

Case Township
Presque Isle County, Michigan
Fire Run Charges (Cost Recovery)
Ordinance Number: 2025-06-09-25.1

An ordinance to establish cost-recovery charges and exemptions for fire services under Public Act 33 of 1951, as amended (MCL 41.801) and to provide methods for collecting those charges.

The Case Township Board ordains:

Section 1. **Purpose.** This ordinance is adopted to enable the Township to bill for and collect cost recovery charges from those receiving direct benefits from the fire protection services provided by Case Township. It is the further purpose of the ordinance to provide for its share of funding of fire protection services which remains, in part, a governmental expense which benefits all residents and property owners within the township. The majority of township funding is derived from State Revenue Share funds based on population; therefore, some exemptions are provided to local residents. A third source of funding is tax dollars (if the township has a millage in place) derived from property.

Section 2. **Cost Recovery Charges.** The following charges are due and payable to the Township from a recipient of any of the following listed fire protection services from the Township:

- A. Rubbish/Grass Fire.....\$500.00
- B. Vehicle; ORV; ATV accident/Fire.....\$500.00
- C. Structure Fire.....\$500.00
- D. Nuisance Call (s) (4th Time and Trucks are Rolling).....\$500.00
- E. Downed Power Line/Other non HAZMAT public utility hazard.....\$500.00
- F. Other services not specifically listed.....\$500.00

Section 3. **Time for Payment for Run.** All of the foregoing charges are due and payable within 30 days from the date of invoice and, in default of payment, are collectable through proceedings in district court or in any court of competent jurisdiction as a matured debt.

Section 4. **Exemptions.** The following properties and services are exempt from the foregoing charges:

- A. False Alarms (includes 3 or fewer nuisance calls in a 6-month period).
- B. Fire Involving Township Buildings, Grounds and/or Property.

C. Mutual Aid- Fire service performed outside the jurisdiction of the Township, unless the township and other municipalities have each adopted an ordinance to impose fees for fire and emergency service runs within their respective territories under MCL 41.806a.

D. Public Service Assistance.

E. Wild land- noncontiguous to a structure.

Section 5. **Collection of Charges.** The Township may proceed in district court by suit to collect any monies remaining unpaid from a responsible party and shall have any and all other remedies provided by and subject to law for the collection of said charges.

Section 6. **Non-Exclusive Charge.** The foregoing rates and charges are not the only charges that may be made by the Township for the costs and expenses of provided fire services. Charges may additionally be collected by the Township through general taxation after a vote of the electorate approving the same or by a special assessment established under the applicable Michigan statutes. General fund appropriations may also be made to cover such additional costs and expenses of providing fire protection services.

Section 7. **Multiple Property Protection.** When a particular fire protection service rendered by the Township directly benefits more than one person or property, the owner of each property so benefited, and each person so benefited where property protection is not involved, is liable to the payment of the full charge for such service. The interpretation and application of this section is delegated to the Fire Chief, subject only to appeal, within the time limits for payment to the Township Board of the jurisdiction and shall be administered so that charges shall only be collected from the recipients of the service.

Section 8. **Severability.** If any provision or part of this ordinance is declared invalid or unenforceable by a court of competent jurisdiction, the validity or enforceability of the balance of the ordinance is not affected and remains in full force and effect.

Section 9. **Publication.** This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same with first reading on June 09, 2025.

Section 10. **Effective Date.** This ordinance duly approved and adopted on June 09, 2025 at a regular meeting of the Case Township Board and will become effective on June 30, 2025.

Section 11. **Certification.** A motion to adopt the Case Township Fire Run Charges (Cost Recovery) Ordinance Number 06-09-2025.1 made on June 09, 2025 at a regular meeting of the Case Township Board was;

Offered by: Chuck Lewis

Supported by: Luke Ellenberger

Upon roll call vote, the following voted:

Lisa Pochmara, Supervisor	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay
Erin Leach, Clerk	<input type="checkbox"/> Yea	<input type="checkbox"/> Nay - Absent
Chuck Lewis, Treasurer	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay
Wendy Brooks, Trustee	<input type="checkbox"/> Yea	<input type="checkbox"/> Nay - Absent
Luke Ellenberger, Trustee	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay

Lisa Pochmara, Supervisor, declared the ordinance adopted.

I hereby certify that the foregoing constitutes a true complete copy of an Ordinance duly adopted by the Township Board of Case Township to be filed with the Case Township Clerk's Office, 5561 Main Street, Millersburg, Presque Isle County, Michigan. Attested by:

Erin Leach, Case Township Clerk

CERTIFICATE OF PUBLICATION

I, THE UNDERSIGNED Township Clerk of the Township of Case, do hereby certify that on June 26, 2025, a complete copy of the foregoing Ordinance was duly published in the Presque Isle Advance, newspaper having general circulation within said township.

Erin Leach, Case Township Clerk

CASE TOWNSHIP
LAND DIVISION ORDINANCE

Township of Case
County of Presque Isle, Michigan
Ordinance No. 2015-01

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, et seq.) and the Township Ordinances Act, Public Act 246 of 1945, as amended, (MCL 41.181, et seq.), being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

CASE TOWNSHIP, in PRESQUE ISLE COUNTY, MICHIGAN HEREBY ORDAINS:

Section I: Title

This ordinance shall be known and cited as the Case Township Land Division Ordinance.

Section II: Purpose

The purpose of this ordinance is to carry out the provisions of the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, et seq., formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of Case Township by establishing reasonable standards for prior review and approval of land divisions within Case Township.

Section III: Definitions

For the purposes of this ordinance, certain terms and words used herein shall have the following meaning:

- A. "Applicant" means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. "Divide" or "Division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his/her heirs, executors, administrators, legal representative, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Section 108 and 109 of the Land Division Act (MCLs 560.108 and 560.109). "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act, or the requirements of other applicable local ordinances.
- C. "Exempt split" or "exempt division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his/her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent.

D. "Forty acres or the equivalent" means 40 acres, or a quarter-quarter section containing not less than 30 acres, or a governing lot containing not less than 30 acres.

Section IV: Prior Approval Requirement for Land Divisions

Land in Case Township shall not be divided without the prior review and approval of the Case Township Assessor, or other official designated by the Case Township Board, in accordance with this ordinance and the Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the Land Division Act.
- C. An exempt split as defined in this Ordinance, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997, or resulted from exempt splitting under the Act.

Section V: Application for Land Approval

An applicant shall file all of the following with the Case Township Assessor or other official designated by the Case Township Board for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- A. A completed application form on such form as may be approved by the Case Township Board.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.
- D. Proof that all standards of the Land Division Act and this Ordinance have been met.
- E. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- F. A fee as established by the Case Township Board to cover the costs of review of the application and administration of this Ordinance and the Land Division Act.

Section VI: Procedure for Review of Applications for Land Division Approval

A. Case Township shall approve or disapprove the land division applied for within 30 days after receipt of a complete application conforming to this Ordinance's requirements and the Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.

B. Any person or entity aggrieved by the decision of the Case Township Assessor or designee may, within 30 days of said decision appeal the decision to the Case Township Board or such other body or person designated by the Case Township Board which shall consider and resolve such appeal by a majority vote of said Board or by the appellate designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

C. The Case Township Assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.

D. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.

E. Case Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

Section VII: Standards for Approval of Land Divisions

A proposed land division reviewable by Case Township shall be approved if the following criteria are met:

A. All parcels created by the proposed division(s) have a minimum width as provided for in an applicable zoning ordinance.

B. All such parcels shall contain a minimum area as provided for in an applicable zoning ordinance.

C. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-development sites. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement.

D. The proposed land division(s) complies with all requirements of this Ordinance and the Land Division Act.

E. All parcels created and remaining have existing adequate accessibility, or an area available therefor, for public utilities and emergency and other vehicles.

Section VIII: Consequences of Noncompliance with Land Division Approval Requirement

Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Case Township tax roll or assessment roll until the assessing officer refers the suspected violation or potential non-conformity to the county prosecuting attorney and gives written notice to the person requesting the division, and the person suspected of the violation or potential non-conformity of such referral to the prosecuting attorney. Case Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance. Any division of land in violation of this Ordinance shall further not be eligible for any zoning or building permit for any construction or improvement thereto.

In addition any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine of not more than \$500.00 along with costs which may include all expenses, direct and indirect, to which Case Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law.

Pursuant to Section 267 of the Land Division Act (MCL 560.267), an unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration

received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

Section IX: Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

Section X: Repeal

All previous Land Division Ordinance affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of Case Township that shall remain in full force and effect notwithstanding any land division approval hereunder.

Section XI: Effective Date

This ordinance shall take effect upon publication following its adoption.

CLERK’S CERTIFICATION

THE UNDERSIGNED, Diane Lewis, Clerk of Case Township, certifies that the above Ordinance No. 2015-01 entitled “LAND DIVISION ORDINANCE” was adopted by the Case Township Board at a regular meeting held on Monday, January 5, 2015 with a roll call vote as follows.

- Dean Storms Yes No
- Dan Milbocker Yes No
- Diane Lewis Yes No
- Luke Ellenberger Yes No
- Jerry Scott Browning Yes No

The Ordinance was declared adopted by Dean Storms, Supervisor.

A summary of the ordinance was published in the Onaway Outlook the week of January 30, 2015.

Diane Lewis, Case Township Clerk

CASE TOWNSHIP
MEDICAL MARIHUANA FACILITIES RESOLUTION
To Opt-Out and decline to authorize any type of medical marijuana facilities

**Township Of Case
County of Presque Isle**

**TOWNSHIP OF CASE,
PRESQUE ISLE COUNTY, MICHIGAN**

**RESOLUTION REGARDING MEDICAL MARIHUANA FACILITIES
AUTHORIZED BY PA 281 OF 2016**

DATED: October 2, 2017

WHEREAS, Public Act 281 of 2016 (MCL 333.27101 et. seq.) authorizes the State of Michigan to license five different types of facilities related to medical marihuana (grower, processor, secure transporter, provisioning center, and safety compliance facility); and

WHEREAS, Section 205 of PA 281 of 2016 (MCL 333.27205) provides that “[a] marihuana facility shall not operate in a municipality unless the municipality has adopted an ordinance that authorizes that type of facility”; and

WHEREAS, Section 205 of PA 281 of 2016 further provides that “[a] municipality may adopt other ordinances relating to marihuana facilities within its jurisdiction, including zoning regulations...”; and

WHEREAS, Section 205 of PA 281 of 2016 requires a municipality to respond to the State of Michigan, Medical Marihuana Licensing Board, within 90 days after the municipality receives notification from the applicant that a license for one of the five types of medical marihuana facilities authorized by PA 281 of 2016 has been applied for; and

WHEREAS, the Township Board of Case Township, Presque Isle County, Michigan is cognizant of its authority to adopt an ordinance or ordinances to authorize the operation of one or more of the five types of medical marihuana facilities authorized by PA 281 of 2016 but desires to not do so.

NOW THEREFORE it is hereby resolved as follows:

1. Case Township, Presque Isle County, Michigan (Township) declines to adopt an ordinance authorizing any of the five types of medical marihuana facilities within the Township authorized by PA 281 of 2016; and
2. As a result of the Township’s declination to adopt an ordinance authorizing any of the five types of medical marihuana facilities authorized by PA 281 of 2016, a **“marihuana facility shall not operate in the Township”**; and
3. The Township Clerk is authorized to provide a copy of this resolution to the State of Michigan, Medical Marihuana Licensing Board in response to a request to locate a medical marijuana facility authorized by PA 281 of 2016 within the Township or for any other reason authorized by or in response to a request from State of Michigan, Department of Licensing and Regulatory Affairs or its successor agency or the Medical Marihuana Licensing Board; and
4. The Township Clerk is authorized to provide a copy of this Resolution to any applicant requesting the ability to locate a medical marihuana grower, processor, secure transporter, provisioning center or safety compliance facility in the Township as evidence that the same shall not be allowed in the Township; and

5. All resolutions in conflict herewith are repealed; and

6. This resolution is effective immediately upon adoption and shall remain in full force and effect until repealed by the Township Board.

This RESOLUTION was offered by Board member _____, supported by Board member _____ at a meeting on _____, 20___. The members of the Township Board voted as follows:

The TOWNSHIP SUPERVISOR declared the RESOLUTION duly adopted.

Diane Lewis, Township Clerk

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted at a regular meeting of the Case Township Board held on October 2nd, 2017; that the meeting was conducted and public notice of the meeting was given pursuant to and in compliance with the Michigan Open Meetings Act; that a quorum of the Board was present and voted in favor of the resolution; and that the minutes of the meeting will be or have been made available as required by the Open Meetings Act.

Diane Lewis, Clerk
Township of Case
Presque Isle County, Michigan

TOWNSHIP of CASE, County of PRESQUE ISLE, MICHIGAN
Ordinance No. 2015-01

The following is a summary of the Ordinance adopted at the January 5, 2015 Case Township Board Meeting. A complete copy of the Ordinance can be obtained by contacting Diane Lewis, Case Township Clerk at 989-733-8899.

Section I: Title

This ordinance shall be known and cited as the Case Township Land Division Ordinance.

Section II: Purpose

The purpose of this ordinance is to carry out the provisions of the Land Division Act to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of Case Township by establishing reasonable standards for prior review and approval of land divisions within Case Township.

Section III: Definitions

For the purposes of this ordinance, certain terms and words used herein have been defined. These words are Applicant, Divide or Division, Exempt Split or Exempt Division, and Forty acres or the Equivalent.

Section IV: Prior Approval Requirement for Land Divisions

Land in Case Township shall not be divided without the prior review and approval of the Case Township Assessor, or other official designated by the Case Township Board.

Section V: Application for Land Approval

An applicant shall file the required documentation for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development.

Section VI: Procedure for Review of Applications for Land Division Approval

Case Township shall approve or disapprove the land division applied for within 30 days after receipt of a complete application. Any person or entity aggrieved by the decision of the Case Township Assessor or designee may, within 30 days of said decision appeal the decision to the Case Township Board. The Case Township Assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations. Case Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

Section VII: Standards for Approval of Land Divisions

A proposed land division reviewable by Case Township shall be approved if certain criteria are met. All parcels created by the proposed division(s) comply with all applicable zoning ordinances. The proposed

land division(s) complies with all requirements of this Ordinance and the Land Division Act. All parcels created and remaining have existing adequate accessibility.

Section VIII: Consequences of Noncompliance with Land Division Approval Requirement

Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Case Township tax roll or assessment roll until the assessing officer refers the suspected violation or potential non-conformity to the county prosecuting attorney and gives written notice to the person requesting the division, and the person suspected of the violation or potential non-conformity of such referral to the prosecuting attorney. In addition any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law.

Section IX: Severability

The provisions of this ordinance are hereby declared to be severable .

Section X: Repeal

All previous Land Division Ordinance affecting unplatted land divisions in conflict with this Ordinance are hereby repealed.

Section XI: Effective Date

This ordinance shall take effect upon publication following its adoption.

Michigan Townships Association

Non-Zoning Ordinance Adoption Procedures - General Law

CHECKLIST OF STEPS FOR ENACTMENT OF NONZONING ORDINANCE

(General Law Township)

- ___ 1. Determine whether Township has authority to enact ordinance regarding specific subject matter.
- ___ 2. ADOPT ORDINANCE by motion approved by majority of the members elect of the Township Board, on roll call vote, at any regular meeting or proper special meeting (minutes of meeting must reflect decision and vote).
- ___ 3. PUBLISH complete ordinance, or proper summary of ordinance, in newspaper circulating in Township within 30 days after adoption.
 - A. Each section of ordinance must be preceded by "catch line".
 - B. If summary of ordinance is published:
 - (1) It may be prepared by the person who drafted the ordinance or by the Township Board (or attorney).
 - (2) It must be written in clear and non-technical language.
 - (3) Each section must be preceded by a "catch line".
 - (4) It must designate the location in the Township where a true copy of the complete ordinance can be inspected or obtained.
- ___ 4. FILE AFFIDAVIT OF PUBLICATION from newspaper in Township ordinance records.
- ___ 5. FILE ATTESTED COPY OF COMPLETE ORDINANCE WITH COUNTY CLERK within one week after publication (not required if Township office is open to the public during regular hours on each business day).
- ___ 6. RECORD COMPLETE ORDINANCE in Township book of ordinances within one week after publication, with Certificate recording date of adoption of ordinance, names of Board members voting thereon, how each member voted, date of publication and name of newspaper, and (where applicable) date of filing of ordinance with County Clerk.
- ___ 7. DISTRIBUTE copies of new ordinance to appropriate Township officials.

**PRESQUE ISLE ELECTRIC & GAS CO-OP
ELECTRIC FRANCHISE AGREEMENT**

**TOWNSHIP OF CASE
COUNTY OF PRESQUE ISLE, MICHIGAN
ORDINANCE NO. 2013-01**

THE TOWNSHIP OF CASE ORDAINS:

Section 1: The **Township of Case** hereby grants to Presque Isle Electric & Gas Co-op, a Michigan corporation, and to its successors and assigns, hereafter called the GRANTEE authority to construct, maintain, and use electric lines including underground lines and other electrical equipment on, along, under, and across the public roads, alleys, bridges, and other public places and to do a local electric business in this Township for a period of thirty (30) years.

Section 2: In consideration of the authority hereby granted, the Grantee shall perform all things required by the terms of this Ordinance.

Section 3: All of Grantee's poles and equipment shall be placed so as not to interfere with use of the streets, alleys or bridges. All work performed by Grantee in said places shall be done so as not to unreasonably interfere 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 as necessary in the conduct of such business, subject to the supervision, where required, of highway authorities.

Section 4: Grantee shall at all times hold the Township harmless from any judgment that may be recovered against the Township by reason of the negligence of the Grantee in the erection or maintenance of its poles or electrical equipment.

Section 5: Grantee shall be entitled to charge the inhabitants of this Township for electric energy furnished therein, with rates to be determined in accordance with the laws of the State of Michigan.

Section 6: The authority granted herein is not exclusive, and once confirmed, this franchise is irrevocable.

Section 7: This Ordinance, when accepted and confirmed as herein provided, shall repeal the provisions of any prior Ordinance heretofore adopted by this Township.

Section 8: This Ordinance shall be accepted in writing by the Grantee within thirty (30) days of its adoption and is subject to confirmation by at least a majority of township voters at a regular or special election to be held in the manner provided by law. Upon acceptance and confirmation, this Ordinance shall constitute a contract between the parties for a period of thirty (30) years from the date of acceptance.

CLERK'S CERTIFICATION

THE UNDERSIGNED, Diane Lewis, Clerk of Case Township, certifies that the above Ordinance No. ZC 13 01 entitled "Electric Franchise Agreement" was adopted by the Case Township Board at a regular meeting held Monday, February 4, 2013 and that the vote was as follows:

FOR: 4

AGAINST: 0

ABSTAIN: 0

Diane Lewis
Diane Lewis, Township Clerk

CASE TOWNSHIP
PRESQUE ISLE ELECTRIC & GAS CO-OP BROADBAND ORDINANCE
Township of Case
County of Presque Isle, Michigan
Ordinance No. 2021-01

A FRANCHISE, granting to PRESQUE ISLE ELECTRIC & GAS CO-OP, its successors and assigns, the right, power and authority to lay, maintain and operate electric and fiber lines, poles and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to conduct a local electric, broadband, and communication business in the Township of Case, Presque Isle County, Michigan for a period of thirty years.

CASE TOWNSHIP, in PRESQUE ISLE COUNTY, MICHIGAN HEREBY ORDAINS:

Section 1. Grant of Franchise The Township of Case, located in Presque Isle County, Michigan (the “Township”) hereby grants to Presque Isle Electric & Gas Co-op, its subsidiaries, successors, and assigns (the “Company”) consent, permission, right and authority is hereby given to construct, lay, operate, maintain, use, and replace electric, fiber and other communication lines, poles, cables, conduits, appliances, buildings and other necessary works, in the highways, streets, alleys and other public places in the Township and a non-exclusive franchise is hereby granted to the Company, its subsidiaries, successors, and assigns, to transact local business in the Township for the purposes of producing, storing, transmitting, selling, and distributing electricity and broadband communication services into and through the Township and all other matters incidental thereto.

Section 2. Consideration. In consideration of the rights, power and authority hereby granted, the Company shall faithfully perform all things required by the terms hereof.

Section 3. Use of Streets and Other Public Places. The Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys, or other public places within the Township and shall within a reasonable time after making an opening or excavations, repair the same and leave it in as good condition as before the opening or excavation was made. The Company, its successors and assigns shall use due care in exercising the privileges herein contained and shall be liable to the Township and to every owner of property abutting the Company’s lines or other facilities, for all damages and costs from the negligence of the Company or its officers, agents, and servants.

Section 4. Force Majeure. The Company shall not be liable for failure to furnish service as herein provided, or for any breach of the Company’s obligations hereunder, if such failure or breach is caused by acts of God, labor troubles, riot, or any other causes or contingencies not reasonably within the control of the Company.

Section 5. Hold Harmless. The Company shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the Company’s negligent construction and negligent maintenance of the structures and

CASE TOWNSHIP
PRESQUE ISLE ELECTRIC & GAS CO-OP BROADBAND ORDINANCE
Township of Case
County of Presque Isle, Michigan
Ordinance No. 2021-01

equipment hereby authorized. If any action is commenced against the Township resulting from Company's negligent construction and maintenance, the Company shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

Section 6. Effective Date; Term of Franchise; Acceptance by the Company. This Franchise shall take effect the day following the date of publication thereof, which publication shall be made within thirty (30) days after the date of the adoption, and shall continue in effect for a period of thirty (30) years thereafter; provided, however, that when this Franchise shall become effective the Township Clerk shall deliver to the Company a certified copy of the Franchise accompanied by written evidence of publication thereof as required by law, and the Company shall, within sixty (60) days after receipt of the above documents, file with the Township Clerk its written acceptance of the conditions and provisions hereof.

Section 7. Franchise Not Exclusive. The rights, power and authority granted by this Franchise are not exclusive, and nothing contained herein shall prevent the Township from granting other non-exclusive electric or broadband franchises.

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

Section 9. Effect and Interpretation of Franchise. All other franchises, ordinances and resolutions, and parts thereof, which conflict with any of the terms of this Franchise are hereby rescinded, to the extent of such conflict. The catch line headings which precede each section of this Franchise are for convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this Franchise.

Section 10. Successors and Assigns. The words "Presque Isle Electric & Gas Co-op" and the "Company," wherever used herein, are intended and shall be held and construed to mean and include both Presque Isle Electric & Gas Co-op and its subsidiaries, successors, and assigns, whether so expressed or not.

Motion made by Mr. Bednark to approve the Ordinance as presented, with a roll call vote. Mr. Gamrath seconded and the roll call vote was conducted with the following result.

Chris Bednark, Supervisor	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay
Diane Lewis, Clerk	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay
Chuck Lewis, Treasurer	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay
Brian Gamrath, Trustee	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay
Wendy Brooks, Trustee	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay

CASE TOWNSHIP
PRESQUE ISLE ELECTRIC & GAS CO-OP BROADBAND ORDINANCE
Township of Case
County of Presque Isle, Michigan
Ordinance No. 2021-01

The Ordinance was declared adopted by Chris Bednark, Supervisor.

The Ordinance will be published in the Presque Isle Advance the week of February 22, 2021.

Attested by order of the Township of Case, Presque Isle County



Diane Lewis, Case Township Clerk



Chris Bednark, Case Township Supervisor

CLERK'S CERTIFICATION

THE UNDERSIGNED, Diane Lewis, Clerk of Case Township, hereby certifies that the above Ordinance No. 2021-01 entitled "PRESQUE ISLE ELECTRIC & GAS CO-OP BROADBAND ORDINANCE" (1) is a true and complete copy of a resolution duly adopted by the Case Township Board at a regular meeting held on Monday, February 8, 2021, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and, (4) minutes of such meeting were kept and will be or have been made available as required thereby. with a roll call vote as follows.

Diane Lewis, Case Township Clerk

**PRESQUE ISLE ELECTRIC & GAS CO-OP
NATURAL GAS FRANCHISE AGREEMENT**

**TOWNSHIP OF CASE
COUNTY OF PRESQUE ISLE, MICHIGAN
ORDINANCE NO. 2024-01**

THE TOWNSHIP OF CASE ORDAINS:

AN ORDINANCE granting to PRESQUE ISLE ELECTRIC & GAS CO-OP, its successors and assigns, a non-exclusive, irrevocable right to lay, maintain, and operate natural gas main/pipelines on, along, across, and under the roads, alleys, bridges and other public places and to conduct a local natural gas business in the Township of Case, Presque Isle County, Michigan for a period of 30 years.

SECTION 1: GRANT OF NATURAL GAS FRANCHISE

Consent is hereby given to Presque Isle Electric & Gas Co-op, a corporation organized under the laws of the State of Michigan (the "Company" or PIE&G), to lay, maintain, operate and use natural gas main/pipelines and other necessary equipment in the roads and other public places in the Township of Case and a non-exclusive, revocable franchise is hereby granted to transact local business by conveying, supplying, and selling natural gas for a period of thirty (30) years from the

The Company shall make available an electronic copy of its Rates, Rules, and Regulations for the Clerk of the Township of Case in accordance with its standard practice.

SECTION 2: USE OF ROADS OR OTHER PUBLIC PLACES

The Company shall not unnecessarily obstruct passage on any roads or other public places and shall within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition as before.

The Company shall use due care in exercising the privileges herein contained and shall be liable to the Township for all damages and costs which may be recovered against the Township arising from the default, carelessness, or negligence of the Company or its agents.

No road or alley shall be opened for the laying of trunk lines or lateral mains except upon application to the State Highway Commission, the Road Commission having jurisdiction, or the

Township.

SECTION 3: RATES

As a member-owned, member-regulated, and not-for-profit cooperative utility, PIE&G's rates shall be set by its democratically elected Board of Directors based generally on industry standard Cost of Service, Revenue Requirement, and Gas Cost Recovery (GCR) principles. Whenever a change in rates or terms of service is required, PIE&G shall provide an announcement to the Township thirty (30) days prior to the effective date and make available the formula and financial information used in its computations.

Within sixty (60) days of the rate announcement, the Township shall have the right to choose instead the rate as set by the MPSC in PIE&G's Regulated Natural Gas Division. If at any time PIE&G has no MPSC regulated natural gas rates, either party may submit any rate issues to the MPSC pursuant to 1919PA 419 (MCL 460.54). In any period during which the parties may be awaiting a decision by the MPSC, it is hereby agreed PIE&G may implement its announced rate until a decision is rendered.

If either PIE&G or the Township desires to submit any such rate questions to the MPSC, both parties hereby agree that such request by one constitutes a joint submission pursuant to MCL 460.54. If either party refuses to execute a joint submission, the parties hereby agree that this provision shall be enforceable by order of the local circuit court having jurisdiction. In the event a court order is required, the non-consenting party shall pay all costs and attorney fees associated with enforcing this provision. In addition, the parties agree that PIE&G shall be entitled to recover from the Township rate payers pro-rata based on consumption, PIE&G's direct costs including attorney fees, consultant fees and administrative costs incurred as a result of the Township's decision to seek any MPSC ruling.

PIE&G shall always have the right, at its sole discretion, to temporarily charge a lesser rate than indicated by its announced rate or formula.

In the event Michigan law provides for member regulation of PIE&G's gas rates during the term of this franchise, it is the intention of the parties that this section would be superseded, and member regulation would control.

SECTION 4: FORCE MAJEURE

The Company shall not be liable for failure to furnish natural gas service or for any breach of the Company's obligations hereunder if such failure is caused in any part by acts of God, labor problems, shortages of supply, accidents, equipment breakdown, governmental regulation, or any other causes or contingencies not within the control of the Company.

SECTION 5: EFFECTIVE DATE, ACCEPTANCE

This ordinance shall take effect the day following the date of publication thereof, which publication shall be made within 30 days after the date of adoption, and shall continue in effect for a period of 30 years, provided however, that when this ordinance becomes effective, the Township Clerk shall deliver to the Company a certified copy of the ordinance accompanied by written evidence of publication, and the Company shall, 60 days after receipt of the above documents file with the Township Clerk its written acceptance of this franchise.

SECTION 6: EFFECT AND INTERPRETATION

In case of conflict between this ordinance and any other ordinances or resolutions, this ordinance shall control.

SECTION 7: SUCCESSORS AND ASSIGNS

The words “Presque Isle Electric & Gas Co-op” and “the Company” wherever used herein, are intended to include PIE&G and its successors and assigns. The invalidity or unenforceability of any provision of this Ordinance shall not impair the validity of any other provision or term.

CLERK’S CERTIFICATION

THE UNDERSIGNED, Erin Griffith Clerk of the Township of Case, certify that the above Ordinance No. entitled “Natural Gas Franchise Agreement” was adopted by the Case Township Board at a regular meeting held May 13, 2024 and that the vote was as follows:

FOR: 5

AGAINST: 0

ABSTAIN: 0


Township Clerk