

ORLEANS TOWNSHIP PENSION PLAN ORDINANCE

AN ORDINANCE TO CREATE AND ESTABLISH AN ANNUITY OR PENSION PLAN FOR THE OFFICERS AND EMPLOYEES OF ORLEANS TOWNSHIP AND TO AUTHORIZE THE TOWNSHIP SUPERVISOR AND THE TOWNSHIP CLERK TO CONTRACT, IN THE NAME OF THE TOWNSHIP, FOR SUCH PLAN; TO DEFINE THOSE CLASSES OF OFFICERS AND EMPLOYEES WHO SHALL BE COVERED BY SUCH ANNUITY OR PENSION PLAN; TO SET FORTH THE RESPECTIVE PER CENTUM SHARES WHICH ORLEANS TOWNSHIP AND THE OFFICERS AND EMPLOYEES SHALL CONTRIBUTE TO THE PREMIUM OR CHARGES ARISING UNDER SUCH ANNUITY OR PENSION CONTRACT AND TO FURTHER PROVIDE FOR THE DEDUCTION OF CONTRIBUTIONS FROM OFFICERS' AND EMPLOYEES' COMPENSATION; TO ESTABLISH THE TIME AT WHICH EXISTING AND FUTURE EMPLOYEES SHALL BECOME ELIGIBLE FOR SUCH PLAN AND TO FURTHER ESTABLISH THE NORMAL RETIREMENT DATE FOR ALL EMPLOYEES; TO PROVIDE A METHOD FOR NON-COVERAGE OF AN OFFICER OR EMPLOYEE OF THE ANNUITY OR PENSION PLAN; TO SET FORTH A DATE WHEREIN EACH PERSON COVERED UNDER THE ANNUITY OR PENSION PLAN SHALL HAVE A VESTED RIGHT OR INTEREST IN SUCH PLAN; TO RATIFY AND CONFIRM THE VALIDITY OF ANY ANNUITY OR PENSION PLAN IN EXISTENCE ON THE EFFECTIVE DATE OF THIS ORDINANCE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE TOWNSHIP OF ORLEANS, IONIA COUNTY, MICHIGAN ORDAINS;

SECTION 1:

This ordinance shall be known and cited as the "Orleans Township Pension Plan Ordinance."

SECTION 2:

Pursuant to Public Act 77 of 1989, as amended, the Township of Orleans hereby creates and establishes an annuity or pension plan and program for the pensioning of its officers and employees, and for such purposes, also hereby authorizes the township supervisor and the township clerk to contract, in the name of the township board, with any company authorized to transact such business within the State of Michigan for annuities or pensions.

SECTION 3:

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

- All members of the township board.
- All township fire chiefs
- All township sextons
- All township Ordinance Enforcement Officers

SECTION 4:

- A. The Township of Orleans shall annually contribute 100 per centum of that portion of the premium or charges arising under such annuity or pension contract for each person within the class of officers and employees enumerated in Section 3 hereof. Such contributions shall be secured from the general fund of the township.
- B. Each employee who is employed on the effective date of the annuity or pension plan shall be eligible for coverage on that day provided he or she then meets the following requirements, otherwise to be eligible on the first policy anniversary on which he or she meets them:

1. His or her age (nearest birthday) is at least 18 years and not more than 75 years.

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

1. His or her age (nearest birthday) is at least 18 years and not more than 75 years.

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

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

SECTION 5:

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

SECTION 6:

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

SECTION 7:

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

CERTIFICATION; This is to certify that the above Ordinance was passed as set forth above, by the Orleans Township Board in regular session and is a true and exact copy thereof.

Orleans Township Board

Moved by Jerry Gallagher, seconded by Gertrude Heppe, that the foregoing Ordinance be adopted.

Yeas: Kurt Peterson, Joyce Doty, Gertrude Heppe, Jerry Gallagher

Nays: None

Absent: Herman Peterson

I certify that the Ordinance as set forth above was adopted by the Orleans Township Board in regular session on December 10, 1991 and that it was published in Ionia Sentinel Standard on December 13, 1991. Further, I certify that an attested copy of the Ordinance was filed with the Ionia County Clerk on Dec 18, 1991.

Joyce E. Doty
Joyce E. Doty
Orleans Township Clerk

Subscribed and sworn to before me this 18th day of December, 1991

Tereanna A. By
Notary Public

State of Michigan, County of Ionia'

My commission expires: 5-16-95

ORLEANS TOWNSHIP ORDINANCE NO. 54

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF PERSONS AND PROPERTY WITHIN THE TOWNSHIP OF ORLEANS, IONIA COUNTY, MICHIGAN, BY PROVIDING FOR THE RECOVERY OF EXPENSES OF EMERGENCY RESPONSES FOR TRAFFIC INCIDENTS, ARRESTS OR ACCIDENTS INVOLVING DRIVERS UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

THE TOWNSHIP OF ORLEANS, IONIA COUNTY, MICHIGAN ORDAINS:

Section 1. Purpose.

The Township of Orleans ("Township") finds that a significant number of traffic incidents, arrests or accidents in the Township involve persons who operate a motor vehicle while under the influence of alcoholic beverages or controlled substances, or a combination of both. In addition, the Township finds that in traffic accidents involving persons who were operating a motor vehicle while under the influence of alcoholic beverages or controlled substances, or both, there is a greater likelihood of personal injury and property damage. As a result of these circumstances, the Township incurs a greater operational and financial burden because of the higher demand or need for the services and equipment of the Township's fire/rescue department, and these increased expenses are directly caused by persons who operate motor vehicles while under the influence of alcoholic beverages or controlled substances, or both.

Section 2. Definitions.

When used in this Ordinance, the following terms shall have the meaning provided herein:

- A. "Emergency response" shall mean the actions or services provided by the Township of Orleans Fire and Rescue Departments, including, but not limited to providing, sending, or utilizing fire fighting, emergency medical rescue and other services by the Township or a private individual, contractor, corporation or other entity operating at the request or direction of the Township, to an incident, arrest or accident, involving a motor vehicle in which one or more of the operators of the motor vehicle(s) involved were operating a motor vehicle while under the influence of an alcoholic beverage or controlled substance, or a combination of both.
- B. "Expense of an emergency response" shall mean the direct and reasonable costs incurred by the Township of Orleans and/or the Orleans Township Fire/Rescue Department, or to a private person, corporation, contractor or entity acting at the request or direction of the Township or of the Orleans Township Fire/Rescue

Department when making an emergency response to an incident, arrest or accident involving a motor vehicle in which one or more of the operators of the motor vehicle(s) involved were operating a motor vehicle while under the influence of an alcoholic beverage or a controlled substance, or a combination of both, including the costs of providing fire fighting, rescues and other services at the scene of the incident.

1. Expenses for an Emergency Response under this Section shall include, but not limited to, the following:
 - (a) The salaries or wages, including overtime pay of law enforcement personnel associated with an Emergency Response, including arresting an individual, processing the person after arrest, preparing reports on the arrest, investigating the incident, and collecting and analyzing evidence, including the administration provision and analysis of any chemical tests to determine blood alcohol content or the presence of a controlled substance.
 - (b) The salaries, wages, or other compensation, including overtime pay, or fire department and emergency medical service personnel, for time spent responding to and providing fire fighting, rescue, and emergency medical services in relation to an Emergency Response.
 - (c) The cost of medical supplies lost or expended by fire department and emergency medical service personnel in providing services in relation to an Emergency Response.
 - (d) The cost of vehicles used by the fire department and emergency medical service personnel in responding to an Emergency Response.
 - (e) All legal costs, including attorney fees and the payment of Township personnel to attend court hearings, incurred by the Township in prosecution of any person who was charged with an offense (misdemeanor, felony or civil infraction) filed as a result of an Emergency Response.
- C. "Controlled substance" shall have the same meaning given to it under the Michigan Uniform Controlled Substances Act, MCL 333.7101 *et seq.*; MSA 14.15(7101) *et seq.*, as amended.
- D. "Alcoholic Liquor" shall have the same meaning given to in under the Michigan Liquor Control Act, MCL 436.1101 *et seq.*; MSA 18.1175(101) *et seq.*, as amended.

Section 3. Liability for Expenses of an Emergency Response.

- A. Person Responsible. Any person who operates a motor vehicle while under the influence of an alcoholic beverage or controlled substance, or a combination of both, is liable for the expense of an Emergency Response if the person's operation of a motor vehicle is a proximate cause of any action or incident that results in an Emergency Response. Each such person shall be jointly and severally liable for all expenses for a particular incident requiring an Emergency Response.
- B. Presumptions: For purposes of this Ordinance, a person is under the influence of an alcoholic beverage or a controlled substance, or a combination of both, when his or her ability to operate a motor vehicle has been impaired to a degree that he or she has less ability to operate a motor vehicle than an ordinary careful driver has, and the impairment of his or her ability to operate a motor vehicle is due to the consumption of alcohol, controlled substances, or a combination of both. Additionally, for purposes of this Ordinance, 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 or her breath, blood or urine indicates that the amount of alcohol in the person's breath, blood or urine was 0.07 grams, or more, per 210 milliliters of person's breath; or 0.07 grams, or more, per 100 milliliters of the person's blood; or 0.07 grams, or more, per 67 milliliters of the person's urine. Additionally, if the person whose operation of a motor vehicle was a proximate cause of any incident that resulted in an Emergency Response was less than 21 years of age, it shall be presumed that the person was under the influence of an alcoholic beverage if the amount of alcohol in his breath, blood, or urine was 0.02 grams, or more, per 100 milliliters of the person's blood; or 0.02 grams, or more, per 210 milliliters of the person's breath; or, 0.02 grams, or more, per 67 milliliters of the person's urine.
- C. Charge Against Person: The expense of an Emergency Response shall be billed to the person liable for the expense under this Ordinance. The billing shall constitute a debt or obligation of that person and is collectible by the Township for incurring those costs in the same manner as in the case of an obligation under an express or implied contract.
- D. Cost Recovery Schedule: The Township Board shall, by resolution from time to time, establish a schedule of the costs to be included in the expense of an Emergency Response. This schedule shall be available to the public from the Township Clerk.
- E. Billing: The Township Clerk, or his or her designee, may submit a bill for the expenses of an Emergency Response to the person liable for them by either mailing the bill to the person or by personally delivering the bill to the person. Payment shall be due no later than 30 days from the date of the Emergency Response.

- F. Failure to Pay: Procedure for Collection: If the person responsible for the payment of the expenses of an Emergency Response does not pay the Township for such expenses within 30 days of the date of the Emergency Response, the bill shall be considered delinquent. In such case, the Township may commence a civil suit to recover the expenses, together with any court costs, attorneys' fees, and interest allowed by law.
- G. Collection Incident to a Prosecution: In addition to the above collection methods, Township officials are also authorized to request that the Court involved require that the person who is liable for such costs under this Ordinance pay the same in full to the Township as a condition of probation or any other Court requirement pursuant to prosecution of that person for the accident, incident or arrest involved.
- H. Conflict with criminal laws: Nothing in this sections shall be construed to conflict, contravene, enlarge or reduce any criminal liability or responsibility, including fines imposed by a judge under the Michigan Vehicle Code on a driver for operating a motor vehicle under the influence of an alcoholic liquor or a controlled substance, or a combination of both.

Section 4. Repeal.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of any such conflict.

Section 5. Severability.

If any portion of this Ordinance is determined to be unenforceable or unconstitutional by a court of competent jurisdiction, then that part shall be severed from the remainder of the Ordinance, and such severance shall not affect the remainder of the Ordinance.

Section 6. Effective Date.

This Ordinance, shall take effect 30 days after publication in a newspaper circulating within the Township of Orleans, Ionia County, Michigan.

Moved by Joyce Doty, seconded by Joel Noe, that the foregoing Ordinance be adopted.

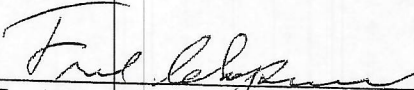
YEAS: Frederick Chapman, Joyce Doty, Joel Noe, Linda Patrick
John Heppe

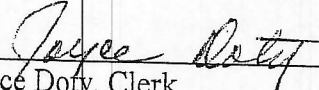
NAYS: None

UNANIMOUS: Yes

ABSENT/ABSTAIN: None


ORDINANCE DECLARED ADOPTED.


Fred Chapman, Supervisor


Joyce Doty, Clerk

CERTIFICATION

I hereby certify that this Ordinance was adopted by the Orleans Township Board in regular session held on June 4, 2001 and that it was published in Ionia Sentinel-Standard on June 15, 2001.


Joyce Doty, Clerk

TOWNSHIP of ORLEANS

ORLEANS, MICHIGAN

ORDINANCE # 7
FISCAL YEAR ORDINANCE

ADOPTED: _____
EFFECTIVE _____

An ordinance to establish the fiscal year of the Township of Orleans, Ionia Co., Michigan and the annual settlement day for such Twonship pursuant to Michigan Public Act 596 of 1978.

THE TOWNSHIP OF ORLEANS, IONIA COUNTY, MICHIGAN HEREBY ORDAINS:

SECTION 1

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

SECTION 11

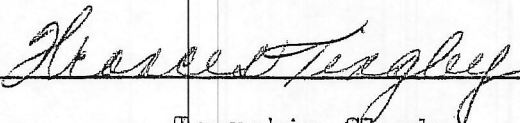
The annual settlement day meeting of the Township Board shall hereafter be held on the 15th day of the last month of the fiscal year of the Township unless said day falls on a Saturday, Sunday or legal holiday whereupon said meeting shall be held on the following Monday which is not a legal holiday.

SECTION 111

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

SECTION 1V

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



Township Clerk