER 9

GAMBLING **200.0900**

SECTION 9.1 GAMBLING FOR GAIN **200.0901**

No person or his agent or employee shall directly or indirectly, take, receive or accept money or valuable things with the agreement, understanding, representation, or allegation that money or other valuable thing will be paid or delivered to any such person where such payment or delivery is contingent upon the result of a race, contest, game or the happening of an event not known to the parties to be certain.

SECTION 9.2 GAMBLING DEVICE **200.0902**

No person shall have or keep any device used for the purpose in Section 9.1 mentioned above.

SECTION 9.3 GAMBLING PLACE **200.0903**

No person shall use, own or let any place or property where the acts forbidden under Section 9.1 above shall be conducted.

SECTION 9.4 ADVERTISING FOR GAMBLING **200.0904**

No person shall assist, solicit or advertise for, or occupy any place where any acts forbidden under Section 9.1 above are conducted.

SECTION 9.5 POWER TO SEIZE GAMBLING DEVICES **200.0905**

In addition to any penalties provided in this Ordinance, the Bridgman Police Department may seize and destroy devices mentioned in Section 9.2 above.

SECTION 9.6 PENALTY **200.0906**

A person who violates this chapter is guilty of a misdemeanor. (*Amended by Ordinance No. 142, adopted July 19, 1999*)

CHAPTER 10

FORTUNE TELLING **200.1000**

SECTION 10.1 FORTUNE TELLING **200.1001**

No person shall, for consideration, predict future events or pretend to enable another to recover lost or stolen property, give success in business, enterprise, speculation or games of chance, or cause one person to dispose of property in

favor of another, by cards, token, trances, consulting the movements of heavenly bodies, or by another means.

SECTION 10.2 PENALTY **200.1002**

A person who violates this chapter is guilty of a misdemeanor. (*Amended by Ordinance No. 142, adopted July 19, 1999*)

CHAPTER 11

FIREARMS **200.1100**

SECTION 11.1 DISCHARGING OF FIREARMS **200.1101**

No person shall fire, shoot, set off, or trigger any air gun, spring gun, cross bow or firearm or any dangerous weapon or instrument in the City of Bridgman, except in the lawful defense of his person or property or as otherwise permitted by law.

SECTION 11.2 EXCEPTION FOR LICENSES AND OTHER SPECIFIC PREMISES **200.1102**

The prohibition of Section 11.1 shall not apply to licensed shooting galleries or in ranges approved by the Bridgman Police Department; and further provided that nothing herein contained shall be construed to prevent the concealed carrying of any type of gun whatsoever when unloaded and properly cased, to or from any range or gallery or to or from any area where hunting is allowed by law.

SECTION 11.3 EXCEPTIONS FOR AUTHORIZED OFFICIALS **200.1103**

The prohibition provided in Section 11.1 shall not be construed to forbid United States Marshals, Sheriffs, Constables, and their Deputies, and any regular, special or ex officio police officer or any other law enforcement officer from carrying or wearing, while on duty, such weapons as shall be necessary in the proper discharge of their duties or to prohibit the carrying of concealed weapons when the person so carrying has been duly licensed and carries a proper and valid permit issued by the appropriate law enforcing agency.

SECTION 11.4 DANGEROUS WEAPONS **200.1104**

No person shall possess any machine gun, sawed off shot gun, or any instrument or weapon of the kind commonly known as blackjack, sling shot, sand club, sandbag, switchblade knife, or metal knuckles, or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm except as is otherwise permitted by law.

SECTION 11.5 PENALTY **200.1105**

A person who violates this chapter is guilty of a misdemeanor. (*Amended by Ordinance No. 142, adopted July 19, 1999*)

CHAPTER 12

NUISANCES **200.1200**

SECTION 12.1 MAINTAINING A NUISANCE **200.1201**

Nuisances are not to be created or maintained. No owner or occupant, firm or corporation having control or management of any dwelling or building, structure, excavation, business pursuit, matter or thing, shall allow any nuisance to be created or to exist on the premises over which such person, firm or corporation, is the owner or exercises control or management; nor shall any person, firm or corporation occupying any public or private street, alley way or any premises what- ever, or having control or management thereof, within the limits of the City of Bridgman, create or maintain a nuisance thereof.

SECTION 12.2 NOISE PRODUCING DEVICES **200.1202**

The operating or maintaining of noise making, noise amplifying or noise producing instruments, or devices by which the peace or good order of the neighborhood is disturbed is hereby declared a nuisance. No person, firm, association or corporation by himself or another, shall operate or maintain any radio, phonograph, player piano, calliope or other noise making, noise amplifying, or noise producing instrument or device in any public or private place in any manner by which the peace and good order of the neighborhood is disturbed; or persons occupying property in the neighborhood are disturbed or annoyed.

SECTION 12.3 BARKING DOGS **200.1203**

No person shall permit any dog to continue any loud and unnecessary barking, which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of the neighborhood, nor shall any person keep any animal which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity. The making or causing of such disturbances is declared to be a public nuisance.

SECTION 12.4 SMOKE, SOOT, CINDERS, NOXIOUS ACIDS, FUMES AND GASES PROHIBITED **200.1204**

No person, firm or corporation shall permit or cause the escape of such quantities of smoke, soot, cinders, noxious acids, fumes and gases in such place or manner as to be detrimental to the public or to endanger the health, comfort

and safety of any person or of the public, or in such manner as to cause or have a tendency to cause injury or damage to property or business. The escape of such matter is hereby declared to be a public nuisance.

SECTION 12.5 LIGHTS 200.1205

No person shall use, or maintain any lighting facilities connected with any use of land, or operation of any place of business or factory, so as to reflect light upon any residential use adjacent to such lighting facilities. The use of lights in this manner is declared a public nuisance.

SECTION 12.6. REGULATIONS OF DOMESTIC ANIMALS AND LIVESTOCK 200.1206

a. No person shall keep or maintain any livestock within the City of Bridgman except in licensed stables, pet shops or kennels.

b. No person shall permit any domestic animal to create any loud or offensive noise, calls or yells which either annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of the neighborhood, nor shall any person keep any domestic animal which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity. The making or causing of such disturbance is declared to be a public nuisance.

c. No person shall permit any domestic animal to go beyond the premises of the owner unless:

1. The domestic animal is properly controlled by leash (not to exceed ten feet), caged or tethered in such fashion as to provide control of such domestic animal;

2. No person shall permit any domestic animal to continue in any public building, or any public road or on any public beach, or on any public land, unless under complete and adequate restraint. Further, the owner or person in control of any domestic animal shall remove any animal waste or feces discharged or deposited by such animal on private property of other or upon any public land, beach, park, road or other public property. The depositing of domestic animal waste or feces is declared to be a public nuisance.

3. No person shall permit any dog on any public beach of the City of Bridgman whether under restraint or not between May 1st or October 1st of each year.

d. A dog which is used as a guide or leader dog for a blind person, a hearing dog for a deaf or audibly impaired person or a service dog for a physically limited person is not subject to the provisions of the Domestic Animal Regulations provisions of this Ordinance. As used in this Section, the following terms are defined as:

1. "Audibly Impaired" means audibly impaired as defined in Section 1 of Act No. 82 of the Public Acts of 1981, being Section 752.61 of the Michigan Compiled Laws.

2. "Blind Person" means a blind person as defined in Section 1 of Act No. 260 of the Public Acts of 1978, being Section 393.351 of the Michigan Compiled Laws.

3. "Deaf Person" means a deaf person as defined in Section 1 of Act No. 82 of the Public Acts of 1981, being Section 752.61 of the Michigan Compiled Laws.

4. "Physically limited" means physically limited as defined in Section 1 of Act No. 1 of the Public Acts of 1966, being Section 125.1351 of the Michigan Compiled Laws.
(*Amended by Ordinance No. 142, adopted July 19, 1999*)

SECTION 12.7 PENALTY **200.1207**

A person who violates this chapter is guilty of a misdemeanor. (*Amended by Ordinance No. 142, adopted July 19, 1999*)

CHAPTER 13

PENALTIES AND SANCTIONS 200.1300

SECTION 13.1. MUNICIPAL CIVIL INFRACTION **200.1301**

A person who violates any provisions of Chapter 10 or 12 is responsible for a municipal civil infraction, subject to the payment of a civil fine of $50.00, plus costs and other sanctions. A subsequent or repeat violations shall be subject to increased fines of $150.00 for the first repeat violation and an increased fine of $300.00 for each subsequent repeat violations, plus costs and sanctions. A repeat or subsequent violation means a second or any re-occurring violation of this code by the same person within a twelve-month period of the initial violation. (*Amended by Ordinance No. 142, effective July 19, 1999*)

SECTION 13.2 VIOLATIONS **200.1302**

A person who violates any provisions of Chapters 3, 4, 5, 6, 7, 8, 9 or 11 is responsible for a misdemeanor, subject to penalties, punishable by fines not to exceed $50.00 or by imprisonment in the County Jail for a period not to exceed one year or both such fine and imprisonment at the dissolution of the Court. (*Amended by Ordinance No. 142, effective July 19, 1999*)

SECTION 13.3 AUTHORIZED MUNICIPAL OFFICIALS 200.1303

Authorized Municipal Officials for the purpose of issuing municipal civil infraction citations and municipal civil infraction notices under Chapter 10 and 12 of this Ordinance shall, in addition to police officers, included the following:

(*Amended by Ordinance No. 142, adopted July 19, 1999*)

CHAPTER 14

ORDINANCES REPEALED 200.1400

Ordinance No. 4 "Preservation of Public Peace", Ordinance No. 5 "Morals and Conduct", Ordinance No. 35 "Nuisance Control", and Sub-section 42.060 of Ordinance No. 62 "Dog and Cat Control", are hereby repealed effective with adoption of this Ordinance.

CHAPTER 15

VALIDITY 200.1500

If any portion of this Ordinance becomes legally invalid, the validity of the remaining portions of this Ordinance shall not be affected.

CHAPTER 16

EFFECTIVE DATE 200.1600

The Ordinance shall become effective on September 24, 1990, following publication thereof.

CURFEW ORDINANCE

Ordinance No. 82, effective February 7, 1982
as amended by Ordinance No. 135, effective September 14, 1998

201.000

AN ORDINANCE TO REGULATE THE HOURS WHICH MINOR CHILDREN, UNDER THE AGE OF SEVENTEEN (17) YEARS SHALL BE PERMITTED TO BERRIEN COUNTY UPON THE PUBLIC STREETS, OR IN ANY PUBLIC PLACE IN THE CITY OF BRIDGMAN, WITHOUT BEING IN THE PRESENCE OF THEIR PARENTS OR GUARDIANS, OR SOME ADULT PERSON DELEGATED BY THE PARENTS OR GUARDIANS, AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE. *(Amended by Ordinance No. 135, effective September 14, 1998)*

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. TITLE **201.001**

This Ordinance shall be known and may be cited as the City of Bridgman Curfew Ordinance.

SECTION 2. PURPOSE **201.002**

This Ordinance is enacted for the purpose of regulating the hours during which a child under the age of seventeen (17) years may appear upon the public streets or in any public place in the City of Bridgman without being in the presence of their parents or guardians, or some adult person delegated by their parents or guardians: and to regulate such activities in the interest of the perseverance of the public health, safety and general welfare. *(Amended by Ordinance No. 135, effective September 14, 1998)*

SECTION 3. CURFEW **201.003**

It shall be unlawful for any minor under the age of seventeen (17) years to loiter, idle, wander, stroll, play, pleasure ride, park or be in or on any type of vehicle whatsoever, or be or remain in, on or about any public street, highway, road, alley, park, playground, or other public grounds, public places and public buildings, vacant lots, places of amusement or entertainment, or other unsupervised places in the City of Bridgman between the hours of 11:00 p.m. to 6:00 a.m., official City time, of the following days: Sunday, Monday, Tuesday, Wednesday and Thursday of each week and between the hours of 12:00 p.m. and 6:00 a.m., official City time, of the following days: Friday and Saturday of each week; provided, however, that the provisions of this section do not apply to a minor accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or when the minor is going to, attending or coming directly from a legitimate church, municipal or school function, or to a minor

whose lawful employment makes it necessary that such minor be in, on or about the places herein set forth within the prohibited hours contrary to the terms hereof. (*Amended by Ordinance No. 135, effective September 14, 1998*)

SECTION 4. PARENTAL RESPONSIBILITY 201.004

It shall be unlawful for any parent, guardian, or other adult person having the care and custody of any minor under the age of seventeen (17) years to allow or permit any such minor to loiter, idle, wander, stroll, play, pleasure ride, park, or be in or on any type of vehicle whatsoever, or be or remain in, on or about any public street, highway, road, alley, park, playground or other public grounds, public places and public buildings, vacant lots, places of amusement or entertainment, or other unsupervised places in the City of Bridgman contrary to the provisions of and within the time prohibited in Section 3. It shall further be unlawful for any parent, guardian or other adult person having the care and custody of any minor under the age of seventeen (17) years to fail or neglect to cause any such minor to refrain from being in, on or about the places set forth in Section 3 within the time prohibited contrary to the terms and provisions of this Ordinance. (*Amended by Ordinance No. 135, effective September 14, 1998*)

SECTION 5. LACK OF KNOWLEDGE 201.005

(*Repealed by Ordinance No. 135, effective September 14, 1998*)

SECTION 6. AMUSEMENT PLACES 201.006

It shall be unlawful for any person operating places of amusement and entertainment in the City of Bridgman, including, but not limited to, bowling alleys, theaters, pool halls, dance halls, or placing having amusement devices such as pin ball and video game machines, to permit any minor under the age of seventeen (17) years to enter such places of amusement and entertainment during the hours prohibited by the terms of Section 3; provided, however, that the provisions of this section do not apply when the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor. (*Amended by Ordinance No. 135, dated September 14, 1998*)

SECTION 7. CUSTODY 201.007

Any minor found by any police officer in violation of Section 3 [64.103] of this Ordinance shall be taken into custody by said police officer and delivered as soon as may be to the parent, guardian or other adult person having the lawful care and custody of said minor.

SECTION 8. NOTICE TO PARENTS 201.008

Whenever any minor shall be taken into custody, as hereinbefore provided, written notice shall be given the parent, guardian or other person having the lawful care and custody of said minor in the form hereinafter provided, which notice shall be served upon such person by handing said person a copy of the same personally or by leaving a copy thereof at his or her place of residence and informing any person upon the premises of suitable age and understanding of the contents thereof. Such notice shall be in substantially the following manner:

To: _____

You are hereby notified that on the _____ day of _____, 19__, your minor child named _____ was taken into custody for being upon the streets of the City of Bridgman in violation of the City of Bridgman "Curfew Ordinance".

You are further notified that failure to observe the provisions of this Ordinance may result in your liability for the penalty provided.

_____
Officer, Bridgman Police Department

SECTION 9. MUNICIPAL CIVIL INFRACTION 201.009

Any person who violates any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine of not less than $50.00, plus costs, damages, expenses and other sanctions as herein provided, for each civil infraction. A subsequent or repeat violation by the same individual of the same alleged violation within six (6) months shall carry a fine of $250.00 plus costs, damages, expenses, and other sanctions as herein provided and any subsequent repeat occurrences shall carry a fine of $500.00 plus costs, damages, expenses and other sanctions as herein provided.

Authorized Municipal Officials for the purpose of issuing municipal civil infraction citations and municipal civil infraction notices under the provisions of this Ordinance shall, in addition to police officers, include the following: Park Superintendent or City Superintendent. (*Amended by Ordinance No. 135, effective September 14, 1998*)

SECTION 10. REPEALER 201.010

Any Ordinance of the City of Bridgman enacted prior to his Ordinance, which is in conflict herewith, is hereby expressly repealed.

SECTION 11. SEVERABILITY CLAUSE **201.011**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared by a Court to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so invalid; it being the intention of the City Commission that each part, paragraph, sentence or any part thereof is separate from the rest of this Ordinance.

SECTION 12. ADOPTION **201.012**

This Ordinance is deemed necessary for the health, safety and welfare of the citizens of Bridgman and is adopted at a regular meeting of the City Commission duly called this 17th day of August, 1998 and shall become effective in twenty (20) days and is ordered to be given publication in the manner prescribed by law. (*Effective September 14, 1998*)

LIQUOR CONTROL

Ordinance No. 19, effective March 7, 1960

202.000

AN ORDINANCE TO SECURE THE PUBLIC PEACE, HEALTH AND SAFETY OF THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF BRIDGMAN, BERRIEN COUNTY, MICHIGAN, A MUNICIPAL CORPORATION, FOR THE REGULATION OF ALCOHOLIC LIQUOR TRAFFIC WITHIN SAID CITY, THROUGH THE ENFORCEMENT OF THE MICHIGAN LIQUOR CONTROL ACT OF THE STATE OF MICHIGAN WITHIN SAID CITY TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE; AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE CITY COMMISSION OF THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. TITLE **202.001**

This Ordinance shall be known and cited as the Bridgman Liquor Control Ordinance. (*Ordinance No. 19, effective March 7, 1960*)

SECTION 2. LIQUOR CONTROL ACT OF THE STATE OF MICHIGAN **202.002**

All alcoholic liquor traffic, including among other things, the manufacture, sale, offer for sale, storage for sale, possession and/or transportation thereof within the City of Bridgman, Berrien County, Michigan, shall comply with the provisions of the Michigan Liquor Control Act, being Act, No. 8 of the Michigan Public Acts of 1933, as amended. (*Ordinance No. 19, effective March 7, 1960*)

SECTION 3. ENFORCEMENT **202.003**

For the purpose of the enforcement of said Michigan Liquor Control Act within said City, there is hereby established a Liquor Control Enforcement Department with full power, authority, and duty to see that the provisions of said Act and the rules and regulations of the Michigan Liquor Control Commission, adopted pursuant to said act, are enforced within said City. Such Department shall consist of not less than one City Police appointed by the City Commission and such other personnel as the City Commission may, in its discretion, appoint. The personnel in such Department shall be entitled to such compensation as the City Commission may determine. Such Department or a member thereof shall be available at all times to investigate complaints received under this Ordinance, and enforce the provisions hereof. (*Ordinance No. 19, effective March 7, 1960*)

SECTION 4. INSPECTION **202.004**

The City Liquor Control Enforcement Department shall inspect not less than monthly, all liquor establishments licensed under the Liquor Control Act of the State of Michigan and report the results of all inspections promptly to the City Commission. The City Liquor Control Enforcement Department shall further promptly investigate all complaints received by it concerning violations of the Michigan Liquor Control Act, or improper operations and practices concerning alcoholic liquor traffic within the City, and report the same to the City Commission and, where appropriate under the Michigan Liquor Control Act, to the Michigan Liquor Control Commission for appropriate proceedings against the violator.

All inspectors shall carry appropriate cards issued by the City Clerk, clearly identifying them as City Liquor Control Inspectors and shall present said cards to the owner or manager of every place inspected by them when making an inspection, upon demand for identification by such owner or manager.

Inspectors shall have the right to inspect any place in the City where alcoholic liquor is manufactured, sold, offered for sale, kept for sale, possessed or transported. Whenever possible, all inspection reports shall be made on Liquor Law Enforcement Inspection forms furnished by the Michigan Liquor Control Commission or on similar forms otherwise obtained by the City Liquor Control Enforcement Department. (*Ordinance No. 19, effective March 7, 1960*)

SECTION 5. APPROPRIATION 202.005

For the purpose of carrying out the provisions of this Ordinance and establishing the Liquor Control Enforcement Department herein provided for, the City Commission hereby appropriates the sum of $1,000.00 for such use, and is hereby authorized and directed to annually appropriate such an amount as will, in its discretion, be sufficient to maintain and operate such Liquor Control Enforcement Department for the ensuing fiscal year of the City, not exceeding, however, 10 mills of the assessed valuation of the City in any one year for vehicles, apparatus and equipment and housing for the same, and not exceeding 2-1/2 (two and one half) mills of the assessed valuation of the City per year for the maintenance and operation of the Department. (*Ordinance No. 19, effective March 7, 1960*)

SECTION 6. PENALTIES 202.006

Any person, other than persons required to be licensed under the Michigan Liquor Control Act, who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor.

Any licensee who shall violate any of the provisions of the Michigan Liquor Control Act or any rule or regulation of the Michigan Liquor Control Commission promulgated thereunder, or who shall violate any of the provisions of this Ordinance, and any person who shall prohibit or interfere with the authorized inspection of a member of the City Liquor Control Enforcement Department shall be guilty of a misdemeanor punishable by imprisonment in the county jail not more than ninety (90) days or by a fine of not more than $100.00, or both, in the discretion of the court. Each day that a violation continues to exist shall constitute a separate offense.

It is the intent of the City Commission that the court, in imposing punishment under the provisions of this Ordinance, should discriminate between casual or slight violations and habitual sales of alcoholic liquor or attempts to commercialize violations of this Ordinance or any of the rules or regulations of the Michigan Liquor Control Commission promulgated under the Michigan Liquor Control Act. (*Ordinance No. 19, effective March 7, 1960*)

SECTION 7. EFFECTIVE DATE **202.007**

This Ordinance is declared to be immediately necessary for the preservation of the public peace, health, and safety of the citizens of Bridgman and shall therefor take effect immediately upon the adoption, to wit: on the 7th day of March, 1960. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed. (*Ordinance No. 19, effective March 7, 1960*)

TRAFFIC CODE ADOPTION

Ordinance No. 64, effective March 12, 1978
amended by Ordinance No. 120, effective May 22, 1994

203.000

AN ORDINANCE TO ADOPT BY REFERENCE THE UNIFORM TRAFFIC CODE FOR MICHIGAN CITIES, TOWNSHIPS AND VILLAGES.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. UNIFORM TRAFFIC CODE **203.001**

The Uniform Traffic Code for cities, townships and villages promulgated by the Commissioner of State Police on February 14, 1958 and published in Supplement No. 13, and as amended both on February 14, 1961 and published in Supplement No. 25, and on February 26, 1968 and published in Supplement No. 54, to the 1954 Michigan Administrative Code, in accordance with Public Act 62 of 1956, State of Michigan, is hereby adopted by reference as in this Ordinance modified. Further, any and all amendments thereto are also adopted by reference.

SECTION 2. REFERENCE IN CODE **203.002**

References in the Uniform Traffic Code for Michigan cities, townships and villages to "governmental unit" shall mean the City of Bridgman.

SECTION 3. **203.003**

An Ordinance to amend Ordinance No. 64 of the City of Bridgman, being the Uniform Traffic Code, for cities, townships and villages promulgated by the Commissioner of State Police as adopted by the City of Bridgman on March 12, 1978, and as amended. (*Ordinance No. 120, effective May 22, 1994*)

SECTION 4. **203.004**

Chapter 1 of the Uniform Traffic Code is hereby amended by adding Sections 1.007b, 1.010d, 1.010e, 1.014a, and 1.025b, which read as follows:

1.007b. "Conviction" means a final conviction, the payment of a fine, a plea of guilty or nolo contendere if accepted by the court, or a finding of guilt or probate court order of disposition for a child found to be within the provisions of Chapter X-HA of Act No. 288 of the Public Acts of 1939, being Sections 712A.1 to 712A.28 of the MCI+ on a traffic law violation charge, regardless of whether the penalty is rebated or suspended.

1.010d. "Former Section 625(l) or (2)" means Section 625(l) or (2) as amended by Act No. 109 of the Public Acts of 1987.

1 .010e. "Former Section 625b" means Section 625b as amended by Act No. 285 of the Public Acts of 1976, Act No. 515 of the Public Acts of 1980, Act No. 309 of the Public Acts of 1982, or Act No. 109 of the Public Acts of 1987.

1.014a. "Law of Another State" means a law or ordinance enacted by another state or by a local unit of government in another state.

1.025b. "Prosecuting Attorney", except as the context otherwise requires, means the attorney general, the prosecuting attorney of a county, or the attorney representing a local unit of government.
(*Ordinance No. 120, effective May 22, 1994*)

SECTION 5. **203.005**

Section 5.62a of the Uniform Traffic Code is hereby amended to read as follows: Operation of a motor vehicle by a person whose license is suspended, revoked, denied, or who has never applied for license; violations; penalties; subsequent offenses; confiscation of plates.

1. A person whose operator's or chauffeur's license or registration certificate has been suspended or revoked and who has been notified as provided in MCL 257.212 of that suspension or revocation, whose application for license has been denied, or who has never applied for a license, shall not operate a motor vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for parking of motor vehicles. A person shall not knowingly permit a motor vehicle owned by the person to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for parking of vehicles, by a person whose license or registration certificate is suspended or revoked, whose application has been denied, or who has never applied for a license, except as permitted by subsection (3) below. A person who violated this subsection is guilty of a misdemeanor, punishable as follows:

a. If the person's operator's or chauffeur's license has been suspended under MCL 257.321a because that person has failed to answer a citation or has failed to comply with an order or judgment issued pursuant to MCL 257.907, by imprisonment for not more than ninety (90) days, or a fine of not more than $100.00, or both.

b. For a violation, other than a violation punishable under subdivision

(a), by imprisonment for not more than ninety (90) days, or a fine of not more than $500.00, or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle shall be confiscated.

c. For a second or subsequent violation punishable under subdivision (b), by imprisonment for not more than ninety (90) days, or a fine of not more than $500.00, or both. Unless the vehicle was stolen, the registration plates of the vehicle shall be confiscated.

2. Before a person is arraigned before a district court magistrate or judge on a charge of violation this section, the arresting officer shall obtain the driving record of the person from the Secretary of State and shall furnish the record to the court. The driving record of the person may be obtained from the Secretary of State's computer information network.

3. This Section shall not apply to a person who operates a vehicle solely for the purpose of protecting human life or property, if the life or property is endangered and the summoning of prompt aid is essential. (*Ordinance No. 120, effective May 22, 1994*)

SECTION 6. **203.006**

The Uniform Traffic Code is hereby amended by adding Section 5.62b, which reads as follows: Order of Impoundment

1. When a person is convicted under Section 5.62a(l) of operating a motor vehicle while his or her license to operate a motor vehicle is suspended, revoked, or denied, the motor vehicle, if is owned in whole or in part by that person, may be ordered impounded for not less than (thirty) 30 or more than one hundred twenty (120) days from the date of judgment. The order of impoundment shall include the implied consent of the owner of the vehicle to the storage for insurance coverage purposes.

2. The owner of a motor vehicle impounded pursuant to this Section is liable for expenses incurred in the removal and storage of the vehicle whether the vehicle is returned to him or her. The vehicle shall be returned to the owner only if the owner pays the expenses for removal and storage. If redemption is not made or the vehicle is not returned as provided in this Section within 30 days after the time set in the impoundment order for return of the vehicle, the vehicle shall be considered an abandoned vehicle and disposed of a provided in Section 2.5a(9) of the Uniform Traffic Code.

3. Nothing in this Section affects the rights of a conditional vendor, chattel mortgagee or lessor of a motor vehicle registered in the name of another person as owner who becomes subject to this Section. (*Ordinance No. 120, effective May 22, 1994*)

SECTION 7. **203.007**

Section 5.16b of the Uniform Traffic Code is hereby amended to read as follows: Transportation or possession of alcoholic liquor in container open or uncapped or upon which seal broken; violation punishable as a misdemeanor; nonapplicability.

1. Except as provided in subsection (2), a person shall not transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway, or within the passenger compartment of a vehicle in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles.

2. A person may transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, if the vehicle does not have a trunk or compartment separate from the passenger compartment, the container is enclosed or encased, and the container is not readily accessible to the occupants of the vehicle.

3. A person who violates this Section is guilty of a misdemeanor, punishable by a term of imprisonment of not more than 90 days or a fine of not more than $500.00, or both.

4. This Section does not apply to a passenger in a chartered vehicle authorized to operate by the Michigan Department of Transportation. (*Ordinance No. 120, effective May 22, 1994*)

SECTION 8. **203.008**

Section 5.16c of the Uniform Traffic Code is hereby amended to read as follows: Consumption of alcoholic liquor on a highway, public place, or area generally accessible to motor vehicles, including area designated for parking of vehicles; violation punishable as misdemeanor; nonapplicability.

1. A person shall not consume alcoholic liquor upon a highway, street,

alley, or any public or private property which is open to the general public and which is not licensed to sell alcoholic liquor for consumption on the premises, or within the passenger compartment of a moving vehicle upon a highway or in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles.

2. A person who violates this Section is guilty of a misdemeanor, punishable by a term of imprisonment of not more than ninety (90) days or a fine of not more than $500.00, or both. (*Ordinance No. 120, effective May 22, 1994*)

SECTION 9. **203.009**

Section 5.15 of the Uniform Traffic Code is hereby amended to read as follows: Operating or authorizing or knowingly permitting another person to operate a motor vehicle while under the influence of intoxicating liquor or controlled substance, or combination thereof, or with blood alcohol content of 0.10% or more prohibited; operating motor vehicle when visibly impaired prohibited; sanctions for violation of subsection (l), (2) or (3); enhanced sentence; establishment of prior conviction; attempted violation of subsection (1) or (3).

1. A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, if either of the following applies:

a. The person is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance.

b. The person has blood alcohol content of 0.10% or more by weight of alcohol.

2. The owner of vehicle or person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, by a person who is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, or who has a blood alcohol content of 0.10% or more by weight of alcohol.

3. A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles when, due to the consumption of an intoxicating liquor and a controlled substance, the persons ability to operate the vehicle is visibly impaired. If a person is charged with violating subsection (l), a finding of guilty under this subsection may be rendered.

4. If a person is convicted of violating subsection (l), the following shall apply:

a. Except as otherwise provided in subdivision (b), the person is guilty of a misdemeanor and may be punished by one (1) or more of the following:

i. Service to the community for a period of not more than forty five (45) days.

ii. Imprisonment for not more than ninety (90) days.

iii. A fine of not less than $100.00 or more than $500.00.

b. If the violation occurs within seven (7) years of a prior conviction, the person shall be sentenced to both a fine of not less than $200.00 or more than $500.00 and either of the following:

i. Performing service to the community for a period of not less than ten (10) days or more than ninety (90) days, and may be imprisoned for not more than ninety (90) days.

ii. Imprisonment for not less than 48 consecutive hours or more than 90 days, and may be sentenced to service to the community for a period of not more than 90 days.

c. A term of imprisonment under subdivision (b) (ii) shall not be suspended.

d. A person sentenced to perform service to the community under this subsection shall not receive compensation, and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service.

e. As used in this subsection, "prior conviction" means a conviction for a violation of Section MCL 257.625(l), (4), or (5), or former Section 625(l) or (2), or a local Ordinance substantially corresponding to MCL 257.625(l), (4) or (5), or former Section 625(l) or (2), or a local Ordinance or law of another state substantially corresponding to Section MCL 257.625(l), (4), or (5), or former Section 625(l) or (2).

5. In addition to imposing the sanctions prescribed under subsection (4), the court may, pursuant to MCL 760.1 to MCL 776.21, order the person to pay the costs of prosecution.

6. A person who is convicted of violation subsection (2) is guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or a fine of not less than $100.00 or more than $500.00, or both.

7. If a person is convicted of violating subsection (3), the following shall apply:

a. Except as otherwise provided in subdivision (b) and (c), the person is guilty of a misdemeanor and may be punished by one (1) or more of the following:

i. Service to the community for a period of not more than forty five (45) days.

ii. Imprisonment for not more than ninety (90) days.

iii. A fine of not less than $300.00.

b. If the violation occurs within seven (7) years of a prior conviction the person shall be sentenced to both a fine of not less than $200.00 or more than $500.00 and either of the following:

i. Performing service to the community for a period of not less than ten (10) days or more than ninety (90) days, and may be imprisoned for not more than ninety (90) days.

ii. Imprisonment for not less than forty eight (48) consecutive hours or more than ninety (90) days, and may be sentenced to service to the community for a period of not more than ninety (90) days.

c. If the violation occurs within ten (10) years of two (2) or more prior convictions the person shall be sentenced to both a fine of not less than $200.00 or more than $500.00, and either of the following:

i. Performing service to the community for a period of not less than ten (10) days or more than ninety (90) days, and may be imprisoned for not more than ninety (90) days.

ii. Imprisonment for not less than forty eight (48) consecutive hours or more than ninety (90) days, and may be sentenced to service to the community for a period of not more than (90) days.

d. As used in this subsection, "prior conviction" means a conviction for a violation of Section MCL 257.625(l), (3), (4), or (5), or former Section 625(l) or (2), or former Section 625b, or a local Ordinance substantially corresponding to MCI, 257.625(l), (3), (4), or (5), or former Section 625(l) or (2), or former Section 625b, or a law of another state substantially corresponding to Section MCL 257.625(l), (3), (4), or (5).

e. In addition to imposing the sanctions prescribed under subsection (7), the court may, pursuant to MCL 760.1 to MCL 776.21, order the person to pay the costs of prosecution.

f. A person sentenced to perform service to the community under this subsection shall not receive compensation, and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service.

8. If the prosecuting attorney intends to seek an enhanced sentence under subsection (4) (b) or (7) (b) or (c) based upon the defendant having one (1) or more prior convictions, the prosecuting attorney shall include on the complaint filed the district court a statement listing the defendant's prior convictions.

9. A prior conviction shall be established at sentencing by one (1) or more of the following:

a. An abstract of conviction.

b. A copy of the defendant's driving record.

c. An admission by the defendant.

10. A person who is convicted of an attempted violation of MCI, 257.625 (1) or (3), or other local Ordinance or law of another state that substantially corresponds to MCL 257.625 (1) or (3), shall be punished as if the offense has been completed.
(*Ordinance No. 120, effective May 22, 1994*)

SECTION 10. **203.010**

Section 5.15a of the Uniform Traffic Code is hereby amended to read as follows: Arresting operator of vehicle involved in accident while in violation of Uniform Traffic Code, Section 5.15 (1) or (3); requiring operator to submit to preliminary chemical breath analysis; provisions applicable to chemical tests and analysis other than preliminary chemical breath analysis; introduction of other competent evidence; making chemical test results available to person charged or attorney; offering test results as evidence; presumption; admissibility of person's refusal to submit to chemical test.

1. A peace officer, without a warrant, may arrest a person when the peace officer has reasonable cause to believe that the person was, at he time of an accident, the operator of a vehicle involved in the accident while in violation of Section 5.15 (1) or (3) of the Uniform Traffic Code.

2. A peace officer who has reasonable cause to believe that a person was operating a vehicle upon a public highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, and that the person by the consumption of intoxicating liquor may have affected his or her ability to operate a vehicle, may require the person to submit to a preliminary chemical breath analysis. The following provisions shall apply with respect to a preliminary chemical breath analysis:

a. A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis.

b. The results of a preliminary chemical breath analysis are admissible in a criminal prosecution for a crime enumerated in Section 5.15c(1) or in an administrative hearing solely to assist the court or hearing officer in determining a challenge to the validity of an arrest. This subdivision does not limit the introduction of other competent evidence offered to establish the validity of an arrest.

c. A person who submits to a preliminary chemical breath analysis shall remain subject to the requirements of MCL 257.625c, 257.625d, 257.625e, 257.625f and Sections 5.15c, 5.15d, 5.15e of the Uniform Traffic Code for the purposes of chemical tests described in those Sections.

d. A person who refuses to submit to a preliminary chemical breath analysis upon a lawful request by a peace officer is responsible for a civil infraction.

3. The following provisions apply with respect to chemical tests and analysis of a person's blood, urine, or breath, other than preliminary chemical breath analysis:

a. The amount of alcohol or presence of a controlled substance or both in a driver's blood at the time alleged as shown by chemical analysis of the person's blood, urine, or breath is admissible into evidence in any civil or criminal proceeding.

b. A person arrested for a crime described in Section 5.15c(I) of the Uniform Traffic Code shall be advised of all of the following:

i. That if he or she takes a chemical test of his or her blood, urine, or breath administered at the request of peace office, he or she has a right to demand that a person of his or her own choosing administer one (1) of the chemical tests; that the results of the test are admissible in a judicial proceeding as provided under the Uniform Traffic Code and MCL 257.625 et. seq., and shall be considered with other competent evidence in determining the innocence or guilt of the defendant; and that he or she is responsible for obtaining a chemical analysis of a test sample obtained pursuant to his or her own request.

ii. That if he or she refuses the request of a peace officer to take a test describe in subparagraph (i), a test shall not be given without a court order, but the peace officer may seek to obtain such a court order.

iii. That his or her refusal of the request of a peace officer to take a test described in subparagraph (i) shall result in the suspension of his or her operator's or chauffeur's license or operating privilege and in the addition of six (6) points to his or her driver record.

c. A sample or specimen of urine or breath shall be taken and collected in a reasonable manner. Only a licensed physician, or a licensed nurse or

medical technician under the direction of a licensed physician and qualified to withdraw blood acting in a medical environment, at the request of a peace officer, may withdraw blood for the purpose of determining the amount of alcohol or presence of a controlled substance or both in the person's blood, as provided in this subsection. Liability for a crime or civil damages predicated on the act of withdrawing or analyzing blood and related procedures shall not attach to a qualified person who withdraws or analyzes blood or assists in the withdrawal or analysis in accordance with this Ordinance unless the withdrawal or analysis is performed in a negligent manner.

d. A chemical test described in this subsection shall be administered at the request of a peace officer having reasonable grounds to believe the person has committed a crime described in MCL 257.625c(1) or 5.15c(1) of the Uniform Traffic Code. A person who takes a chemical test administered at the request of a peace officer, as provided in this Section, shall be given a reasonable opportunity to have a person of his or her own choosing administer one (1) of the chemical tests described in this subsection within a reasonable time after his or her detention, and the results of the test shall be admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant. If the person charge is administered a chemical test by a person of his or her own choosing, the person charged shall be responsible for obtaining a chemical analysis of the sample.

e. If, after an accident, the driver of a vehicle involved in the accident is transported to a medical facility and a sample of the driver's blood is withdrawn at the time for the purpose of medical treatment, the results of a chemical analysis of that sample shall be admissible in any civil or criminal proceeding to show the amount of alcohol or presence of a controlled substance or both in the person's blood at the time alleged, regardless of whether the person had been offered or had refused a chemical test. The medical facility or person performing the chemical analysis shall disclose the results of the analysis to a prosecuting attorney who requests the results for use in a criminal prosecution as provided in this subdivision. A medical facility or person disclosing information in compliance with this subsection shall not be civilly or criminally liable for making the disclosure.

f. If after an accident, the driver of a vehicle involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn in a manner directed by the medical examiner for the purpose of determining the amount of alcohol or the presence of a controlled substance, or both, in the decedent's blood. The medical examiner shall give the results of the chemical analysis of

the sample to the law enforcement agency investigating the accident, and the agency shall forward the results to the department of state police.

4. The provisions of subsection (3) relating to chemical testing do not limit the introduction of any other competent evidence bearing upon the question of whether or not a person was impaired by, or under the influence of, intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, or whether the person has a blood alcohol content of 0.10% or more by weight of alcohol.

5. If a chemical test described in subsection (3) is administered, the results of the test shall be made available to the person charged or the person's attorney upon written request to the prosecution, with a copy of the request filed with the court. The prosecution shall furnish the results at least two (2) days before the day of the trial. The results of the test shall be offered as evidence by the prosecution in the trial. Failure to fully comply with the request shall bar the admission of the results into evidence by the prosecution.

6. Except in a prosecution relating solely to a violation of Section 5.15(1) b of the Uniform Traffic Code, the amount of alcohol in the driver's blood at the time alleged as shown by chemical analysis of the person's blood, urine, or breath shall give rise to the following presumptions:

a. If there was at the time 0.07% or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to operate a motor vehicle was not impaired due to the consumption of intoxicating liquor, and that the defendant was not under the influence of intoxicating liquor.

b. If there was at the time in excess of 0.07% but less than 0.10% by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to operate a vehicle was impaired within the provisions of Section 5.15(3) of the Uniform Traffic Code due to the consumption of intoxicating liquor.

7. A person's refusal to submit to a chemical test as provided in subsection (3) shall be admissible in a criminal prosecution for a crime described in Section 5.15c(1) only for the purpose of showing that a test was offered to the defendant, but not as evidence in determining innocence or guilt of the defendant. The jury shall be instructed accordingly.

Section 5.15c of the Uniform Traffic Code is hereby amended to read as follows: Consent to chemical tests; persons not considered to have given consent or withdrawal of blood; administration of test.

1. A person who operates a vehicle upon a public highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, is considered to have given consent to chemical tests of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood, if the person is arrested for a violation of Section 5.15 (1) or (3) of the Uniform Traffic Code.

2. A person who is afflicted with hemophilia, diabetes, or a condition requiring the use of an anticoagulant under the direction of a physician shall not be considered to have given consent to the withdrawal of blood.

3. The tests shall be administered according to the provisions of MCI, 257.625a(3) 01 Section 5.15a(3) of the Uniform Traffic Code.

SECTION 12. **203.0012**

Section 5.15d of the Uniform Traffic Code is hereby amended to read as follows:

Refusal to submit to chemical test; court order; report to Secretary of State; form.

1. If a person refuses the request of a peace officer to submit to a chemical test offered pursuant to Section MCL 257.625a(3) or Section 5.15a(3) of the Uniform Traffic Code, a test shall not be given without a court order, but the officer may seek to obtain the court order.

2. A written report shall immediately be forwarded to the Secretary of State by the peace officer. The report shall state that the officer had reasonable grounds to believe that the person had committed a crime described in MCL 257.625c(1) or Section 5.15c(l) of the Uniform Traffic Code, and that the person had refused to submit to the test upon the request of the peace officer and had been advised of the consequences of the refusal. The form of the report shall be prescribed and furnished by the Secretary of State.

SECTION 13. **203.0013**

Section 5.15e of the Uniform Traffic Code is hereby amended to read as

follows:

Duties of peace officer if person refuses chemical test or if test reveals blood alcohol content of 0.10% or more.

1. If a person refuses a chemical test offered pursuant to MCL 257.625a(3) or Section 5.15(3) of the Uniform Traffic Code, or submits to the chemical test and the test reveals a blood alcohol content of 0.10% or more by weight of alcohol, the peace officer who requested the person to submit to the test shall do all of the following:

a. On behalf of the Secretary of State, immediately confiscate the person's license or permit to operate a motor vehicle, and if the person is otherwise eligible for a license of permit, issue a temporary license or permit to the person that is valid until the criminal charges against the person are dismissed, or until the person pleads guilty or nolo contendere to, or is found guilty of, those charges. The temporary license or permit shall be on a form provided by the Secretary of State.

b. Except as provided in subsection (2), immediately do all of the following:

i. Forward a copy of the written report of the person's refusal to submit to a chemical test to the Secretary of State.

ii. Notify the Secretary of State by means of the law enforcement information network that a temporary license or permit was issued to the person.

iii. Except as provided in subsection (2), destroy the person's driver's license or permit.

2. If a person submits to a chemical test offered pursuant to MCI, 257.625a(3) or Section 5.15a(3) of the Uniform Traffic Code that requires the withdrawal of blood and a report of the results of that chemical test is not immediately available, the peace officer who requested the person to submit to the test shall comply with subsection (l)(a) pending receipt of the test report. If, upon receipt, the report reveals a blood alcohol content of 0.10% or more by weight of alcohol, the peace officer who requested the person to submit to the test shall immediately comply with subsection (l)(b). If, upon receipt, the report reveals a blood alcohol content of less than 0.10% by weight of alcohol, the

peace officer who requested the person to submit to the test shall immediately notify the person of tile test results, and immediately return the person's license or permit by first class mail to the address given at the time of arrest. (*Ordinance No. 120, effective May 22, 1994*)

SECTION 14. **203.014**

Section 5.16c of the Uniform Traffic Code is hereby deleted. (*Ordinance No. 120, effective May 22, 1994*)

SECTION 15. **203.015**

Section 5.15b of the Uniform Traffic Code is hereby deleted; Section No. 5.15b is reserved for future use. (*Ordinance No. 120, effective May 22, 1994*)

SECTION 16. **203.016**

Section 5.82 of the Uniform Traffic Code is hereby amended to read as follows: Mandatory child restraints.

1. Except as provided in this Section, or as otherwise provided by law, a rule promulgated pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969 as amended being Sections 24.201 to 24.315 of the Michigan Compiled Laws, or federal regulation, each driver transporting a child in a motor vehicle shall properly each child in a child restraint system as follows:

a. Any child less than one (1) year of age in a child restraint system which meets the standards prescribed in 49 C.F.R. 571.213, except as provided in subsection (6).

b. Any child one (1) year of age or more but less than four (4) years of age when transported in the front seat, in a child restraint system which meets the standards prescribed in 49 C.F.R. 57 1.2 13, except as provided in subsection (6).

c. Any child one (1) year of age or more but less than four (4) years of age, when transported in the rear seat, in a child restraint system which meets the standards prescribed in 49 C.F.R. 571.213, unless the child is secured by a safety belt provided in the motor vehicle, except as provided in subsection (6).

2. This Section does not apply to any child being nursed.

3. This Section does not apply if the motor vehicle being driven is a bus

school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts under federal law or regulations.

4. A person who violates this Section is responsible for a civil infraction.

5. Points shall not be assessed for a violation of this Section.

6. The Secretary of State may exempt by rules promulgated pursuant to Act No. 306 of the Public Acts of 1969, as amended, a class of children from the requirements of this Section, if the Secretary of State determines that the use of the child restraint system required under subsection (1) is impractical because of physical unfitness, a medical problem, or body size. The Secretary of State may specify alternate means of protection for children exempted under this subsection. (*Ordinance No. 120, effective May 22, 1994*)

SECTION 17. **203.017**

Section 5.83 of the Uniform Traffic Code is hereby amended to read as follows: Safety belt required; enforcement

1. This Section shall not apply to a driver or passenger of:

a. A motor vehicle manufactured before January 1, 1965.

b. A bus.

c. A motorcycle.

d. A moped.

e. A motor vehicle if the driver or passenger possesses a written verification from a physician that the driver or passengers unable to wear a safety belt for physical or medical reasons.

f. A motor vehicle which is not required to be equipped with safely belts under federal law.

g. A commercial or United States postal service vehicle which makes frequent stops for the purpose of pickup or delivery of goods or services.

h. A motor vehicle operated by a rural carrier of the United States

postal service while serving his or her rural postal route.

2. This Section shall not apply to a passenger of a school bus.

3. Each driver and front seat passenger of a motor vehicle operated on a street or highway in this state shall wear a properly adjusted and fastened safety belt, except that a child of less than four (4) years of age shall be protected as required in Section 5.82.

4. Each driver of a motor vehicle transporting a child four (4) years of age or more but less than sixteen (16) years of age in a motor vehicle shall secure the child in a properly adjusted and fastened safety belt. If the motor vehicle is transporting more children than there are safety belts available for use, all safety belts available in the motor vehicle are being utilized in compliance with this Section, and the driver and all front seat passengers comply with subsection (3), then the driver of a motor vehicle transporting a child four (4) years of age or more but less than sixteen (16) years of age for which there is not an available safety belt is in compliance with this subsection of that child is seated in other than the front seal of the motor vehicle. However, if that motor vehicle is a pickup truck without an extended cab or jump seats, and all safety belts in the front seat are being used, the driver may transport such a child in the front seat without a safety belt.

5. Enforcement of this Section by state or local law enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of another Section of this act.

6. Failure to wear a safety belt in violation of this Section may be considered evidence of negligence and may reduce the recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle. However, such negligence shall not reduce the recovery for damages by more than 5%.

7. A person who violates this Section is responsible for a civil infraction.

8. Points shall not be assessed for a violation of this Section. (*Ordinance No. 120, effective May 22, 1994*)

SECTION 18. **203.018**

Section 5.97 of the Uniform Traffic Code is hereby amended to read as follows: school buses; overtaking, meeting, or passing

1. The driver of a vehicle overtaking or meeting a school bus which has stopped and is displaying two (2) alternately flashing red lights located at the same level shall bring the vehicle to a full stop not less than twenty (20) feet from the school bus and shall not proceed until the school bus resumes motion or the visual signals are no longer actuated. At an intersection where traffic is controlled by an officer or a traffic stop-and-go signal a vehicle need to be brought to a full stop before passing a stopped school bus, but may proceed past the school bus at a speed no greater than is reasonable and proper but not greater than ten (10) miles an hour and with due caution for the safety of passengers being received or discharged from the school bus. The driver of a vehicle who fails to stop for a school bus in violation of this subsection, or who fails to stop for a school but in violation of an Ordinance that complies with this subsection, is responsible for a civil infraction.

2. The driver of a vehicle upon a highway which has been divided into two (2) roadways by leaving an intervening space, or by a physical barrier, or clearly indicated dividing sections so constructed as to impede vehicular traffic, need not stop upon meeting a school bus which has stopped across the dividing space, barrier, or section.

3. In a proceeding for a violation of subsection (l), proof that the particular vehicle described n the citation was in violation of subsection (l), together with proof that the defendant named in the citation was, at the time of the violation, the registered owner of the vehicle, shall constitute in evidence a presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation.

4. In addition to a civil fine and costs, the judge, district court referee, or district court magistrate may order a person who violated this Section to perform not to exceed 100 hours of community service at a school. (*Ordinance No. 120, effective May 22, 1994*)

SECTION 19. REPEAL CLAUSE **203.019**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect. (*Ordinance No. 120, effective May 22, 1994*)

SECTION 20. SAVINGS CLAUSE **203.020**

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may he consummated under and according to the Ordinance in force at the time such proceedings were commenced. This Ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any Ordinance specifically or impliedly repealed or amended by this Ordinance adopting this penal regulation, for offenses committed prior to the effective date of this Ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this Ordinance may be continued, for offenses committed prior to the effective date of this Ordinance, under and in accordance with the provision of any Ordinance in force at the time of the commission of such offense. (*Ordinance No. 120, effective May 22, 1994*)

SECTION 21. SEVERABILITY CLAUSE 203.021

Should any word, phrase, sentence, paragraph or Section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this Ordinance shall remain in full force and effect. (*Ordinance No. 120, effective May 22, 1994*)

SECTION 22. INTERPRETATION CLAUSE 203.022

This Ordinance is enacted in order to substantially correspond with and be consistent with Act 99 of 1991, effective January 1, 1992, specifically:

Chapter 1 of the Uniform Traffic Code was amended to add the definitions found in MCL 257.8a, 257.18, 257.24c, 257.45a pursuant to Act 99 of 1991.

Section 5.62a of the Uniform Traffic Code was amended so as to substantially correspond to MCL 257.904.

Section 5.62b of the Uniform Traffic Code was amended so as to substantially correspond to MCL 257.904b.

Section 5.16a of the Uniform Traffic Code was amended so as to substantially correspond to MCL 257.624a.

Section 5.16b of the Uniform Traffic Code was amended for clarification.

Section 5.15 of the Uniform Traffic Code was amended so as to substantially correspond to MCL 257.625.

Section 5.15a of the Uniform Traffic Code was amended so as to substantially correspond to MCL 257.625a.

Section 5.15c of the Uniform Traffic Code was amended so as to substantially correspond to MCL 257.625c.

Section 5.15d of the Uniform Traffic Code was amended so as to substantially correspond to MCL 257.625d.

Section 5.15g of the Uniform Traffic Code was amended so as to substantially correspond to MCL 257.625g.

Section 5.82 of the Uniform Traffic Code was amended so as to substantially correspond to MCL 257.710(d).

Section 5.83 of the Uniform Traffic Code was amended so as to substantially correspond to MCL 257.710 (a) and (b).

Section 5.97 of the Uniform Traffic Code was amended so as to substantially correspond to MCL 257.682. (*Ordinance No. 120, effective May 22, 1994*)

SECTION 23. **203.023**

Ordinance No. 64 of the City of Bridgman relating to traffic is hereby specifically amended as provided herein. All other Ordinances inconsistent with the provisions of the Uniform Traffic Code are, to the extent of such inconsistency, hereby repealed. (*Ordinance No. 120, effective May 22, 1994*)

SECTION 24. **203.024**

This Ordinance shall become effective after publication in accordance with the Charter of the City of Bridgman. (*Ordinance No. 120, effective May 22, 1994*)

SECTION 25. NOTICE TO BE PUBLISHED **203.025**

The City Clerk shall publish this Ordinance in the manner required by law and shall at the same time publish a supplementary notice setting forth the purpose of the said Uniform Traffic Code and of the fact that complete copies of the Code are available at the office of the Clerk for inspection by and distribution to the public at all times. (*Ordinance No. 120, effective May 22, 1994*)

SCHOOL TRAFFIC CONTROL

Ordinance No. 54, effective December 8, 1975

204.000

AN ORDINANCE REGULATING THE SPEED, OPERATION, STANDING AND PARKING OF MOTOR VEHICLES AND SNOWMOBILES ON PROPERTIES LOCATED WITHIN THE CITY OF BRIDGMAN, COUNTY OF BERRIEN, STATE OF MICHIGAN AND OWNED BY LOCAL BOARDS OF EDUCATION, AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. DEFINITIONS AND SHORT TITLE 204.001

A. This Ordinance shall be known as the School Traffic Control Ordinance and is adopted pursuant to Act 175 of the P.A. of 1958, as amended by Act 47 of the P.A. of 1967.

B. As used in this Ordinance:

1. "Local Board of Education" means any duly constituted Board of Education of a public school district operating wholly or partially within the territorial boundaries of the City of Bridgman.

2. "Motor Vehicle" means every vehicle which is self-propelled, excluding, however, "snowmobiles".

3. "Person" means an individual, partnership, corporation, and any other body of persons, whether incorporated or not.

4. "Snowmobile" means any motorized vehicle designed for travel primarily on ice or snow steered by wheels; skis or runners.

5. "Mini-Bikes" means any motor vehicle not licensed to operate on public highways.
(*Ordinance No. 54, effective December 8, 1975*)

SECTION 2. SPEED OF MOTOR VEHICLES ON SCHOOL PROPERTY 204.002

No person shall operate a motor vehicle at a speed in excess of twenty (20) miles per hour on any drive, parking lot, access road, or private street owned by a local Board of Education within the City of Bridgman. (*Ordinance No. 54, effective December 8, 1975*)

SECTION 3. PROHIBITION OF PARKING AND DRIVING 204.003

No person shall drive or park any motor vehicle on any lands owned by a local Board of Education other than on lands clearly marked and designated as streets and parking lots. (*Ordinance No. 54, effective December 8, 1975*)

SECTION 4. PERMITTED PARKING AREAS 204.004

Parking shall be allowed without fee or charge on properties owned by local Boards of Education. All said parking shall be in accordance with the directional lines designated in said parking areas. (*Ordinance No. 54, effective December 8, 1975*)

SECTION 5. FIRE LANES 204.005

In the absence of special regulations issued by school authorities or city law enforcement officers to handle unusual crowd situations, no person shall park a motor vehicle on or in any fire lane located on property owned by a local Board of Education. All such fire lanes shall be identified and shall be designated as fire lanes on the site. Fire lanes may be used, however, for short term deliveries by school suppliers, by authorized snow and refuse removal truck, or by authorized fire or emergency vehicles. (*Ordinance No. 54, effective December 8, 1975*)

SECTION 6. ONE-WAY DRIVES 204.006

Areas designated as one-way drives shall be enforced unless emergency situations exist. (*Ordinance No. 54, effective December 8, 1975*)

SECTION 7. SNOWMOBILES 204.007

No person shall operate a snowmobile on any properties owned by a local Board of Education. (*Ordinance No. 54, effective December 8, 1975*)

SECTION 8. RECKLESS DRIVING 204.008

Any person who drives any vehicle upon lot, path, frozen pond, or lake, on the grounds of the local Board of Education in willful or wanton disregard for the safety of persons or property shall be guilty of reckless driving. (*Ordinance No. 54, effective December 8, 1975*)

SECTION 9. SEVERANCE 204.009

If any provisions of this Ordinance or part thereof shall be adjudged invalid by a court of competent jurisdiction, then such adjudication shall not affect the validity of this Ordinance as a whole or any provision thereof not so adjudged invalid. (*Ordinance No. 54, effective December 8, 1975*)

SECTION 10. PENALTIES 204.010

Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor, punishable by a fine of not more than One Hundred and no/100 ($100.00) dollars, or by incarceration in the county jail for not more than ninety (90) days, or both. (*Ordinance No. 54, effective December 8, 1975*)

SCHOOL BUS STOPPING

Ordinance No. 25, effective January 3, 1961

205.000

AN ORDINANCE REGULATING VEHICLES PASSING SCHOOL BUSSES STOPPED TO RECEIVE OR DISCHARGE PASSENGERS.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. PASSING SCHOOL BUS **205.001**

The driver of a vehicle shall not overtake, or meet and pass, any school bus which has stopped for the purpose of receiving or discharging passengers. (*Ordinance No. 25, effective January 3, 1961*)

SECTION 2. STOPPING **205.002**

The driver of a vehicle overtaking or meeting any school bus which has stopped for the purpose of receiving or discharging any passengers, shall bring such vehicle to a full stop at least ten feet from the school bus, and shall not proceed until the school bus resumes motion or the school bus driver signals to proceed or the visual signals are no longer actuated. The driver of the school bus before resuming motion shall signal stopped traffic to proceed and shall, when resuming motion, proceed in such manner as to allow congested traffic to disperse by keeping the bus as near to the right side of the road as can be done with safety.

Passengers crossing the road upon being discharged from a school bus shall cross in front of a stopped school bus. At an intersection where traffic is controlled by an officer or a traffic stop-and-go signal, a vehicle need not be brought to a full stop before passing any such bus but may proceed past such school bus at a speed no greater than is reasonable and proper and in no event greater than ten miles per hour and with due caution for the safety of passengers being received or discharged from such school bus. (*Ordinance No. 25, effective January 3, 1961*)

SECTION 3. DIVIDED HIGHWAY **205.003**

The driver of a vehicle upon highway which has been divided into two roadways by leaving an intervening space, or by a physical barrier, or clearly indicated dividing sections so constructed as to impede vehicular traffic, need not stop upon meeting a school bus which has stopped in the roadway across the dividing space, barrier, or section. (*Ordinance No. 25, effective January 3, 1961*)

SECTION 4. PENALTY **205.004**

Any person, firm or corporation, violating any of the provisions of this

Ordinance shall be punished by a fine not exceeding One Hundred and no/100 ($100.00) Dollars and costs of prosecution, or by imprisonment in the county jail for a period not exceeding ninety (90) days, or both such fine and imprisonment at the discretion of the court. (*Ordinance No. 25, effective January 3, 1961*)

SECTION 5. EFFECTIVE DATE **205.005**

It is hereby declared that this Ordinance is immediately necessary for the preservation of the public peace, health and/or safety and that therefore this Ordinance is given immediate effect, to-wit: January 3, A. D., 1961, at 9:00 p.m. (*Ordinance No. 25, effective January 3, 1961*)

USE OF SNOWMOBILES

Ordinance No. 56, effective April 26, 1976

206.000

AN ORDINANCE TO PROHIBIT THE USE OF SNOWMOBILES ON CITY STREETS AND OTHER CITY PROPERTY.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. OPERATION **206.001**

No person shall operate a snowmobile upon the public streets or highways of the city of Bridgman or upon any other properties owned by the City of Bridgman except in the case of an emergency declared by the Police Chief of the City of Bridgman or his designee. (*Ordinance No. 56, effective April 26, 1976*)

SECTION 2. IMPOUNDMENT **206.002**

Any authorized police agency is hereby empowered to impound any snowmobile operated in violation of this Ordinance and to retain possession thereof until the owner pays the required fines and/or serves the required jail sentence or both. (*Ordinance No. 56, effective April 26, 1976*)

SECTION 3. PENALTY **206.003**

Upon violation of the provisions of this Ordinance by any person, he shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine not to exceed One Hundred and No/100 ($100.00) Dollars and cost of prosecution or by imprisonment in the county jail for not to exceed ninety (90) days, or by both, such fine and imprisonment in the discretion of the court. (*Ordinance No. 56, effective April 26, 1976*)

Adopted this 5th day of April, 1976, to be published in the Community Enterprise on the 15th day of April, 1976, and to become effective on the 26th day of April, 1976. (*Ordinance No. 56, effective April 26, 1976*)

OUTDOOR MASS GATHERING ORDINANCE

Ordinance No. 92, effective January 31, 1986

207.000

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. GENERAL PROVISIONS 207.100

SECTION 1.01. TITLE 207.101

An Ordinance to license, regulate and control, in the interest of the public health, safety and welfare, outdoor gatherings of persons in excess of 300 in number, to provide penalties for violations thereof and to repeal all Ordinances or parts of Ordinances inconsistent therewith.

SECTION 1.02. PREAMBLE 207.102

The City of Bridgman finds and declares that the interests of the public health, safety and welfare of the citizens of Bridgman require the regulation, licensing and control of mass gatherings of large numbers of people in excess of those normally drawing upon the health, sanitation, fire, police, transportation, utility and other public services regularly provided in the City.

SECTION 1.03. DEFINITIONS 207.103

The following words and terms, when used in this Ordinance, shall have the following meanings unless the context clearly indicates otherwise:

a. "Approved" shall mean any construction or procedure of operation, which is in accordance with the established regulations of the Berrien County Health Department and applicable provisions of federal, state or city law, or regulations established pursuant thereto.

b. "Attendant" shall mean any person who obtains admission to an outdoor assembly.

c. "Communicable Disease" shall mean an illness due to an infectious agent, or its toxic products, which is transmitted directly or indirectly to a well person from an infected person, animal or arthropod or through the agency of an intermediate host, vector or the inanimate environment.

d. "City" shall mean City of Bridgman.

e. "Department" shall mean the Berrien County Health Department, or its authorized representatives.

f. "Officer" shall mean the Berrien County Health officer, or his

authorized representative.

g. "Drinking Water" shall mean water provided or used for human consumption or for lavatory or culinary purposes.

h. "Garbage" shall mean all putrescible wastes (except sewage and body waste); included in this term are animal and vegetable offal.

i. "Licensee" shall mean any person to whom a license is issued pursuant to this Ordinance.

j. "Mass Gathering" shall mean any anticipated gathering of 300 or more people on private property, either outdoors or temporary facilities, but shall not include activities conducted by public or private schools.

k. "Operator" shall mean any person who has charge, care, or control of, or who promotes a mass gathering.

l. "Person" shall mean any individual, group of individuals, firm, partnership association, corporation, or any other public or private entity.

m. "Plumbing" shall mean all of the following facilities and equipment: water pipes, waste pipes, drains, vents, water closets, sinks, trays or tubs, catch basins, and any other similarly supplied fixtures, together with all connections to water systems or sewerage systems.

n. "Refuse" shall mean all nonputrescible wastes generally regarded and classified as rubbish, trash and junk, and similar designations which have been rejected by the owner or possessor thereof as useless or worthless.

o. "Service Building" shall mean a building housing toilet facilities for men and women, with separate bath or shower accommodations.

p. "Sewage" shall mean any substance that contains any of the waste products, excrement, or other discharge from the bodies of human beings or animals, and any noxious or deleterious substances which are harmful or inimical to the public health, to animal or aquatic life, or to the use of water for domestic water supply or for recreation.

q. "Sewage System" shall mean any community or individual system, publicly or privately owned, for the collection and disposal of sewage and

industrial wastes of a liquid nature, including various devices for the treatment of such sewage or industrial wastes.

r. "Source" shall mean any well, spring, cistern, infiltration gallery, stream, reservoir, pond, or lake from which, by any means, water is taken either intermittently or continuously for use by the public.

s. "Sponsor" shall mean any person who organizes, promotes, conducts, or causes to be conducted, an outdoor assembly or mass gathering.

t. "Toilet Facilities" shall mean water closets, privies, urinals, chemical toilets, and the rooms provided for installation of these units.

u. "Wash Basin" shall mean a basin or bowl used for the purpose of obtaining personal cleanliness.

v. "Water Closet" shall mean sanitary facilities for defecation equipped with a hopper or tray and a device for flushing the bowl by water, located within the compartment.

w. "Water Supply" shall mean a source or sources of water, and any or all water treatment, storage, transmission, and distribution facilities.

x. "Waters of the State" shall mean any and all rivers, streams, creeks, rivulets, lakes, dammed water, ponds, springs, and all other bodies of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the State of Michigan.

y. "Private Property" is all property that is not public property.

z. "Public Property" is property owned by the state or some political subdivision thereof, title to which is vested directly in the states or one of its political subdivisions.

SECTION 2. LICENSE REQUIREMENTS **207.200**

SECTION 2.01. GENERAL REQUIREMENTS **207.201**

a. No person shall establish, maintain, operate, or promote a mass gathering at any place within the City of Bridgman and no person shall permit to be operated on his property any mass gathering, unless the operator of said mass gathering and the owner of the property on which it operates together

apply in writing on such forms and in such manner as prescribed by the City Clerk, and obtain a valid license to operate a mass gathering. This shall be accomplished at least sixty (60) days prior to the date of the proposed gathering. Each application shall be accompanied by a nonrefundable fee based on the daily maximum number of persons expected to attend. This fee is calculated at One Hundred Dollars and no/100 ($100.00) Dollars for each three hundred (300) people or fraction thereof.

b. In the alternative, if the operator exhibits to the Clerk a valid contract for use and/or rental of owner's property, the owner need not be joined in the application as set forth above.

c. No license shall be issued until inspection of the premises, facilities and equipment of the location has been made by the City, and the location is found to be adequate for the protection of the public health.

SECTION 2.02. SPECIFIC REQUIREMENTS 207.202

a. The name, age, residence and mailing address of the person making the application. (Where the person making the application is a partnership, corporation or other association this information shall be provided for all partners, officers and directors.) Where the person is a corporation, a copy of the articles of incorporation shall be filed, and the names and addresses shall be provided of all shareholders having financial interest.

b. A statement of the kind, character, and type of proposed gathering.

c. The address, legal description and the site at which the proposed gathering is to be conducted.

d. The date or dates and hours during which the proposed gathering is to be conducted.

e. An estimate of the maximum number of attendants expected at the gathering for each day it is conducted and a detailed explanation of the evidence of admission which will be used, and of the sequential numbering or other method which will be used for accounting purposes.

f. Each application shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the prospective licensee's plans including contracts to provide for the following:

1. Police and fire protection

2. Food and water supply and facilities

3. Health and sanitation facilities

4. Medical facilities and services including emergency vehicles and equipment

5. Vehicle access and parking facilities

6. Camping and trailer facilities

7. Illumination facilities

8. Communication facilities

9. Noise control abatement

10. Facilities for clean-up and waste disposal including removal by a licensed refuse hauler

11. Insurance and bonding arrangements

12. Before work is done in the construction of the facilities of, or in the advertising or other preparation for a mass gathering, the operator shall submit, in duplicate, and receive approval of such plans, specifications, and reports which the City deems necessary for the protection and promotion of the public health.

13. These plans, specifications, and reports shall include, where applicable, data relating to food and sanitary food service, water supply, plumbing, sewage disposal, toilet and lavatory facilities, refuse storage and disposal, vector control, sleeping areas and facilities, first aid and medical facilities, and such other information as may be required by the City.

14. These plans, specifications, and reports shall accompany the operator's application for a license to hold or promote the mass gathering.

g. On receipt by the Clerk, copies of the application shall be forwarded to the chief law enforcement and health officers for the City, local fire official,

and to such other appropriate public officials as the Clerk deems necessary. Such officials shall review and investigate matters relevant to the application and within twenty (20) days of receipt thereof shall report their findings and recommendations to the City Clerk.

h. Within forty-five (45) days of the filing of the application, the City shall issue, set conditions reasonably necessary to the public health or safety prerequisite to the issuance of, or deny a license. The City will require that adequate security and insurance be provided before a license is issued. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, within five (5) days of such action, notice thereof must be mailed to the applicant by certified mail and, in the case of denial, the reasons therefore shall be stated in the notice.

i. A license may be denied if:

1. The applicant fails to comply with any or all requirements of this Ordinance or with any or all conditions imposed pursuant hereto, or with any other applicable provision of state or local law; or,

2. The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

j. A license shall specify the name and address of the licensee, the kind of location of the gathering, the maximum number of attendants permissible, the duration of the license, and any other conditions imposed pursuant to this Ordinance. It shall be posted in a conspicuous place upon the premises of the gathering and shall not be transferred to any other person or location. It shall be subject to suspension or revocation upon finding the mass gathering not in compliance with this Ordinance.

k. In processing an application, the City shall, at a minimum, require the following:

1. Security Personnel. The licensee shall employ, at his own expense, such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the gathering to regulate and limit the number of persons to the level authorized in the permit, and for the preservation of order and protection of property in and around the site of the gathering. No license shall be issued unless the chief law enforcement officer for the City is satisfied that such necessary and sufficient

security personnel will be provided by the licensee for the duration of the gathering.

2. Medical Facilities. If the gathering is not readily and quickly accessible to adequate existing medical facilities, the licensee may be required to provide an ambulance on the grounds at all times if deemed necessary by the City. In addition, a first aid station shall be made available as required by the City health officer or designated agent. The kind, location, staff, strength, medical and other supplies and equipment of such facilities shall be prescribed by the City health officer or designated agent.

3. Food Service. If food service is made available on the premises, it shall be delivered only through concessions licensed and operated in accordance with the provisions of Act 269, Public Acts of 1968, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.

4. Water Facilities. The licensee shall provide potable water, sufficient in quantity and pressure to assure proper operation of all water-using facilities under conditions of peak demand. Such water shall be supplied from a public water system, if available, and if not available, then from a source constructed, located, and approved in accordance with "Regulations for Certain Water Supplies in Michigan", Sections R325.1451 to R325.1461 of the Michigan Administrative Code and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, or from a source and delivered and stored in a manner approved by the City health officer. Any interruption in the treatment of a drinking water supply shall be reported immediately to the City. No change in the source of, or in the method of treatment of a drinking water supply shall be made without first notifying the City and securing its approval to do so.

5. Plumbing.

a. Plumbing shall be so sized, installed, and maintained as to carry adequate quantities of water to required locations throughout the premises of the mass gathering, and to properly convey sewerage and liquid wastes from the premises to the sewerage or sewage disposal system.

b. Plumbing shall serve to prevent contamination of the water supply, and shall not create an unsanitary condition or nuisance.

6. Liquid Waste Disposal. The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the Berrien County Health Department. If such rules and regulations are not available, or if they are inadequate, liquid waste disposal shall be in accordance with United States Public Health Service Publication No. 526, entitled, "Manual of Septic Tank Practice". If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with Act 243, Public Acts of 1951, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, and, prior to issuance of any license, the licensee shall provide the county health officer with a true copy of an executed agreement in force and effect with a licensed pumper or hauler, which agreement will assure proper, effective and frequent removal of liquid wastes from the premises so as to neither create nor cause a nuisance or menace to the public health.

7. Solid Waste Disposal. The licensee shall provide for solid waste storage on, and removal from, the premises. The collection of all garbage and refuse shall be conducted in a sanitary manner and shall be removed from the facilities at least once every twenty-four (24) hours or at more frequent intervals if necessary to prevent a nuisance. Storage shall be in approved, covered, fly-tight and rodent-proof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the county health officer with a true copy of an executed agreement in force and effect by a licensed refuse collector as required by Act 87, Public Acts of 1965, and the rules and regulations pursuant thereto, and will assure proper, effective and frequent removal of solid wastes from the premises so as to neither create or cause a nuisance or menace to public health. Each refuse container, room or area shall be thoroughly cleaned after each emptying or removal of garbage and refuse.

8. Vector Control.

a. The licensee shall implement effective control measures to minimize the presence of rodents, arthropods, flies, roaches and other vermin on the premises. Poisonous materials, such as insecticides or rodenticides, shall not be used in any way so as to contaminate food or equipment, or otherwise constitute a hazard to the public health. Solid wastes containing food waste shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin. Prior to issuance of any license, the licensee shall provide the county health officer with a true copy of an executed agreement in force and effect by a licensed

exterminator to insure proper pest and vermin control.

b. All grass on the premises of the mass gathering shall be mowed one week prior to the event and shall be effectively sprayed with insecticides approved by the Department.

9. Restroom Facilities. The licensee shall provide separate and enclosed flush-type water closets as defined in Act 266, Public Acts of 1929, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. If such flush-type facilities are not available, the county health officer may permit the use of other facilities which are in compliance with Act 273, Public Acts of 1939, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.

The licensee shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with Act 266, Public Acts of 1929, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. All lavatories shall be provided with hot and cold water, soap, paper towels and toilet tissue. The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

Facilities	*Male*	*Female*	
Toilets	1:100	1:50*	
Urinals	1:100		
Lavatories	1:100	1:100	
Drinking Fountains			1:200

*Female urinals may be substituted for toilet bowls on a one-for-one basis; however, no more than one-third of the total number of toilet bowls may be substituted.

Where the assembly is to continue for more than twelve (12) hours, the licensee shall provide shower facilities, on the basis of the number of attendants, in the following manner:

Facilities	*Male*	*Female*
Shower Heads	1:100	1:100

All facilities shall be installed, connected, and maintained free from

obstructions, leaks and defects, and shall at all times be in operable condition as determined by the county health officer. A safe and adequate water supply with flush toilets and showers is considered to be a minimum of 1.5 gallons per minute per 100 persons; without showers, 0.75 gallons per minute per 100 persons.

10. Public Bathing Beaches. The licensee shall provide or make available or accessible public bathing beaches only in accordance with Act 218, Public Acts of 1967, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provisions of state or local law.

11. Public Swimming Pools. The licensee shall provide or make available public swimming pools only in accordance with Act 230, Public Acts of 1966, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.

12. Carriers of Communicable Disease. No individual known to be a possible transmitter of a communicable disease shall be employed at a mass gathering, in any capacity.

13. Care of Children. Children under sixteen (16) years of age not accompanied by an adult at a mass gathering shall be provided with adequate and competent adult supervision exercised by a supervisor or supervisors present on the property.

14. Supervision of Premises. A person to whom a license to promote or hold a mass gathering has been issued shall provide a competent individual to be in charge of the property and on the premises at all times while the property is occupied or open for occupancy. The person or persons names and addresses and phone numbers shall be included.

15. Responsibility for Clean-up. The licensee shall be responsible for clean-up operation at the termination of the mass gathering.

16. General Responsibility. The person to whom a license is issued shall comply with the provision of this Ordinance and with all conditions stated in the license.

17. Access and Traffic Control. The licensee shall provide for ingress to and egress from the premises so as to insure the orderly flow of traffic onto and off the premises. Access to the premises shall be from a public highway or

road. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles. Prior to the issuance of a license, the City of Bridgman shall approve the licensee's plan for access and traffic control.

18. Parking. The licensee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall he provide less than one (1) automobile space for every four (4) attendants.

19. Illumination. The licensee shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by tile City building official.

20. Insurance. Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than $500,000 and property damage insurance with a limit of not less than $50,000 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for death or injury to persons or damage to property which may result from the conduct of the mass gathering or conduct incident thereto, and which insurance shall remain in full force and effect in the specified amounts for the duration of the license. The insurance shall include a provision "that the City will be held harmless in the event of a claim". The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the Clerk of the City, in writing, at least ten (10) days before the expiration or cancellation of said insurance.

21. Bonding. Before the issuance of a license, the licensee shall obtain, from a corporate bonding company authorized to do business in Michigan, a corporate surety bond in the amount of $100,000 in a form to be approved by the City Attorney, conditioned upon the licensee's faithful compliance with all of the terms and provisions of state or local law, and which shall indemnify the City, its agents, officers, and employees and the City Commissioners against any and all loss, injury or damage whatever arising out of, or in any way connected with, the mass gathering and which shall indemnify the owners of property adjoining the mass gathering site for any costs attributable to cleaning up and/or removing debris, trash, or other waste resultant from the mass gathering.

22. Fire Protection. The licensee shall, at his own expense, take adequate stops as determined by the State Fire Marshall to insure fire protection. He shall see to it that no flammable or volatile liquids or materials

shall be stored in or adjacent to the area of the gathering and, that adequate fire-fighting equipment is available to protect the life and health of the people attending the mass gathering.

23. Sound Producing Equipment. Sound producing equipment, including, but not limited to, public address systems, radios, phonographs, musical instruments and other recording devices, shall not be operated on the premises of the gathering so as to be unreasonably loud or raucous, or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of the City of Bridgman.

24. Miscellaneous. Prior to the issuance of a license, the City Commission may impose any other condition(s) reasonably calculated to protect the health, safety, welfare, and property of attendants or the citizens of the City of Bridgman.

SECTION 3.0. REVOCATION 207.300

SECTION 3.01. REASON FOR AND WHO MAY REVOKE LICENSE 207.301

The City Commission, or designated agent, may revoke a license whenever the licensee, his employee or agent fails, neglects or refuses to fully comply with any and all provisions and requirements set forth herein, or with any and all provisions, regulations, Ordinances, statutes, or any other laws incorporated herein by reference.

SECTION 4.0. VIOLATIONS 207.400

SECTION 4.01. WHAT ARE VIOLATIONS 207.401

It shall be unlawful for a licensee, his employee, or agent, to knowingly fail to comply with any requirement of this Ordinance.

Any violation is a separate offense and is punishable by imprisonment in the county jail for not more than ninety (90) days or by a fine of not more than One Hundred and no/100 ($100.00) Dollars, or both such fine and imprisonment. It is further provided that any violation of this Ordinance shall constitute a sufficient basis for revocation of this license and for the immediate enjoining of the gathering.

SECTION 5.0. SEVERABILITY 207.500

SECTION 5.01. SEVERABILITY CLAUSE **207.501**

If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by the court, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion or applications, provided such remaining portions are not determined by the court to be inoperable, and to that end, this Ordinance is declared to be severable.

SECTION 6.0. WAIVER **207.600**

SECTION 6.01. WAIVER CLAUSE **207.601**

City may waive any or all portions or requirements that may not be necessary.

SECTION 7.0. EFFECTIVE DATE **207.700**

SECTION 7.01. EFFECTIVE DATE **207.701**

This Ordinance was adopted at a regular meeting of the Bridgman City Commission on the 6th day of January, 1986 and shall become effective on January 31, 1986, and was ordered to be given publication in the manner prescribed by the City Charter.

UNIFORM HOUSING CODE

Ordinance No. 116, effective January 10, 1993

300.000

AN ORDINANCE TO ADOPT BY REFERENCE THE UNIFORM HOUSING CODE AS PUBLISHED MAY 1, 1991 BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS AND TO MAKE CERTAIN MODIFICATIONS THEREIN AND TO ITS APPLICATION TO THE CITY OF BRIDGMAN.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. CODE ADOPTED **300.001**

The Uniform Housing Code as published May 1, 1991, by the International Conference of Building Officials is adopted by reference as the Uniform Housing Code of the City of Bridgman, subject to the modifications contained in this Ordinance.

SECTION 2. MODIFICATIONS **300.002**

a. Chapter 2. Section 201(a) "Enforcement" is hereby revised to read as follows:

Section 201(a) Authority. The building official is hereby authorized and directed to enforce all of the provisions of this Code.

b. Section 203(a) "Housing Advisory and Appeals Board" is hereby revised to read as follow:

Section 203(a) General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this Code, the Zoning Board of Appeals is hereby designated as the Housing Advisory and Appeals Board. The building official shall be an ex officio member and shall act as secretary to said Board, when it's functioning as the Housing Advisory and Appeals Board, but shall have no vote upon any matter before the Board. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. Appeals to the Board shall be processed in accordance with the provisions contained in Section 1201 of this Code. Copies of all rules of procedure adopted by the Board shall be delivered to the building official, who shall make them accessible to the public.

c. The following definitions of Chapter 4, "Definitions", are hereby modified as follows:

i. "Health Officer" as appears is deleted and the following inserted in its place and stead: Health Officer. Health Officer is the Berrien County Health Department.

ii. "Mechanical Code" is hereby deleted and the following inserted in its place and stead: Mechanical Code. Mechanical Code is the Code as adopted by Statute in the State of Michigan.

iii. "Plumbing Code" is hereby deleted and the following inserted in its place and stead: Plumbing Code. Plumbing Code is the Plumbing Code of the State of Michigan.

d. Section 502(a) "Yards and Courts" of Chapter 5 is hereby deleted and the following inserted in its place and stead:

Yards and Courts. Section 502(a) Scope. This section shall apply to yards and courts having required window openings therein. All yards and courtyards shall have minimum set backs and widths as provided under the Zoning Ordinance of the City of Bridgman.

e. Sub-section (b) of Section 1608, "Lien of Assessment", of Section 16, is hereby deleted and the following inserted in its place and stead:

f. Interest. All such assessments remaining unpaid after thirty (30) days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate thereof as shall be set by the City Commission of the City of Bridgman by a Resolution adopted prior to the confirmation of the assessment.

SECTION 3. CONFLICTING ORDINANCES 300.003

Any Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

This Ordinance shall become effective after publication in accordance with the Charter of the City of Bridgman.

BUILDING CODE ORDINANCE

Ordinance No. 127, effective October 8, 1995
amended by Ordinance No. 140, effective July 15, 1999

301.000

AN ORDINANCE TO ADOPT BY REFERENCE THE UNIFORM BUILDING CODE, AS PUBLISHED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS, FOR THE PURPOSE OF REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, OCCUPANCY AND MAINTENANCE OF ALL BUILDING AND STRUCTURES IN THE CITY OF BRIDGMAN, BERRIEN COUNTY, MICHIGAN; OF PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; OF PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND OF REOEAKING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. CODE ADOPTED **301.001**

Pursuant to the provisions of Section 8 of the State Construction Code Act (Act 230 of the Public Acts of 1972, Compiled Laws of 1948, Section 125, 1501 et seq.) the Uniform Building Code as published by the International Conference of Building Officials, 1997 Edition, is hereby adopted by reference subject to the modifications contained in this ordinance. (*Amended by Ordinance No. 140, effective July 15, 1999*)

SECTION 2. REFERENCES IN CODE **301.002**

References in the Uniform Building Code to "state" and (name of state), shall mean the State of Michigan; references to "municipality" and (name of municipality) shall mean the City of Bridgman; references to "municipal charter" shall mean the Charter of the City of Bridgman and references to "local ordinances" shall mean the Ordiances of the City of Bridgman.

SECTION 3. CHANGES IN CODE **301.003**

The following chapters, sections and subsections of the Uniform Building Code are hereby amended or deleted as set forth in additional chapters, sections and subsections as hereafter indicated.

The following chapters and section numbers refer to like numbers of chapters and sections of the Uniform Building Code.

Chapter 1, Section 103 of the Uniform Building Code is replaced and the following inserted in its place and stead:

SECTION 103. MUNICIPAL CIVIL INFRACTION. Any person who violates any of the provisions of this Ordinance shall be responsible for a municipal infraction and shall be subject to a fine of $50.00, plus costs, damages, expenses and other sanctions as herein provided for each civil infraction. A second violation by the same indivisual of the same alleged vilation within six (6) months shall carry a fine of $250.00, plus costs, damages, expenses and other sanctions as herein provided. Any subsequent or repeat violation by the same individual of the same alleged violations within the six (6) month period shall carry a fine of $500.00 plus costs, damages, expenses and other sanctions as herein provided.

Authorized Municipal Officials for the purpose issuing municipal civil infraction citations and municipal civil infraction notices under the provision of this Ordinance shall, in addition to Police Officer, included the following: Building Inspector, City Superintendent or Zoning Administrator.

Chapter 1, Section 105. BOARD OF APPEALS in the Uniform Building Code is repealed and the following inserted in its place and stead:

Chapter 1, Section 105. BOARD OF APPEALS of the Uniform Building Code is amended to read:

Chapter 1, Section 105. BOARD OF APPEALS: In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of this Code, there shall be and is hereby created a Building Board of Appeals. The Zoning Board of Appeals of the City of Bridgman is hereby constituted as the Building Board of Appeals under the Uniform Building Code. The Building Inspector shall be an ex officio member and shall act as Secretary of the Board. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant and may recommend to the City Commission such new legislation as is consistent therewith.

Chapter 1, Section 107. "FEES" of the Uniform Building Code is amended to repeal and delete Section 107.2 and to insert in its place and stead the following:

107.2 Permit Fees. The fee for each permit shall be set from time to time to resolution of the City Commission and shall be set forth in Table 1-A.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Inspector. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES 301.004

Section 1 of Ordinance No. 127, the Building Code Ordinance adopted on the 18th day of September, 1995, is hereby repealed. All other Ordinances of the City of Bridgman. To the extent that they are inconsistent with the Uniform Building Code, 1997 edition, are hereby repealed. (*Amended by Ordinance No. 140, effective July 15, 1999*)

ELECTRICAL CODE ORDINANCE

Ordinance No. 139, effective July 19, 1999

302.000

AN ORDINANCE TO ASSUME RESPONSIBILITY FOR THE ADMINISTRATION AND ENFORCEMENT OF THE MICHIGAN ELECTRICAL CODE, AS ADOPTED PURSUANT TO SECTION 4 OF ACT 230 OF P.A. 1972, AS AMENDED, FOR THE PURPOSE OF REGULATING ELECTRICAL CONSTRUCTION, ALTERATION, REPAIR, AND MAINTENANCE IN ALL BUILDINGS AND STRUCTURES IN THE CITY OF BRIDGMAN, BERRIEN COUNTY, MICHIGAN; OF PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; OF PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND OF REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. CODE ADOPTED **302.001**

Pursuant to the provisions of Section 4 of the State Construction Code Act (Act 230 of the Public Acts of 1972, Compiled Laws of 1948, Section 125, 1501 et seq) the City of Bridgman assumes the responsibility for the administration and enforcement of the Michigan Electrical Code.

SECTION 2. ADMINISTRATION **302.002**

Pursuant to the provisions of Section 9, of the State Construction Code Act (Act 230 of P.A. 1972, Compiled Laws 1948, Section 125.1201 et seq, as amended), the City of Bridgman shall be responsible for the administration and enforcement of said Code, including all inspection required thereunder.

SECTION 3. PERMIT FEES **302.003**

The fee for each permit shall be set from time to time to resolution of the City Commission.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES **302.004**

Ordinance No. 32 titled, the Electrical Installations adopted on the 24 day of May, 1964, and Ordinance 94 titled Electrical Ordinance dated March 3rd, 1986 are hereby repealed. All other Ordinances of the City of Bridgman, to the extent that they are inconsistent with the Michigan Electrical Code, are hereby repealed.

FIRE CONTROL

Ordinance No. 17, effective August 17, 1959
amended by Ordinance No. 138, effective June l, 1999

303.000

AN ORDINANCE REGULATING THE STARTING OF FIRE IN THE CITY OF BRIDGMAN, AND FOR THE ELIMINATION OF FIRE HAZARDS, AND FOR THE PREVENTION OF FIRES.

THE CITY OF BRIDGMAN ORDAINS THAT WITHIN THE CITY LIMITS:

SECTION 1. WASTE ACCUMULATION **303.001**

That no person shall allow or permit any rags, waste, chips, trash, rubbish, waste paper, ashes, oil, excelsior or other or combustible material to accumulate on or in any lands, premises or building owned or occupied by him, except in metal or other fireproof containers so located as not to constitute a fire hazard, nor shall any person keep or maintain any paint, varnish or similar material unless the same shall be kept in closed containers when not being applied. (*Ordinance No. 17, effective August 17, 1959*)

SECTION 2. FIRE HAZARD **303.002**

That no person shall construct or maintain on or in any lands, premises or building owned or occupied by him any boiler, stove, water tank or heater, furnace, chimney, pipe, duct or other devise for the production or transmission of heat, smoke or gas, or any electric wiring, which is so constructed, operated or located, or which is in such a condition of disrepair, as to constitute a fire hazard or to subject such lands, premises or building or other property in the vicinity thereof to the danger of fire or explosion. (*Ordinance No. 17, effective August 17, 1959*)

SECTION 3. DANGEROUS STRUCTURE **303.003**

That no person shall erect or maintain on any lands or premises owned or occupied by him any building or structure which by reason of improper construction, want of repair or other conditions therein is especially liable to fire or explosion or is so situated as to endanger other property in the vicinity thereof. (*Ordinance No. 17, effective August 17, 1959*)

SECTION 4. OPEN FIRES **303.004**

No person shall kindle or maintain any open fire (for purposes of lot clearing or farming purposes) or bonfire in the City of Bridgman without having first obtained a written burning permit from the Fire Chief. Such permit shall be issued by the Fire Chief without charge on forms provided by him/her at City expense. Such permit shall state the date of issuance, the length of time (not to

exceed three days hereafter) during which it shall be in effect, and the place where such burning is to take effect. Even though a burning permit is obtained as aforesaid, no open fire or bonfire shall be kindled or maintained unless the same shall be located more than fifty feet from any building and shall be constantly attended until completely extinguished. Camp fires for the purpose of recreation or meal preparation are authorized without permit provided they are no closer than fifteen feet from a building and are constantly attended until completely extinguished. The Fire Chief shall have the authority to order extinguishment of any fire whenever in his/her judgment the same shall constitute a hazard (because of high winds or other conditions) or a nuisance. (*Amended June 1, 1999, Ordinance No. 138*)

SECTION 5. FIRE PREVENTION DEVICES 303.005

The Fire Chief shall have power and authority to direct the installation of such fire extinguishers, fire doors, fire walls, fire escapes, vents, safety valves, exit doors, exit lights and other safety devices or structures as the public safety and sound fire prevention practice may require in or on any store, office commercial building, apartment building, amusement park building, theater, restaurant, hotel, shop, factory, or other building or structure into which the public is invited or in which persons are employed or live as tenants, and it shall be the duty of the owner or occupant of any such lands, premises, building or structure to install such structures or devices and to keep the same in good working order at all times. (*Ordinance No. 17, effective August 17, 1959*)

SECTION 6. ACCESS 303.006

The Fire Chief is hereby authorized to enter upon or into any lands, premises, building or structure within the City at all reasonable hours for the purpose of inspecting the same to determine whether any fire hazard exists therein, or whether the provisions of this Ordinance are being observed, or whether all safety structures or other devices required hereby have been installed and are in good working order. (*Ordinance No. 17, effective August 17, 1959*)

SECTION 7. FALSE ALARM 303.007

No person shall turn in, sound or communicate to the Fire Department any false alarm of fire. No person shall block any fire escape, stairway, fire door or exit door in such a manner as to impede the free use thereof. No person shall park any vehicle or leave or deposit any material or other objects within limits specified by City Commission. No person, except City employees on duty, shall open or draw water from a fire hydrant. (*Ordinance No. 17, effective August 17, 1959*)

SECTION 8. DELEGATION **303.008**

The Fire Chief shall have authority to designate any of his subordinates to perform the inspection duties imposed upon him by the terms of this Ordinance, or for the issuance of permits under Section 4 above. (Section 4 is 66.040) (*Ordinance No. 17, effective August 17, 1959*)

SECTION 9. PUBLIC NUISANCE **303.009**

Every fire hazard of whatever nature or origin is hereby declared to be a public nuisance and the same may be abated and removed or its continuance enjoined in any manner provided or permitted by law for the abatement of nuisance. The term "fire hazard" as used in this Ordinance shall mean and include every building, structure, place, thing or condition which by reason of its nature, location, occupancy, condition or use may cause loss, damage or injury to persons or property by reason of fire or explosion. (*Ordinance No. 17, effective August 17, 1959*)

SECTION 10. MUNICIPAL CIVIL INFRACTION **303.010**

Any person who violates any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine of not less than Fifty and No/100s ($50.00) Dollars, plus costs, damages, expenses and other sanctions as herein provided, for each civil infraction. A subsequent or repeat violation by the same individual of the same alleged violation within six (6) months shall carry a fine of not less than Seventy Five and No/l00s ($75.00) Dollars nor more than One Hundred and No/100s ($100.00) Dollars, plus costs, damages, expenses and other sanctions as herein provided. (*Amended June 1, 1999, Ordinance No. 138*)

SECTION 11. DEFINITION **303.011**

The term "person" as used herein shall mean and include natural persons, firms, partnerships, and corporations, and their agents, receivers, servants and trustees. The term "fire" or "bonfire" shall mean the open burning of any flammable material in the City of Bridgman, except a fire in a furnace, stove, boiler, fireplace or campfire restricted to recreational or meal preparation contained in a pit no larger than thirty-six (36) inches in diameter if circular or nine (9) square feet if square or rectangular. (*Amended June l, 1999, Ordinance No. 138*)

SIDEWALKS, CONSTRUCTION & MAINTENANCE

Ordinance No. 8, effective October 5, 1927

304.000

AN ORDINANCE RELATIVE TO THE CONSTRUCTION AND MAINTENANCE OF SIDEWALKS.

THE VILLAGE (NOW CITY) OF BRIDGMAN ORDAINS:

SECTION 1. STANDARD **304.001**

That all sidewalks hereafter constructed in said village (now City) shall be of a good quality Portland cement, properly mixed with sand and gravel, the grouting to be one (1) part cement and five (5) parts of clean sand and gravel, and shall be not less than three (3) inches in thickness; the top dressing shall be one part cement to two parts clean, sharp sand. It shall be not less than one (1) inch in thickness and shall be compactly, evenly and firmly laid. Such sidewalks shall be not less than four (4) feet wide and shall conform to the established grade of the street upon which it is built. (*Ordinance No. 8, effective October 5, 1927*)

SECTION 2. OWNER'S DUTY **304.002**

It shall be the duty of all owners of real estate on the line of any and all streets in this village (now City) to build, keep and maintain sidewalks as hereinbefore described along the line of all streets, next to and adjoining such real estate. (*Ordinance No. 8, effective October 5, 1927*)

SECTION 3. CITY FINDINGS **304.003**

It shall be the duty of the Council when any owner of any of said real estate shall, in its judgment, neglect the duty imposed by the preceding Section, and when in its judgment a sidewalk in front of or adjoining any real estate, or any repair to sidewalk already built are a public necessity, to order by resolution, or otherwise, the owner of said real estate to build or repair such sidewalk. Such resolution may be substantially as follows:

RESOLVED: That public necessity demands the construction (or repairs) of a sidewalk on the ... side of ... street in this village (now City), next to and adjoining lot (describing the premises) and the same is hereby ordered built (or repaired) in conformity with the provisions of the Ordinance relative to the construction and maintenance of walks. (*Ordinance No. 8, effective October 5, 1927*)

SECTION 4. NOTICE OF REPAIR **304.004**

Upon such order being made by the Council, it shall be the duty of the Marshall to forthwith serve, or cause to be served, as hereinafter specified,

upon the owner of said real estate a notice which shall specify where such sidewalks is ordered to be constructed or the sidewalk ordered to be repaired, and shall state that such owner shall complete such sidewalk within fourteen (14) days after service of such notice upon such owner. Such notice may be substantially as follows:

To ... In conformity with a resolution of the Council you are hereby ordered to build (or repair) a sidewalk on the ... side of ... street in this village (now City) next to and adjoining lot ... (describing property) and that such sidewalk must be built (or repaired) in accordance with the provisions of the ordinance relative to the construction and maintenance of sidewalks, and must be completed within fourteen (14) days after service on you of this order. ...Marshall (*Ordinance No. 8, effective October 5, 1927*)

SECTION 5. SERVICE OF NOTICE 304.005

Service of such notice may be made by delivering the same to such owner personally, or, if such owner be a non-resident of this village (now City), by personal service on the occupant of the premises, or if such premises are unoccupied and the owner a non-resident of this village (now City), or unknown and cannot be found, after diligent search, then by posting such notice conspicuously upon such real estate or in front thereof. (*Ordinance No. 8, effective October 5, 1927*)

SECTION 6. ORDERING REPAIR 304.006

The Marshal shall as soon as practicable after said fourteen (14) days have elapsed, report in writing to the council whether or not such sidewalk has been built, as ordered. And if not so built, he shall attach to such report a true copy of the notice ordering such walk to be built, and an affidavit showing the person upon whom such notice was served and the time and manner of service thereof. (*Ordinance No. 8, effective October 5, 1927*)

SECTION 7. REPORT ON FINDING 304.007

If said owner shall fail to complete such sidewalk as aforesaid, withing fourteen (14) days after service on him of such notice as aforesaid, the Committee on Streets is hereby directed to build or repair such sidewalk as ordered by said Council, and shall, upon completion of the same, make report of its doing to the Council, describing the premises along which it has built or repaired such sidewalk, the number of feet to each sidewalk constructed, including the cost of drawing and serving said notice, and of its personal and other fees and expenses. Such report may be in the following form:

The Committee on Streets report to the Council that it has built or repaired a sidewalk on the ... side of ... street in this village (now City) next to and adjoining the premises hereinafter described, at the cost set opposite each parcel of property described: Description ... Owner ... Number of feet ... Entire cost ... (Names of Committee), Committee. (*Ordinance No. 8, effective October 5, 1927*)

SECTION 8. ASSESSMENT OF COSTS **304.008**

The said Council on reception of such report may by resolution or otherwise confirm the same, and if confirmed shall notify the assessor of said village of the entire cost and expense of constructing or repairing such sidewalk, and the assessor shall assess the same in accordance with the provisions of the village (now City) Charter. (*Ordinance No. 8, effective October 5, 1927*)

SECTION 9. EFFECTIVE DATE **304.009**

This Ordinance shall take effect from and after the 5th day of October, 1927. Passed and approved by the Village Council this 12th day of September, 1927. (*Ordinance No. 8, effective October 5, 1927*)

USE OF STREETS AND SIDEWALKS

Ordinance No. 1, effective November 26, 1951

305.000

AN ORDINANCE REGULATING THE USE OF STREETS AND SIDEWALKS WITHIN THE CITY OF BRIDGMAN.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. PROHIBITED CONDUCT **305.001**

No persons, firm or corporation shall for any purpose whatsoever, remove any of the surface material from any of the streets or sidewalks within the City of Bridgman, nor make any opening or excavation in or under any such streets or sidewalks without first having obtained a permit therefore from the City Clerk. (*Ordinance No. 1, effective November 26, 1951*)

SECTION 2. APPLICATION FORM **305.002**

Application for such permit shall be in writing and directed to the City Clerk or Deputy City Clerk, shall be approved by the City Street Commissioner and shall give the following information.

a. Location of such proposed work.

b. Estimated size of such opening or excavation

c. Estimated area of sidewalk or street surface material to be removed.

d. Approximate number of days required for said work.

(*Ordinance No. 1, effective November 26, 1951*)

SECTION 3. STREET OPENING PERMIT **305.003**

No such permit shall be granted unless and until such applicant shall deposit with the Clerk of the City of Bridgman sufficient cash or acceptable bond to cover the cost of making satisfactory and proper repairs in replacement of all street or sidewalk surface removed. The amount of said deposit shall be determined by the City Clerk or at the request of the applicant, by the City Commission and said amount shall be stated upon the application and the permit when issued. (*Ordinance No. 1, effective November 26, 1951*)

SECTION 4. ISSUANCE OF PERMIT **305.004**

When the conditions herein contained have been complied with, such permit shall be issued to the applicant. Such permit shall be numbered and dated, shall show the name and address of the applicant, the address of the proposed work and the date upon which such permit expires. Such permit shall not be

transferable and shall only be extended upon good cause shown and the approval of the City Street Commissioner. (*Ordinance No. 1, effective November 26, 1951*)

SECTION 5. WORK SCHEDULING **305.005**

Said applicant shall notify the City Street Commissioner as to the date and time he intends to finish such work by making repairs and replacements of street surface materials and such work shall be done under the supervision of the City Street Commissioner. (*Ordinance No. 1, effective November 26, 1951*)

SECTION 6. CONDUCTING REPAIRS **305.006**

The said City of Bridgman may at its option perform the work of making repairs and replacements of street materials to complete the work and deduct the cost and charges thereof from the deposit paid by applicant or charge the same to applicant's account. Upon satisfactory completion of the work the balance of said deposit, remaining in the hands of the City Clerk, shall be returned to said applicant. The intention of the said City of Bridgman to make or not make repairs and replacements of street materials removed, shall be indicated on the permit granted to applicant, according to the recommendation of the City Street Commissioner . (*Ordinance No. 1, effective November 26, 1951*)

SECTION 7. SAFETY **305.007**

During the progress of the said work the applicant shall at all times keep the said work properly guarded and lighted and use such means as are necessary to safeguard the persons and property of those traveling upon the streets and sidewalks where such work is in progress. (*Ordinance No. 1, effective November 26, 1951*)

SECTION 8. INDEBTEDNESS **305.008**

No permit shall be granted to any applicant who is indebted to the City of Bridgman for making repairs and replacements of street materials to complete a work under a permit formerly issued pursuant to this Ordinance. (*Ordinance No. 1, effective November 26, 1951*)

SECTION 9. PENALTIES **305.009**

Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof be punished by a fine of not to exceed One Hundred and no/100 ($100.00) Dollars or by imprisonment in the county jail not exceeding ninety (90) days or both such fine and imprisonment in the discretion of the court, together with the costs of prosecution, and in default of payment

may be imprisoned not to exceed ninety (90) days. This Ordinance shall take effect twenty-one (21) days after the adoption thereof. (*Ordinance No. 1, effective November 26, 1951*)

Approved this 5th day of November 1951. (*Ordinance No. 1, effective November 26, 1951*)

OPENING OF ANY STREETS OR PARKWAYS

Ordinance No. 6, adopted April 6, 1954

306.000

AN ORDINANCE REGULATING THE OPENING OF ANY STREET OR PARKWAY AND ALSO REGULATING THE CUTTING OF ANY TREES LOCATED IN ANY OF THE STREETS OR PARKWAYS IN CITY OF BRIDGMAN.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. APPLICATION AND REVIEW **306.001**

That before opening any street or parkway or any part thereof for purposes of constructing any water line or sewer or other structure and also before, cutting any trees located in any of the streets in the City of Bridgman, written application therefore must be made to the City Clerk which application shall set forth the details of such opening or tree cutting, including the proposed width, depth and length of the opening, a statement as to the protection to be given such opening while it is open, when the work is to begin, and when it is to be completed, and in the case of tree cutting a description of the approximate location of the trees to be cut, the protection to be given in connection with the cutting of said tree or trees, the approximate time when said work is to be started and when it is to be completed, and the protection to be given to abutting property owners in connection with cutting of trees as well as protection for utility lines adjacent thereto.

Upon receipt of such written application as herein above provided for, the City Clerk shall refer the matter to the City Superintendent who shall make an investigation of the facts set forth in said application and report back to the Clerk as to whether or not, in his opinion, the proper precautions will be taken and he shall also include thereon his recommendations as to whether or not the Clerk shall issue a permit for the opening of a street and/or cutting of trees. If he fails to recommend the issuance of a permit the City Superintendent shall also note his recommendations for additional precaution and protection as well as any other reasons for his refusal to recommend the issuance of such permit, and the Clerk shall then notify the applicant in order that the applicant may take the necessary steps to provide the items required by the City Superintendent and in the event the applicant feels himself aggrieved with the decision of the City Superintendent, he shall then appear before the City Commission at the next regular City Commission meeting and the Commission shall have authority to either affirm or reverse the recommendations of the City Superintendent and direct the Clerk to issue or reject the application accordingly. In the event the City Superintendent approves the application he shall so indicate thereon and deliver the application to the Clerk and upon receipt thereof the Clerk shall

issue a written permit authorizing the construction and/or tree cutting as outlined in the application. (*Ordinance No. 6, adopted April 6, 1954*)

SECTION 2. PENALTIES **306.002**

That any person, firm or partnership violating the provisions of this Ordinance shall be guilty of a misdemeanor, subject to arrest, and be tried before a Justice of the Peace in and for the County of Berrien and/or City of Bridgman and upon conviction thereof shall be punished by a fine of not to exceed One Hundred and no/100 ($100.00) Dollars or imprisonment in the county jail of Berrien County, Michigan for a period of not to exceed ninety (90) days or both such fine and imprisonment as the trial court shall determine in its discretion. (*Ordinance No. 6, adopted April 6, 1954*)

GARBAGE COLLECTION AND DISPOSAL

Ordinance No. 99.2, effective September 26, 1988

307.000

AN ORDINANCE ESTABLISHING A MUNICIPAL SERVICE FOR THE REGULATION, CONTROL, COLLECTION AND DISPOSAL OF GARBAGE, TRASH AND RUBBISH IN THE CITY OF BRIDGMAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND TO REPEAL ORDINANCE NO. 44 OF THE CITY OF BRIDGMAN.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. REGULATIONS OF WASTE MATERIAL **307.001**

The City of Bridgman hereby determines that it is necessary to provide regulations governing the storage, collection, handling, transporting and disposal of all the garbage, trash and rubbish and other waste materials within the City of Bridgman in order to ensure and protect the public health and safety.

SECTION 2. DEFINITIONS **307.002**

For the purpose of this Ordinance, the following definitions shall apply:

A. Person. Person shall include any individual, firm, co-partnership or corporation.

B. Garbage. The term "garbage" as used herein shall be deemed to include animal, fruit and vegetable waste materials resulting from the handling, preparation, cleaning and consumption of foods and foodstuffs in kitchens, stores, markets, hotels, restaurants and other places where food is stored, sold, cooked, or consumed.

C. Trash or Rubbish. The terms "trash" or "rubbish" as used herein shall be deemed to include all waste materials classified as follows:

Waste material resulting from the usual routine of housekeeping, except garbage, including but not by way of limitation, such articles as tin cans, tin ware, ashes, porcelain ware, bottles, glassware, earthenware, small automobile parts and other metallic substances ordinarily discarded by householders.

Newspapers (if tied in bundles), cardboard boxes (if collapsed and tied), rags, leather, rubber goods and waste paper (if bundled).

D. Builders or Contractors' Refuse. Builders or contractors refuse shall

include all form of refuse generated as a result of building construction, alterations or repairs made by contractors or tradesmen. This type of materials is expressly excluded under this Ordinance and the collection and disposal of this type of material shall remain the liability of the contractor or owner.

E. Yard Waste. Yard waste consists of tree and shrubbery trimmings, grass clippings, leaves and general yard and garden waste materials and shall be limited to the quantities allowed for normal waste disposal under this Ordinance.

Excess yard waste shall remain the liability of the owner.

F. Polluted Waste. Polluted waste means those pollutants or combination of pollutants, including disease-causing agents which upon exposure, ingestion, inhalation or assimilation into any organism, either directly or indirectly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Administrator of the Environmental Protection Agency of the United States of America, or the Director of the Department of Natural Resources of the State of Michigan, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions or deformations, in such organisms or their off-spring.

SECTION 3. CONTAINERS AND STORAGE 307.003

No owner, tenant or lessee of any public or private premises shall be permitted to accumulate upon his premises any garbage, trash or rubbish, refuse or waste materials including yard wastes, unless it is placed and maintained in containers for regular collection and stored as follows:

A. Containers for Garbage. All containers used for garbage shall be of substantial construction, provided with handles and a tightly fitted cover. They shall have a capacity of not more than twenty (20) gallons and shall not weigh more than fifty (50) pounds when filled.

B. Broken Containers. Containers that are broken or fail to meet the requirements of the Ordinance may be classified as rubbish, and after notice to the owner, collected as such.

C. Dumpsters. Multi-family units, commercial and industrial properties shall be permitted to use self loading containers, provided the same are of substantial construction and designed to prevent the scattering of materials

stored therein. All self loading containers shall be located in a screened storage area accessible for disposal, but out of the sight of public access.

D. Storage. All containers used for disposal of waste shall be stored in screened areas not visible from the public right of way.

SECTION 4. COLLECTION 307.004

A. It shall be unlawful for any person other than collectors authorized by the City Commission of the City of Bridgman to collect, handle or interfere in any manner with garbage, trash and rubbish or refuse containers.

B. The waste materials collected by the City, whether under contract with a licensed contractor or through its own City Department shall be limited to garbage, trash and rubbish as those items are defined under this Ordinance. The City shall not collect builders or contractors refuse, excess yard waste or pullulated waste.

C. All garbage, trash and rubbish collected by the City, whether under contract with a licensed contractor or through its own City Department, shall be set out, properly bundled and in proper containers as provided by this Ordinance, in plain view, along the street or alley, readily accessible to collectors on such designated collection days as may be specified by the City Commission of the City of Bridgman.

D. Waste containers placed in the street or alley shall be promptly removed therefrom by such owners, tenant, lessee or occupant after same shall have been emptied.

E. All commercial (except apartment buildings), business and industrial establishments shall make their own independent arrangements for the removal of excess garbage, trash and rubbish exceeding four (4) twenty (20) gallon containers per week. All apartment buildings, commercial and industrial establishments utilizing dumpsters shall make independent arrangements for removal of refuse.

F. No owner, tenant, lessee or occupant shall permit garbage, trash or rubbish to stand along the street or alley waiting for collection for a continuous period in excess of two days.

SECTION 5. GENERAL PROVISIONS 307.005

The following provisions shall apply to and rubbish in the City of Bridgman:

A. Burning and Burying. No person shall throw garbage, trash or rubbish upon the ground or bury the same on any premises, public or private, or burn the same in all garbage, trash any manner without a permit from the Fire Chief.

B. Depositing and Scattering. No person, firm or corporation shall deposit or scatter any garbage, trash or rubbish on any public street, alley or private or public property anywhere in the City of Bridgman.

C. Cleanliness. It shall be the duty of every owner, tenant, lessee or occupant of any residence, apartment building, commercial or industrial building, having garbage, trash or rubbish material to provide for and have within said building or on said premises, storage containers of sufficient size to handle the accumulation of garbage, trash or rubbish on the premises during the intervals between collections of same. In all cases where the collections of excess quantities of commercial or industrial garbage, trash or rubbish are not taken care of by the City, such accumulations shall be promptly disposed of by private contract to the end that the premises and grounds are always kept in a clean, neat, sanitary and orderly condition.

SECTION 6. TRANSPORTING 307.006

Transportation of all garbage, trash and rubbish through streets, alleys or thoroughfares within the City limits shall be handled in such manner so as not to create a nuisance and all collection vehicles shall have completely enclosed, watertight bodies.

SECTION 7. FREQUENCY AND EXTENT OF SERVICE 307.007

A. Residential Collections. The City Hall provides for collection from each residence all garbage, trash and rubbish as herein defined if properly placed for collection by the householder. Householders shall place all garbage and rubbish in proper containers as required by this Ordinance, except that items which will not conveniently fit inside a proper container will be collected if tied securely in bundles not exceeding four (4) feet in length. Provided, however, that any type of refuse not capable of being conveniently loaded into a packer type truck will not be collected. Discarded Christmas trees will be collected each year, from residents, if cut in lengths not exceeding four (4) feet.

B. Commercial and Industrial Collections. The City shall collect from each business, commercial or industrial establishment garbage, trash and rubbish if properly placed for collection by the owner or occupant of the building, subject however, to the following volume limitations: the City will not

collect more than four (4) twenty (20) gallon capacity containers or the equivalent thereof per week. Commercial, business or industrial garbage, trash or rubbish in excess of the above limitations shall be regularly collected or caused to be collected and disposed of by the proprietor or occupant of the place of business using same at his own expense in a lawful manner. It is expressly provided that the owner, proprietor or occupant of the place of business shall make his separate and independent negotiations with the then existing contractor who has the contract with the City for the picking up of garbage, trash and rubbish.

C. Collection Times. All garbage and refuse containers must be placed properly for collection no later than 7:30 a.m. on the day scheduled for collection. Containers shall be removed from such location within a reasonable time after refuse has been collected by the City contractor. All collections will be made between the hours of 7:30 a.m. and 7:30 p.m. No collections will be scheduled for any Saturday or Sunday.

SECTION 8. PENALTIES FOR VIOLATION 307.008

Any person, firm or corporation who violates any of the provisions of this Ordinance shall, in addition to the other provisions of this Ordinance, be deemed guilty of a misdemeanor and shall be punished by a fine of not more than One Hundred and no/100 ($100.00) Dollars or by imprisonment in the County Jail not to exceed ninety (90) days or by both such fine and imprisonment. Each day of violation continued to exist shall constitute a separate offense.

SECTION 9. CONFLICTING ORDINANCES 307.009

Any Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

This Ordinance shall become effective after publication in accordance with the Charter of the City of Bridgman.

FLOOD PLAIN DISTRICT

Ordinance No. 72, effective November 5, 1979

308.000

AN ORDINANCE REGULATING THE USE OF LANDS AND THE ERECTION, CONVERSION OR ALTERATION OF BUILDINGS AND STRUCTURES IN THE FLOOD PLAIN DISTRICT OF THE CITY OF BRIDGMAN, BERRIEN COUNTY, MICHIGAN.

THE CITY OF BRIDGMAN ORDAINS:

To protect the public health, safety and welfare and the lands and resources of the City of Bridgman there is hereby established a Flood Plain District.

SECTION 1. FLOOD PLAIN DISTRICT BOUNDARIES 308.001

The Flood Plain District and its boundaries are identified by the report entitled "The Flood Insurance Study for the City of Bridgman" dated May, 1979, with accompanying Flood Insurance Rate Map and Flood Boundary and Floodway Boundary Map serve as the basis for delineation of the flood hazard area, and together with any amendments are adopted by reference and declared to part of this Ordinance. (*Ordinance No. 72, effective November 5, 1979*)

SECTION 2. DISTRICT AND INTENT 308.002

All land lying within the Flood Plain District is subject to the regulations of this district for the purpose of protecting against flood damage or destruction to structures which might otherwise be constructed in flood hazard area, and for the purpose of meeting the requirements of Act 167, P.A. 1968, and rules promulgated therefor. Any construction within this district shall be subject to compliance with the Soil and Sedimentation Control Act, Act 347 of 1972 and rules and regulations promulgated thereto. (*Ordinance No. 72, effective November 5, 1979*)

SECTION 3. PERMITTED PRINCIPAL USES 308.003

Notwithstanding any other provisions of this Ordinance, no building or structure shall be erected, converted or structurally altered, and no land and/or structure shall be used in a Flood Plain District except for one or more of the following uses:

a. Gardening, horticulture, open recreational uses such as parks, playgrounds, play fields, athletic fields, golf courses, bridle trails and nature paths.

b. In the area above the 100-year Flood Plain, uses permitted by the zoning district otherwise established for the lot, subject to the regulations of

such district; provided, however, the elevation of the lowest floor designed or intended for human use or habitation, including basements, shall be at least three (3) feet above the elevation of the nearest point of the 100-year Flood Plain designated on the Zoning map.

c. In the area below the 100-year Flood Plain, land may be used to supply open space or lot area requirements of a lot partially located above; provided, however, no building or structure shall be located below the 100-year Flood Plain.
(*Ordinance No. 72, effective November 5, 1979*)

SECTION 4. PERMITTED ACCESSORY USES 308.004

Below the 100-year Flood Plain area off-street parking is permitted as a use accessory to a principal use above the 100-year Flood Plain on the same lot. However, no building, structure, or equipment other than boundary monuments are permitted below the 100-year Flood Plain as an accessory use. (*Ordinance No. 72, effective November 5, 1979*)

SECTION 5. USES REQUIRING BOARD OF APPEALS SPECIAL EXCEPTION PERMIT 308.005

a. In the area below the 100-year Flood Plain, dumping or backfilling with any material in any manner is prohibited unless through compensating excavation and shaping of the Flood Plain, the flow and impoundment capacity of the Flood Plain will be maintained or improved and unless all applicable state regulations are met.

b. In the area below the 100-year Flood Plain, the construction or location of bridges, outdoor play equipment, bleachers, and similar outdoor equipment and appurtenances is prohibited unless such elements would not cause any significant obstruction to the flow or reduction in the Flood Plain.

c. Approval of a Special Exception Permit for any of the above shall be subject to an engineering finding by a registered engineer that the above requirements are satisfied. (*Ordinance No. 72, effective November 5, 1979*)

SECTION 6. BUILDING PERMIT REQUIREMENT 308.006

No building or structure shall be erected, converted or structurally altered and no land or structure used in a Flood Plain District, unless a permit therefor shall have first been obtained from the City of Bridgman Zoning Administrator after due compliance shown with all City Ordinances, state statutes and federal regulations.

SECTION 7. SEWER SYSTEMS AND APPURTENANCES 308.007

All on site new and replacement water and sewer systems and appurtenances in the Hood Plain shall be designed to minimize infiltration of flood waters and so constructed so as to avoid impairment that might otherwise result from flooding. (*Ordinance No. 72, effective November 5, 1979*)

SECTION 8. ALTERATION OF WATERCOURSE 308.008

No alteration of any watercourse in the Food Plain District shall be undertaken unless and until neighboring communities and the Michigan Department of Natural Resources shall have first been notified and provided with detailed plans and specifications prepared by a registered engineer. Such plans shall show full compliances with local Ordinances, state statutes, state regulatory agencies and federal regulations and shall make provisions for maintaining the full carrying capacity of the altered watercourse. (*Ordinance No. 72, effective November 5, 1979*)

SECTION 9. PENALTIES 308.009

Any building or structure which is erected, altered, maintained or changed in violation of any provision of this Ordinance is hereby declared to be a nuisance, per se. The City of Bridgman and the duly authorized attorney for the City of Bridgman and the prosecuting attorney for the County may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any unlawful erection, alteration, maintenance or use of lands in the Flood Plain District. (*Ordinance No. 72, effective November 5, 1979*)

SECTION 10. CONFLICTING ORDINANCES 308.010

All Ordinances and parts of Ordinances of the City of Bridgman in conflict with this Ordinance are hereby repealed to the extent that they conflict with this Ordinance. (*Ordinance No. 72, effective November 5, 1979*)

SECTION 11. VALIDITY 308.011

If any Section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. (*Ordinance No. 72, effective November 5, 1979*)

SECTION 12. EFFECTIVE DATE 308.012

It is hereby declared that this Ordinance is immediately necessary for the preservation of the public peace, health and safety and that this Ordinance is given immediate effect to wit: November 5, 1979 at 9:30 o'clock p.m.
Introduced: October 31, 1979, Adopted and Effective: November 5, 1979

SOIL EROSION AND SEDIMENTATION CONTROL

Ordinance No. 65, effective April 9, 1918

309.000

AN ORDINANCE PERTAINING TO SOIL EROSION AND SEDIMENTATION CONTROL.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. ORDINANCES AMENDED **309.001**

The Ordinances of the City of Bridgman are hereby amended to regulate soil erosion and to provide for sedimentation control. (*Ordinance No. 65, effective April 9, 1978*)

SECTION 2. LOCAL ENFORCING AGENCY **309.002**

The City of Bridgman shall be the local enforcing agency for the purpose of implementing soil erosion and sedimentation control within the City of Bridgman, pursuant to Act 347, Public Acts of 1972, as amended, being Michigan Statutes Annotated 13.1820 (l), et seq, known as the Soil Erosion and Sedimentation Control Act. (*Ordinance No. 65, effective April 9, 1978*)

SECTION 3. RULES **309.003**

The City of Bridgman hereby adopts by reference the latest rules promulgated by the Water Resources Commission of the State of Michigan pertaining to soil erosion and sedimentation control. The City of Bridgman also adopts by reference the standards and specifications for Soil Erosion and Sedimentation Control adopted by the Berrien County Soil Conservation District. Not less than ten copies of all applicable rules shall be kept in the office of the City Clerk for public inspection, sale and distribution. (*Ordinance No. 65, effective April 9, 1978; amended by Ordinance No. 77, effective August 4, 1980*) (*Revised 2/81*)

SECTION 4. SUBMISSION OF PLANS **309.004**

Before ground breaking of any construction project in the City of Bridgman involving one or more acres of land, and before all construction within 500 feet of a stream or lake, including all established waterways and storm sewers that have been constructed, discharging into a stream or lake, an Erosion and Sedimentation Control Plan shall be submitted to the Building Inspector in accordance with this Ordinance. (*Ordinance No. 65, effective April 9, 1978*)

SECTION 5. PERMITS AND FEES **309.005**

The City Commission shall, by resolution, establish fees for the enforcement of this Ordinance. (*Ordinance No. 65, effective April 9, 1978*)

SECTION 6. REVIEW AND APPROVAL **309.006**

The Building Inspector, or other agent authorized by the City Commission, shall review the plan, and if it is determined that the plan meets the standards of the rules referred to above and will prevent soil erosion at all major construction sites in the City of Bridgman in excess of one acre, and also all construction located within 500 feet of a stream or lake, including all established waterways and storm sewers that have been constructed, discharging into a stream or lake, except isolated single-family dwelling, and subject to conformance with all other appropriate Ordinances, he shall issue a permit to proceed. Whenever possible, he shall issue such application and permit forms as prepared by the Water Resources Commission. (*Ordinance No. 65, effective April 9, 1978*)

SECTION 7. SITE INSPECTION **309.007**

The Building Inspector shall inspect the construction site at the beginning, during construction and at the end of the project. (*Ordinance No. 65, effective April 9, 1978*)

SECTION 8. BOND **309.008**

The Building Inspector may, as a condition to issuing a permit, require a Performance Bond to the City of Bridgman to assure that all sediment control facilities approved in the plan will be completed. (*Ordinance No. 65, effective April 9, 1978*)

SECTION 9. CEASE AND DESIST **309.009**

The Building Inspector may issue cease and desist orders upon the determination that any of the aforesaid rules are violated. No further action shall be taken on the project until the Building Inspector shall determine that the project shall be constructed to conform with said rules. (*Ordinance No. 65, effective April 9, 1978*)

SECTION 10. PENALTIES **309.010**

Any person, firm or corporation convicted of a violation of any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall, upon conviction thereof in any Court of competent jurisdiction, be subject to a fine of not exceeding One Hundred and no/100 ($100.00) Dollars, or by imprisonment of not more than ninety (90) days or both in the discretion of such Court. (*Ordinance No. 65, effective April 9, 1978*)

SECTION 11. NUISANCE **309.011**

Any violation of this Ordinance shall be deemed a public nuisance and the City of Bridgman may institute suit in the Berrien County Circuit Court to enjoin

such violation and order correction or abatement thereof. (*Ordinance No. 65, effective April 9, 1978*)

SECTION 12. APPEAL **309.012**

Anyone who considers himself aggrieved by the enforcement of this Ordinance and the statutes and rules referred to herein may appeal to the Zoning Board of Appeals, and such appeal shall be handled in the same manner as are appeals from decisions made by the inspector in zoning matters. (*Ordinance No. 65, effective April 9, 1978*)

SECTION 13. REPEAL PROVISION **309.013**

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed. (*Ordinance No. 65, effective April 9, 1978*)

SECTION 14. VALIDITY OR UNCONSTITUTIONALITY **309.014**

If any parts of this Ordinance or any part of the rules and statutes adopted hereby by reference are for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity or constitutionality of the remaining portions of this Ordinance. (*Ordinance No. 65, effective April 9, 1978*)

SECTION 15. EFFECTIVE DATE **309.015**

The Soil Erosion and Sedimentation Control Ordinance will be in effect in the governmental unit twenty (20) days after the passage thereof.

WEKO BEACH PARK

Ordinance No. 36, effective May 2, 1967
amended by Ordinance No. 39, effective December 22, 1968; further amended by Ordinance No. 68, effective April 23, 1979; further amended by Ordinance No. 75, effective May 19, 1980, further amended by Ordinance No. 91, effective June 20, 1985; further amended by Ordinance No. 131, effective November 18, 1996

310.000

AN ORDINANCE TO REGULATE AND CONTROL THE USE AND ENJOYMENT OF WEKO BEACH PARK IN THE CITY OF BRIDGMAN, BERRIEN COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF SUCH REGULATIONS, AND TO REPEAL ALL ORDINANCES, OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE CITY OF BRIDGMAN ORDAINS:

ARTICLE I

USE AND ENJOYMENT *Ordinance No. 36, effective May 2, 1967* **310.100**

SECTION 1. RESTRICTIONS **310.101**

The use and enjoyment of Weko Beach Park established and maintained by the City of Bridgman on the shores of Lake Michigan, shall be and hereby is restricted to the following:

1. Persons permanently residing within the territorial, limits of the City of Bridgman and the Township of Lake, Berrien County, Michigan, and members of their immediate family who make their homes with such residents.

2. Persons owning and paying taxes on personal or real property within the territorial limits of the City of Bridgman and the Township of Lake, Berrien County, Michigan, and members of their immediate family who make their homes with such taxpayers.

3. All persons categorized as falling in classifications 1 or 2 above, after submission of proper proof thereof to the City Clerk, shall be entitled to the issuance of a season pass or sticker to be affixed to their automobile for admission to the park. Such passes or stickers shall be issued on such terms and conditions and accord park privileges only as may be determined by resolution of the City Commission from time to time.

4. All other persons shall be admitted to the park only upon the payment of such daily park charges or fees and shall be accorded park privileges only as may be fixed and determined by resolution of the City Commission from time to time.

5. No person shall make any false statement or false representation in his or her application for a seasonal pass or sticker.

6. If any person to whom a seasonal pass or sticker has been issued or any person who shall have paid a daily park fee for admission, shall violate any of the provisions of this code regulating the conduct of persons in public places, such person shall be ejected from the park and if a seasonal pass or sticker has been issued such pass or sticker shall be taken up and canceled. Such permit shall not thereafter be reinstated except by order of the City Commission upon application made to that body.

7. Organizations, clubs and groups, consisting principally of residents of the City of Bridgman or of Lake Township, may be granted use of the park facilities upon application to the City Clerk and approval by the City Commission subject to such rules and regulations as may be prescribed by the City Commission. (*Ordinance No. 36, effective May 2, 1967*)

SECTION 2. ADMISSION POLICY 310.102

No person shall be admitted to the park except persons having and exhibiting valid passes or stickers or persons who shall have paid the daily park fee for admission as hereinabove provided. Stickers, passes and daily admission park tickets are nontransferable. Any person who secures or attempts to secure such a pass for another or who shall transfer such pass, sticker or ticket to any other person shall be subject to permanent cancellation of their park privileges as well as to the penalties for violation of this Ordinance. (*Ordinance No. 36, effective May 2, 1967*)

SECTION 3. LIABILITY 310.103

The city, in the issuance of any seasonal pass or sticker, or by the imposition and collection of any daily park fee, shall not be charges with any responsibility and shall not be liable for any loss, injury or damage to person or property suffered by such a pass holder or ticket holder or any other person or persons in their company as guests or otherwise while using or enjoying any of the facilities covered by the pass or ticket. (*Ordinance No. 36, effective May 2, 1967*)

SECTION 4. PARKING STICKER REQUIRED 310.104

No vehicle shall park on the premises of Weko Beach unless the owner thereof shall have obtained a pass or sticker pursuant to Section 2 and Section 1 (3) and (4).

Any vehicle parked in violation of this Ordinance may be towed away by the city or its designee and the cost for this towing shall be surcharged to the owner.

Further, violators of this section shall be subject to a fine of Ten and no/100 ($10.00) Dollars. (*Ordinance No. 68, effective April 23, 1979*)

ARTICLE II

ADMINISTRATION (*Ordinance No. 36, effective May 2, 1967*) **310.200**

SECTION 1. GENERAL SUPERVISION **310.201**

The City Commission may appoint a park superintendent or park ranger who shall have general supervision of the park including boating facilities, parking, recreation facilities, camping grounds and park employees. This person and any other authorized park employee shall have authority to enforce all ordinances, rules, or regulations, pertaining to the park duties and activities and no person shall willfully disregard any lawful order to obey these ordinances, rules, or regulations nor interfere with or hinder any employee while such employee is engaged in his assigned park duties and activities. (*amended by Ordinance No. 91, effective June 20, 1985*)

SECTION 2. RULES AND REGULATIONS **310.202**

The City Commission may, from time to time, adopt, revise and amend rules or regulations and establish fees and charges for use of the park not in conflict with the provisions of this Ordinance to be observed by all persons using or enjoying the property, facilities and grounds referred to in this Ordinance, which rules and regulations, amendments or revisions thereof shall be printed and posted in a conspicuous place or places or posted on signs on or near the beach, grounds or facilities of the park. All such rules and regulations displayed on signs or printed and posted in the park shall be given full force and effect under the provisions of this Ordinance as though they were fully set out in this Ordinance and incorporated herein by reference. (*Ordinance No. 36, effective May 2, 1967*)

ARTICLE III

PARK RULES (*Ordinance No. 36, effective May 2, 1967*) **310.300**

SECTION 1. UNLAWFUL CONDUCT **310.301**

The following acts are deemed unlawful and in violation of this Ordinance and are expressly prohibited anywhere in the park; use of profane, obscene, lewd, threatening or abusive language, fighting or quarreling, loud, boisterous, unruly

or disorderly conduct, offenses against decency or good morals, carrying, taking or possession of glass bottles or containers of any kind of sort whatsoever upon the beach, littering, dumping or depositing papers, garbage, rubbish or other offensive substances anywhere in the park, except in containers expressly provided for that purpose, and the violation of any posted park rule, regulation or signs anywhere in the park. (*Ordinance No. 36, effective May 2, 1967*)

SECTION 2. DAMAGE TO PROPERTY 310.302

It shall be unlawful for any person to write on, cut, mutilate, deface, damage, remove, or destroy in any manner, any building, equipment, structure, fountain, fence, bench or table, grill, masonry, statute, ornament, sign, sand or any other property real or personal or any appurtenances thereto, owned or operated by the city and located upon or in said park, including any property on which a concession has been granted by the city, or belonging to any person and rightfully upon such park property. Blocking, jamming or obstructing any public toilet or any other improper use of any washroom facility anywhere in the park is expressly prohibited. (*Ordinance No. 36, effective May 2, 1967; amended by Ordinance No. 75, effective May 19, 1980*)

SECTION 3. INJURY TO PLANTS AND TREES 310.303

It shall be unlawful for any person to cut, remove, mutilate, damage or injure any trees, shrubs or plantings that are growing and located in the park. (*Ordinance No. 36, effective May 2, 1967*)

SECTION 4. USE OF EQUIPMENT 310.304

The Park Superintendent or Ranger shall have authority to restrict the use of any recreational equipment, picnic tables and grills, so as to insure their reasonable availability to all persons using the park and desiring to use such equipment or facilities. (*Ordinance No. 36, effective May 2, 1967*)

SECTION 5. PARK HOURS 310.305

The use of the park shall be restricted to such hour as may be designated by resolution, from time to time by the City Commission. At the posted hour for the closing of the park, all persons within the park except registered campers, shall immediately depart therefrom. Any unauthorized vehicles, watercraft, or trailers remaining in the park after the closing hour may be towed or hauled away and the cost thereof, including reasonable storage fees, shall be assessed against the owner or operator of the vehicle, watercraft or trailer. Further violators of this section shall be subject to a fine of $10.00. (*Amended June 20, 1985, Ordinance No. 91*)

SECTION 6. ANIMALS **310.306**

It shall be unlawful for any person to permit any domestic animal to run at large in the park, nor shall any dog be allowed therein except on a leash. No animal shall be lead unto any portion of the sand beach along the lake front of the park. The riding or leading of horses and other riding animals is expressly prohibited anywhere in the park area including the roads and streets therein. (*Ordinance No. 36, effective May 2, 1967; amended by Ordinance No. 39, effective December 22, 1968*)

SECTION 7. SWIMMING **310.307**

All swimming on the park beaches shall be under the immediate supervision of the Park Lifeguard. When surf conditions, in the opinion of the lifeguard, make it unsafe for persons to enter the water, an audible warning notice may be given or a warning sign posted prohibiting swimming. Thereafter, any person's violating such prohibition against swimming shall be guilty of a violation of this Ordinance. Any swimmers who shall disregard the limits or buoys circumscribing the swimming areas shall likewise be deemed in violation of this Ordinance. (*Ordinance No. 36, effective May 2, 1967*)

SECTION 8. USE OF VEHICLES **310.308**

No person shall at any time use any beach or dune buggy, snow mobile, automobile, truck, motorcycle or other mechanically propelled vehicle of any kind of sort whatsoever upon the beaches or in any other place of the park except on the streets, roads and parking areas therein, where such use is limited solely to registered vehicles used for providing transportation to park patrons for carrying persons of their equipment into and out of the park area. No automobile, truck or other mechanically propelled vehicle of any kind of sort whatsoever shall be driven within the park area at a speed in except of ten (10) miles per hour and no such vehicle shall be operated in said park other than with due care and caution to the safety of the park patrons. No person shall park any motor vehicle within said park, other than within a space and area provided for parking and designated as place where parking is permitted. (*Ordinance No. 36, effective May 2, 1967, amended by Ordinance No. 39, effective December 22, 1968*)

SECTION 9. BOATS AND WATERCRAFT **310.309**

No person shall operate in the park waters any motor boat, launch or other watercraft in any area other than the area designated for boats leaving and entering the boat launching area and outside the lines or buoys erected to safeguard the swimming area, or in a reckless manner or at an excessive rate of speed so as to endanger the life or property of any person in or on said waters,

having due regard to the presence of other boats, water skiers, swimmers, person engaged in fishing, objects in or on person, shall operate such motor boat on said waters at the rate of speed greater than will permit him to bring it to a stop within the assured clear distance ahead. Every boat operator shall be obligated to observe all the rules and regulations for the use of boats and watercraft as shall be conspicuously posted on a sign erected at the boat launching ramp and such posted regulations shall have full force and effect as though they were fully set out herein and incorporated in this Ordinance by reference. (*Ordinance No. 36, effective May 2, 1967*)

SECTION 10. DRUNKENNESS: ALCOHOLIC BEVERAGES 310.310

No intoxicated person shall enter, be or remain in the park. Possession of any and all alcoholic beverages is hereby expressly and strictly prohibited anywhere in Weko Beach Park, except the Community Room of Weko Beach Park pursuant to approved granted by the City Commission of the City of Bridgman or its designated agents, officers or employees. (*amended by Ordinance No. 131, effective November 18, 1996*)

SECTION 11. OFFERING ARTICLES FOR SALE 310.311

No person shall offer or exchange for sale any article or thing, or do any hawking, peddling or soliciting, or buy or offer to buy any article or think or take up any collection or solicit or receive contributions of money or anything of value in the park, except when authorized to do so by a permit obtained from the City Commission. (*Ordinance No. 36, effective May 2, 1967*)

SECTION 12. HINDERING EMPLOYEES 310.312

Section 12 is hereby repealed. (*amended by Ordinance No. 91, effective June 20, 1985*)

SECTION 13. FIREARMS AND FIREWORKS 310.313

No person shall carry or discharge firearms or discharge or set off any rocket, firecracker or torpedo or other fireworks or things containing any substance of an explosive nature in the park. (*Ordinance No. 36, effective May 2, 1967*)

SECTION 14. OPEN FIRES 310.314

No person shall build or cause to be built any open fires anywhere in the park or upon the sand beaches along the water front. An open fire is defined as any fire not in a grill or fireplace or other receptacle constructed and provided for that purpose. Ashes and coals shall not be dumped or disposed of on the beaches or in the water. (*Ordinance No. 36, effective May 2, 1967*)

SECTION 15. TRESPASSING ADJOINING PRIVATE PROPERTY
310.315

Trespassing adjoining private property. It shall be unlawful for any person using the park or camping areas to trespass upon any private property adjoining the park boundaries that is posted against such trespass without the expressed permission of the owner or caretaker of the private property. (*amended by Ordinance 91, effective June 20, 1985*)

SECTION 16. ROUGH PLAY ON BEACH **310.316**

No baseball, football, or softball, volleyball or frisbee throwing, nor any violent or rough exercises or play that may annoy or endanger other persons shall be allowed on the beach. (*amended by Ordinance 91, effective June 20, 1985*)

ARTICLE IV

PENALTIES **310.400**

SECTION 1. PENALTIES **310.401**

Any person, firm or corporation violating any of the provisions of this Ordinance, shall, upon conviction thereof, be subject to a fine not exceeding the sum of $100.00 or imprisonment not exceeding ninety (90) days or both such fine and imprisonment in the discretion of the Court. (*Ordinance No. 36, effective May 2, 1967*)

ARTICLE V

SAVING CLAUSE **310.500**

SECTION 1. SAVING CLAUSE **310.501**

Should any section, clause or provision of this Ordinance be declared by the Courts to be invalid, the same shall not effect the validity of the Ordinance as a whole, or any part thereof other than the part or parts so declared to be invalid. (*Ordinance No. 36, effective May 2, 1967*)

ARTICLE VI

REPEAL **310.600**

SECTION 1. REPEAL **310.601**

This Ordinance repeals all Ordinances or part of Ordinances heretofore enacted by the City of Bridgman that may be in conflict with this Ordinance. (*Ordinance No. 36, effective May 2, 1967*)

ARTICLE VII

EFFECTIVE DATE **310.700**

SECTION 1. EFFECTIVE DATE **310.701**

This Ordinance was adopted by the City Commission of the City of Bridgman on the 10th day of April, 1967, and was ordered to be made effective on the 2nd day of May, 1967. (*Ordinance No. 36, effective May 2, 1967*)

WATER SUPPLY SYSTEM ORDINANCE

Ordinance No. 118, effective October 18, 1993

400.000

AN ORDINANCE TO PROVIDE FOR THE CONSTRUCTION, INSTALLATION, AND EQUIPPING OF IMPROVEMENTS TO THE WATER SUPPLY SYSTEM OF THE CITY OF BRIDGMAN, MICHIGAN; TO PROVIDE TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE BONDS OF EQUAL STANDING WITH THE REVENUE BONDS NOW OUTSTANDING TO PAY THE COST THEREOF; TO PROVIDE FOR THE RETIREMENT AND SECURITY OF THE BONDS HEREIN AUTHORIZED; TO CONFIRM THE EXISTING RATES FOR THE SYSTEM; AND TO PROVIDE FOR OTHER MATTERS RELATIVE TO THE SYSTEM AND BONDS.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. DEFINITIONS **400.001**

Whenever used except when otherwise indicated by the context, shall have the following:

a. "Act 94" 1933, means Act 94, Public Acts of Michigan 1933, as amended.

b. "Adjusted Net Revenues" means for any operating year the excess of revenues over expenses for the system determined in accordance with generally accepted accounting principles, to which shall be added depreciation, amortization, interest expense on bonds, and any payments to the issuer in lieu of taxes, to which may be made the following adjustments.

i. Revenues may be augmented by the amount of any rate increases adopted prior to the issuance of additional bonds or to be placed into effect before the time principal or interest on the additional bonds becomes payable from revenues as applied to quantities of service furnished during the operating year thereof that the increased rates were not in effect.

ii. Revenues may be augmented by amounts which be derived from rates and charges to be paid by customers of the system.

The adjustment of revenues and expenses by the factors set forth in (i) and (ii) above shall be reported upon by professional engineers or certified public accountants or other experts not in the regular employment of the issuer.

c. "Bonds" means the Series 1993 Bonds, together with the outstanding bonds and any additional bonds of equal standing hereafter issued.

d. "Issuer" or "City" means the City of Bridgman, County of Berrien, Michigan.

e. "Ordinance No. 101" means the Ordinance adopted by the City Commission of the City on April 17, 1989, authorizing the issuance of the outstanding bonds.

f. "Outstanding Bonds" means the outstanding Water Supply System Revenue Refunding Bonds, Series 1989, authorized by Ordinance No. 101 in the original principal amount of $1,250,000.00.

g. "Project" means additions and improvements to the water treatment plant, including appurtenances and attachments relating thereto.

h. "Revenues" and "Net Revenues" means the revenues and net revenues of the system and shall be construed as defined in Section 3 of Act 94, including with respect to "Revenues", the earnings derived from the investment of monies in the various funds and accounts established by Ordinance No. 101.

i. "Series 1993 Bonds" means the Water Supply System Bonds, Series 1993, in the principal amount of $200,000.00 authorized by this Ordinance.

j. "Sufficient Government Obligations" means direct obligations of the United States of America or obligations the principal and interest on which is fully guaranteed by the United States of America, not redeemable at the option of the Issuer, the principal and interest payments upon which without reinvestment of the interest, come due at such times and in such amounts as to be fully sufficient to pay the interest as it comes due on the Bonds and the principal and redemption premium, if any, on the Bonds as it comes due whether on the stated maturity date or upon earlier redemption. Securities representing such obligations shall be placed in trust with a bank or trust company, and if any of the Bonds are to be called for redemption prior to maturity, irrevocable instructions to call the Bonds for redemption shall be given to the paying agent.

k. "System" means the City of Bridgman Water Supply System, together with the project and all additions, extensions and improvements hereafter acquired.

SECTION 2. NECESSITY **400.002**

Approval of Plans and Specifications. It is hereby determined to be a necessary public purpose of the Issuer to acquire and construct the project in accordance with the plans and specifications prepared by the City's engineers, which plans

and specifications are hereby approved.

SECTION 3. COSTS; USEFUL LIFE **400.003**

The cost of the project is estimated to be not less than Two Hundred Thousand and no/100 ($200,000.00) Dollars, including the payment of incidental expenses as specified in Section 4 of this Ordinance, which estimate of cost is hereby approved and confirmed, and the period of usefulness of the project is estimated to be not less than forty (40) years.

SECTION 4. PAYMENT OF COST; BONDS AUTHORIZED

To pay the cost of acquiring the project, including payment of legal, engineering, financial and other expenses incident thereto and incident to the issuance and sale of the Series 1993 Bonds, the Issuer shall borrow the sum of Two Hundred Thousand and no/100 ($200,000.00) Dollars and issue the Series 1993 Bonds therefor pursuant to the provisions of Act 94. Said Series 1993 Bonds shall be of equal standing and priority and shall be equally secured with the outstanding Bonds as to the net revenues.

Except as changed by this Ordinance, all the provisions of Ordinance No.101 shall apply to the Series 1993 Bonds issues pursuant to this Ordinance, the same as though provisions of Bonds issued each of said provisions were repeated in this Ordinance in detail; the purpose of the Ordinance being to authorize the issuance of additional revenue Bonds to finance the cost of acquiring additions, extensions and improvements to the System, additional Bonds of equal standing with the outstanding Bonds for such purpose being authorized by the provisions of Section 20(b) of Ordinance No. 101, upon the conditions therein stated, which conditions have been fully met.

SECTION 5. BOND DETAILS, ISSUANCE IN SERIES, REGISTRATION AND EXECUTION **400.005**

The additional Bonds hereby authorized shall be designated "Water Supply System Revenue Bonds, Series 1993", shall be payable out of the net revenues, as set forth more fully in Section 7 hereof, shall consist of fully-registered bonds of the denomination of Five Thousand and no/100 ($5,000) Dollars each, or integral multiples thereof not exceeding in any one year the amount maturing in that year, dated as of November 1, 1993, numbered in order of registration and shall mature on May 1st in the years and amounts as follows:

Year	Amount
1994	$30,000.00
1995 and 1996	5,000.00

1997	10,000.00
1998 and 1999	5,000.00
2000 through 2003, inclusive	10,000.00
2004 and 2005	15,000.00
2006	10,000.00
2007	15,000.00
2008	45,000.00

The Series 1993 Bonds shall bear interest at a rate or rates to be determined on public sale thereof, but in any event not exceeding the maximum rate permitted by law, payable on May 1st and November 1st of each year, commencing May 1, 1994, by check or draft mailed by the transfer agent selected by the Issuer to the person or entity which is, as of the 15th day of the month preceding the interest payment date, the registered owner at the registered address as shown on the registration books maintained by the transfer agent. The date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the Issuer to conform to market practice in the future. The Series 1993 Bonds shall be sold at not less than 99% of their par value. The principal of the Series 1993 Bonds shall be payable at the bank or trust company designated by the Issuer as registrar and transfer agent for this issue.

The Series 1993 Bonds maturing on or after May 1, 2003, may be subject to redemption prior to maturity at the times and prices and in the manner and with notice as set forth in the form of bonds in Section 13 of this Ordinance.

In case less than the full amount of an outstanding Bond is called for redemption, the transfer agent upon presentation of the Bond called in part for redemption shall register, authenticate and deliver to the registered owner a new bond in the principal amount of the portion of the original bond not called for redemption. Notice of redemption shall be given in the manner specified in the form of the Series 1993 Bonds contained in Section 13 of this Ordinance.

The Series 1993 Bonds shall by the manual or facsimile signature of the Mayor and countersigned by the manual or facsimile signature of the City Clerk and shall have the corporate seal of the Issuer impressed or imprinted thereon. The Series 1993 Bonds shall be delivered to the transfer agent for authentication and be delivered by the transfer agent to the purchaser thereof in accordance with instructions from the City Treasurer or any deputy upon payment of the purchase price for the Bonds in accordance with the bid therefor when accepted. Executed blank bonds for registration and issuance to transferees shall

simultaneously, and from time to time thereafter as necessary, be delivered to the transfer agent for safekeeping

SECTION 6. REGISTRATION AND TRANSFER 400.006

Any Bond may be transferred upon the books required to be kept pursuant to this section by the person in whose name it is registered, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the transfer agent. Whenever any Bond or Bonds shall be surrendered for transfer, the Issuer shall execute and the transfer agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The transfer agent shall require payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The Issuer shall not be required (i) to issue, register the transfer of or exchange any Bond during a period beginning at the opening of business 15 days before the day of the giving of a notice of redemption of Bonds selected for redemption as described in the form of Series 1993 Bonds contained in Section 13 of this Ordinance and ending at the close of business on the day of that giving of notice, or (ii) to register the transfer of or exchange any Bond so selected for redemption in whole or in part, except the unredeemed portion of Bonds being redeemed in part. The Issuer shall give the transfer agent notice of call for redemption at least 20 days prior to the date notice of redemption is to be given.

The transfer agent shall keep or cause to be kept, at its principal office, sufficient books for the registration and transfer of the Bonds, which shall at all times be open to inspection by the Issuer; and, upon presentation for such purpose, the transfer agent shall, under such reasonable regulations as it may prescribe, transfer or cause to be transferred, on said books, Bonds as hereinbefore provided.

If any Bond shall become mutilated, the Issuer, at the expense of the holder of the Bond, shall execute, and the transfer agent shall authenticate and deliver, a new Bond of like tenor in exchange and substitution for the mutilated Bond, upon surrender to the transfer agent of the mutilated Bond. If any Bond issued under this Ordinance shall be lost, destroyed or stolen, evidence of the loss, destruction or theft may be submitted to the transfer agent and, if this evidence is satisfactory to both and indemnity satisfactory to the transfer agent shall be given, and if all requirements of any applicable law including Act 354, Public Acts of Michigan, 1972, as amended, ("Act 354") being Sections 129.131 to 129.135, inclusive, of the Michigan Compiled Laws have been met, the Issuer,

at the expense of the owner, shall execute, and the transfer agent shall thereupon authenticate and deliver, a new Bond of like tenor and bearing the statement required by Act 354, or any applicable law hereafter enacted, in lieu of and in substitution for the Bond so lost, destroyed or stolen. If any such Bond shall have matured or shall be about to mature, instead of issuing a substitute Bond the transfer agent may pay the same without surrender thereof.

SECTION 7. PAYMENT OF BONDS 400.007

Principal of and interest on the Series 1993 Bonds and the outstanding bonds shall be payable from the net revenues. There is hereby recognized the statutory lien upon the whole of the net revenues created by Ordinance No. 101, which shall be a first lien to continue until payment in full of the principal of and interest on all Bonds payable from the net revenues, or until sufficient cash or sufficient government obligations have been deposited in trust for payment in full of all Bonds of a series then outstanding, principal and interest on such Bonds to maturity, or, if called for redemption, to the date fixed for redemption together with the amount of the redemption premium, if any. Upon deposit of cash or sufficient government obligations, as provided in the previous sentence, the statutory lien shall be terminated with respect to that series of Bonds, the holders of that series shall have no further rights under Ordinance No. 101, or this Ordinance except for payment from the deposited funds, and the Bonds of that series shall no longer be considered to be outstanding under Ordinance No. 101 or this Ordinance.

SECTION 8. MANAGEMENT 400.008

The operation, repair and management of the system and the acquiring of the project shall continue to be under the supervision and control of the City Commission.

SECTION 9. RATES AND CHARGES 400.009

The rates and charges for service furnished by the system and the methods of collection and enforcement of the collection of the rates shall be those in effect on the date of adoption of this Ordinance. No free service or use of the system, or service or use of the system at less than cost, shall be furnished by the system to any person, firm, or corporation, public or private, or to any public agency or instrumentality, including the Issuer.

SECTION 10. BOND RESERVE ACCOUNT 400.010

The Reserve Account in the Bond and Interest Redemption Fund, as established by Section 13, subsection B of Ordinance No. 101 shall be further increased as follows: beginning November 1, 1993 there shall be deposited in the Bond

Reserve Account in equal monthly installments over a period of sixty (60) months amounts which will cause the Bond Reserve Account to total the lesser of (1) the maximum annual debt service due in the current or any future year on the outstanding Bonds and the Series 1993 Bonds, (2) 125% of the average annual debt service on the outstanding Bonds and the Series 1993 Bonds or (3) 10% of the principal amount of the outstanding Bonds and the Series 1993 Bonds.

All of the other provisions relative to the use of said Bond Reserve Account, its maintenance and other details relative thereto, shall remain as specifically set forth in Ordinance No. 101.

No further payments need be made into the redemption fund after enough of the Bonds have been retired so that the amount then held in the redemption fund (including the Bond Reserve Account), in cash or sufficient government obligations, is equal to the entire amount of principal and interest which will be payable at the time of maturity of all the Bonds then remaining outstanding and the monies so held shall be used solely to pay the principal of and interest on the Bonds including redemption premiums, if any, as the Bonds become due either by maturity or by redemption prior to maturity.

SECTION 11. INVESTMENTS **400.011**

Monies in the funds and accounts established in Ordinance No. 101 and monies derived from the proceeds of sale of the Series 1993 Bonds, may be invested by the Issuer in United States of America obligations or in obligations the principal and interest on which is fully guaranteed by the United States of America or any other investments permitted by law, and monies derived from the proceeds of sale of the Bonds may also be invested in certificates of deposit of any bank whose deposits are insured by the Federal Deposit Insurance Corporation. Investment of monies in the redemption fund being accumulated for payment of the next maturing principal or interest payment of the Bonds shall be limited to obligations bearing maturity dates prior to the date of the next maturing principal or interest payment on the Bonds. Investment of monies in the Bond reserve account shall be limited to obligations bearing maturity dates or subject to redemption at the option of the holder thereof, not later than five (5) years from the date of investment. In the event investments are made, any securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds or account from which the purchase was made. Profit realized or interest income earned on investment of funds in the receiving fund, including the operation and maintenance account, and replacement fund and improvement fund shall be deposited in or credited to the

receiving fund at the end of each fiscal year. Profit realized on interest income earned on investment of monies in the redemption fund including income derived from the Bond reserve account shall be credited as received to the Redemption Fund.

SECTION 12. BOND PROCEEDS **400.012**

Upon delivery of the Series 1993 Bonds there shall be first immediately deposited from the proceeds of the Series 1993 Bonds in a separate account in the redemption fund, an amount equal to the accrued interest and premium, if any, received on delivery of the Series 1993 Bonds. The balance of the proceeds of the sale of the Series 1993 Bonds shall be deposited in a bank or banks, designated by the City Treasurer, qualified to act as depository of the proceeds of sale under the provisions of Section 15 of Act 94, in an account designated "construction fund monies" in the construction fund shall be applied solely in payment of the cost of the project and any engineering, legal and other expenses incident thereto and to the financing thereof, and shall be fully expended on project costs within three years after the date of delivery of the Series 1993 Bonds. Payments for construction, either on account or otherwise, shall not be made unless the registered engineer in charge of such work shall file with the City Commission a signed statement to the effect that the work has been completed in accordance with the plans and specifications therefor; that it was done pursuant to and in accordance with the contract therefor (including properly authorized change orders), that such work is satisfactory and that such work has not been previously paid for.

Any unexpended balance of the proceeds of sale of the Series 1993 Bonds remaining after completion of the project in the construction fund shall in the discretion of the City Commission, be used either for further improvements, enlargements and extension to the system, if, at the time of such expenditures, such use is approved by the Michigan Department of Treasury, if such permission is then required by law, or for the purpose of purchasing Bonds on the open market at not more than the fair market value thereof, but not more than the price at which Bonds may next be called for redemption, or used for the purpose of paying principal of the Bonds upon maturity or calling Bonds for redemption.

SECTION 13. BOND FORM **400.013**

The Series 1993 Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MICHIGAN, COUNTY OF BERRIEN
CITY OF BRIDGMAN
WATER SUPPLY SYSTEM
REVENUE BOND, SERIES 1993

Interest Rate Maturity Date Date of Original

Issue CUSIP

REGISTERED OWNER:

PRINCIPAL AMOUNT:
DOLLARS

City of Bridgman, County of Berrien, State of Michigan (the Issuer), for value received, hereby promises to pay the principal amount shown above in lawful money of the United States of America to the registered owner shown above, or registered assigns, on the maturity date shown above, unless prepaid prior thereto as hereinafter provided, with interest thereon from the date of original Issue shown above, or such later date to which interest has been paid, until paid, at the interest rate per annum shown above, payable on May 1, 1993 and semiannually thereafter. Principal of this bond is payable upon surrender of this bond at the designated office of NBD Bank, N.A., Detroit, Michigan, or such other transfer agent as the Issuer may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to the date of any change in transfer agent. Interest on this bond is payable by check or draft mailed to the person or entity who is, as of the 15th day of the month preceding the interest payment date, the registered owner of record, at the registered address as shown on the registration books of the Issuer kept by the transfer agent. For prompt payment of principal and interest on this bond, the Issuer has irrevocably pledged the revenues of the Water Supply System of the Issuer (the "System"), including all appurtenances, extensions and improvements thereto, after provision has been made for reasonable and necessary expenses of operation, maintenance and administration, (the "Net Revenues") and a statutory first lien thereon is hereby recognized and created.

The Bonds of this issue are of equal standing and priority of lien as to the net Revenues with the Issuer's Water Supply System Revenue Refunding Bonds, Series 1989.

This Bond is one of a series of bonds of even date of original issue, aggregating

the principal sum of $200,000 issued pursuant to Ordinance No. 101 and Ordinance No. ___, duly adopted by the City Commission of the Issuer, and under and in full compliance with the Constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of paying the cost of acquiring and constructing Water Supply System improvements.

For a complete statement of the revenues from which and the conditions under which this bond is payable, a statement of the conditions under which additional bonds of equal standing may hereafter be issued and the general covenants and provisions pursuant to which this bond is issued, reference is made to the above-described Ordinances.

Bonds maturing in the years 1994 to 2002, inclusive, are not subject to redemption prior to maturity.

Bonds or portions of bonds in multiples of $5,000 maturing in the year 2003 and thereafter, inclusive, shall be subject to redemption prior to maturity at the option of the Issuer, in such order of maturity as the Issuer shall determine and within a single maturity by lot, on any interest payment date on or after May 1, 2002, at par and accrued interest-plus a premium as follows:

2% of par value of each bond or portion of bond redeemed on or after May 1, 2002, but prior to May 1, 2004;

1% of par value of each bond or portion of bond redeemed on or after May 1, 2004, but prior to May 1, 2006;

No premium shall be paid on bonds or portions thereof called for redemption on or after May 1, 2006.

Notice of redemption of any bond or portion thereof shall be given by the transfer agent at least thirty (30) days prior to the date fixed for redemption by mail to the registered owner at the registered address shown on the registration books kept by the Transfer Agent. Bonds shall be called for redemption in multiples of $5,000 and any bond of a denomination of more than $5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bond by $5,000 and such bond may be redeemed in part. Notice of redemption for a bond redeemed in part shall state that upon surrender of the bond to be redeemed a new bond or bonds in aggregate principal amount equal to the unredeemed portion of the bonds surrendered shall be issued to the registered owner thereof. No further interest on a bond or portion thereof called for redemption shall accrue after the date fixed for

redemption, whether presented for redemption or not, provided funds are on hand with the transfer agent to redeem the bond or portion thereof.

This bond is a self-liquidating bond and is not a general obligation of the Issuer and does not constitute an indebtedness of the Issuer within any constitutional, charter or statutory limitation of the Issuer, but is payable, both as to principal and interest solely from the net revenues of the system. The principal of and interest on this bond are secured by the statutory lien hereinbefore mentioned.

The Issuer has covenanted and agreed, and does hereby covenant and agree to fix and maintain at all times while any bonds payable from the net revenues of the system shall be outstanding, such rates for service furnished by the system as shall be sufficient to provide for payment of the interest upon and the principal of all outstanding bonds, the bonds of this issue and any additional bonds of equal standing as and when the same shall become due and payable, and to maintain a bond redemption fund (including a bond reserve account) therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of the system as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the system as are required by said Ordinances.

This Bond is transferable only upon the books of the Issuer kept for that purpose at the office of the transfer agent by the registered owner in person or the registered owner's attorney duly authorized in writing, upon the surrender of this Bond together with a written instrument of transfer satisfactory to the transfer agent, duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the Ordinance authorizing the bonds, and upon payment of the charges, if any, therein prescribed.

This bond is not valid or obligatory for any purpose until the transfer agent's Certificate of Authentication on this bond has been executed by the transfer agent.

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

IN WITNESS WHEREOF, the City of Bridgman, County of Berrien, State of Michigan, by its City Commission has caused this bond to be executed with the

facsimile signatures of its Mayor and its City Clerk and the corporate seal of the Issuer to be printed on this bond, all as of the date of original Issue.

CITY OF BRIDGMAN

(Seal)

Countersigned:

By: _____

_____

Its: Mayor

_____
City Clerk

Date of Registration:

Certificate of Authentication

This bond is one of the bonds described in the within mentioned Ordinances.

NBD BANK, N.A., Transfer Agent

BY _____
Authorized Signatory

SECTION 14. BONDHOLDERS' RIGHTS; RECEIVER 400.014

The holder or holders of the Bonds representing in the aggregate not less than twenty (20%) percent of the entire principal amount thereof then outstanding, may, by suit, action, mandamus or other proceedings, protect and enforce the statutory lien upon the net revenues of the system, and may, by suit, action, mandamus or other proceedings, enforce and compel performance of all duties of the officers of the Issuer, including the fixing of sufficient rates, the collection of revenues, the proper segregation of the revenues of the system and the proper application thereof. The statutory lien upon the net revenues, however, shall not be construed as to compel the sale of the system or any part thereof.

If there is a default in the payment of the principal of or interest upon the

Bonds, any court having jurisdiction in any proper action may appoint a receiver to administer and operate the system on behalf of the Issuer and under the direction of the court, and by and with the approval of the court to perform all of the duties of the officers of the Issuer more particularly set forth herein and in Act 94.

The holder or holders of the Bonds shall have all other rights and remedies given by Act 94 and law, for the payment and enforcement of the Bonds and the security therefor.

SECTION 15. COVENANT REGARDING TAX EXEMPT STATUS OF THE BONDS 400.015

The Issuer shall, to the extent permitted by law, take all actions within its control necessary to maintain the exemption of the interest on the Bonds from general federal income taxation (as opposed to any alternative minimum or other indirect taxation) under the Internal Revenue Code of 1986, as amended, including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditure and investment of Bond proceeds and monies deemed to be Bond proceeds. The Issuer hereby designates the 1993 Series Bonds as a "qualified tax exempt obligation".

SECTION 16. REPEAL; SAVINGS CLAUSE

All Ordinances, resolutions or orders, or part thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, repealed.

SECTION 17. SEVERABILITY; PARAGRAPH HEADINGS AND CONFLICT 400.017

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such clause or provision shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

SECTION 18. PUBLICATION AND RECORDATION 400.018

This Ordinance shall be published in full in the Southcounty Gazette, a newspaper of general circulation in the City qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the Issuer and such recording authenticated by the signatures of the Mayor and City Clerk.

SECTION 19. EFFECTIVE DATE 400.019

This Ordinance shall be effective upon its adoption. Adopted and signed this 18th day of October, 1993.

WATER SUPPLY SYSTEM CROSS CONNECTIONS

Ordinance No. 48, effective November 27, 1972

401.000

AN ORDINANCE REGULATING CROSS CONNECTIONS WITH THE PUBLIC WATER SUPPLY SYSTEM, I.E., A CONNECTION OR ARRANGEMENT OF PIPING OR APPURTENANCES THROUGH WHICH WATER OF QUESTIONABLE QUALITY, WASTES OR OTHER CONTAMINANTS CAN ENTER THE PUBLIC WATER SUPPLY SYSTEM.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. CODE ADOPTED **401.001**

That the City adopts by reference the Water Supply Cross Connection rules of the Michigan Department of Public Health being R325.43 1 to R325.440 of the Michigan Administrative Code. (*Ordinance No. 48, effective November 27, 1972*)

SECTION 2. INSPECTIONS **401.002**

That it shall be the duty of the Bridgman Water Department to cause inspection to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Bridgman Water Department and as approved by the Michigan Department of Public Health. (*Ordinance No. 48, effective November 27, 1972*)

SECTION 3. ACCESS **401.003**

That the representative of the Bridgman Water Department shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of city for the purpose of inspecting the piping system or systems thereof for cross connections.

On request the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections. (*Ordinance No. 48, effective November 27, 1972*)

SECTION 4. DISCONNECT **401.004**

That the Bridgman Water Department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this Ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of

contamination of the public water, supply system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this Ordinance. (*Ordinance No. 48, effective November 27, 1972*)

SECTION 5. UNSAFE SUPPLY **401.005**

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

WATER UNSAFE FOR DRINKING

(*Ordinance No. 48, effective November 27, 1972*)

SECTION 6. SUPPLEMENTAL REGULATION **401.006**

That this Ordinance does not supersede the state plumbing code but is supplementary to it. (*Ordinance No. 48, effective November 27, 1972*)

SECTION 7. PENALTY **401.007**

That any person or customer found guilty of violating any of the provisions of this Ordinance, or any written order of the Bridgman Water Department, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed One Hundred and no/100 ($100.00) Dollars for each violation or imprisonment in the county jail of Berrien County Michigan for a period of ninety (90) days or both in the discretion of the court. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this Ordinance. (*Ordinance No. 48, effective November 27, 1972*)

SECTION 8. EFFECTIVE DATE **401.008**

This Ordinance shall take effect from and after the 27th day November, 1972. Enacted by the City Commission of the City of Bridgman, at its regular meeting, held in said City on November 6, 1972. (*Ordinance No. 48, effective November 27, 1972*)

WATER SUPPLY BOND ORDINANCE

Ordinance No. 129A, effective February 19, 1996

402.000

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE REFUNDING BONDS OF EQUAL STANDING WITH CERTAIN OUTSTANDING WATER SUPPLY SYSTEM REVENUE BONDS, TO PAY THE COST OF REFUNDING PART OF THE CITY'S WATER SUPPLY SYSTEM REVENUE REFUNDING BONDS, SERIES 1989, AND TO PRESCRIBE THE FORM OF THE REFUNDING BONDS; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON THE REFUNDING BONDS AND CERTAIN OUTSTANDING BONDS OF THE SYSTEM; TO PROVIDE AN ADEQUATE RESERVE FUND FOR THE REFUNDING BONDS AND OUTSTANDING BONDS OF THE SYSTEM; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE REFUNDING BONDS AND OUTSTANDING BONDS OF THE SYSTEM IN ENFORCEMENT THEREOF; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE SYSTEM AND THE REFUNDING BONDS AND OUTSTANDING BONDS OF THE SYSTEM.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. DEFINITIONS **402.001**

Whenever used in this Ordinance, except when otherwise indicated by the context, the following terms shall have the following meanings:

a. "Act 94" means Act 94, Public Acts of Michigan, 1933, as amended.

b. "Adjusted Net Revenues" means for any operating year the excess of revenues over expenses for the system determined in accordance with generally accepted accounting principles, to which shall be added depreciation, amortization, interest expense on Bonds, and any payments to the Issuer in lieu of taxes, to which may be made the following adjustments:

i. Revenues may be augmented by the amount of any rate increases adopted prior to the issuance of additional Bonds or to be placed into effect before the time principal or interest on the additional Bonds becomes payable from revenues as applied to quantities of service furnished during the operating year or portion thereof that the increased rates were not in effect;

ii. Revenues may be augmented by amounts which may be derived from rates and charges to be paid by new customers of the system.

The adjustment of revenues and expenses by the factors set forth in (i) and (ii) above shall be reported upon by professional engineers or certified public accountants or other experts not in the regular employment of the Issuer.

c. "Bonds" mean the Refunding Bonds, and any additional Bonds presently of equal standing or hereafter issued.

d. "Bond Purchase Agreement" means the Bond Purchase Agreement relating to the purchase of the refunding bonds by and between the City and the Underwriter.

e. "Issuer" or "City" means the City of Bridgman, County of Berrien, Michigan.

f. "Ordinance No. 101" means the Ordinance adopted by the City Commission, authorizing the issuance of the Series 1989 Bonds.

g. "Ordinance No. 118" means the Ordinance adopted by the City Commission, authorizing the issuance of the Series 1993 Bonds.

h. "Outstanding Bonds" means the Series 1989 Bonds and the Series 1993 Bonds.

i. "Project" means additions and improvements to the water treatment plant, including appurtenances and attachments relating thereto.

j. "Refunded Bonds" means the Series 1989 Bonds maturing in the years 2000 to 2008, which are outstanding in the aggregate principal amount of $665,000.

k. "Refunding Bonds" means the Water Supply System Revenue Refunding Bonds, Series 1996 of the Issuer authorized by this Ordinance.

l. "Revenues" and "Net Revenues" means the revenues and net revenues of the system and shall be construed as defined in Section 3 of Act 94, including with respect to "Revenues", the earnings derived from the investment of monies in the various funds and accounts established by Ordinance No. 101.

m. "Series 1989 Bonds" means the outstanding Water Supply System Revenue Refunding Bonds, Series 1989 authorized by Ordinance No. 101 in the original principal amount of $1,250,000.

n. "Series 1993 Bonds" means the Water Supply System Bonds, Series 1993, authorized by Ordinance No. 118 in the original principal amount of $200,000.

o. "Sufficient Government Obligations" means direct obligations of the United States of America or obligations the principal and interest on which is fully guaranteed by the United States of America, not redeemable at the option of the issuer, the principal and interest payments upon which without reinvestment of the interest, come due at such times and in such amounts as to be fully sufficient to pay the interest as it comes due on the Bonds and the principal and redemption premium, if any, on the Bonds as it comes due whether on the stated maturity date or upon earlier redemption. Securities representing such obligations shall be placed in trust with a bank or trust company, and if any of the Bonds are to be called for redemption prior to maturity, irrevocable instructions to call the Bonds for redemption shall be given to the paying agent.

p. "System" means the City of Bridgman Water Supply System, together with all additions, extensions and improvements hereafter acquired.

q. "Transfer Agent" and/or "Escrow Agent" means Michigan National Bank, Detroit, Michigan, or its successor.

r. "Underwriter" means First of Michigan Corporation, as the purchaser of the Refunding Bonds.

SECTION 2. NECESSITY; APPROVAL OF PLANS AND SPECIFICATIONS 402.002

It is hereby determined to be a necessary public purpose of the Issuer to refund the Refunded Bonds.

SECTION 3. PAYMENT OF COST; BONDS AUTHORIZED 402.003

To pay the costs associated with the refunding of the Refunded Bonds, including all legal, financial and other expenses incident thereto and incident to the issuance and sale of the Bonds, which are estimated as Eight Hundred Forty Thousand Four Hundred Eighty Four and no/100 ($840,484.00) Dollars, the Issuer shall borrow the sum of Seven Hundred Thirty Five Thousand and no/100 ($735,000.00) Dollars and issue the Refunding Bonds therefor pursuant to the provisions of Act 94. The remaining costs of refunding the Refunded Bonds shall be defrayed from City funds on hand and legally available for such use, including monies in the bond reserve account established for the Refunded Bonds.

The Refunding Bonds shall be of equal standing and priority and shall be equally secured with the Outstanding Bonds, which are not Refunded Bonds, as to the net revenues.

Except as changed by this Ordinance, all the provisions of Ordinance No. 101 shall apply to the Refunding Bonds issued pursuant to this Ordinance, the same as though each of said provisions were repeated in this Ordinance in detail; the purpose of the Ordinance being to authorize the issuance of additional Bonds for such purpose being authorized by the provisions of Section 20 of Ordinance No. 101, upon the conditions therein stated, which conditions have been fully met.

SECTION 4. BOND DETAILS, ISSUANCE IN SERIES, REGISTRATION AND EXECUTION 402.004

The Refunding Bonds hereby authorized shall be designated "Water Supply System Revenue Refunding Bonds, Series 1996", shall be payable out of the net revenues, as set forth more fully in Section 6 hereof, shall consist of fully registered Bonds of the denomination of $5,000 each, or integral multiples thereof not exceeding in any one year the amount maturing in that year, dated as of March 14, 1996, numbered in order of registration and shall mature on May 1st in the years and amounts set forth on Exhibit A attached hereto.

The Refunding Bonds shall bear interest the rates set forth on hereto, payable on May 1st and November 1st of each year, commencing May 1, 1996, by check or draft mailed by the transfer agent to the person or entity which is, as of the 15th day of the month preceding the interest payment date, the registered owner at the registered address as shown on the registration books maintained by the transfer agent. The date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the Issuer to conform to market practice in the future. The Refunding Bonds shall be sold at the price set forth on Exhibit A attached hereto. The principal of the Refunding Bonds shall be payable at the designated office of the transfer agent.

The Refunding Bonds maturing on or after May 1, 2004, may be subject to redemption prior to maturity at the times and prices and in the manner and with notice as set forth in the form of Bonds in Section 12 of this Ordinance.

In case less than the full amount of an outstanding Bond is called for redemption, the transfer agent upon presentation of the Bond called in part for redemption shall register, authenticate and deliver to the registered owner a new

bond in the principal amount of the portion of the original bond not called for redemption. Notice of redemption shall be given in the manner specified in the form of the Refunding Bonds contained in Section 13 of this Ordinance.

The Refunding Bonds shall be signed by the manual or facsimile signature of the Mayor and countersigned by the manual or facsimile signature of the City Clerk and shall have the corporate seal of the Issuer impressed or imprinted thereon. The Refunding Bonds shall be delivered to the transfer agent for authentication and be delivered by the transfer agent to the purchaser thereof in accordance with instructions from the City Treasurer or any deputy upon payment of the purchase price for the Bonds in accordance with the bid therefor when accepted. Executed blank Bonds for registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the transfer agent for safekeeping.

SECTION 5. REGISTRATION AND TRANSFER 402.005

Any Bond may be transferred upon the books required to be kept pursuant to this section by the person in whose name it is registered, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the transfer agent. Whenever any Bond or Bonds shall be surrendered for transfer, the Issuer shall execute and the transfer agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The transfer agent shall require payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The Issuer shall not be required (i) to issue, register the transfer of or exchange any Bond during a period beginning at the opening of business 15 days before the day of the giving of a notice of redemption of Bonds selected for redemption as described in the form of Refunding Bonds contained in Section 12 of this Ordinance and ending at the close of business on the day of that giving of notice, or (ii) to register the transfer of or exchange any Bond so selected for redemption in whole or in part, except the unredeemed portion of Bonds being redeemed in part. The Issuer shall give the transfer agent notice of call for redemption at least twenty (20) days prior to the date notice of redemption is to be given.

The transfer agent shall keep or cause to be kept, at its principal office, sufficient books for the registration and transfer of the Bonds, which shall at all times be open to inspection by the Issuer; and, upon presentation for such purpose, the transfer agent shall, under such reasonable regulations as it may prescribe, transfer or cause to be transferred, Bonds as hereinbefore provided

on said books.

If any Bond shall become mutilated, the Issuer, at the expense of the holder of the Bond, shall execute, and the transfer agent shall authenticate and deliver, a new Bond of like tenor in exchange and substitution for the mutilated Bond, upon surrender to the Transfer Agent of the mutilated Bond. If any Bond issued under this Ordinance shall be lost, destroyed or stolen, evidence of the loss, destruction or theft may be submitted to the transfer agent and, if this evidence is satisfactory to both and indemnity satisfactory to the Transfer Agent shall be given, and if all requirements of any applicable law including Act 354, Public Acts of Michigan, 1972, as amended, ("Act 354") being Sections 129.131 to 129.135, inclusive, of the Michigan Compiled Laws have been met, the Issuer, at the expense of the owner, shall execute, and the transfer agent shall thereupon authenticate and deliver, a new Bond of like tenor and bearing the statement required by Act 354, or any applicable law hereafter enacted, in lieu of and in substitution for the Bond so lost, destroyed or stolen. If any such Bond shall have matured or shall be about to mature, instead of issuing a substitute Bond the transfer agent may pay the same without surrender thereof.

SECTION 6. PAYMENT OF BONDS 402.006

Principal of and interest on the Refunding Bonds and the Outstanding Bonds shall be payable from the net revenues. There is hereby upon the whole of the net revenues recognized the statutory lien created by Ordinance No. 101 which shall be a first lien to continue until payment in full of the principal of and interest on all Bonds payable from the net revenues, or until sufficient cash or sufficient government obligations have been deposited in trust for payment in full of all Bonds of a series then outstanding, principal and interest on such Bonds to maturity, or, if called for redemption, to the date fixed for redemption together with the amount of the redemption premium, if any. The first lien referred to herein shall be equally shared and be a first priority with the City's Outstanding Bonds which are not being refunded with the Refunding Bonds. Upon deposit of cash or sufficient government obligations, as provided in the previous sentence, the statutory lien shall be terminated with respect to that series of Bonds, the holders of that series shall have no further rights under Ordinance No. 101, or this Ordinance except for payment from the deposited funds, and the Bonds of that series shall no longer be considered to be outstanding under Ordinance No. 101 or this Ordinance.

SECTION 7. MANAGEMENT 402.007

The operation, repair and management of the System and the acquiring of the project shall continue to be under the supervision and control of the City

Commission.

SECTION 8. RATES AND CHARGES **402.008**

The rates and charges for service furnished by the System and the methods of collection and enforcement of the collection of the rates shall be those in effect on the date of adoption of this Ordinance. No free service or use of the system, or service or use of the system at less than cost, shall be furnished by the system to any person, firm, or corporation, public or private, or to any public agency or instrumentality, including the Issuer.

SECTION 9. BOND RESERVE ACCOUNT **402.009**

The Reserve Account in the Bond and Interest Redemption Fund, as established by Section 13, subsection B of Ordinance No. 101 shall be maintained in such amounts, so that said Bond Reserve Account shall total a sum equal to the lesser of (1) the maximum annual debt service due in the current or any future year on the Bonds, (2) 125% of the average annual debt service on the Bonds or (3) 10% of the principal amount of the Bonds (the "Reserve Amount"). Upon the delivery date of the Refunding Bonds, the Issuer shall transfer the excess in said Bond Reserve Account which is greater than the Reserve Amount to the Escrow Agent to pay part of the cost of refunding the Refunded Bonds as described in Section 11. In the event that the amount in said Reserve Account is greater than the Reserve Amount after the delivery date, such excess amount shall be promptly transferred to the Receiving Fund. All of the other provisions relative to the use of said Bond Reserve Account, its maintenance and other details relative thereto, Ordinance No. 101.

No further payments after enough of the Bonds shall remain as specifically set forth in need be made into the Redemption Fund have been retired so that the amount then held in the Redemption Fund (including the Bond Reserve Account), in cash or sufficient government obligations, is equal to the entire amount of principal and interest which will be payable at the time of maturity of all the Bonds then remaining outstanding and the monies so held shall be used solely to pay the principal of and interest on the Bonds including redemption premiums, if any, as the Bonds become due either by maturity or by redemption prior to maturity.

SECTION 10. INVESTMENTS **402.010**

Monies in the funds and accounts established in Ordinance No. 101 and monies derived from the proceeds of sale of the Refunding Bonds, may be invested by the Issuer in United States of America obligations or in obligations the principal and interest on which is fully guaranteed by the United States of America or

any other investments permitted by law, and monies derived from the proceeds of sale of the Bonds may also be invested in certificates of deposit of any bank whose deposits are insured by the Federal Deposit Insurance Corporation. Investment of monies in the Redemption Fund being accumulated for payment of the next maturing principal or interest payment of the Bonds shall be limited to obligations bearing maturity dates prior to the date of the next maturing principal or interest payment on the Bonds. Investment of monies in the Bond Reserve Account shall be limited to obligations bearing maturity dates or subject to redemption at the option of the holder thereof, not later than five years from the date of investment. In the event investments are made, any securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds or account from which the purchase was made. Profit realized or interest income earned on investment of funds in the Receiving Fund, including the Operation and Maintenance Account, and Replacement Fund and Improvement Fund shall be deposited in or credited to the Receiving Fund at the end of each fiscal year. Profit realized on interest income earned on investment of monies in the Redemption Fund including income derived from the Bond Reserve Account shall be credited as received to the Redemption Fund.

SECTION 11. BOND PROCEEDS **402.011**

Upon delivery of the Refunding Bonds there shall be first immediately deposited from the proceeds of the Refunding Bonds in a separate account in the Redemption Fund, an amount equal to the accrued interest and premium, if any, received on delivery of the Refunding Bonds. Certain of the proceeds of the Refunding Bonds and, monies on hand in the outstanding Bond Reserve Account, shall be deposited in an escrow fund or funds (the "Escrow Fund") consisting of cash and investments in direct obligations of or obligations of the principal of and interest on which are unconditionally guaranteed by the United States of America or other obligations the principal of and interest on which are fully secured by the foregoing not redeemable at the option of the Issuer in amounts fully sufficient to pay the principal, interest and redemption premiums on all of the Refunded Bonds, which are to be refunded hereunder and shall be used only for such purposes. The Escrow Fund shall be held by the Escrow Agent pursuant to an escrow agreement (the "Escrow Agreement") which shall irrevocably direct the Escrow Agent to take all necessary steps to pay the principal of and interest on the Refunded Bonds when due and to call the Refunded Bonds for redemption on the first call date, as specified by the Issuer. The amounts held in the Escrow Fund shall be such that the cash and investments and income received thereon will be sufficient without reinvestment to pay the principal, interest and redemption premiums on the Refunded Bonds

when due on the redemption date. The remaining proceeds of the Bonds shall be used to pay the costs of issuance of the Bonds. Any proceeds in excess of the proceeds deposited in the Escrow Fund or required to pay costs of issuance shall be deposited in the Redemption Fund and used to pay interest on the Bonds.

The Mayor and City Clerk of the Issuer are each authorized to negotiate an Escrow Agreement on behalf of the Issuer.

SECTION 12. BOND FORM **402.012**

The Refunding Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF BERRIEN
CITY OF BRIDGMAN
WATER SUPPLY SYSTEM
REVENUE REFUNDING BOND
SERIES 1996

Interest Rate	Maturity Date	Date of Original Issue	CUSIP
%	May 1,	March 14, 1996	

REGISTERED OWNER:

PRINCIPAL AMOUNT: DOLLARS

City of Bridgman, County of Berrien, State of Michigan (the "Issuer"), for value received, hereby promises to pay solely and only out of the hereinafter described net revenues of the Issuer's Water Supply System (hereinafter defined), the principal amount shown above in lawful money of the United States of America to the registered owner shown above, or registered assigns, on the maturity date shown above, unless prepaid prior thereto as hereinafter provided, with interest thereon from the date of original issue shown above, or such later date to which interest has been paid, until paid, at the interest rate per annum shown above, payable on May 1, 1996 and semiannually thereafter. Principal of this bond is payable upon surrender of this bond at the principal corporate trust office of Michigan National Bank, Detroit, Michigan, or such other transfer agent as the Issuer may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to any interest payment date (the "Transfer Agent"). Interest on this bond is payable by check or

draft mailed to the person or entity who is, as of the 15th day of the month preceding the interest payment date, the registered owner of record, at the registered address as shown on the registration books of the Issuer kept by the transfer agent. For prompt payment of principal and interest on this bond, the Issuer has irrevocably pledged the revenues of the Water Supply System of the Issuer (the "System"), including all appurtenances, extensions and improvements thereto, after provision has been made for reasonable and necessary expenses of operation, maintenance and administration, (the "Net Revenues") and a statutory first lien thereon is hereby recognized and created.

This Bond is one of a series of Bonds of even date of original issue, aggregating the principal sum of $735,000 issued pursuant to Ordinance No. 101 and Ordinance No. _____ duly adopted by the City Commission of the Issuer, and under and in full compliance with the Constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of paying the cost of refunding certain of the Issuer's outstanding Water Supply System Revenue Refunding Bonds, Series 1989. The Bonds of this issue are of equal standing and priority of lien as to the net revenues with that portion of the Issuer's Water Supply System Revenue Refunding Bonds, Series 1989 which are not being refunded with the Bonds of this issue and the Issuer's Water Supply System Revenue Bonds, Series 1993.

For a complete statement of the revenues from which and the conditions under which this Bond is payable, a statement of the conditions under which additional Bonds of equal standing may hereafter be issued and the general covenants and provisions pursuant to which this bond is issued, reference is made to the above described Ordinances.

Bonds maturing in the years 1996 to 2003, inclusive, are not subject to redemption prior to maturity.

Bonds or portions of Bonds in multiples of $5,000 maturing in the year 2004 to 2008, inclusive, shall be subject to redemption prior to maturity at the option of the Issuer, in such order of maturity as the Issuer shall determine and within a single maturity by lot, on any interest payment date on or after May 1, 2003, at par and accrued interest to the date fixed for redemption, plus a premium as follows:

1% of par value of each bond or portion of bond redeemed on or after May 1, 2003, but prior to May 1, 2006;

No premium shall be paid on Bonds or portions thereof called for redemption

on or after May 1, 2006.

Notice of redemption of any bond or portion thereof shall be given by the Transfer Agent at least thirty (30) days prior to the date fixed for redemption by mail to the registered owner at the registered address shown on the registration books kept by the Transfer Agent. Bonds shall be called for redemption in multiples of $5,000 and any bond of a denomination of more than $5,000 shall be treated as representing the number of Bonds obtained by dividing the denomination of the bond by $5,000 and such bond may be redeemed in part. Notice of redemption for a bond redeemed in part shall state that upon surrender of the bond to be redeemed a new bond or Bonds in aggregate principal amount equal to the unredeemed portion of the Bonds surrendered shall be issued to the registered owner thereof. No further interest on a bond or portion thereof called for redemption shall accrue after the date fixed for redemption, whether presented for redemption or not, provided funds are on hand with the transfer agent to redeem the bond or portion thereof.

This bond is a self liquidating bond and is not a general obligation of the Issuer and does not constitute an indebtedness of the Issuer within any constitutional, charter or statutory limitation of the Issuer, but is payable, both as to principal and interest solely from the net revenues of the system. The principal of and interest on this bond are secured by the statutory lien hereinbefore mentioned.

The Issuer has covenanted and agreed, and does hereby covenant and agree to fix and maintain at all times while any Bonds payable from the net revenues of the system shall be outstanding, such rates for service furnished by the system as shall be sufficient to provide for payment of the interest upon and the principal of all outstanding Bonds, the Bonds of this issue and any additional Bonds of equal standing as and when the same shall become due and payable, and to maintain a bond redemption fund (including a bond reserve account) therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of the system as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the system as are required by said Ordinances.

This bond is transferable only upon the books of the Issuer kept for that purpose at the office of the transfer agent by the registered owner in person or the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the transfer agent, duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new bond or Bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as

provided in the Ordinance authorizing the Bonds, and upon payment of the charges, if any, therein prescribed.

This Bond is not valid or obligatory for any purpose until the transfer agent's Certificate of Authentication on this bond has been executed by the transfer agent.

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

IN WITNESS WHEREOF, the City of Bridgman, County of Berrien, State of Michigan, by its City Commission has caused this bond to be executed with the facsimile signatures of its Mayor and its City Clerk and the corporate seal of the Issuer to be printed on this bond, all as of the date of original issue.

CITY OF BRIDGMAN

BY _____
Mayor

(Seal)

Countersigned:

City Clerk

Date of Registration:

Certificate of Authentication

This bond is one of the Bonds described in the within mentioned Ordinances.

MICHIGAN NATIONAL BANK
Transfer Agent

BY
Authorized Signatory

SECTION 13. BOND HOLDERS' RIGHTS; RECEIVER 402.013

The holder or holders of the Bonds representing in the aggregate not less than

twenty (20%) percent of the entire principal amount thereof then outstanding, may, by suit, action, mandamus or other proceedings, protect and enforce the statutory lien upon the net revenues of the system, and may, by suit, action, mandamus or other proceedings, enforce and compel performance of all duties of the officers of the Issuer, including the fixing of sufficient rates, the collection of revenues, the proper segregation of the revenues of the system and the proper application thereof. The statutory lien upon the net revenues, however, shall not be construed as to compel the sale of the system or any part thereof.

If there is a default in the payment of the principal of or interest upon the Bonds, any court having jurisdiction in any proper action may appoint a receiver to administer and operate the system on behalf of the Issuer and under the direction of the court, and by and with the approval of the court to perform all of the duties of the officers of the Issuer more particularly set forth herein and in Act 94.

The holder or holders of the Bonds shall have all other rights and remedies given by Act 94 and law, for the payment and enforcement of the Bonds and the security therefor.

SECTION 14. COVENANT REGARDING TAX EXEMPT STATUS OF THE BONDS 800.014

The Issuer shall, to the extent permitted by law, take all actions within its control necessary to maintain the exemption of the interest on the Bonds from general federal income taxation (as opposed to any alternative minimum or other indirect taxation) under the Internal Revenue Code of 1986, as amended, including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditure and investment of Bond proceeds and monies deemed to be Bond proceeds. The Issuer hereby designates the Refunding Bonds as a "qualified tax exempt obligation" for purposes of deduction of interest expense by financial institutions.

SECTION 15. SALE OF REFUNDING BONDS; BOND PURCHASE AGREEMENT 800.015

The sale of the Refunding Bonds to the Underwriter on the terms set forth in this Ordinance and the Bond Purchase Agreement on file with the City Clerk is hereby approved. The Bond Purchase Agreement is hereby approved and the Mayor and City Clerk are authorized to execute and deliver the Bond Purchase Agreement to the Underwriter. The City Clerk, Mayor, Treasurer and other officials of the City are hereby authorized to take all necessary actions to

arrange for the delivery of the Refunding Bonds.

SECTION 16. REPEAL, SAVINGS CLAUSE 402.016

All Ordinances, resolutions or orders, or part thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, repealed.

SECTION 17. SEVERABILITY, PARAGRAPH HEADINGS AND CONFLICT 402.017

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

SECTION 18. PUBLICATION AND RECORDATION 402.018

This Ordinance shall be published in full in the Southcounty Gazette, a newspaper of general circulation in the City qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the Issuer and such recording authenticated by the signatures of the Mayor and City Clerk.

SECTION 19. EFFECTIVE DATE 402.019

This Ordinance shall be effective upon its adoption. Adopted and signed this 19th day of February, 1996.

EXHIBIT A

Principal Amount: $735,000

Purchase Price: $717,753.80 representing principal amount of $735,000 less original issue discount of $4,016.20, less Underwriter's discount of $13,230.

Maturity Schedule, Interest Rates and Issue Price(s):

YEAR MAY 1	PRINCIPAL AMOUNT	INTEREST RATE	ISSUE PRICE/ YIELD
1996	$20,000	3.85%	3.85%
1997	10,000	3.95	3.95
1998	10,000	4.05	4.05
1999	10,000	4.30	4.30
2000	65,000	4.40	4.40
2001	70,000	4.50	4.50
2002	70,000	4.50	4.60
2003	75,000	4.60	4.70
2004	80,000	4.70	4.80
2005	80,000	4.80	5.90
2006	90,000	4.90	5.00
2007	90,000	5.00	5.10
2008	65,000	5.10	5.20

WATER WORKS RULES & REGULATIONS

Ordinance No. 9, effective January 3, 1956

403.000

AN ORDINANCE RELATIVE TO THE WATER WORKS OF THE CITY OF BRIDGMAN AND THE FURNISHING OF WATER BY SAID CITY TO THE INHABITANTS THEREOF: PROVIDING FOR THE USE AND PROTECTION OF SAID SYSTEM; PROVIDING FOR THE ADOPTION BY THE COMMISSION OF SAID CITY, OF RULES AND REGULATIONS GOVERNING THE OWNERS OF PROPERTY AND CONSUMERS OF WATER IN CONNECTION WITH, SAID WATER SYSTEM; PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE AND THE RULES AND REGULATIONS ADOPTED PURSUANT. THERETO, AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS HEREOF:

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. PERMITS; CONNECTIONS ILLEGAL WITHOUT 403.001

No person, company or corporation, shall tap any water main or distribution pipe of the waterworks system, or insert therein any corporation cock, stop cock, or any other fixture or appliance or alter or disturb any service pipe, corporation stop, curb stop, gate valve, hydrant, water meter or any other attachment, belonging to the waterworks. System and attached thereto without proper permit for same. No person shall install any water service pipe or connect or disconnect any such service pipe with or from the mains or distribution pipes of said waterworks system, not with or from any other service pipe now or hereafter connected with said system, nor make any repairs, additions to, or alterations of any such service pipe, tap, stock cock, or any other fixture or attachments connected with any such service pipe, without proper permit for same. (*Ordinance No. 9, effective January 3, 1956*)

SECTION 2. PERMITS; APPLICATION FOR 403.002

Before any service shall be made to any part of the waterworks system, or any work performed upon old or new connections, a permit shall be obtained from the Water Superintendent. Such permit shall be issued after written application on forms prepared for that purpose obtainable from the Water Superintendent. Applicants for water service shall furnish and lay and install all that portion of the service not provided by the City Water Department, at his own expense subject, however, to the supervision and inspection of the City Water Superintendent. Such permit shall be issued by the Water Superintendent if the proposal is approved by him, and if denied the applicant may appeal to the City Commission whose decision shall be final. (*Ordinance No. 9, effective January 3, 1956*)

SECTION 3. TAPPING FEE; SET BY CITY COUNCIL 403.003

Upon filing application for permit to connect with any water main or distribution pipe of the waterworks system, there shall be paid to the Water Department, a tapping fee. Such fees to include all the costs of tapping the main, installing the corporation cock, furnishing and laying the service pipe to the property line and installing stop cock and shutoff box and a meter deposit which shall be equal to the cost of the meter; all such materials to be and remain the property of the City Water System. (*Ordinance No. 9, effective January 3, 1956*)

SECTION 4. USERS NOT TO SUPPLY WATER TO OTHERS OR ALLOW UNNECESSARY WASTE 403.004

The owner or occupant of any building or premises entitled to the use of water from said system, shall not supply water to other persons, companies or corporations, except upon written permission of the City Water Superintendent, nor shall he permit unnecessary waste of water. There shall be a separate service in each building except outbuildings and in connection with a main building. No temporary service shall be permitted. (*Ordinance No. 9, effective January 3, 1956*)

SECTION 5. ILLEGAL TO TURN WATER INTO SERVICE PIPE WITHOUT PERMIT 403.005

No person shall turn the water from any main or distribution pipe into any service pipe without a permit in writing from the City Water Superintendent. (*Ordinance No. 9, effective January 3, 1956*)

SECTION 6. INSPECTION OF WATER LINES TO INSIDE BUILDING 403.006

All service pipes connecting with the distribution mains of the waterworks system, from the city main to the stop and waste inside building, shall be laid under the supervision of the Water Superintendent and the size of the service and meter shall be determined by the Superintendent. (*Ordinance No. 9, effective January 3, 1956*)

SECTION 7. LAWN SPRINKLING; RULES 403.007

The use of water for sprinkling lawns and gardens, and the hours for such use, shall be prescribed by City Commission by resolution adopted at any regular. Or special meeting thereof. (*Ordinance No. 9, effective January 3, 1956*)

SECTION 8. LARGE USERS; CONNECTION STREET MAIN RULES 403.008

The properties of manufacturing institutions, lumber yards, warehouses, elevators, stores, hotels, schools and other public buildings wishing to install large pipes with hydrant and hose couplings, to be used only in case of fire, will be permitted with the street main at their own expense, upon application to the City Water Superintendent and under his direction and supervision, but shall pay for such connection in an amount to be prescribed by the City Commission. (*Ordinance No. 9, effective January 3, 1956*)

SECTION 9. ACCESS TO PREMISES; CITY EMPLOYEES 403.009

The City Water Superintendent or any of his agents shall have power and authority at all reasonable hours to enter upon any premises where water is furnished from the City waterworks system, for the purpose of reading meters or the inspection of all pipes and fixtures connected with said waterworks system, and they shall have power and authority to require any defective pipes or fixtures to be repaired, removed or replaced where the same is deemed necessary by the Water Superintendent, and any person refusing or neglecting to make such repairs when so ordered, shall be deemed guilty of a violation of the Ordinance and liable to prosecution therefor. *(Ordinance No. 9, effective January 3, 1956)*

SECTION 10. DAMAGES TO METERS; ASSESSED TO OWNER OR TENANT 403.010

Water meters may be installed upon any premises supplied with water and any damage to said meter resulting from the carelessness of the owner, agent or tenant through neglect to properly protect same shall be assessed to such owner or tenant. Water consumers shall not tamper with nor remove meter from the service, or interfere with the reading thereof. (*Ordinance No. 9, effective January 3, 1956*)

SECTION 11. LIEN ON REAL ESTATE FOR CHARGES OR RENTALS 403.011

The City shall have, as security for the collection of any water rates or any assessments, charges or rentals due or to become due for the use or consumption of water supplied hereunder to any house or other building or any premises, lot or lots or parcel or parcels of land, a lien upon such house or other building and upon the premises or lot or lots, or parcel or parcels upon which such house or other building shall be situated or to which such water was supplied. Such lien shall become effective immediately upon the distribution of the water to the premises or property supplied as aforesaid, but shall not be enforceable for more than three years. Such lien may be enforced by the city in the manner prescribed by the general laws of this state providing for the

enforcement of tax liens, provided that the provisions of this section shall not be construed as preventing the city from suing such owner by action in the name of the city for the amount so due to it, or from preventing the city from cutting off such water services from the premises at any time such water charges are in default. (*Ordinance No. 9, effective January 3, 1956*)

SECTION 12. RATES TO CONSUMERS FIXED BY CITY COMMISSION 403.012

The rates to be charged consumers of water shall be as are now in force, or which shall be established from time to time by .the City Commission. All charges shall become due at such time as shall be established by resolution of the City Commission, and if such charges are not paid within twenty (20) days after the same shall become due, then a penalty of ten (10) per cent shall be added thereto. In the event that the charges for any such service furnished to any premises shall not be paid within thirty (30) days after the same shall become due, then all service furnished to such premises shall be discontinued. *(Ordinance No. 9, effective January 3, 1956)*

SECTION 13. NO FREE SERVICE; HYDRANT RENTAL 403.013

No free service shall be furnished by the system to the City or to any person, firm or corporation, public or private, or to any public agency or private, or to any public agency or instrumentality. The City shall pay the Water Department an annual hydrant rental charge for each hydrant located within the City in such amount as shall be fixed by resolution of the City Commission. (*Ordinance No. 9, effective January 3, 1956*)

SECTION 14. HYDRANTS 403.014

All fire hydrants erected within and by said City are, hereby declared to be public hydrants; and excepting the superintendent of the water works, no person or persons other than the members of the fire department of said City and Lake Township Fire Department and then only for the uses and purposes of such department, shall open any such hydrant, or draw or attempt to draw any water therefrom, nor shall any person or persons at any time uncover or attempt to uncover any such hydrant, or remove or attempt to remove therefrom any matter or thing designed or intended for the protection thereof, or in any manner interfere with such hydrant.

Provided that the water superintendent of said City, or its duly authorized agents, may grant to any suitable person or persons written permission to open any hydrant and draw water therefrom in which event such person or persons shall not open them to any greater extent nor keep the same open any greater

length of time nor draw water therefrom for any other purpose, nor any greater quantity than such as may be specified in and by such permission. Any person obtaining such permit shall pay an annual fee of $5.00 to the City and shall use only the fire hydrant designated in the permit. (*Ordinance No. 9, effective January 3, 1956*)

SECTION 15. OPENING OF HYDRANTS 404.015

No person authorized to open hydrants shall delegate his authority to another, nor let out or suffer any person to take the wrenches furnished him, nor suffer the same to be taken except for the purposes strictly connected with the fire department, or as they accompany hose carts on occasions of fire. (*Ordinance No. 9, effective January 3, 1956*)

SECTION 16. EXCAVATION RESTRICTED 404.016

No unauthorized person shall make any excavations in any street or highway within ten feet of any laid water pipe while the ground is frozen, or dig up or uncover so as to expose to the frost any water pipe of the City, except by permission of the Water Superintendent. (*Ordinance No. 9, effective January 3, 1956*)

SECTION 17. INSTALLATION IN RIGHT-OF-WAY 404.017

No person shall make any excavations in any street or highway for the purpose of laying water pipes, or tap any water pipe without written permission from the water superintendent; and all plumbing work required in a building or for other purposes must be completed to the lines of the street before any excavation shall be made in any street for the purpose of connecting with the main. (*Ordinance No. 9, effective January 3, 1956*)

SECTION 18. DISCOUNT FEE 404.018

A disconnection charge made at the request of the water user shall be paid in the amount of $2.00 for turning off the service and $2.00 for turning it on. (*Ordinance No. 9, effective January 3, 1956*)

SECTION 19. NO CITY LIABILITY; FOR FAILURE OR DEFICIENCY WATER SUPPLY 404.019

The City shall not be liable under any circumstances for any failure or deficiency in the supply of water to consumers whether occasioned by shutting off the water to make necessary repairs or connections or for any other cause. (*Ordinance No. 9, effective January 3, 1956*)

SECTION 20. FUNDS; SEGREGATION, INDEPENDENT RECORDS 404.020

All funds of the Water Department shall be kept separate from other funds of

the City and an accurate independent record kept of all receipts and disbursement of the Water Department shall be maintained by the appropriate employee or employees of the City. (*Ordinance No. 9, effective January 3, 1956*)

SECTION 21. VIOLATION; PUNISHMENT, FINE, IMPRISONMENT 404.021

Any person who shall violate any of the provisions of this Ordinance shall upon conviction thereof, be punished by a fine of not more than Fifty ($50.00) Dollars and costs of prosecution, or by imprisonment in the county jail not exceeding fifty (50) days, or by both such fine and imprisonment in the discretion of the court. (*Ordinance No. 9, effective January 3, 1956*)

SECTION 22. SEVERING CLAUSE 404.022

Should any section or part of a section of this Ordinance be adjudged invalid or unconstitutional it shall in no way affect any other part of this Ordinance. (*Ordinance No. 9, effective January 3, 1956*)

SECTION 23. EFFECTIVE IMMEDIATELY 404.023

This Ordinance is declared to be immediately necessary for the preservation of the public peace, property, health and safety and is ordered to take immediate effect and be in force from and after its passage and approval.

Made and passed by the City Commission of the City of Bridgman this 3rd day of January, A. D., 1956. (*Ordinance No. 9, effective January 3, 1956*)

SEWER USE ORDINANCE

Ordinance No. 81, effective September 21, 1981

404.000

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DRAINAGE OF WATERS AND WASTE WATERS INTO THE PUBLIC SEWER SYSTEM; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF, IN THE CITY OF BRIDGMAN, COUNTY OF BERRIEN, STATE OF MICHIGAN.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. DEFINITIONS 404.001

Definitions, unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

"ASTM" shall mean the American Society of Testing and Materials.

"B.O.D. 99" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees centigrade, expressed in milligrams per liter.

"Building Drains" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the wails of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building walls.

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

"C.O.D" (denoting Chemical Oxygen Demand) shall mean the oxygen consuming capacity of inorganic and organic matter present in wastewater.

"Compatible Pollutant" shall mean the pollutants which are treated and removed to a substantial degree by the treatment works.

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

"Industrial User" for purposes of classification shall mean any nongovernmental, nonresidential user identified in the Standard Industrial

Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under Division A,B,D,E and I and as defined in 40 CFR 35.905 published September 27, 1978 in the Federal Register.

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

"MG/L" shall mean milligram per liter.

"Major Contributing Industry" shall mean an industrial user of the publicly owned treatment works: A) having a flow of 50,000 gallons or more per average work day, B) having a flow greater than 5% of the total flow carried by the municipal system receiving the waste, C) having in its discharge a toxic pollutant in amounts exceeding the desired limits; or D) as determined by the permit.

"Natural Outlet" shall mean any outlet into a watercourse pond, ditch, lake or other body of surface or ground water.

"Normal Strength Domestic Wastewater" shall mean wastes which have a BOD of 275 milligrams per liter, suspended solids of 250 milligrams per liter, phosphorus of 15 milligrams per liter have a pH between 6.5 and 9.5 or less and do not contain a concentration of other constituents which will interfere with the normal wastewater treatment process.

"NPDES Permit" shall mean National Pollutant Discharge Elimination System Permit. According to the Federal Water Pollution Control Act, as amended by Public Law 92-500, it prohibits any person from discharging pollutants into a waterway from a point source unless his discharge is authorized by a permit issued either by the U.S. Environmental Protection Agency or by an approved State agency.

"Operation and Maintenance" (O&M) shall mean all costs direct and indirect, not including debt service, but inclusive of expenditures attributable to administration, equipment replacement and treatment and collection of wastewater necessary to insure adequate treatment and collection on a continuing basis in conformance with applicable regulations.

"Person" shall mean any individual, firm, company, association, society, corporation, or group.

"pH" shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter.

"PL 92-500" means the Federal Water Pollution Control Act of 1972 being Public Law 93-500 of the 92nd Congress and adopted on October 18, 1972.

"PPM" shall mean parts per million.

"Pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to discharge of the public sewer.

"Private Wastewater Disposal System" shall mean a cesspool, septic tank or similar device which discharges to a suitable drainage field.

"Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

"Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

"Replacement" shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance, for which such works were designed and constructed.

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

"Sewers" shall mean a pipe or conduit for carrying wastewater.

"Sewer Service Charge" shall mean the rate charged by the City of Bridgman for providing wastewater collection and treatment service.

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

"Slug" shall mean any discharge of water, wastewater or industrial wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period or duration longer than 15 minutes more than 5 times the

average 24 hour concentration or flows during normal operation.

"Storm Sewer" shall mean a sewer for conveying storm, surface or other waters, which is not intended to be transported to a treatment facility.

"Superintendent" shall mean the Water and Sewer Superintendent of the City of Bridgman, or his authorized deputy, agent or representative.

"Surcharge" as a part of the service, any customer discharging wastewater having strength in excess of 300 mg/1 BOD and 350 my/1SS will be required to pay an additional charge to cover the cost of treating with excess strength wastewater.

"Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, wastewater or other liquids; and which are removable by laboratory filtering.

"User Charge" shall mean a charge levied on users of treatment works for the cost of operation and maintenance or the retirement of debt of such works.

"User Classes" shall mean that the recipient of wastewater treatment services will be assigned to one of the three classes 1) industrial users, 2) commercial users and 3) residential users. These classifications are discussed in Section 6 [111.706].

"U.S.EPA" shall mean the United States Environmental Protection Agency which assures the protection of the environment by abating or controlling pollution on a systematic basis.

"Wastewater" shall mean one or more of the following; water, carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may unintentionally be present.

"Wastewater Facilities" shall mean all facilities for collecting, pumping, treating and disposing of wastewater.

"Wastewater Treatment Plant" shall mean any arrangement of devices and structures used for treating wastewater.

"Watercourse" shall mean a channel in which a flow of water occurs, either

continuously or intermittently.

"WPCF" shall mean the Water Pollution Control Federation. (Ordinance No. 81, effective September 21, 1981)

SECTION 2. USE OF PUBLIC SEWERS REQUIRED 404.002

1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the City of Bridgman, or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable waste.

2. It shall be unlawful to discharge to any natural outlet within the City of Bridgman, or in any area under the jurisdiction of said City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

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

4. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required at this expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within sixty days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the property line.

5. Any industry or structure discharging process flow to the sanitary sewer, storm sewer or receiving stream shall file the material listed below with the City Clerk within ninety (90) days after the enactment of this Ordinance, unless otherwise noted.

The City may require each person who applies for or receives sewer service, or through the nature of the enterprise creates a potential environmental problem to file the material listed below:

a. File a written statement setting forth the nature of the enterprise, the source and amount of water used, the amount of water to be discharged,

together with the present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastewater.

b. Provide a plan map of the building, works or complex, with each outfall to the surface waters, sanitary sewers, storm sewers, natural watercourse or ground waters noted, described, and the waste stream identified.

c. Sample, test and file reports with the City Clerk and the appropriate State agencies on applicable flow concentration characteristics of waste waters being discharged, according to methods approved by the City.

d. Place waste treatment facilities, process facilities, waste streams or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate State agency as properly qualified to supervise such facilities.

e. Provide a report on raw materials entering the process or support systems, intermediate materials, final products and waste by-products as those factors may affect waste control and waste disposal.

f. Record and file reports on the final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents or other wastes.

g. If any industrial process is to be altered as to include or negate a process waste or potential waste, written notification if any industrial process is to be allowed as to include or negate a process waste or potential waste.

h. Annual progress reports to the City outlining progress towards compliance with pretreatment requirements developed by the Environmental Protection Agency. (*Ordinance No. 81, effective September 21, 1981*)

SECTION 3. PRIVATE WASTEWATER DISPOSAL 404.003

1. Where a public sanitary sewer is not available under, the provisions of Section 2, Number 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

2. Before commencement of construction of a private wastewater disposal system the owner shall first obtain a written permit for construction and operation, signed by the City Clerk. The application for such a permit shall be made on a form furnished by the City; which the applicant shall supplement with plans, specifications and other information as are deemed

necessary by the Water and Sewer Superintendent. Other applicable County, State and/or Federal permits may also be required and construction must comply with their requirements. A permit and inspection fees shall be paid to the City Treasurer at the time the application is filed.

3. The operation portion of the permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Water and Sewer Superintendent. He shall be allowed to inspect the work at any state of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within five (5) days of the receipt of notice by the Superintendent.

4. The type, capacities, location and layout of a private wastewater disposal system shall comply with all local, county, state and federal requirements. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than ¾ acres. No septic tank or cesspool shall be permitted to discharge to any public sewer.

5. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 2, Number 4, a direct connection shall be made to the public sewer in compliance with this Ordinance, within sixty (60) days and any septic tanks, cesspools and similar private wastewater disposal facilities shall be abandoned, cleaned of all sludge and filled with clean bank-run gravel or granular fill.

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

7. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Berrien County Health Department or the State of Michigan. (*Ordinance No. 81, effective September 21, 1981*)

SECTION 4. BUILDING SEWERS AND CONNECTIONS. 404.004

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent. Permits shall not be issued if sufficient capacity does not exist in the existing public sewer or

wastewater treatment facilities .

2. There shall be two classes of building sewer permits; 1) for residential and commercial service, and 2) for service to establishments producing industrial wastewater. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by the plans, specifications or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fees shall be paid to the City Treasurer at the time of application is filed.

3. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. The City assumes no obligation or responsibility for damage caused by or resulting from any single building sewer which serves two or more buildings.

5. Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the City, to meet all requirements of this Ordinance.

6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Bridgman. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 will comply.

7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by any approved means and

discharged to the building sewer.

8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drab or other sources of surfaces runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. All existing downspout connections will be disconnected from the sanitary sewer system within 120 days following the enactment of this Ordinance or on discovery of such existing conditions.

9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City of Bridgman, or the procedures set forth in appropriate specifications of the ASTAM and the WPCF Manual of Practice No. 9. All such connections shall be made gas tight and watertight.

10. The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

11. All excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. (*Ordinance No. 81, effective September 21, 1981*)

SECTION 5. USE OF THE PUBLIC SEWERS 404.005

1. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

2. Storm waters and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the appropriate State agency. Industrial coding water or unpolluted process waters may be discharged, upon approval of the appropriate State agency, to a storm sewer or natural outlet.

3. Except as hereinafter provided by specific limits, no person shall discharge or cause to be discharged waters or waste waters to any public sewer which possess any of the following properties:

a. BOD, in excess of 300 mg/1

b. COD in excess of 450 mg/1

c. Chlorine demand in excess of 15 mg/1

d. Color as from but not limited to: dyes, inks, vegetable tanning solutions, shall be controlled to prevent light absorbency which would interfere with treatment processes or prevent analytical determination

e. Explosive liquid, solid or gas, gasoline, benzene, naphtha, fuel oil or other flammables

f. Garbage no properly shredded (particle size greater than ½ inch)

g. Grease, oils, wax, fat, whether emulsified or not in excess of 50 mg/1 or other substances which may solidity or become viscous at temperatures between 32 degrees F and 150 degrees F

h. Industrial waste waters containing materials listed below with concentrations above those given:

1.0 mg/1	Cd
1 mg/1	CN
0.1 mg/1	Cr^6
0.5 mg/1	Cr Total
1.0 mg/1	Cu
3.0 mg/1	Fe
1.0 mg/1	Ni
0.2 mg/q	Pb
1.0 mg/1	Zn

or any other metallic compounds or ammonia, nitrate, and other fertilizing substances in sufficient quantity to impair the operation of the wastewater treatment processes or cause undesirable condition in the receiving stream.

i. Inert suspended solids (such as but not limited to Fullers earth, lime slurries and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate) in unusually high concentrations.

j. Insoluble, solid or viscous substances such as but not limited to ashes,

cinders, sand, mud, straw, shavings, metal, glass, tar, feathers, plastics, wood, hair, fleshings, etc., shall not be admitted to the sanitary sewers.

k. Noxious or malodorous gas, such as but not limited to Hydrogen Sulfide, Sulphur Dioxide or Oxides of Nitrogen and other substances capable of producing a public nuisance shall not be allowed.

l. pH less than 5.5 and greater than 9.5 shall not be allowed.

m. Radioactive wastes or isotopes of such half-life or concentration which may exceed limits established by applicable State ad Federal regulations shall not be allowed.

n. Suspended solids in excess of 350 mg/1.

o. Temperature of wastes less than 32 degrees F and greater than 150 degrees F shall not be allowed.

p. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facilities effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

4. If any waste waters are discharged or are proposed to be discharged to the public sewers, which contain in substances or possess the characteristic enumerated in Number 3 of this section and which in the judgment of the City may have a deleterious effect upon the wastewater treatment facilities, processes, equipment or receiving waters or which otherwise create a hazard of life or constitute a public nuisance.

The City may:

a. Reject the waste.

b. Require pre-treatment to an acceptable condition for discharge to the public sewers. Requirements for pre-treatment are to be developed, pursuant to Section 307 of Public Law 92-500, by the Environmental Protection Agency. When pre-treatment is necessary, construction to achieve pre-treatment requirements is to be initiated within one (1) year after the date of promulgation of the pre-treatment standards.

c. Require control over the quantities and rates of discharge.

d. Require payment to cover the added cost of handling and charges of accepting this unacceptable wastewater.

e. If the City permits the pre-treatment or equalization of waste flows, the plans for design, installation and equipment shall be subject to the review and approval of the City and the State and be subject to the requirements of all applicable codes, Ordinances and laws.

5. Grease, oil and sand interceptors shall be provided when, in the opinion of the City they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection.

6. Where pre-treatment or flow equalizing facilities are provided for any waste waters, they shall be maintained continuously in satisfactory and effective operation, by the private owner at his expense.

7. When required by the City, the private owner of any property serviced by a building sewer carrying industrial waste waters shall install a suitable control manhole together with such necessary meters and other appurtenances to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the private owner at his expense, and shall be maintained by him so as to be safe and accessible at ail times. Access to the property of industrial users shall be granted to municipal, state and federal agencies, during normal business hours, for the purpose of inspection, observation, measurements, sampling and testing.

8. All measurements, tests and analysis of the characteristics of waste waters to which reference is made in this Ordinance shall be determined in accordance with 40 CFR part 136 and the most recent edition of "Standard Methods for the Examination of Water and Sewage," and shall be determined at the control manhole provided for, or upon suitable samples taken at said control manholes. In the event that no special manhole has been required, the control manhole shall be considered as the nearest downstream manhole in the public

sewer to the point at which the building sewer is connected.

Sampling shall be carried out by customarily accepted methods and frequencies to reflect the effect of constituents upon the wastewater treatment facilities and to determine the existence of hazards. The particular analysis involved will determine whether a 24 hour composite of all outfalls of a premise is appropriate or whether grab samples should be taken.

All cost for sampling and testing shall be borne by the private owner and the results are to be made available to the City and the State.

9. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City and industry whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern. (*Ordinance No. 81, effective September 21, 1981*)

SECTION 6. USER CLASSIFICATIONS 404.006

The recipients of wastewater treatment services will be assigned to one of the following classes.

CLASS I - INDUSTRIAL: Shall include users discharging a waste resulting from manufacturing activities involving mechanical or chemical transformation of materials or substances into other products.

CLASS II - COMMERCIAL: Shall include all users not included as Class I Industrial or Class III Residential and standard apartments and permanent multi-family dwellings, transit lodgings.

CLASS III - RESIDENTIAL: Shall include all single-family dwelling units used as domiciles such as detached, semi-detached and row-houses.

The user may appeal his assigned classification by submitting a written appeal to the City thirty (30) days in advance of a regularly scheduled City meeting at which time the appeal will be heard. (*Ordinance No. 81, effective September 21, 1981*)

SECTION 7. USER RATES AND CHARGES FOR WASTEWATER DISPOSAL SERVICE 404.007

1. The sanitary sewer system of the City shall, as far as possible, be operated and maintained on a public utility basis as authorized by law. Each

premise within the City connected to and using facilities of the system shall pay user rates and charges as fixed and established from time to time by the City Commission. The City shall annually review the user rates and charges as required by Public Law 92-500.

2. Commencing on the effective date of this Ordinance, the user rates and charges for wastewater treatment shall be fixed by the City Commission by resolution. Charges for wastewater treatment furnished to premises outside the corporate limits of the City shall be fixed by the City Commission by resolution prior to the rendering of such services.

3. Where wastewater disposal service is furnished to users not connected to the water system or in cases where users make use of Large quantities of water which may be discharged into storm sewers or approved outlets other than the sanitary sewer system, or for other miscellaneous users of water for which special consideration should be given, special rates may be fixed by the City Commission, and the City may require Class I and/or Class II users to install metering equipment to actually determine the flow. Class III residential users shall be charged on the basis of the average Class III metered charges on the system or required to install a meter on their water supply.

4. If the character of sewage from any manufacturing or industrial plant, or from any other building or premises is such that it imposes an unreasonable burden upon the City's sewage system, in the discretion of the City such owner may be required to separately and satisfactorily treat such sewage before being emptied into any public sewer, or the right to empty said sewage may be denied, if necessary, for the protection of the system, public health or safety. In lieu of exclusion and/or on-site treatment, the City may establish an "Extra Strength Surcharge" as defined by further revisions of this Ordinance. Extra strength surcharge shall be billed concurrently with bills for wastewater disposal service and shall be based upon 24 hour composite samples. Extra strength surcharges shall only apply to those users approved for discharge of extra strength waste by the City and who have installed a suitable manhole as set forth in Section 5 Number 7 of this Ordinance.

5. Bills shall be payable periodically and simultaneously with payments made for water consumed and/or used and shall be subject to such penalties as may apply to payment of bills for water service.

6. No free service shall be furnished by the system to the City or to any person, firm or corporation, public or private, or to any public agency or

instrumentality. (*Ordinance No. 81, effective September 21, 1981*)

SECTION 8. PROTECTION FROM DAMAGE 404.008

1. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal wastewater system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (*Ordinance No. 81, effective September 21, 1981*)

SECTION 9. POWERS AND AUTHORITY OF INSPECTORS 404.009

1. The City of Bridgman and other duly authorized employees of the City and/or State and Federal government bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provision of this Ordinance. The City or its representatives shall not have authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper and others beyond the point at which the process has a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment

2. While performing the necessary work on private properties referred in this Ordinance, the City or duly authorized employees of the City and/or State and Federal governments shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by company employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the aging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required.

SECTION 10. PENALTIES 404.010

1. Any person found to be violating any provisions of this Ordinance shall be served with written notice starting the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice, permanently cease all violations.

2. Any person who shall continue any violation beyond the time limit provided for Number 1 shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to 90 days or be fined in the amount of not exceeding

$100 for each violation or both. Each day in which any such violation shall continue shall be deemed a separate offense.

3. Any person violating any of the provisions of this Ordinance shall become liable to the City for any expenses, loss or damage occasioned the City by reason of such violation. (*Ordinance No. 81, effective September 21, 1981*)

SECTION 11. VALIDITY 404.011

1. All previous Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

2. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts. (*Ordinance No. 81, effective September 21, 1981*)

SECTION 12. ORDINANCE IN FORCE 404.012

It is hereby declared that this Ordinance is immediately necessary for the preservation of the public peace, health and safety and that this Ordinance is given immediate effect to wit: September 21, 1981. Adopted: September 21, 1981.

INDUSTRIAL PRETREATMENT ORDINANCE

Ordinance No. 113, effective January 26, 1992

405.000

AN ORDINANCE TO ADOPT BY REFERENCE THE GALIEN RIVER SANITARY DISTRICT INDUSTRIAL WASTE RULES AND REGULATIONS AND TO COMPLY WITH THE REQUIREMENTS OF 40 CODE OF FEDERAL REGULATIONS 403.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. INDUSTRIAL WASTE RULES AND REGULATIONS

405.001

Pursuant to the provisions of Section 83 of the Home Rules Cities (Act 279 of 1979, Compiled Laws 1948, Section 117.7) the Industrial Waste Rules and Regulations, as adopted by the Galien River Sanitary District, an authorized agency of the State of Michigan, is hereby adopted as the Industrial Waste Rules and Regulations of the City of Bridgman.

SECTION 2. ADMINISTRATION **405.002**

Pursuant to the provisions of Article III (a) Section 9 of the Galien River Sanitary District Waste Rules and Regulations the City Superintendent of the City of Bridgman shall be responsible for the administration and enforcement of said Rules. Pursuant to the provisions of Article III (b) of the Galien River Sanitary District Industrial Waste Rules and Regulations, the Manager of the "Joint Board" shall be responsible for the issuance of all Permits, for surveillance, for monitoring, enforcement or other activities as they pertain to the implementation of the provision of said Rules.

Made and passed by the City Commission of the City of Bridgman, Bridgman, Michigan, this 6th day of January, A.D., 1992.

SECTION 3. CONFLICTING ORDINANCES **405.003**

Any Ordinance or parts of Ordinances in conflict herewith are hereby repealed.

This Ordinance shall become effective after publication in accordance with the laws of the State of Michigan.

SANITARY SEWER SYSTEM IMPROVEMENT
REVENUE BONDS
Ordinance No. 103, effective June 10, 1989

406.000

AN ORDINANCE AUTHORIZING THE ISSUANCE OF SANITARY SEWER SYSTEM IMPROVEMENT REVENUE BONDS BY THE CITY OF BRIDGMAN, BERRIEN COUNTY, MICHIGAN FOR THE PURPOSE OF DEFRAYING A PART OF THE COST OF IMPROVING AND EXTENDING THE SANITARY SEWAGE COLLECTION SYSTEM LOCATED IN THE CITY OF BRIDGMAN TOGETHER WITH THE NECESSARY RIGHTS IN LAND AND APPURTENANCES THERETO FOR SAID COMMISSION, PRESCRIBING THE FORM OF BONDS; PROVIDING FOR THE COLLECTION OF REVENUE FROM SAID SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COST OF OPERATION AND MAINTENANCE THEREOF, PROVIDING AN ADEQUATE RESERVE FUND THEREFOR, AND PROVIDING FOR THE PAYMENT OF SAID BONDS AND FURTHER PROVIDING FOR THE SEGREGATION AND DISTRIBUTION OF SAID REVENUE; AND PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SAID BONDS AND ENFORCEMENT THEREOF AND PROVIDING FOR OTHER MATTERS RELATIVE TO SAID BONDS AND SAID SYSTEM.

WHEREAS, it has been determined by the City Commission (the "Commission") that it is necessary for the public health and welfare of the City of Bridgman (the "City" or the "Issuer") to improve and enlarge the sanitary sewage collection system (the "System") located in the City in order to serve the needs of its population, consisting of expansion of and extension of the sewage collection system, together with necessary rights appurtenances and equipment related thereto; (the "Project").

AND WHEREAS, the total cost of the project, including incidental expenses as set forth in Section 2 of this Ordinance, has been estimated by Wightman Associates, Inc., Bridgman, Michigan, to be $250,000;

AND WHEREAS, in order to maintain reasonable rates and charges and continue to provide sufficient funds for operation and maintenance, and provide for the acquisition and construction of the system improvements, the Issuer is authorized and does determine it to be in the best interests of the Issuer to issue revenue bonds secured by a statutory lien against the System revenues as provided by 1933 P.A. 94, as amended and to be further secured by the pledge of full faith and credit of the City if the revenue bonds are purchased by the Michigan Municipal Bond Authority (the "Authority" or "MMBA") and the Authority requires such pledge or in the alternative or in addition a pledge of state shared revenues;

AND WHEREAS, all things necessary to the authorization and issuance of revenue bonds under the Constitution and laws of the State of Michigan and Ordinances of the

Issuer, and particularly 1933 PA 94, as amended, have been done, and the Issuer is now empowered and desires to authorize the issuance of said bonds.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. NECESSITY; COST ESTIMATE; USEFUL LIFE 406.001

It is hereby determined and declared to be necessary for the public health and welfare of the residents of the City of Bridgman to improve and extend the sanitary sewage collection system in the City by constructing the "Project" referred to and described in the preamble hereto, and the City Commission determines the estimated cost of said improvements, including the incidental expenses as set forth in Section 2 of this Ordinance to be $250,000 and the period of usefulness of said improvements to be not less than twenty five (25) years.

SECTION 2. PAYMENT OF COST 406.002

To pay a part of the cost of acquiring and constructing the Project, including payment of bond discount, it is hereby determined that there be borrowed upon the credit of the income and revenues of the System, the sum of $250,000 and that revenue bonds be issued therefor under the provisions of Act 94, Public Acts of Michigan, 1933, as amended, the balance of the project costs to be defrayed by City funds on hand as set forth in the preamble.

SECTION 3. BOND DATA 406.003

Said revenue bonds shall be designated "City of Bridgman Sanitary Sewer System Improvement Revenue Bonds, Series 1989" (the "Bond" or "Bonds") and which revenue bonds shall be payable out of the net revenues of the system, and shall consist of a single fully registered bond in the aggregate principal sum of not to exceed the authorized amount, so long as such bond is registered in the name of the Michigan Municipal Bond Authority (the "Authority") or several fully registered bonds of the denomination of $5,000, or integral multiples of $5,000 not exceeding in any one year the amount maturing in that year, dated as of the date of which the Series 1989 Bonds are delivered to the initial purchaser, numbered in order of registration and shall be payable in principal installments if held by the Authority, or, if not held by the Authority, shall mature on November 1 in each year as follows:

YEAR	*AMOUNT*	*YEAR*	*AMOUNT*
1989	$ 5,000	1996	$15,000
1990	18,000	1997	15,000
1991	10,000	1998	20,000

1992	10,800	1999	20,000
1993	15,000	2000	20,000
1994	15,000	2001	25,000
1995	15,000	2002	25,000
		2003	30,000

Tile Series 1989 Bonds shall bear interest at a rate or rates to be determined on sale thereof, but in any event not exceeding the lesser of a net interest cost of ten (10%) percent per annum or the maximum rate permitted by law, payable on May 1, and November 1 of each year, commencing November 1, 1989, by check or draft mailed by the transfer agent selected by the Issuer to the person or entity which is, as of the 15th day of the month preceding the interest payment date, the registered owner at the registered address as shown on the registration books of the Issuer maintained by the transfer agent.

The interest on any annual principal maturity shall be at one rate only. No bid for the purchase of the bonds will be considered for a price less than 97% of their par value.

The principal of the Bonds and the interest thereon shall be payable in lawful money of the United States of America at a bank or trust company authorized to do business in Michigan, which bank shall also act as the bond registrar (the "Bond Registrar"), or such successor bond registrar-paying agent as may be approved by the Issuer, on each semiannual interest payment date and the date of each principal maturity but only to persons whose names are in the register of the Bond Registrar as of the close of business on the 15th day of the month preceding any interest payment date. The Issuer may designate additional co-paying agents within or without the State of Michigan as deemed desirable by the City.

The Bonds are subject to optional redemption in whole or in part in such order as the Issuer shall determine, in integral multiples of $5,000 on any date on or after May 1, 1999 at the following redemption prices (expressed as percentages of their principal amounts), plus accrued interest to the redemption date.

Period During Which Redeemed	Redemption Price
May 1, 1999 to April 30, 2000, inclusive	102%
May 1, 2000 to April 30, 2001, inclusive	101 1/2%
May 1, 2001 to April 30, 2002, inclusive	101%
May 1, 2002 to April 30, 2003, inclusive	100 1/2%
May 1, 2003 and thereafter	100%

Any Bond may be transferred upon the books required to be kept pursuant to this Ordinance by the person in whose name it is registered, in person or by the registered holder's duly authorized agent, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Bond Registrar. Whenever any Bond or Bonds shall be surrendered for transfer, the Issuer shall cause a new Bond or Bonds to be executed and the Bond Registrar shall authenticate and deliver said Bond or Bonds for like aggregate principal amount. The Bond Registrar shall require the payment of any tax or other governmental charge required to be paid with respect to the transfer to be made by the bondholder requesting the transfer.

The Bond Registrar shall keep or cause to be kept, at its principal office, sufficient books for the registration and transfer of the Bonds, which shall at all times during normal business hours be open to inspection by the Issuer; and, upon presentation and surrender for such purpose, the Bond Registrar shall, under such reasonable regulations as it may prescribe, transfer or cause to be transferred on said books, Bonds as herein provided.

If and so long as the Series 1989 Bonds are held by the Authority, (a) the Issuer's Clerk shall perform the notification, bond registration and transfer functions of the transfer agent, and (b) provisions relating to the transfer of the Bonds may be deleted from the form of Series 1989 Bonds.

SECTION 4. BOND FORM **406.004**

The form and tenor of the Bonds shall be substantially as follows provided however that the Authority ceases to own the Series 1989 Bonds, those sections of the Series 1989 Bonds pertaining to the Authority shall be deleted, and so long as the Authority owns the Series 1989 Bonds, the sections of the Series 1989 Bonds pertaining to the transfer agent shall be amended or deleted accordingly as may be deemed necessary or appropriate by the Clerk.

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF BERRIEN
CITY OF BRIDGMAN

SANITARY SEWER SYSTEM IMPROVEMENT REVENUE BONDS
SERIES 1989, (FULL FAITH AND CREDIT-TAX LIMITED)

The City of Bridgman, County of Berrien, State of Michigan (the "Issuer"), for value received, hereby promises to pay to the Michigan Municipal Bond Authority

(the "MMBA") or registered assigns, the principal amount of _____ Dollars ($_____) in the serial principal installments specified in the payment schedule attached hereto and made apart hereof (the "Payment Schedule") on the dates specified in the payment schedule in lawful money of the United States of America unless prepaid prior thereto as hereinafter provided, with interest thereon from _____, 19__ or such later date to which interest has been paid, until paid, at the interest rates per annum for the respective principal installments as shown in the payment schedule and in the interest installments specified in the payment schedule (subject to recalculation upon prepayment of principal installments, as hereinafter provided) payable on the dates specified in the payment schedule. Notwithstanding any other provision of this Bond, so long as the MMBA is the owner of this Bond, (a) this Bond is payable as to principal, premium, if any, and interest at the principal corporate trust office of Comerica Bank-Detroit, Detroit, Michigan, or at such other place as shall be designated in writing to the Issuer by the MMBA (the "MMBA's Depository"); (b) the Issuer agrees that it will deposit with the MMBA's Depository payments of the principal of, premium, if any, and interest on this Bond in immediately available funds at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; and (c) written notice of any redemption of this Bond shall be given ;by the Issuer and received by the MMBA's Depository, at least forty (40) days prior to the date on which such redemption is to be made. The Authority's Depository shall endorse the payment schedule evidencing payment of each serial principal installment and each interest installment as provided in the payment schedule. The Issuer may at any time demand written certification from the authority's depository of such endorsement. For prompt payment of principal and interest on this bond, the Issuer has irrevocably pledged the revenues of the system after provision has been made for reasonable and necessary expenses of operation, maintenance and administration (the "Net Revenues"), and a statutory first lien thereon is hereby recognized and created.

This bond is a single fully-registered bond representing an entire series of bonds aggregating the principal sum of $250,000, issued for the purpose of defraying part of the costs of improving and extending the Sanitary Sewer Collection System of the Issuer. This bond is issued pursuant to Ordinance No. ___ duly adopted by the City Commission of the Issuer under and in full compliance with the Constitution and statutes of the State of Michigan including specifically Act 94, Public Acts of Michigan, as amended.

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is one percent above the MMBA's cost of providing funds (as determined by

the MMBA) to make payment on the bonds of the MMBA issued to provide funds to purchase this Bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the MMBA has been fully reimbursed for all costs incurred by the MMBA (as determined by the MMBA) as a consequence of the Issuer's default. Such additional interest shall be payable on the interest payment date following demand of the MMBA. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the MMBA) the investment of amounts in the reserve account established by the MMBA for the bonds of the MMBA issued to provide funds to purchase this bond, fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the MMBA issued to fund such account, the Issuer shall and hereby agrees to pay on demand only the Issuer's pro rata share (as determined by the MMBA) of such deficiency as additional interest on this Bond.

For a complete statement of the revenues from which and the conditions under which this bond is payable, a statement of the conditions under which additional bonds of equal standing may hereafter be issued and the general covenants and provisions pursuant to which this bond is issued, reference is made to the above-described Ordinance.

Principal installments maturing in the years 1989 to 1998, inclusive, shall not be subject to prepayment to maturity.

The Bonds are subject to optional redemption in whole or in part: in such order as the Issuer shall determine, in integral multiples of $5,000 on any date on or after May 1, 1999 at the following redemption prices (expressed as percentages of their principal amounts), plus accrued interest to the redemption date.

Period During Which Redeemed	Redemption Price
May 1, 1999 to April 30, 2000, inclusive	102%
May 1, 2000 to April 30, 2003, inclusive	101 1/2%
May 1, 2001 to April 30, 2002, inclusive	101%
May 1, 2002 to April 30, 2003, inclusive	100 1/2%
May 1, 2003 and thereafter	100%

Written notice of such prepayment must be given by the Issuer and received by the Authority's depository at least forty (40) days prior to the date on which such prepayment is to he made. Upon any prepayment of less than the entire remaining Principal Installments, the Authority's depository shall recalculate the remaining

principal installments and interest installments and shall notify the Authority and the Issuer of such new amounts in writing in the form of a revised payment schedule attached hereto and made apart hereof.

This bond is [primarily] a self-liquidating bond and [is not a general obligation of the Issuer and does not constitute an indebtedness of the Issuer within any constitutional or statutory limitation, but is payable,] [is first payable] both as to principal and interest, [solely] from the net revenues of the System. The principal installments and interest installments on this bond are secured by the statutory lien hereinbefore mentioned. [As additional security for the payment of the principal installments and interest installments on this bond, the Issuer has pledged its limited tax full faith and credit for such payment, and if necessary, the Issuer will levy taxes on all taxable property in the Issuer for such purpose, subject to applicable, constitutional, [charter] and statutory limitations. The total indebtedness of the Issuer, including this bond, does not exceed any constitutional, [charter] or statutory debt limit.]

The Issuer has covenanted and agreed, and does hereby covenant and agree, to fix and maintain at all times while any bonds payable from the net revenues of the system shall be outstanding, such rates for service furnished by the system as shall be sufficient to provide for payment of the interest on and the principal of the bonds of this issue and any additional bonds of equal standing as and when the same shall become due and payable, and to create and maintain a bond redemption fund (including a bond reserve account) therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of the system as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the system as are required by the Ordinance.

This bond is transferable by the Authority, or the Authority's attorney duly authorized in writing, only upon the books of the Issuer kept for that purpose at the office of the City Treasurer, upon the surrender of this bond together with a written instrument of transfer satisfactory to the City Treasurer duly executed by the Authority or thereupon a new registered bond or bonds totaling the remaining principal installment's payable on the same payment dates and at the same rates of interest for each principal installment as shown on the payment schedule shall be issued to the transferee in exchange therefor as provided in the resolution authorizing the bonds of this issue, and upon the payment of the charges, if any, therein prescribed.

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

law.

IN WITNESS WHEREOF, the City of Bridgman, County of Berrien, State of Michigan, by its City Commission has caused this bond to be executed with the manual signature of its Mayor and with the manual signature of its Clerk and its seal to be affixed on this bond, all as of the 15th day of May, A.D., 1989.

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

By: _____
President

(SEAL)

Countersigned:

_____
Clerk
Dated:_____

PAYMENT SCHEDULE

Principal Installment	Interest Rate	Interest Installment	Date	Payment	Paid (Endorsement by)

SECTION 5. SECURITY FOR BONDS **406.005**

The Bonds hereby authorized, together with interest thereon, are payable primarily from the net income and revenues to be derived from the operation of the system. To pay such principal and interest as and when the same shall become due, there is hereby created a statutory first lien upon the whole of the net revenues of the system to continue until the payment in full of the principal and interest on said Bonds and said revenues shall be set aside for that purpose and identified as the "Sanitary Sewer System Revenue Bond and Interest Redemption Fund Account" as hereinafter specified. Pursuant to the provisions of Act 94, Public Acts of Michigan, 1933, as amended, the full faith and credit of the Issuer is pledged as additional security for the payment of the Bonds when due subject to existing constitutional, statutory and charter tax rate

limitations but only in the event such pledge is required by the Authority. Thereafter, in the event the revenues received from the operation of the system are insufficient to pay principal and interest on the Bonds when due, the Issuer will advance funds therefor from general funds of the Issuer and will, if necessary, levy taxes within applicable tax rate limitations for the prompt payment of principal and interest on the Bonds. Should the issuer advance funds at any time for payment of the Bonds, it is entitled to be reimbursed from the first funds thereafter available for such purpose. The pledge of full faith and credit, tax limited, shall continue until payment in full for the principal of and interest on all the Bonds or, until sufficient cash or direct obligations of the United States of America or obligations the principal of and interest on which is fully guaranteed by the United States of America, not redeemable at the option of the issuer, the principal and interest payment on which, without reinvestment of interest, come due at such times and in such amounts as to be fully sufficient to pay, when due, the principal of, redemption premium, if any, and interest on the Bonds on the stated maturity date or earlier redemption, shall have been deposited in trust for payment in full for all Bonds with respect to which this Resolution is to be defeased to their maturity, or, if called for redemption, to the date fixed for redemption. If the Bonds are owned by the MMBA at the time of such deposit, the sufficiency of such deposit shall be verified by a nationally recognized firm of certified public accountants. Upon such deposit, the pledge and security herein created shall be terminated with respect to the Bonds, the holders of the Bonds shall have no further rights under this Resolution except for payment from the deposited funds, and the Bonds shall no longer be considered to be outstanding under this Resolution.

SECTION 6. REVENUE SHARING-PLEDGE AGREEMENT 406.006

The Mayor and City Clerk, or in either individual's absence, the City Treasurer, are hereby authorized and directed to execute and deliver the Revenue Sharing Pledge Agreement to the Authority, which agreement shall provide additional security for the repayment of the Bonds.

SECTION 7. CUSTODIAN OF FUNDS 406.007

City shall be custodian of all funds belonging to and/or associated with the system and such funds shall be deposited at NBD F&M Bridgman, Michigan, which bank is a member of the Federal Deposit Insurance Corporation. The City Treasurer is hereby directed to create the following funds and accounts into which the bond proceeds and the revenues and income from the system shall be deposited, which accounts shall be established and maintained, except as otherwise provided, so long as any of the Bonds hereby authorized remain unpaid.

A. Construction Account. The proceeds of the Bonds hereby authorized shall be deposited in the construction account in NBD F&M, Bridgman, Michigan, a bank insured by the Federal Deposit Insurance Corporation. Said moneys shall be used solely fur the purposes for which the Bonds were issued.

Any unexpended balance of the proceeds of sale remaining after completion of the project herein authorized may, in the discretion of the Commission of the Issuer, to the extent of fifteen (15%) percent of the amount of the bonds authorized by this Ordinance, be used for further improvements, enlargements and extensions to the System, provided that at the time of such expenditure such use be approved by the Municipal Finance Division, Department of Treasury of the State of Michigan or successor agency. Any remaining balance after such expenditure shall be paid into the Bond and interest redemption fund and shall be used for such purposes as allowed by law.

After completion of the project and disposition of remaining bond proceeds, if any, pursuant to the provisions of this section, the construction account shall be closed.

B. Sanitary Sewer System Receiving Fund Account. The gross income and revenue of the system shall hereafter be set aside into a separate account to be designated the "Sanitary Sewer System Receiving Fund Account" and monies so deposited therein shall be expended and used only in the manner and order as follows:

1. Operation and Maintenance Account. Prior to the beginning of each fiscal year the Issuer will prepare an annual budget of the system for the ensuing fiscal year itemized on the basis of monthly requirements. There shall be set aside and deposited each quarter pursuant to the budget a sufficient portion of the income and revenue in the operation and maintenance account to pay the reasonable and necessary current expenses of administering, operating and maintaining the system for the ensuing quarter.

2. Bond and Interest Redemption Fund. After the transfer required in (1) above, there shall be transferred each quarter from the Sanitary Sewer System Receiving Fund Account, before any other expenditures or transfer therefrom, and deposited in the Sanitary Sewer System Revenue Bond and Interest Redemption Fund Account (thereinafter called "Bond and Interest Redemption Fund", for payment of principal and interest on the Bonds a sum equal to at least one-half (1/2) of the amount equal to the interest due on the next ensuing interest due date and not less than one-fourth (1/4) of the principal

maturing on May 1st and November 1st of each year thereafter. If for any reason there is a failure to make such quarterly deposit, then an amount equal to the deficiency shall be set aside and deposited in the Bond and Interest Redemption Fund Account of the net revenues in the ensuing quarter or quarters, which amount shall be in addition to the regular quarterly deposit required during such succeeding quarter or quarters.

There shall continue to be maintained a separate account in the Redemption Fund to be known as the Bond Reserve Account (the "Bond Reserve Account"). There shall be deposited in the Bond Reserve Account from the proceeds of the Bonds the smallest of the following (i) an amount equal to 10% of the original principal amount of the Bonds, (ii) the maximum principal and interest required on the Bonds in the then current or any future year or (ii) an amount equal to 125% of the average, annual principal and interest requirements on the Bonds calculated on the date of purchase of the Prior Bonds. The foregoing amount shall thereinafter be referred to as the Reserve Account.

Except as otherwise provided in this Section, the monies credited to the Bond Reserve Account, shall be used solely for the payment of the principal of, redemption premiums (if any) and interest on the Bonds as to which there would otherwise be a default. If at any time it shall be necessary to use monies credited to the Bond Reserve Account for such payment, then the monies so used shall be replaced from the net revenues first received thereafter which are not required for current principal and interest requirements until the amount on deposit equals the reserve amount. If additional Bonds are issued, each Ordinance authorizing the additional Bonds shall provide for additional deposits to the Bond Reserve Account to be made from the proceeds of the additional Bonds or Issuer funds on hand and legally available for such use in an amount that will result in the Bond Reserve Account being equal to the Reserve Amount, or such lesser amount as may be necessary to maintain the tax-exempt status of the Bond. If at the end of each six month period of the fiscal year, the amount in the Bond Reserve Account exceeds the Reserve Amount, the excess shall be transferred to the Bond and Interest Redemption Fund to pay interest on the Bonds and the amount required to be transferred to the Bond and Interest Redemption Fund from the Receiving Fund shall be reduced accordingly from the Receiving Fund.

C. Replacement Fund. There shall be maintained a fund in a separate depository account, designated Replacement Fund (the "Replacement Fund"), the money credited thereto to be used solely for the purpose of making repairs

and replacements to the System. Out of the Revenues and monies of the system remaining in the Receiving Fund each month after provision has been made for the deposit of monies in the Operation and Maintenance Fund and the Redemption Fund (including the Bond Reserve Account), there may be deposited in the Replacement Fund such additional funds as the Issuer may deem advisable. If at any time it shall be necessary to use monies in the Replacement Fund for the purpose for which the Replacement Fund was established, monies so used shall be replaced from any monies in the Receiving Fund which are not required by this Ordinance Receiving Fund which are not required by this Ordinance to be used for the Operation and Maintenance Fund or the Redemption Fund (including the Bond Reserve Account).

D. Improvement Fund. Out of the remaining revenues in the Receiving Fund, after meeting the requirements of the Operation and Maintenance Fund, the Redemption Fund (including the Bond Reserve Account) and the Replacement Fund, there may be next set aside in or credited to a fund to be designated Improvement Fund (the "Improvement Fund"), which Improvement Fund may have several sub accounts therein, such sums monthly as the Issuer may deem advisable to be used for additions, improvements, enlargements or extensions to the system, including the planning thereof.

E. Surplus Monies. Thereafter, any Revenues in the Receiving Fund after satisfying all the foregoing requirements of this Section may, at the discretion of the Issuer, be used for any of the following purposes:

1. Transferred to the Replacement Fund, the Improvement Fund or both.

2. Transferred to the Redemption Fund and used for the purchase of Bonds on the open market at not more than the fair market value thereof or used to redeem Bonds prior to maturity pursuant to Section 5 of this Ordinance.

SECTION 8. INVESTMENT OF FUNDS 406.008

Monies in the funds and accounts established and monies derived from the proceeds of sale of the Bonds, may be invested by the Issuer in United States of America obligations or in obligations the principal of and interest on which is fully guaranteed by the United States of America, and monies derived from the proceeds of sale of the Bonds may also be invested in certificates of deposit of any bank whose deposits are insured by the Federal Deposit Insurance Corporation. Investment of monies in the Redemption Fund being accumulated for payment of the next maturing principal or interest payment of the Bonds

shall be limited to obligations bearing maturity dates prior to the date of the next maturing principal or interest payment on the Bonds. Investment of monies in the Bond Reserve Account shall be limited to obligations bearing maturity dates or subject to redemption, at the option of the holder thereof, not later than five years from the date of the investment. In the event investments are made, any securities representing the same shall be kept on deposit with the bank or trust company having on deposit the funds in the Receiving Fund, Operation and Maintenance Fund and Improvement Fund shall be deposited in or credited to the Receiving Fund at the end of each fiscal year. Interest earned on the Bond and Interest Redemption Fund (other than the Bond Reserve Account) shall be used to pay debt service on the Bonds and the next required transfer from the Receiving Fund shall be reduced accordingly.

SECTION 9. NO FREE SERVICE **406.009**

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

SECTION 10. COVENANTS

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

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

b. It will cause to be maintained and kept proper books of record and account, separate from all other records and accounts, in which shall be made full and correct entries of all transactions relating to the System. Not later than sixty (60) days after the close of each operating year, the City Commission will cause to be prepared, on forms furnished by the Municipal Finance Division, if such forms be available, a statement in reasonable detail, sworn to by its chief accounting officer, showing the cash income and disbursements of the system during each operating year, the assets and liabilities of the system at the beginning and close of the fiscal year, and such other information as is necessary to enable any tax payer of the Issuer, user of the service furnished, or any holder or owner of the Bonds, or anyone acting in their interest, to be fully informed as to all matters pertaining to the financial operation of the system during such year. Such statement and books of record and account shall at all reasonable times be open to inspection by any taxpayer of the City, user of the service or holder or holders of, any Bonds or anyone acting in their interest. The Commission of the Issuer will also cause an annual audit of such books of record and account for the preceding operating year to be made by a

recognized independent certified public accountant, and will mail such audit to the manager of the account or syndicate purchasing the Bonds. Such audit shall be completed and so made available not later than six (6) months after the close of each operating year.

c. The Issuer will maintain and carry, for the benefit of the holders of the Bonds, insurance on all physical properties of the system of the kind and in the amounts normally carried by municipalities engaged in the operation of marina facilities. All monies received from losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed, and to the extent not so used, shall be used for the purpose of calling Bonds.

d. It will not voluntarily dispose of or transfer its title to the System or any part thereof, including lands and interest in lands, by sale, mortgage, lease or other encumbrances, without obtaining the prior written consent of at least 51% of the Bond holders of the then outstanding Bonds.

e. Any extensions or improvements of the System shall be made according to sound engineering principles and plans.

SECTION 11. ADDITIONAL BONDS **406.011**

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

a. To complete construction of the project according to the plans set forth in Section 1, bonds in the amount necessary may be issued.

b. For the purpose of making reasonable repair, replacement, or extension to the system additional bonds of equal standing may be issued if the net revenues of the system for the fiscal year preceding the year in which such additional bonds are to be issued were one hundred twenty (120%) percent of the average annual debt service requirements on all Bonds then outstanding and those proposed to be issued.

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

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

SECTION 12. ORDINANCE SHALL CONSTITUTE CONTRACT 406.012

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

SECTION 13. DEFAULT OF THE ISSUER 406.013

If there shall be default in the Redemption Fund, provisions of this Ordinance or in the payment of principal or interest of any of the Bonds, upon the filing of a suit by twenty (20%) percent of the holders of the Bonds, any court having jurisdiction of the action may appoint a receiver to administer said System on behalf of the Issuer with power to charge and collect rates sufficient to provide for the payment of the Bonds and for the payment of operation expenses and to apply income and revenues in accordance with this Ordinance and the laws of Michigan.

The Issuer hereby agrees to transfer to any bona fide receiver or other subsequent operator of the System, pursuant to any valid court order in a proceeding brought to enforce collection or payment of the City obligations, all contracts and other rights of the Issuer conditionally, for such time only as such receiver or operator shall operate by authority of the court.

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

SECTION 14. FISCAL YEAR OF SYSTEM 406.014

The fiscal year for operating the System shall be from January 1st to the last day of December of each year.

SECTION 15. SALE OF BONDS TO THE AUTHORITY 406.015

The Issuer's Mayor and/or Clerk are hereby authorized to execute and deliver the purchase contract and to approve on behalf of the Issuer the interest rates and discount submitted by the Authority and to accomplish the sale of the

Bonds to the Authority at a discount not exceeding three (3%) percent with a net interest cost not exceeding ten (10%) percent and to subsequently approve the specific discount and interest rates for and principal amount of the Bonds.

SECTION 16. APPLICATION TO DEPARTMENT OF TREASURY AND OTHER GOVERNMENTAL AGENCIES 406.016

The Issuer's Mayor and/or Clerk shall make requisite application to the Department of Treasury for an order granting permission for the issuance of the Bonds. The Mayor, Clerk, Treasurer, members, staff, counsel and Bond Counsel for the Issuer, or any of them, are authorized on behalf of the Issuer to apply for such rulings, order and approvals and file or submit such elections or other documents to any governmental agency in order that the Bonds may be validly issued and the interest thereon by exempt from federal income taxation and are further hereby authorized to execute, date and deliver such other certificates, documents, instruments, and opinions and other papers as may be required by the purchase contract or as may be necessary or convenient to effectuate the sale and delivery of the Bonds in accordance with the terms of the purchase contract.

SECTION 17. COVENANTS REGARDING TAX EXEMPT STATUS OF THE BONDS 406.017

Except as required by law, the Issuer will at no time take any action or omit to take any action which, by commission or omission, would cause the Bonds to be "arbitrage bonds" as defined in Section 148 of the Internal Revenue Code of 1986, as may be amended from time to time, and the regulations from time promulgated or proposed thereunder (the "Code") including failing to rebate arbitrage earnings to the federal government if such rebate is required by the Code.

The Issuer will not permit at any time or times any of the proceeds of the Bonds or any other funds of the Issuer to be used directly or indirectly in a manner which would result in the exclusion of any Bonds of the Issuer from the treatment afforded by Section 103(a) of the Code, as from time to time amended, including, but not limited to, by reason of the classification of such bonds or Bonds as "private activity bonds" within the meaning of Section 141 of the Code, as "private loan bonds" within the meaning of Section 141(c) of the Code, or as obligations guaranteed by the United States of America, as provided in Section 149(h) of the Code; or cause interest on the Bonds to be taxable for federal income tax purposes, or cause the interest on the Bonds to be includable in any alternative minimum tax other than an alternative minimum tax which applies to all tax exempt bonds or Bonds generally; or which would

cause the proceeds to be used directly or indirectly by an organization qualifying under Section 501(c)(3) of the Code.

SECTION 18. CONFLICT AND SEVERABILITY 406.018

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

SECTION 19. PARAGRAPH HEADINGS 406.019

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

SECTION 20. PUBLICATION AND RECORDATION 406.020

This Ordinance shall be published in full in Galien River Gazette a newspaper of general circulation within the corporate limits of the Issuer, qualified under state law to publish the legal notice, promptly after its adoption, and the same shall be recorded in the Ordinance Book of the Issuer and such recording authenticated by the signatures of the President and Clerk of the Issuer.

SECTION 21. EFFECTIVE DATE 406.021

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

Chapter V. Zoning

See separate Book 2

Chapter VI. Subdivision and Condominium

See separate Book 3

MICHIGAN GAS UTILITIES FRANCHISE ORDINANCE

Ordinance No. 123, effective January 1, 1995

700.000

AN ORDINANCE GRANTING TO UTILICORP UNITED INC., A DELAWARE CORPORATION DOING BUSINESS IN THE STATE OF MICHIGAN UNDER THE ASSUMED NAME "MICHIGAN GAS UTILITIES" ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER, AUTHORITY AND PERMISSION TO USE THE HIGHWAYS, STREETS, ALLEYS AND OTHER PUBLIC PLACES OF THE CITY OF BRIDGMAN, COUNTY OF BERRIEN, STATE OF MICHIGAN, FOR THE PURPOSE OF LAYING AND MAINTAINING GAS PIPES, MAINS, CONDUITS, VALVES, DRIPS AND ALL NECESSARY APPURTENANCES IN, UNDER AND ALONG THE HIGHWAYS, STREETS, ALLEYS AND OTHER PUBLIC PLACES, OF SAID CITY, AND THE RIGHT, POWER AND PERMISSION TO CONDUCT AND OPERATE A GENERAL GAS BUSINESS AND DISTRIBUTION SYSTEM IN SAID CITY OF BRIDGMAN, COUNTY OF BERRIEN, STATE OF MICHIGAN FOR A PERIOD OF THIRTY (30) YEARS.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. GRANTING OF FRANCHISE TO USE HIGHWAYS, STREETS, ALLEYS AND PUBLIC PLACES 700.001

The City of Bridgman, County of Berrien, State of Michigan, (hereinafter called "Grantor"), hereby grants to Utilicorp United Inc., a Delaware corporation doing business in the State of Michigan under the assumed name Michigan Gas Utilities, (hereinafter called "Grantee"), its successors and assigns, a franchise to use the highways, streets, alleys and other public places of the City of Bridgman, County of Berrien, State of Michigan, for the purpose of constructing, maintaining and operating a gas distribution system in said City with full right, power and authority to establish, construct, maintain, extend and operate a plant, stations, mains, pipes, conduits, valves, drips and all other appurtenances, apparatus and appliances within the corporate limits of the City of Bridgman, County of Berrien, State of Michigan, for the purpose of supplying and distributing to said City and its inhabitants gas for heating and other purposes and, for such purposes, to enter upon and use the highways, streets, alleys, and public lands of said City and lay, maintain, operate, repair and extend therein, through and thereunder such mains, pipes, conduits, valves, drips, apparatus, appliances and other appurtenances as may be necessary and proper for the distribution of gas throughout and beyond said City and for the purpose of conducting and operating a gas business in said City subject to the terms and conditions hereinafter provided.

SECTION 2. NON-DISTURBANCE OF PUBLIC TRAVEL; RESTORATION; CONSTRUCTION MAINTENANCE 700.002

In laying its pipes, mains and other appurtenances and repairing and maintaining the same, Grantee shall interfere as little as possible with public travel. After opening any portion of the highways, streets, alleys or other public place, Grantee shall within a reasonable time restore the same as nearly as possible to the same condition as prevailed before opening. While any portion of the highways, streets, alleys or other public place is open, Grantee shall maintain reasonable barriers and lights at night and other warnings to the users of said highways, streets, alleys or other public place.

SECTION 3. HOLD HARMLESS 700.003

Grantee shall at all times hold Grantor harmless from any loss, damage and expense of any kind on account of the laying, constructing, maintenance, and use of said mains, pipes, conduits and other appurtenances.

SECTION 4. RATES ESTABLISHED BY MICHIGAN PUBLIC SERVICE COMMISSION 700.004

The rates to be charged by Grantee and all rules of service shall be those which are established from time to time by the Michigan Public Service Commission or such other body which shall succeed to the jurisdiction, rights, powers and authority of said Commission.

SECTION 5. TERM: EFFECTIVE DATE 700.005

The rights granted in this franchise shall continue in full force and effect for a period of thirty (30) years from the effective date thereof. The effective date of this franchise shall be the date of the acceptance of the franchise by Grantee, which acceptance shall be filed by the Grantee, in writing, within sixty (60) days after the enactment of this Ordinance.

SECTION 6. FRANCHISE REVOCABLE; IRREVOCABILITY UPON APPROVAL OF ELECTORS 700.006

The franchise herein granted shall be revocable at the will of the governing body of this City, provided, however, that the same shall become irrevocable if an when confirmed by a three-fifths (3/5) majority of the electors voting upon the question at the next general election or at any special election called for that purpose. Such special election shall be held at the request of said Grantee.

SECTION 7. EXPENSES OF ELECTION PAID BY GRANTEE 700.007

In the event of a special election, the expenses thereof shall be deposited with the Clerk of this City by the Grantee.

SECTION 8. ORDINANCE EFFECTIVE DATE 700.008

This Ordinance shall take effect on the twenty-first (21st) day following the date of publication of the Ordinance.

SECTION 9. PUBLICATION **700.009**

The City Clerk is hereby directed to cause a true copy of this Ordinance to be published in the South County Gazette, a weekly newspaper circulating within the community which this Ordinance affects within fifteen days of its passage.

SECTION 10. RECORDING OF ORDINANCE **700.010**

Within one (1) week after the publication of this Ordinance, the City Clerk shall record the Ordinance within the books and records of the City kept by the Clerk for such purpose and the recording shall be authenticated by the signatures of the Mayor and City Clerk.

REFUNDING ORDINANCE - WATER SYSTEM
Ordinance No. 101, effective April 17, 1989
repealing Ordinance No. 73 and Ordinance No. 74

701.000

AN ORDINANCE TO REPEAL ORDINANCE NOS. 73 AND 74 OF THE CITY OF BRIDGMAN FOR THE PURPOSE OF PROVIDING FOR THE REFUNDING AND RETIRING OF CERTAIN WATER SUPPLY SYSTEM REVENUE BONDS; TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE REFUNDING BONDS TO PAY THE COST THEREOF; TO PRESCRIBE THE FORM OF THE BONDS; TO PROVIDE FOR THE COLLECTION OF REVENUES FROM THE SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE OF THE SYSTEM AND TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; TO PROVIDE AN ADEQUATE RESERVE FUND FOR THE BONDS; TO PROVIDE FOR THE SEGREGATION AND DISTRIBUTION OF THE REVENUES; TO PROVIDE FOR THE RIGHTS OF THE HOLDERS OF THE BONDS AND ENFORCEMENT OF THE PROVISIONS OF THE BONDS AND THIS ORDINANCE; AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE BONDS AND THE SYSTEM.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. DEFINITIONS **701.001**

Whenever used in this Ordinance, except when otherwise indicated by the context, the following terms shall have the following meanings:

a. "Act 94" means Act 94, Public Acts of Michigan, 1933, as amended.

b. "Additional Bonds" means additional bonds of the Issuer of equal standing with the Series 1989 Bonds.

c. "Adjusted Net Revenues" means the excess of revenue over expenses for the fiscal year of the system as determined by generally accepted accounting principals augmented by depreciation, amortization interest expense or bonds and payments received by the issuer in lieu of taxes, if any, adjusted by any rate increases approved by the Issuer by Ordinance effective prior to the issuance of additional bonds, and revenue derived from rates and charges to be paid by new customers of the system.

Such adjustments shall be certified by independent certified public accountants, financial or rate consultants or professional engineers.

d. "Bonds" mean the Series 1989 Bonds, together with any additional Bonds of

equal standing hereafter issued.

e. "Issuer" means the City of Bridgman, County of Berrien, State of Michigan.

f. "Ordinance No. 73" means Ordinance No. 73 adopted by the Issuer on March 20, 1980 as amended by Ordinance No. 74 adopted by the Issuer on April 21, 1980, and including the provisions of Ordinance No. 10 adopted December 12, 1956, as amended by Ordinance No. 12 adopted in March of 1957 which are continued in effect by Ordinance No. 73 notwithstanding that the Bonds issued pursuant to Ordinance Nos. 10 and 12 have matured and have been paid in full.

g. "Prior Bonds" means the City of Bridgman Water Supply System Junior Lien Revenue Bonds, dated July 28, 1980 issued pursuant to Ordinance No. 73.

h. "Refunding" means the refunding of the prior Bonds by purchase of the prior Bonds from the United States Department of Agriculture, Farmers Home Administration, at a purchase price equal to the principal of and accrued interest on the prior Bonds to the date of purchase.

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

j. "Series 1989 Bonds" means the Water Supply System Revenue Refunding Bonds, Series 1989, of the Issuer in the authorized amount of $1,250,000 as set forth in this Ordinance.

k. "Sufficient Government Obligations" means direct obligations of the United States of America or obligations the principal and interest on which is fully guaranteed by the United States of America, not redeemable at the option of the issuer, the principal and interest payments upon which, without reinvestment of the interest, come due at such times and in such amounts as to be fully sufficient to pay the interest as it comes due on the Bonds and the principal and redemption premium, if any, on the Bonds as it comes due whether on the stated maturity date or upon earlier redemption. Securities representing such obligations shall be placed in trust with a bank. or trust company, and if any of the bonds are to be called for redemption prior to maturity, irrevocable instructions to call the Bonds for redemption shall be given to the paying agent.

l. "System" means the Issuer's Water Supply System, including such facilities thereof as are now existing, are acquired and constructed as the project, and all enlargements, extensions, repairs and improvements thereto hereafter made.

m. "Authorized Amount" means $1,250,000 principal amount of the 1989 Bonds or such lesser principal amount as shall be reasonable and desirable to effectuate the refunding.

SECTION 2. NECESSITY; APPROVAL OF PLANS AND SPECIFICATIONS 701.002

It is hereby determined to be a necessary public purpose of the Issuer to enter into the refunding the effect of which will be to reduce the cost to the Issuer of financing the improvements to the system constructed with the proceeds of the prior Bonds by reducing the net interest cost to the Issuer.

SECTION 3. COSTS; USEFUL LIFE 701.003

The total cost of the refunding is estimated not to exceed the authorized amount including the payment of incidental expenses as specified in Section 4 of this Ordinance, which estimate of cost is hereby approved and I confirmed.

SECTION 4. PAYMENT OF COST; BONDS AUTHORIZED 701.004

To pay part of the cost of the Refunding, including payment of legal, financial (including bond discount) and other expenses incident thereto and incident to the issuance and sale of the Series 1989 Bonds, the Issuer shall borrow the sum of not to exceed the Authorized Amount and shall issue the Series 1989 Bonds therefor pursuant to the provisions of Act 94. The remaining cost, if any, of refunding the prior Bonds shall be defrayed from Issuer funds on hand and legally available for such use, including monies in the bond reserve account and bond and interest redemption fund established for the prior Bonds.

The purpose of this Ordinance is to authorize the issuance of revenue Bonds to finance the cost of the Refunding.

SECTION 5. BOND DETAILS, SALE, ISSUANCE IN SERIES, REGISTRATION AND EXECUTION 701.005

The Series 1989 Bonds hereby authorized shall be designated "Water Supply System Revenue Refunding Bonds, Series 1989", shall be payable out of the net revenues, as set forth more fully in Section 7 hereof, shall consist of fully registered bonds in an aggregate principal sum of not to exceed authorized amount, in the denomination of $5,000, or integral multiples of $5,000 not exceeding in any one year the principal amount maturing in that year, dated as

of the date on which the Series 1989 Bonds are delivered to the initial purchaser, numbered in order of registration and shall mature on May 1 in such years and months, annually or semiannually and in such principal amounts as shall be determined at the time of sale. The Series 1989 Bonds shall bear interest at a rate or rates to be determined on sale thereof, but in any event not exceeding the lesser of a net interest cost of 12% per annum or the maximum rate permitted by law, payable on May 1 and November 1 of each year commencing November 1, 1989, by check or draft mailed by the transfer agent selected by the Issuer to the person or entity which is, as of the 15th day of the month preceding the interest payment date, the registered owner at the registered address as shown on the registration books of the Issuer maintained by the transfer agent.

National Bank of Detroit, Detroit, Michigan is hereby appointed as registrar and transfer agent for this issue. The Issuer may select another bank or trust company located in the State of Michigan to serve as transfer agent upon notice to the registered owners of the Series 1989 Bonds not less than sixty (60) days prior to an interest payment date. The Bonds are payable as to principal, premium, if any, and interest at the principal corporate trust office of National Bank of Detroit, Detroit, Michigan. The Issuer agrees that it will deposit payments of the principal of, premium, if any, and interest on the Bonds in immediately available funds at least two business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise. Written notice of any redemption of the Bonds or any portion thereof shall be given by the Issuer to the registered owner at least thirty (30) days prior to the date on which such redemption is to be made. The Series 1989 Bonds shall be sold at not less than 97.8% of their par value.

The Issuer hereby authorizes the Bonds to be sold to Blunt, Ellis & Loewi and/or Raffensperger, Hughes & Co., Inc. (the "Underwriter") after approval from the Michigan Department of Treasury in the amounts and pursuant to the terms and provisions described herein and at a net interest rate less than or equal to the rate described above.

The Mayor and Clerk (the "Authorized Officers") are hereby authorized to sell the Bonds to the underwriter and execute a purchase contract in connection therewith. The terms of the Bonds shall be within the parameters described herein. The purchase contract shall describe the final terms of the Bonds which may include a reduction of the authorized amount and a revision of the maturities of the 1989 Bonds and execution by the authorized officers shall constitute approval of such final terms by the Issuer.

Notwithstanding the foregoing, the authorized officers are authorized and directed to take all actions as may be necessary or convenient to effect the negotiated sale of the Bonds provided that such sale shall either (i) reduce the annual debt service from that which is presently required for the refunded Bonds or (ii) accomplish a net present value savings for the Bonds.

The form of the purchase contract between the Issuer and the underwriter relating to the sale of the Bonds on file with the Clerk is hereby approved.

The Mayor and Clerk are hereby authorized to execute and deliver the purchase contract in the form approved, with such changes and insertions in such document as may be necessary or desirable, permitted by law, and not materially adverse to the Issuer.

The Series 1989 Bonds shall be sold at a negotiated sale by the Issuer to the underwriter under the purchase contract at a purchase price as set forth in the purchase contract which shall be not less than the price described above and approved by the Mayor and Clerk. Upon compliance with the terms and conditions of the purchase contract, the Mayor and the Clerk shall execute the Series 1989 Bonds and cause the Series 1989 Bonds to be sealed and authenticated and deliver the Series 1989 Bonds upon receipt of the proceeds therefor to the credit of the appropriate funds, in accordance with the provision of this Ordinance.

The Series 1989 Bonds or portions thereof may be subject to redemption prior to maturity at the times and prices and in the manner and with notice as set forth in the form of the Series 1989 Bonds in Section 18 of this Ordinance. In case less than the full amount of an outstanding Bond is called for redemption, the transfer agent, upon presentation of the Bond called in part for redemption, shall register, authenticate and deliver to the registered owner a new bond in the principal amount of the portion of the original bond not called for redemption. Notice of redemption shall be given in the manner specified in the form of the Series 1989 Bonds contained in Section 18 of this Ordinance.

The Bonds shall be executed in the name of the Issuer with the manual or facsimile signatures of the Mayor and the Clerk and shall have the Issuer's seal or a facsimile thereof printed or impressed on them. No Bond shall be valid until authenticated by an authorized signer of the transfer agent. The Series 1989 Bonds shall be valid upon execution by the manual or facsimile signature of the Mayor and manual signature of the Clerk. The Bonds shall be delivered to the transfer agent for authentication, if required, and be delivered to the

purchaser in accordance with instructions from the Treasurer of the Issuer upon payment of the purchase price for the Series 1989 Bonds in accordance with the bid therefor when accepted. Executed blank bonds for registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the transfer agent for safekeeping.

SECTION 6. REGISTRATION AND TRANSFER 701.006

Any Bond may be transferred upon the books required to be kept pursuant to this section by the person in whose name it is registered, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the transfer agent. Whenever any Bond or Bonds shall be surrendered for transfer, the Issuer shall execute and the transfer agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The transfer agent shall require payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer. The Issuer shall not be required (i) to issue, register the transfer of or exchange any Bond during a period beginning at the opening of business 1.5 days before the day of the giving of a notice of redemption of Bonds selected for redemption as described in the form of Series 1989 Bonds contained in Section 18 of this Ordinance and ending at the close of business on the day of that giving of notice, or (ii) to register the transfer of or exchange any Bond so selected for redemption in whole or in part, except the unredeemed portion of Bonds being redeemed in part. The Issuer shall give the transfer agent notice of call for redemption at least 20 days prior to the date of notice of redemption is to be given.

The transfer agent shall keep or cause to be kept, at its principal office, sufficient books for the registration and transfer of the Bonds, which shall at all times be open to inspection by the Issuer: and, upon presentation for such purpose, the transfer agent shall, under such reasonable regulations as it may prescribe, transfer or cause to be transferred, on said books, Bonds as hereinbefore provided.

If any Bond shall become mutilated, the Issuer, at the expense of the holder of the bond, shall execute, and the transfer agent shall authenticate and deliver, a new Bond of like tenor in exchange and substitution for the mutilated Bond, upon surrender to the transfer agent of the mutilated Bond. If any Bond issued under this Ordinance shall be lost, destroyed or stolen, evidence of the loss, destruction or theft may be submitted to the transfer agent and, if this evidence is satisfactory to both and indemnity satisfactory to the transfer agent shall be

given, and if all requirements of any applicable law including Act 354, Public Acts of Michigan, 1972, as amended ("Act 354"), being Sections 129.131 to 129.135, inclusive, of the Michigan Compiled Laws have been met, the Issuer, at the expense of the owner, shall execute, and the transfer agent shall thereupon authenticate and deliver, a new Bond of like tenor and bearing the statement required by Act 354, or any applicable law hereafter enacted, in lieu of and in substitution for the Bond so lost, destroyed or stolen. If any such Bond shall have matured or shall be about to mature, instead of issuing a substitute Bond the transfer agent may pay the same without surrender thereof.

SECTION 7. PAYMENT OF BONDS 701.007

The Series 1989 Bonds and the interest thereon shall be payable solely from the net revenues, and to secure such payment, there is hereby created a statutory lien upon the whole of the net revenues which shall be a first lien to continue until payment in full of the principal of and interest on all bonds payable from the net revenues or until sufficient cash or sufficient government obligations have been deposited in trust for payment in full of all Bonds of a series then outstanding, principal and interest on such Bonds to maturity or if called for redemption, to the date fixed for redemption together with the amount of the redemption premium, if any. Upon deposit of cash or sufficient government obligations, as provided in the previous sentence, the statutory lien shall be terminated with respect to that series of Bonds, the holders of that series shall have no further rights under this Ordinance except for payment from the deposited funds, and the Bonds of that series shall no longer be considered to be outstanding under this Ordinance.

SECTION 8. BONDHOLDERS' RIGHTS; RECEIVER 701.008

The holder or holders of Bonds representing in the aggregate not less than twenty percent (20%) of the entire principal amount thereof then outstanding, may, by suit action, mandamus or other proceedings, protect and enforce the statutory lien upon the net revenues of the system, and may, by suit, action, mandamus or other proceedings, enforce and compel performance of all duties of the officers of the Issuer, including the fixing of sufficient rates, the collection of revenues, the proper segregation of the revenues of the system and the proper application thereof. The statutory lien upon the net revenues, however, shall not be construed as to compel the sale of the system or any part thereof.

If there is a default in the payment of the principal of or interest on the Bonds, any court having jurisdiction in any proper action may appoint a receiver to administer and operate the system on behalf of the Issuer and under the

direction of the court, and by and with the approval of the court to perform all of the duties of the officers of the Issuer more particularly set forth herein and in Act 94.

The holder or holders of the Bonds shall have all other rights and remedies given by Act 94 and law, for the payment and enforcement of the bonds and the security therefor.

SECTION 9. MANAGEMENT; FISCAL YEAR 701.009

The operation, repair and management of the system shall continue to be under the supervision and control of the Issuer's Council. The Issuer may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the system. The Issuer may make such rules and regulations as it deems advisable and necessary to assure the efficient management and operation of the system. The fiscal year of the system shall be July 1 to June 30 next succeeding.

SECTION 10. RATES AND CHARGES 701.010

The rates and charges for service furnished by and the use of the system and the methods enforcement of the collection of the rates effective on the date of adoption of this Ordinance.

SECTION 11. NO FREE SERVICE OR USE 701.011

No free service or use of the system, or service or use of the system at less than cost, shall be furnished by the system to any person, firm or corporation, public or private, or to any public agency or instrumentality, including the Issuer.

SECTION 12. FIXING AND REVISING RATES; RATE COVENANT 701.012

The rates now in effect are estimated to be sufficient to provide for the payment of the expenses of administration and operation and such expenses for maintenance of the system as are necessary to preserve the system in good repair and working order, to provide for the payment of the principal of and interest on the Bonds as the same become due and payable, and the maintenance of the reserve therefor and to provide for all other obligations, expenditures and funds for the system required by law and this Ordinance.

SECTION 13. FUNDS AND ACCOUNTS; FLOW OF FUNDS 701.013

All funds belonging to the system as established under Ordinance No. 73 shall remain in such funds and be used as indicated in this Ordinance. All funds in

the Bond reserve account and Bond and interest redemption fund immediately prior to the refunding shall be used by the Issuer, together with certain of the proceeds of the Series 1989 Bonds more particularly described in Section 17 of this Ordinance, to purchase the prior Bonds. Upon purchase by the Issuer of the prior Bonds, all revenues of the system shall be set aside as collected and credited to a fund to be designated Water Supply System Receiving Fund (the "Receiving Fund"). The Revenues credited to the receiving fund are pledged for the purpose of the following funds and shall be transferred or debited from the receiving fund periodically in the manner and at the times and in the order of priority hereinafter specified all of which shall commence upon purchase by the Issuer of the prior Bonds:

A. Operation and Maintenance Fund. There shall continue to be maintained a separate depository fund designated Bond and Interest Redemption Fund (the "Redemption Fund"), the monies on deposit therein from time to time to be used solely for the purpose of paying the principal of, redemption premiums (if any) and interest on the Bonds. The monies in the redemption fund (including the Bond reserve account) shall be redemption fund (including the Bond Reserve Account) shall be kept on deposit with the bank or trust company where the principal of and interest on the Bonds, or any series thereof, are payable.

Out of the revenues credited to the Receiving Fund there shall be first set aside in, or credited to, a fund designated Operation and Maintenance Fund (the "Operation and Maintenance Fund"), monthly a sum sufficient to provide for the payment of the next month's expenses of administration and operation of the system and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order. A budget, showing in detail the estimated costs of administration, operation and maintenance of the system for the next ensuing operating year, shall be prepared by the Issuer at least thirty (30) days prior to the commencement of each ensuing operating year. No payments shall be made to the Issuer from monies credited to the Operation and Maintenance Fund except for services directly rendered to the system by the Issuer or its personnel.

B. Bond And Interest Redemption Fund. There shall continue to be maintained a separate depository fund designated Bond And Interest Redemption Fund (the "Redemption Fund"), the monies on deposit therein from time to time to be used solely for the purpose of paying the principal of, redemption premiums (if any) and interest on the Bonds. The monies in the Redemption Fund (including the Bond Reserve Account) shall be kept on

deposit with the bank or trust company where the principal of and interest on the Bonds, or any series thereof, are payable.

Out of the Revenues remaining in the Receiving Fund, after provision for the Operation and Maintenance Fund, there shall be set aside each month commencing the first day of the month immediately following the purchase of the Prior Bonds in the Redemption Fund a sum proportionately sufficient to provide for the payment when due of the current principal of and interest on the Bonds, less any amount in the Redemption Fund representing accured interest on the Bonds or interest earned on funds in the Redemption Fund. Commencing the first day of the month immediately following purchase of the Prior Bonds, the amount set aside each month for interest on the Bonds shall be an amount which is equal to the product of the total amount of interest on the Bonds next coming due divided by the number of months remaining until such interest becomes due, provided, however, such monthly amount shall be reduced by (i) the amount of any interest earned on the Redemption Fund during the preceding month in accordance with Section 16 of the Ordinance and (ii) the amount of any transfer from the Bond Reserve Account pursuant to this subsection B and Section 16 of this Ordinance not previously used to reduce such amounts. Commencing May 1, 1989, the amount set aside each month for interest on the Bonds shall be one sixth (l/6) of the total amount of interest on the Bonds next coming due, provided, however, such monthly amount shall be reduced by (i) the amount of any interest earned on the Redemption Fund during the preceding month in accordance with Section 16 of the Ordinance and (ii) the amount of any transfer from the Bond Reserve Account not previously used to reduce such amounts. The amount set aside each month for principal, commencing the first day of the month immediately following purchase of the Prior Bonds, shall be an amount which is equal to the product of the amount of principal next coming due by maturity divided by the number of months remaining until such principal becomes due, provided, however, such monthly amount shall be reduced by the amount of any interest earned on the Redemption Fund during the preceding month in accordance with Section 16 of this Ordinance which exceeds the amount which would otherwise be required to be transferred from the Receiving Fund for interest on the Bonds and the amount set aside each month for principal payment commencing November 1, 1989, shall be l/12 of the amount of principal next coming due by maturity provided, however, such monthly amount shall be reduced by the amount of any interest earned on the Redemption Fund during the preceding month in accordance with Section 16 of this Ordinance which exceeds the amount which would otherwise be required to be transferred from the Receiving Fund for interest on the Bonds. If there is any deficiency in the amount previously set aside, the deficiency shall be added

to the next succeeding monthly requirements.

There shall continue to be maintained a separate account in the Redemption Fund to be known as the Bond Reserve Account (the "Bond Reserve Account"). There shall be deposited in the Bond Reserve Account from the system revenues after the transfers required by the preceding provisions of Sections 13 A and B in equal monthly installments over a period of sixty (60) months, the smallest of the following (i) an amount equal to ten (10%) percent of the original principal amount of the Bonds, (ii) the maximum principal and interest requirement on the Bonds in the then current or any future year or (iii) an amount equal to 125% of the average annual principal and interest requirements on the Bonds calculated on the date of purchase of the Prior Bonds. The foregoing amount shall hereinafter be referred to as the reserve amount.

Except as otherwise provided in this Section, the monies credited to the Bond Reserve Account shall be used solely for the payment of the principal of, redemption premiums (if any) and interest on the Bonds as to which there would otherwise be a default. If at anytime it shall be necessary to use monies credited to the Bond Reserve Account for such payment, then the monies so used shall be replaced from the net revenues first received thereafter which are not required for current principal and interest requirements until the amount on deposit equals the reserve amount. If additional Bonds are issued, each Ordinance authorizing the additional Bonds shall provide for additional deposits to the Bond Reserve Account to be made from the proceeds of the additional Bonds or Issuer funds on hand and legally available for such use in an amount that will result in the Bond Reserve Account being equal to the reserve amount, or such lesser amount as may be necessary to maintain the tax-exempt status of the Bonds, if issued as tax exempt obligations, if at the end of each six (6) month period of the fiscal year, the amount in the Bond Reserve Account exceeds the reserve amount, the excess shall be transferred to the Bond and Interest Redemption Fund to pay interest on the Bonds and the amount required to be transferred to the Bond and Interest Redemption Fund from the Receiving Fund shall be reduced accordingly from the Receiving Fund.

C. Replacement Fund. There shall be maintained a fund in a separate depositary account, designated Replacement Fund (the "Replacement Fund"), the money credited thereto to be used solely for the purpose of making repairs and replacements to the system. Out of the revenues and monies of the system remaining in the Receiving Fund each month after provision has been made for the deposit of monies in the Operation and Maintenance Fund and the

Redemption Fund (including the Bond Reserve Account), there may be deposited in the Replacement Fund such additional funds as the Issuer may deem advisable. If at any time it shall be necessary to use monies in the Replacement Fund for the purpose for which the Replacement Fund was established, the monies so used shall be replaced from any monies in the Receiving Fund which are not required by this Ordinance to be used for the Operation and Maintenance Fund or the Redemption Fund (including the Bond Reserve Account).

D. Improvement Fund. Out of the remaining revenues in the Receiving Fund, after meeting the requirements of the Operation and Maintenance Fund, the Redemption Fund (including the Bond Reserve Account) and the Replacement Fund, there may be next set aside in or credited to a fund to be designated Improvement Fund (the "Improvement Fund"), which Improvement Fund may have several subaccounts therein, such sums monthly as the Issuer may deem advisable to be used for additions, improvements, enlargements or extensions to the system, including the planning thereof.

E. Surplus Monies. Thereafter, any revenues in the Receiving Fund after satisfying all of the foregoing requirements of this section may, at the discretion of the Issuer, be used for any of the following purposes:

1. Transferred to the Replacement Fund, the Improvement Fund or both.

2. Transferred to the Redemption Fund and used for the purchase of Bonds on the open market at not more than the fair market value thereof or used to redeem Bonds prior to maturity pursuant to Section 5 of this Ordinance.

SECTION 14. DEPOSITORY AND FUNDS ON HAND 701.014

Monies in the several funds and the accounts established pursuant to this Ordinance, except monies in the Redemption Fund (including the Bond Reserve Account) and monies derived from the proceeds of sale of the Bonds, may be kept in one or more bank accounts at a bank or banks designated by resolution of the Issuer, and if kept in one bank account the monies shall be allocated on the books and records of the Issuer in the manner and at the times provided in this Ordinance.

SECTION 15. PRIORITY OF FUNDS 701.015

In the event the monies in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund or the Redemption Fund, any monies or securities in other funds of the system, except

the proceeds of sale of the Bonds, shall be credited or transferred, first, to the Operation and Maintenance Fund, and second to the Redemption Fund.

SECTION 16. INVESTMENTS **701.016**

Monies in the funds and accounts established herein and monies derived from the proceeds of sale of the Bonds, may be invested by the Issuer in the United States of America obligations or in obligations the principal of and interest on which is fully guaranteed by the United States of America, and monies derived from the proceeds of sale of the Bonds may also be invested in certificates of deposit of any bank whose deposits are insured by the Federal Deposit Insurance Corporation. Investment of monies in the Redemption Fund being accumulated for payment of the next maturing principal or interest payment of the Bonds shall be limited to obligations bearing maturity dates prior to the date of the next maturing principal or interest payment on the Bonds. Investment of monies in the Bond Reserve Account shall be limited to obligations bearing maturity dates or subject to redemption, at the option of the holder thereof, not later than five (5) years from the date of the investment. In the event investments are made, any securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds or account from which the purchase was made. Profit realized or interest income earned on investment of funds in the Receiving Fund, Operation and Maintenance Fund and Improvement Fund shall be deposited in or credited to the Receiving Fund at the end of each fiscal year. Interest earned on the Bond and Interest Redemption Fund (other than the Bond Reserve Account) shall be used to pay debt service on the Bonds and the next required transfer from the Receiving Fund shall be reduced accordingly.

SECTION 17. BOND PROCEEDS **701.017**

From the proceeds of the sale of the Series 1989 Bonds there shall be immediately deposited in the Redemption Fund an amount equal to the accured interest and premium, if any, received on the delivery of the Series 1989 Bonds. There shall next be paid from the proceeds of the Series 1989 Bonds to the owner of the prior bonds an amount equal to (i) the principal of, and accrued interest on the prior bonds in exchange for such prior bonds in order to thereby retire the prior bonds less (ii) the amount of funds on hand in the Debt Service Reserve Account, Bond and Interest Redemption Fund and Construction Fund, if any, for the prior bonds immediately prior to receipt by the Issuer of the proceeds of the Series 1989 Bonds (the "Funds on Hand") with such funds on hand being used to pay the prior bonds. The remaining proceeds of the Series 1989 Bonds shall be used to pay the costs of issuance of the Series 1989 Bonds. Any remaining balance after such expenditure shall be paid to the

Redemption Fund and may be used for the purpose of purchasing bonds on the open market at not more than the fair market value thereof, but not more than the price at which the Bonds may next be called for redemption, or used for the purpose of paying principal of the Bonds upon maturity or calling Bonds for redemption.

SECTION 18. BOND FORM **701.018**

The Series 1989 Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF BERRIEN

CITY OF BRIDGMAN

WATER SUPPLY SYSTEM REVENUE FUNDING REFUNDING BOND
SERIES 1989

Interest Rate	Maturity Date	Date of Original Issue	CUSIP

REGISTERED OWNER:
PRINCIPAL AMOUNT: DOLLARS

The City of Bridgman, County of Berrien, State of Michigan (the "Issuer"), for value received, hereby promises to pay but only out of the hereinafter described Net Revenues of the Issuer's Water Supply System, including all appurtenances, additions, extensions and improvements thereto (the "System") the principal amount shown above in lawful money of the United States of America to the registered owner shown above, or registered assigns, on the maturity date shown above, unless prepaid prior thereto as hereinafter provided, with interest thereon from the date of original issue shown above or such later date to which interest has been paid, until paid, at the interest rate per annum shown above, first payable on November 1, 1989, and semiannually there after. Principal of this bond is payable upon surrender of this bond at the principal corporate trust office of in here after Michigan or such other transfer agent as the Issuer may designate by notice mailed to the registered owner not less than sixty (60) days prior to any interest payment date. Interest on this bond is payable by check or draft mailed by the transfer agent to the person or entity who is, as of the 15th day of the month preceding the interest payment date, the registered owner of record, at the registered address as shown on the registration books of the Issuer kept by the transfer agent or the Issuer. For prompt payment of principal and interest on

this bond, the Issuer has irrevocably pledged the revenues of the system after provision has been made for reasonable and necessary expenses of operation, maintenance and administration (the "Net Revenues"), and a statutory first lien thereon is hereby recognized and created.

This bond is one of a series of bonds of even date of original issue aggregating the principal sum of $ _____, issued pursuant to Ordinance No. _____ duly adopted by the City Commission of the Issuer, and under, in full compliance with the Constitution and statues of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of paying part of the costs of refunding certain prior revenue bonds of the Issuer.

For a complete statement of the revenues from which and the conditions under which this bond is payable, a statement of the conditions under which additional bonds of equal standing may hereafter be issued and the general covenants and provisions pursuant to which this bond is issued, reference is made to the above-described Ordinance.

Bonds maturing in the years 1990 to 1999, inclusive, shall not be subject to redemption prior to maturity.

Bonds maturing on or after May 1, 2000, are redeemable in whole or in part at the option of the City on November 1, 1999, or any interest payment date thereafter, in inverse numerical order of maturity and by lot within maturities, at the face value thereof, plus the following premiums:

2% if redeemed on November 1, 1999, or thereafter on or before November 1, 2001;

1% if redeemed on May 1, 2002, or thereafter on or before November 1, 2003;

0% if redeemed on May 1, 2004, or thereafter prior to maturity.

In case less than the full amount of an outstanding bond is called for redemption, the transfer agent upon presentation of the bond called in part for redemption shall register, authenticate and deliver to the registered owner a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption of any bond or portion thereof shall be given to the registered owner by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered owner at the address of the registered

owner as shown on the registration books of the Issuer. Bonds shall be called for redemption in multiples of $5,000 and any bond of a denomination of more than $5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bond by $5,000 and such bona may be redeemed in part. Bonds or portions thereof so called for redemption shall not bear interest after the date fixed for redemption, whether presented for redemption or not provided funds are on hand to redeem the same.

This bond is a self liquidating bond and is not a general obligation of the Issuer and does not constitute an indebtedness of the Issuer within any constitutional or statutory limitation, but is payable, both as to principal and interest, solely from the net revenues of the system. The principal of and interest on this bond are secured by the statutory lien hereinbefore mentioned.

The Issuer has covenanted and agreed, and does hereby covenant and agree, to fix and maintain at all times while any bonds payable from the net revenues of the system shall be outstanding, such rates for service furnished by the system as shall be sufficient to provide for payment of the interest on and the principal of the bonds of this issue and any additional bonds of equal standing as and when the same shall become due and payable, and to create and maintain a bond redemption fund (including a bona reserve account) therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of the system as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the system as are required by the Ordinance.

This bond is transferable only upon the books of the Issuer kept for that purpose at the office of the transfer agent by registered owner hereof in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the Ordinance authorizing the bonds, and upon the payment of the charges, if any, therein prescribed. The Issuer shall not be required (i) to issue, register the transfer of or exchange this bond during a period beginning at the opening of business fifteen (15) days before the day of the giving of a notice of redemption of bonds selected for redemption and ending at the close of business on the day of that giving of notice, or (ii) to register the transfer of or exchange any bond so selected for redemption in whole or in part, except the unredeemed portion of bonds being redeemed in part.

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

This bond is not valid or obligatory for any purpose until the transfer agent's Certificate of Authentication on this bond has been executed by the transfer agent.

IN WITNESS WHEREOF, the City of Bridgman, County of Berrien, State of Michigan, by its City Commission, has caused this bond to be executed with the facsimile signatures of its Mayor and its Clerk and a facsimile of its corporate seal to be printed impressed on this bond, all as of the date of original issue.

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

By _____
Mayor

(Seal)

Countersigned:
Clerk

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within mentioned Ordinance.

I Michigan
Transfer Agent
BY _____
Authorized

Date of Registration:

SECTION 19. COVENANTS **701.019**

The Issuer covenants and agrees with the holders of the Bonds that so long as any of the Bonds remain outstanding and unpaid as to either principal or interest.

a. The Issuer will maintain the system in good repair and working order and

will operate the same efficiently and will faithfully and punctually perform all duties with reference to the system required by the Constitution and laws of the State of Michigan, and this Ordinance.

b. The Issuer will keep proper books of record and account separate from all other records and accounts of the Issuer, in which shall be made full and correct entries of all transactions relating to the system. The Issuer shall have an annual audit of the books of record and account of the system for the preceding operating year made each year by an independent certified public accountant, and a copy of the audit shall be mailed to the manager of each syndicate or account originally purchasing any issue of the Bonds. The auditor shall comment on the manner in which the Issuer is complying with the requirements of the Ordinance with respect to setting aside and investing monies and meeting the requirements for acquiring and maintaining insurance. The audit shall be completed and so made available not later than four (4) months after the close of each operating year.

c. The Issuer will maintain and carry, for the benefit of the holders of the Bonds, insurance on all physical properties of the system and liability insurance, of the kinds and in the amounts normally carried by municipalities engaged in the operation of water supply systems. All monies received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damage or destroyed, and to the extent not so used, shall be used for the purpose of redeeming or purchasing Bonds.

d. The Issuer will not sell, lease or dispose of the system, or any substantial part, until all of the Bonds have been paid in full, both as to principal and interest or provision made thereof as herein provided. The Issuer will operate the system as economically as possible, will make all repairs and replacements necessary to keep the system in good repair and working order, and will not do or suffer to be done any act which would affect the system in such a way as to have a material adverse effect on the security for the Bonds.

e. The Issuer will not grant any franchise or other rights to any person, firm or corporation to operate a system that will compete with the system and the Issuer will not operate a system that will compete with the system.

SECTION 20. ADDITIONAL BONDS **701.020**

Except as hereinafter provided, the Issuer shall not issue additional, Bonds of equal or prior standing with the Series 1989 Bonds.

The right is reserved in accordance with the provisions of Act 94, to issue additional Bonds payable from the revenues of the system which shall be of equal standing and priority of lien on the net revenues of the system with the Bonds but only for the following purposes and under the following terms and conditions:

a. The interest on and principal of all bonds payable from the revenues of the system shall have been paid to date in accordance with the terms thereof.

b. The net revenues of the system in the fiscal year immediately preceding the issuance of any such bonds ranking on a parity with the bonds authorized by this Ordinance shall be not less than one hundred twenty five (125%) percent of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued; or, prior to the issuance of said parity bonds, the system's rates and charges shall be increased sufficiently so that said increased rates and charges applied to the previous fiscal year's operations would have produced net revenues for said year equal to not less than one hundred twenty five (125%) percent of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued.

For the purpose of issuing future revenue bonds, ranking on a parity with the bonds authorized by this Ordinance, certified public accountants shall be employed by the City to analyze records of the system and present showings appropriate to such issues.

c. The principal of said additional parity bonds shall be payable annually on May 1st and the interest on said additional parity bonds shall be payable semiannually on May 1st and November 1st in the years in which such principal and interest are payable.

SECTION 21. SALE OF BONDS 701.021

The Issuer's Clerk shall receive bids for the Series 1989 Bonds from the underwriters, award sale of the Series 1989 Bonds in accordance with Act 94 of this Ordinance, and take all further necessary steps to issue and deliver the Series 1989 Bonds.

SECTION 22. APPLICATION TO DEPARTMENT OF TREASURY AND OTHER GOVERNMENTAL AGENCIES 701.022

The Issuer's Clerk shall make requisite application to the Department of Treasury for an order granting permission for the issuance of the Bonds. The

Mayor, Clerk, Treasurer, members, staff, counsel, and Bond Counsel for the Issuer, or any of them, are authorized on behalf of the Issuer to apply for such rulings, order and approvals and file or submit such elections or other documents to any governmental agency in order that the Bonds may be validly issued and are further hereby authorized to execute, date and deliver such other certificates, documents, instruments, and opinions and other papers as may be required by the purchase contract or as may be necessary or convenient to effectuate the sale and delivery of the Bonds in accordance with the terms of the purchase contract.

SECTION 23. REPEAL, SAVINGS CLAUSE 701.023

All Ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, repealed Ordinance No. 73 is repealed upon purchase of the prior bonds in accordance with Section 17 of this Ordinance.

SECTION 24. SEVERABILITY, PARAGRAPH HEADINGS AND CONFLICT 701.024

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

SECTION 25. PUBLICATION OF RECORDATION 701.025

This Ordinance shall be published in full in the Galien River Gazette, a newspaper of general circulation in the City of Bridgman, qualified under State law to publish legal notices, promptly after its adoption, and shall be recorded in the Ordinance Book of the Issuer and such recording authenticated by the signature of the Mayor and Clerk.

SECTION 26. EFFECTIVE DATE 701.026

This Ordinance shall be effective upon its adoption. Adopted and signed this 17th day of April, 1989.

CABLE TELEVISION ORDINANCE

Ordinance No. 85, effective February 6, 1983
amended by Ordinance No. 137, February 8, 1999

702.000

AN ORDINANCE TO GOVERN AND CONTROL COMMUNITY ANTENNA TELEVISION SYSTEMS WITHIN THE CITY OF BRIDGMAN, BERRIEN COUNTY, MICHIGAN, AND TO GRANT A NON-EXCLUSIVE FRANCHISE TO MICHIANA CABLEVISION CORPORATION TO ACQUIRE, CONSTRUCT, MAINTAIN AND OPERATE A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY OF BRIDGMAN, BERRIEN COUNTY, MICHIGAN.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. TITLE **702.001**

This Ordinance shall be known and may be cited as the "City of Bridgman Cable Television Ordinance". (*Ordinance No. 85, effective February 6, 1983*)

SECTION 2. DEFINITIONS **702.002**

For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number, include the plural number. The word "shall" is always mandatory and not merely directory.

a. "City" is the City of Bridgman, a political subdivision in Berrien County, Michigan.

b. "City Commission" is the Commission of the City of Bridgman.

c. "Committee" shall consist of two Commission members and two citizens, appointed by the Mayor which shall be directly responsible for over-seeing and controlling the granting of a franchise pursuant to this Ordinance, and for over-seeing any franchise which may be granted.

d. "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.

e. Community Antenna Television System" or "CATV" or "Cable Television System" means a system employing antenna, microwave, wires, wave guides, coaxial cables or other conductors, equipment or facilities designed, constructed or used for the purpose of:

1. Collecting and amplifying local or distant broadcast television or radio signals and distributing and transmitting same;

2. Transmitting original cablecast programming not received through television broadcast signals;

3. Transmitting television pictures, film and video tape programs not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers; provided, however; that any of the services, permitted hereunder to be performed, as described above, shall be those performed by the grantee for subscribers, as herein defined in the operation of a cable television or CATV system franchised by the City and not otherwise, and provided further that such term shall not include any such facility or system that serves only the residents of one or more apartment dwelling or commercial establishments under common ownership, control or management.

f. "Basic Service" means the simultaneous delivery by the grantee to the television, radio or other appropriate communications receiver of a subscriber of all signals of over-the-air broadcasters required by the Federal Communications Commission or this Ordinance to be carried by the cable television system of the grantee, together with such additional public, educational, governmental, leased, or other access channels or signals as may be likewise required by law, but not including pay or subscription television as defined by the Federal Communications Commission.

g. "Franchise" means and includes any authorization granted hereunder in terms of a franchise, privilege, permit, license or otherwise to construct, operate and maintain a cable television within the City of Bridgman.

h. "Franchise area" means all the territory within the geographical boundaries of the City of Bridgman throughout which the grantee shall be authorized hereunder to construct, maintain and operate its system.

i. "Grantee" means any person, firm or corporation receiving the grant of any franchise hereunder and shall include any lawful successor to the interest of such person, firm or corporation.

j. "Subscriber" shall mean a person or organization whose premises are physically wired to receive any transmission from the System.

k. "User" shall mean a person or organization utilizing a System channel as a producer, for purposes of production and/or transmission of material, or as a subscriber, for purposes of receipt of material. (*Ordinance No. 85, effective February 6, 1983*)

SECTION 3. GRANT OF AUTHORITY 702.003

A non-exclusive franchise to install, construct, operate and maintain a cable television system on streets and public ways within the City of Bridgman, pursuant to the terms of this Ordinance and any amendments hereto, is hereby granted to Michiana Cablevision Corporation, for the following purposes:

a. Erect, install, construct, repair, replace, reconstruct, maintain and retain, in, on, over, under, across and along any public street, alley, way or place now laid out and dedicated and ail extensions thereof, such poles, wires, cable, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments and other property as may be necessary and appurtenant to the CATV system; and in addition, so to use, operate, and provide similar facilities or properties rented or leased from other persons, firms, or corporations including, but not limited to, any public utility or other grantee of any franchise of this City.

b. Maintain and operate facilities and properties for the collection, transmission, conduction, amplification, conversion and distribution of programs and other services by use of electricity, radiation or other energy source.

c. Solicit, sell, distribute and make charge to subscribers within the City for connection to the CATV system of grantee. (*Ordinance No. 85, effective Feb, 1983*)

SECTION 4. INSURANCE, BONDS, AND INDEMNIFICATION 702.004

a. Franchise Bond. The grantee shall concurrently with its acceptance of this franchise, file with the City Clerk and at all times thereafter maintain in full force and effect for the term of this franchise or any renewal thereof, at grantee's sole expense, a corporate surety bond with a responsible company licensed to do business in Michigan in an amount determined by the Commission, renewable annually, and conditioned upon the faithful performance of grantee, and upon the further condition that in the event grantee shall fail to comply with any one or more of the provisions of the franchise, there shall be recoverable jointly and severally from the principal and surety of such bond any damages or loss suffered by the City as a result thereof,

including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the grantee as prescribed hereby, plus a reasonable allowance for attorney's fees and costs, up to the full amount of the bond, said condition to be continuing obligation for the duration of the franchise and any renewal thereof and thereafter until the grantee has liquidated all of its obligations with the City that may have arisen from the acceptance of this franchise or renewal by the grantee or from its exercise of any privileges or rights herein granted. The bond shall provide that at least 30 days prior written notice of intention not to renew, cancellation, or material change, be given to the City by filing the same with the City Clerk. Notwithstanding the above provisions of this subsection, the City Commission may in its sole discretion, waive said bond or reduce the required amount thereof after construction of the initial system.

b. Workers' Compensation Insurance. Grantee shall provide such workers' compensation insurance as may be required by the laws of the State of Michigan.

c. Comprehensive Liability Insurance. Upon acceptance of such franchise, grantee shall file with the City Clerk and shall thereafter during the entire term of such franchise maintain in full force and effect a comprehensive liability policy of insurance with limits of not less than $500,000 for property damage to any one any one person, $500,000 for property damage in any one accident, $500,000 for personal injury to any one person and $1,000,000 for personal injury in any one accident, or such higher amounts as the City Commission may fix in any amendment hereto, and of such insuring institution, form and substance as shall be approved by the Commission, and which shall assure grantee, and shall provide primary coverage for the City, its officers, commission, committees, agents and employees against liability for loss or damage for personal injury, death, and property damage occasioned by any activity or operation of grantee under such franchise.

d. Hold Harmless Agreement. Grantee shall indemnify and hold harmless the City, its officers, commission, committees, agents and employees against and from my and all claims, demands, causes of actions, actions, suits, proceedings, damages, (including, but not limited to, damages to property and damages arising out of copyright infringements, and damages arising out of any failure by grantee to secure consents from the owners, authorized distributors or licensees of programs to be delivered by grantee's cable television system), costs or liabilities (including costs or liabilities of the City with respect to its employees), of every kind and nature whatsoever including, but not limited to,

damages for injury or death or damage to person or property, and regardless of the merit of any of the same, against all liability to others, and against any loss, cost and expense resulting or arising out of any of the same including any attorney fees, accountant fees, expert witness or consultant fees, court costs, per diem expense, traveling and transportation expense or other costs or expenses arising out of or pertaining to the exercise or the enjoyment of any franchise hereunder by grantee or the granting thereof by the City.

e. Defense of Litigation. Grantee shall at the sole risk and expense of grantee, upon demand of the City, made by and through the City Attorney, appear in and defend any and all suits, actions or other legal proceedings whether judicial, quasi-judicial, administrative, legislative or otherwise, brought or instituted or had by third persons or duly constituted authorities, against or affecting the City, its officers, commission, committees, agents or employees and arising out of or pertaining to the exercise or the enjoyment of such franchise, or the granting thereof by the City.

f. Non-Waiver. Neither the provisions of this section, nor any bonds accepted by the City pursuant hereto, nor any damage recovered by the City thereunder, shall be construed to excuse unfaithful performance by the grantee or limit the liability of the grantee under this Ordinance or the franchise for damages, either to the full amount of the bond, or otherwise. (*Ordinance No. 85, effective February 6, 1983*)

SECTION 5. FRANCHISE PAYMENTS 702.005

a. In consideration of the granting and exercise of a franchise to use the streets of the franchise area for the purpose of operating a cable television system for the use and benefit of subscribers therein, the grantee shall pay yearly to the City during the entire time of any franchise granted pursuant to this Ordinance, an annual franchise fee equal to 5% of the grantee's yearly gross revenues derived from all cable services provided by grantee within the City, or $250.00, whichever is greater.

Any franchise payments to the City by grantee shall not be in lieu of any occupation income, license or property tax or similar levy, assessment or charge which would otherwise apply to and be payable by grantee. (*amended by Ordinance No. 137, effective February 8, 1999*)

b. The City shall have the right to inspect the books and records of the grantee during regular business hours at the office of the grantee for the purpose of determining the amount of franchise payments as well as for the

purpose of determining the proper amounts to be paid by the grantee by way of taxes to any governmental entity.

c. Franchise payments hereunder shall be made quarterly to the City beginning on the first business day of January, April, July and October of each year. (*Ordinance No. 85, effective February 6, 1983*)

SECTION 6. FRANCHISE LIMITATION 702.006

In addition to any other franchise limitations hereunder or as herein provided, the following limitations shall apply to any franchise granted or renewed by the City Commission under this Ordinance.

a. Nature of Franchise. The franchise shall be nonexclusive and neither the granting thereof nor any of the provisions contained herein shall limit, abridge, diminish, alter, or affect the right, privilege, power, or authority of the City Commission; and the City Commission herein reserves and preserves the right to grant any identical or similar or different franchise to any person, firm or corporation other than grantee, either within or without or partly within or partly without the franchise area of any grantee. No privilege or exemption shall be granted or conferred by any franchise except these specifically prescribed in this Ordinance.

b. Subordination of Franchise Privileges. The grant of any privilege by any franchise hereunder shall be subordinate to any prior lawful occupancy of any street or public property or to the grant of any privilege under my other franchise of prior date, insofar as there shall be my conflict.

c. Transfer of Franchise.

1. Any franchise granted hereunder shall be a privilege to be held in personal trust by the original grantee. It cannot in any event be sold, transferred, leased, assigned, or disposed of in whole or in part, either by forced or involuntary sale, or by voluntary sale, merger, consolidation, or otherwise without prior written consent of the City Commission and then only under such conditions as may therein be prescribed. Notice ad request for approval of any proposed sale or transfer of this franchise must be given to the City Commission not later than 90 days before the proposed sale or transfer. Any such transfer or assignment shall be made only by an instrument in writing, such as a bill of sale, or similar document, a duly executed copy of which shall be filed in the office of the City Commission within 30 days after any such transfer or assignment. The proposed assignee must show financial responsibility as determined by the City Commission and must agree to comply with all the provisions of the franchise and of this Ordinance; and provided, further, that no

such consent shall be required for a transfer in trust, mortgage or otherwise, in whole or in part, to secure an indebtedness, except that when such transfer shall exceed fifty (50%) percent of the market value of the property used by the grantee in the conduct of the cable television system, prior consent of the City Commission shall be required for such a transfer. Such a consent shall not be withheld unreasonably.

2. Prior approval of the City Commission expressed by resolution, shall be required where there is an actual change in control or where ownership of more than thirty (30%) percent of the voting stock of grantee is acquired by a person or group of persons acting in concert, none of whom already own thirty (30%) percent or more of the voting stock, singly or collectively.

d. Term of Franchise. The franchise granted by the City Commission under this Ordinance shall be for a term of three (3) years from and after January 1, 1999, unless terminated prior to expiration as herein provided. Any further franchise renewals shall be subject to the prior approval of the City Commission pursuant to the terms of this Ordinance. (*amended by Ordinance No. 137, effective February 8, 1999*)

e. Review of Franchise. Every five (5) years after the effective date of the franchise, the Commission and the grantee shall jointly review the performance of the grantee's operation and specifically the City Commission will inquire whether the grantee is supplying a level and variety of services equivalent to those being generally offered in the industry, in comparable market situations. In the event that grantee desires to change or modify its obligations under its franchise it may negotiate with the City Commission to do so at that time. Within sixty (60) days of the conclusion of the review, the City Commission and grantee shall report in public preceding the result of their review and their conclusions. The City Commission may then order unilateral changes in the franchise rights and obligations of the grantee where said changes cause no economic impact. Any changes that cause substantial adverse economic impact shall be the subject of negotiations with grantee. Any disputes hereunder shall be resolved by arbitrators, one selected by each party and the third selected by the other two whose decision shall be final. The arbitrators are to base their decision what is fair and equitable to all concerned.

f. Recourse Against City. Grantee shall have no recourse or remedy whatsoever against he City for any loss, cost, expense, or damage arising out of or with respect to any franchise hereunder, or this Ordinance, or the enforcement thereof.

g. Rules and Regulations. Grantee shall be subject to all Ordinances, rules, regulations, and specifications of the heretofore or hereafter established, including but

not limited to, those pertaining to works and activities in, on, over, under and about streets.

h. Prohibited Activities of Grantee. Grantee shall be prohibited from directly or indirectly doing any of the following:

1. Engaging in the business of selling at retail, leasing, renting, repairing or servicing of television sets or radios;

2. Soliciting, referring, or causing or permitting the solicitation or referral of any subscriber to persons engaged in any business herein prohibited to be engaged in by grantee;

3. Providing information concerning the viewing patterns of identifiable individual subscribers to any person, group or organization for any purpose, without the consent of the owner;

4. Entering or encroaching upon or interfering with or obstructing any private property without the express consent of the owner;

5. Providing any repair service to its subscribers for a fee, which repair extends beyond the connection of its service or the determination by grantee of the quality of its signals to the recipients thereof;

6. Permitting its cable or other operations to interfere with television reception of persons not served by the grantee, nor shall the system interfere with, obstruct or hinder in any manner, the operation of other utilities serving the residents of the City. (*Ordinance No. 85, effective February 6, 1983*)

SECTION 7. INFORMATION REQUIRED OF GRANTEE 702.007

The grantee of a franchise to construct, operate or maintain any CATV system in the City of Bridgman shall file with the City Clerk, not later than the date of its acceptance of the franchise, the following:

a. The name, address and telephone number of the grantee.

b. A detailed statement of the corporate or other business entity organization of the applicant including, but not limited to, the following:

1. The names, residence addresses and business addresses of all officers, directors and partners or business associates of the grantee.

2. The names, residence addresses and business addresses of all persons and entities having an ownership interest in the grantee and the respective ownership share of each such person or entity.

3. The names and addresses of any parent or subsidiary of the grantee and of any other business entity owning or controlling in whole or in part or owned or controlled in whole or in part by the grantee, and a statement describing the nature of any such parent or subsidiary business entity, including, but not limited to, all CATV or similar systems owned or controlled by the grantee, its parent or subsidiary and the area served thereby.

4. A detailed and complete financial statement of the grantee prepared by certified public accountant, for the fiscal year next preceding the date of the franchise hereunder, or a letter or other acceptable evidence in writing from a responsible lending institution or funding source, addressed to both the grantee and the City Commission, containing a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the grantee to construct and operate the proposed system in the City, or a statement from a certified public accountant, certifying that the grantee has available sufficient free, net and uncommitted cash resources to construct and operate the proposed system in this City.

c. A detailed description of the plan of operation of the grantee, which shall include, but not be limited to, the following:

1. A detailed map indicating all areas proposed to be served, routes to be taken, a diagram of the equipment which will be exposed and a time schedule for the installation of all equipment necessary to become operational throughout the entire area to be served.

2. A detailed statement describing the actual equipment and operational standards to be used by the grantee.

d. A copy of the form of any agreement, undertaking or other instrument to be entered into between the grantee and any subscriber.

e. Any other information pertinent to the grant of the franchise and requested by the City Commission. (*Ordinance No. 85, effective February 4, 1983*)

SECTION 8. CONSTRUCTION AND USE OF FACILITIES 702.008

a. Within thirty (30) days after acceptance of any franchise, the grantee shall proceed with due diligence to obtain all necessary permits and authorizations which are required in the conduct of its business, including, but not limited to, any utility joint use attachment agreements, microwave carrier licenses, and any other permits, licenses and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of cable television systems or associated microwave transmissions facilities. In connection therewith, copies of all petitions, applications and communications submitted by the grantee to the Federal Communications Commission, or any other federal or state regulatory commission or any agency having jurisdiction in respect to any matters affecting grantee's cable television operations, shall also be submitted simultaneously to the committee.

b. Within thirty (30) days after obtaining all necessary permits, licenses and authorizations, including right of access to poles and conduits, grantee shall commence construction and installation of the CATV system.

c. The grantee shall extend trunk cable to all sections of city limits. Where unusual circumstances do exist, the grantee shall make provisions to provide for service at a future date with City Commission approval.

d. The CATV system constructed by grantee shall conform to the information and specifications contained in its proposal to the City and which formed part of the basis for granting this franchise.

e. Within one (1) year after the effective date hereof, grantee shall complete construction of the facilities needed to permit the reception of broadcast signals, the organization of programming within the City, and the distribution of signals to the franchise area. Provided, however, the City Commission may approve exceptions to this requirement upon a showing by grantee of undue hardship or expense.

f. Failure on the part of the grantee to commence and diligently pursue each of the foregoing requirements and to complete each of the matters set forth herein, shall be grounds for termination of such franchise.

g. Grantee shall utilize existing poles, conduits, and other facilities whenever possible and shall not construct or install any new, different or additional poles, conduits or other facilities without first securing the written approval of the City Commission. Any poles, conduits, or other facilities of the grantee to be installed in, under, over, along, across or upon a public street,

alley, way or place shall be so located so as to cause minimum interference with the public use of the streets and to cause minimum interference with the rights of other users of the streets, alleys, ways, or places of property owners who adjoin any of the streets, alleys, ways or places. In the event of disturbance of any public street, alley, place, or way by the grantee, it shall, at its own expense, promptly replace and restore such street to as good a condition as before the work causing such disturbance was performed, and to the satisfaction of the City Commission.

h. In all sections of the City where all existing cables or other like facilities of utility companies are presently or subsequently placed underground, the grantee shall place its cables or like facilities underground, at grantee's expense.

i. The City shall have the right, free of charge, to make additional use, for any public or municipal purpose, whether governmental or proprietary, of any poles, conduits or other facilities erected, controlled, or maintained exclusively by or for grantee in any street or other public way or public place, provided such use by them does not interfere with the use by grantee.

j. Grantee, shall at the expense of grantee, protect, support, temporarily disconnect, or temporarily relocate any property of grantee when, in the opinion, of the City Commission, the same is required by reason of street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power lines, or signal lines.

k. In the event the use of any part of the system of grantee is discontinued for any reason for a period of thirty (30) days without prior written notice to and approval by the City Commission, or in the event any part of such system has been installed in any street or other area without complying with the requirements hereof, or in the event any franchise shall be terminated, canceled, or shall expire, grantee shall, at the option of the City, and at the expense of grantee and at no expense to the City, promptly remove from any street or other area all property of grantee and grantee shall promptly restore the street or other area from which such property has been removed to such condition as the City shall approve; provided the City Commission may, upon written application therefore by grantee, approve the abandonment of any such property in place by grantee and under such terms and conditions as the City Commission may prescribe; and upon abandonment of any such property in place, grantee shall cause to be executed, acknowledged and delivered to the City such instruments as shall be approved by the City Commission, conveying

the ownership of such property to the City.

l. Grantee shall, at all times, make and keep full and complete maps, plats and records showing the exact locations of its facilities located within the franchise area, and shall provide copies of such maps, plats and records to the City.

m. Upon the failure, refusal or neglect of grantee to cause any work or other act required by law or by this Ordinance to be completed in, on, over, or under any street within any time prescribed therefore, or upon notice given, where notice is prescribed, the City Commission may cause such work or other act to be completed in whole or in part, and upon so doing shall submit to grantee an itemized statement of the costs thereof, and the grantee shall, within thirty (30) days after receipt of such statement, pay unto the entire amount thereof. (*Ordinance No. 85, effective February 6, 1983*)

SECTION 9. STANDARDS **702.009**

a. General Rules. The CATV system of grantee shall:

1. Be capable of relaying to subscriber terminals, televisions and radio broadcast signals;

2. Be constructed with the capability of two-way digital signal transmission;

3. Distribute color television signals which it receives;

4. Be constructed and operated so as not to interfere with the television reception of persons not served by the grantee and so as not to interfere with, obstruct or hinder in any manner the operation of any utility serving the City.

5. Be initially constructed to provide a channel capacity of 35 channels and be easily constructed to provide a channel capacity of 54 channels.

6. Be equipped with an emergency alert override enabling emergency interruption of all programs for the delivery of signals, necessitated by the occurrence of an emergency.

7. Provide at least one channel, without charge, for exclusive use of the City and other governmental agencies

8. Provide at least me channel, without charge, for use by any public or private school system located within the franchise area.

9. Provide at least one channel as a public access channel for use by civic groups and interested citizens; provided, however, the City Commission may waive this requirement at the time a franchise is granted if the franchise so granted provides for the addition of said channel by the grantee at the request of the City Commission after the City Commission has determined there is a demand for said channel.

b. Additional Services. The cable television system may also engage in the business of:

1. Transmitting original cablecast programming not received through television broadcast signals;

2. Transmitting television pictures, film and videotape programs, not received through broadcast television signals, whether or not encoded or processed permit reception by only selected receivers or subscribers;

3. Transmitting and receiving all other signals; digital, voice and audio visual.

c. Refusal of Basic Service. No person, firm or corporation within the service area of the grantee and where trunk lines are in lace shall be refused service; provided, however, that the grantee shall not be required to provide service to any subscriber who does not pay the applicable connection fee or service charges.

d. Service Standards. The grantee shall:

1. Correct malfunctions promptly but in no event later than 24 hours after occurrence; in the event it should be impossible or impractical to correct any malfunctions within 24 hours, then each subscriber whose reception is so disrupted shall receive a rebate from the grantee for every additional 24 hour period that said subscriber's television reception is so disrupted, unless said disruption in service was entirely beyond the control of grantee;

2. Answer all complaints by subscribers;

3. Notify subscribers insofar as possible, 24 hours in advance of

planned interruptions of service, which planned interruptions of service shall occur during periods of minimum use of the system;

4. Maintain an office in the City, which office shall be open during the usual business hours, with a local telephone number listed in directories of the telephone company serving the City, which office shall so be so operated that complaints and requests for repairs or adjustments may be received at any time, 24 hours a day, seven days a week, provided, however, that the City Commission may waive the requirement of maintaining an office in the City, if the grantee shall maintain an office in the area, subject to the same standards as if in the City, and provide an agent in the City to receive payments and accept complaints;

5. Provide notice of such office, or area office and local agent, and the grantee's complaint procedure to each subscriber at the time of initial subscription to the system.

e. Complaint Procedures. Subscriber complaints regarding the quality of service, equipment malfunction, or similar matters, which have not been resolved by grantee, shall be submitted to the City Clerk by the grantee and advise the City Clerk as to the disposition that was made of the complaint. The Clerk may demand that a representative of grantee meet with a representative of the City to discuss and resolve such complaint, such meeting to be held within thirty (30) days after demand therefore. The grantee shall notify each subscriber, at the time of initial subscription to the service of the grantee, of the procedures for reporting and resolving such complaints. The City may, from time to time, establish such other procedures for resolving subscriber complaints in addition to the procedures outlined herein.

f. Failure to Provide Service. Any grantee of any franchise hereunder who shall, within one year after the payment of any installation charge to such subscriber, fail to operate its system or make its system available to such subscriber, on a regular and continuous basis, shall refund the installation charge to such subscriber, together with interest thereon at not less than five (5%) percent per year.

g. Grantee shall provide, without charge, one cable television outlet on each floor of all existing or future police stations, fire stations, public schools or private schools located in the franchise area. Grantee shall provide, without charge, basic service to each of the above mentioned cable television outlets. In addition, Grantee shall, without charge, provide "C-Span" to each outlet in

each public or private school. Grantee shall provide, without charge, one cable television outlet to the Bridgman City Hall and any other City buildings which may be designated by the City Commission. (*Ordinance No. 85, effective February 6, 1983*)

SECTION 10. INSPECTION OF RECORDS 702.010

a. Grantee shall at all reasonable times, and to the extent necessary to carry out the provision of this Ordinance, permit any duly authorized agent or representative of the City to examine all franchise property of grantee, together with any appurtenant property of grantee situated within or without the City and to examine and transcribe any and all maps and other records kept or maintained by grantee or under the control or direction or at the request of grantee which appertain to the franchise operations, affairs, transactions or property of grantee.

b. Grantee shall prepare and furnish to the committee, at such tines and such form as prescribed by the City Commission, references, and materials with respect to the operations, affairs, transactions, or property of grantee as may be reasonably necessary or appropriate to the performance of any of the duties of the City.

c. Grantee shall prepare and furnish to the City a copy of independently certified audited financial statement not less than annually. (*Ordinance No. 85, effective February 6, 1983*)

SECTION 11. RATES 702.011

At the start of providing CATV service to the City, grantee shall provide and distribute through the CATV system at least those channels and services shown in Exhibit A, which is attached hereto and incorporated herein by this reference. The initial rates and charges allowable to grantee shall not be greater than the rates and charges shown in the above mentioned Exhibit A attached hereto. Grantee shall not request an increase in the above-referred to rates during its first year of providing CATV service to the City, unless said increase, if granted, would not become effective until the completion of the first year of service to the City.

The rates and charges provided for in this section shall not be changed at any time after the granting of the franchise, except by authority of the City Commission, and upon written request by the grantee, provided that prior to authorizing the change of any rates or charges of grantee to subscribers, at any time after granting of the franchise, the City Commission shall first pass its

resolution of intention to do so, describing and stating any rates or charges to be changed, the reasons of the City Commission therefore, fixing a day, hour, and place certain when and where any persons having an interest therein may appear before the City Commission and be heard and directing the City Clerk to publish notice of such hearing at least once. The City Clerk shall cause such notice to be published in a newspaper of general circulation with the City, and the same shall be published and a copy thereof shall be mailed to grantee hereunder at least ten (10) days prior to the date specified for hearing thereon. At the time set for such hearing, or at any adjournment thereof, the City Commission shall proceed to hear and pass on all presentations made before it, and the decision of the City Commission thereon shall be final and conclusive. If the City Commission shall find that a change of rates or charges is justified by a change in cost of operation, the City Commission shall approve the changes in rates. (*Ordinance No. 85, effective February 6, 1983*)

SECTION 12. NEW DEVELOPMENTS 702.012

It shall be the policy of the City to liberally amend this franchise, upon application of the grantee, when necessary to enable the grantee to take advantage of any developments in the field of transmission of data communication television and radio signals which till afford it an opportunity to more effectively, efficiently or economically serve its subscribers. This section shall not, however, be construed to require the City to make any amendment nor to prohibit it from unilaterally changing its policy stated herein. Grantee shall use its best efforts to upgrade its facilities, equipment and services so that its system is as advanced as the current state of technology will allow. (*Ordinance No. 85, effective February 6, 1983*)

SECTION 13. LIMITED PURPOSE 702.013

This franchise is granted by the Bridgman City Commission, to the grantee purely for the purpose of using easements, streets and highways of the City to erect and construct the grantee's system and is not intended to convey any copyright or patent privileges whatsoever. (*Ordinance No. 85, effective February 5, 1983*)

SECTION 14. DEFAULT 702.014

Failure, refusal, or neglect by the grantee to comply with any of the requirements herein, or any term or condition of a franchise issued hereunder shall be sufficient cause for termination of any franchise by the City as follows: The City shall notify the grantee of its intention to terminate the franchise and give the reasons therefor. Said notice shall provide that the grantee may cure its default within thirty (30) days and advise the grantee that failure to do so will

be cause for revocation of the franchise granted hereunder. (*Ordinance No. 85, effective February 6, 1983*)

SECTION 15. SEPARABILITY 702.015

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof. (*Ordinance No. 85, effective February 5, 1983*)

SECTION 16. ACCEPTANCE OF FRANCHISE 702.016

a. The franchise herein granted shall not become effective for any purpose unless and until a written acceptance thereof shall have been filed with the City Clerk, and such written acceptance shall operate as an acceptance of each and every term and condition and limitation contained in this Ordinance.

b. Such written acceptance shall be filed by grantee with the City Clerk not later than thirty (30) days after grant of the franchise as provided above, and in default of such written acceptance as herein required, grantee shall be deemed to have rejected the same and the franchise herein grated shall be null and void. (*Ordinance No. 85, effective February 6, 1983*)

SECTION 17. PUBLICATION COSTS 702.017

If the grantee accepts the franchise herein granted, then grantee shall assume the cost of publication of this Ordinance, as such publication is required by law. Upon the grantee's acceptance of the franchise as provided herein, the City Clerk shall present the bill for publication to the grantee, which the grantee shall pay at the time. In addition, grantee shall pay the cost of publication of any notice which is required to be published pursuant to this Ordinance. (*Ordinance No. 85, effective February 6, 1983*)

SECTION 18. EFFECTIVE DATE 702.018

This Ordinance was adopted at a regular meeting of the Bridgman City Commission on the 17th day of January 1983, and shall become effective in twenty (20) days and is ordered to be given publication in the manner prescribed by the City Charter. Effective: February 6, 1983

EXHIBIT A
MICHIANA CABLEVISION CORPORATION
PLANNED CHANNEL CARRIAGE LISTING

CITY OF BRIDGMAN, BERRIEN COUNTY, MICHIGAN

BASIC SERVICE $7.95/month with "Cable-ready" T.V. Set
$8.50/month, including converter

Cable Channel, Origin	Call Letters	Air Channel	Network
2, Chicago	WBBM	2	CBS
3, South Bend	WSBT	22	CBS
4, South Bend	WSJV	28	ABC
5, Chicago	WMAQ	5	NBC
6, South Bend	WNDU	16	NBC
7, Chicago	WLS	7	ABC
8, South Bend	WNIT	34	PBS
9, Chicago	WGN	9	IND
10, South Bend	WHME	46	IND
11, Chicago	WTTW	11	PBS
12, Chicago	WFLD	32	IND
13, Kalamazoo	WKZO	3	CBS
14	LOCAL NEWS/ANNOUNCEMENTS/ACCESS		
15, Atlanta	WTBS (Sat.)	17	IND
16	(NOT YET CHOSEN) WILL BE ACTIVE		
17, Atlanta	CNN (Sat.) 24 Hour News Network		
18	ESPN (Sat.) 24 Hour Sports		NY
19	C-SPAN (Sat.) House of Representatives		
20	USA (Sat.) Movies/Sports/Calliope		

PREMIUM SERVICE OPTIONS

21 SHOWTIME, 24 Hour Movies & Specials, $7.95/month
22 HBO, Movies/Sports/Last Will and Testament Vegas Shows, $8.50/month
23 Super Entertainment Package $9.95/month

(A 2 CHANNEL PREMIUM SERVICE) includes:
"THE MOVIE CHANNEL"- 24 Hour Movies
"NICKELODEON" - Children's Network

"ARTS" - Art/Cultural Programs

ELECTRIC FRANCHISE ORDINANCE

Ordinance No. 100, effective September 26, 1988

703.000

AN ORDINANCE GRANTING TO INDIANA MICHIGAN POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER AND AUTHORITY TO CONSTRUCT, MAINTAIN AND OPERATE LINES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY ON, ALONG, ACROSS AND UNDER THE HIGHWAYS, STREETS, BRIDGES, AND OTHER PUBLIC PLACES AND TO OPERATE AND MAINTAIN THE SAME TO REPEAL ORDINANCE NO. 15 "ELECTRIC FRANCHISE" ADOPTED 11/7/57, BEING BRIDGMAN COMPILED ORDINANCE 110.200 THROUGH 110.290 AND TO TRANSACT A LOCAL BUSINESS IN THE CITY OF BRIDGMAN, BERRIEN COUNTY, MICHIGAN.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. USE OF STREETS **703.001**

The Indiana Michigan Power Company, its successors and assigns (hereinafter called "Grantee") are hereby granted the right, privilege, franchise and authority to acquire, construct, maintain and operate in, above, under, across and along the streets, thoroughfares, alleys, bridges and public places (as the same now exist and may hereafter be laid out) of the City of Bridgman, County of Berrien, State of Michigan, lines for the transmission and distribution of electric energy, either by means of overhead or underground conductors, with all the necessary or desirable appurtenances for the purpose of supplying electric energy to said City and the inhabitants thereof, and persons or corporations beyond the limits thereof, for light, heat, power, or any other purposes or purpose for which electric energy is now or may hereafter be used, and the transmission of the same within, through or across said City of Bridgman, County of Berrien, State of Michigan, subject to such reasonable regulations as the City Manager shall prescribe from time to time.

SECTION 2. LOCATION OF FACILITIES **703.002**

All of Grantee's towers, masts and poles shall be so placed on either side of the highways, streets, alleys and bridges as not to unnecessarily interfere with the use thereof for highway, street and alley purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways, streets and alleys. All work performed by said Grantee in said highways, streets and alleys shall be done so as to minimize interference with the use thereof, and when completed, the same shall be left in as good condition as when work was commenced. The Grantee shall have the right to trim trees if necessary in the conducting of such business,

subject, however, to the supervision of the highway authorities.

Said lines and appurtenances shall be constructed so as to interfere as little as possible with the proper lawful use of the streets, alleys, and public places. The installation of all poles, conduits and appurtenances shall be according to industry standards and shall be subject to such reasonable regulations as shall be prescribed by said City Manager from time to time, including Ordinance No. 1 adopted November 26, 1951, being Bridgman compiled Ordinance 36.700 through 36.790.

SECTION 3. TERM **703.003**

The rights, privileges and franchise hereby granted shall be in force and effect for a period of thirty (30) years from the date of the passage of this franchise ordinance, but revocable at the will of this City Commission unless approved by vote of the electors.

The rights, privileges and franchise hereby granted shall not be construed to be exclusive and the City Commission of the City of Bridgman, County of Berrien, State of Michigan, hereby reserves the power to grant similar rights, privileges and franchises to any other person or persons, firm or firms, corporation or corporations.

SECTION 4. INDEMNITY **703.004**

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

SECTION 5. CONSTRUCTION **703.005**

Whenever said Grantee shall begin the erection of any lines or equipment it shall promptly and diligently prosecute the work to completion and leave the streets, alleys and public places where such work is done in as good condition of repair as before such work was commenced.

SECTION 6. ASSIGNMENT **703.006**

Whenever in this franchise, reference is made to the City or the Grantee, it shall be deemed to include the respective successors or assigns, of either and all rights, privileges and obligations herein contained by or on behalf of said City,

or by or on behalf of said Grantee, shall be binding upon and inure to the benefit of the respective successors or assigns of said City or of said Grantee, whether so expressed or not.

SECTION 7. REPEAL **703.007**

Ordinance No. 15. Electrical Ordinance, November 7, 1957, is hereby repealed.

SECTION 8. ADOPTION **703.008**

This franchise shall be accepted by the Grantee within sixty (60) days from the date of the adoption of this resolution.

SECTION 9. PUBLICATION **703.009**

This franchise shall take effect from and after its adoption, acceptance and publication as required by law.

Dated this 6th day of September, 1988.
City of Bridgman, County of Berrien, State of Michigan.

SPECIAL ASSESSMENT

Ordinance No. 58, effective October 11, 1976

800.000

AN ORDINANCE PRESCRIBING THE COMPLETE SPECIAL ASSESSMENT PROCEDURE CONCERNING THE INITIATION OF PROJECT, PLANS AND SPECIFICATIONS, ESTIMATE OF COSTS, DETERMINATION OF BENEFITS RECEIVED BY THE AFFECTED PROPERTY AND THE RESPECTIVE PROPORTIONS THEREOF, NOTICE AND HEARING, THE MAKING AND CONFIRMING OF THE ASSESSMENT ROLL AND CORRECTION OF ERRORS, THE COLLECTION OF SPECIAL ASSESSMENTS, AND OTHER MATTERS CONCERNING THE MAKING OF LOCAL PUBLIC IMPROVEMENTS BY SPECIAL ASSESSMENT AND TO REPEAL ALL ORDINANCES IN CONFLICT THEREWITH.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. DEFINITIONS 800.001

A. Cost. The term "cost" as used in this Ordinance, when referring to the cost of any local public improvements, shall include the cost of services, plans, condemnation, spreading of rolls, notices, advertising, financing, construction, and legal fees and all other costs incident to the making of such improvement, the special assessments thereof and the financing thereof.

B. Local Public Improvement. The term "local public improvement" as used in this Ordinance shall mean any construction of or improvement upon public property which results in special benefit to real property. (*Ordinance No. 58, effective October 11, 1976*)

SECTION 2. AUTHORITY TO ASSESS 800.002

The entire cost or any part thereof of any local public improvement may be defrayed by special assessment upon the lands specially benefited by the improvements in the manner hereinafter provided. (*Ordinance No. 58, effective October 11, 1976*) (*Revised 6/77*)

SECTION 3. INITIATION OF SPECIAL ASSESSMENT PROJECTS 800.003

Proceedings for the making of local public improvements within the City may be commenced by resolution of the City Commission, on its own initiative or by an initiatory petition signed by more than fifty (50%) percent of the owners of real property in the proposed special assessment district. When the proposed project is for paving or similar improvements which are normally assessed on a frontage basis against abutting property, such petitions shall be signed by the owners of more than 50% of the frontage of property to be assessed.

The petitions shall contain a brief description of the property owned by the respective signers thereof.

The petitions shall be verified by the affidavit of one or more of the owners or by some person or persons with knowledge that said signers are such owners and that such signatures are genuine.

Petitions shall be addressed to the City Commission and filed with the City Clerk. Petitions shall not be mandatory upon the City Commission.

The City Clerk shall check the petitions to determine whether they conform to the foregoing requirements and shall report said determination to the City Commission. (*Ordinance No. 58, effective October 11, 1976*)

SECTION 4. SURVEY AND REPORT 800.004

Before the City Commission determines to make any local public improvement, any part of the cost of which is to be defrayed by special assessment, the City Commission shall direct the City Engineer to prepare a report which shall include necessary plans, profiles, specifications, estimates of cost, and the life of the improvement, a description of the assessment district or districts and such other pertinent information as will permit the City Commission to decide the cost, extent, and necessity of the improvement proposed and what part or proportion thereof should be paid by special assessments upon the property especially benefited and what part, if any, should be paid by the City at large. (*Ordinance No. 58, effective October 11, 1976*) (*Revised 6/77*)

SECTION 5. DETERMINATION ON THE PROJECT, PREPARATION OF ASSESSMENT ROLL, NOTICE 800.005

After the City Engineer has presented the report required in Section 4 for making a local public improvement and the City Commission has reviewed said report, the City Commission, by resolution may determine the necessity of the improvement; set forth the nature thereof; prescribe what part or proportion of the cost of such improvement shall be paid by special assessment upon the property especially benefited, determine the benefits received by affected properties and what part, if any, shall be paid by the City at large; designate the special assessment district to be affected; and determine the method of apportioning benefits, determine the number of installments in which the special assessment may be paid, the rate of interest, not exceeding the maximum authorized by law, to be charged if the payment of any balance is to be deferred. The City Commission shall by resolution direct the City Assessor to make a special assessment roll of the part or portion of the cost to be borne by

the lands specially benefited according to the benefits received and to report the same to the City Commission. (*Ordinance No. 58, effective October 11, 1976*)

SECTION 6. FILING OF ROLL, NOTICE OF HEARING 800.006

When the Assessor has completed the special assessment roll, he shall file the same with the City Commission. Upon review and acceptance by the City Commission, the City Commission shall order the same to be filed together with the report of the City Engineer made pursuant to Section 4 hereof, in the office of the City Clerk for public examination and shall fix a date, time and place when the City Commission shall meet and review said special assessment roll. The City Clerk shall give notice of the meeting of the City Commission to review said special assessment roll by publication at least once in a newspaper printed and circulated in the City at least ten (10) days prior to the time of said meeting and shall further cause.

Notice of said meeting to be mailed by first class mail to each property in the special assessment district as shown by the current assessment rolls of the City at least ten (10) days prior to the time of said hearing, said notice to be mailed to the addresses shown on the current assessment rolls of the City. (*Ordinance No. 58, effective October 11, 1976*) (*Revised 6/77*)

SECTION 7. HEARING TO REVIEW SPECIAL ASSESSMENT ROLL AND PROJECT 800.007

The City Commission shall meet and review the special assessment roll at the time and place established by the City Commission or at an adjourned meeting thereof. Persons objecting to the special assessment roll and/or to the project shall file the nature of the objection in writing with the City Clerk prior to the close of the hearing. The Assessor shall be present at every meeting of the City Commission at which a special assessment is to be reviewed. (*Ordinance No. 58, effective October 11, 1976*)

SECTION 8. CHANGES AND CORRECTIONS IN ASSESSMENT ROLL 800.008

At the time and place designated for the review of the special assessment roll and, at such meeting, or a proper adjournment thereof, the City Commission shall consider all written objections filed with the Clerk. The City Commission may correct the roll as to any special assessment or description of any lot or parcel of land or other errors appearing therein; or it may, by resolution, annul the roll and direct that new proceedings be instituted. The same proceedings shall be followed in making a new roll as in the making of the original roll. If, after hearing all objections and making a record of such

changes as the City Commission deems justified, the City Commission determines that it is satisfied with said special assessment roll, and that assessments are in proportion to benefits received, it shall thereupon pass a resolution reciting such determination and its confirmation of the roll. If, at or prior to final confirmation of any special assessment roll except for sidewalk construction, more than fifty (50%) percent of the number of owners of privately owned real property to be assessed for any improvement, or in case of paving or similar improvements, more than fifty (50%) per cent of the number of owners of frontage to be assessed for any such improvement, shall object in writing to the proposed improvement, the improvement shall not be made without a four-fifths (4/5) vote of the members-elect of the City Commission. Such roll shall have the date of confirmation endorsed thereon and shall from that date be final and conclusive for the purpose of the improvement to which it applies, subject only to adjustment to conform to the actual cost of the improvement, as provided in Section 14 of this Ordinance. (*Ordinance No. 58, effective October 11, 1976*) (*Revised 6/77*)

SECTION 9. DEVIATION FROM PLANS AND SPECIFICATIONS 800.009

No deviation from original plans or specifications as adopted shall be permitted by any officer or employee of the City without authority of the City Commission by resolution. A copy of the resolution authorizing such changes or deviation shall be certified by the Clerk and attached to the original plans and specifications on file in his office. (*Ordinance No. 58, effective October 11, 1976*)

SECTION 10. LIMITATIONS ON PRELIMINARY EXPENSES 800.010

The City Commission shall specify that provision and procedure for financing a local public improvement. Unless the City has available the funds required for defraying the cost of the public improvement or at least that part thereof that will accrue before the special assessments therefore will be paid or monies available from the sale of bonds issued in anticipation of the collection of the special assessments, no contract or expenditures, except for the cost of the necessary legal procedure, and engineering plans, specifications and estimates of cost, shall be made for the improvement, until the special assessments to defray the costs have been levied. (*Ordinance No. 58, effective October 11, 1976*)

SECTION 11. COST OF ACQUIRED PROPERTY ADDED 800.011

Whenever any property is acquired by condemnation or otherwise, for the purpose of any public improvement, the cost thereof, exclusive of that part of

such cost representing damages for or injury to improvements to such property, and the cost of the proceedings to acquire such property may be added to the cost of such improvement. (*Ordinance No. 58, effective October 11, 1976*)

SECTION 12. SPECIAL ASSESSMENT, WHEN DUE 800.012

All special assessments, except any installments thereof the City Commission makes payable at a future time as provided in this Ordinance, shall be due and payable upon confirmation of the special assessment roll. (*Ordinance No. 58, effective October 11, 1976*) (*Revised 6/77*)

SECTION 13. PARTIAL PAYMENTS, WHEN DUE 800.013

The City Commission may provide for the payment of special assessments in annual installments. The annual installments shall not exceed the maximum authorized by law, the first installment being due upon confirmation of the roll. On all special assessments confirmed between July 1st and December 3 1st of any year, the second installment shall be due on the following July 1st, and the remaining installments shall be due on July 1st of each succeeding year. On all special assessments confirmed between January 1st and June 30th of any year, the second installment shall be due July 1st of the following year, and the remaining installments shall be due July 1st of each succeeding year. Interest shall be charged on all deferred installments at a rate of not to exceed the maximum authorized by law, commencing on confirmation and payable on the due date of each installment; the full amount of all or any deferred installments, with interest accrued thereon to the date of payment, may be paid in advance of the due dates thereof. Each property owner shall have thirty (30) days from the date of confirmation to pay the full amount of said assessment, or the full amount of any installments thereof, without interest or penalty. Following said thirty (30) day period, the assessment or first installment thereof shall, if unpaid, be considered as delinquent, and the same penalties shall be collected on such unpaid assessments, or unpaid first installments thereof, as are provided in the City Charter to be collected on delinquent general city taxes. Deferred installments shall be collected without penalty until thirty (30) days after the due date thereof, after which such installments shall be considered as delinquent and such penalties on said installments shall be collected as are provided in the City Charter to be collected on delinquent general City taxes. After the City Commission has confirmed the roll, the City Treasurer shall notify by mail each property owner on said roll that said roll has been filed, stating the amount assessed and the terms of payment. Failure on the part of the City Treasurer to give said notice or such owner to receive said notice, shall not invalidate any special assessment roll of the City or any assessment thereon nor excuse the payment of interest or penalties. (*Ordinance No. 58, effective*

October 11, 1976) (Revised 6/77)

SECTION 14. CREATION OF LIEN 800.014

Special assessments and all interest, penalties and charges thereon, from the date of confirmation of the roll shall be and remain a lien upon the property assessed of the same character and effect as the lien created by general law for county and school taxes, and by the City Charter for City taxes, until paid, and the lands upon which the same are a lien shall be subject to sale therefore the same as are lands upon which delinquent City taxes constitute a lien. If special assessments or installments thereof remain delinquent as of February 28th, they shall be returned delinquent, with interest, penalties and charges added, to the County Treasurer for collection in the same manner as are city, county and school taxes. (*Ordinance No. 58, effective October 11, 1976*)

SECTION 15. ADDITIONAL ASSESSMENTS, REFUNDS 800.015

The City Clerk shall, within sixty (60) days after the completion of each local public improvement, compile the actual cost thereof and certify the same to the City Commission. When any special assessment roll shall prove insufficient to meet the cost of the improvement for which it was made, the City Commission may make an additional pro rata assessment. No additional assessment for any public improvement, which exceeds fifteen (15%) per cent of the original assessment, shall be made. Unless such additional assessment be reviewed at a meeting of the City Commission, for which meeting notices shall be published and mailed as provided in the case of review of the original special assessment roll. Provided, however, that no property shall be assessed in excess on benefits received. Should the entire amount as finally collected on the assessment roll prove larger than necessary by more than five (5%) percent of the total cost of the improvement, the City Commission shall make a refund of the entire amount of the excess there of pro rata according to assessments. Should the entire amount as finally collected on the assessment roll prove larger than necessary by five (5%) percent or less of the total cost of the improvement, the City Commission may transfer such excess to the general funds of the City or make a refund thereof pro rata according to assessments. (*Ordinance No. 58, effective October 11, 1976*) (*Revised 6/77*)

SECTION 16. ADDITIONAL PROCEDURES 800.016

In any case where the provisions of this Ordinance may prove to be insufficient to carry out fully the making of any special assessment, the City Commission shall provide by Ordinance any additional steps or procedures required. (*Ordinance No. 58, effective October 11, 1976*)

SECTION 17. SPECIAL ASSESSMENT ACCOUNTS 800.017

Monies raised by special assessment to pay the cost of any local public improvement shall be held in a special fund to pay such cost or to repay any money borrowed therefor. Each special assessment account must be used only for the improvement project for which the assessment was levied, except as otherwise provided in this Ordinance. (*Ordinance No. 58, effective October 11, 1976*)

SECTION 18. CONTESTED ASSESSMENTS 800.018

No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining collection of any special assessment unless within thirty (30) days after confirmation of the special assessment roll written notice is given to the City Commission of intention to file such suit or action, stating grounds on which it is claimed such assessment is illegal, and unless such suit or action shall be commenced within sixty (60) days of confirmation of the roll. (*Ordinance No. 58, effective October 11, 1976*)

SECTION 19. REASSESSMENT FOR BENEFITS 800.019

Whenever the City Commission shall deem any special assessment invalid or defective for any reason whatever, or if any court of competent jurisdiction shall have adjudged such assessment to be illegal for any reason whatever, in whole or in part, the City Commission shall have power to cause a new assessment to be made for the same purpose for which the former assessment was meant or any part thereof has been made, whether the improve completed and whether any part of the assessment has been collected or not. All proceedings on such reassessment and for the collection thereof shall be made in the manner as provided for the original assessment except respecting the correction of the proceedings for the purpose of making the proceedings legal. If any portion of the original assessment shall have been collected and not refunded, it shall be applied upon the reassessment and the reassessment shall to that extent be deemed satisfied. If more than the amount reassessed shall have been collected, the balance shall be refunded to the person making such payment. (*Ordinance No. 58, effective October 11, 1976*) (*Revised 6/77*)

SECTION 20. ASSESSMENT FOR ABATING HAZARDS AND NUISANCES 800.020

In the event it shall become necessary to abate a hazard or nuisance as described in Section 11.4 of the Charter, the City Commission shall determine what amounts or part of each such expense shall be charged, and the property upon which the same shall be levied as a special assessment. The City Commission shall require all the several amounts so determined, the several lots

or premises affected, and shall cause the persons chargeable therewith respectively, to be notified by the City Clerk either by first class mail, or if either the owner or his address is unknown, by posting notice upon the premises affected. Such notice shall state the basis for the assessment, the cost thereof, and shall give a reasonable time, which shall not be less than thirty (30) days, in which payment shall be made. In all cases where payment is not made within the time limit, the same shall be reported by the Clerk to the City Commission, which shall direct the Assessor to spread such amounts against the descriptions of property chargeable therewith on the next general tax roll for the collection of taxes in the City. (*Ordinance No. 58, effective October 11, 1976*)

SECTION 21. COMBINATION OF PROJECTS 800.021

The City Commission may combine several districts into one project for the purpose of effecting a saving in the costs; provided however, that for each district there shall be established separate funds and accounts to cover the cost of the same. (*Ordinance No. 58, effective October 11, 1976*) (*Revised 6/77*)

SECTION 22. SEVERABILITY 800.022

Should any section, clause or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid. (*Ordinance No. 58, effective October 11, 1976*)

SECTION 23. REPEALER 800.023

All Ordinances or resolutions and parts of Ordinances or resolutions inconsistent with this Ordinance are hereby repealed. (*Ordinance No. 58, effective October 11, 1976*)

SECTION 24. TITLE 800.024

This Ordinance shall be known and may be cited as the "Special Assessment Ordinance" of the City of Bridgman, Michigan. (*Ordinance No. 58, effective October 11, 1976*) (*Revised 6/77*)

DIVISION OF EXPENSES

Ordinance No. 63, effective June 6, 1977
amended by Ordinance No. 122, effective October 9, 1994

801.000

AN ORDINANCE TO PROVIDE A UNIFORM POLICY GOVERNING THE AMOUNTS OF SPECIAL ASSESSMENTS TO PROPERTY OWNERS FOR THE REPAIR OF STREETS, STORM DRAINS, SANITARY SEWERS AND WATER MAIN EXTENSIONS WITHIN THE CITY OF BRIDGMAN.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. DEFINITIONS **801.001**

"Cost". The term "cost" as used in this Ordinance, when referring to the cost of any local public improvements, shall include the cost of services, plans, condemnation, spreading of rolls, notice, advertising, financing, construction, and legal fees and all other costs incident to the making of such improvement, the special assessments thereof and the financing thereof.

"Local Public Improvement". The term "local public improvement " as used in this Ordinance shall mean any construction of or improvement upon public property which results in special benefit to real property. (*Ordinance No. 63, effective June 6, 1977*)

SECTION 2. AUTHORITY TO ASSESS **801.002**

All improvements, as hereinabove enumerated, the entire cost of which is One Thousand and no/100 ($1,000.00) Dollars, or less, shall be exempt from the provisions of this Ordinance. (*Ordinance No. 63, effective June 6, 1977*)

SECTION 3. SPECIFICATIONS **801.003**

Plans and specifications for all such improvements shall be prepared by the City Engineer of the City of Bridgman according to the specifications established by the Michigan Highway Department, the Michigan Department of Public Health or any other duly authorized state agency or department hating jurisdiction over such matters, or, in the absence of such specifications, the plans shall be prepared by the City Engineer based on sound engineering principles. The City shall, in appropriate cases, advertise for bids and have sole discretion in letting such bids, the inspection of the work performed thereunder and acceptance of the completed project. (*Ordinance No. 63, effective June 6, 1977*)

SECTION 4. REFERRAL TO SPECIAL ASSESSMENT PROCEDURE ORDINANCE **801.004**

The provisions of this Ordinance specifically contemplate the existence of Ordinance No. 58 which establishes the procedures to be used by the City when

making special assessments. This Ordinance in no way alters those procedures and requirements and specifically reaffirms same. (Ordinance No. 58 is 121.300) (*Ordinance No. 63, effective June 6, 1977*)

SECTION 5. APPLICABILITY **801.005**

The provisions of this Ordinance become applicable after it is determined according to the provisions of Ordinance No. 58 that special assessments shall be taxed and what parcels shall constitute the special assessment district. (Ordinance No. 58 is 121.300) (*Ordinance No. 63, effective June 6, 1977*)

SECTION 6. ASSESSMENT FORMULA **801.006**

After the special assessment district is formulated and it is determined that certain public improvements shall be financed through the use of special assessments, the following percentages for bearing the total costs shall be directly adhered to when assessing benefited land owners:

A. Water. The cost of installing all water main extensions and appurtenances thereto and any necessary replacements, six (6) inches or less in size shall be born sixty (60%) per cent by the benefited land owner and forty (40%) per cent by the City at large. In the event the City determines that a water main larger than six (6") inches in size is required, the City shall pay for the entire difference in cost between the six (6") inch water main and such larger size water main as the City shall determine to be necessary.

B. Sanitary Sewer Lines. The cost of installing all sanitary sewer lines and appurtenances thereto plus any eight inches or less in size be born sixty (60%) per cent by the benefited property owner and forty (40%) per cent by the City at large. In the event the City determines a sanitary sewer line larger than eight (8") inches in size is required, the City shall pay the entire difference in cost between the eight (8") inch and the larger sized line as the City shall determine to be necessary.

C. Storm Drains. The cost of installing all storm drains and appurtenances thereto plus any necessary replacements, twelve inches in size or less shall be born sixty (60%) per cent by the benefited property owners and forty (40%) per cent by the City at large. In the event the City determines a storm drain larger than twelve (12") inches in size is required, the City shall pay the entire difference in cost between the twelve (12") inch and the larger sized line as the City shall determine to be necessary.

D. Construction and Repairs of Streets. The cost of construction and repairs

of streets covered by this Ordinance, including curbs and gutters, shall be born sixty (60%) per cent by the benefited property owners and forty (40%) per cent by the City at large. The City shall cover all costs of the portions of the street which run through intersections and do not specifically benefit individual property owners. All such costs shall be based on standards established by the City of Bridgman for "local" streets. In the event a major street is constructed or repaired, as defined by the City of Bridgman, the City will in addition pay the entire difference in costs between the construction or repair of a local street and the construction or repair of a major street. (*Ordinance No. 63, effective June 6, 1977*)

SECTION 7. CONTEMPLATED LIFE OF IMPROVEMENTS 801.007

For the purpose of assessing and financing the above mentioned improvements it is contemplated that all sewage, water and drain improvements shall have a "usable life". This "usable life" shall be established by the City Engineer for each project at the commencement of each project and shall be stated in terms of a given number of years per project. This information shall be delivered to the City Commission by the City Engineer as part of his engineering report for each project. The City Commission shall then incorporate this "usable life" in the initial resolution which approves the financing of the project by special assessment.

If there, is no "usable life" stated for any given project already financed by special assessment then the City Engineer is authorized to establish one using all recorded facts and engineering data at his disposal. (*Ordinance No. 63, effective June 6, 1977*)

SECTION 8. SUBDIVISIONS 801.008

This Ordinance shall apply to the construction, extension or other improvements of streets, curbs and gutters, storm drains, sanitary sewers and water main extensions in any subdivision platted or existing prior to the adoption of the Subdivision Ordinance of the City of Bridgman. Further, this Ordinance shall not apply to any private roads, alleys, or public ways offered for dedication and acceptance to the City of Bridgman, said roads, Alleys and public ways shall be accepted only when the same meet the provisions of the Subdivision Ordinance of the City of Bridgman, being Ordinance No. 84. *(Amended by Ordinance No. 122, effective October 9, 1994*)

SECTION 9. SENIOR CITIZEN 801.009

All senior citizens over the age of sixty five (65) years shall have any and all special assessments on their property in which they reside deferred. Said

deferment of special assessments shall continue at the rate of zero (0%) percent interest until the death of senior citizen at which time the assessments shall be benefited to the estate of the senior citizen pursuant to State Statute. (*Ordinance No. 63, effective June 6, 1977*)

SECTION 10. SEVERABILITY **801.010**

Should any section, clause or provision of this Ordinance be declared by any Court of competent jurisdiction to be invalid, the same shall not effect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid. *(Ordinance No. 63, effective June 6, 1977)*

SECTION 11. INCONSISTENT ORDINANCES **801.011**

All Ordinances or resolutions and parts of resolutions inconsistent with this Ordinance are hereby repealed. (*Ordinance No. 63, effective June 6, 1977*)

143	Codification Ordinance	January 17, 2000
144	Penal Code Amendment	May 29, 2000
145	Zoning Ordinance amending previous	February 1, 2001
146	The Uniform Traffic Code	October 1, 2001
147	Amended Zoning Map	February 4, 2002
148	Regulate Weeds Etc	May 13, 2002
149	Rights-of-ways for telecomunications	March 3, 2003
150	Peddling	April 14, 2003
151	Public and Private Cemeteries	August 4, 2003
152	Michigan Vehicle Code	December 1, 2003
153	Traffic Code Adoption	December 1, 2003
154	Storm Water Discharge	July 19, 2004
155	Amendment to Comprehensive Zoning Ordinance	February 10, 2005
156	Amendement to Penal Code	February 12, 2005
157	Cemetery, Parking Lots	February 12, 2005
158	Amend Parking Violations	January 26, 2005
159	Assess Responsibility for supervising minors	December 17, 2005
160	Amend Zoning Ordinance	January 18, 2006
161	Floodplain Management Provisions	April 14, 2006
162	Amend Zoning Ordinance	March 16, 2006
163	Amend Zoning Ordinance	June 9, 2006
164	The Corridor Improvement Authority	April 26, 2007
165	Cost Recovery for Emergency Services	May 10, 2007
166	Cost Recovery for Hazardous materials spills	January 11, 2008
167	Amend Weko Beach Park Ordinance	January 11, 2008
168	Amend the Traffic Code	Did not pass
169	Amend the Penal Code	January 31, 2008
170	CIA Development Plan dated December 2007	January 24, 2008
171	Board of Review	April 10, 2008
172	Amend Planning Commission Ordinance	August 14, 2008
173	Amend CIA Development	
174	Code of Ethics	January 1, 2009
175	Prevent any business from conducting activities prohibited by law	July 10, 2009
176	Amend Ordinance 79	December 28, 2009
177	Amend Ordinance 36 Weko Beach	December 28, 2009
178	International Property Maintenance	February 22, 2010
179	Snow and ice on public property	April 26, 2010
180	Regulate Outdoor storage	September 6, 2010
181	Disordley Person	June 6, 2011
182	TIF Plan	June 20, 2011
183	Blight Elimination Ordinance	June 10, 2013
184	Fireworks Ordinance	October 6, 2013
185	Outdoor Seating Regulations	March 23, 2015
186	Parking overlay district	August 24, 2015
187	Dune Overlay Zone	August 24, 2015
188	Amend Zoning Map	January 10, 2016
189	Repel Ord. 187 Dune overlay district	January 24, 2016

190	Amend Sectoin 11.03(7) MDOT signs	April 13, 2016
191	Amend Chapter 6 Criminal Code	June 15, 2016
192	Repeal Ordinance No. 148 in its entirety	October 3, 2016
193	Repeal Ordinance No. 178, Section 302.4	October 3, 2016

Moved by Commissioner Boyd, supported by Commissioner Gedeon-Kuhn to adopt the following:

CODIFICATION ORDINANCE

ORDINANCE NO. 143

AN ORDINANCE TO PROVIDE FOR THE CODIFICATION OF THE ORDINANCES OF THE CITY OF BRIDGMAN PURSUANT TO THE POWERS GRANTED BY ACT 46 OF P.A. 1960 (MCLA 117.5B).

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. Compiled Ordinances.

That the following Ordinances are hereby designated and shall constitute the "Compiled Ordinances of the City of Bridgman" and shall be known by the Number and Short Title herein indicated:

Ordinance VIII	Sidewalks, Construction and Maintenance
Ordinance 1	Use of Streets and Sidewalks
Ordinance 6	Opening of any Streets or Parkways
Ordinance 9	Water Works Rules and Regulations
Ordinance 17	Fire Control
Ordinance 19	Liquor Control
Ordinance 25	School Bus Stopping
Ordinance 26	City Planning Commission
Ordinance 36	Weko Beach Park
Ordinance 38	Parking Violations Bureau and Schedule of Fines
Ordinance 46	Odd Year Election
Ordinance 48	Water Supply System Cross Connections
Ordinance 54	School Traffic Control
Ordinance 56	Use of Snow Mobiles
Ordinance 57	Officers Compensation Commission
Ordinance 58	Special Assessments
Ordinance 63	Division of Expenses
Ordinance 64	Uniform Traffic Code
Ordinance 65	Soil Erosion and Sedimentation Control
Ordinance 72	Flood Plain District
Ordinance 76	City Superintendent
Ordinance 81	Sewer Use Ordinance
Ordinance 82	Curfew Ordinance
Ordinance 85	Cable Television Ordinance

Ordinance 91	An Ordinance Amending Ordinance 36, an Ordinance to regulate and control the use and enjoyment of Weko Beach Park
Ordinance 92	Outdoor Mass Gathering Ordinance
Ordinance 97	Purchasing Ordinance
Ordinance 99.1	Planned Unit Development District Ordinance
Ordinance 99.2	Garbage Collection and Disposal Ordinance
Ordinance 101	Indiana/Michigan Electric Franchise Ordinance
Ordinance 103	Sanitary Sewer System Improvement Revenue Bond Ordinance
Ordinance 105	Planned Unit Development District Ordinance
Ordinance 108	Planned Unit Development District Ordinance
Ordinance 109	Penal Code
Ordinance 113	GRSD Industrial Waste Rules and Regulations Ordinance
Ordinance 116	Uniform Housing Code
Ordinance 118	Water Supply System Ordinance
Ordinance 119	Planned Unit Development District Ordinance
Ordinance 120	Amendment to Uniform Traffic Code Ordinance (Ordinance No. 64)
Ordinance 122	Amendment to Division of Expense Ordinance (Ordinance No. 63)
Ordinance 123	Michigan Gas Utilities Franchise Ordinance
Ordinance 124	Municipal Violations Bureau Ordinance
Ordinance 129A	Water Supply System Ordinance
Ordinance 129B	Amendment to Penal Code (Ordinance No. 109)
Ordinance 131	Amendment to Weko Beach Park Ordinance (Ordinance No. 91)
Ordinance 133	Land Division Ordinance
Ordinance 134	Subdivision and Condominium Development Ordinance
Ordinance 135	Amendment to Curfew Ordinance (Ordinance No. 82)
Ordinance 136	Zoning Ordinance
Ordinance 137	Amendment to Cable Ordinance (Ordinance No. 85)
Ordinance 138	Amendment to Fire Control (Ordinance No. 17)
Ordinance 139	Electrical Code
Ordinance 140	Building Code
Ordinance 141	Amendment to Zoning Ordinance (Ordinance No. 136)
Ordinance 142	Amendment to Penal Code (Ordinance No. 109)

SECTION 2. Copies of Ordinances to be available; Cost.

That all future Ordinances shall be printed after publication and final passage and copies will be available to fill demand for individual copies.

The City Clerk shall be charged with the responsibilities outlined in this section and shall further at her or his discretion have authority to charge a price per page provided at the cost equal to the cost by the City to reproduce an individual copy of an Ordinance or for copies of all Ordinances compiled and indexed as of the date requested.

SECTION 3. Effect of this Ordinance.

All Ordinances, except as designated in Section 1 hereof, shall be deemed repealed. The Ordinances provided for herein shall in no way revive any Ordinance heretofore or hereby repealed or superseded; neither shall it affect any act done or right which is accruing or has accrued, any duty imposed or penalty incurred, or any proceeding commenced under or by virtue of said Ordinances or parts of Ordinances repealed.

SECTION 4. Effective Date.

This Ordinance shall become effective on the 17th of January, A.D., 2000 ~~1999~~, following publication hereof.

Made and passed by the Commission of the City of Bridgman, Michigan this 20th day of December, A.D., 1999.

SECTION 5. Conflicting Ordinances.

Any Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

This Ordinance shall become effective after publication in accordance with the Charter of the City of Bridgman.

AYES: Commissioner Birmingham, Boyd, Catania, Crocker, Gedeon-Kuhn, Liskey and Skiba.

NAYS: None.

ORDINANCE DECLARED ADOPTED.

Elaine E. Thomas
ELAINE E. THOMAS, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City Commission of the City of Bridgman, County of Berrien, State of Michigan, at a Regular Meeting, held on 20th day of December, 1999, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Elaine E. Thomas
ELAINE E. THOMAS, City Clerk

CITY OF BRIDGMAN

An Ordinance to Amend the Penal Code of the City of Bridgman

Ordinance No. 144

An Ordinance to modify the penalty provisions of Ordinance No.109 "Penal Code" as amended by Ordinance No.144 to identify the individuals designated to issue Civil Infractions.

THE CITY OF BRIDGMAN ORDAINS

Section 13.3. Authorized Municipal Officials for the purpose of issuing municipal civil infraction citations and municipal civil infraction notices under Chapter 10 and 12 of this Ordinance shall, in addition to police officers, included the following: City Superintendent, Street Superintendent, Water/Sewer Superintendent, Parks Superintendent, and Building/Zoning Administrator.

ORDINANCE DECLARED ADOPTED.

Elaine E. Thomas
ELAINE E. THOMAS, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the **CITY OF BRIDGMAN**, County of Berrien, State of Michigan, at a Regular Meeting, held on the 1st day of May, 2000, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Effective May 29, 2000.

Elaine E. Thomas
ELAINE E. THOMAS, Clerk

Moved by Commissioner Boyd, supported by Commissioner Gedeon-Kuhn to adopt the following:

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

AMENDMENT TO ZONING ORDINANCE

ORDINANCE NO. 145

Effective February 1, 2001

An Ordinance to amend Ordinance 136, the Zoning Ordinance of the City of Bridgman relating to the provisions regulating swimming pools, communication towers, vehicular parking and permitted land uses.

THE CITY OF BRIDGMAN ORDAINS:

SECTION ONE: Section 3.01 - "Uses Permitted" of Article III is hereby deleted and the following inserted in its place and stead:

Section 3.01 - Uses Permitted. Land, buildings or structures in this Zoning District may be used for the following purposes only:

A. Single-family dwellings and accessory uses including Adult Foster Care Facilities (see Article XV).

B. Home occupations as a special use pursuant to Article 12.

C. Parks, schools, churches, or other municipal facilities which are owned and operated by a governmental agency or a non-commercial organization when authorized as a special use by the Planning Commission, except as provided under Section 10.08 of this Ordinance. In considering such authorization, the Planning Commission shall consider Article XII, Article XIII and the following standards:

1. The necessity for such use for the surrounding neighborhood;

2. The proximity of the intended use to adjoining properties specifically their proximity to occupied dwellings;

3. The size, nature, and character of the proposed use;

4. Potential traffic congestion which may be generated by the intended use;

5. Parking facilities shall conform to the provision of Article X, Section 10.19.

6. The effect of the proposed use on adjoining properties, property values, and the surrounding neighborhood; and

7. The degree with which the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.

SECTION TWO: Paragraph B of Section 4.01 of Article IV is deleted and the following inserted in its place and stead:

B. Parks, schools, churches, or other municipal facilities which are owned and operated by a governmental agency or a non-commercial organization when authorized as a special use by the Planning Commission, except as provided under Section 10.08 of this Ordinance. In considering such authorization, the Planning Commission shall consider Article XII, Article XIII and the following standards:

1. The necessity for such use for the surrounding neighborhood;

2. The proximity of the intended use to adjoining properties specifically their proximity to occupied dwellings;

3. The size, nature, and character of the proposed use;

4. Potential traffic congestion which may be generated by the intended use;

5. Parking facilities shall conform to the provision of Article X, Section 10.19.

6. The effect of the proposed use on adjoining properties, property values, and the surrounding neighborhood; and

7. The degree with which the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.

SECTION THREE: Paragraph B of Section 5.01 of Article V is deleted and the following inserted in its place and stead:

B. Parks, schools, churches, or other municipal facilities which are owned and operated by a governmental agency or a non-commercial organization when authorized as a special use by the Planning Commission, except as provided under Section 10.08 of this Ordinance. In considering such authorization, the Planning Commission shall consider Article XII, Article XIII and the following standards:

1. The necessity for such use for the surrounding neighborhood;

2. The proximity of the intended use to adjoining properties specifically their proximity to occupied dwellings;

3. The size, nature, and character of the proposed use;

4. Potential traffic congestion which may be generated by the intended use;

5. Parking facilities shall conform to the provision of Article X, Section 10.19.

6. The effect of the proposed use on adjoining properties, property values, and the surrounding neighborhood; and

7. The degree with which the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.

SECTION FOUR: Section 6.01 of Article VI is hereby amended to add the following paragraph:

H. Parks, schools, churches, or other municipal facilities which are owned and operated by a governmental agency or a non-commercial organization when authorized as a special use by the Planning Commission, except as provided under Section 10.08 of this Ordinance. In considering such authorization, the Planning Commission shall consider Article XII, Article XIII and the following standards:

1. The necessity for such use for the surrounding neighborhood;

2. The proximity of the intended use to adjoining properties specifically their proximity to occupied dwellings;

3. The size, nature, and character of the proposed use;

4. Potential traffic congestion which may be generated by the intended use;

5. Parking facilities shall conform to the provision of Article X, Section 10.19.

6. The effect of the proposed use on adjoining properties, property values, and the surrounding neighborhood; and

7. The degree with which the proposed use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.

SECTION FIVE: Section 7.01 of Article VII is hereby deleted and the following inserted in its place and stead:

Section 7.01 - Uses Permitted. A building may be erected, altered, or used, and a lot may be used or occupied for uses specified in the Table of Uses contained in Appendix I (page 77), and as provided under Section 10.08 of this Ordinance.

SECTION SIX: Section 8.01 of Article VIII is hereby deleted and the following inserted in its place and stead:

Section 8.01 - Uses Permitted. A building may be erected, altered, or used, and a lot may be used or occupied for uses specified in the Table of Uses contained in Appendix I (page 76) and as provided under Section 10.08 of this Ordinance.

SECTION SEVEN: Section 10.18 of Article X is hereby deleted and the following inserted in its place and stead:

Section 10.18 - Swimming Pools and Outdoor Spas.

A. The location of a swimming pool and outdoor spa on any lot or parcel of land must comply with the yard requirements of the respective district in which it is situated.

B. No swimming pool shall be constructed, erected or installed on any lands in the City without first securing a Building Permit. All swimming pools shall comply with all regulations and requirements of the Building Code of the City including fencing, gates and security devices.

SECTION EIGHT: Paragraph 1 of Section 10.32 of Article X is hereby amended to add the following sub-paragraph:

e. The applicant shall provide certified evidence from a licensed audio engineer satisfactory to the City that the communication device proposed for installation is not compatible with existing towers and cannot be located thereon.

SECTION NINE: Sub-paragraph 2 of paragraph B "Additional Regulations Parking" of Section 10.19 of Article X is hereby deleted and the following inserted in its place and stead:

2. Parking of Commercial Vehicles in Residential Districts. No commercial motor vehicle shall be parked, stored or otherwise maintained on any lot or parcel of real estate within the Residential Districts set forth under Article III, IV, V or VI hereof. This restriction shall not apply to deliveries or collection in the normal course or construction vehicles during periods of construction under a valid Building Permit.

SECTION TEN: Article XX "Definitions" is hereby amended to add the following definition:

Commercial Motor Vehicle. "Commercial motor vehicle" means a bus; a school bus; a school transportation vehicle; a motor vehicle, except a motor home, having a gross vehicle weight rating or gross combination weight rating of 26,001 or more pounds; a motor vehicle towing a vehicle with a gross vehicle weight rating of more than 10,000 pounds; or a motor vehicle carrying hazardous material and on which is required to be posted a placard as defined and

required under 49 C.R.F. parts 100 to 199. A commercial motor vehicle does not include a vehicle designed primarily for the purpose of transporting personal possessions or family members with a capacity of under nine (9) individuals.

This Ordinance shall become effective after public hearing, adoption and publication in accordance with the Charter of the City of Bridgman and the laws of the State of Michigan.

YES: Commissioner Gedeon-Kuhn, Liskey, Skiba, Birmingham, Boyd, Catania and Crocker.

NO: None.

ORDINANCE DECLARED ADOPTED January 2, 2001.

CERTIFICATION

I, Elaine E. Thomas, duly appointed Clerk in and for the City of Bridgman, Berrien County, Michigan, do certify that the foregoing Resolution is a true and exact copy of a Resolution adopted by the City Commission during its Regular Meeting, held on the 2nd day of January, 2001, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least twelve hours prior to the time set for the meeting, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Elaine E. Thomas

ELAINE E. THOMAS, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE NO. 146

AN ORDINANCE TO ADOPT BY REFERENCE THE UNIFORM TRAFFIC CODE

An Ordinance to adopt by reference the Uniform Traffic Code to provide for penalties for violations of said Ordinance and to repeal all conflicting Ordinances.

THE CITY OF BRIDGMAN ORDAINS:

Section One. Uniform Traffic Code Adopted.

Pursuant to Public Act No. 62 of 1956 (MCL 257.951 et seq., MSA 9.2651 et seq.), as amended, the Uniform Traffic Code for Cities, Townships, and Villages promulgated by the director of state police is adopted by reference as the City of Bridgman Traffic Code and is made a part of this Ordinance as if fully set forth in this Ordinance, subject to the modifications contained in Section Two and subject to such further modifications as the city shall adopt by Ordinance from time to time. References to the governmental unit in the Uniform Traffic Code shall mean the City of Bridgman. Copies of the Uniform Traffic Code, as amended and supplemented, are available at the office of the city clerk, located at the city hall, for inspection by and distribution to the public during normal business hours.

Section Two. Modifications.

The following sections and subsections of the Uniform Traffic Code for Cities, Townships and Villages are amended as set forth in this section, and additional sections and subsections are added as indicated. Section numbers shall refer to the like-numbered sections in the Uniform Traffic Code.

Sec. 5.15. Operating while under influence of intoxicating liquor or controlled substance, or combination thereof, or operating a motor vehicle while visibly impaired.

(1) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the city, if either of the following applies:

(a) The person is under the influence of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance.

(b) The person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(2) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within the city, by a person who is under the influence of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance, who has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or whose ability to operate the motor vehicle is visibly impaired due to the consumption of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance.

(3) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the city, when, due to the consumption of an intoxicating liquor, a controlled substance, or a combination of an intoxicating liquor and a controlled substance, the person's ability to operate the vehicle is visibly impaired. If a person is charged with violating subsection (1) of this section, a finding of guilty under this subsection may be rendered.

(4) A person who is less than 21 years of age, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the city if the person has any bodily alcohol content. As used in this subsection, "any bodily alcohol content" means either of the following:

(a) An alcohol content of not less than 0.02 grams or more than 0.07 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) Any presence of alcohol within a person's body resulting from the consumption of intoxicating liquor, other than consumption of intoxicating liquor as a part of a generally recognized religious service or ceremony.

(5) A person, whether licensed or not, shall not operate a vehicle in violation of subsection (4) of this section while another person who is less than 16 years of age is occupying the vehicle. If a person is convicted of violating this subsection (5), the following shall apply:

(a) The person is guilty of a misdemeanor, punishable by one or more of the following:

(i) Community service for not more than 60 days.

(ii) A fine of not more than $500.00.

(iii) Imprisonment for not more than 93 days.

(b) In the Judgment of sentence under this section, the court may, unless the vehicle is ordered forfeited under MCL 257.625n, MSA 9.2325(14), order vehicle immobilization as provided in MCL 257.904d, MSA 9.2604(4).

(6) If a person is convicted of violating subsection (1) of this section, the person is guilty of a misdemeanor, punishable by one or more of the following:

(a) Community service for not more than 45 days.

(b) Imprisonment for not more than 93 days.

(c) A fine of not less than $100.00 or more than $500.00.

(7) A person who is convicted of violating subsection (2) of this section is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not less than $100.00 or more than $500.00, or both.

(8) If a person is convicted of violating subsection (3) of this section, the person is guilty of a misdemeanor punishable by one or more of the following:

(a) Community service for not more than 45 days.

(b) Imprisonment for not more than 93 days.

(c) A fine of not more than $300.00.

(9) If a person is convicted of violating subsection (4) of this section, all of the following shall apply:

(a) Except as otherwise provided in subsection (9)(b) of this section, the person is guilty of a misdemeanor punishable by one or both of the following:

(i) Community service for not more than 45 days.

(ii) A fine of not more than $250.00.

(b) If the violation occurs within seven years of one or more prior convictions, the person may be sentenced to one or more of the following:

(i) Community service for not more than 60 days.

(ii) A fine of not more than $500.00.

(iii) Imprisonment of not more than 93 days.

(10) In addition to imposing sanctions prescribed under this section, the court may order the person to pay the costs of the prosecution, pursuant to the Code of Criminal Procedure, Public Act No. 175 of 1927, being MCL 760.1--776.22, MSA 28.841--28.1274(3).

(11) A person sentenced to perform community service under this section shall not receive compensation and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or the city as a result of the person's activities in that service.

(12) If a person is charged with a violation of subsection (1), (3) or (5) of this section, or of MCL 257.625m, MSA 9.2325(13), the court shall not permit the defendant to enter a plea of guilty or nolo contendere to a charge of violating subsection (4) of this section in exchange for dismissal of the original charge. This subsection does not prohibit the court from dismissing the charge upon the motion of the prosecuting attorney.

(13) Except as otherwise provided in subsection (15) of this section, if a person is charged with operating a vehicle while under the influence of a controlled substance or a combination of intoxicating liquor and a controlled substance in violation of subsection (1) of this section, the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to

whether the person was under the influence of a controlled substance or a combination of intoxicating liquor and a controlled substance at the time of the violation.

(14) Except as otherwise provided in subsection (15) of this section, if a person is charged with operating a vehicle while his ability to operate the vehicle was visibly impaired due to his consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance in violation of subsection (3) of this section, the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person with a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether, due to the consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance, the person's ability to operate a motor vehicle was visibly impaired at the time of the violation.

(15) A special verdict described in subsections (13) and (14) of this section is not required if a jury is instructed to make a finding solely as to either of the following:

(a) Whether the defendant was under the influence of a controlled substance or of a combination of intoxicating liquor and controlled substance at the time of the violation.

(b) Whether the defendant was visibly impaired due to his consumption of a controlled substance or a combination of intoxicating liquor and controlled substance at the time of the violation.

(16) If a jury or court makes a finding under subsection (13), (14) or (15) of this section that the defendant operated a motor vehicle under the influence of or while impaired due to the consumption of a controlled substance or a combination of a controlled substance and an intoxicating liquor, the court shall do both of the following:

(a) Report the finding to the secretary of state.

(b) Forward to the department of state police, on a form prescribed by the state court administrator, a record that specifies the penalties imposed by the court, including any term of imprisonment and any licensing sanction imposed under MCL 257.625n, MSA 9.2325(14) or MCL 257.904d, MSA 9.2604(4).

(17) Except as otherwise provided by law, a record described in subsection (16)(b) of this section is a public record, and the department of state police shall retain the information contained on that report for a period of not less than seven years.

(18) In a prosecution for a violation of subsection (4) of this section, the defendant shall bear the burden of proving that the consumption of intoxicating liquor was a part of a generally recognized religious service or ceremony by a preponderance of the evidence.

Sec. 5.15e. Confiscation by peace officer of accused's license upon refusal to take test or if test reveals impermissible blood alcohol content; issuance of temporary license; report to secretary of state; destruction of accused's license.

(1) If a person refuses a chemical test offered pursuant to MCL 257.625a(6), MSA 9.2325(1), (6) or section 5.15a(6) of the Uniform Traffic Code adopted by the city, or submits to a chemical test or a chemical test is performed pursuant to a court order, and the test reveals an unlawful alcohol content, the peace officer who requested the person to submit to the test shall do all of the following:

(a) On behalf of the secretary of state, immediately confiscate the person's license or permit to operate a motor vehicle, and, if the person is otherwise eligible for a license or permit, issue a temporary license or permit to the person. The temporary license or permit shall be on a form provided by the secretary of state.

(b) Except as provided in subsection (2) of this section, immediately do all of the following:

(i) Forward a copy of the written report of the person's refusal to submit to a chemical test to the secretary of state.

(ii) Notify the secretary of state by means of the law enforcement information network that a temporary license or permit was issued to the person.

(iii) Destroy the person's driver's license or permit.

(2) If a person submits to a chemical test offered pursuant to MCL 257.625a(6), MSA 9.2325(1), (6) or section 5.15a(6) of the Uniform Traffic Code adopted by the city that requires an analysis of blood or urine and a report of the results of that chemical test is not immediately available, the peace officer who requested the person to submit to the test shall comply with subsection (1)(a) of this section pending receipt of the test report. If the report reveals an unlawful alcohol content, the peace officer who requested the person to submit to the test shall immediately comply with subsection (1)(b) of this section. If the report does not reveal an unlawful alcohol content, the peace officer who requested the person to submit to

the test shall immediately notify the person of the test results and immediately return the person's license or permit by first class mail to the address given at the time of arrest.

(3) A temporary license or permit issued under this section is valid for one of the following time periods:

(a) If the case is not prosecuted, for 90 days after issuance or until the person's license or permit is suspended pursuant to MCL 257.625f, MSA 9.2325(6), whichever occurs earlier. The prosecuting attorney shall notify the secretary of state if a case referred to the prosecuting attorney is not prosecuted. The arresting law enforcement agency shall notify the secretary of state if a case is not referred to the prosecuting attorney for prosecution.

(b) If the case is prosecuted, until the criminal charges against the person are dismissed, the person is acquitted of those charges, or the person's license or permit is suspended, restricted or revoked.

(4) As used in this section, "unlawful alcohol content" means any of the following, as applicable:

(a) If the person tested is less than 21 years of age, 0.02 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath or per 67 milliliters of urine.

(b) If the person tested was operating a commercial motor vehicle within the state, 0.04 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath or per 67 milliliters of urine.

(c) If the person tested is not a person described in subsection (a) or (b) of this section, 0.10 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath or per 67 milliliters of urine.

Sec. 5.62a. Operation of a motor vehicle by a person whose license is suspended, revoked or denied or who has never applied for a license.

(1) A person whose operator's or chauffeur's license or registration certificate has been suspended or revoked and who has been notified as provided in MCL 257.212, MSA 9.1912 of that suspension or revocation, whose application for a license has been denied, or who has never applied for a license, shall not operate a motor vehicle upon a highway or other place open to the general public or generally

accessible to motor vehicles, including an area designated for the parking of motor vehicles within the city.

(2) A person shall not knowingly permit a motor vehicle owned by such person to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the city, by a person whose license or registration certificate is suspended or revoked, whose application for a license has been denied, or who has never applied for a license, except as permitted under this Code or the Michigan Vehicle Code.

(3) Except as otherwise provided in this section, a person who violates subsection (1) or (2) of this section is guilty of a misdemeanor punishable as follows: For a first violation, by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle shall be canceled by the secretary of state upon notification by a peace officer.

(4) Before a person is arraigned before a district court magistrate or judge on a charge of violating this section, the arresting officer shall obtain the driving record of the person from the secretary of state and shall furnish the record to the court. The driving record of the person may be obtained from the secretary of state's computer information network.

(5) This section shall not apply to a person who operates a vehicle solely for the purpose of protecting human life or property, if the life or property is endangered and summoning prompt aid is essential.

(6) A person whose vehicle group designation is suspended or revoked and who has been notified as provided in MCL 257.212, MSA 9.1912 of that suspension or revocation, or whose application for a vehicle group designation has been denied, as provided in the act, or who has never applied for a vehicle group designation, and who operates a commercial motor vehicle within the state, except as permitted under this Code or the Michigan Vehicle Code, while any of those conditions exist is guilty of a misdemeanor, punishable, except as otherwise provided in this section, by imprisonment for not less than three days or more than 93 days, or a fine of not more than $100.00, or both.

(7) For purposes of this section, a person who never applied for a license includes a person who applied for a license, was denied, and never applied again.

Sec. 5.62b. Order of impoundment.

(1) When a person is convicted under section 5.62a(1) of the Uniform Traffic Code adopted by the city, of operating a motor vehicle while his license to operate a motor vehicle is suspended, revoked or denied, the motor vehicle, if it is owned in whole or in part by that person, shall be ordered impounded for not less than a period the court orders, but not more than 120 days from the date of the judgment.

(2) An order of impoundment issued pursuant to subsection (1) of this section is valid throughout the state. Any peace officer may execute the impoundment order. The order shall include the implied consent of the owner of the vehicle to the storage for insurance coverage purposes.

(3) The owner of a motor vehicle impounded pursuant to this section is liable for expenses incurred in the removal and storage of the vehicle whether or not the vehicle is returned to him. The vehicle shall be returned to the owner only if the owner pays the expenses for removal and storage. If redemption is not made or the vehicle is not returned as provided in this section within 30 days after the time set in the impoundment order for return of the vehicle, the vehicle shall be considered an abandoned vehicle and disposed of as provided in section 2.5a of the Uniform Traffic Code adopted by the city.

(4) Nothing in this section affects the rights of a conditional vendor, chattel mortgagee or lessor of a motor vehicle registered in the name of another person as owner who becomes subject to this act.

Sec. 5.62c. Confiscation of registration plate and issuance of a temporary vehicle registration plate.

(1) When a peace officer detains the driver of a motor vehicle for a violation of a law of this state or local ordinance for which vehicle immobilization is required, the peace officer shall do all of the following:

(a) Immediately confiscate the vehicle's registration plate and destroy it.

(b) Issue a temporary vehicle registration plate for the vehicle in the same form prescribed by the secretary of state for temporary registration plates issued under section MCL 257.226a, MSA 9.1926(1) or MCL 257.226b, MSA 9.1926(2).

(c) Place the temporary vehicle registration plate on the vehicle in the manner required by the secretary of state.

(d) Notify the secretary of state through the law enforcement information network in a form prescribed by the secretary of state that the

registration plate was confiscated and destroyed, and a temporary plate was issued.

(2) A temporary vehicle registration plate issued under this section is valid until the charges against the person are dismissed, the person pleads guilty or nolo contendere to those charges, or the person is found guilty of or is acquitted of those charges.

Sec. 5.62e. Immobilization of vehicles.

(1) A court shall order a vehicle immobilized under MCL 257.904d, MSA 9.2604(4) by the use of any available technology approved by the court that locks the ignition, wheels or steering of the vehicle, or otherwise prevents any person from operating the vehicle or that prevents the defendant from operating the vehicle. If a vehicle is immobilized under this section, the court may order the vehicle stored at a location and in a manner considered appropriate by the court. The court may order the person convicted of violating section 5.15 of the Uniform Traffic Code or MCL 257.625, MSA 9.2325, or a suspension, revocation or denial under section 5.62a of the Uniform Traffic Code or MCL 257.904, MSA 9.2604 to pay the cost of immobilizing and storing the vehicle.

(2) A vehicle subject to immobilization under this section may be sold during the period of immobilization, but shall not be sold to a person who is exempt from paying a use tax under section 3(3)(a) of the Use Tax Act, 137 PA 94, MCL 205.93, MSA 7.555(3) without a court order.

(3) A defendant who is prohibited from operating a motor vehicle by vehicle immobilization shall not purchase, lease or otherwise obtain a motor vehicle during this immobilization period.

(4) A person shall not remove, tamper with or bypass, or attempt to remove, tamper with or bypass a device that he knows or has reason to know has been installed on a vehicle by court order by vehicle immobilization or operate or attempt to operate a vehicle that he knows or has reason to know has been ordered immobilized.

(5) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both.

(6) To the extent that a local ordinance regarding the storage or removal of vehicles conflicts with an order of immobilization issued by the court, the local ordinance is preempted.

(7) If a peace officer stops a vehicle that is being operated in violation of an immobilization order, the vehicle shall be impounded pending an order of a court of competent jurisdiction.

(8) The court shall require the defendant or a person who provides immobilization services to the court under this section to certify that a vehicle ordered immobilized by the court is immobilized as required.

Section Three. Conflicting Ordinances.

Ordinance #64 as amended by Ordinance #120 and any other or parts of Ordinances in conflict herewith are hereby repealed.

This ordinance shall take effect after the adoption and publication thereof.

ORDINANCE DECLARED ADOPTED.

Elaine E. Thomas
ELAINE E. THOMAS, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the CITY OF BRIDGMAN, County of Berrien, State of Michigan, at a Regular Meeting, held on the 4th day of September, 2001, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Elaine E. Thomas
ELAINE E. THOMAS, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

AMENDMENT TO ZONING ORDINANCE

ORDINANCE NO. 147

Effective February 4, 2002

An Ordinance to amend Ordinance 79 as amended by Ordinance No. 136, as amended, the Zoning Ordinance of the City of Bridgman to amend the Zoning Map to change property described below from Commercial District to Residential District (R-4).

THE CITY OF BRIDGMAN ORDAINS:

SECTION ONE: Pursuant to Article II, Section 2.02 of Ordinance 79, as amended by Ordinance No. 136, the Zoning Ordinance of the City of Bridgman Appendix V "Zoning District Map" is amended to change the following described real estate from C- Commercial District to R-4 Residential District, to-wit:

Lots 2, 3 and 4 of the "Assessor's Plat of Toth's Subdivision", City of Bridgman, Berrien County, Michigan, being a subdivision of a part of the Northwest Quarter of the Northeast Quarter of Section 19, Township 6 South, Range 19 West, according to the Plat thereof, recorded September 27, 1957, in Volume 15 of Plats, page 48.

SECTION TWO: The Clerk of the City of Bridgman is hereby directed to amend Appendix V – "Zoning District Reference Map" of the Zoning Ordinance of the City of Bridgman to reflect the change as adopted

ORDINANCE DECLARED ADOPTED.

Elaine E. Thomas

Elaine E. Thomas, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE NO. 148

AN ORDINANCE TO REGULATE WEEDS, GRASS, BRUSH OR OTHER VEGETATION TO REDUCE THE DANGER OF FIRES, REDUCE POLLEN AND CONDITIONS TENDING TO FOSTER HAZARDOUS, UNSAFE OR DANGEROUS CONDITIONS, ADVERSE TO THE HEALTH, SAFETY OR WELFARE OF THE CITIZENS OF THE CITY OF BRIDGMAN

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. It shall be unlawful for anyone to permit any weed, grass or plants, other than landscape nursery stock, protected trees, ornamental shrubbery or other plantings not defined as "noxious weed" under MCL 247.61, et.seq., to growth to a height exceeding six (6) inches. Protected tree means any tree having a diameter breast height (d.b.h.) of six inches or greater within a designated wetland or floodplain or any tree in upland areas having a d.b.h. of six inches or greater and which has a species identified as native to the Berrien County, Michigan area. The following trees shall not be deemed to be protected trees unless located in a designated wetland or floodplain and/or protected by state or federal law:

Balsam Fir (Abies belsamea)
Boxelder (Acer negundo)
Silver Maple (Acer saccharinum)
Tree of Heaven (Ailanthus altissima)
European White Birch (Betula pendula)
Catalpa (Catalpa speciosa)
Gingko (Female only) (Gingko bilboa)
Common Honeylocust
Thornless Cultivars Protected (Gleditsia tiancunthis)
White Mulberry (Morus alba)
Red Mulberry (Morus rubra)
Poplars (Populus species)
Black Locust (Robina pseudoucacia)
Willows (Salix species)
Siberian Elm (Ulmus pumila)

Any such weeds, grasses or vegetation, exceeding such height, are hereby declared to constitute a fire hazard, nuisance or hazard to the health of the citizens of the City of Bridgman.

SECTION 2. It shall be the duty of the Code Enforcement Officer of the City of Bridgman or his or her designee to serve or cause to be served a notice upon the owner, lessee, tenant or occupant of any premises on which weeds, grasses or plants are permitted to grow in violation of this Ordinance and to require the abatement and removal of the hazardous condition within ten (10) days of mailing or hand delivery of said notice.

SECTION 3. In the event the owner, lessee, tenant or occupant having control or management of any lot, place or parcel of land, regardless of the zoning classification, has failed, refused or neglected to comply with the provisions of this Ordinance, the Code Enforcement Officer and/or his or her authorized representatives, are hereby empowered to enter upon such land or lots for the purpose of accomplishing abatement of the violation and eliminating the hazard.

SECTION 4. Whenever the Code Enforcement Officer or his or her authorized representatives, shall enter upon any parcel of land in order to accomplish abatement of an existing violation pursuant to the provisions of this Ordinance, the ~~Village~~ City representative is hereby authorized and directed to keep an accurate account of all expenses incurred; the City of Bridgman is authorized to add to the actual costs of abatement a $50.00 administrative charge to cover the expenses of administering the work performed, costs of notice, overhead and other contingent expenses. The City Treasurer shall forward a statement of the total charges assessed on each parcel of property to the owner as shown by the last current assessment or tax roll and said assessment shall be payable to the City Treasurer within thirty (30) days from the date statement was forwarded. If not paid within the prescribed thirty (30) day period, such statement shall be filed with the City Assessor and shall thereupon be assessed against the land in question and become a lien on such property.

SECTION 5. Municipal City Infraction. A person who violates any provisions of this Ordinance is responsible for a municipal civil infraction, subject to the payment of a civil fine of $50.00, plus costs and other sanctions. A subsequent or repeat violation shall be subject to increased fines of $150.00 for the first repeat violation and an increased fine of $300.00 for each subsequent repeat violations, plus costs and sanctions. A repeat or subsequent violation means a second or any re-occurring violation of this code by the same person within a twelve (12) month period of the initial violation.

SECTION 6. If any part or parts of this Ordinance are for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance.

SECTION 7. Conflicting Ordinances. Any Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

This Ordinance shall become effective after publication in accordance with this Charter of the City of Bridgman.

ORDINANCE DECLARED ADOPTED.

Elaine E. Thomas

ELAINE E. THOMAS, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the CITY OF BRIDGMAN, County of Berrien, State of Michigan, at a Regular Meeting, held on the 15th day of April, 2002, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Elaine E. Thomas

ELAINE E. THOMAS, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE NO. 149

An Ordinance to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002; MCL 484.3101 *et seq*) ("Act") and other applicable law, and to ensure that the City qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.

THE CITY OF BRIDGMAN ORDAINS:

Section 1 Terms Defined.

The terms used in this ordinance shall have the following meanings:

(a) *Act* means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002), as amended from time to time.

(b) *City* means the City of Bridgman.

(c) *City Commission* means the City Commission of the City of Bridgman or its designee. This Section does not authorize delegation of any decision or function that is required by law to be made by the City Commission.

(d) *Permit* means a non-exclusive permit issued pursuant to the Act and this ordinance to a telecommunications provider to use the public rights-of-way in the City for its telecommunications facilities.

All other terms used in this ordinance shall have the same meaning as defined or as provided in the Act, including without limitation the following:

Authority means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to Section 3 of the Act.

MPSC means the Michigan Public Service Commission in the Department of Consumer

and Industry Services, and shall have the same meaning as the term "Commission" in the Act.

Person means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

Public Right-of-Way means the area on, below, or above a public roadway, highway, street, alley, easement or waterway. Public right-of-way does not include a federal, state or private right-of-way.

Telecommunications Facilities or *Facilities* means the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in section 332(d) of Part 1 of Title III of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communication device.

Telecommunications Provider, Provider and Telecommunications Services mean those terms as defined in Section 102 of the Michigan Telecommunications Act, 1991 PA 179, MCL 484.2102. Telecommunication Provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332(d) of part 1 of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this ordinance only, a Provider also includes all of the following;

(a) A cable television operator that provides a telecommunications service.

(b) Except as otherwise provided by the Act, a person who owns telecommunication facilities within a public right-of-way.

(c) A person providing broadband internet transport access service.

Section 2 Permit Required.

(a) *Permit Required.* Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the City for its telecommunications facilities shall apply for and obtain a permit pursuant to this ordinance.

(b) *Application.* Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(1) of the Act. A Telecommunications provider shall file one copy of the application with the City Clerk and one copy with the City attorney. Upon receipt, the City Clerk shall make one copy of the application and distribute a copy to the Public Works Department. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with Section 6(5) of the Act.

(c) *Confidential Information.* If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, pursuant to Section 6(5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.

(d) *Application Fee.* Except as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee in the amount of $500.00.

(e) *Additional Information.* The City Clerk may request an applicant to submit such additional information which the City Clerk deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the City Clerk. If the City and the applicant cannot agree on the requirement of additional information requested by the City, the City or the applicant shall notify the MPSC as provided in Section 6(2) of the Act.

(f) *Previously Issued Permits.* Pursuant to Section 5(1) of the Act, authorizations or permits previously issued by the City under Section 251 of the Michigan Telecommunications act, 1991 PA 179, MCL 484.2251 and authorizations or permits issued by the City to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan Telecommunications Act but after 1985 shall satisfy the

permit requirements of this ordinance.

(g) *Existing Providers*. Pursuant to Section 5(3) of the Act, within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the City as of such date, that has not previously obtained authorization or a permit under Section 251 of the Michigan Telecommunications Act, 1991 PA 179, MCL 424.2251, shall submit to the City an application for a permit in accordance with the requirements of this ordinance. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this subsection is not required to pay the $500.00 application fee required under subsection (c) above. A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the Authority, as provided in Section 5(4) of the Act.

Section 3 Issuance of Permit.

(a) *Approval or Denial*. The authority to approve or deny an application for a permit is hereby delegated to the City Clerk. Pursuant to section 15(3) of the Act, the City Clerk shall approve or deny an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit under section 4(b) of this ordinance for access to a public right-of-way within the City. Pursuant to Section 6(6) of the Act, the City Clerk shall notify the MPSC when the City Clerk has granted or denied a permit, including information regarding the date on which the application was filed and the date on which the permit was granted or denied. The City Clerk shall not unreasonably deny an application for a permit.

(b) *Form of Permit*. If an application for permit is approved, the City Clerk shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Sections 6(1), 6(2) and 15 of the Act.

(c) *Conditions*. Pursuant to Section 15(4) of the Act, the City Clerk may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.

(d) *Bond Requirement*. Pursuant to Section 15(3) of the Act, and without limitations on subsection (c) above, the City Clerk may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

Section 4 Construction/Engineering Permit.

A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the City without first obtaining a construction or engineering permit as required under this Code, as amended, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit from the City.

Section 5 Conduit or Utility Poles.

Pursuant to Section 4(3) of the Act, obtaining a permit or paying the fees required under the Act or under this ordinance does not give a telecommunications provider a right to use conduit or utility poles.

Section 6 Route Maps.

Pursuant to Section 6(7) of the Act, a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the City submit route maps showing the location of the telecommunications facilities to both the MPSC and to the City. The route maps should be in paper format unless and until the Commission determines otherwise, in accordance with Section 6(8) of the Act.

Section 7 Repair of Damage.

Pursuant to Section 15(5) of the Act, a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the City, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its pre-existing condition.

Section 8 Establishment and Payment of Maintenance Fee.

In addition to the non-refundable application fee paid to the City set forth in subsection 4(d) above, a telecommunications provider with telecommunications facilities in the City public right-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.

Section 9 Modifying of Existing Fees.

In compliance with the requirements of Section 13(1) of the Act, the City hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority. In compliance with the requirements of Section 13(4) of the Act, the City also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the City's boundaries so that those providers pay only those fees required under Section 8 of the Act. The City shall provide each telecommunications provider affected by the fee with a copy of this ordinance, in compliance with the requirement of Section 13(4) of the Act, to the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the City's policy and intent, and upon application by a provider or discovery by the City, shall be promptly refunded as having been charged in error.

Section 10 Savings Clause.

Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 11 above shall be void from the date the modification was made.

Section 11 Use of Funds.

Pursuant to Section 9(4) of the Act, all amounts received by the City from the Authority shall be used by the City solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the City from the Authority shall be deposited into the Major Street Fund and/or the Local Street Fund maintained by the City under Act No. 51 of the Public acts of 1951.

Section 12 Annual Report.

Pursuant to Section 10(5) of the Act, the City Clerk shall file an annual report with the Authority on the use and disposition of funds annually distributed by the Authority.

Section 13 Cable Television Operators.

Pursuant to Section 13(6) of the act, the City shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.

Section 14 Existing Rights.

Pursuant to Section 4(2) of the Act, except as expressly provided herein with respect to fees, this ordinance shall not affect any existing rights that a telecommunications provider or the City may have under a permit issued by the City or under a contract between the City and a telecommunications provider related to the use of the public rights-of-way.

Section 15 Compliance.

The City hereby declares that its policy and intent in adopting this ordinance is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose. The City shall comply in all respects with the requirements of the Act, including but not limited to the following;

(a) Exempting certain route maps from the Freedom of Information Act, 1976 PA 442, MCL 15.231, 215.246, as provided in Section 4(c) of this ordinance.

(b) Allowing certain previously issued permits to satisfy the permit requirements of this ordinance, in accordance with Section 4(f) of this ordinance.

(c) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the $500.00 application fee, in accordance with Section 4(g) of this ordinance.

(d) Approving or denying an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the City, in accordance with Section 5(a) of this ordinance.

(e) Notifying the MPSC when the City has granted or denied a permit, in accordance with Section 5(a) of this ordinance.

(f) Not unreasonably denying an application for a permit, in accordance with Section 5(a) of this ordinance.

(g) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in Section 5(b) of this ordinance.

(h) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with Section 5(c) of this ordinance.

(i) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that a public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with Section 5(d) of this ordinance.

(j) Not charging any telecommunications providers any additional fees for construction permits, in accordance with Section 6 of this ordinance.

(k) Providing each telecommunications provider affected by the City's right-of-way fees with a copy of this ordinance, in accordance with Section 11 of this ordinance.

(l) Submitting an annual report to the Authority, in accordance with Section 14 of this ordinance; and

(m) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with Section 15 of this ordinance.

Section 16 Reservation of Police Powers.

Pursuant to Section 15(2) of the Act, this ordinance shall not limit the City's right to review and approve a telecommunications provider's access to and ongoing use of a public right-of-way or limit the City's authority to ensure and protect the health, safety, and welfare of the public.

Section 17 Severability.

The various parts, sentences, paragraphs, sections, and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this ordinance is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this ordinance.

Section 18 Authorized City Officials.

The City Clerk or his or her designee is hereby designated as the authorized City official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the municipal ordinance violations bureau) for violations under this ordinance as provided by the City Code.

Section 19 Municipal Civil Infraction.

A person who violates any provision of this ordinance or the terms or conditions of a permit is responsible for a municipal civil infraction, and shall be subject to a fine of $100.00 plus costs. Nothing in this Section 21 shall be construed to limit the remedies available to the City in the event of a violation by a person of this ordinance or a permit.

Section 20 Repealer and Conflict.

All ordinances and portions of ordinances inconsistent with this ordinance are hereby repealed. Nothing in this ordinance shall be construed in such a manner as to conflict with the Act or other applicable law.

ORDINANCE DECLARED ADOPTED. #149

Effective March 3, 2003.

Elaine E. Thomas

ELAINE E. THOMAS, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the CITY OF BRIDGMAN, County of Berrien, State of Michigan, at a Regular Meeting, held on the 3rd day of February, 2003, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Elaine E. Thomas

ELAINE E. THOMAS, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

AN ORDINANCE TO REGULATE PEDDLING AND SOLICITING

ORDINANCE NO. 150

An Ordinance to regulate peddling and soliciting within the City of Bridgman and to provide that violations of said ordinance shall be treated as Civil Infractions and to set a schedule of Civil Fines.

THE CITY OF BRIDGMAN ORDAINS:

CHAPTER I
PEDDLERS

SECTION 1.01 DEFINITIONS:

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"PEDDLER". Any person who engages or attempts to engage in peddling as defined by this subchapter; a hawker or itinerant merchant.

"PEDDLING". The sale or offering for sale of goods, merchandise, or property for immediate delivery from other than a fixed place of business on private property, including the sale of charitable books or pamphlets. Peddling shall not include the sale of goods by charitable organizations for charitable purposes on not to exceed five days in any calendar year.

SECTION 1.02 LICENSE REQUIRED:

It shall be unlawful for any person, firm, corporation or agent or employee of any firm or corporation to engage in the business of a hawker or peddler, or peddle any merchandise, article, or thing without first having secured a license therefor. No license shall be issued to any person who has been convicted of the commission of a felony under the laws of the State of Michigan or any other state or federal laws of the United States within five years of the date of the application; or who has been convicted of a violation of any of the provisions of this chapter; or whose license issued hereunder has previously been revoked, as herein provided.

SECTION 1.03 APPLICATION; FEE:

(A) Applications for a license shall be made to the City Clerk and shall state thereon the number of vehicles, if any, intended to be operated, the kind of merchandise to be peddled, and the permanent address of the peddler.

(B) The fee for such a license shall be set, from time to time, by the City Commission.

SECTION 1.04 FRAUD, CHEATING, OR MISREPRESENTATION:

No licensed peddler or hawker shall defraud, cheat, or misrepresent anyone, whether through himself or through an employee, while acting as a peddler in the City, nor barter, sell, or peddle any goods, merchandise, or wares other than those specified in his application for a license. The City Superintendent may revoke such a license for that offense.

SECTION 1.05 PEDDLING PROHIBITED IN RESIDENTIALLY ZONED DISTRICTS:

Peddling is prohibited in residentially zoned districts.

CHAPTER II
COMMERCIAL SOLICITORS

SECTION 2.01 DEFINITIONS:

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"COMMERCIAL SOLICITING", "COMMERCIAL SOLICITATION", or "COMMERCIAL SOLICITOR", shall include any of the following:

(A) "COMMERCIAL SOLICITING". The selling or offering for sale of goods, merchandise, or property for future delivery from other than a fixed place of business on private property, except fund soliciting.

(B) "STREET SOLICITATION". The selling or offering for sale of goods, merchandise, services or property for immediate delivery which occurs on any public right-of-way within the City.

SECTION 2.02 LICENSE AND BADGE REQUIRED.

(A) It shall be unlawful for any person, firm, corporation or agent to engage in commercial solicitation without first securing a license as herein required. It shall be further required that any solicitor shall wear in a conspicuous place on his person a badge that can be readily seen by other persons at all times while engaged in soliciting.

(B) The City Clerk shall have designed and shall procure on behalf of the city sufficient badges of a uniform type for uses as hereinafter set forth. An official solicitor's badge shall be issued to each person licensed as a solicitor hereunder, upon depositing adequate security as shall be set from time to time by the City Commission, which shall be refunded to the licensee upon return of the badge to the City Clerk. The badge shall remain the property of the city at all times and shall be returned to the City Clerk upon the expiration, cancellation, or revocation of the license.

SECTION 2.03 APPLICATION; FEE.

(A) Application for a license shall be made, in writing, upon a form provided by the City. The applicant shall, under oath, state in full the information requested on the application as follows:

(1) Name and address of present place of residence and length of residence at that address; the business address if other than the residence address; and the applicant's social security number.

(2) Physical description of applicant.

(3) Name and address of the person whom the applicant is employed by or represents and the length of time of such employment or representation.

(4) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.

(5) Period of time for which the license is requested.

(6) The date or appropriate date of the latest previous application for a license under this subchapter, or its predecessor, if any.

(7) Whether a license issued under this subchapter, or its predecessor, has ever been revoked.

(8) Whether the applicant has ever been convicted of a violation of any provisions of this subchapter, or its predecessor, or the ordinance of any other municipality, or any state statute regulating soliciting.

(9) Evidence that the applicant is authorized to solicit for the organization represented.

(10) Whether the applicant has ever been convicted of the commission of a felony under the laws of the State of Michigan or any other state or federal laws of the United States.

(B) The City Clerk shall keep a record of every application received and acted upon, together with all other information and data pertaining thereto and all licenses under the provisions hereof, and of the denial of applications. Applications for licenses shall be numbered in consecutive order, as filed, and every license issued shall be identified with the duplicate number of the application upon which it was issued.

(C) The license fee shall be set from time to time by the City Commission, shall be non-refundable, to be paid by every person, firm or corporation securing a license. A firm or corporation shall be required to pay only one license fee regardless of the number of badges issued to individuals employed by or acting as agents on behalf of the firm or corporation. Said firm or corporation shall, at the time of filing its application, provide to the city a list of names of the individuals that will be soliciting on its behalf. Regardless of whether an individual is soliciting on his or her behalf or on behalf of a firm or corporation, all individuals soliciting within the City are required to apply for and to obtain a solicitor's badge. Individuals soliciting on behalf of a firm or corporation must be listed on the application as soliciting on behalf of a licensed firm or corporation. The duration of a license for any individual, firm, or corporation

shall not exceed one year. The fee shall be deposited with the City Clerk at the time of the filing of the application and, if a license is issued, it shall be paid over to the City Treasurer. However, if the license is denied, the deposit shall be returned to the applicant. Not for profit organizations shall be excused from paying the license fee provided that at the time of filing the application, the organization files its not-for-profit charter or tax exempt letter.

(D) No license shall be issued to any person who has been convicted of the commission of a felony under the laws of this state or any other state or federal laws of the United States within five years of the date of any of the provisions of this chapter; or whose license issued hereunder has previously been revoked as herein provided.

SECTION 2.04 ISSUANCE OF LICENSE:

(A) The City Clerk, upon receipt of a properly completed application, but in no event later than five working days after receipt of the application, shall either issue a license or notify the applicant, in writing, that the application has been denied for the following reasons:

(1) The applicant has failed to comply with the requirements of this subchapter.

(2) The applicant has, within the previous year, been convicted of a violation of any of the provisions of this subchapter, its predecessor, or the ordinance of any other municipality; of any state or federal statute regulating soliciting or peddling; or of a violation of any law where the offense for which the applicant was convicted took place in connection with the applicant's alleged soliciting.

(3) The applicant has within the past five years been convicted of a felony under the laws of the State of Michigan or any other federal laws of the United States.

(4) A license issued to the applicant under this chapter has been previously revoked.

(B) In the event the application is issued, each license shall be signed by the City Superintendent and countersigned and sealed by the City Clerk, and shall recite that no one shall solicit hereunder without wearing the official solicitor's badge as required.

CHAPTER III
OTHER SOLICITING

SECTION 3.01 DEFINITIONS:

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"OTHER SOLICITING", "OTHER SOLICITATION", or "OTHER SOLICITOR", shall include any soliciting of support for political, charitable or other non-commercial causes.

SECTION 3.02 NOTIFICATION:

(A) The City requests that any organization covered by this Article notify the City Clerk of its intention to solicit support of a non-monetary nature within the City.

(B) The City Clerk shall maintain a list of all organizations who have furnished notice of intent to solicit.

(C) There shall be no fee assessed for providing notice under this Article.

SECTION 3.03 CHARITABLE OR OTHER NON-POLITICAL SOLICITORS FOR FUNDS REGULATED:

(A) In the event any organization shall seek to solicit contributions or other financial support, such organizations must comply with the "Charitable Organizations and Solicitations Act", Act 169 of P.A. 1975 as amended, or must be exempt from registration under the Act. Each such organization must register with the City Clerk at least five days prior to soliciting funds. MCL 400.271 et seq. The applicant, in registering, must furnish the name of the organization, proof of charitable status, and evidence of compliance with Act 169 of P.A. 1975 as amended or prove exemption therefrom, but no license fee or license shall be required.

(B) Street solicitation, whether for funds or support, shall be allowed only on City rights-of-way; street solicitation in public parks and playgrounds is hereby prohibited. Street solicitation shall be allowed only for organizations with a stated benevolent, philanthropic, governmental, patriotic, or eleemosynary purpose; commercial solicitation is hereby prohibited on all streets. Solicitors for street solicitation must also be registered and in good standing with the Attorney General of the state as required by the "Charitable Organizations and Solicitations Act" referred to herein, produce sufficient evidence of such standing to satisfy the City, and must further give notice to the City Clerk at least five days prior to soliciting and furnish all information required.

(C) Solicitors for funds and solicitors for street solicitation that have had a fixed place of operation in the City for over two years shall be exempt from registering under the subchapter for solicitation for funds or street solicitation by any organization if conducted solely by its own membership. However, the organization, if soliciting by other than its own membership, shall have on file with the City Clerk, a list of names and addresses of the hired to solicit and such solicitors shall obtain and wear an official solicitor's badge as required in the case of commercial solicitors under this chapter. Further, the organization must be in compliance with the "Charitable Organizations and Solicitations Act" referred to herein.

CHAPTER IV
PROHIBITED ACTS

SECTION 4.01 UNINVITED SOLICITING:

(A) No person shall engage in solicitation upon any commercial premises, dwelling house, apartment, or other residence after having been asked by the owner, manager, agent, or occupant thereof to leave the commercial premises or residence.

(B) It shall be unlawful for any person to engage in solicitation upon any commercial premises or residence if the commercial premises or residence is posted against solicitation by means of a notice, prominently displayed, upon which is printed the legend: "NO SOLICITORS PERMITTED"

SECTION 4.02 POSTING:

(A) A commercial premises, dwelling house, apartment, or other place of residence shall be deemed to be posted against solicitation if there is exhibited, on or near the main entrance to the premises, or on or near the main door to any residence located thereon, a sign at least three inches by four inches in size with letters at least one-third of an inch in height, which bears the above legend.

(B) Signs complying with the foregoing requirements shall be made available at cost at the office of the City Clerk to persons requesting them.

SECTION 4.03 FALSE STATEMENTS AND REPRESENTATIONS:

(A) No person who engages in solicitation shall use any plan, scheme, or ruse or make any statement, which indicates or implies that the purpose of that person's solicitation is other than to obtain orders for or to make sales of goods or services.

(B) No person who engages in solicitation shall misrepresent the right of a buyer to rescind or cancel a sale under the provisions of applicable law.

(C) It shall be unlawful for any solicitor to cheat, deceive, or fraudulently misrepresent, whether through himself or through an employee, while acting as a peddler or solicitor in the City, or to solicit for any other purpose than that specified in the application.

(D) Prohibited hours. It shall be unlawful for any person to engage in solicitation at any time prior to 9:00 a.m. or after 7:00 p.m., local time, of any weekday; at any time prior to 10:00 a.m. or after 6:00 p.m. on a Saturday; or any time on a Sunday or a state or national holiday.

(E) Obstructing traffic. No solicitor shall interfere with either vehicular or pedestrian traffic on any public right-of-way.

SECTION 4.04 REVOCATION OF LICENSE:

The City Superintendent is authorized to revoke any license, upon the recommendation of the Chief of Police for a violation of any of the provisions of this subchapter or any other regulations of the City, by any person, firm, or corporation to whom the license has been issued, or any agent, employee, or officer of any such person, firm, or corporation. The City Superintendent is authorized to notify any charitable or other non-commercial solicitor of any

violations by mailing notification to the entity at the address provided at registration.

CHAPTER V
PENALTY

SECTION 5.01 MUNICIPAL CIVIL INFRACTION.

(A) Any person who violates any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine of not less than $50.00, plus costs, damages, expenses and other sanctions as herein provided, for each civil infraction. A subsequent or repeat violation by the same individual of the same alleged violation within six (6) months shall carry a fine of $250.00 plus costs, damages, expenses, and other sanctions as herein provided and any subsequent repeat occurrences shall carry a fine of $500.00 plus costs, damages, expenses and other sanctions as herein provided.

(B) Authorized Municipal Officials for the purpose of issuing municipal civil infraction citations and municipal civil infraction notices under the provisions of this ordinance shall, in addition to police officers, include the following: Park Superintendent, Zoning Administrator or City Superintendent.

This Ordinance shall become effective after publication in accordance with the Charter of the City of Bridgman.

ORDINANCE DECLARED ADOPTED.

Elaine E. Thomas

ELAINE E. THOMAS, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the CITY OF BRIDGMAN, County of Berrien, State of Michigan, at a Regular Meeting, held on the 17th day of March,2003, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Elaine E. Thomas

ELAINE E. THOMAS, Clerk

CEMETERY REGULATION
CITY OF BRIDGMAN

ORDINANCE NO. 151

AN ORDINANCE REGULATING THE OPERATION OF PUBLIC AND PRIVATE CEMETERIES AND PLACES OF INTERNMENT WITHIN THE CITY OF BRIDGMAN

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. CITY CEMETERIES

All cemeteries which may hereafter be acquired by the City are hereby declared to be the allowed burying grounds, and no person or organization of persons shall establish any future cemeteries within the City without securing a Special Land Use Permit for such use. No person shall dispose, scatter, or bury any human body or parts thereof, remains, or ashes in any place within the City other than in public or private burying grounds. No stones, memorial marker or tombstones shall be placed outside a public or private cemetery. This Ordinance shall not apply to the regulation of the Lake Charter Township Cemetery.

SECTION 2. GOVERNING OF CITY CEMETERIES

Any public cemetery established by the City, whether located within the City limits or outside the boundaries, shall be governed by the City Commission.

SECTION 3. PRIVATE CEMETERIES OR BURIAL GROUNDS

Any private cemetery or burial grounds shall comply with the following regulations:

a. The location of a cemetery may be permitted in any quarter section of any R district, when the quarter section does not have more than fifty-one (51%) percent of the land area in recorded plats.

b. The minimum land area of any private cemetery or burial grounds shall be ten (10) acres.

c. The land shall be used for no other purpose, except a cemetery or burial grounds.

d. All sides of the cemetery or burial grounds shall be adequately screened from any residential area.

e. All private cemeteries or burial grounds shall provide a minimum of two means of ingress and egress.

SECTION 4. ACCESS

The Chief of Police, or any officer of the Bridgman Police Department, is hereby authorized to enter upon or into any lands, premises, building or

structure within the City at all reasonable hours for the purpose of inspecting the same to determine whether any burials or internment has occurred, or whether the provisions of this Ordinance are being observed.

SECTION 5. PUBLIC NUISANCE

Any disposal, scattering or burial of a human body, remains, or ashes within the City, except in a public cemetery, is hereby declared to be a public nuisance and the same may be abated and removed or its continuance enjoined in any manner provided or permitted by law for the abatement of nuisance. The term "burial" as used in this Ordinance shall mean and include every disposition of human bodies, remains, or ashes from cremation. The term "public cemetery" shall mean the Lake Charter Township Cemetery or any cemetery acquired by the City.

SECTION 6. VIOLATION

Any person who violates any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine not to exceed $100.00 or by imprisonment in the County Jail not exceeding ninety (90) days or both, such fine and imprisonment in the discretion of the Court, together with costs of prosecution, and in default of payment to ninety (90) days.

SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect 20 days following its publication after adoption.

ORDINANCE DECLARED ADOPTED. Effective August 4, 2003.

Elaine E. Thomas

ELAINE E. THOMAS, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City Commission of the City of Bridgman, County of Berrien, State of Michigan, at a Regular Meeting, held on the 7th day of July, 2003, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Elaine E. Thomas

ELAINE E. THOMAS, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN
ORDINANCE NO. 152

AN ORDINANCE TO ADOPT BY REFERENCE THE MICHIGAN VEHICLE CODE.

THE CITY OF BRIDGMAN ORDAINS:

Section 1 Code and Amendments and Revisions adopted

The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to257.923, and all future amendments and revisions to the Michigan Vehicle Code when they are effective in this state are incorporated and adopted by reference.

Section 2 References in Code

References in the Michigan Code to "local authorities" shall mean the City of Bridgman.

Section 3 Notice to be Published

The City clerk shall publish this ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Michigan Vehicle Code and the fact that a complete copy of the code is available to the public at the office of the clerk for inspection.

Section 4 Penalties

The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the City of Bridgman may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

Section 5 All ordinances inconsistent with the provisions of the Ordinance herein adopted are, to the extent of such inconsistency, hereby repealed.

This Ordinance shall become effective after publication in accordance with the Charter of the City of Bridgman. This Ordinance shall become effective December 1, 2003.

ORDINANCE DECLARED ADOPTED.

Elaine E. Thomas
ELAINE E. THOMAS, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the CITY OF BRIDGMAN, County of Berrien, State of Michigan, at a Regular Meeting, held on the 3rd Day of November, 2003, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Elaine E. Thomas

ELAINE E. THOMAS, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN
ORDINANCE NO. 153

AN ORDINANCE TO ADOPT BY REFERENCE THE UNIFORM TRAFFIC CODE FOR MICHIGAN CITIES, TOWNSHIPS AND VILLAGES.

THE CITY OF BRIDGMAN ORDAINS:

Section 1 Code and Amendments and Revisions adopted

The Uniform Traffic Code for Cities, Townships and Villages as promulgated by the director of the Michigan Department of State Police pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328 and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code when they are promulgated and effective in this state are incorporated and adopted by reference

Section 2 References in Code

References in the Uniform Traffic Code for Cities, Townships and Villages to a "governmental unit" shall mean the City of Bridgman.

Section 3 Notice to be Published

The City clerk shall publish this ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Uniform Traffic Code for Cities, Townships and Villages and the fact that a complete copy of the code is available to the public at the office of the clerk for inspection.

Section 4 Penalties

The penalties provided by the Uniform Traffic Code for Cities, Townships and Villages are adopted by reference.

Section 5 Ordinance No. 64, effective March 12, 1978, and Ordinance No. 120, effective May 22, 1994, are hereby repealed. All other ordinances inconsistent with the provisions of the Ordinance herein adopted are, to the extent of such inconsistency, hereby repealed.

This Ordinance shall become effective after publication in accordance with the Charter of the City of Bridgman. This Ordinance shall become effective December 1, 2003.

ORDINANCE DECLARED ADOPTED.

Elaine E. Thomas

ELAINE E. THOMAS, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the CITY OF BRIDGMAN, County of Berrien, State of Michigan, at a Regular Meeting, held on the 3rd Day of November, 2003, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Elaine E. Thomas

ELAINE E. THOMAS, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE NO. 154

STORM WATER DISCHARGE REGULATION

AN ORDINANCE TO REGULATE NON-STORM WATER DISCHARGES TO THE STORM WATER DRAINAGE SYSTEM TO THE MAXIMUM EXTENT PRACTICABLE AS REQUIRED BY FEDERAL AND STATE LAW; TO ESTABLISH METHODS FOR CONTROLLING THE INTRODUCTION OF POLLUTANTS INTO THE STORM WATER DRAINAGE SYSTEM IN ORDER TO COMPLY WITH REQUIREMENTS OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT PROCESS; TO PROVIDE FOR PAYMENT OR REIMBURSEMENT OF COSTS AND EXPENSES INCURRED BY THE CITY OF BRIDGMAN ASSOCIATED WITH NONCOMPLIANCE; TO PROVIDE FOR THE INSPECTION, SAMPLING, AND MONITORING OF STORM WATER AND OTHER DISCHARGES; AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

THE CITY OF BRIDGMAN ORDAINS:

ARTICLE I GENERAL

SECTION 1.01 STATUTORY AUTHORITY AND TITLE

This Ordinance is adopted in accordance with the Home Rule City Act, as amended, being MCL 117.1, et seq.; the Drain Code of 1956, as amended, being MCL 280.1, et seq.; the Land Division Act, as amended, being MCL 560.1, et seq.; the Revenue Bond Act, as amended, being MCL 141.101, et seq.; the Natural Resources and Environmental Protection Act, as amended, being MCL 324.101, et seq.; Section 401(p) of the Federal Water Pollution Control Act (also known as the Clean Water Act), as amended, being 33 USC 1342(p) and 40 CFR Parts 9, 122, 123, and 124; and other applicable state and federal laws.

The City shall administer, implement, and enforce the provisions of the ordinance. Any powers granted, or duties imposed, upon the City may be delegated in writing by the City Commission of the City of Bridgman to persons or entities acting in the beneficial interest of, or in the employ of the City.

SECTION 1.02 FINDINGS

The City Commission of the City of Bridgman finds that:

(1) Illicit discharges contain pollutants that will significantly degrade the stream and Lake Michigan and water resources of the City, thus threatening the health, safety, and welfare of the citizenry.

(2) Illicit discharges enter the storm water drainage system through either direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm drains) or indirect connections (e.g., infiltration into the storm drain system or spills connected by drain inlets).

(3) Establishing the measures for controlling illicit discharges and connections contained in this Ordinance and implementing the same will address many of the deleterious effects of illicit discharges.

(4) Any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance.

SECTION 1.03 PURPOSE

It is the purpose of this Ordinance to establish minimum storm water management requirements and controls to accomplish, among others, the following objectives:

(1) To regulate the contribution of pollutants to the storm water drainage system and natural waterbodies by storm water discharges by any user.

(2) To prohibit illicit discharges and connections to the storm water drainage system and natural waterbodies.

(3) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this Ordinance.

(4) To provide appropriate remedies for failure to comply with this Ordinance.

SECTION 1.04 APPLICABILITY AND GENERAL PROVISIONS

This Ordinance shall apply to all discharges entering the storm water drainage system and natural waterbodies generated on any developed and undeveloped lands within the City.

SECTION 1.05 DEFINITIONS

For the purpose of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless the context in which they are used specifically indicates otherwise:

Authorized Enforcement Agency: The City of Bridgman, and/or any persons or agencies designated to act as the Authorized Enforcement Agency by the City Commission of the City of Bridgman.

Best Management Practices (BMPs): Structural devices or nonstructural practices that are designed to prevent pollutants from entering storm water flows, to direct the flow of storm water, or to treat polluted storm water flows. Many BMPs may include, but shall not be limited to, those described in the Michigan Department of Environmental Quality Guidebook of BMPs for Michigan watersheds. Equivalent practices and design criteria that accomplish the purposes of this Ordinance (including, but not limited to, minimizing storm water runoff and preventing the discharge of pollutants into storm water) shall be as determined by the City Engineer.

Clean Water Act: The Federal Water Pollution Control Act, 33 USC Section 1251 et seq., as amended, and the applicable regulations promulgated thereunder.

Discharge: means the introduction (intentionally or unintentionally, and directly or indirectly) of any liquid, substance, pollutant, or other material into a storm water drainage system or natural water body.

Discharger: Any person or entity who directly or indirectly discharges storm water from any premises or property. Discharger also includes any employee, officer, director, partner, contractor, or other person who participates in, or is legally or factually responsible for, any act or omission that is, or results in, a violation of this Ordinance.

Drain: Any and all conduits, facilities, measures, areas, and structures that serve to convey, catch, hold, filter, store, and/or receive storm water or groundwater, either on a temporary or permanent basis.

Drainage: The collection, conveyance, or discharge of groundwater and/or surface water.

Drainage way: A drain, water body, or flood plain.

EPA: The U.S. Environmental Protection Agency (EPA).

Flood plain: The area, usually low lands, adjoining the channel of a river, stream, or watercourse or lake, or other body of standing water, that has been or may be covered by flood water.

Hazardous Materials: Any solid, liquid, semisolid, or gaseous substance or material that because of its quantity, quality, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or serious incapacitating but reversible illness, or may pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit Connection: Any method or , means, or conduit for conveying an illicit discharge into a natural water body or a storm water drainage system.

Illicit Discharge: Any discharge to a water body or a storm water drainage system that does not consist entirely of storm water, that is not authorized by the terms of an NPDES permit, or that is not an authorized discharge as defined by this Ordinance.

MDEQ: Michigan Department of Environmental Quality.

National Pollutant Discharge Elimination System (NPDES) Permit: A permit issued by the EPA or a state under authority delegated pursuant to the Clean Water Act that authorizes the discharge of pollutants to waters of the United States.

Non-Storm Water Discharge: Any discharge to the storm water drainage system or a water body that is not composed entirely of storm water.

Person: An individual, firm, partnership, association, public or private corporation, public agency, instrumentality, or any other legal entity.

Pollutant: The term pollutant includes, but is not limited to, the following: any dredged spoil, solid waste, vehicle fluids, yard wastes, animal wastes, agricultural waste products, sediment, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological wastes, radioactive materials, hazardous materials, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial, and agricultural waste, or any other contaminant or other substance defined as a pollutant under the Clean Water Act. Pollutant, also includes properties or characteristics of water, including, but not limited to, pH, heat, TSS, turbidity, color, BOD, COD, toxicity, and odor.

Premises: Any building, structure, lot, parcel of land, or portion of land, or property, whether improved or unimproved, including adjacent sidewalks and parking strips.

Property Owner: Any person having legal or equitable title to property or premises or any person having or exercising care, custody, or control over any property or premises.

State of Michigan Water Quality Standards: All applicable state rules, regulations, and laws pertaining to water quality, including the provisions of Section 3106 of Part 31 of 1994 PA 451, as amended.

Storm Drain: A system of open or enclosed conduits and appurtenant structures intended to convey or manage storm water runoff, groundwater, and drainage.

Storm Water Drainage System: Storm sewers, conduits, curbs, gutters, catch basins, drains, ditches, pumping devices, parking lots, roads, or other man-made channels that are designed or used, singly or together in combination with one another, for collecting or conveying storm water.

Storm Water Pollution Prevention Plan: A document, that describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, a storm drain or storm water drainage system, and/or a water body to the maximum extent practicable.

Storm Water Runoff (or Storm Water): The runoff and drainage of precipitation resulting from rainfall, snowmelt, or other natural event or process.

Toxic Material: Any pollutant or combination of pollutants that is or can potentially be harmful to the public health or the environment, including, without limitation, those listed in 40 CFR 401.15 as toxic under the provisions of the Clean Water Act, or listed in the Critical Materials Register promulgated by the Michigan Department of Environmental Quality, or as otherwise provided by local, state, or federal laws, rules, or regulations.

Wastewater: Any water or other liquid, other than uncontaminated storm water, discharged from a property or premises. The term includes any water that has in any way been used and degraded or physically or chemically altered.

Water Body: A river, lake, stream, creek, or other watercourse or wetlands.

ARTICLE II PROHIBITIONS AND AUTHORIZATIONS

SECTION 2.01 PROHIBITED DISCHARGES

(1) It is unlawful for any person to discharge, or cause to be discharged, to a storm water drainage system or water body, directly or indirectly, any substance or material, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water or an authorized discharge. This prohibition includes the commencement, conducting, or continuance of any illicit discharge by any person to a storm water drainage system or water body.

(2) Any person discharging storm water shall effectively prevent pollutants from being discharged with the storm water, except in accordance with BMPs.

(3) The Authorized Enforcement Agency is authorized to require dischargers to implement pollution prevention measures, using Storm Water Pollution Prevention Plans and BMPs, as determined necessary by the Authorized Enforcement Agency to prevent or reduce the discharge of pollutants to a storm water drainage system or water body.

(4) The discharge prohibitions of this section shall not apply to any non storm water discharge authorized under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the EPA, provided the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm water drainage system.

SECTION 2.02 PROHIBITED ILLICIT CONNECTIONS

(1) It is unlawful for any person to construct, use, maintain (or to allow the construction, use, maintenance or continued existence of) an illicit connection.

(2) This prohibition expressly includes, without limitation, illicit connections made prior to the effective date of this Ordinance, and regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

SECTION 2.03 AUTHORIZED DISCHARGES

The following non storm water discharges are permissible, provided they do not result in a violation of State of Michigan water quality standards and provided that they are undertaken in compliance with any applicable or required BMPs:

(1) Water supply line flushing.

(2) Landscape irrigation runoff.

(3) Diverted stream flows.

(4) Rising groundwater.

(5) Uncontaminated groundwater infiltration to storm drains.

(6) Uncontaminated pumped groundwater.

(7) Discharges from portable water sources.

(8) Foundation drains.

(9) Air conditioning condensation.

(10) Irrigation water.

(11) Springs.

(12) Water from crawl space pumps.

(13) Footing drains and basement sump pumps.

(14) Lawn watering runoff.

(15) Waters from non-commercial car washing.

(16) Flows from riparian habitats and wetlands.

(17) Residential swimming pool water and other dechlorinated swimming pool water, provided that any filter backwash water that is present is treated.

(18) Residual street wash water.

(19) Discharges or flows from emergency fire fighting activities.

(20) Discharges specifically authorized in writing by the Authorized Enforcement Agency as being necessary to protect public health, welfare, and safety or the environment.

SECTION 2.04 STORAGE OF HAZARDOUS OR TOXIC MATERIALS IN DRAINAGE WAY

Except as permitted by law, it shall be unlawful for any person to store or stockpile, within a Drainage way, any hazardous or toxic materials, unless adequate protection and/or containment has been provided so as to prevent any such materials from entering a storm water drainage system, or water body.

ARTICLE III INSPECTION, MONITORING, REPORTING, AND RECORD KEEPING

SECTION 3.01 INSPECTION AND SAMPLING

The Authorized Enforcement Agency may inspect and/or obtain samples from discharger's property or premises as necessary to determine compliance with the requirements of this Ordinance. Upon request, the discharger shall allow the properly identified representatives of the Authorized Enforcement Agency to enter the property or premises of the discharger at all hours necessary for the purposes of such inspection, or investigation, including, but not limited to, smoke/dye testing, televising pipes, sampling, and excavation. The Authorized Enforcement Agency shall provide the discharger reasonable advance notice of the need for such access, if possible and consistent with protection of public health and safety and the environment. The properly identified representatives may place on the discharger's property or premises the equipment or devices used for such sampling or inspection. Unreasonable delays in allowing access to a property or premises is a violation of this Ordinance.

SECTION 3.02 STORM WATER MONITORING FACILITIES

If directed in writing to do so by the Authorized Enforcement Agency, a discharger of storm water runoff from any property or premises used for commercial or industrial purposes shall provide and operate equipment or devices for the monitoring of storm water runoff to provide for inspection, sampling, and flow measurement of each discharge to a water body or a storm water drainage system, as specified by the Authorized

Enforcement Agency. The Authorized Enforcement Agency may require a discharger to provide and operate such equipment and devices if it is necessary or appropriate for the inspection, sampling, and flow measurement of discharges in order to determine whether adverse effects from, or as a result of, such discharges may occur. All such equipment and devices for the inspection, sampling, and flow measurement of discharges shall be installed and maintained at the discharger's expense in accordance with applicable laws, ordinances, and regulations.

SECTION 3.03 ACCIDENTAL DISCHARGES

Any discharger who accidentally discharges into a storm water drainage system or a water body any substance other than storm water or an authorized discharge shall immediately notify the Authorized Enforcement Agency of the discharge. If the notification is given orally, a written report concerning the discharge shall be filed with the Authorized Enforcement Agency within five (5) days. The written report shall specify all of the following:

(1) The composition of the discharge and the cause thereof.

(2) The exact date, time, and estimated volume of the discharge.

(3) All measures taken to clean up the discharge, all measures taken or proposed to be taken to mitigate any known or potential adverse impacts of the discharge, and all measures proposed to be taken to reduce and prevent any recurrences.

(4) The names and telephone numbers of the individual making the report, and (if different) the individual who may be contacted for additional information regarding the discharge.

SECTION 3.04 RECORD KEEPING REQUIREMENT

Any person that violates the requirement of this Ordinance or that is subject to monitoring under this Ordinance shall retain and preserve for no less than three years any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence, and records, including records on magnetic or electronic media, and any and all summaries of such records relating to monitoring, sampling, and chemical analysis of any discharge or storm water runoff from any property or premises connected with the violation or subject to monitoring.

ARTICLE IV ENFORCEMENT

SECTION 4.01 SANCTIONS FOR VIOLATION

(1) Violation: Any person who (1) knew or should have known that a pollutant or substance was discharged contrary to any provision of this Ordinance, or contrary to any notice, order, permit, decision or determination promulgated, issued or made by the Authorized Enforcement Agency under this Ordinance; or (2) intentionally makes a false statement, representation, or certification in an application for, or form pertaining to a permit, or in a notice, report, or record required by this Ordinance, or in any other correspondence or communication, written or oral, with the Authorized Enforcement Agency regarding matters regulated by this Ordinance; or (3) intentionally falsifies, tampers with, or renders inaccurate any sampling or monitoring device or record required to be maintained by this Ordinance; or (4) commits any other act that is punishable under state law by imprisonment for more than 90 days; shall, upon conviction, be guilty of a misdemeanor punishable by a fine of $500 per violation, per day, or imprisonment for up to 90 days, or both in the discretion of the court.

SECTION 4.02 FAILURE TO COMPLY; COMPLETION

The Authorized Enforcement Agency is authorized, after giving reasonable notice and opportunity for compliance, to correct any violation of this Ordinance or damage or impairment to the storm water drainage system caused by a discharge and to bill the person causing the violation or discharge for

the costs of the work to be reimbursed. The costs reimbursable under this section shall be in addition to fees, amounts or other costs and expenses required to be paid to the Authorized Enforcement Agency under other sections of this Ordinance.

SECTION 4.03 EMERGENCY MEASURES

If emergency measures are necessary to respond to a nuisance; to protect public safety, health, and welfare; and/or to prevent loss of life, injury, or damage to property, the Authorized Enforcement Agency is authorized to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this Ordinance, and shall promptly reimburse the City for all of such costs.

SECTION 4.04 COST RECOVERY FOR DAMAGE TO STORM WATER DRAINAGE SYSTEM

Any person who discharges to a storm water drainage system or a water body, including, but not limited to, any person who causes or creates a discharge that violates any provision of this Ordinance, produces a deposit or obstruction or otherwise damages or impairs a storm water drainage system, or causes or contributes to a violation of any federal, state, or local law governing the City, shall be liable to and shall fully reimburse the City for all expenses, costs, losses or damages (direct or indirect) payable or incurred by the City as a result of any such discharge, deposit, obstruction, damage, impairment, violation, exceedence or noncompliance. The costs that must be reimbursed to the City shall include, but shall not be limited to, all of the following:

(1) All costs incurred by the City in responding to the violation or discharge, including, expenses for any cleaning, repair or replacement work, and the costs of sampling, monitoring, and treatment, as a result of the discharge, violation, exceedence or noncompliance.

(2) All costs to the City of monitoring, surveillance, and enforcement in connection with investigating, verifying, and prosecuting any discharge, violation, exceedence, or noncompliance.

(3) The full amount of any fines, assessments, penalties, and claims, including natural resource damages, levied against the City, or any City representative, by any governmental agency or third party as a result of a violation of applicable laws or regulations that is caused by or contributed to by any discharge, violation, exceedence, or noncompliance.

(4) The full value of any City staff time (including any required overtime), consultant and engineering fees, and actual attorney fees and defense costs (including the City legal counsel and any special legal counsel), associated with responding to, investigating, verifying, and prosecuting any discharge, violation, exceedence or noncompliance, or otherwise enforcing the requirements of this Ordinance.

SECTION 4.05 COLLECTION OF COSTS; LIEN

(1) Costs incurred by the City pursuant to Sections 4.02, 4.03, 4.04, and 4.06(1) shall constitute a lien on the premises or premises, which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time, or as otherwise authorized by law. Any such charges that are delinquent for six (6) months or more may be certified to the Bridgman City Treasurer, who shall enter the lien on the next tax roll against the property or premises, the costs shall be collected, and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the City shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended, and by other applicable laws.

(2) The failure by any person to pay any amounts required to be reimbursed to the City as provided by this Ordinance shall constitute an additional violation of this Ordinance.

SECTION 4.06 SUSPENSION OF ACCESS TO THE STORM WATER DRAINAGE SYSTEM

(1) Suspension due to illicit discharges in emergency situations. The Authorized Enforcement Agency may, without prior notice, suspend access to the storm water drainage system to any property or premises when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm water drainage system or a water body. If the property or premises owner fails to comply with a suspension order issued in an emergency, the Authorized Enforcement Agency may take such steps as deemed necessary to prevent or minimize damage to the storm water drainage system or the environment, or to minimize danger to persons, and bill the property or premises owner for the costs incurred by the City.

(2) Suspension due to the detection of illicit discharge. Any person discharging to the storm water drainage system in violation of this Ordinance may have their access to the system terminated, if the Authorized Enforcement Agency determines that such termination would abate or reduce an illicit discharge. The Authorized Enforcement Agency will notify a discharger of the proposed termination of access. It shall be unlawful for any person to reinstate access of the storm water drainage system to a property or premises terminated pursuant to this section without the prior written approval of the Authorized Enforcement Agency.

SECTION 4.07 APPEALS

Any person who has been ordered to take action to comply with the provisions of this Ordinance may appeal in writing to the City Commission of the City of Bridgman, not later than 30 days after the action or decision being appealed. Such appeal shall identify the matter being appealed, and the basis for the appeal. The City Commission shall consider the appeal and make a decision whereby it affirms, rejects, or modifies the action being appealed. In considering any such appeal, the City Commission may consider the recommendations of the Authorized Enforcement Agency and the comments of other persons having knowledge or expertise regarding the matter. In considering any such appeal, the City Commission may grant a temporary variance from the terms of this Ordinance so as to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

(1) The application of the Ordinance provisions being appealed will present or cause unnecessary hardship for the property or premises of owner appealing; provided, however, that unnecessary hardship shall not include the need for a property or premises o owner to incur additional reasonable expenses in order to comply with the Ordinance; and

(2) The granting of the relief requested will not prevent accomplishment of the goals and purposes of this Ordinance, nor result in less effective management of storm water runoff.

SECTION 4.08 JUDICIAL RELIEF

The City may institute legal proceedings in a court of competent jurisdiction to seek all appropriate relief for violations of this Ordinance or of any permit, order, notice or agreement issued or entered into under this Ordinance. The action may seek temporary or permanent injunctive relief, damages, penalties, costs, and any other relief, at law or equity, that a court may order. The City may also seek collection of fines, penalties and any other amounts assessed and due to the City that remain unpaid.

SECTION 4.09 CUMULATIVE REMEDIES

The imposition of a single penalty, fine, order, damage, or surcharge upon any person for a violation of this Ordinance, or of any permit, order, notice or agreement issued, or entered into under this Ordinance, shall not preclude the imposition by the City, the Authorized Enforcement Agency, or a court of competent jurisdiction of a combination of any or all of those sanctions and remedies or additional sanctions and remedies with respect to the same violation, consistent with applicable limitations on penalty amounts under state or federal laws or regulations. A criminal citation and prosecution of a criminal action against a person shall not be dependent upon and need not be held in abeyance during any civil, judicial, or administrative proceeding, conference, or hearing regarding the person.

ARTICLE V PERFORMANCE AND DESIGN STANDARDS

SECTION 5.01 RESPONSIBILITY TO IMPLEMENT BMPs

The owner or operator of a premises used for any commercial or industrial purposes shall provide, at the owner or operator's own expense, reasonable protection from an accidental discharge of prohibited materials or other wastes from entering into the storm water drainage system or natural water body through the use of structural and nonstructural BMPs. Further, any person responsible for a property or premises, that is, or may be, the source of an illicit discharge may be required to implement, at their expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the storm water drainage system or natural water body. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

ARTICLE VI MISCELLANEOUS

SECTION 6.01 INTERPRETATION

Words and phrases in this Ordinance shall be construed according to their common and accepted meanings, except those words and phrases defined in Section 1.05 shall be construed according to the respective definitions given in that section. Technical words and technical phrases not defined in this Ordinance, but which have acquired particular meanings in law or in technical usage, shall be construed according to such meanings.

SECTION 6.02 CATCH-LINE HEADINGS

The catch-line headings of the articles and sections of this Ordinance are intended for convenience only, and shall not be construed as affecting the meaning or interpretation of the text of the articles or sections to which they may refer.

SECTION 6.03 SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable, and if any part or provision of this Ordinance should be declared invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect any other part or provision of this Ordinance.

SECTION 6.04 REPEAL

This Ordinance shall be in addition to other ordinances of the City and shall not be deemed to repeal or replace other ordinances, parts thereof; provided, that in the event of any inconsistency or conflict between this Ordinance and any other provision of any other ordinance, the provisions of this Ordinance shall control.

SECTION 6.05 EFFECTIVE DATE

This Ordinance shall become effective twenty (20) days, following its publication or following the publication of a summary of its provisions in a local newspaper of general circulation.

ORDINANCE DECLARED ADOPTED.

Ordinance effective July 19, 2004.

Elaine E. Thomas

Elaine E. Thomas , Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City of Bridgman, County of Berrien, State of Michigan, at a Regular Meeting, held on the 21st day of June, 2004, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Elaine E. Thomas

Elaine E. Thomas, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

AMENDMENT TO COMPREHENSIVE ZONING ORDINANCE

ORDINANCE NO. 155

Effective Feb. 10, 2005

An Ordinance to amend Ordinance 79, as amended by Ordinance 136, as amended, the Zoning Ordinance of the City of Bridgman to amend the Zoning Map to change property described below from one Zoning District to a different classification.

THE CITY OF BRIDGMAN ORDAINS:

SECTION ONE: Pursuant to Article II, Section 2.02 of Ordinance 79, as amended by Ordinance 136, the Zoning Ordinance of the City of Bridgman Appendix V "Zoning District Map" is amended to change the following described real estate from R-2 - Residential District to C - Commercial, to-wit:

Part of the Southwest Quarter of the Southwest Quarter of Section 17, Township 6 South, Range 19 West, City of Bridgman, Berrien County, Michigan; described as commencing on the north line of Lake Street at the intersection of the east line of Clark Street; thence North, along the east line of Clark Street One Hundred Ten (110') feet; thence East Sixty (60') feet; thence North Sixty (60') feet: thence East Ninety (90') feet; thence South to the north line of Lake Street One Hundred Seventy (170') feet; thence West, along the north line of Lake Street, One Hundred Fifty (150') feet to the place of beginning.

SECTION TWO: Pursuant to Article II, Section 2.02 of Ordinance 79, as amended by Ordinance 136, the Zoning Ordinance of the City of Bridgman Appendix V "Zoning District Map" is amended to change the following described real estate from R-3 - Residential District to C - Commercial, to-wit:

Lot 1, Assessor's Plat of Toth's Subdivision, City of Bridgman, Berrien County, Michigan, according to the Plat thereof, recorded September 27, 1957, in Book 15 of Plats, Page 48.
ALSO:
Part of the Northeast Quarter of Section 19, Township 6 South, Range 19 West, descibed as follows: Commencing at the Quarter post on the North line of said Section 19; thence South 14 Rods, thence East 10 Rods, thence North 14 Rods, thence West 10 Rods to the place of beginning; EXCEPTING THEREFROM Commencing at the North

Quarter post of said Section 19; thence South 89° 45' East 165 feet; thence South 100 feet, thence North 89° 45' West 165 feet; thence North 100 feet to the place of beginning.

SECTION THREE: The Clerk of the City of Bridgman is hereby directed to amend Appendix V - "Zoning District Reference Map" of the Zoning Ordinance of the City of Bridgman to reflect the changes to the districts as adopted.

This Ordinance shall become effective after publication in accordance with the Statutes of the State of Michigan and the Charter of the City of Bridgman.

ORDINANCE DECLARED ADOPTED.

Pam Hahaj

Pam Hahaj, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the CITY OF BRIDGMAN, County of Berrien, State of Michigan, at a Regular Meeting, held on the 2nd day of December, 2004, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pam Hahaj

PAM HAHAJ, Clerk

CITY OF BRIDGMAN

AMENDMENT TO PENAL CODE ORDINANCE

Ordinance No. 156

An Ordinance to amend, modify and clarify Chapter 3 and correct Chapter 13, subparagraph 3 of the Penal Code to provide for the regulation of amplified sound systems and designate authorized personnel for purposes of Civil Infractions.

THE CITY OF BRIDGMAN ORDAINS

Section 1. Chapter 3 of Ordinance No. 109 of the City of Bridgman is hereby amended and supplemented to add the following:

Section 3.7. AMPLIFIED SOUND REGULATION.

1. No person shall operate, or permit operation of, an electronically amplified sound system in or on any street or other public area so as to produce sound that is clearly audible more than 50 feet from the source, except as follows:

a. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in emergency or necessary public activities; or
b. Sound made to alert persons to the existence of an emergency, danger, or attempted crime, or for warning purposes authorized by law.

Section 2. Chapter 3 is further amended to renumber existing Section 3.7 as Section 3.8.

Section 3. Chapter 12 is amended to repeal Section 12.6 (c)(3), which conflicts with the provisions of the WEKO BEACH PARK Ordinance, being Ordinance No. 36.

Section 4. Chapter 13 is amended to repeal Section 13.3 and insert in its place and stead the following:

13.3 Authorized Municipal Officials for the purpose of issuing municipal civil infraction citations and municipal civil infraction notices under Chapter 10 and 12 of this Ordinance shall be restricted to police officers.

ORDINANCE DECLARED ADOPTED.

Pam Hahaj

Pam Hahaj, Clerk

ORDINANCE DECLARED ADOPTED.

Pam Hahaj

Pam Hahaj, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the CITY OF BRIDGMAN, County of Berrien, State of Michigan, at a Regular Meeting, held on the 3 day of January, 2005, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pam Hahaj

Pam Hahaj, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE NO. 157
CEMETERY, PARKING LOTS & PARKS ORDINANCE

Effective February 12, 2005

AN ORDINANCE TO REGULATE AND CONTROL THE USE AND ENJOYMENT OF THE CEMETERY, PUBLIC PARKING LOTS, AND PUBLIC PARKS OF THE CITY OF BRIDGMAN, EXCEPT WEKO BEACH PARK; TO PROVIDE PENALTIES FOR THE VIOLATION OF SUCH REGULATIONS, AND TO REPEAL ALL ORDINANCES, OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE CITY OF BRIDGMAN ORDAINS:

ARTICLE I
USE AND ENJOYMENT

SECTION 1. RESTRICTIONS

The use of Public Cemeteries, Public Parks (except Weko Beach), Public Parking Lots and the City Hall, which are located in, designated by, established by or maintained by the City of Bridgman shall be and hereby are dedicated to the use of persons having business at each site or, in the case of Public Parks, to taxpayers of the City, their immediate family (related individuals by blood or marriage that reside in the same residence), permanent residents of the City and their accompanied guests.

Organizations, clubs and groups, consisting principally of residents of the City of Bridgman may be granted use of the park facilities upon application to the City Superintendent, subject to such rules and regulations as may be prescribed by the City Commission.

SECTION 2. PARKING

No vehicle shall be parked, except in designated vehicle parking areas.

Any vehicle parked in violation of this Ordinance may be towed away by the City or its designee and the cost for this towing shall be surcharged to the owner.

In addition, violators of this section shall be subject to a fine as determined from time to time under the Parking Violation Bureau Ordinance of the City, being Ordinance No. 38, as amended.

ARTICLE II
ADMINISTRATION

SECTION 1. GENERAL SUPERVISION

The City Commission may appoint a Park Superintendent or Park Ranger who shall have general supervision of all the parks and the park employees. This person and/or the police shall have authority to enforce all rules or regulations, pertaining to the operation, maintenance, use and enjoyment of the parks and no person shall willfully disregard any lawful order to obey this ordinance, or duly adopted rules or regulations nor interfere with or hinder any employee while such employee is engaged in his assigned park duties and activities.

Cemeteries, parking lots and other public facilities shall be under the general jurisdiction of the Bridgman City Police. The Police shall enforce the provisions of this Ordinance, other Ordinances applicable to said areas, adopted traffic control orders, or state law applicable to public facilities

SECTION 2. RULES AND REGULATIONS

The City Commission may, from time to time, adopt, revise and amend rules or regulations for use of the public parking, parks or other public areas of the City to be observed by all persons using or enjoying the property, facilities and grounds referred to in this Ordinance, which rules and regulations, amendments or revisions thereof shall be printed and posted in a conspicuous place or places or posted on signs on the grounds or facilities of the applicable public area. All such rules and regulations displayed on signs or printed and posted in the public areas shall be given full force and effect under the provisions of this Ordinance as though they were fully set out in this Ordinance and incorporated herein by reference.

ARTICLE III
VIOLATIONS

SECTION 1. UNLAWFUL CONDUCT

The violation of any duly adopted and posted park rule, regulation or signs anywhere in the park.

SECTION 2. USE OF EQUIPMENT

The Park Superintendent or Ranger shall have authority to restrict the use of any recreational equipment, picnic tables and grills, athletic fields, or other amenities so as to insure their reasonable availability to all persons using the public facilities.

SECTION 3. HOURS OF OPERATION

The use of the Public facilities shall be subject to such restrictions as to hours of operation as may be designated by Resolution, from time to time by the City Commission based on recommendation of the Park Superintendent or Chief of Police. At the posted hour for the closing of the public area, all persons within the area, except City personnel, shall immediately depart therefrom. Any unauthorized vehicles or equipment remaining in the park after the closing hour may be towed or hauled away

ARTICLE IV
SAVING CLAUSE

SECTION 1. SAVING CLAUSE.

Should any section, clause or provision of this Ordinance be declared by the Courts to be invalid, the same shall not effect the validity of the Ordinance as a whole, or any part thereof other than the part or parts so declared to be invalid.

ARTICLE VI
REPEAL

SECTION 1. REPEAL

This Ordinance repeals all Ordinances or part of Ordinances heretofore enacted by the City of Bridgman that may be in conflict with this Ordinance.

ARTICLE VII
EFFECTIVE DATE

SECTION 1. EFFECTIVE DATE

This Ordinance shall become effective after publication in accordance with the Charter of the City of Bridgman.

ORDINANCE DECLARED ADOPTED.

Pam Hahaj

Pam Hahaj, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the CITY OF BRIDGMAN, County of Berrien, State of Michigan, at a Regular Meeting, held on the 17 day of January, 2005, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pam Hahaj

Pam Hahaj, Clerk

and the cost thereof, including reasonable storage fees, shall be assessed against the owner or operator of the vehicle, watercraft or trailer. Further, violators of this section shall be subject to a fine as set from time to time by Resolution of the City Commission.

SECTION 4. USE OF VEHICLES

No person shall at any time use any motorized vehicle including but not limited to beach or dune buggy, snow mobile, automobile, truck, motorcycle or other mechanically propelled vehicle of any kind of sort whatsoever upon the parks or within the cemetery, except on the streets, roads and parking areas therein. No person shall park any motor vehicle within said public areas, other than within a space and area provided for parking and designated as place where parking is permitted.

SECTION 5. OFFERING ARTICLES FOR SALE

No person shall offer or exchange for sale any article or thing, or do any hawking, peddling or soliciting, or buy or offer to buy any article or thing or take up any collection or solicit or receive contributions of money or anything of value in any public area, except the farmers market as established and designated from time to time by the City. This provision shall not apply to collections or solicitations by the City or its authorized representatives for or at City sponsored programs and events.

SECTION 6. FIREARMS AND FIREWORKS

No person shall carry or discharge firearms or discharge or set off any rocket, firecracker or torpedo or other fireworks or things containing any substance of an explosive nature in any public areas.

SECTION 7. OPEN FIRES

No person shall build or cause to be built any open fires anywhere in any public areas, except in grills established and installed for such purpose by City. An open fire is defined as any fire not in a grill or fireplace or other receptacle constructed and provided for that purpose. Ashes and coals shall not be dumped or disposed, except in designated trash receptacles.

SECTION 8. MUNICIPAL CIVIL INFRACTION.

A person who violates any provision of Ordinance is responsible for a municipal civil infraction, subject to the payment of a civil fine of $50.00, plus costs and other sanctions. A subsequent or repeat violation shall be subject to increased fines of $150.00 for the first repeat violation and an increased fine of $300.00 for each subsequent repeat violation, plus costs and sanctions. A repeat or subsequent violation means a second or any re-occurring violation of this code by the same person within a twelve month period of the initial violation.

SECTION 9. AUTHORIZED OFFICIALS.

Authorized Municipal Officials for the purpose of issuing municipal civil infraction citations and municipal civil infraction notices under this Ordinance shall be the Park Superintendent or Park Ranger and police officers.

CITY OF BRIDGMAN
COUNTY OF BERRIEN
BRIDGMAN, MICHIGAN

ORDINANCE NO. 158

EFFECTIVE January 26, 2005

An Ordinance to Amend the "Parking Violations Bureau & Schedule of Fines" Ordinance of the City of Bridgman, being Ordinance No. 38, to provide flexibility in administration and enforcement.

The CITY OF BRIDGMAN ORDAINS:

SECTION. 1

Sections 3 and 6 are hereby deleted and the following inserted in there place and stead:

SECTION 3. VIOLATIONS AND FINES

The Traffic Control Engineer shall propose, from time to time, a schedule of violations and penalties for each identified violation, which shall be submitted to the City Commission of the City of Bridgman for consideration. The City Commission shall review, adjust and adopt a schedule of violations and fines or penalties as shall be recommended. The schedule of violations and penalties shall be posted at City Hall.

SECTION. 2

This Ordinance shall become effective after publication in accordance with the Charter of the CITY OF BRIDGMAN.

AYES: Catania, Ramso, Liskey, Birmingham, Boyd, Gedeon-Kuhn, Crocker

NAYS: None

ORDINANCE DECLARED ADOPTED.

Pam Hajah

Pam Hajah, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the CITY OF BRIDGMAN, County of Berrien, State of Michigan, at a Regular Meeting, held on Jan. 3, 2005 and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pam Hajah

Pam Hajah, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

AN ORDINANCE TO ASSESS RESPONSIBILITY FOR SUPERVISION OF MINORS

ORDINANCE NO. 159

An Ordinance to assess responsibility for the reasonable supervision of minors and to impose penalty for failure to comply herewith:

THE CITY OF BRIDGMAN ORDAINS

Section 1. Purpose.

This Chapter is declared necessary for the preservation of the public peace, health, safety, and welfare of the people of the City of Bridgman, and is intended to address situations where persons responsible for the care, supervision and well being of minors have failed to act responsibly and reasonably in the care, supervision and well being of said minor children, to the detriment of the general public.

Section 2. Definitions.

As used in this Chapter;

(a) *Delinquent Act* means an act which violates the laws of the United States, or the statutes of the state of Michigan or the ordinances of the City of Bridgman, or an act which would cause the minor to come under the jurisdiction of the juvenile division of the Probate Court as defined by MCLA 712A.2, but a civil infraction traffic violation shall not be considered a delinquent act under this Chapter.

(b) *Minor* means any unemancipated person under the age of seventeen (17) years.

(c) *Responsible Person* means mother, father, legal guardian, a person *in loco parentis* or any other person charged with the supervision, care or well being of a minor, or any person having the care or custody of a minor, or any person seventeen (17) years of age or older with whom the minor resides.

(d) *Drugs* means any controlled substance as defined now or hereafter by the Public Health Code for the State of Michigan. Currently, such substances are defined in Part 72 of the Public Health Code, being sections 333.7201 et seq., of the Michigan Compiled Laws.

Section 3. Duties.

(a) It is the continuous duty of the Responsible Person to exercise reasonable control to prevent the minor from committing any delinquent act.

(b) No Responsible Person shall fail to exercise reasonable control over such minor. The continuous duty to exercise reasonable control of any minor shall include, but is not limited to, the following:

(1) Keeping drugs out of the home and out of the possession of the minor, except those drugs duly prescribed by a licensed physician or other authorized medical professional.

(2) Keeping firearms out of the possession of the minor except those used for hunting in accordance with local ordinance and state law and with the knowledge and supervision of a Responsible Person.

(3) Requiring the minor to observe the curfew ordinance of the City of Bridgman.

(4) Requiring the minor to attend regular school sessions and forbidding the minor to be absent from class without parental or school permission.

(5) Arranging proper supervision for the minor when the Responsible Person must be absent.

(6) Preventing the minor from maliciously or willfully destroying any property which belongs to any other person.

(7) Forbidding the minor from possessing stolen property or possessing or consuming alcoholic beverages.

(8) Seeking help from appropriate governmental authorities or private agencies in handling or controlling the minor, when necessary.

(9) Assisting and cooperating with governmental authorities in their efforts to handle or control the minor, including production of the minor for juvenile court appointments and hearings.

Section 4. Aiding and Abetting Delinquent Acts.

Any person who shall by any act, omission, or by any word, procure, counsel, aid, abet, encourage, contribute toward, cause or tend to cause any minor to become delinquent so as to come under or tend to come under the jurisdiction of the juvenile division of the probate court, as defined in MCL 712A.2, whether or not such child shall in fact be adjudicated a ward of the probate court, shall be guilty of a misdemeanor.

Section 5. Notification of Responsible Person; Record of Notification.

(a) Whenever a minor is arrested or detained for the commission of any delinquent act within the City of Bridgman, the Bridgman Police Department shall immediately attempt to notify the Responsible Person of such arrest or detention, the reason therefor, and the Rèsponsible Party's obligations under this Chapter.

(b) A record of such notification efforts shall be kept by the Bridgman Police Department.

Section 6. Penalties.

(a) Upon the first conviction for a violation of any provision of this Chapter, the Court shall impose a fine and/or a jail term as provided for in this Code and any other costs or fees permitted or required by law. In addition to such fine and/or jail term, the Court shall, unless it makes a specific finding that probation is inappropriate, exercise its authority to sentence the Defendant to a term of probation with such conditions as the Court deems appropriate. Such conditions may include participation in, and completion of, programs or therapies deemed appropriate by the Court in light of the facts of the particular case community service and/or work crew. Restitution shall also be required to make whole any victim or third party who has suffered financial loss in connection with the charged violation. Should the Court choose not to sentence the Defendant to a term of probation, or should the Court suspend all or any portion of a fine, costs or restitution assessed against the Defendant, the Court shall so state on the record and shall state the reason or reasons for its action. In addition to the penalties provided for in this subsection, the Court may also impose any penalties otherwise provided for by law.

(b) Upon the second or subsequent violation of any provision of this Chapter, the Court shall assess a fine of not less than two hundred dollars ($200.00) nor more than five hundred dollars ($500.00) in addition to any costs or fees permitted or required by law. In addition to such fines and costs, the Court may impose a jail sentence of up to ninety (90) days. The Court may in its discretion also impose any of the penalties provided for

in subsection (a) of this section or otherwise permitted by law.

Section 7. Severability.

Should any section, subdivision, clause or phrase of this Chapter be declared by the courts to be invalid or unenforceable, such holding shall not affect the validity or enforceability of the Chapter as a whole or of any part thereof, other than such parts so invalidated or declared unenforceable.

Section 8. Repeal of Conflicting Ordinances

Section of Ordinance ___, titled the ____, Ordinance No.___ titled the _____ and all other ordinances of the City of Bridgman, to the extent that they are inconsistent with this Ordinance are hereby repealed.

ORDINANCE DECLARED ADOPTED.

Pam Hahaj
PAM HAHAJ, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the CITY OF BRIDGMAN, County of Berrien, State of Michigan, at a Regular Meeting, held on the 21 day of November, 2005, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pam Hahaj
PAM HAHAJ, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

AMENDMENT TO ZONING ORDINANCE

ORDINANCE NO. 160

Effective - January 15, 2006

An Ordinance to Amend the Zoning Ordinance of the City of Bridgman to correct certain references, typographic errors, clarify procedure.

THE CITY OF BRIDGMAN ORDAINS:

SECTION ONE: Pursuant to the power to amend, reserved under the Zoning Ordinance, the following technical modification of the Zoning ordinance are hereby approved:

1. The title of the Zoning Ordinance for the City of Bridgman shall hereinafter be referenced as this Ordinance 160 ; being "Ordinance 160 City of Bridgman Zoning Ordinance".

2. Section 7.01- Use Permitted of Article VII C- Commercial District is hereby deleted and the following inserted in its place and stead:

Section 7.01 - Uses Permitted: The following commercial uses are permitted within the C-Commercial District:

- Retail Food Sales
- Restaurant
- Supermarket
- Tavern
- Regulated Financial Institutions
- Barber/Beauty Shop
- Business or Professional Office
- Chiropractic, Medical, Dental Clinic
- Mortuary
- Photographic Studio
- Veterinary Clinic
- Department Store
- Drug Store
- Flower/Gift Shop

- Hardware Shop
- Laundry/Dry Cleaning
- Retail Clothes Sales
- Retail Consumer Goods
- Open Air and Farmer's Markets

In addition, the commercial uses set forth in Article X or elsewhere in this Ordinance or not specifically identified above shall be Special Uses, subject to the provisions of Article XII.

3. Section 8.01- Uses Permitted of Article VIII I - Industrial District is hereby deleted and the following inserted in its place and stead:

Section 8.01 - Uses Permitted: The following industrial uses are permitted within the Industrial District:

- Wholesale Produce Terminal
- Business or Professional Office
- Automobile Repair Shop
- Boat Service or Storage
- Farm Equipment Sales
- Warehouse
- Wholesale Business
- Veterinary Clinic

In addition, the industrial uses set forth in Article X or elsewhere in this Ordinance or not specifically identified above shall be Special Uses, subject to the provisions of Article XII.

4. Section 16.02 - Membership of Article XVI "Board of Appeals" is hereby deleted and the following inserted in its place and stead:

Section 16.02 - Membership. The Zoning Board of Appeals shall consist of seven (7) members appointed by the City Commission of the City of Bridgman. The terms of all serving members shall continue for their unexpired terms, the Chairman of the Planning Commission shall continue for three (3) year(s) to May 1, 2008, the two members of the City Commission shall continue for three (3) year(s) to May 1, 2008. The four elector members shall serve their respective unexpired terms. Thereafter, all members shall be appointed by the City Commission for three year terms as terms expire.

In addition, the City Commission may appoint two (2) alternate members for three (3) year terms. The alternate members may be called, on a rotating basis, to sit

as regular members of the Board of Appeals in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member called shall serve on the case until final decision is made. The alternate member, when called, has the same voting rights as a regular member of the Board of Appeals.

5. Article XVIII "Penalties for Violations" is amended to add the following provision:

Section 18.03 - Civil Action. Any person who violates any of the provisions of this ordinance shall also be subject to a civil action seeking invalidation of the action taken in violation of this Ordinance and appropriate injunctive or other relief.

6. Article XVA "Conditional Zoning" is hereby added to read as follows:

Section 15A. 01 - Conditional Rezoning. It is recognized that there are certain instances where it would be in the best interests of the City, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 4g of the City & Village Zoning Act (MCL125.584g) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

A. Application and Offer of Conditions.

1. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.

2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.

3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the City Commission provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

B. Planning Commission Review

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 17.02C of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

C. City Commission Review

After receipt of the Planning Commission's recommendation, the City Commission shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The City Commission's deliberations shall include, but not be limited to, a

consideration of the factors for rezoning set forth in Section 17.02C of this Ordinance. Should the City Commission consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the City Commission shall, in accordance with Section 4g of the City & Village Zoning Act (MCL 125.584), refer such amendments to the Planning Commission for a report thereon within a time specified by the City Commission and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

D. Approval

1. If the City Commission finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the City Commission to accomplish the requested rezoning.

2. The Statement of Conditions shall:

   a. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the City Commission.

   b. Contain a legal description of the land to which it pertains.

   c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.

   d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the City with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.

f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The City Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the City with the Register of Deeds of the County in which the land is located. The City Commission shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the City or to any subsequent owner of the land.

5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

E. Compliance with Conditions

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

F. Time Period for Establishing Development or Use

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the City Commission if (1) it is demonstrated to the City Commission's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the City Commission finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

G. Reversion of Zoning

If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection F above, then the land shall revert to its former zoning classification as set forth in MCL 125.584g. The reversion process shall be initiated by the City Commission requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

H. Subsequent Rezoning of Land

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection G above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the City Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

I. Amendment of Conditions

1. During the time period for commencement of an approved development or use specified pursuant to Subsection F above or during any extension thereof granted by the City Commission, the City shall not add to or alter the conditions in the Statement of Conditions.

2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

J. City Right to Rezone

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the City Zoning Act (MCL 125.271 et seq.)

K. Failure to Offer Conditions.

The City shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

SECTION TWO: This Ordinance does hereby revise and restate the terms and provisions of the Zoning Ordinance of the City of Bridgman, by substituting in the place and stead of the various Ordinances amending and supplementing the Zoning Ordinance, together with correction of typographical and punctuation errors, which revised Zoning Ordinance shall be treated as continuing as created and amended, as it now stands and as it may in the future be amended in accordance with the provisions of Article XVII "Amendments" hereof. The City of Bridgman hereby affirms and ratifies the attached "Zoning Ordinance of the City of Bridgman, including the above revisions as Ordinance No. 160.

This Ordinance shall become effective after publication in accordance with the Charter of the City of Bridgman.

AYES: Commissioner Catania, Birmingham, Crocker, Liskey, Ramso, Boyd and Gedeon-Kuhn

NAYS: None

ORDINANCE DECLARED ADOPTED.

Pam Hahaj
PAM HAHAJ, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City Commission of the City of Bridgman, County of Berrien, State of Michigan, at a Regular Meeting, held on the 19 day of December, 2005, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pam Hahaj
PAM HAHAJ, City Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

AN ORDINANCE TO ADOPT BY REFERENCE STATE CONSTRUCTION CODE WITH FLOOD MANAGEMENT PROVISIONS

ORDINANCE NO. 161

An Ordinance to adopt by reference the State Construction Code with Floodplain Management provisions and designate an enforcement agency.

THE CITY OF BRIDGMAN ORDAINS:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the City of Bridgman is hereby designated as the enforcing agency to discharge the responsibility of the City of Bridgman under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of Bridgman assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

Section 2. CODE APPENDIX ENFORCED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency with the City of Bridgman.

Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. The Federal Emergency Management Agency (FEMA) Berrien County Flood Insurance Study (FIS) effective April 17, 2006, and the Flood Insurance Rate Map(s) (FIRMS) panel numbers 260210204C; 260210208C; 260210212C; and 260210216C, are adopted by reference and declared to be a part of Section 1612.3 of the Michigan Building Code.

Section 4. REPEAL OF CONFLICTING ORDINANCES. All other ordinances of the City of Bridgman, to the extent that they are inconsistent with this Ordinance or the State Construction Code, are hereby repealed.

Section 5. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same. Adopted this 20th day of March, 2006. This ordinance duly adopted on March 20, 2006, at a regular meeting of the City Council of the City of Bridgman and will become effective April 14, 2006.

ORDINANCE DECLARED ADOPTED.

Pam Hahaj

Pam Hahaj, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

AMENDMENT TO ZONING ORDINANCE

ORDINANCE NO. 162
Effective March 16, 2006

An Ordinance to Amend the Zoning Ordinance of the City of Bridgman to conditionally rezone a parcel of land from C to R-1 pursuant to Article XVA of the Zoning Ordinance.

THE CITY OF BRIDGMAN ORDAINS:

SECTION ONE: Pursuant to the power to amend, reserved under the Zoning Ordinance, the following amendment to Section 2.02 - Zoning Map the Zoning is hereby approved to conditionally amend the "Zoning District Map of the City of Bridgman" to change the following described property from C Commercial District to R-1 Residential District:

Part of the Southeast Quarter of Fractional Section 18, Township 6 South, Range 19 West, City of Bridgman, Berrien County, Michigan, described as beginning of the South line of said Section 429 feet East of the South Quarter Post, thence continuing along the South line132 feet, then North, parallel with the North-South Quarter line165 feet, then West 132 feet, thence South to point of beginning. Being parcel code #11-56-0018-0044-00-1

SECTION TWO: The following Statement of Conditions are hereby incorporated into and are made a part of the Conditional Rezoning:

1. Upon the sale, transfer or change of ownership (except to a family member), the conditional rezoning use shall terminate and the property shall revert to C "Commercial".

2. During the period of conditional rezoning, all provisions of Article III (R-1 Residential District) shall apply to the use and occupancy of the premises.

SECTION THREE: The following provisions shall apply to said Conditional Rezoning:

1. The Owner or any occupant shall continuously operate and maintain the use

in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

2. No permit or approval shall be granted under this Ordinance for any use that is contrary to an applicable Statement of Conditions.

3. The approved use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning takes effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the City Commission if (1) it is demonstrated to the City Commission's reasonable satisfaction that there is a strong likelihood that the use will commence within the period of extension and proceed diligently thereafter to completion and (2) the City Commission finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

4. If approved use of the rezoned land does not occur within the time frame specified under paragraph 3 above, then the land shall revert to its former zoning classification as set forth in MCL 125.584g. The reversion process shall be initiated by the City Commission requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

5. Nothing in the Statement of Conditions nor in the provisions of this Ordinance shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with the City Zoning Act (MCL 125.271 et seq.)

This Ordinance shall become effective after publication in accordance with the Charter of the City of Bridgman.

AYES: Catania, Birmingham, Gedeon-Kuhn, Crocker, Liskey, Ramso

NAYS: None

ORDINANCE DECLARED ADOPTED.

Pam Hahaj

PAM HAHAJ, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City Commission of the City of Bridgman, County of Berrien, State of Michigan, at a Regular Meeting, held on the 20 day of February, 2006, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pam Hahaj

PAM HAHAJ, City Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

AMENDMENT OF ZONING ORDINANCE

ORDINANCE NO. 163
Effective June 9, 2006

An Ordinance to amend the Zoning Ordinance of the City of Bridgman and to adopt the attached Map as the Official Zoning District Reference Map of the City of Bridgman, to be incorporated by reference in the City of Bridgman Zoning Ordinance, being Ordinance Number 160.

THE CITY OF BRIDGMAN ORDAINS:

SECTION ONE: The map attached to Appendix V entitled: "Zoning District Map of the City of Bridgman" is hereby deleted and the attached Map is hereby adopted as the "Official Zoning District Reference Map of the City of Bridgman".

This Ordinance shall become effective after publication in accordance with the Charter of the City of Bridgman.

AYES: Commissioner Catania, Gedeon-Kuhn, Birmingham, Ramso, Boyd and Liskey

NAYS: None

ABSTAIN: Commissioner Crocker

ORDINANCE DECLARED ADOPTED.

Pam Hahaj
PAM HAHAJ, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City Commission of the City of Bridgman, County of Berrien, State of Michigan, at Regular Meeting, held on the 15th day of May, 2006 and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pam Hahaj
PAM HAHAJ, City Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

Ordinance 164

AN ORDINANCE TO ESTABLISH "THE CORRIDOR IMPROVEMENT AUTHORITY OF THE CITY OF BRIDGMAN" AND TO SET FORTH THE BOUNDARIES OF THE CORRIDOR IMPROVEMENT DISTRICT OF THE CITY OF BRIDGMAN, AS CONTEMPLATED BY ACT 280, PUBLIC ACTS OF 2005 AS AMENDED.

THE CITY OF BRIDGMAN ORDAINS:

Section 1. Establishment of Authority

The City hereby establishes "The Corridor Improvement Authority of the City of Bridgman" pursuant to the provisions of Act 280, Public Acts of 2005 as amended."

Section 2. Designation of Boundaries of the Corridor Improvement District

The Corridor Improvement District of the City of Bridgman, being the area within which the Corridor Improvement Authority shall exercise its powers, is hereby established as:

All that certain property situated in the City of Bridgman, County of Berrien and State of Michigan, more particularly described as follows, to-wit:

> Beginning at the intersection of the Westerly right of way line of Red Arrow Highway and the Easterly line of I-94 in the Southeast Quarter of the Southeast Quarter of Section 24, Town 6 South, Range 19 and 20 West, City of Bridgman, Berrien County, State of Michigan, thence along said easterly line of I-94 to the Southerly right of way of Fern Street in Sulpher Springs Park, according to the Plat thereof, Recorded June 13, 1923, in Volume 6 of Plats, page 52, thence South 89°48' East along the South line of Fern Street to the East line of Section 24 and the West line of Section 19, Township 6 South, Range 19 West, City of Bridgman, thence South 75 feet, thence East to the Westerly right of way line of Red Arrow Highway, thence Northeasterly along said Westerly right of way line of Red Arrow Highway to a point 802.22 feet

Southwesterly along said Westerly right of way line of Red Arrow Highway from the South right of way line of Lake Street, thence North 85°43' West 130 feet, thence North 95 feet, thence East 30 feet, thence North 90.3 feet, thence East 195 feet to the Westerly right of way line of Red Arrow Highway, thence Northeasterly along said Westerly right of way line of Red Arrow Highway 275 feet, thence West 180.95 feet, thence South 9.5 feet, thence West 367.52 feet, thence North 5°39' East 303.34 feet to the Center line of Lake Street, thence Westerly along the Center line of Lake Street to the Easterly line of I-94, thence Northeasterly along the East line of I-94 to the North and South Quarter line of Section 18, Township 6 South, Range 19 West, thence South along said Quarter line to a point 1698.5 feet North of the South Quarter Post of said Section 18, thence East 824 feet to the Westerly line of Red Arrow Highway, thence Southwesterly along said westerly line of Red Arrow Highway to the South line of Willard Street as extended, thence East to the West line of Pine Street, thence South along said West line 162.2 feet, thence West 159.5 feet, thence South 862.4 feet, thence East to the center line of Pine Street, thence South 132 feet, thence East to the Center line of Maplewood Avenue, thence North 5 feet along said Center line, thence East 132 feet, thence North 160 feet, thence East 71 feet, thence North 177 feet to the South line of Maplewood Addition according to the Plat thereof, Recorded July 22, 1920, in Volume 6 of Plats, page 22, thence East 127.25 feet, thence South 177 feet to the South line of Post Court, thence East along said South line to the West line of Mathieu Street, thence North along said West line 141 feet, thence East to the Easterly right of way line of the C & O Railroad, thence Northerly along said Easterly right of way line to a point 726 feet North and 259.35 feet West of the Southeast corner of Section 18, Township 6 South, Range 19 West, thence East 259.35 feet to the West line of Church Street, thence South along said West line of Church Street 891 feet, thence West to the Easterly right of way line of the C & O Railroad, thence Southwesterly along said easterly right of way to a point South of the East line of Maple Street as extended, thence North along the said East line of Maple Street to a point 132 feet South of the South line of Lake Street, thence West to the East line of Pine Street as extended, thence North to the South line of Lake Street, thence West to the West line of Toth Street, thence South along the Westerly line of Toth Street 522 feet, thence West 115 feet, thence North 325 feet,

thence West to the Center line of Baldwin Road, thence South along the Center line of Baldwin Road145 feet, thence West 159 feet, thence North 9 feet, thence West 119 feet, thence South 362.7 feet, thence West 19 feet, thence South 433 feet, thence West 231 feet, thence South 378.35 feet, thence East 31 feet, thence South 13°30' West 510 feet, thence West to a point 304.05 feet North of the Northwest Corner of Baldwin Pines Condominium, being Berrien County Condominium Plan No. 94, Recorded July 22, 1996, at Liber 94, pages 1 through 55, inclusive, Berrien County Records, thence South to the Southwest corner of said Baldwin Pines Condominium, thence East to the Center line of the South Branch of Tanner Creek, thence Southwesterly along the Center line of said Creek to the North line of DUNE VISTA ADDITION, City of Bridgman, Berrien County, Michigan, according to the Plat thereof, Recorded February 8, 1960, in Book 17 of Plats, page 21, thence West along said North line to the Westerly line of said subdivision, thence Southerly along the West line of said Subdivision and the Westerly lines of TANNER CREEK and HIDDEN CREEK subdivisions, according to the Plats thereof, Recorded December 12, 1991, in Liber 24 of Plats, page 41 and Recorded February 7, 2003, in Liber 26 of Plats, page 27 , Berrien County Records, to the Southwest corner of said HIDDEN CREEK, thence West to Northerly right of way line of I-94, thence along the Northerly right of way line as extended to the Westerly line of Red Arrow Highway, thence Southwesterly along said westerly right of way line to the place of beginning.

Parcel being part of Sections 18, 19, and 24 City of Bridgman, Berrien County, Michigan.

Section 3. Definitions

(a) "Advance" means a transfer of funds made by a municipality to an authority or to another person on behalf of the authority in anticipation of repayment by the authority. Evidence of the intent to repay an advance may include, but is not limited to, an executed agreement to repay, provisions contained in a tax increment financing plan approved prior to the advance, or a resolution of the authority or the municipality.

(b) "Assessed value" means the taxable value as determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

specific local tax was paid in lieu of a property tax shall be determined as commencing October 1 of each year.

(n) "Land Use Plan" means a plan prepared under Section 7a of Act 285 of P.A. 1931, as amended, MCL 125.37a, being the Municipal Planning Act or Act 110 of P.A.2006, MCL 125.3101 to 125.3702, being the Michigan Zoning Enabling Act.

(o) "Municipality" means the City of Bridgman.

(p) "Operations" means office maintenance, including salaries and expenses of employees, office supplies, consultation fees, design costs, and other expenses incurred in the daily management of the authority and planning of its activities.

(q) "Parcel" means an identifiable unit of land that is treated as separate for valuation or zoning purposes.

(r) "Public facility" means a street, plaza, pedestrian mall, and any improvements to a street, plaza, or pedestrian mall including street furniture and beautification, sidewalk, trail, lighting, traffic flow modification, park, parking facility, recreational facility, right-of-way, structure, waterway, bridge, lake, pond, canal, utility line or pipe, or building, including access routes designed and dedicated to use by the public generally, or used by a public agency. Public facility includes an improvement to a facility used by the public or a public facility as those terms are defined in section 1 of 1966 PA 1, MCL 125.1351, if the improvement complies with the barrier-free design requirements of the state construction code promulgated under the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

(s) "Specific local tax" means a tax levied under PA 198 of 1974, MCL 207.551 to 207.572, as amended, the Commercial Redevelopment Act, PA 255 of 1978, MCL 207.651 to 207.668, as amended, the Technology Park Development Act, PA 385 of 1984, MCL 207.701 to 207.718, as amended, or PA 189 of 1953, MCL 211.181 to 211.182, as amended. The initial assessed value or current assessed value of property subject to a specific local tax shall be the quotient of the specific local tax paid divided by the ad valorem millage rate. The State Tax Commission shall prescribe the method for calculating the initial assessed value and current

assessed value of property for which a specific local tax was paid in lieu of a property tax.

(t) "State fiscal year" means the annual period commencing October 1 of each year.

(u) "Tax increment revenues" means the amount of ad valorem property taxes and specific local taxes attributable to the application of the levy of all taxing jurisdictions upon the captured assessed value of real and personal property in the development area. Tax increment revenues do not include any of the following:
(*i*) Taxes under the State Education Tax Act, 1993 PA 331, MCL 211.901 to 211.906.
(*ii*) Taxes levied by local or intermediate school districts.
(*iii*) Ad valorem property taxes attributable either to a portion of the captured assessed value shared with taxing jurisdictions within the jurisdictional area of the authority or to a portion of value of property that may be excluded from captured assessed value or specific local taxes attributable to the ad valorem property taxes.
(*iv*) Ad valorem property taxes excluded by the tax increment financing plan of the authority from the determination of the amount of tax increment revenues to be transmitted to the authority or specific local taxes attributable to the ad valorem property taxes.
(*v*) Ad valorem property taxes exempted from capture under section 18(5) or specific local taxes attributable to the ad valorem property taxes.
(*vi*) Ad valorem property taxes specifically levied for the payment of principal and interest of obligations approved by the electors or obligations pledging the unlimited taxing power of the local governmental unit or specific taxes attributable to those ad valorem property taxes.

Section 4. Board Composition

An authority shall be under the supervision and control of a Board of Trustees consisting of the Chief Executive Officer of the City of Bridgman or his or her designee and six (6) Members from the Community. Members shall be appointed by the Chief Executive Officer of the City of Bridgman, subject to approval by the City Council. Not less than a majority of the members shall be persons having an ownership or business interest in property located in the Development Area. At least 1 of the members shall be a resident of the Development Area or of an area within 1/2 mile of any part of the Development Area. The Chairperson of the Board shall be elected by the Board of Trustees. Before

assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office.

Section 5. Terms of Office

The members of the first Board of Trustees shall be appointed with terms thereof being staggered as follows: two (2) members shall serve for a term of four (4) years; two (2) members shall serve for a term of three (3) years, one (1) member shall serve for a two (2) year term, and one (1) member shall serve for a one (1) year term; the Chief Executive Officer or his or her designee shall be appointed annually by the City Council. Thereafter, all members, except the Chief Executive Officer, shall be appointed for three year terms. All members shall hold office until their successors are appointed and any vacancies in the Board of Trustees shall be filled by appointment by the Mayor, subject to approval by the City Council.

Section 6. Removal from Office

Any Member of the Board of Trustees may be removed by the City Council for misfeasance, malfeasance or nonfeasance in office. The City Manager of the City of Bridgman may initiate proceedings by meeting with any Trustee who has been challenged for such action or lack of action. After meeting with the Trustee, the City Manager shall report to the Chief Executive Officer. In the event the Chief Executive Officer determines that the Trustee may be guilty of misfeasance, malfeasance or nonfeasance in office, the Chief Executive Officer shall submit the matter to the City Council, together with a prepared written statement of charges. The Council shall conduct a public hearing. The hearing shall be recorded, the Trustee may be represented by counsel, call witnesses, and testify. The decision of the Council shall be final. The Trustee may appeal the decision to the Circuit Court for Berrien County.

Section 7. Compensation

The Trustees shall be compensated at a meeting per diem to be determined by the City Council.

Section 8. Open Meetings Act, Rules and Special Meetings and FOIA

The proceedings of the Board are subject to the Open Meetings Act, P.A. 267 of 1976, MCL 15.261 to 15.275, as amended. The Board may adopt rules governing its procedure and the holding of regular meetings. Special meetings may be held if called by the Chair or upon request of any two Trustees. All records of the Authority are subject to the Freedom of Information Act, P.A. 442 of 1976, MCL 15.231 to 15.246, as amended.

Section 9. Office of Director

The Board may employ and fix the compensation of a Executive Director, subject to the approval of the City Council. The Executive Director shall serve until terminated by the Board. A member of the Board is not eligible to hold the position of Executive Director. Before beginning his or her duties, the Executive Director shall take and subscribe to the constitutional oath, and shall be included in the City of Bridgman employee bond. The Executive Director shall be the Chief Administrative Officer of the Authority. Subject to the approval of the Board, the Executive Director shall supervise and be responsible for the preparation of plans and the performance of the functions of the Authority in the manner authorized by Act 280 of P.A. 2005, as amended. The Executive Director shall attend the meetings of the Board and shall provide to the Board and to the City Council, a report covering the activities and financial condition of the Authority. If the Executive Director is absent or disabled, the Board may designate a qualified person as Acting Director to perform the duties of the office. Before beginning his or her duties, the Acting Director shall take and subscribe to the oath.

Section 10. Office of Treasurer

The City Treasurer shall act as Treasurer for the Authority and shall keep the financial records of the Authority and who, together with the Executive Director, shall approve for submission to the Board all vouchers for the expenditure of funds of the Authority. The Treasurer shall perform all duties delegated to him or her by the Board.

Section 11. Office of Secretary

The City Clerk or her designee shall act as Secretary to the Board, who shall maintain custody of all records of the Authority. The Secretary shall attend meetings of the Board and keep a record of its proceedings and shall perform other duties delegated by the Board.

Section 12. Legal Counsel

The City Attorney shall act as legal counsel and advisor to the Board in the proper performance of its duties. The City Attorney shall represent the authority in actions brought by or against the Authority.

Section 13. Other Personnel

The Board may employ other personnel considered necessary by the Board.

Section 14. Employees of the Authority

The employees of an Authority shall be eligible to participate in the City of Bridgman retirement and insurance programs of the municipality as if they were public employees.

Section 15. Filing

The City Clerk of the City of Bridgman is hereby directed to file a certified copy of this Ordinance with the Office of the Secretary of State of Michigan promptly after its adoption as set forth below in conformity with Act 280 of P.A. 2005, as amended.

Section 16. Publication

This Ordinance shall become effective after publication.

ORDINANCE DECLARED ADOPTED.

Pam Hahaj
PAM HAHAJ, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City of Bridgman, County of Berrien, State of Michigan, at a Regular Meeting, held on the 2 day of April, 2007, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pam Hahaj
PAM HAHAJ, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE NO. 165

An Ordinance to provide for cost recovery for emergency services by requiring reimbursement from those individuals and property owners who receive direct benefits from emergency police or fire protection services provided by the City's Police and Fire Departments.

THE CITY OF BRIDGMAN ORDAINS:

Section One: Purpose.

(a) Purpose of section. The purpose of this section is to enable the City to require reimbursement from those individuals and property owners receiving direct benefits from emergency police or fire protection services provided by the City Police and Fire Departments and, to the extent permitted by law, from those responsible for the leaking, spilling or escape of dangerous or hazardous substances or materials, thereby requiring cleanup and disposal by the City or its agents.

Section Two: Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Dangerous or hazardous substance or material means any material or substance that has been identified by City, state or federal laws or regulations to be limited to such substances as chemicals and gases, explosives, radioactive materials, petroleum products or gases, poisons, etiologic (biologic) agents, flammables and corrosives, or substances that are obnoxious by reason of odor, spillage, leakage or other release from their containers. Specifically, hazardous substance includes hazardous chemicals as defined by the state department of public health and the state department of labor; hazardous materials as defined by the U.S. Department of Transportation; chemical materials and polluting materials as defined by the state department of natural resources; hazardous waste as defined by the state department of natural resources and hazardous materials as defined in the Comprehensive Environmental Response, "Superfund," as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 USC 9601. A dangerous or hazardous substance or material is considered released from its container, when in the determination of the Fire Chief or the Police Chief or his or her authorized representative, it poses a direct danger or threat of harm to human or animal life, health or safety and welfare of the public or environment. A hazardous substance can also be a

noxious odor that is determined by the Fire Department or Police Department to constitute a danger or threat to the public health, safety or welfare.

"Emergency response" means:

(1) The providing, sending and/or utilizing of police, firefighting, emergency medical and rescue services by the City, or by a private individual or corporation operating at the request or direction of the City, to an incident resulting in an accident involving a motor vehicle where one or more of the drivers were operating the motor vehicle under the influence of or while impaired due to the consumption of an alcoholic beverage or controlled substance or the combined influence of an alcoholic beverage and a controlled substance;

(2) An incident resulting in a traffic stop and arrest by a police officer when a driver was operating the motor vehicle while under the influence of or while impaired due to the consumption of an alcoholic beverage and/or controlled substance; or

(3) The providing, sending and/or utilizing of public service, police, firefighting or rescue services, including resuscitator service, to the scene of a fire, accident involving a motor vehicle, scene of a release of a hazardous substance, or scene of other emergency situation.

Expense of emergency response means the costs associated with the occurrence of an emergency response as set forth in this subsection. The expenses of making an emergency response, as set forth in this subsection, shall include the costs connected with the administration, abatement and mitigation provision and analysis of chemical tests, if applicable. These costs shall be set by Council resolution.

"Un-recycled waste oil" means a hazardous substance which may cause health and environmental problems.

Section Three: Liability; presumptions.

(1) The owner or lessor or operator of a fixed facility to which there is an emergency response by the City shall be presumed liable for the costs of an emergency response.

(2) Any person or vehicle owner/or the lessee who owned or operated a motor vehicle or other transporter, which operation results in an emergency response, shall be responsible and liable for the expenses of the emergency response.

(3) Any individual who is the object of an emergency response by the City shall be presumed liable for the costs of the emergency response.

(4) Any person is liable for the expense of an emergency response, if while under the influence or while impaired due to the consumption of an alcoholic beverage or controlled substance, or the combined influence of an alcoholic beverage and controlled substance, such person's operation of a motor vehicle proximately causes any incident resulting in emergency response.

(5) Presumptions are as follows:

a. For purposes of subsection (c)(4) of this section, a person is under the influence of an alcoholic beverage or controlled substance, or the combined influence of an alcoholic beverage and a controlled substance, when due to drinking alcohol the person's ability to operate a motor vehicle in a normal manner is substantially lessened or, because of drinking alcohol, a person's mental or physical condition is significantly affected and he is no longer able to operate a motor vehicle in a normal manner. Further, it shall be presumed that a person was operating a motor vehicle while under the influence of an alcoholic beverage if a chemical analysis of his blood, urine or breath indicates that the amount of alcohol in his blood was in excess of 0.08 percent.

b. For purposes of subsection (c)(5) of this section, a person is operating while impaired, when due to the consumption of alcohol or a controlled substance, or the combined influence of an alcoholic beverage and a controlled substance, the person operates a motor vehicle with less ability than would an ordinary careful driver. It shall be presumed that a person was operating while impaired if the person's driving ability was lessened to the point that it would have been noticeable to another person.

(6) The expense of an emergency response shall be a charge against the person liable for the expenses under this section. The charge constitutes a debt of that person and is collectible by the City for incurring those costs in the same manner as in the case of an obligation under a contract, express or implied.

(7) The City Council shall, by resolution, adopt a schedule of the costs included within the expense of an emergency response. This schedule shall be available to the public from either the City Clerk or the City Police and Fire Departments.

Section Four: Liability; hazardous or toxic substance or materials.

(1) It shall be the duty of any person and any other entity which causes or controls leakage, spillage or any other dissemination of a dangerous or hazardous substance or material to immediately remove such and clean up the area of such spillage in such manner that the area involved is fully restored to its condition before such occurrence. The Fire Department or Police Department will inspect the site to make sure the cleanup is in compliance with local, state and federal guidelines.

(2) Any such person or entity who fails to comply with this section by failing to cleanup without delay a hazardous substance release shall be liable to and shall pay the City for its costs and expenses, including the costs incurred by the City of any party which it engages, for the complete abatement, mitigation, cleanup and restoration of the affected area.

Section Five: Cost recovery for hazardous conditions concerning dangerous substances.

(1) The City Police, Fire Departments and Street Departments shall be entitled to recover all costs and damages incurred in conjunction with emergency incidents involving the release or threatened release of hazardous/toxic materials or the creation of hazardous conditions concerning dangerous or hazardous materials or substances. Such costs and damages shall include, but not be limited to, those associated with incident abatement,

cleanup and mitigation, including any related third-party costs, which are necessary to ensure the safety of the City and its populace and buildings.

(2) Such costs and damages shall be the responsibility of the individual to whom emergency response was provided or, if such emergency response involves motor vehicles or property, shall be the joint and several responsibility of the owner and/or operator, and/or the owner's or operator's insurance carrier, of the property, equipment, vehicle or container causing or contributing to any emergency incident or hazardous condition of extended duration.

(f) Civil liability. This section shall be construed to create responsibility and liability of a civil nature on the part of the individual to whom emergency response has been provided or, if such emergency response involves a motor vehicle or property, responsibility and liability of a civil nature on the part of the operator and/or owner, as well as to the appropriate no-fault insurance carrier. This section shall not be construed to conflict, contravene or enlarge or reduce any criminal liability or responsibility, including fines imposed by a judge on a driver for operating a motor vehicle while under the influence of an alcoholic beverage and/or controlled substance. Nor shall this section be construed to impose criminal sanctions based solely on this section as to the responsible party creating the need for an emergency response. The City Treasurer or his or her designee shall, within a reasonable time of receiving itemized costs incurred for emergency response, submit a bill for same by first class or personal service to a person or entity liable for these expenses as enumerated under this section. Such bill shall require full payment in 30 days from the date of billing. The City may proceed by suit in a court of appropriate jurisdiction to collect any monies remaining unpaid to the expiration of 30 days from billing and shall have any and all other remedies provided by law provided for the collection of such charges. In addition, if any person or entity fails to reimburse the City as provided and such person or entity is the owner of the affected property, the City shall have the right and power to add any and all costs of emergency response to the tax roll as to any such property, and to levy and collect such costs in the same manner as provided for the levy and collection of real property taxes against such property. This remedy is in addition to any other remedy available to the City allowed by law.

This ordinance shall become effective after publication

ORDINANCE DECLARED ADOPTED

Pam Hahaj

Pam Hahaj, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City of Bridgman, County of Berrien, State of Michigan, at a Regular Meeting, held on the 16 day of April, 2007, and that said Meeting was conducted and public notice of said meeting was given, pursuant to the in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pam Hahaj

Pam Hahaj, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE NO 166

An Ordinance to provide for cost recovery for emergency services involving the release of a hazardous substance by requiring reimbursement from those responsible for the leaking, spilling or escape of dangerous or hazardous substances or materials, thereby requiring cleanup and disposal by the City or its agents.

THE CITY OF BRIDGMAN ORDAINS:

Section One: Purpose.

The purpose of this section is to enable the City to require reimbursement from those responsible for the leaking, spilling or escape of dangerous or hazardous substances or materials, thereby requiring cleanup and disposal by the City or its agents.

Section Two: Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Dangerous or hazardous substance or material means any material or substance that has been identified by City, state or federal laws or regulations, to include but not be limited to such substances as chemicals and gases, explosives, radioactive materials, petroleum products or gases, poisons, etiologic (biologic) agents, flammables and corrosives, or substances that are obnoxious by reason of odor, spillage, leakage or other release from their containers. Specifically, hazardous substance includes hazardous chemicals as defined by the state department of public health and the state department of labor; hazardous materials as defined by the U.S. Department of Transportation; chemical materials and polluting materials as defined by the state department of natural resources; hazardous waste as defined by the state department of natural resources and hazardous materials as defined in the Comprehensive Environmental Response, "Superfund," as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 USC 9601. A dangerous or hazardous substance or material is considered released from its container, when in the determination of the Fire Chief or the Police Chief or his or her authorized representative, it poses a direct danger or threat of harm to human or animal life, health or safety and welfare of the public or environment. A hazardous substance can also be a noxious odor that is determined by the Fire Department or Police Department to constitute a danger or threat to the public health, safety or welfare.

"Emergency response" means:

(1) The providing, sending and/or utilizing of public service, police, firefighting or rescue services, including resuscitator service, to the scene of a release of any hazardous substance.

Expense of emergency response means the costs associated with the occurrence of an emergency response as set forth in this subsection. The expenses of making an emergency response, as set forth in this subsection, shall include the costs connected with the abatement and mitigation actions necessary as a result of the release of a hazardous substance. These costs shall be set by Council resolution.

Section Three: Liability; hazardous or toxic substance or materials.

(1) It shall be the duty of any person and any other entity which causes or controls leakage, spillage or any other dissemination of a dangerous or hazardous substance or material to immediately remove such and clean up the area of such spillage in such manner that the area involved is fully restored to its condition before such occurrence. The Fire Department or Police Department will inspect the site to make sure the cleanup is in compliance with local, state and federal guidelines.

(2) Any such person or entity who fails to comply with this section by failing to cleanup without delay a hazardous substance release shall be liable to and shall pay the City for its costs and expenses, including the costs incurred by the City of any party which it engages, for the complete abatement, mitigation, cleanup and restoration of the affected area.

Section Four: Cost recovery for hazardous conditions concerning dangerous substances.

(1) The City Police, Fire Departments and Street Departments shall be entitled to recover all costs and damages incurred in conjunction with emergency incidents involving the release or threatened release of hazardous/toxic materials or the creation of hazardous conditions concerning dangerous or hazardous materials or substances. Such costs and damages shall include, but not be limited to, those associated with incident abatement, cleanup and mitigation, including any related third-party costs, which are necessary to ensure the safety of the City and its populace and buildings.

(2) Such costs and damages shall be the responsibility of the individual to whom emergency response was provided or, if such emergency response involves motor vehicles or property, shall be the joint and several responsibility of the owner and/or operator, and/or the owner's or operator's insurance carrier, of the property, equipment, vehicle or container causing or contributing to any emergency incident or hazardous condition of extended duration.

(3) Civil liability. This section shall be construed to create responsibility and liability of a civil nature on the part of the individual to whom emergency response has been provided or, if such emergency response involves a motor vehicle or property, responsibility and liability of a civil nature on the part of the operator and/or owner, as well as to the appropriate insurance carrier. This section shall not be construed to conflict, contravene or enlarge or reduce any criminal liability or responsibility.

(4) Collection. The City Treasurer or his or her designee shall, within a reasonable time of receiving itemized costs incurred for emergency response, submit a bill for same by first class or personal service to a person or entity liable for these expenses as enumerated under this section. Such bill shall require full payment in 30 days from the date of billing. The City may proceed by suit in a court of appropriate jurisdiction to collect any monies remaining unpaid to the expiration of 30 days from billing and shall have any and all other remedies provided by law provided for the collection of such charges. In addition, if any person or entity fails to reimburse the City as provided and such person or entity is the owner of the affected property, the City shall have the right and power to add any and all costs of emergency response to the tax roll as to any such property, and to levy and collect such costs in the same manner as provided for the levy and collection of real property taxes against such property. This remedy is in addition to any other remedy available to the City allowed by law.

CERTIFICATION

I, PAMELA HAHAJ, duly appointed Clerk in and for the City of Bridgman, Berrien County, Michigan; do certify that the foregoing Resolution is a true and exact copy of a Ordinance adopted by the City Council during its Regular Meeting, held on the 17th day of December 2007 and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least twelve hours prior to the time set for the meeting, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pamela Hahaj

Pamela Hahaj, City Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE NO 167

An Ordinance to amend the penalty provisions of Ordinance No. 36 "Weko Beach Ordinance", as previously amended, to provide that violations of said Ordinance shall be treated as Civil Infractions and to set a schedule of Civil Fines.

THE CITY OF BRIDGMAN ORDAINS:

Section 1. Article IV. Section 1, "PENALTIES" is hereby repealed and the following Article is inserted in its place and stead:

ARTICLE IV

PENALTIES

Section 1. Municipal Civil Infraction: A person who violates any provisions of this Ordinance is responsible for a municipal civil infraction, subject to the payment of a civil fine of $50.00, plus costs and other sanctions. A subsequent or repeat violation shall be subject to increased fines of $150.00 for the first repeat violation and an increased fine of $300.00 for each subsequent repeat violations, plus costs and sanctions. A repeat or subsequent violation means a second or any re-occurring violation of this code by the same person within a twelve month period of the initial violation.

CERTIFICATION

I, PAMELA HAHAJ, duly appointed Clerk in and for the City of Bridgman, Berrien County, Michigan; do certify that the foregoing Resolution is a true and exact copy of a Ordinance adopted by the City Council during its Regular Meeting, held on the 17th day of December 2007 and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least twelve hours prior to the time set for the meeting, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pamela Hahaj

Pamela Hahaj, City Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE 169

An Ordinance to amend the penalty provisions of Ordinance No. 109, "Penal Code" Ordinance, as previously amended, to provide that violations of said Ordinance shall be treated as Civil Infractions and to set a schedule of Civil Fines.

THE CITY OF BRIDGMAN ORDAINS:

Section 1. Chapter 3, Sections 3.1 to 3.4 and 3.6 is hereby repealed; Section 3.7 is hereby repealed and the following is inserted in its place and stead:

200.301	Conduct of crowds and riots
200.302	Interference with gatherings and meetings
200.303	Assault and battery
200.304	Fighting and quarreling
Ordinance 156**	Amplified sound regulation
200.305**	Throwing stones or missiles
200.306	Harassing, threatening and obscene telephone calls

3.7 PENALTY. A person who violates this section shall be responsible for a municipal civil infraction.

Section 2. Chapter 4, Section(s) 4.1 to 4.7, is hereby repealed and Section 4.8 is hereby repealed and the following is inserted in its place and stead.

200.401	Indecent Language
200.402	Public Nudity
200.403	Obscene Literature
200.404	House of ill fame
200.405	Patrons of house if ill fame
200.406	Pandering
200.407	Window Peeping

4.8 PENALTY. A person who violates this section shall be responsible for a municipal civil infraction.

Section 3. Chapter 5, Section(s) 5.1 to 5.3 and Section 5.5 are hereby repealed. Section 5.6, PENALTY" is hereby repealed and the following is inserted in its place and stead:

200.501	MDOP
200.502	MDOP of Public Property
200.503	Tampering with or removing public property
200.504**	Posting of bills
200.505	Retail fraud

5.6 PENALTY. A person who violates this section shall be responsible for a municipal civil infraction.

Section 4. Chapter 6, Sections 6.2 to 6.4 is hereby repealed and Section 6.5, "PENALTY" is hereby repealed and the following is inserted in its place and stead:

200.601**	Intoxication, Drinking in public place
200.602	Furnishing alcoholic beverages

200.603	Minor in possession of intoxicants
200.604	Open containers in motor vehicles

6.5 PENALTY. A person who violates this section shall be responsible for a municipal civil infraction.

Section 5. Chapters 7 through 10 are hereby repealed.

200.700	Interference with Police officer
200.701	Resisting arrest
200.703	False report to police department
200.704	Impersonating a police officer
200.705	Aid in escape of a prisoner
200.801	False fire alarm
200.802	Damage to Fire Apparatus
200.803	Interference with firemen
200.901	Gambling for gain
200.902	Gambling device
200.903	Gambling Place
200.904	Advertising for Gambling
200.905	Power to seize gambling devices
200.1001	Fortune Telling

Section 6. Chapter 11 Section 11.4 is hereby repealed and Section 11.5, "PENALTY" is hereby repealed and the following is inserted in its place and stead:

200.1101**	Discharge of Firearms
200.1102**	Exception for licenses
200.1103**	Exceptions for Authorized Officials
200.1104	Dangerous Weapons
200.1200**	Maintaining a Nuisance
200.1202**	Noise Producing Devices
200.1203**	Barking Dogs
200.1204**	Smoke, soot, cinders, noxious acids, fumes and gases prohibited
200.1205**	Lights
200.1206**	Regulations of domestic animals and livestock

11.5 PENALTY. A person who violates this section shall be responsible for a municipal civil infraction.

Section 7. Chapter 12 Section 12.7 is hereby repealed and Section 12.7, "PENALTY" is hereby repealed and the following is inserted in its place and stead:

200.1200**	Maintaining a Nuisance
200.1202**	Noise Producing Devices
200.1203**	Barking Dogs
200.1204**	Smoke, soot, cinders, noxious acids, fumes and gases prohibited
200.1205**	Lights
200.1206**	Regulations of domestic animals and livestock

12.7 PENALTY. A person who violates this section shall be responsible for a municipal civil infraction

Section 8. Chapter 13 is hereby repealed and the following is inserted in its place and stead:

Section 13.1 MUNICIPAL CIVIL INFRACTION

A person who violates any provisions of this ordinance is responsible for a municipal civil infraction, subject to the payment of a civil fine of $50.00, plus costs and other sanctions. A

subsequent or repeat violation shall be subject to increased fines of $150.00 for the first repeat violation and an increased fine of $300.00 for each subsequent repeat violation, plus cost and sanctions.

A repeat or subsequent violation means a second or any reoccurring violation of this code by the same person within a twelve-month period of the initial violation.

NOTE: The chapters with ** by them are unique to the city and have no corresponding state code so they need to be kept as a civil infraction ordinance.

CERTIFICATION

I, PAMELA HAHAJ, duly appointed Clerk in and for the City of Bridgman, Berrien County, Michigan; do certify that the foregoing Ordinance is a true and exact copy of a Ordinance adopted by the City Council during its Regular Meeting, held on the 7th day of January 2008 and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least twelve hours prior to the time set for the meeting, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pamela Hahaj

Pamela Hahaj, City Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE 170

AN ORDINANCE TO APPROVE AND ADOPT "THE CITY OF BRIDGMAN CORRIDOR IMPROVEMENT AUTHORITY DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN DATED DECEMBER 2007".

THE CITY OF BRIDGMAN ORDAINS:

Section 1. Establishment of Authority

The City Council of the City of Bridgman, established a Corridor Improvement Authority, on April 26, 2007, to correct and prevent deterioration in the business district pursuant to the provisions of Act 280, Public Acts of 2005 as amended."

Section 2. Boundaries of the Corridor Improvement District

The Corridor Improvement District of the City of Bridgman, being the area within which the Corridor Improvement Authority, as established in Ordinance 164, shall exercise its powers and implement the Development and Tax Increment Finance Plan.

Section 3. Public Notice

Public Act 280 of 2005, as amended, requires the City Council to give proper public notices and hold a public hearing prior to the adoption of a Development Plan and Tax Increment Financing Plan, the public hearing which was held December 17, 2007.

Section 4. Findings

The Mayor and Council members of the City of Bridgman do herewith find that: 1. The Development Plan and Tax Increment Financing Plan constitutes a public purpose as defined in Section 23, Public Act 280 of 2005, as amended; 2. That a citizens advisory council was not required for the preparation of the plan; 3. The Development Plan and Tax Increment Financing Plan meets the requirements of Section 20. (2) of the Act; 4. The proposed method of financing the proposed development projects is feasible and the authority has be ability to arrange financing; 5. The Development Plan and Tax Increment Financing Plan is reasonable and necessary to carry out the purposes of the Act; 6. The land included within the development area (if any) to be acquired is reasonably necessary to carry out the purposes of the plan and of the act in an efficient and economically and satisfactory manner; 7. The development plan is in accord with the land use plan of the municipality; 8. Public services, such as fire and police protection and utilities are, or will be adequate to service the project area; 9. Changes in zoning, street levels, intersections, and utilities are reasonably necessary for the project and for the municipality; 10. The amount of captured assessed value estimated to result from adoption of the Development Plan and Tax Increment Financing Plan is reasonable.

Section 5. Policy Provision(s)

The Mayor and Council members of the City of Bridgman do herewith establish the policy that annually the City Council and Corridor Improvement Authority shall jointly prepare an annual report, which shall be certified and signed by the Chair of the Corridor Improvement Authority and Mayor and be provided to each taxing jurisdiction for which taxes are captured and used by the Corridor Improvement Authority, containing: 1. An

analysis of programmatic and budgetary activities for the prior year; 2. An analysis of the progress towards implementation of the work program and projects set forth in the approved Development Plan; 3. An analysis of the need for and application of future tax increment financing funding for implementation of the work program and projects set forth in the approved Development Plan; 4. An analysis of programmatic and budgetary activities for the ensuing year.

Section 6. Filing

The City Clerk of the City of Bridgman is hereby directed to file a certified copy of this Ordinance with the Office of the Secretary of State of Michigan promptly after its adoption as set forth below in conformity with Act 280 of P.A. 2005, as amended.

Section 16. Publication

CERTIFICATION

I, PAMELA HAHAJ, duly appointed Clerk in and for the City of Bridgman, Berrien County, Michigan; do certify that the foregoing Ordinance is a true and exact copy of a Ordinance adopted by the City Council during its Regular Meeting, held on the 27th day of December 2007 and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least twelve hours prior to the time set for the meeting, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pamela Hahaj

Pamela Hahaj, City Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

AN ORDINANCE TO ADOPT ORDINANCE REGARDING BOARD OF REVIEW

ORDINANCE NO. 171

An Ordinance to affirm the structure of the City's Board of Review, set a meeting schedule, provide for notice of meetings, establish duties and responsibilities of the Board, and to provide for Board compositions and a procedure for appointment of members.

T\HE CITY OF BRIDGMAN ORDAINS:

Section One. BOARD OF REVIEW. The Board of Review shall be composed of three property owners who are qualified and registered electors of the City, who during their term of office shall not be City officers or employees or be nominees of candidates for any elective City office. The filing by a member of the Board of Review of a petition for an elective City office or the filing of a consent thereto shall constitute a resignation from the Board of Review.

Section Two. APPOINTMENT OF MEMBERS. Board of Review members shall serve terms of three years. One new member of the Board of Review shall be appointed by the Council each year during the month of January. The City Council shall fix compensation for the Board of Review.

Section Three. MEETINGS OF BOARD OF REVIEW. Each March, the Board of Review shall meet and select its own chairman for the ensuing year at the Organizational Meeting. The City Assessor shall be the Secretary of the Board and shall be entitled to be heard at its sessions. The City Assessor shall not be a member of the Board. A majority of the members of the Board shall constitute a quorum. In each case where the assessed value of any property is increased or any property is added to the roll by the Board, the Assessor shall give notice thereof to the owners as shown by such roll by letter mailed first class not later than the day following the end of the first session of the Board. Such notice shall state the date, time, place and purpose of the second session of the Board. The failure to give any such notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.

The Board of Review shall convene in its first public session on the second Wednesday in March of each year at such time of day and place as shall be designated by the Council and shall remain in session for at least one day for the purpose of considering and correcting the assessment roll. The Board of Review shall convene in its second public session on the third Wednesday in March of each year at such time of day and place as shall be designated by the Council. The Board of Review shall convene a third public session on the third Saturday in March, and shall continue in such session until all interested persons have had an opportunity to be heard. The Board shall also conduct meetings as requested in July and December on dates so designated by the Council for correcting clerical errors of mutual mistakes of fact.

Section Four. VACANCY. The City Council may appoint up to two (2) alternate members to the Board of Review pursuant to the provisions of state law relative to the appointment of alternate Board of Review members for townships.

Section Five. NOTICE OF MEETINGS. Notice of the time and place of the sessions of the Board of Review shall be published by the Clerk once each week for three consecutive weeks immediately prior to the second session of the Board.

Section Six. DUTIES AND FUNCTIONS OF THE BOARD OF REVIEW. For the purpose of revising and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are by the general tax laws conferred upon and required of boards of review in townships. The Board of Review shall hear complaints of all persons considering themselves aggrieved by assessments, and if it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the Board shall correct the roll in such a manner as it deems just. In all cases the roll shall be reviewed according to the facts existing on the tax day and no change of the status of any property after said day shall be considered by the Board of Review in making its decisions. Except as otherwise provided by statute, no person other than the Board of Review shall make or authorize any change upon, or additions or corrections to, the assessment roll. It shall be the duty of the assessor to keep a permanent record of all proceedings and to enter therein all resolutions and decisions of the Board.

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

Section Eight. CLERK TO CERTIFY TAX LEVY. Within three days after the Council has adopted the budget for the ensuing year, the City Treasurer shall certify the total amount which the Council determines shall be raised by the general tax. The Treasurer shall certify all amounts of current or delinquent special assessments and all other amounts which the Council requires to be assessed, reassessed, or charged upon any property or against any person.

Section Nine. CITY TAX ROLL TO TREASURER. After the Board of Review has completed its review of the assessment roll, the City Treasurer shall prepare a copy of the assessment roll to be known as the "City Tax Roll". Upon receiving certification of the several amounts to be raised, as provided in tax roll, the Treasurer shall spread upon said tax roll the several amounts to be assessed, reassessed, or charged against persons or property. The Treasurer shall spread the amounts of the general city tax according to and in proportion to the several valuations set forth in said assessment roll. To avoid fractions in computation on any tax roll, the Treasurer may add to the amount of the several taxes to be raised not more than the amount prescribed by statute. Any excess created thereby on any tax roll shall belong to the City.

ORDINANCE DECLARED ADOPTED

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the CITY OF BRIDGMAN, County of Berrien, State of Michigan, at a Regular Meeting, held on the 17 day of MARCH, 2008, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pamela Hahaj

Pam Hahaj, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

AN ORDINANCE TO AMEND ORDINANCE 26
CITY PLANNING COMMISSION

ORDINANCE NO. 172

An Ordinance to amend Section 2 of Ordinance Number 26, "City Planning Commission", to amend the number of Members on the Planning Commission.

THE CITY OF BRIDGMAN ORDAINS:

Section One. Section 2 of Ordinance 26, "City Planning Commission" is hereby repealed and the following is inserted in its place and stead:

Section 2. MEMBERSHIP.

The Planning Commission shall consist of seven members who shall represent different segments of the community, such as the economic, governmental, educational, and social development of the local unit of government. The membership shall also be representative of the entire geography of the City to the extent practicable. Members of the Planning Commission shall be appointed by the Mayor, subject to approval by a majority vote of the City Council. Each member of the Commission shall receive compensation as set from time to time, by action of the City Council, per meeting, up to a maximum of twelve meetings per year. Each member of the Commission must attend two-thirds (2/3) of the regular meetings to receive said compensation, as determined by the Commission secretary. This fee will be paid not less than once a year or in intervals determined by the City Clerk. No Commission member shall be a member of any other municipal office except that one member may be a member of the Zoning Board of Appeals. The term of each member shall be three years from and after the second Monday in April of the year of appointment from and after such that as nearly as possible, the terms of one-third (1/3) of all members shall expire each year. All members shall hold office until their successors are appointed and any vacancies shall be filled by appointment of the Mayor, subject to approval by the City Council. The City Manager, City Assessor and/or the City Zoning Administrator shall be an ex officio member of the Commission without voting privileges.

I, PAMELA HAHAJ, duly appointed Clerk in and for the City of Bridgman, Berrien County, Michigan; do certify that the foregoing Ordinance is a true and exact copy of a Ordinance adopted by the City Council during its Regular Meeting, held on the 7th day of July 2008 and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least twelve hours prior to the time set for the meeting, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pamela Hahaj

Pamela Hahaj, City Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE NO 173

AN ORDINANCE AMENDING THE "CITY OF BRIDGMAN CORRIDOR IMPROVEMENT AUTHORITY DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN DATED DECEMBER 2008"

THE CITY OF BRIDGMAN ORDAINS:

Section 1. Establishment of Authority

The City Council of the City of Bridgman, established a Corridor Improvement Authority, on April 26, 2007, to correct and prevent deterioration in the business district pursuant to the provisions of Act 280, public Acts 2005, as amended.

Section 2. Adoption of Development and Tax Increment Financing Plan

The City Council of the City of Bridgman, pursuant to the provision Section 22 of the Act, on December 27, 2007 did adopt a Development Plan and Tax Increment Financing Plan as prepared and recommend for adoption by the Corridor Improvement Authority Board of Directors.

Section 3. Reconsideration of the Use of Tax Increment Financing

Due to enactment of an amendment to P.A. 210 of 2005 entitled the Michigan Commercial Rehabilitation Act which creates a commercial tax abatement program for administration by local units of government, the Board of Directors of the Corridor Improvement Authority, after study of the effectiveness of the use of commercial tax abatements, have recommended the City Council discontinue the use of tax increment financing favoring a program of tax abatements for the purposes of revitalizing the business district.

Section 4. Public Notice

Section 22 of Public Act 280 of 2005, as amended, requires the City Council to give proper notices and hold a public hearing prior to the adoption of an amendment to the Development Plan and Tax Increment Financing Plan, the public hearing which was held August 18, 2008.

Section 5. Recision of the Tax Increment Financing Plan

The Mayor and City Council do herewith find that the use of tax increment financing by the Corridor Improvement Authority, as recommend by the Authority Board of Directors, is not appropriate at this time and hereby rescind the Tax Increment Financing Plan contained in the document titled "City of Bridgman, Michigan Corridor Improvement Authority Development Plan and Tax Increment Financing Plan adopted by the City Council December 27, 2007.

Section 6. Filing

The City Clerk of the City of Bridgman is hereby directed to file a certified copy of this Ordinance with the Office of the Secretary of State of Michigan promptly after its adoption as set forth below in conformity with Act 280 of P.A. 2005 , as amended.

ORDINANCE DECLARED ADOPTED.

Pam Haley

Pam Hahaj, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the CITY OF BRIDGMAN, County of Berrien, State of Michigan, at a Regular Meeting, held on the 2nd day of September, 2008, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pam Hahaj

Pam Hahaj, Clerk

A.

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

AN ORDINANCE TO ADOPT A CODE OF ETHICS FOR THE CITY OF BRIDGMAN

ORDINANCE NO. 174

An Ordinance to adopt a Code of Ethics for the City of Bridgman and to provide for a fair, ethical, and accountable local government that has earned the public's full confidence for integrity.

THE CITY OF BRIDGMAN ORDAINS:

SECTION ONE. PREAMBLE

The citizens of Bridgman are entitled to have fair, ethical and accountable local government that has earned the public's full confidence for integrity.

Furthermore, the effective functioning of democratic government requires that public officials comply with both the letter and spirit of the laws and policies affecting the operations of government; public officials be independent, impartial and fair in their judgment and actions; public office be used for the public good, not for personal gain; and public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Bridgman City Council adopts this Code of Ethics for Bridgman City Officials to assure public confidence in the integrity of local government and its effective and fair operation.

SECTION TWO. DEFINITIONS As used in this ordinance, the following words and phrases shall have the following meanings:

Appointed Persons– a person selected and installed in an office or position at the City of Bridgman by the Mayor, Manager, and/or City Council, including but not limited to the Planning Commission, Zoning Board of Appeals, and the Board of Review.

Candidate – someone who seeks or who has been proposed for an office, position, or award.

City – the City of Bridgman.

City Officials – all candidates, appointed persons, and any other person elected to any position at the City of Bridgman, including but not limited to the City Council members, subordinate boards and committees of the City Council. This definition does not include a volunteer not appointed or elected to office.

Council – the City Council of the City of Bridgman.

Elected – chosen by the eligible voters of the City.

Employee – a person working for the City for wages, salary, or other benefits and under the control and supervision of the City as to hours, work standards, and rules of work, etc.

Family Member– spouse, child, or any family members within the **second** degree of consanguinity to the City Official or the City Official's spouse.

All words not otherwise defined in this section shall be presumed to have their ordinary dictionary meaning.

SECTION THREE. CODE OF ETHICS

(1) Acts in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, City Officials will work for the common good of the people of Bridgman and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions coming before the City.

(2) Compliance with Law

City Officials shall comply with the laws of the nation, the State of Michigan, and the City of Bridgman in the performance of their public duties. These laws include, but are not limited to: the United States and Michigan constitutions; the Bridgman City Charter; laws pertaining to conflicts of interest, contracts with public entities, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

(3) Respect for Process

City Officials shall perform their duties in accordance with the processes and rules of order established by the City Council and the City Charter governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

(4) Conduct of Public Meetings

City Officials shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speakers, making comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

(5) Communication

City Officials shall publicly share substantive information that is relevant to a matter under consideration, which they may have received from sources outside of the public decision-making process.

(6) Full Disclosure

A City Official in the performance of his or her public duties shall not act upon any matter in which they have a material financial interest, or where they have a legal or fiduciary duty to another organization or entity or personal relationship that may give the appearance of a conflict of interest, without disclosing the full nature and extent of the interest to the other members of the City Council on the official record. Such disclosure must be made before the time to perform their duty or concurrently with the performance of the duty.

The disclosure required by this subsection shall not supplant, but instead shall supplement, any disclosure of a personal, contractual, financial, business, employment or pecuniary interest required by state statute.

(7) Gifts, Favors, and Loans

City Officials should refrain from financial and business dealings that would tend to reflect adversely on the Officials' impartiality, interfere with the performance of their public duties or exploit their official position. City Officials should not take any special advantage of services, goods or opportunity for personal gain that is not available to the public in general.

City Officials and any family member claimed as a dependent of the Official shall refrain from soliciting or accepting any gifts, loans or favors except that an Official and a family member claimed as a

dependent of the Official may:

i) Accept a gift or honorarium, not exceeding a value of $100, for services rendered in the performance of their public duties or other activity devoted to the improvement of cities, communities and the lives of citizens.

ii) Accept ordinary social hospitality; a gift, bequest, favor or loan from a relative; a wedding or engagement gift; a loan in the regular course of business from a lending institution on the same terms as generally available to the public; and a scholarship, grant or fellowship awarded on the same terms as applied to other applicants.

iii) Accept any other gift, favor or loan only if the donor is not a person or entity whose interests have come or are likely to come before the City.

iv) Solicit and accept campaign contributions.

(8) Confidential Information

City Officials shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose nor divulge to an unauthorized person confidential information acquired in the course of their duties in advance of the time prescribed for its authorized release to the public without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

(9) Use of Public Resources

Public resources, including City staff time, equipment, supplies, and facilities, not available to the public in general shall only be used for the benefit of the public and not for City Official's personal or private use.

(10) Representation of Private Interests

In keeping with their role as stewards of the public interest, City Officials shall not appear on behalf of the private interests of third parties, including their spouses and family members within the **second** degree of consanguinity to the City Officials or their spouse, before the City Council or any board, committee, Council or proceeding of the City.

(11) Advocacy

City Officials shall represent the official policies or positions of the City Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, City Officials shall explicitly state they do not represent their body or the City of Bridgman, nor will they allow the inference that they do.

(12) Policy Role of Members

City Officials shall respect and adhere to the Council-manager structure of Bridgman City government as outlined by the Bridgman City Charter. In this structure, the City Council as a whole determines the policies and directives of the City with the advice, information, and analysis provided by the public, subordinate boards, committees, and City employee.

City Officials therefore shall not interfere with the administrative functions of the City or the professional duties of City employees; nor shall they impair the ability of staff to implement City Council policy decisions.

(13) Independence of Boards and Councils

Because of the value of the independent advice of subordinate boards, committees, and Councils to the public decision-making process, members of the City Council shall, except when the Council member is a member of the public body, limit their participation in the proceedings of such subordinate public bodies to the communication of requested information and providing factual information relevant to the discussion at hand and shall not otherwise attempt to unduly influence the deliberations or outcomes of the proceedings.

(14) Positive Workplace Environment

City Officials shall support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. City Officials shall recognize their special role in dealings with City employees so as to in no way create the perception of inappropriate direction to staff nor, except for the purpose of inquiry, give specific orders to subordinates of the City Manager.

Because City Officials' actions and comments contribute to the environment in which all City employees must work, in order to create and promote a positive work environment under no circumstances shall City Officials, either in public or private, intimidate, humiliate, or otherwise abuse a City employee.

(15) Compliance and Enforcement

This Code of Ethics for Bridgman City Officials expresses standards of ethical conduct expected by Bridgman City Officials. City Officials themselves have the primary responsibility to assure that they understand and meet the ethical standards expressed in this code of ethics and that the public can continue to have full confidence in the integrity of government.

All City Officials shall have a responsibility to intervene when actions of another City Official, which appear to be in violation of the Code of Ethics, are brought to their attention. Requests to investigate or take action to enforce this Code of Ethics shall be brought to the City Attorney, **and** if the attorney has reasonable suspicion of a violation of the Code of Ethics, the Mayor, or any three Officials may require the setting of a public hearing at a regular or special meeting of the City Council to determine whether a violation of the Code of Ethics has occurred and, if so, what sanctions shall be imposed for the violation.

The City Council may impose sanctions on City Officials whose conduct does not comply with the City's ethical standards. Sanctions may include reprimand, formal censure, loss of committee assignment, restrictions on budget or travel, and removal from office as provided by the City Charter or by the Governor in the manner and for the causes provided by law.
A violation of this code of ethics shall not be considered a basis for challenging the validity of a City Council decision.

(16) Implementation

As an expression of the standards of conduct for City Officials expected by the public, this Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when City Officials are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for newly elected or appointed City Officials. In addition, the City Council shall annually review The Code of Ethics for Bridgman City Officials.

SECTION FOUR. ACKNOWLEDGMENT

City Officials entering office after election or appointment shall sign a statement affirming that they have read and understand The Code of Ethics for Bridgman City Officials. Each City Official, upon being elected or appointed to a position as a City Official, shall sign the following Official's Statement of Acknowledgment, which shall be kept on file in the Clerk's office.

Bridgman City Official Statement of Acknowledgment

As a Bridgman City Official, I agree to uphold the Code of Ethics adopted by the City Council and conduct myself by the following model of excellence. I will:

Recognize the worth of individual members and appreciate their individual talents, perspectives, and contributions;

Help create an atmosphere of respect and civility where individual members, City staff, and the public are free to express their ideas and work to their full potential;

Respect the dignity and privacy of individuals and organizations;

Respect and maintain the nature of confidential and privileged information and opinions acquired as a result of my position;

Conduct my public affairs with honesty, integrity, fairness, and respect for others;

Avoid and discourage conduct that is divisive or harmful to the best interests of Bridgman;

Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit.

I affirm that I have read and fully understand the Code of Ethics for Bridgman City Officials and will abide by the provisions contained therein.

Date/Sign/Printed Name/Office

CERTIFICATION

I, PAMELA HAHAJ, duly appointed Clerk in an for the City of Bridgman, Berrien County, Michigan; do certify that the foregoing Ordinance is a true and exact copy of an Ordinance adopted by the City Council during a Regular Meeting, held on the 15th day of December 2008 and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least 12 hours prior to the time set for the meeting and that Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pamela Hahaj, City Clerk

Pamela Hahaj

Ordinance 175

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE NO. 175

AN ORDINANCE TO PREVENT ANY BUSINESS LOCATED IN THE CITY LIMITS FROM CONDUCTING OR PARTICIPATING IN ANY ACTIVITIES THAT ARE PROHIBITED BY LOCAL, STATE, OR FEDERAL LAW.

THE CITY OF BRIDGMAN ORDAINS:

SECTION 1. Definitions.

"Busines s" means any person, group of persons, partnership, corporation, limited liability company, limited partnership, or any other entity that engages in commercial activity as a means of livelihood or profit or any other activity involving the exchange of money for goods and/or services.

"City" means the City of Bridgman.

"Code Enforcement Off icer" includes the Building Inspector, Zoning Administrator, and any member of the City of Bridgman Police Department.

"Federal" means the United States.

"State" means the State of Michigan.

SECTION 2. Prohibited Acts.

It shall be unlawful for any person or business to conduct any business or business-related activity within the City limits that violates any local, state, or federal law, ordinance, rule, or regulation.

SECTION 3. Enforcement.

It shall be the duty of a Code Enforcement Officer of the City of Bridgman or his or her designee to serve or cause to be served a violation notice upon the owner, lessee, tenant or occupant of any premises on which any violation of local, state, or federal law is found in accordance with Section 2.

In the event the owner, lessee, tenant or occupant having control or management of any lot, place or parcel of land, regardless of the zoning classification, has failed, refused or neglected to comply with the provisions of any local, state, or federal law in accordance with Section 2, the Code Enforcement Officer and/or his or her authorized representatives, are hereby empowered to enter upon such land or lots for the purpose of accomplishing abatement of the violation and eliminating the violation.

The City, in its discretion, may also elect to initiate a civil action in Berrien County Circuit Court to enjoin a person or business from continued and repeated violations of this Ordinance.

SECTION 4. Right to Elect Remedy.

Nothing in this Ordinance shall prevent the City from electing any remedy contained herein which the City deems fit to abate any violation of section 2 of this ordinance.

SECTION 5. Costs of Enforcement.

Whenever a Code Enforcement Officer or his or her authorized representatives shall enter upon any parcel of land in order to accomplish abatement of an existing violation pursuant to the provisions of this Ordinance, the City representative is hereby authorized and directed to keep an accurate account of all expenses incurred; the City of Bridgman is authorized to add to the actual costs of abatement a $100.00 administrative charge to cover the expenses of administering the work performed, costs of notice, overhead and other contingent expenses. In the event an action for injunctive relief is brought against a person or business to enjoin a violation of the Ordinance, the violator shall pay all of the City's reasonable attorney fees and costs to bring said suit. The City Treasurer shall forward a statement of the total charges assessed on each parcel of property to the owner as shown by the last current assessment or tax roll and said assessment shall be payable to the City Treasurer within thirty (30) days from the date statement was forwarded. If not paid within the prescribed thirty (30) day period, such statement shall be filed with the City Assessor and shall thereupon be assessed against the land in question and become a lien on such property.

SECTION 6. Municipal Civil Infraction.

A person who violates any provisions of this Ordinance is responsible for a municipal civil infraction, subject to the payment of a civil fine of $100.00, plus costs and other sanctions. A subsequent or repeat violation shall be subject to increased fines of $250.00 for the first repeat violation and an increased fine of $500.00 for each subsequent repeat violations, plus costs and sanctions. A repeat or subsequent violation means a second or any re-occurring violation of this code by the same person within a twelve (12) month period of the initial violation.

SECTION 7. Separation.

If any part or parts of this Ordinance are for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance.

SECTION 8. Effective Date.

This Ordinance shall become effective after publication in accordance with this Charter of the City of Bridgman.

ORDINANCE DECLARED ADOPTED.

Pam Hahaj

PAM HAHAJ, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

AN ORDINANCE TO AMEND ORDINANCE

ORDINANCE 176

An Ordinance to provide updating and establish a 2009 comprehensive amendment to the provisions of Ordinance No. 79, as amended, The City of Bridgman Zoning Ordinance.

THE CITY OF BRIDGMAN ORDAINS:

Section One. The text of the sections that define allowable uses in the Residential Districts, 3.01(1), 4.01(1), 5.01(1) & (3), and 6.01(1)-(3) propose to include the phrase "dwellings for single-family, two-family, or multiple-family residential use".

On page 3 (3.01(1)), page 5 (4.01(1)), page 7 (5.01(1) & (3)) and page 9 (6.01(1)-(3)) of the Ordinance, the text previously did not include the phrase dwellings for single-family, two-family, or multiple-family "residential use".

Section Two. Section 7.05, Uses Excluded in a Commercial District has been changed to exclude any commercial use that violates local, state, or federal laws.

Section Three. Section 10.30, Bed & Breakfast Operations, has been amended to include, among other things, that an owner of the property must reside on the premises and that short-term occupancy is defined as less than 180 days at the premises.

All references to "manager" are removed in the amended Ordinance and the Owner is required to reside on the premises. At letter G. in Section 10.30 short term occupancy was originally defined as not to exceed thirty (30) days and now will be defined as less than one hundred eighty (180) days in the amended Ordinance.

Section Four. Section 10.37 was added to regulate the use, manufacture, or growth of federally controlled substances in any outdoor area within the City.

Section Five. Section 11.03(7) redefines what constitutes an off-premises sign, and this definition is carried into other parts of Section 11.

Section Six. Section 16, Board of Appeals, was amended to reflect the board member selection procedures in the City Charter.

Section Seven. There are revisions proposed to the following definitions: bed and breakfast; dwelling, single family; dwelling, two-family; dwelling-multiple family; family; lodging house; outdoor area; and resort-seasonal.

Section Eight. All of the publication and notice provisions in the Zoning Ordinance have been updated to reflect the requirements of the Michigan Zoning Enabling Act, P.A. 111 of 2006, as amended.

Section Nine. There has also been text amendments (non-substantive spelling and changes in phraseology) proposed throughout the ordinance.

AYES: 7 NAYES: 0 **ORDINANCE DECLARED ADOPTED FOR SECOND READING.**

CERTIFICATION

I, PAMELA HAHAJ, duly appointed Clerk in and for the City of Bridgman, Berrien County, Michigan; do certify that the foregoing Ordinance is a true and exact copy of a Ordinance adopted by the City Council during its Regular Meeting, held on the 7th day of December 2009 and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least twelve hours prior to the time set for the meeting, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pamela Hahaj

Pamela Hahaj, City Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

AN ORDINANCE TO AMEND ORDINANCE

ORDINANCE 177

An Ordinance to amend the provisions of Ordinance No. 36, the Weko Beach Park, to provide for updating Sections 7 and 16.

THE CITY OF BRIDGMAN ORDAINS:

Section One. Section Seven, (7) of Ordinance 36 is hereby repealed and the following is inserted in its place and stead:

SECTION 7 SWIMMING
All swimming and water-related activities undertaken at the beach shall be at the swimmer's own risk.

Section Two. Section Sixteen, (16) of Ordinance 36 is hereby repealed and the following is inserted in its place and stead:

SECTION 16 ROUGH PLAY ON BEACH
No violent or rough exercises or play that may endanger other persons shall be allowed on the beach.

AYES: 7 NAYES:0 **ORDINANCE DECLARED ADOPTED FOR SECOND READING.**

CERTIFICATION

I, PAMELA HAHAJ, duly appointed Clerk in and for the City of Bridgman, Berrien County, Michigan; do certify that the foregoing Ordinance is a true and exact copy of a Ordinance adopted by the City Council during its Regular Meeting, held on the 7th day of December 2009 and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least twelve hours prior to the time set for the meeting, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pamela Hahaj

Pamela Hahaj, City Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN
AN ORDINANCE TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE BY REFERENCE
ORDINANCE NO. 178
EFFECTIVE Feb. 22, 2010

An ordinance of the City of Bridgman adopting by reference the 2009 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City; providing for the issuance of permits and collection of fees therefor; and repealing and all other ordinances and parts of ordinances in conflict therewith.

THE CITY OF BRIDGMAN ORDAINS:

Section 1. That a certain document, copies of which are on file in the office of the City Clerk, being marked and designated as the *International Property Maintenance Code*, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Bridgman, in the State of Michigan for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. These regulations shall be known as the International Property Maintenance Code of the City of Bridgman, hereinafter referred to as "this code".

Section 103.5. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be assessed per the fee schedule adopted by the City Council by resolution.

Section 112.4. **Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a civil infraction and a fine of not less than Two Hundred and Fifty Dollars ($250.00). Further, the City may take any action and elect any remedy either at law or in equity as it deems necessary to ensure compliance with this Code.

Section 302.4.**Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of six (6) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Section 304.14. **Insect screens.** Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. **Exception:** Screens shall not be required where other approved means, such as air curtains or insect repellent fans,
are employed.

Section 602.3. **Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.

2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

Section 602.4. **Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Section 3. That and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Bridgman hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any person be lost, impaired or affected by this ordinance.

This Ordinance shall become effective after publication in accordance with the Charter of the City of Bridgman.

AYES: Anderson, Catania, Boyd, Crocker, Ramso and Liskey

NAYS: None

CERTIFICATON

I, PAMELA HAHAJ, duly appointed Clerk in and for the City of Bridgman, Berrien County, Michigan, do certify that the foregoing Resolution is a true and exact copy of a Resolution adopted by the City Commission during its Regular Meeting, held on the 1st day of February, 2010 and that said Meeting was conducted and public notice of said meeting was given, pursuant to the in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least twelve hours prior to the time set for the meeting, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pamela Hahaj

Pamela Hahaj, Clerk

CITY OF BRIDGMAN

COUNTY OF BERRIEN - STATE OF MICHIGAN

ORDINANCE NO. 179

An Ordinance to prohibit persons from placing snow, ice, slush, dirt or debris on public property:

THE CITY OF BRIDGMAN ORDAINS

Section 1. Purpose.

This Chapter is declared necessary for the preservation of the public peace, health, safety, and welfare of the people of the City of Bridgman, and is intended to prevent persons and businesses from removing snow, slush, ice, dirt or debris from private property and placing it on public property, to the detriment of the general public.

Section 2. Definitions and Interpretation.

All of the terms in this Ordinance shall be given their regular and ordinary meanings. Said Ordinance shall be interpreted to prohibit the placement of slush, snow, ice, dirt or debris on public property to the greatest degree possible.

Section 3. Placement of Slush, Snow, Ice, Dirt or Debris onto Public Property Prohibited.

No person shall remove any slush, snow, ice, dirt or debris from privately-owned real property and place it upon any sidewalk, street or other public property in a manner that prevents the public from traversing or in any way utilizing any sidewalk, street, or other public property within the City of Bridgman.

Section 4. Penalty

A violation of this Ordinance shall be a civil infraction with a fine of One Hundred Fifty Dollars ($150.00) for the first violation and Two Hundred Dollars ($200.00) for any second or subsequent violation.

Section 5. Repeal of Conflicting Ordinances

All other ordinances of the City of Bridgman, to the extent that they are inconsistent with this Ordinance, are hereby repealed.

CERTIFICATON

I, PAMELA HAHAJ, duly appointed Clerk in and for the City of Bridgman, Berrien County, Michigan, do certify that the foregoing Resolution is a true and exact copy of a Resolution adopted by the City Commission during its Regular Meeting, held on the 5th day of April 2010, and that said Meeting was conducted and public notice of said meeting was given, pursuant to the in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least twelve hours prior to the time set for the meeting, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pamela Hahaj, Clerk

Pamela Hahaj, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

AN ORDINANCE TO REGULATE THE OUTDOOR STORAGE OF INOPERABLE MOTOR VEHICLES

ORDINANCE NO. 180

AN ORDINANCE TO SECURE THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE OF RESIDENTS AND PROPERTY OWNERS OF THE CITY OF BRIDGMAN, M ICHIGAN, BY REGULATING THE OUTDOOR STORAGE OF INOPERABLE MOTOR VEHICLES WHICH CANNOT BE LEGALLY OPERATED ON THE PUBLIC STREETS BECAUSE OF MECHANICAL OR LICENSING DEFICIENCIES, TO PROVIDE FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, AND TO REPEAL ANY ORDINANCE OR PARTS OF ORDINANCES WHICH MAY CONFLICT HEREWITH.

THE CITY OF BRIDGMAN ORDAINS:

Section 1. Definitions As used in this Ordinance:

a. "Dismantled and partially dismantled motor vehicles" mean motor vehicles from which a part or parts integral to the operation of such motor vehicle, or a part or parts required by any law or regulation to be present on a motor vehicle, has been removed or is missing.

b. "Inoperable motor vehicles" mean motor vehicles, which by reason of dismantling, disrepair, lack of licensing or other cause are either incapable of being propelled under their own power or are prevented by law from being propelled or driven on a public highway.

c. "Motor vehicles" mean any wheeled vehicle which is designed to be self-propelled.

d. "Person" means an individual, firm, corporation, partnership, association, limited liability company, limited partnership, or any other legal entity.

e. "Public Highway" means any publicly maintained way upon which any part thereof is open to the use of the public for the purposes of vehicular travel.

Section 2. Prohibition
No person shall park or store, or knowingly allow another person to park or store for a period of fourteen (14) consecutive days, one or more dismantled, partially dismantled or inoperable motor vehicle outside a fully enclosed building such that the dismantled, partially dismantled, or inoperable motor vehicle can be seen from any public highway or seen from any adjoining land

owned by another person. This section shall not apply to service stations openly and actively engaged in making service repairs for the public.

Section 3. Nuisance
A violation of Section 2 of this Ordinance is hereby declared to be a public nuisance, a nuisance per se and is hereby further declared to be offensive to the public health, safety and welfare.

Section 4. Penalty
Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being MCL 600.101-600.9939, and shall be subject to a fine of not more than One Hundred Dollars, ($100.00). Each day this Ordinance is violated shall be considered as a separate violation.

Section 5. Enforcement
The City Zoning Administrator, Bridgman City Police Officers, and other persons appointed by the Bridgman City Council are hereby designated as the authorized City officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 6. Injunctive Relief
In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the City may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 7. Severability
If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance shall be invalid, such invalidity shall not affect any remaining portion or application of this Ordinance which can be given effect without the invalid portion or application.

Section 8. Inconsistent Ordinances Repealed.
All other ordinances of the City of Bridgman, to the extent that they are inconsistent with this Ordinance, are hereby repealed.

Section 9. Effective Date
This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation.

CERTIFICATON

I, PAMELA HAHAJ, duly appointed Clerk in and for the City of Bridgman, Berrien County, Michigan, do certify that the foregoing Ordinance is a true and exact copy of a Ordinance adopted by the City Commission during its Regular Meeting, held on the 16th day of August 2010, and that said Meeting was conducted and public notice of said meeting was given, pursuant to the in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least twelve hours prior to the time set for the meeting, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pamela Hahaj

Pamela Hahaj, Clerk

CITY OF BRIDGMAN

COUNTY OF BERRIEN

STATE OF MICHIGAN

AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY, AND WELFARE BY PROHIBITING CERTAIN CONDUCT THAT UNREASONABLY DISTURBS OTHER CITIZENS AND TO PROSCRIBE PENALTIES THEREFOR, AND TO REPEAL ANY ORDINANCES IN CONFLICT HEREWITH.

ORDINANCE NO. 181

THE CITY OF BRIDGMAN ORDAINS:

Section One: Acts deemed unlawful.
It shall be unlawful for any person to:

A. Create or engage in any disturbance, fight or quarrel in any public place, except in reasonable self-defense when attacked without reasonable provocation or in reasonable defense of another who was so attacked;

B. Disturb the public peace and quiet by loud, boisterous or vulgar conduct or language, which can be heard by persons at a distance of 50 feet from the location where the conduct or language originates;

C. Without proper authority, conduct himself or herself in any public place so as to obstruct the free and uninterrupted passage of the public;

D. Disturb or unreasonably interfere with any service of worship or other assembly gathered for lawful purpose;

E. Fire, discharge, display or possess any fireworks except of the type and under the conditions permitted by Chapter 39 of the Penal Code of the state, as amended;

F. Incite, cause or attempt to incite or cause any assembled group of persons to act in a manner that is likely to or does endanger the safety of another person or of property; and/or

G. By the use or means of telephone, perform any of the following:

1. Disturb the peace, quiet or privacy of any other person by repeated calls intended to harass or annoy the person or family to whom the calls are made;

2. Engage in or suggest any lewd or lascivious act;

3. Attempt to extort money or anything of value from any person;

4. Threaten any physical violence or harm to any person;

5. Repeatedly and continuously ring the telephone of any person with intent to disturb or harass the person;

6. Except as permitted at events approved, from time to time, by resolution of the City Council, create any loud noises or use any loudspeaker, sound amplifier or other electrical or mechanical device intended to increase the volume of sound which can be heard by persons at a distance of 50 feet from the location where the sound originates and which disturbs the quiet, comfort or repose of any person or persons; and/or

7. Disturb the public peace by permitting any noisy or riotous persons to assemble in any house or business owned, occupied or controlled by him or her which can be heard by persons at a distance of 50 feet from the location where the conduct or language originates.

Section 2. Misdemeanor.
Any violation of this Ordinance shall be a misdemeanor punishable by a $500.00 fine and up to 90 days in jail, or both if deemed appropriate by the Court.

Section 3. Inconsistent Ordinances Repealed.
All other ordinances of the City of Bridgman, to the extent that they are inconsistent with this Ordinance, are hereby repealed.

Section 4. Effective Date.
This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation.

ORDINANCE DECLARED ADOPTED.

Pam Hahaj
PAM HAHAJ, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the CITY OF BRIDGMAN, County of Berrien, State of Michigan, at a Regular Meeting, held on the 16 day of May, 2011, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pam Hahaj
PAM HAHAJ, Clerk

RESOLUTION OF ADOPTION OF
ORDINANCE NUMBER 182
CITY OF BRIDGMAN, BERRIEN COUNTY, MICHIGAN
CORRIDOR IMPROVEMENT AUTHORITY
TAX INCREMENT FINANCING PLAN #1

WHEREAS, the City Council of the City of Bridgman, established a Corridor Improvement Authority, on April 26, 2007, to correct and prevent deterioration in the business district, and

WHEREAS, this Ordinance authorizes the use of tax increment financing to attract development and promote the economic well-being of the development area, and

WHEREAS, the Board of Trustees of the Corridor Improvement Authority has deemed it necessary to prepare the Development Plan and Tax Increment Financing Plan for the District describing the income and expenditures necessary to be made to meet the objectives of the Authority, and

WHEREAS, Public Act 280 of 2005, as amended, requires the City Council to give proper public notices and hold a public hearing prior to the adoption of a Development Plan and Tax Increment Financing Plan, the public hearing which was held May 16, 2011 and

WHEREAS, the Mayor and Council members of the City of Bridgman do herewith find:

1. The Development Plan and Tax Increment Financing Plan constitutes a public purpose as defined in Section 23, Public Act 280 of 2005, as amended, and

2. That a citizens advisory council was not required for the preparation of the plan, and

3. The Development Plan and Tax Increment Financing Plan meets the requirements of Section 20. (2) of the Act, and

4. The proposed method of financing the proposed development projects is feasible and the authority has be ability to arrange financing, and

5. The Development Plan and Tax Increment Financing Plan is reasonable and necessary to carry out the purposes of the Act, and

6. The land included within the development area (if any) to be acquired is reasonably necessary to carry out the purposes of the plan and of the act in an efficient and economically and satisfactory manner, and

7. The development plan is in accord with the land use plan of the municipality, and

8. Public services, such as fire and police protection and utilities are or will be adequate to service the project area, and

9. Changes in zoning, street levels, intersections, and utilities are reasonably necessary for the project and for the municipality, and

10. The amount of captured assessed value estimated to result from adoption of the Development Plan and Tax Increment Financing Plan is reasonable.

NOW THEREFOR BE IT ORDANED, The City Council of the City of Bridgman, Berrien, County, Michigan, as recommend by the Board of Trustees of the City of Bridgman Corridor Improvement Authority, do herewith approve and adopt the Corridor Improvement Authority Development Plan and Tax Increment Financing #1 Plan dated May 2011 including the following provision:

The Mayor and Council members of the City of Bridgman do herewith establish the policy that annually the City Council and Corridor Improvement Authority shall jointly prepare an annual report, which shall be certified and signed by the Chair of the Corridor Improvement Authority and Mayor and be provided to each taxing jurisdiction for which taxes are captured and used by the Corridor Improvement Authority, containing:

1. An analysis of programmatic and budgetary activities for the prior year,

2. An analysis of the progress towards implementation of the work program and projects set forth in the approved Development Plan,

3. An analysis of the need for and application of future tax increment financing funding for implementation of the work program and projects set forth in the approved Development Plan, and

4. An analysis of programmatic and budgetary activities for the ensuing year.

THIS ORDINANCE DECLARED ADOPTED THIS 6th DAY OF June 2011.

Member voting	YES	7
Member voting	NO	0
Members absent		0
Members not voting		0

CERTIFICATON

I, PAMELA HAHAJ, duly appointed Clerk in and for the City of Bridgman, Berrien County, Michigan, do certify that the foregoing Resolution is a true and exact copy of a Ordinance adopted by the City Council during its Regular Meeting, held on the 6th day of June 2011 and that said Meeting was conducted and public notice of said meeting was given, pursuant to the in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least twelve hours prior to the time set for the meeting, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pamela Hahaj

Pamela Hahaj, Clerk

CITY OF BRIDGMAN

BERRIEN COUNTY, MICHIGAN

BLIGHT ELIMINATION ORDINANCE

ORDINANCE NO. 183

Ordinance to prevent, reduce or eliminate blight, blighting factors or causes of blight within The City of Bridgman, Berrien County, Michigan; to provide for the enforcement hereof; and to provide penalties for the violation hereof.

The City of Bridgman ordains:

SECTION 1: PURPOSE. It is the purpose of this Ordinance to prevent, reduce or eliminate blight or potential blight in the City of Bridgman by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in said City.

SECTION 2: INTENT. It is the intent of these regulations to establish reasonable guidelines and standards concerning the storage of materials and/or vehicles on properties, that if not regulated would have the potential to cause blight and devalue property. The exercise of these regulations in the City of Bridgman shall give full consideration to the property's neighborhood environment, the intention of the landowner with respect to materials stored, the period of time that the storage is to be maintained, the zoning classification of the property, the environmental features of the property and adjoining properties, the impact on tourism, and in general, the impact on the character of the City of Bridgman.

SECTION 3: CAUSES OF BLIGHT OR BLIGHTING FACTORS. It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. On and after the effective date of the Ordinance, no person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the City of Bridgman owned, leased, rented or occupied by such person, firm or corporation.

A. JUNK AUTOMOBILES. The storage upon any property of junk automobiles, except in a completely enclosed building or shielded from public view by one or more of the following which has been approved by the City: plantings, natural vegetation, topography or structure approved by the City. For the purpose of this Ordinance, the term "junk automobiles" shall include any motor vehicle which is not licensed for use upon public roads and shall also include, whether licensed or not, any motor vehicle which is inoperative for a period of three (3) months or longer.

B. AUTOMOBILE PARTS, EQUIPMENT AND MACHINERY. The storage upon any property of any automobile parts, equipment or machinery in disrepair, boats or trailers in disrepair, except to the extent such items are kept in a completely enclosed building or are shielded from public view by one or more of the following which has been approved by the City: plantings and/or landscaping, natural vegetation, topography or another related structure approved by the City.

C. BUILDING MATERIALS. In any area of the City of Bridgman the storage upon any property of building materials unless there is in force a valid Building Permit issued for construction upon said property and said materials are intended for use in connection with such construction. Building materials shall include but not be limited to, lumber, bricks, concrete, cement, cinder blocks, plumbing and drainage materials, electrical wiring or heating ducts or equipment, roofing materials, builder's hardware, or any other materials made to be used in constructing any structure. Neatly piled building materials, however, may be stored on property on a temporary basis, if the City Ordinance Enforcement Officer determines in writing (1) that the materials, as stored, will not be unsightly or cause blight and (2) how long such materials can be stored at such property.

D. JUNK, TRASH AND RUBBISH. The storage or accumulation of junk, trash, rubbish or refuse of any kind, except in a completely enclosed building or completely shielded from view from adjoining properties or a public road by means of one or more of the following which has been approved by the City: plantings, natural vegetation, topography or structure approved by the City. The term "junk" shall include stoves, refrigerators or other appliances, remnants of wood except firewood neatly stacked and those materials approved by the City zoning administrator, metal or other cast off or scrap materials of any kind stored in the open, whether or not such materials could be put to any reasonable use.

E. INCOMPLETE BUILDING. The existence of any partially completed structure unless such structure is in the course of construction or demolition in accordance with a valid existing building or demolition permit.

F. DAMAGED OR UNUSED BUILDINGS. The existence of any structure or part of structure which because of fire, wind, natural disaster, or physical deterioration, which in the judgment of the City Building Inspector is an unusable structure as defined in the International Property Maintenance Code, and is no longer habitable as a dwelling or useful for any other purpose for which it may have been intended.

G. DANGEROUS BUILDINGS. The existence of any structure which has one or more of the following characteristics:

1.) The building is damaged such that the structural strength or stability is appreciably less than before damage and does not meet minimum requirements of the International Property Maintenance Code.

2.) Part of the building is likely to fall, become detached, dislodged or collapse and injure persons or damage property.

3.) Part of the building has settled to the extent that the walls have materially less resistance to wind than new construction.

4.) The building or part of the building is likely to collapse or fall.

5.) The building is manifestly unsafe for the purpose for which it is used.

6.) The building is damaged and deteriorated and it has become an attractive nuisance for children, vagrants, or a place for committing nuisance or unlawful activity.

7.) The building is in a condition that is unsanitary or unfit for human habitation and is in a condition that is likely to cause sickness or injure the safety, health or general welfare of people living or doing business in the structure.

8.) Any building which is defined as a "dangerous building" under the State Construction Code or the International Property Maintenance Code.

H. HOUSE TRAILERS, MOBILE HOMES, CAMPERS, OR RECREATIONAL VEHICLES. House trailers, mobile homes, campers, or recreational vehicles in disrepair or not in normal use for a period of one (1) year.

SECTION 4: ENFORCEMENT AND PENALTIES.

A. This Ordinance shall be enforced by the Ordinance Enforcement Officer, acting under the authority of the City Manager, or by any other official designated by the City Council.

B. The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 3 above is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within 30 days after service of the notice upon such owner or occupant. Such notice may be delivered personally or sent by certified mail, return receipt requested. Additional time may be granted by the City Ordinance Enforcement Officer where bonafide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

C. If the owner or occupant fails to comply with the notice to eliminate the offending blight within the times set forth in subparagraph B above, the City Council may thereafter authorize issuance of a citation for violation of this Ordinance.

D. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than $500.00, in addition to all other costs, damages, expenses, and other fees and remedies provided or allowed by law. Each day that a violation occurs shall be considered a separate violation.

E. The issuance of a citation for a municipal civil infraction shall not in any way limit the City from seeking enforcement of this Ordinance in any other manner, including, but not limited to, an action to abate any nuisance created by a violation of this Ordinance and to recover any costs, expenses, damages, and fees, including attorney fees, that may be permitted or allowed by law in connection with such abatement and the enforcement of this Ordinance.

SECTION 5: EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after publication as required by law.

SECTION 6: SEVERABILITY. This ordinance and its various sections, subsections, sentences, phrases, and clauses are severable. If any section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

SECTION 7: REPEAL. All prior blight ordinances and any other ordinances or parts thereof, that are in conflict in whole or in part with any provisions of this ordinance as of its effective date are hereby repealed to the extent of such conflict.

CERTIFICATON

I, PAMELA HAHAJ, duly appointed Clerk in and for the City of Bridgman, Berrien County, Michigan, do certify that the foregoing Ordinance is a true and exact copy of a Ordinance adopted by the City Council during its Regular Meeting, held on the 20th day of May 2013, and that said Meeting was conducted and public notice of said meeting was given, pursuant to the in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least twelve hours prior to the time set for the meeting, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pamela Hahaj

Pamela Hahaj, Clerk

AN ORDINANCE TO PROVIDE FOR THE REGULATION OF THE IGNITION, DISCHARGE AND USE OF CONSUMER FIREWORKS IN THE CITY OF BRIDGMAN.
ORDINANCE 2013-184

Purpose. This is an ordinance to provide for the regulation of the ignition, discharge and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act, MCL 28.451 et seq., as amended.

The City of Bridgman finds that fireworks endanger property, can cause physical injury, and disrupt the peace and quality of residential neighborhoods and other districts. The City of Bridgman endeavors to reconcile the rights that the Act confers upon sellers and consumers, with the rights of citizens and families to reside in a safe, peaceful, and harmonious community. This ordinance is adopted to repeal existing fireworks ordinances that conflicted with the Act, and to impose conditions on the time, place, manner of use, discharge, and ignition of fireworks deemed to be within the purview of local regulation, and to protect the public health, safety and general welfare.

Section 1. Definitions

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except when context clearly indicates a different meaning:

"Act" means the Michigan Fireworks Safety Act, Act 256 of 2011, and any amendments to the Act which may be from time to time be adopted.

"APA standard 87-1" means 2001 APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American pyrotechnics association of Bethesda, Maryland.

"Consumer fireworks" means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. "Consumer fireworks" does not include low-impact fireworks.

"Display fireworks" means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.

"Articles pyrotechnic" means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.

"Fireworks" means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. "Fireworks" consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

"Low-impact fireworks" means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

"Novelties" means that term as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5and all of the following:

(i) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.

(ii) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (i) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.

(iii) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.

(iv) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

"Special effects" means a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment

"Minor" means an individual who is less than 18 years of age.

"National holiday" means the following legal public holidays:

(1) New Year's Day, January 1.

(2) Birthday of Martin Luther King, Jr., the third Monday in January.

(3) Washington's Birthday, the third Monday in February.

(4) Memorial Day, the last Monday in May.

(5) Independence Day, July 4.

(6) Labor Day, the first Monday in September.

(7) Columbus Day, the second Monday in October.

(8) Veteran's Day, November 11.

(9) Thanksgiving Day, the fourth Thursday in November.

(10) Christmas Day, December 25.

"Person" means any individual, agent, legal representative, association, charitable organization, church, non-profit organization, unincorporated organization, labor organization, partnership, limited liability company, corporation, or any other entity or organization. An individual shall include a minor as defined in this article.

Section 2. Manufacture of Fireworks.

The manufacture of fireworks is prohibited within the City.

Section 3. Prohibited Fireworks.

(a) Consumer fireworks. A person shall not ignite, discharge or use consumer fireworks, except between the hours of 8 a.m. and 1 a.m. on the day preceding, the day of, or the day after a national holiday, provided that a person shall not ignite, discharge or use consumer fireworks in violation of the Act and/or this article.

(b) Low Impact and Novelty Fireworks. Low impact or novelty fireworks may not be discharged between the hours of 11:00 p.m. and 7:00 a.m., or after dusk, whichever is earlier, and may not otherwise be discharged in violation of this article and/or the Act.

(c) Illegal fireworks. Any use, possession, or discharge of fireworks that is illegal and not approved by the State of Michigan or the State Fire Marshall is prohibited, regardless of how it is labeled.

Section 4. Minors.

(a) A minor shall not possess, use, discharge or ignite any consumer fireworks, at any time, nor on any day, including national holidays, and the day before and day after a national holiday.

(b) A minor shall not use, discharge, or ignite any low impact fireworks or novelty fireworks, unless under the supervision of a parent or guardian, and the use, discharge and/or ignition is within permitted hours, and does not violate the provisions of this article and/or the Act.

Section 5. General Restrictions.

(a) Unless specifically authorized, on any day, the use, discharge or ignition of any fireworks, including consumer fireworks, is prohibited on public property.

(b) Fireworks, including consumer fireworks, shall not be ignited within 20 feet of an open flame, a burner, gasoline, ignited gas or electric grill, or in any enclosed structure, garage, tent, or shed, or under any canopy, or overhanging cover, of any nature.

(c) Excessive use of fireworks, including consumer fireworks, that results in the disruption of residents is prohibited, notwithstanding anything to the contrary in the Act. Excessive use is defined as conduct that includes the continuous or intermittent ignition of fireworks continuing for more than 20 minutes.

(d) No person shall either individually or in concert with another person, cause damage to any private or public property by the use, discharge or ignition of any fireworks.

(e) No consumer fireworks may be ignited, launched or discharged within 200 feet of a residential building or vehicle.

Section 6. Applicability of General Ordinances.

Nothing in this article or in the Act shall preclude the enforcement of ordinances prohibiting conduct that is secondary or incidental to the use, discharge, or ignition of fireworks.

Section 7. Zoning Ordinances.

Any person selling, distributing or transporting fireworks shall otherwise comply with the Act, and is required to comply with the zoning ordinances of the City, including obtaining necessary approvals thereunder. Failure to obtain necessary zoning approvals is subject to penalty as provided in the code of zoning ordinances of the City.

Section 7. Imminent Dangers.

Notwithstanding the Act, any use, discharge or ignition of fireworks that is presenting an imminent danger or threat to the public health, safety, or welfare, as deemed by the Fire Chief, shall be prohibited and the fireworks may be immediately seized.

Section 8. Seizure.

All fireworks used, discharged, and/or ignited in violation of the Act and/or this article are subject to seizure. Any costs incurred by the City to seize and store the fireworks shall be paid by the responsible party.

Section 9. Display fireworks.

No display fireworks shall be used, discharged, ignited or displayed unless approved by City Council, upon application made to the City Clerk providing proof that the display and applicant are adequately insured and bonded to the satisfaction of the City Council, the applicant has submitted a security plan, safety compliance plans, and an application fee in the minimum amount of $100.00, plus any additional costs incurred by the City to administer the permit. A permit for display fireworks is supplemental to any other requirement for such display under the City's ordinances.

Section 10. Penalty

(a) A violation of this article is a civil infraction, punishable by a minimum fine of $150.00, up to a fine of $500.00, plus the costs of prosecution.

(b) Following final disposition of a finding of responsibility for violating this article, the City may dispose of or destroy any fireworks retained as evidence in that prosecution.

(c) In addition to any other penalty, a person that is found responsible for a violation of this article shall be required to reimburse the City for the costs of storing, disposing of, or destroying consumer fireworks that were confiscated by the City in accordance with this article.

Section 11. Severability.

If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, it being the intent of the City that this ordinance shall be fully severable.

Any ordinance or parts of any ordinance in conflict with any provisions of this ordinance are hereby repealed.

CERTIFICATION

I, PAMELA HAHAJ, duly appointed Clerk in and for the City of Bridgman, Berrien County, Michigan; do certify that the foregoing Ordinance is a true and exact copy of a Ordinance adopted by the City Council during its Regular Meeting, held on the 16th day of September 2013 and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least twelve hours prior to the time set for the meeting, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pamela Hahaj

Pamela Hahaj, City Clerk

CITY OF BRIDGMAN SIDEWALK CAFÉ & OUTDOOR SEATING ORDINANCE

Ordinance No. 2015-185

An ordinance to establish outdoor seating regulations and to encourage outdoor gatherings at local cafes and restaurants in order to promote the public health, safety and welfare of the citizens of Bridgman.

Sec. 1. Purpose.

The sidewalk café and outdoor seating regulations, as established in this ordinance, are designed to allow sidewalk cafés or outdoor seating on public property in locations where they are determined to be appropriate by the City Manager or his or her designee, and to promote and protect the public health, safety and general welfare of the community. These general goals include, among others, the following specific purposes:

1. To attract residents and non-residents to the Bridgman business district;
2. To provide an additional way for restaurants or food establishments to expand their operations;
3. To promote sidewalk cafés and outdoor seating as useful and properly planned visual amenities; to provide adequate space for pedestrians on the sidewalk adjacent to sidewalk cafés, or outdoor seating and to insure access to adjacent commercial and retail uses;
4. To promote the most desirable use of land and buildings and thereby protect the city's tax revenues;
5. To provide for penalties for violations of this Ordinance.

Sec. 2. Definitions.

Outdoor seating means an outdoor area operated by an existing restaurant or other food establishment which sells food or beverages for immediate consumption, located on a public sidewalk or other public property which is public through dedication, easement or public right-of-way that provides seating outside of an establishment for patrons and other persons, and contains readily removable tables, chairs, railings, or planters. This area does not provide waiter or waitress service or offer alcoholic beverages. It is not enclosed by fixed walls and open to the air.

Sidewalk café means an outdoor dining area operated by an existing restaurant or other food establishment which sells food, beverages, or alcoholic beverages for immediate consumption, located on a public sidewalk or other public property, which is public through dedication, easement or public right-of-way that provides waiter, waitress service or counter service and contains readily removable tables, chairs, railings, or planters. It is otherwise not enclosed by fixed walls, and open to the air, except that it may have table umbrellas or other non-permanent cover.

Sidewalk café or outdoor seating permit means a permit issued by the Zoning Administrator based upon approval by the City Manager, which conforms to the procedures and regulations of this article, for sidewalk café and outdoor seating operations.

a. The Zoning Administrator is authorized to issue a permit to operate a sidewalk café or provide outdoor seating on public property provided that the applicant has complied with the standards set forth in this article, after approval by the City Manager, and after proof of insurance has been provided in accordance with this section.

b. Sidewalk café or outdoor seating permit applications for establishments operating on public sidewalks or public property shall be reviewed by city staff and approved by the City Manager. The City Manager reserves the right to forward a permit application to the City Council for its review consideration. Establishments serving alcohol require approval by the Michigan Liquor Control Commission (M.L.C.C.).

c. All permits shall be issued on a calendar year basis and shall be renewed annually with no fee required after the first year. Unless another time frame is specified in the permit, or by the requirements of this article, the permit shall allow the operation of a sidewalk café or outdoor seating from March 15th up to and including November 30st of the calendar year for which the permit is issued. To allow establishments to take advantage of good weather, operation of a sidewalk café or outdoor seating is permitted on a day-by-day basis, subject to the following restrictions:

   1. The establishment has been issued a new permit or permit has been renewed for the current calendar year.
   2. A certificate of insurance, meeting the insurance requirements in this section, has been filed with the Zoning Administrator.
   3. The operation of the sidewalk café or outdoor seating shall not interfere with the set up or the operation of any special event.
   4. All tables, chairs, table umbrellas, railings, posts, planters and other equipment associated with the operation of a sidewalk café or outdoor seating area shall be removed and stored inside of the establishment from December 1 through March14 of each year. From March 15 to November 30 of each year, said items listed in this section shall only be used in a manner that is not a danger to the public and/or to customers using the establishment.
   5. During periods of snow accumulation, the placement of tables, chairs, table umbrellas, railings, posts, planters and other equipment associated with the operation of a sidewalk café or outdoor seating area shall be removed and all activities shall cease.
   6. Any person or establishment granted a permit by the City Manager to operate a sidewalk café or provide outdoor seating on public sidewalks or public property shall pay to the City Treasurer a fee in the amount as established by resolution of the City Council.
   7. The Zoning Administrator shall not issue a permit unless the fees required by this section are paid.

d. Each permit application for a sidewalk café or outdoor seating shall be accompanied by a policy or certificate of insurance, in an amount acceptable to the City, including workers compensation, comprehensive commercial liability policy, and a liquor liability policy naming the City as an additional insured. Establishments serving alcohol shall also provide a liquor liability policy or certificate of insurance naming the City as an additional insured. A company authorized to do business in the state shall issue such insurance. Required insurance amounts shall be set from time to time by resolution of the City Council. time by resolution of the City Council. The policy

or certificate shall contain a clause requiring the insuring company to give a minimum of ten (10) business day's written notice to the City Manager prior to canceling the policy.

e. Site Development and Application Approval.

1. No outdoor service of food and/or beverages in the form of a sidewalk café or outdoor seating shall be established on public property, except in conformance with a site development plan reviewed by city staff and approved by the City Manager as required by this article.
2. A permit application available from the Zoning Administrator for the site development plan approval shall be submitted to the Zoning Administrator. The application shall include but shall not be limited to the following:
    a. Name of the applicant and business.
    b. Address of the business.
    c. Address of the applicant
    d. Telephone number of the applicant and business.
    e. Name of the property owner if other than applicant.
    f. Address of the property owner if other than applicant.
    g. Telephone number of the property owner if other than applicant.
    h. Name of planner, engineer, architect or agent, if applicable.
    i. Proposed dates of occupancy.
    j. Proposed hours of occupancy.
    k. Proposed number of tables, chairs, railings, posts, table umbrellas or other items.
    l. Proposed color, design, materials, and workmanship of tables, chairs, railings, posts, table umbrellas or other items.
    m. Proposed area of occupancy including square feet and dimensions.
    n. Whether alcohol will be served.
    o. Copy of certificate of insurance.
    p. Whether permit application is a new application or renewal; if renewal, applicant shall describe any changes from previous application.
    q. Written authorization from the owner of the property shall be required where the applicant is not the owner of the affected property.
3. The site development plan and the accompanying application shall show the following:
    a. The applicant's entire property and adjacent properties on a location map with streets for a distance of at least 25 feet at a scale showing detail sufficient for proper review. The site plan shall be submitted on a sheet no smaller than 8½ inches by 11 inches and no larger than 11 inches by 17 inches. Site plans smaller or larger than the sizes prescribed by this article shall not be accepted.
    b. A detailed plan showing the design with required curb extension and deck construction, relevant details and location of all temporary structures such as, but not limited to, planters, landscaping, railings, tables, chairs, table umbrellas, any electrical outlets or appliances, hydrants, all ingress and egress, existing lighting and other equipment shall accompany the site development plan and permit application. Public use areas must accommodate the special design needs of the disabled, elderly and parents with strollers.

b. A detailed plan showing the design with required curb extension and deck construction, relevant details and location of all temporary structures such as, but not limited to, planters, landscaping, railings, tables, chairs, table umbrellas, any electrical outlets or appliances, hydrants, all ingress and egress, existing lighting and other equipment shall accompany the site development plan and permit application. Public use areas must accommodate the special design needs of the disabled, elderly and parents with strollers.

4. The City Manager or his or her designee shall distribute copies of the site development plan and permit application to the Zoning Administrator, Chief of Police and Fire Chief for their review and written comments in relation to compliance with this article and all other city ordinances.
5. Conditions specific to the operation of a business may be incorporated into the permit as required by city staff or the City Manager. (Example: Hours of operation, number of servers assigned to outside service area).
6. Appeals shall be made to the City Council.
7. Based upon review comments from City staff, the City Manager may approve, approve with conditions, or refer the application back to the applicant for modification. If approved, the City Manager shall authorize the Zoning Administrator to issue a sidewalk café or outdoor seating permit.
8. If the City Manager or his or her designee denies the application for a sidewalk café or outdoor seating permit, the reason for this determination will be stated in a letter to the applicant. The applicant may appeal the decision in accordance with Section 7 of this article.

Sec. 4. – Standards.

1. There shall be a minimum of 48 inches, measured from the back of the curb or any other obstruction, exclusive of the area occupied by the sidewalk café or outdoor seating, designed to allow adequate pedestrian movement. Cafés or outdoor seating shall only be permitted where it is determined that the use will not create a hazard, a sight distance obstruction for motor vehicle operators, nor unduly impede pedestrian traffic. The City Manager or designee shall determine when a hazardous condition exists in the public right-of-way.
2. Sidewalk cafés or outdoor seating may only be located adjacent to the establishment with which they are associated. Sidewalk cafés or outdoor seating areas must remain clear of litter, food scraps and soiled dishes at all times.
3. Setting up a barrier such as planters or a railing to physically separate patrons from pedestrian and vehicular traffic shall delineate the perimeter of a sidewalk café serving alcoholic beverages. All barriers used for sidewalk cafés serving liquor shall also conform to M.L.C.C. regulations.
4. Furnishings for a sidewalk café or outdoor seating shall consist solely of readily removable railings, posts, tables, chairs, planters, and table umbrellas. No furnishings, railings, posts, tables, chairs, planters, table umbrellas or other items may be affixed in any manner to City sidewalks or City property.
5. No structure or enclosure to accommodate the storage of accumulated garbage, i.e. shed, may be erected or placed adjacent to or near the sidewalk café or outdoor seating located on public property. Each establishment shall be responsible for providing appropriate containers for disposing of garbage or waste and employees shall not use city trash containers for disposing of garbage or waste.

6. A sidewalk café or outdoor seating shall not interfere with any public service facility such as a telephone, mailbox, fire hydrant, designated pedestrian crossing or bench located on a sidewalk or public property.
7. Operation of a sidewalk café or outdoor seating shall not adversely impact adjacent or nearby residential, religious, educational, or commercial properties and shall be in accordance with all applicable codes and regulations.
8. Tables, chairs, table umbrellas, railings, planters, and any other objects provided with the sidewalk café or outdoor seating shall be of quality design, materials, and workmanship both to ensure the safety and convenience of users and to enhance the visual and aesthetic quality of the area. Such equipment shall be routinely cleaned, painted, or replaced and may be inspected by the City Manager or designee.

Sec. 5. Operating restrictions.

1. All sidewalk cafés serving alcoholic beverages shall be allowed to operate during the applicant business's regular hours of operation.
2. All alcoholic beverages to be served at a sidewalk café shall be prepared within the existing restaurant, and alcoholic beverages shall only be served to patrons of the sidewalk café. The consumption of alcoholic beverages at a sidewalk café within the confines of the sidewalk café area shall not be construed as a violation of any ordinance controlling open containers in a public area. The operator of the sidewalk café shall take all necessary action to procure the appropriate license or permit from the M.L.C.C. to serve alcoholic beverages in the sidewalk café and shall comply with all other laws and regulations concerning the serving of alcoholic beverages in the state.
3. All food to be served at the sidewalk café or outdoor seating shall be prepared within the existing establishment unless approved by the City Council as part of a special event application request.
4. The sidewalk café or outdoor seating permit issued in accordance with this article shall be prominently displayed within the existing establishment along with other required permits and licenses.
5. During the off-season, chairs, railings, posts, planters, table umbrellas, and other items shall be removed and shall not be stored outside. It shall be the responsibility of the establishment to secure adequate storage of these items.
6. The maintenance of a sidewalk café or outdoor seeing area shall be the responsibility of the establishment including but not limited to, surface treatment and cleaning, litter control, sweeping, and snow and ice removal. The sidewalk and public property shall be kept neat and clean at all times and free from any substance that may cause damage to the sidewalk or public property to cause pedestrian injury.
7. An increase in lighting, signage or music is prohibited, unless otherwise approved through the review process.

Sec. 6. Denial, revocation and suspension – Causes enumerated.

1. The issuance of permits applied for under this article or any other ordinance of the City may be denied by the City Manager, and permits issued may be revoked or suspended by the City Manager at any time, for any of the following causes:
    a. Fraud, misrepresentation or any false statement made in the permit application.
    b. Fraud, misrepresentation or any false statement made in the operation of the sidewalk café or outdoor seating.
    c. Any violation of this article or any other ordinance of the City.
    d. Any violation received during the previous permit period.
    e. Conducting business in an unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to the health, moral, safety of the public.
    f. Failure or inability of an applicant to meet and satisfy the requirements and provisions of this article and every other ordinance of the City.

Sec. 7. Hearing; demand; review; Council powers.

1. Any person whose permit is revoked or suspended, or any person whose application for a permit is denied, shall have the right to a hearing before the City Council, provided a written request therefore is filed with the Zoning Administrator within ten days following the delivery or mailing of the notice of revocation or suspension, or within ten days following the denial of the permit application. No person shall operate any sidewalk café or outdoor seating during any time when the permit therefore has been suspended, revoked, or canceled.
2. Permits will be issued as prescribed by this Ordinance.

Sec. 8. Revocation or suspension; notice required; service.

Written notice of suspension or revocation, stating the causes therefore, shall be delivered to the permittee personally or mailed to the address as shown in the permit application. Upon revocation of a license, all furnishings and fixtures shall be removed from public property within 24 hours.

Sec. 9. Renewal considered as original application.

Unless otherwise provided in this article, an application for renewal of a sidewalk café or outdoor seating permit shall be considered in the same manner as an original application under section 6.

Sec. 10. Transferability.

No permit issued under the provisions of this article or any other ordinance of the city shall be transferable.

Sec. 11. Violations.

1. Any person who operates a sidewalk café or outdoor seating on public sidewalks or public property, without a permit, or who shall violate any of the provisions of this article shall be responsible for a municipal civil infraction, punishable by a civil fine of not more than $500.00 and the costs of prosecution.

2. The City Council may establish the amount of a civil fine for municipal civil infraction that may be paid at the city violations bureau for violations of this article, except that all violations alleging operating without a permit and other violations in excess of three in any calendar year may be handled by the district court.
3. The City may suspend or revoke any permit issued, or deny the issuance of a permit as provided in section 6 regardless of whether or the operator has been cited, paid a civil fine, or been found responsible for a violation of this article pursuant to this section.

Sec. 12. Severability.

If any clause, sentence, paragraph or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

I, Pamela Hahaj, duly appointed Clerk in and for the City of Bridgman Berrien, County, Michigan, do certify that the foregoing Ordinance is a true and exact copy of an Ordinance adopted by the City Council during its Regular Meeting, held on the 2nd day of March 2015, and that said Meeting was conducted and public notice of said meeting was given, pursuant to the in full compliance with Act No 267, Public Acts of Michigan, 1976 as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least twelve hours prior to the time set for the meeting, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pamela Hahaj

Pamela Hahaj, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE NO. 186

An Ordinance to Amend the provisions of Ordinance No. 176 of 2009, the Comprehensive Amendment to the Bridgman Zoning Ordinance, as amended by Ordinance No. 186 of 2015, to provide for a new Parking Overlay District, to revise certain parking provisions in the Commercial District Parking Requirements, and to renumber a section of the Zoning Ordinance to accommodate for the insertion of the Parking Overlay District Section.

Motion made by Councilperson Catania and seconded by Councilperson Barnes.

THE CITY OF BRIDGMAN ORDAINS:

Section One. Section XXII of Ordinance 176 of 2009, as amended by Ordinance 186 of 2015, is hereby deleted with the following inserted in its place and stead:

ARTICLE XXII

DOWNTOWN PARKING OVERLAY DISTRICT.

Section 22.01 - General Overview. The City recognizes that certain locations in the City's downtown have generous access to free on-street parking, as well as to free parking in City-owned lots which are open to the public. As a result, the City desires to create a Downtown Parking Overlay District wherein the access to nearby public parking is considered when parking requirements are imposed on principal buildings or secondary structures within the District.

Section 22.02 - General Restrictions for Commercial Property in the Overlay District. Any principal building or secondary structure located in the Downtown Parking Overlay District shall be required to provide minimum off-street parking of one parking space for every 300 square feet of commercial space, except as specified in Section 3.

Section 22.03 - Restrictions Specific to Residential Uses in the Overlay District. In addition to meeting the requirements of Section 2 for any commercial space on the premises, any property in the Downtown Parking Overlay District in which there is a residential use shall provide a minimum of one (1) designated off-street parking space for each residential unit on the premises, irrespective of the square footage of each residential unit.

Section 22.03 - Other Parking Restrictions. All other parking requirements for the Commercial District which are not in conflict with this Section are applicable to the Downtown Parking Overlay District.

Section 22.04 - Map and Legal Description. The legal description and map of the Parking Overlay Districts can be found in Appendix I.

Section Two. The following use is hereby added to the list of Commercial uses in Section 7.01 – "Uses Permitted" within the Commercial District of Ordinance 176 of 2009, as amended by Ordinance 186 of 2015:

-Mixed use commercial (as defined in the Commercial District) and residential uses including residential apartments, bed and breakfast operations, lodging houses, boarding houses, tourist homes, nursing homes, senior citizen housing, similar group housing, and accessory uses including Adult Foster Care Facilities.

Section Three. Section 7.03 of Ordinance 176 of 2009, as amended by Ordinance 186 of 2015, is hereby repealed and the following is inserted in its place and stead:

Section 7.03 - Parking Requirements. Off-street parking shall be provided in conformance with Article X, Section 10.19, or as provided in Article XXII, Downtown Parking Overlay District.

Section Four. Current Section XXII of Ordinance 176 of 2009, as amended by Ordinance 186 of 2015, is hereby changed to Section XXIII, and such section is repealed and the following is inserted in its place and stead:

ARTICLE XXIII

ADOPTION AND EFFECTIVE DATE

With a Public Hearing having been duly held on November 5, 2009, by the City Planning Commission this Comprehensive Zoning Ordinance Amendment was duly adopted at a regular meeting of the City Council of the City of Bridgman, Michigan on December 7, 2009, with amendments adopted January 19, 2015, and August 3, 2015. This ordinance shall become effective immediately upon publication of the official notice of adoption of this Ordinance and/or any amendments in a newspaper of general circulation.

AYES: Catania, Boyd, Anderson, Liskey, Barnes, Ramso

NAYES: None

ORDINANCE DECLARED ADOPTED.

Pam Hahaj

Pam Hahaj, Clerk

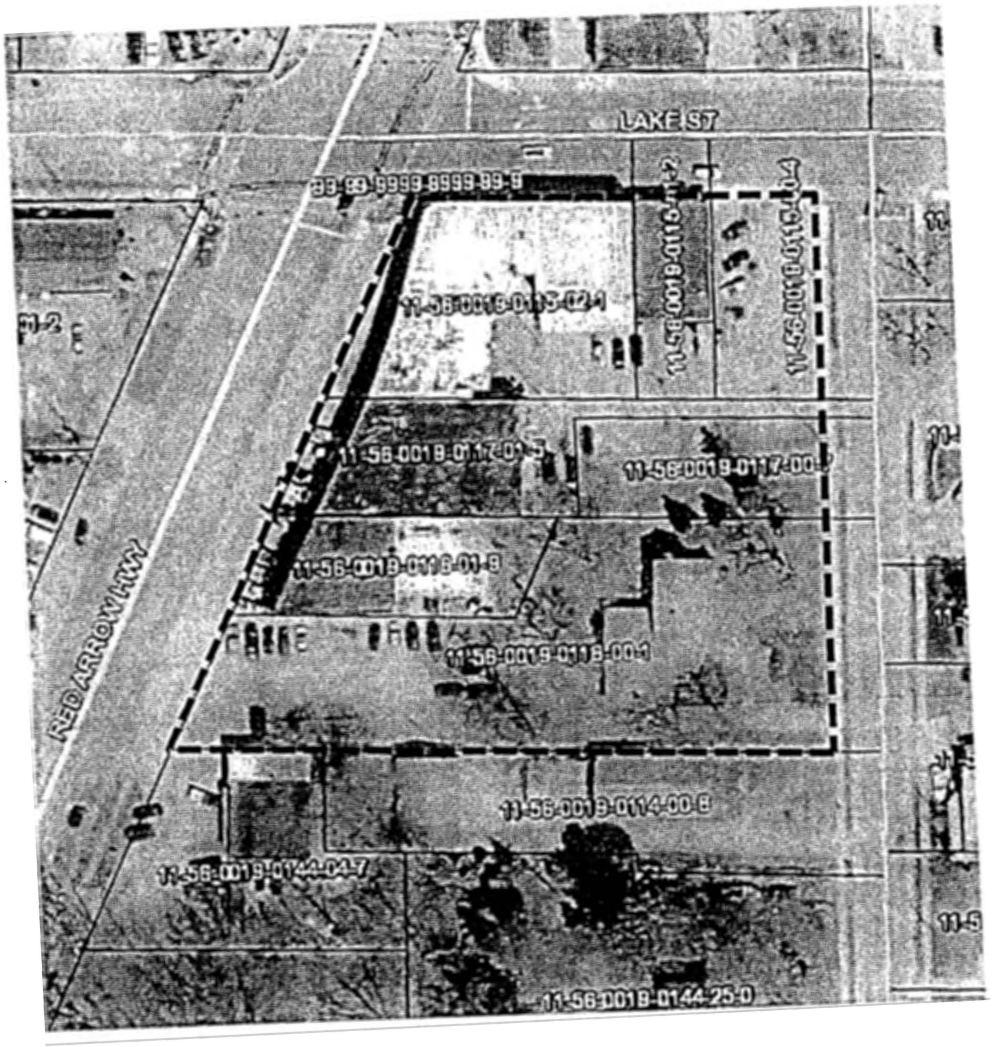
CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the CITY OF BRIDGMAN, County of Berrien, State of Michigan, at a Regular Meeting, held on the 3 day of August, 2015, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pam Hahaj

Pam Hahaj, Clerk

APPENDIX I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CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE NO. 187

An Ordinance to Amend the provisions of Ordinance No. 176 of 2009, the Comprehensive Amendment to the Bridgman Zoning Ordinance, as amended by Ordinance No. 1 of 2015, to provide an update to the Dune Overlay Zone.

Motion made by Councilperson Ramso and seconded by Councilperson Barnes.

THE CITY OF BRIDGMAN ORDAINS:

Section One. Section XIV of Ordinance 176 of 2009, as amended by Ordinance 187 of 2015, is hereby repealed and the following is inserted in its place and stead:

ARTICLE XIV

DUNE OVERLAY ZONE

Section 14.01 - Purpose. In keeping with the findings of the Michigan legislature and the authority granted to local government in Public Act 222 of 1976, as amended, the City of Bridgman hereby declares that:

1. The critical dune areas within the City of Bridgman are a unique, irreplaceable, and fragile resource that provides significant recreational, economic, scientific, geological, scenic, botanical, educational, agricultural, and ecological benefits to the people of this community, to the state, to people from other states and countries who visit this resource.
2. The purpose of Article XIV is to balance for present and future generations the benefits of protecting, preserving, restoring and enhancing the diversity, quality, functions, and values of the City of Bridgman's critical dunes with the benefits of economic development and multiple human uses of the critical dunes and the benefits of public access to and enjoyment of the critical dunes.
3. The following regulations embodied in the Dune Overlay Zone are adopted as the minimum measures necessary to achieve these ends: Part 353 of the Michigan Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended.

Section 14.02 - Definitions. The following terms used in the Dune Overlay Zone shall have the meaning defined below:

1. "Contour change" includes any grading, filling, digging, or excavating that significantly alters the physical characteristic of a critical dune area, except that which is involved in sand dune mining.

2. "Crest" means the line at which the first lakeward facing slope of a critical dune ridge breaks to a slope of less than 1-foot vertical rise in a 5-½-foot horizontal plane for a distance of at least 20 feet, if the aerial extent where this break occurs is greater than 1/10 acre in size.
3. "Critical dune area" means that geographic area designated in the Atlas of Critical Dune Areas dated February 1989 that was prepared by the Department of Natural Resources (DNR) and any other such locally designated sand dune areas included on the City of Bridgman Zoning Map.
4. "Department" means the Michigan Department of Environmental Quality.
5. "Foredune" means one or more low linear dune ridges that are parallel and adjacent to the shoreline of a Great Lake and are rarely greater than 20 feet in height. The lakeward face of a foredune is often gently sloping and may be vegetated with dune grasses and low shrub vegetation or may have an exposed sand face.
6. "Permit" means a permit for use within a critical dune area.
7. "Person" means an individual, partnership, firm, corporation, association, local unit of government, or other political subdivision of the state, or a state or state agency.
8. "Restabilization" means restoration of the natural contours of a critical dune to the extent practicable, and the restoration of the protective vegetative cover of a critical dune through the establishment of indigenous vegetation, and the placement of snow fencing or other temporary sand trapping measures for the purpose of preventing erosion, drifting, and slumping of sand.
9. "Critical dune area" means that area designated in the Atlas of Critical Dune Areas dated 1989 that was prepared by the DNR which includes those geomorphic features composed primarily of sand, whether windblown or of other origin and which lies within two miles of the ordinary high water mark on a Great Lake as defined in Section 2 of the Great Lakes Submerged Lands Act, Public Act 247, of the Public Acts of 1955, as amended, being Section 322.701 of the Michigan Compiled Laws, and includes critical dune areas.
10. "Sand dune mining" means the removal of sand from sand dune areas for commercial, or industrial purposes, or both.
11. "Special use project" means any of the following:
    A. A proposed use in a critical dune area for an industrial or commercial purpose regardless of the size of the site.
    B. A multiple-family use of more than three acres.
    C. A multiple-family use of three acres or less if the density of use is greater than four individual residences per acres.
    D. A proposed use in a critical dune area, regardless of size of the use, that the Planning Commission determines would damage or destroy features of archaeological or historical significance.
12. "Structure" means that which is built or constructed, an edifice or building of any kind, or piece of work artificially built up or composed of parts jointed together in some definite manner. Structures include works of heavy civil construction including without limitation, a highway, bridge, dam, reservoir, mine, harbor, dockside port facility, an airport landing facility and facilities for the generation or transmission, or distribution of electricity. Structure shall be construed as though followed by the words "or part or parts of the structure and all equipment in the structure" unless the context clearly indicates otherwise.

13. "Use" means a developmental, silvicultural or recreational activity done or caused to be done by a person that significantly alters the physical characteristic of a critical dune area or a contour change done or caused to be done by a person, but does not include sand dune mining.

Section 14.03 - Area Affected. The provisions of the Dune Overlay Zone apply to all lands so depicted on the map entitled City of Bridgman Zoning Map which is a part of this Ordinance. These lands include the entire critical dune area as designated by the Michigan Department of Natural Resources pursuant to PA 222 of 1976, the Sand Dune Protection and Management Act, and to such other lands as locally designated and depicted thereon. Locally designated sand dunes together with dunes designated under PA 222 shall be known as critical dune areas for the purpose of this Ordinance. Lands that are within 250 feet of a critical dune area, that are determined by the Planning Commission to be essential to the hydrology, ecology, topography, or integrity of a critical dune area shall also receive all the protection afforded to critical dunes in the Overlay Zone, even if not so depicted on the City of Bridgman Zoning Map.

The Overlay Zone establishes regulations which apply in addition to those of the underlying district. Lot size, density, and front and side setbacks shall be as established in the underlying district, except that lots created after the effective date of this Article shall be at least one acre in total size with a minimum frontage on a public or private street or road of 110 feet. Every lot created hereafter shall have a building site suitable for a structure which complies with Section 14.08. Where the provisions of this Zone conflict with those of the underlying district, the provisions of the Dune Overlay Zone shall supersede.

Section 14.04 - Nonconforming Building and Lots After the effective date of the adoption of this Section:

1. No subdivision or condominium development shall occur within the Dune Overlay Zone except in compliance with the minimum standards of this Ordinance and after review and approval of a site plan and other documents as required herein.
2. No structure shall be constructed, reconstructed, altered, or relocated except in strict compliance with the requirements of this Ordinance.
3. No use which is in existence as of the effective date of this Article shall be expanded, except in strict compliance with the minimum standards of this Ordinance.
4. Prior to the creation and recording of any new lot, the property owner is encouraged to seek a zoning permit to insure the lot will be useable for a purpose permitted under this Ordinance.
5. No existing nonconforming building or structure shall be altered except provided in Article X, Sections 10.02 and 10.03.

Section 14.05 - Application Requirements. All applications for permits for the use of a critical dune area shall include in writing showing evidence:

1. That the county enforcing agency designated pursuant to the soil erosion and sedimentation control act of 197, Act No. 47 of the Public Acts of 1972, being Sections 282.101 to 282.125 of the Michigan

Compiled Laws, finds that the project is in compliance with Act No. 347 of the Public Acts of 1972 and any applicable soil erosion and sedimentation control ordinance that is in effect in the City of Bridgman (refer to Part 91 of the Michigan Natural Resources and Environmental Protection Act, as amended by 2000 PA 504).

2. That a proposed sewage treatment or disposal system on the site has been approved by the county health department, if applicable.
3. Assuring that the cutting and removing of trees and other vegetation will be performed according to the forestry management guidelines for Michigan prepared by the Society of American Foresters in 1987, as revised in 2010, and will include instructions or plans to provide mitigation for the removal of trees or vegetation by providing assurances that the applicant will plant on the site more trees and other vegetation on the site than were removed by the proposed use.
4. Except as otherwise provided in this subsection, a site plan that contains data required by this Section and Article XIII concerning the physical development of the site and extent of disruption of the site by the proposed development.
5. The Zoning Administrator shall not require an environmental site assessment or environmental impact statement as part of a permit application for a use in a critical dune overlay zone except for a "Special Use" project.
6. The zoning Administrator will require that the applicant supply a contour map of the site with 1-foot contour intervals at or near any proposed structure or roadway for any new construction.
7. The payment of any required fees for processing and/or professional review of the submitted site plan.

Section 14.06 - Environmental Assessment Required. When an environmental assessment is required under a "Special Use" project, it shall include the following information concerning the site of the proposed use:

1. The name and address of the applicant.
2. A description of the application's proprietary interest in the site.
3. The name, address, and professional qualification of the person preparing the environmental assessment and his/her opinion as to whether the proposed development of the site is consistent with protecting features of environmental sensitivity and archaeological or historical significance that may be located on the site.
4. The description and purpose of the proposed use.
5. The location of existing utilities and drainage ways.
6. The general location and approximate dimensions of proposed structures.
7. Major proposed change of land forms such as new lakes, terracing or excavating.
8. Sketches showing the scale, character, and relationship of structures, streets or driveways, and open space.
9. Approximate location and type of proposed drainage, water, and sewage facilities.
10. Legal description of property.
11. A physical description of the site, including its dominant characteristics, its vegetative character, its present use, and other relevant information.

12. A natural hazards review consisting of a list of natural hazards such as periodic flooding, poor soil bearing conditions, and any other hazards peculiar to the site.
13. An erosion review showing how erosion control will be achieved, and illustrating plans or programs that may be required by any existing soil erosion and sedimentation ordinance.

Section 14.07 – Environmental Impact Statement Requirements. When an environmental impact statement is required, it shall include all of the following:

1. The name and address of the applicant.
2. A description of the application's proprietary interest in the site of the proposed use.
3. The name, address, and professional qualifications of the proposed professional design team members, including the designation of the person responsible for the preparation of the environmental impact statement.
4. The description and purpose of the proposed use.
5. Six copies and one reproducible transparency of a schematic use plan of the proposed use showing the general location of the proposed use and major existing physical and natural features on the site including, but not limited to, watercourses, rock outcropping, wetlands, and wooded areas.
6. The location of the existing utilities and drainage ways.
7. The location and notation of public streets, parks, and railroad utility right-of-ways within or adjacent to the proposed use.
8. The general location and dimensions of proposed streets, driveways, sidewalks, pedestrian ways, trails, off-street parking, and loading areas.
9. The general location and approximate dimensions of proposed structures.
10. Major proposed change of land forms such as new lakes, terracing or excavating.
11. Approximate existing and proposed contours and drainage patterns, showing at least 5-foot contour intervals.
12. Sketches showing the scale, character, and relationship of structures, streets, or driveways, and open space.
13. Approximate location and type of proposed drainage, water, and sewage treatment and disposal facilities.
14. A legal description of the property.
15. An aerial photo and contour map showing the development site in relation to the surrounding area.
16. A description of the physical site, including its dominant characteristics, its vegetative character, its present use, and other relevant information.
17. A soil review giving a short descriptive summary of the soil types found on the site and whether the soil permits the use of septic tanks or requires central sewer. The review may be based on the unified soil classification system as adopted by the United States Corp. of Engineers and Bureau of Reclamation, dated January 1952, or the National Cooperative Soil Survey Classification System, and the standards for the development prospects that have been offered for each portion of the site.
18. A natural hazards review consisting of a list of natural hazards such as periodic flooding, poor soil bearing conditions, and any other hazards peculiar to the site.

19. A substrata review including a descriptive summary of the various geologic bedrock formations underlying the site, including the identification of known aquifers, the approximate depths of the aquifers and, if being tapped for use, the principal uses to be made of these waters, including irrigation, domestic water supply, and industrial usage.
20. An erosion review showing how erosion control will be achieved, and illustrating plans or programs that may be required by any existing soil erosion and sedimentation ordinance.
21. At a minimum, plans for compliance with all of the following standards shall be required for construction and post construction periods:
    A. Surface drainage designs and structures are erosion proof through control of the direction, volume, and velocities of drainage patterns. These patterns shall promote natural vegetation growth that are included in the design in order that drainage waters may be impeded in their flow and percolation encouraged.
    B. The design shall include trash collection devices when handling street and parking drainage to contain solid waste and trash and major proposed changes of land forms such as new lakes, terracing or excavating.

Section 14.08 - Driveways.

The construction, improvement, and maintenance of a driveway shall be permitted for any dwelling or other permanent building allowed in a critical dune area, including a dwelling or other permanent building approved under this part or a lawful nonconforming use, subject only to applicable permit requirements under Sections 35312 through 35325 of Part 353 of the Michigan Natural Resources and Environmental Protection Act and the following:

1. A driveway shall be permitted either to the principal building or, in the sole discretion of the applicant, to an accessory building, under the provisions of this Section. Additional driveways, if any, shall meet the applicable requirements for any other use under Part 353. The development of a plan for a driveway should include consideration of the use of retaining walls, bridges, or similar measures, if feasible, to minimize the impact of the driveway, parking, and turnaround areas, and the consideration of alternative locations on the same lot of record. A primary driveway may intersect a roadway at two points.
2. Driveways on slopes steeper than 1-foot vertical rise in a 4-foot horizontal plane, but not steeper than 1-foot rise in a 3-foot horizontal plane, shall be in accordance with a site plan submitted with the permit application and prepared for the site by a registered professional architect or licensed professional engineer. The site plan shall include storm water drainage that provides for disposal of storm water without serious erosion, methods for controlling erosion from wind and water, and restabilization, by design elements including vegetation, cut-and-fill, bridges, traverses, and such other elements as are required in the judgment of the architect or engineer to meet these requirements.
3. Driveways on slopes steeper than 1-foot vertical rise in a 3-foot horizontal plane shall be in accordance with a site plan submitted with the permit application and prepared for the site by a licensed professional engineer. The site plan shall include storm water drainage that provides for

disposal of storm water without serious erosion, methods for controlling erosion from wind and water, and restabilization, by design elements including vegetation, cut-and-fill, bridges, traverses, and such other elements as are required in the judgment of the engineer to meet these requirements. The engineer shall certify under seal that the driveway is not likely to increase erosion or decrease stability.

4. Temporary construction access for all construction, including new construction, renovation, repairs, rebuilding, or replacement, and repair, improvement, or replacement of septic tanks and systems, shall be allowed for any use allowed in a critical dune area for which a driveway is not already installed by the owner, subject only to the requirements that the temporary access shall not involve a contour change or vegetation removal that increases erosion or decreases stability except as can be restabilized upon completion of the construction. The temporary access shall be maintained in stable condition, and restabilization shall be commenced promptly upon completion of the construction.
5. As used in this Section, "driveway" means a privately owned, constructed, and maintained vehicular access from a road or easement serving the property to the principal building or accessory buildings, that is paved, graveled, or otherwise improved for vehicular access, 16 feet wide or narrower in the sole discretion of the applicant or owner, and may include, in the sole discretion of the applicant or owner, a shared driveway.

Section 14.09 - Permitted and Prohibited Uses. The following uses are not permitted in a critical dune area:

1. The disposal of sewage on-site unless the standards of applicable sanitary codes are met or exceeded.
2. A use that does not comply with the minimum setback requirements required by rules that are promulgated under the Shorelines Protection and Management Act of 1970, Act No. 245 of Public Acts of 1970, being Sections 281.61 to 281.644 of the Michigan Compiled Laws.
3. A surface drilling operation that is utilized for the purpose of exploring for or producing hydrocarbons or natural brine or for the disposal of the waste or by-products of the operation; except that those that are lawfully in existence at a site as of July 5, 1989 may be continued, completed, restored or substituted upon approval of the Director of the Department of Environmental Quality.
4. Production facilities regulated pursuant to the Mineral Well Act, Act No. 315 of the Public Acts of 1969, being Sections 319.211 to 319.26 of the Michigan Compiled Laws, and Act No. 61 of the Public Acts of 1939, being Sections 319.1 to 319.27 of the Michigan Compiled Laws; except that those that are lawfully in existence at a site as of July 5, 1989 may be continued, completed, restored or substituted upon approval of the director of the department of natural resources.

Section 14.10 - Non permitted Uses. Unless relief from strict compliance is granted pursuant to Section 14.18, the following uses are not permitted in a critical dune area:

1. A structure or accessibility measures on a slope within a critical dune area that is between 25% and 33% unless the structure and access to the structure are ~~is~~ in accordance with a site plans prepared for the site by a registered professional architect or a licensed professional engineer and the site plans

provides for the disposal of storm waters without serious soil erosion and without sedimentation of any stream or other body of water.

2. A structure or accessibility measures on a slope within a critical dune area that is greater than 33% unless the structure and access to the structure are in accordance with a site plans prepared for the site by a licensed professional engineer and the site plan provides for the disposal of storm waters without serious soil erosion and without sedimentation of any stream or other body of water.
3. A use on a slope within a critical dune area that is greater the 33% unless a variance is granted, except for driveways as described in Section 14.08.
4. A use involving a contour change that the Zoning Administrator determines is more likely than not to increase erosion or decrease stability.
5. Silvicultural practices, as described in the forest management guidelines for Michigan, prepared by the Society of American Foresters as revised in 2010, that the City of Bridgman determines are more likely than not to increase erosion or decrease stability.
6. A use that involves a vegetation removal that the Zoning Administrator determines is more likely than not to increase erosion or decrease stability. The landowner must provide in writing, an assurance to the City of Bridgman that an increase of erosion or decrease in stability will not occur. A written Vegetation Assurance Plan must include a site plan map and mitigation plan for the loss of native grasses, groundcover, shrubs and/or trees that will be removed and/or impacted by the project; and must include the monitoring and maintenance of planted vegetation at project completion. The City of Bridgman may require that the applicant plant on site more trees and other vegetation than were removed by the proposed use.
7. A permit shall not be granted that authorizes construction of a dwelling or other permanent building on the first lakeward facing slope of a critical dune area or foredune except on a lot of record that was recorded prior to July 5, 1989 that does not have sufficient buildable area landward of the crest to construct the dwelling or other permanent building as proposed by the applicant. The proposed construction, to the greatest extent possible, shall be placed landward of the crest. The portion of the development that is lakeward of the crest shall be placed in the location that has the least impact on the critical dune area.
8. Except as provided in subsection 7, a permit shall provide that a use that is a structure shall be constructed behind the crest of the first landward ridge of a critical dune area that is not a foredune. However, if construction occurs within 100 feet measured landward from the crest of the first landward ridge that is not a foredune, the use shall meet all of the following requirements:
   A. The structure and access to the structure shall be in accordance with a site plan prepared for the site by a registered professional architect or a licensed professional engineer and the site plan shall provide for the disposal of storm waters without serious soil erosion and without sedimentation of any stream or other body of water.
   B. Access to the structure shall be from the landward side of the dune.
   C. The dune shall be restabilized with indigenous vegetation.
   D. The crest of the dune shall not be reduced in elevation.

Section 14.11 - Site Plan Review. Reviewing a site plan submitted along with all the application information required in Section 14.05 the Zoning Administrator shall:

1. Insure that the requirements of the Zoning Ordinance have been met and that the plan is consistent with existing laws.
2. Determine whether the advice or assistance of the soil conservation district will be helpful in review a site plan, and if so, to so seek it.
3. Recommend alterations of a proposed development to minimize adverse effects anticipated if the development is approved and to assure compliance with all applicable state and local requirements.
4. Determine that the proposed use will ensure and enhance the Diversity, Quality, Function and Values of the critical dune in a manner that is compatible with private property rights; allows for compatible economic development and multiple human uses of the critical dune, using the most competent, accurate and reliable information and scientific data available.

Section 14.12 - Use Standards. Any lot or parcel which in whole or part which falls within the Dune Overlay Zone and/or within 250 feet outside the Dune Overlay Zone shall not be used except upon receipt of a permit from the Zoning Administrator. No zoning permit shall be issued for the use of land within this Zone or within 250 feet outside the zone until a site plan meeting the requirements of this Section and those of Article XIII have been met. If requested, the Planning Commission will make the final determination as to whether or not these standards have been met and shall exercise its lawful discretion in all cases in favor of protection of the critical dune area.

Section 14.13 - Prohibition of Construction Without Permit. No grading or clearing of a site shall be done prior to issuance of a zoning permit as required in this Ordinance.

Section 14.14 - Special Use Project Review Procedures. A proposed special use project shall be reviewed and a recommendation for approval, approval with conditions, or denial is made by the Planning Commission pursuant to the special use procedures of Article XII of this Ordinance shall be completed.

Section 14.15 – Department of Environmental Quality Review. Prior to issuing a permit allowing a special use project within a critical dune area, the Planning Commission shall submit the special use project application and site plan and their proposed decision to the Department of Environmental Quality, Land and Water Management Division following the procedures under 14.06 of Article XII of this Ordinance.

Section 14.16 - Nonconforming Uses. The lawful use of land or a structure, as existing and lawful within a critical dune area in the time of the adoption of this overlay zone, may be continued although the use of that land or structure does not conform to the provisions of this overlay zone. The continuance, completion, restoration, reconstruction, extension or substitution of existing nonconforming uses of land or a structure may continue consistent with the nonconforming use requirements of this Ordinance. See Article X Section 10.02.

Section 14.17 - Rebuilding of Lawful Structures. A structure or use located in a critical dune area that is destroyed by fire, other than arson for which the owner is found to be responsible, or an act of nature, except for erosion, may be rebuilt or replaced if the structure or use was lawful at the time it was constructed or

commenced; and a replacement structure and its use may differ from that which was destroyed if it does not exceed in size or scope that which was destroyed.

Section 14.18 - Relief from Requirements (variance). The Zoning Board of Appeals may grant relief from the requirements of this overlay zone if a practical difficulty will occur to the owner of the property if the variance is not granted. The procedural requirements of Article XIII (Site Plan Review) and Article XVI (Board of Appeals) should be adhered to. Relief from strict compliance is subject to the following limitations:

1. The Zoning Board of Appeals may issue variances under Article XIV of the zoning ordinance if a practical difficulty will occur to the owner of the property if the variance is not granted. In determining whether a practical difficulty will occur if a variance is not granted, primary consideration shall be given to assuring that human health and safety are protected by the determination and that the determination complies with applicable local zoning, other state laws, and federal law. If a practical difficulty will occur to the owner of the property if the variance is not granted, a variance shall be granted under this Section unless the Zoning Board of Appeals determines that the use will significantly damage the public interest on the privately owned land, or, if the land is publicly owned, the public interest in the publicly owned land, by significant and unreasonable depletion or degradation of any of the following:
   A. The diversity of the critical dune areas within the local unit of government.
   B. The quality of the critical dune areas within the local unit of government.
   C. The functions of the critical dune areas within the local unit of government.
2. The decision of the Zoning Board of Appeals shall be in writing and shall be based upon evidence that would meet the standards in Section 75 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.275. A decision denying a variance shall document, and any review upholding the decision shall determine, all of the following:
   A. That the City of Bridgman has met the burden of proof under subsections 1A through 1C.
   B. That the decision is based upon sufficient facts or data.
   C. That the decision is the product of reliable scientific principles and methods.
   D. That the decision has applied the principles and methods reliably to the facts.
   E. That the facts or data upon which the decision is based are recorded in the file.
3. The City of Bridgman shall not require an environmental site assessment or environmental impact statement for a variance except for a special use project.
4. A variance shall not be granted from a setback requirement provided for under Section 35034 pursuant to Part 353 of the Michigan Natural Resources and Environmental Protection Act unless the property for which the variance is requested is one of the following:
   A. A nonconforming lot of record that is recorded prior to July 5, 1989, and that becomes nonconforming due to the operation of Part 353.
   B. A lot legally created after July 5, 1989 that later becomes nonconforming due to natural shoreline erosion.
   C. Property on which the base of the first landward critical dune of at least 20 feet in height that is not a foredune is located at least 500 feet inland from the first foredune crest or line

of vegetation on the property. However, the setback shall be a minimum of 200 feet measured from the foredune crest or line of vegetation.

Section 14.19 - Penalties. In addition to the penalty provisions of this Ordinance, the provisions of MCL 281.672 shall apply in the event of any violation. Pursuant to subsection 4 of said Section, a court may impose on a person who violates any provision of this Dune Overlay Zone, or a provision of a permit issued hereunder, a civil fine of not more than $5,000 for each day of violation, or order a violator to pay the full cost of the full cost of restabilization of a critical dune area or other natural resource that is damaged or destroyed as a result of a violation, or both.

Section 14.20 - Applicable Law. Incorporated by reference herein is Part 353, Michigan Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended.

AYES: Catania, Boyd, Anderson, Liskey, Barnes and Ramso

NAYES: None

ORDINANCE DECLARED ADOPTED.

Pam Hahaj

Pam Hahaj, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the CITY OF BRIDGMAN, County of Berrien, State of Michigan, at a Regular Meeting, held on the 3 day of August, 2015, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pam Hahaj

Pam Hahaj, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN
ORDINANCE NO. 188

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF BRIDGMAN

The City of Bridgman ordains:

Section 1 – Ordinance. Pursuant to the provision of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, and pursuant to all applicable provisions of law, the Zoning Map of the City of Bridgman is hereby amended to rezone parcel number 11-56-0018-0044-00-1, with an address of 4425 Lake Street, Bridgman Michigan, from its current zoning of R-1 (Residential) to C (Commercial).

Section 2 – Severability. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 3 – Repealer. All Ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4 – Effective Date. A summary of this ordinance shall be published in a newspaper of general circulation as provided by law.

Proposed by: Council Member Catania

Supported by Council Member High

Roll Call Vote: Liskey, Ramso, Catania, Boyd, High and Anderson

Ayes: Liskey, Ramso, Catania, Boyd, High and Anderson

Nays: None

Abstain: None

ORDINANCE DECLARED ADOPTED

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City of Bridgman, County of Berrien, State of Michigan, at a Regular Meeting, held on the 21st Day of December, 2015, and that said Meeting was in with Act No. 267, Public Acts of Michigan, 1976, as amended and that the Minutes of said meeting were kept and will be or have make available as required by said Act.

Pamela Hahaj

Pamela Hahaj, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE NO. 2016-189

An Ordinance to Repeal Ordinance No. 1 of 2015, Section XIV, "Dune Overlay District" in the City of Bridgman Zoning Ordinance.

Motion made by Councilperson Catania and seconded by Councilperson High.

THE CITY OF BRIDGMAN ORDAINS:

Section One - Repeal. Section XIV, "Dune Overlay District", being Ordinance 1 of 2015, is hereby repealed in its entirely, including all references thereto in other parts of the Ordinance.

Section Two - Effective Date. This Ordinance shall take effect seven (7) days after publication.

ROLL CALL VOTE:

YEAS: Ramso, Catania, High, Anderson, Liskey and Barnes

NAYS: Boyd

ABSENT: None

ORDINANCE DECLARED ADOPTED.

Pam Hahaj
Pam Hahaj, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the CITY OF BRIDGMAN, County of Berrien, State of Michigan, at a Regular Meeting, held on the _____ day of January, 2016, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pam Hahaj
Pam Hahaj, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE NO. 2016-190

An Ordinance to Amend Section 11.03(7) in the City of Bridgman Zoning Ordinance to exempt directional signs that meet the requirements of the Michigan Department of Transportation.

Motion made by Councilperson Catania and seconded by Councilperson Barnes.

THE CITY OF BRIDGMAN ORDAINS:

Section One - Amendment. Current Section 11.03(7) of the City of Bridgman Zoning Ordinance is hereby deleted, with the following to be included in its place and stead:

11.03(7). Any sign which is not accessory to the business being conducted on the property on which the sign is located or which advertises goods, services, or any other item that is not on the premises where the sign is located except when said sign is a billboard which is the principal use on a parcel of property in accordance with the requirements of Section 11.07(2) or as otherwise provided in this Ordinance. Directional signs which meet the Michigan Department of Transportation's Specific Services Signing Program are excluded from this prohibition, provided that the following conditions are met:

a. Directional signs shall only be placed on specified structures and signage which are authorized by the City of Bridgman.

b. The City of Bridgman shall specify signage design.

Section Two - Effective Date. This Ordinance shall take effect seven (7) days after publication.

ROLL CALL VOTE:

YEAS: Barnes, Catania, High, Anderson and Liskey

NAYS: Boyd

ABSENT: None

ORDINANCE DECLARED ADOPTED.

Pam Hahaj

Pam Hahaj, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the CITY OF BRIDGMAN, County of Berrien, State of Michigan, at a Regular Meeting, held on the 4 day of April, 2016, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Pam Hahaj

Pam Hahaj, Clerk

CITY OF BRIDGMAN

COUNTY OF BERRIEN

STATE OF MICHIGAN

ORDINANCE NO. 2016-191

An Ordinance to Amend Chapter 6 in the City of Bridgman Criminal Code to address intoxication and drinking in public places.

Motion made by Councilperson Catania and seconded by Councilperson Boyd.

THE CITY OF BRIDGMAN ORDAINS:

Section One - Amendment. Current Chapter of the City of Bridgman Criminal Code is hereby deleted, with the following to be included in its place and stead:

Chapter 6

ALCOHOLIC BEVERAGES	200.0600
SECTION 6.1 INTOXICATION, DRINKING IN PUBLIC PLACES	200.0601

No person shall drink any liquor, beer or wine (collectively "intoxicants") in any public way, place, park, street, or indoor or outdoor area to which the public is admitted (collectively a "public venue"), except upon the following terms and conditions:

a. When a person is located within a designated area at a public venue which is subject to a written Vendor Agreement or License Agreement between the City of Bridgman and an organization or business, which written Agreement specifically allows alcohol use at such public venue as part of the Agreement's terms and conditions. The "designated area" shall be determined by the written Agreement between the City and the Vendor or Licensee.

b. When a restaurant or bar has been issued a Sidewalk Café Permit or Outdoor Seating Area Permit under the City of Bridgman Zoning Ordinance, and a patron of said restaurant or bar is located within the designated outdoor seating area.

c. A municipal corporation or non-profit group or organization having a recognized public purpose who desires to use a public venue for a specific purpose or public event which is beneficial to the public, which determination shall be in the sole discretion of the City

Council, shall be allowed to use a designated area in a public venue to serve alcohol upon obtaining written permission and a description of the designated area from the City Council upon approval of an Event Application under this section by a majority vote of the City Council.

d. All activities allowed under this Section shall be restricted to the areas designated in the written License Agreement, Vendor Agreement, Sidewalk Café Permit, Outdoor Seating Area Permit, am Event Application approved by the City Council, by the Michigan Liquor Control Commission, and other such areas that are designated from time to time by the Police Chief and/or his designee for public safety purposes.

e. Any permission by the City Council or other written agreement or permit of any nature or sort is dependent upon the Vendor, Licensee, bar, restaurant, business or organization obtaining any necessary permits or licenses from the Michigan Liquor Control Commission.

f. No intoxicants shall be consumed within any public venue except as purchased or received through the sponsoring organization, bar, restaurant, business, Vendor, and/or the Licensee described in Sections a though c above.

g. Any Ordinances that directly conflict with the provisions of this Chapter are hereby repealed.

This Ordinance shall take effect seven (7) days after publication.

ROLL CALL VOTE:

YEAS: Liskey, Barnes, Ramso, Catania, Anderson, High and Boyd

NAYS: None

ABSENT: None

ORDINANCE DECLARED ADOPTED.

Pam Hahaj

Pam Hahaj, Clerk

CERTIFICATION

I, hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City of Bridgman, County of Berrien, State of Michigan, at a Regular Meeting, held on the 6th day of June, 2016, and that said Meeting was conducted and public notice of said meeting was given, pursuant to an in full compliance with Act No. 367, Public Acts of Michigan, 1979, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act

Pamela Hahaj, Clerk Pamela Hahaj

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE NO. 192

AN ORDINANCE TO REPEAL ORDINANCE 148 OF 2002 IN ITS ENTIRETY.

Motion made by Councilperson Catania and seconded by Councilperson Boyd.

THE CITY OF BRIDGMAN ORDAINS:

Section One. Ordinance 148 of 2002 is hereby repealed in its entirety.

ROLL CALL:

AYES: Boyd, Anderson, Catania, Ramso

NAYES: None

ABSENT: Liskey, Barnes, High

ORDINANCE DECLARED ADOPTED.

This ordinance shall be effective on October 8, 2016 which is the date of publication in a newspaper of general circulation.

Allyson Holm

Allyson Holm, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the CITY OF BRIDGMAN, County of Berrien, State of Michigan, at a Regular Meeting, held on the 5th day of October, 2016, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Allyson Holm

Allyson Holm, Clerk

CITY OF BRIDGMAN
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE NO. 193

AN ORDINANCE TO REPEAL SECTION 302.4 (WEEDS) OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED BY THE CITY OF BRIDGMAN.

Motion made by Councilperson ~~Barnes~~ Boyd (ah) and seconded by Councilperson Ramso.

Section One. The following Section 302.4 is repealed in its entirety from Ordinance 178:

> Section 302.4. Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of six (6) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

ROLL CALL:

AYES: Anderson, Catania, Ramso, Boyd

NAYS: None

ABSENT: Liskey, Barnes, High

ORDINANCE DECLARED ADOPTED.

This ordinance shall be effective on October 8, 2016 which is the date of publication in a newspaper of general circulation.

Allyson Holm
Allyson Holm, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the CITY OF BRIDGMAN, County of Berrien, State of Michigan, at a Regular Meeting, held on the 5th day of October, 2016, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

Allyson Holm
Allyson Holm, Clerk