

Policy Book  
Table of Contents

Policy	Date Adopted
Automated Clearing House (ACH) & Electronic Transactions	January 12, 2004
Code Enforcement Policy	July 27, 2009
Growth	February 27, 2006
Identity Theft Prevention Program	October 13, 2008
Investment Policy	May 10, 2010
Purchasing	December 28, 2004
Returned Check	January 9, 2004
Road & Right-of-Way Improvement Policy	March 14, 2011
Sidewalk Installation Deferral Policy	November 14, 2011
Social Security Number Privacy	October 13, 2008
Tap Fee Payment Policy	November 14, 2011
Tobacco-Free Policy	August 27, 2012
	January 28, 2008
Tree Replacement Restricted Account	Amended August 9, 2010

**ACH AND ELECTRONIC TRANSACTIONS POLICY  
DATED JANUARY 12, 2004**

The following policy shall govern the use of electronic transactions and ACH arrangements for the Village of Dexter:

**1. Authority to Enter into ACH Agreements and Electronic Transfer of Public Funds**

The Treasurer may enter into an ACH agreement as provided by Public Act 738 of 2002, effective December 30, 2002. The Village Council shall have adopted a resolution to authorize electronic transactions and have received a copy of the policy. Applicable definitions in the act shall apply.

An ACH arrangement under PA 738 of 2002 is not subject to the Revised Municipal Finance Act, 2001 PA 34, MCL 141.2101 to 141.2821, or to provisions of law or charter concerning the issuance of debt by the Village.

**2. Responsibility for ACH Agreements.**

The Treasurer shall be responsible for all ACH agreements, including payment approval, accounting, reporting, and generally overseeing compliance with the ACH policy. The Treasurer shall submit to the Village Council documentation detailing the goods or services purchased, the cost of goods or services, the date of the payment, and the department levels serviced by payment. This report can be contained in the electronic general ledger software system or in a separate report.

**3. Internal Accounting Controls to Monitor Use of ACH Transactions**

a. The Treasurer shall be responsible for the establishment of ACH agreements. The Treasurer shall notify the Village Manager of those accounts to be paid by ACH or electronic transfers.

b. Upon receipt of an invoice for payment for accounts paid by ACH, the Village Manager shall approve payment and notify the Treasurer of the date of debit to the Village accounts. These payments shall be included on the report of payments to the Village Council. All other invoices approved by the Village Manager and payable by ACH may be paid in that matter if deemed in the best interest of the Village, e.g. to avoid a late fee.

c. For payment of State and Federal payroll taxes, the Treasurer shall initiate payment to the proper authority upon receipt of the information from the payroll department using the established EFTPS and state program.

d. For deposits from state, county, and/or federal authorities, and from third - party payment processors, e.g. (Banks, vendors), the Treasurer shall obtain the amount of the deposit and send a payment advice to the Village Manager.

E. All invoices shall be held by the Village Manager along with copies of payment advices.

#2-2004

## RESOLUTION FOR ACH and ELECTRONIC TRANSACTIONS

At a regular meeting of the Council of the Village of Dexter held in the Dexter Senior Center on January 12, 2004, at 7:30 p.m.

Present: Carson, Coy, Seta, Hall, Walters, Semifero

Absent: None

The following resolution was offered by Semifero and seconded by Seta:

**WHEREAS**, on December 30, 2002, the Governor of the State of Michigan approved Act No. 738 of the Public Acts of 2002 authorizing the use electronic transactions by designated officers of the local government; and

**WHEREAS**, the Council deems that it is in the best interest of the Village to make certain financial transactions by using electronic transactions as described in the Act;

**NOW, THEREFORE, BE IT RESOLVED**, that the following policy shall govern the use of electronic transactions:

- (a) The Treasurer or electronic transaction officer (ETO) shall be responsible for establishing all ACH arrangements for the local unit;
- (b) The Treasurer or ETO shall draft a written policy to be followed in accordance with the act and presented to the governing body;
- (c) The Treasurer or ETO shall be responsible for payment approval, accounting, reporting, and generally overseeing compliance or shall appoint an employee to perform such duties;
- (d) The Treasurer or ETO shall submit documentation to the governing body, or person responsible for approving payments by resolution or charter requirements, detailing goods and services purchased, the cost of goods or services, the date of payment, and the department levels serviced ;

(e) All ACH transactions shall be approved by the Treasurer or ETO BEFORE payment is made.

Ayes: Carson, Hall, Seta, Walters, Semifero, Coy

Nays: None

Abstentions: None

Absent: None

State of Michigan            )  
  )ss  
County of Washtenaw        )

I, the undersigned, the duly qualified and elected Clerk of the Village of Dexter, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution enacted by the Village Council at a regular meeting held on the 12th day of January, 2004, the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 12<sup>th</sup> day of January, 2004.



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Donna Fisher, Village Clerk

**COMMUNITY DEVELOPMENT DEPARTMENT  
CODE ENFORCEMENT POLICY  
July 2009**

**PURPOSE AND AUTHORITY**

The purpose of this policy statement is to provide standard policies for all code enforcement procedures conducted by the Community Development Office (hereinafter "Code Enforcement Department"). The authority to enforce the Village of Dexter regulations is provided by the Village of Dexter Zoning Ordinance, Village of Dexter General Code of Ordinances and the State of Michigan.

**POLICY STATEMENT**

The intent of code enforcement is to protect the public health, safety, and welfare of the Community and to provide for compliance with regulations. Code Enforcement will enforce the regulations in a fair and equitable manner and will provide policies and procedures that are clear and that provide the property owner with an understanding of the regulations and the procedures available to bring the property into compliance. Enforcement of the regulations by the Village and its professional staff will include both proactive and reactive enforcement procedures as defined below.

When staff first determines a code violation exists, either by complaint or inspection, the Code Enforcement Department seeks to focus on working with the violator to remedy the violation in the most efficient and timely manner. Initially, the Code Enforcement Department shall be more focused on having the property bring the subject property into compliance with the Regulations rather than punishing the violators by issuing a citation (i.e. fine).

When the Code Enforcement Department works with violators who are in the process of bringing a property into compliance with the regulations, the staff documents its actions and makes those records available to the public. Persons interested in the status of pending code violations may review files regarding the violation in the Community Development Office.

**ENFORCEMENT POLICIES**

The Code Enforcement Department will try to make every effort to consistently process complaints and manage enforcement actions. Deviation from established procedures should be documented and justified when adherence to these guidelines is not practical. The following are general policies:

- The regulations shall be enforced by the Code Enforcement Department and the duly authorized staff (the Zoning Enforcement Officer and others designated by the Community Development Department or Village Manager).
- All zoning related complaints shall be on complaint forms available at the Community Development Office and on the village's website.
- The Code Enforcement Department will investigate all complaints. However, complaints regarding violations that may pose an immediate threat to the public health, safety, or welfare of the community will be investigated first.

- Zoning is not to be used as a mean of furthering neighbor and/or civil disputes. In such cases, the staff may advise the complainant to address the issue by private means.
- All Code Enforcement letters and orders shall include the following: the nature of the violation; the date of inspection; the regulation being violated; the means to comply with the regulation; fine for non-compliance; and the appeals process.

## **ENFORCEMENT PRIORITIES**

The Code Enforcement Department shall prioritize all zoning enforcement actions in the following order:

1. Violations that pose immediate danger to public health, safety, or general welfare of the community;
2. Violations related to development projects that are in the construction phase;
3. Proactive enforcement programs initiated by the Village Council or staff;
4. Reactive or complaint based enforcement programs;
5. Complaints, unless the Code Enforcement Department determines that the reported violation may pose an immediate threat to the public health, safety and welfare of the community.

## **ENFORCEMENT PROCEDURES**

When conducting proactive and/or reactive enforcement action, the Code Enforcement Department shall adhere to the following procedures:

### **STEP ONE – COMPLAINT FILED**

A concerned citizen must complete a Code Complaint Form. A code compliance form can also be generated/filed by the Zoning officials if a violation is observed during an inspection, or if the Village Council brings an apparent violation to the Code Enforcement Department's attention. All complaints shall be recorded and entered into the zoning file for the subject property and into the enforcement database. No action will be taken if the Zoning Official determines that the complaint is not considered a violation.

### **STEP TWO – CONDUCT A SITE INSPECTION**

A site inspection is required to determine whether there is a code violation or any other issues associated with the property. Photographs of the property should be taken to document the violation existed. The photographs should be included in the file, dated and initialed and/or signed by the inspector.

### **STEP THREE – PROPERTY RESEARCH**

The Code Enforcement Department shall conduct a check of its records for the subject property, such as subject property address, tax identification number, owner, tenant and previous and/or pending violations.

### **STEP FOUR – ENFORCEMENT**

- If it is determined that a violation exists, the following procedural options are:
- A. Issuance of an initial zoning violation notification letter requesting 10 calendar days for violation abatement measures to be taken.

- B. Following 10 calendar days if violator has not contacted the Village to request extension of time to abate violation OR applied to the Zoning Board of Appeals for a challenge of interpretation, a Notice of Violation Citation will be issued giving an additional 5 calendar days to abate the alleged violation.
- C. If violation abatement has not occurred within the additional 5 calendar days following the Notice of Violation Citation a Notice of Civil Infraction will be issued and court proceedings will be scheduled with District Court 14A, Chelsea.

The above procedures are not intended to be mutually exclusive and may be used in any combination to remove the violation.

**STEP FIVE – ABEYANCE**

There may be instances where the violator has been issued a Notice of Violation or a Notice of Civil Infraction and the violator may need additional time to remedy the violation. In these instances, the Code Enforcement Department may agree to an abeyance of the enforcement action, so long as the violator is willing to agree in writing to specific terms of compliance set forth by the Code Enforcement Department. This technique has been developed in recognition that enforcement of codes requires flexibility in the approach in order to enable compliance. The Code Enforcement Officer may grant abeyance periods not to exceed 30 calendar days each during any enforcement proceedings.

**STEP SIX – CLOSURE**

Once the violation has ceased and the violator is in compliance, the Code Official can close the case. Cases are closed if the Zoning Board of Appeals or the Courts do not find in favor of the Code Enforcement Department. No fee shall be collected where the case has been closed for the above referenced reasons.

*Adopted by Village Council on July 27, 2009*

**VILLAGE OF DEXTER**

**CODE COMPLAINT FORM**

**This form must be completed for all filings of code related complaints. All complaints should be made in writing and filed with the Code Enforcement Department of the Community Development Office of the Village of Dexter. The person or persons filing this complaint shall understand that by signing and/or attesting to the information contained herein may be asked and/or summoned by subpoena to provide testimony on this complaint, if necessary.**

**NAME OF COMPLAINANT** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_

**TELEPHONE (HOME/CELL)** \_\_\_\_\_

**NAME OF OWNER AND PROPERTY'S ADDRESS WHERE ALLEGED VIOLATION IS OCCURRING:** \_\_\_\_\_

\_\_\_\_\_

**PLEASE DESCRIBE THE ALLEGED VIOLATION IN DETAIL (times and dates of alleged violations are needed with pictures, if possible):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLEASE SIGN HERE THAT YOU AGREE THAT THIS COMPLAINT DESCRIBED ABOVE IS TRUE AND ACCURATE TO THE BEST OF YOUR KNOWLEDGE:**

\_\_\_\_\_  
**SIGNATURE** \_\_\_\_\_ **DATE:** \_\_\_\_\_

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**\*\*OFFICE USE ONLY\*\***

**TAX ID:** \_\_\_\_\_  
**ADDRESS:** \_\_\_\_\_  
**OWNER:** \_\_\_\_\_  
**OCCUPANT:** \_\_\_\_\_  
**DATE OF INSPECTION:** \_\_\_\_\_

2-2006

RESOLUTION FOR THE PURPOSE OF  
ESTABLISHING COUNCIL POLICY  
STATEMENTS ON GROWTH

Whereas, the Village of Dexter has been petitioned by the owner of lands, more commonly known as Sloan Farm and Kingsley Property adjacent to the Village for annexation of property from Scio Township into the Village of Dexter,

Whereas, the opportunity to grow at a slow managed pace is in the Village of Dexter's best interests economically and the Village of Dexter has decided it is in its best interests to continue discussions with surrounding Townships to find opportunities for slow managed growth,

Whereas, the Village may provide the ability for public utilities, and the Village of Dexter does not endorse private wastewater facilities adjacent to its borders,

Whereas, growth adjacent to the Village of Dexter is consistent with the Comprehensive Plan for Washtenaw County

Whereas, the Village of Dexter has an interest in having a voice in the type and size of development that occurs adjacent to its existing borders,

Whereas, the Village of Dexter and Scio Township could mutually benefit economically from new development that may arise out of any agreements between the two communities,

Whereas, the Village of Dexter desires to expand its existing Industrial, commercial and residential base to improve the general economic condition of the Village of Dexter

Whereas, the Village of Dexter currently has annexation agreements and 425 agreements with Scio Township, and annexation does not remove property from township, and

NOW THEREFORE BE IT RESOLVED, that the Village of Dexter desires to pursue slow managed growth opportunities and pursue an agreement with Scio Township for the Sloan Farm & Kingsley property; an agreement that could be mutually beneficial to both communities and allow the Village to accomplish the above described goals.

Resolution offered by: Semifero and Seconded by: Carson

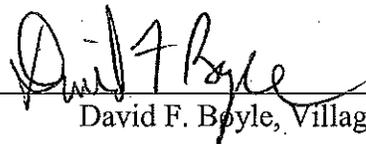
Yeas: Carson, Keough, Semifero, Walters, and Seta

Nays: Cousins, and Fisher

Absent:

RESOLUTION DECLARED ADOPTED THIS 27<sup>th</sup> DAY OF FEBRUARY 2006

Resolution #2-2006



David F. Boyle, Village Clerk

Village of Dexter  
OFFICIAL POLICY & PROCEDURE

**IDENTITY THEFT PREVENTION PROGRAM**

**EFFECTIVE: OCTOBER 13, 2008**

**Purpose**

To establish an Identity Theft Prevention Program designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the Program in compliance with the Federal Trade Commission's Red Flags Rule (Part 681 of Title 16 of the Code of Federal Regulations) implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003.

Under the Red Flag Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

**Definitions**

*Identifying information* means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including: name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol address, or routing code.

*Identify theft* means fraud committed or attempted using the identifying information of another person without authority.

*A covered account* means:

1. An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes that involves or is designed to permit multiple payments or transactions. Covered accounts include credit card accounts, mortgage loans, automobile loans, margin accounts, cell phone accounts, utility accounts, checking accounts and savings accounts; and
2. Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.

A *red flag* means a pattern, practice or specific activity that indicates the possible existence of identity theft.

## Policy

A. **IDENTIFICATION OF RED FLAGS.** The Village identifies the following red flags, in each of the listed categories:

1. Suspicious Documents

- i. Identification document or card that appears to be forged, altered or inauthentic;
- ii. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
- iii. Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
- iv. Application for service that appears to have been altered or forged.

2. Suspicious Personal Identifying Information

- i. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
- ii. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
- iii. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
- iv. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
- v. Social security number presented that is the same as one given by another customer;
- vi. An address or phone number presented that is the same as that of another person;
- vii. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
- viii. A person's identifying information is not consistent with the information that is on file for the customer.

3. Suspicious Account Activity or Unusual Use of Account

- i. Change of address for an account followed by a request to change the account holder's name;
- ii. Payments stop on an otherwise consistently up-to-date account;
- iii. Account used in a way that is not consistent with prior use (example: very high activity);
- iv. Mail sent to the account holder is repeatedly returned as undeliverable;
- v. Notice to the Village that a customer is not receiving mail sent by the Village;

- vi. Notice to the Village that an account has unauthorized activity;
- vii. Breach in the Village's computer system security; and
- viii. Unauthorized access to or use of customer account information.

4. Alerts from Others

- i. Notice to the Village from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

**B. DETECTING RED FLAGS.**

1. **New Accounts.** In order to detect any of the Red Flags identified above associated with the opening of a new account, Village personnel will take the following steps to obtain and verify the identity of the person opening the account:
  - i. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
  - ii. Verify the customer's identity (for instance, review a driver's license or other identification card);
  - iii. Review documentation showing the existence of a business entity; and/or
  - iv. Independently contact the customer.
2. **Existing Accounts.** In order to detect any of the Red Flags identified above for an existing account, Village personnel will take the following steps to monitor transactions with an account:
  - i. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
  - ii. Verify the validity of requests to change billing addresses; and
  - iii. Verify changes in banking information given for billing and payment purposes.

**C. PREVENTING AND MITIGATING IDENTITY THEFT.** In the event Village personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

1. **Prevent and Mitigate**

- i. Continue to monitor an account for evidence of Identity Theft;
- ii. Contact the customer;
- iii. Change any passwords or other security devices that permit access to accounts;
- iv. Not open a new account;
- v. Close an existing account;
- vi. Reopen an account with a new number;
- vii. Notify the Village Manager for determination of the appropriate step(s) to take;
- viii. Notify law enforcement; and/or

ix. Determine that no response is warranted under the particular circumstances.

**2. Protect customer identifying information**

- i. In order to further prevent the likelihood of identity theft occurring with respect to Village accounts, the Village will take the following steps with respect to its internal operating procedures to protect customer identifying information:
- ii. Ensure that its website is secure or provide clear notice that the website is not secure;
- iii. Ensure complete and secure destruction of paper documents and computer files containing customer information;
- iv. Ensure that office computers are password protected and that computer screens lock after a set period of time;
- v. Keep offices clear of papers containing customer information;
- vi. Request only the last 4 digits of social security numbers (if any);
- vii. Ensure computer virus protection is up to date; and
- viii. Require and keep only the kinds of customer information that are necessary for utility purposes.

**D. PROGRAM UPDATES.** This Program will be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the Village from Identity Theft. The Village Manager will consider the Village's experiences with Identity Theft situation, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, changes in types of accounts the Village maintains and changes in the Village's business arrangements with other entities. After considering these factors, the Village Manager will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Village Manager will present the Village Council with his/her recommended changes and the Council will make a determination of whether to accept, modify or reject those changes to the Program.

**E. PROGRAM ADMINISTRATION.**

1. **Oversight.** Responsibility for developing, implementing and updating this Program lies with the Village Manager. The Village Manager will be responsible for the Program administration, for ensuring appropriate training of Village staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.
2. **Staff Training and Reports.** Village staff responsible for implementing the Program shall be trained either by or under the direction of the Village Manager in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. Village staff is required to provide reports to the Program Administrator on incidents of Identity Theft, the Village's compliance with the Program and the effectiveness of the Program.

3. **Specific Program Elements and Confidentiality.** For the effectiveness of Identity Theft prevention Programs, the Red Flag Rule envisions a degree of confidentiality regarding the Village's specific practices relating to Identity Theft detection, prevention and mitigation. Therefore, under this Program, knowledge of such specific practices are to be limited to the Village Manager and those employees who need to know them for purposes of preventing Identity Theft. Because this Program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the Program's general red flag detection, implementation and prevention practices are listed in this document.

### **Authority & Revisions**

This policy is enacted immediately upon approval of the Village Council, as reflected in the regular meeting minutes dated October 13, 2008. Revisions to this policy shall only be enacted when approved by the Village Council and reflected in the applicable meeting minutes. This policy shall be reviewed at least biennially by the Village Manager and updated as appropriate.

# Village of Dexter Washtenaw County, Michigan Investment Policy

## 1.0 Mission Statement:

It is the policy of the Village of Dexter ("the Village") to invest public funds in a manner which will provide the maximum security with best investment return, while meeting the daily cash flow demands of the Village and conforming to all federal, state and local statutes governing the investment of public funds.

## 2.0 Scope

This investment policy applies to all financial assets of the Village, including those of discreet component units such as the Downtown Development Authority ("DDA"). Except for certain designated debt retirement and savings accounts, the Village will consolidate cash balances from all funds to maximize investment earnings. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles. These funds are accounted for in the Village's Comprehensive Annual Financial Report and include:

### 2.1 Funds Included in this Policy

- 2.1.1 General Fund (Fund 101)
- 2.1.2 Major Streets Fund (Fund 202)
- 2.1.3 Local Streets Fund (Fund 203)
- 2.1.4 Municipal Streets Fund (Fund 204)
- 2.1.5 Downtown Development Authority Fund (Fund 248)
- 2.1.6 Debt Retirement Fund (303)
- 2.1.7 DDA Debt Fund (394)
- 2.1.8 Equipment Replacement Fund (402)
- 2.1.9 DDA Project Fund (494)
- 2.1.10 Sewer Fund (590)
- 2.1.11 Water Fund (591)
- 2.1.12 Any new fund created by the Village, unless specifically exempted by the Village Council. This includes temporary construction funds.

### 2.2 Funds Excluded from this Policy

- 2.2.1 Trust and Agency Fund (701): Trust and agency deposits do not earn interest income.
- 2.2.3 Retiree Health Care Fund (736): The Village's other post retirement benefits ("OPEB") funds are invested with the Michigan Municipal

League's Health Care Funding Vehicle. Investments may be made in conformance with the Uniform Resolution establishing the OPEB fund, which was approved by the Village Council on January 26, 2009.

2.2.4 Payroll Fund (750): The Payroll Fund does not earn interest income.

2.2.5 Retirement/Pension Fund: The Village's retirement/pension funds are invested with the Michigan Municipal Employees Retirement System. Their Investment Policy may be reviewed on their website at [www.mersofmich.com](http://www.mersofmich.com).

### 3.0 Standards of Care

#### 3.1 Prudence

Investments shall be made with judgment and care - under circumstances then prevailing - which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy, and exercising due diligence, shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

#### 3.2 Ethics and Conflicts of Interest

Officers and employees involved with in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose to the Village Manager any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the Village.

### 3.3 Delegation of Authority

Authority to manage the Village's investment program is granted to the Treasurer, hereinafter referred to as the Investment Officer. This authority is derived from the following: The General Law Village Act, 1895 PA 3, as amended, and the Village of Dexter Code of Ordinances. Responsibility for the operation of the investment program is hereby delegated to the investment officer, who shall act in accordance with established written procedures and internal controls for the operation of the investment program consistent with this investment policy.

A Finance Committee shall be established to provide internal control as well as a broad oversight of investment activities and procedures. This committee shall consist of three members appointed by the Village Council, including the Investment Officer.

Procedures shall be developed by the Investment Officer and reviewed as necessary by the Finance Committee. They should include references to the following: safekeeping, investment accounting including internal control, wire transfer agreements, banking services, and depository agreements.

No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Investment Officer. In the event that investment activities are delegated by the Investment Officer to other staff member(s), ultimate responsibility for the transactions shall remain with the Investment Officer.

### 4.0 Objectives

The primary objectives, in priority order, of the Village's investment activities are safety, liquidity, and return on investment.

#### 4.1 Safety

Safety of principal is the foremost objective of the investment program. Investments of the Village shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, the Village will diversify by investing funds among a variety of investment types and financial institutions.

#### 4.1.1 Credit Risk

The Village will minimize credit risk, the risk of loss due to the failure of the financial institution, security issuer or backer, by:

- Limiting investments to the safest types;
- Researching the stability and ratings of the financial institutions, broker/dealers, and advisors with which the Village will do business;
- Diversifying the investment portfolio so that potential losses will be minimized.

#### 4.1.2 Interest Rate Risk

The Village will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, by:

- Structuring the portfolio so that investments mature to meet cash requirements for ongoing operations, thereby avoiding the need to terminate them prior to maturity;
- Investing operating funds primarily in vehicles with limited maturities as set forth in paragraph 7.2.

#### 4.2 Liquidity

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that maturities are concurrent with anticipated cash flow demands. A portion of the portfolio may be placed in money market mutual funds or local government investment pools which offer same-day liquidity for short-term funds.

#### 4.3 Return on Investment

The Village's investment policy shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account this policy's safety and liquidity requirements. Investments shall not be redeemed or sold prior to maturity with the following exceptions:

- A security with declining credit may be sold early to minimize loss of principal;
- Unforeseen circumstances require that non-liquid investments be terminated in order to provide emergency cash flow.

## 5.0 Safekeeping and Custody

### 5.1 Authorized Financial Dealers and Institutions

The Investment Officer will maintain a list of authorized financial institutions and broker/dealers. This list will be established based on the guidelines set forth in paragraph 4.1.1 of this policy.

All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following (as appropriate):

- Audited financial statements;
- Proof of National Association of Securities Dealers (NASD) certification;
- Proof of state registration;
- Certification of having read, understood and agreed to compliance with the Village's investment policy.

An annual review of the financial condition and registration of qualified financial institutions and broker/dealers will be conducted by the investment officer. A current audited financial statement is required to be on file for each financial institution and broker/dealer in which the Village invests.

### 5.2 Internal Controls

The investment officer is responsible for establishing and maintaining an internal control procedure designed to ensure that the Village is reasonably assured of being protected from loss, theft or misuse. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits requires estimates and judgments by management.

Accordingly, the investment officer shall establish a process for quarterly review of internal controls by the Finance Committee to assure compliance with investment policies and procedures. In addition, internal controls shall be reviewed by the Village's independent auditor as a part of the annual comprehensive audit.

The internal control investment procedures shall address the following points:

- Control of collusion
- Separation of transaction authority whenever practical
- Custodial safekeeping
- Avoidance of physical delivery mature investments
- Written authority for who is authorized to make transactions
- Written confirmation of all forms of investment transactions

## 6.0 Suitable and Authorized Investments

### 6.1 Investment Types

The following investments will be permitted by this policy and are those defined by state and local law where applicable:

- a. U.S. government obligations, U.S. government agency obligations, and U.S. government instrumentality obligations, which have a liquid market with a readily determinable market value;
- b. Certificates of deposit and other evidences of deposit at financial institutions, banker's acceptances, and commercial paper, rated in the higher tier (e.g., A-1,P-1,F-1, or D-1 or higher) by a nationally recognized rating agency;
- c. Investment-grade obligations of state and local governments and public authorities;
- d. Money market mutual funds regulated by the Securities and Exchange Commission and those portfolios consist only of dollar-denominated securities;
- e. Local government investment pools, either state-administered or through joint powers statutes and other intergovernmental agreement legislation; and
- f. Certificates of Deposit through the CDARS program as authorized by Michigan statute.

Investment in derivatives are not allowed.

### 6.2 Collateralization

Collateralization is not required by Michigan Public Act 20, however if it is available under the CDARS program it should be utilized.

### 6.3 Repurchase Agreements

Repurchase agreements are not allowed.

## 7.0 Investment Parameters

### 7.1 Diversification

The investments shall be diversified by:

- Avoiding over concentration in any one financial institution, broker/dealer, or specific security issuer (excluding U.S. Treasury securities),
- Limiting investments that have higher credit risks,
- Varying investment maturities; and
- Continuously investing a portion of the portfolio in readily available funds such as local government investment pools, money market funds or other approved short-term funding vehicles to ensure that appropriate liquidity is maintained.

### 7.2 Maximum Maturities

To the extent possible, the Village shall attempt to match its investments with anticipated cash flow requirements. The Village shall adopt weighted average maturity limitations (which often range from 90 days to 3 years), consistent with the investment objectives.

Reserve funds and other funds with longer-term investment horizons may be invested in securities exceeding five (5) years if the maturity of such investments are made to coincide as nearly as practicable with the expected use of funds. The intent to invest in longer maturities shall be disclosed in writing to the Village Council or DDA Board prior to making the investment.

## 8.0 Reporting

### 8.1 Methods

The investment officer shall prepare a quarterly investment report that provides the status of the current investment portfolio. This report will be prepared in a manner which will allow the Village Council to ascertain whether investment activities during the reported period have conformed to the investment policy. The report will include a listing of individual

investments held at the end of the reported period; the distribution of investments across funds, in the case of pooled and other shared accounts; a listing of investment by Maturity Date; and the percentage of the total portfolio which each type of investment represents.

The Finance Committee shall meet quarterly to review the Investment Officer's report and any significant underlying transactions as a part of their review of internal controls.

## 8.2 Performance Standards

The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates.

## 9.0 Policy Considerations

### 9.1 Exemption

Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.

### 9.2 Amendments

This policy shall be reviewed on an as-needed basis, but no longer than every five years. Any changes must be approved by the Village Council.

PURCHASING POLICY – VILLAGE OF DEXTER

**1) THE PROCUREMENT OF SUPPLIES AND SERVICES FOR THE VILLAGE OF DEXTER SHALL BE ACCOMPLISHED UNDER THE FOLLOWING OBJECTIVES:**

- (A) To procure for the Village supplies and contractual services of the highest quality and at the least expense to the Village;
- (B) To endeavor to obtain as full and open competition as possible on all purchases and sales;
- (C) To exploit the possibility of buying in sufficient substantial quantities as to take full advantage of available discounts;
- (D) To act so as to procure for the Village all tax exemptions to which it is entitled;
- (E) To promote local supplies and contractual services by identifying local suppliers and contractors, and providing notice and opportunity to bid to local suppliers and contractors in the Village bid process. Nothing in this guideline, however, shall be interpreted to be in conflict with Act 196 of the Public Acts of 1973, as amended.
- (F) To join with other units of government in cooperative purchase plans when the best interests of the Village would be served thereby.
- (G) To declare vendors who default on their quotations irresponsible bidders and to disqualify them from receiving any business from the Village for a stated period of time.
- (H) To authorize the Village Manager or designee, consistent with this chapter, and with the approval of the Village Manager, to adopt operational procedures relating to the execution of cost effective procurement for the Village of supplies and services.

**2) REQUISITION PROCEDURE.**

- (A) The Village Manager, with the concurrence of the Finance Officer, shall adopt any necessary rules respecting requisitions and purchase orders.

**3) AUTHORITY OF VILLAGE MANAGER: PURCHASES AND SALES.**

- (A) Purchases and Contracts Under Five Thousand Dollars. The Village Manager, subject to budgetary appropriations, is authorized to make purchases and contracts in an amount not to exceed \$5,000 without further approval of the Village Council. Such purchases or contracts shall be made consistent with the authority elsewhere granted the Village Manager in this chapter.

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(B) Sale of Personal Property Valued at Under Five Hundred Dollars. Personal property not exceeding \$500 in value may be sold for cash by the Village Manager after receiving competitive quotations therefore, for the best price obtainable, or may be traded to the vendor of new equipment replacing it.

**4) SEALED BIDS REQUIRED; EXCEPTIONS; ALTERNATIVE PROCEDURES; INSPECTIONS.**

(A) All purchases of, and all contracts for acquisition or delivery of, durable goods, equipment, replacement parts and components, consumable tools or commodities, fuel materials, supplies and consumer items, and supplies, and all sales of personal property which may have become obsolete or unusable, shall, except as specifically provided herein, be based upon competitive bids as provided in subsection (B) hereof and administrative regulations issued by the Village Manager implementing the same, or, within the limitations hereinafter stated, shall be based upon alternative price quotation procedures as provided in subsection (C) hereof. When competitive bids are so obtained, the sale or purchase shall be approved by the Village Council and sealed bids shall be obtained in accordance with the detailed procedures established by this chapter. An exception may be made where the Council shall determine by a two-thirds majority vote of those present at the meeting that the public interest will be best served by joint purchase with, or purchase from, another unit of government. No sale or purchase shall be divided for the purpose of circumventing the limitation established by this chapter. The Village Council may authorize the making of public improvements or the performance of any Village work by any Village administration without need of competitive bidding.

(1) Purchases shall be made from the lowest qualified bidder meeting specifications, unless the Village Council shall determine that the public interest will be better served by accepting a higher bid. Sales shall be made to the bidder whose bid is most advantageous to the Village. In any case where a bid other than the lowest is accepted, the Village Council shall set forth its reason therefore in its motion or resolution accepting such bid. The Village Council shall have the right to reject all bids.

(2) In the event no sealed bids are received or all bids are rejected, the Village Council may, after stating the reason therefore, as a part of its motion or resolution therefore, order that further bids be solicited or that the Village Manager purchase the materials, supplies or services concerned in the open market, or, if practicable, secure the performance of services concerned by an appropriate officer or department of the Village.

(3) Professional service contracts shall be authorized and regulated under certain guidelines to be established by the Village Manager and maintained in the office of the Village Finance Officer.

(a) The Village Council shall reserve the right to annually review and extend or terminate ANY professional service contract with the Village of Dexter. The Village Council,

may, upon recommendation from the Village Manager, extend the terms on any professional service contract for one year beyond the original contract term.

(b) Any professional service contract may not be longer than five (5) consecutive years. At the end of any consecutive five (5) year term, quotations from qualified bidders must be received by the Village Manager or designee. Nothing shall preclude a qualified firm that has been retained for the maximum 5 year period from bidding and subsequently being awarded a professional service contract.

(B) Any expenditure for supplies, materials, equipment, construction or maintenance contracts obligating the Village, where the amount of the Village's obligation is in excess of \$5,000, shall be governed by the following, except as otherwise stated in this chapter.

(1) Such expenditure shall be made the subject of a written contract. A purchase order shall be a sufficient written contract only in cases where the expenditure is in the usual and ordinary course of the Village's affairs, and in no case shall it be sufficient for the construction of public works or the contracting for supplies or services over any period of time where the quality of the goods or materials or the scope of the services bargained for is not wholly standardized.

(2) Notice inviting sealed competitive bids shall be published in a newspaper of general circulation in the Village at least seven days before the final date for submitting bids thereon. Such notice shall give briefly the specifications of the supplies, materials or equipment, or of the construction project or other matter to be contracted for, and shall state the amount of security to be given with the bid, and the amount of bond or other security to be given with the contract. The notice shall state the time limit, the place of filing bids and the time of opening bids and shall also state that the right is reserved to reject any or all bids. Any other conditions of award of the contract shall also be stated in general terms.

(3) The Village Manager or designee shall also solicit bids from a minimum of three (3) such qualified prospective bidders as are known to him or her by sending each a copy of the notice requesting bids, and notice thereof shall be posted in the Village Office.

(4) Unless prescribed by the Village Council, the Village Manager shall prescribe the amount of any security to be deposited with any bid, which deposit shall be in the form of a certified or cashier's check or bond written by a surety company authorized to do business in the State. The amount of such security shall be expressed in terms of a percentage of the bid submitted. Unless fixed by the Village Council, the Village Manager shall fix the amount of the performance bond and, in the case of construction contracts, the amount of the labor and material 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 Village Finance Officer, the Village Manager or designee and, when possible, the head of the department most closely concerned with the subject of the contract. The bids shall thereupon be carefully examined and tabulated and reported to the Village Council with the recommendation of the Village Manager at

the earliest possible scheduled Village Council meeting. After tabulation, all bids may be inspected by the competing bidders.

(6) When such bids are submitted to the Village Council, if Village Council shall find any of the bids to be satisfactory, it shall award the contract to the lowest qualified bidder. The Village Council shall authorize the contract upon execution of the contract by the successful bidder. Contract shall only be executed after the filing of any bonds which may have been required, which bonds shall first be approved by the Village Attorney as to form and content. Such award may be by motion, resolution or ordinance. Village Council retains any other rights provided for in this chapter in the awarding or rejecting of bids.

(7) At the time the contract is executed, the contractor shall file a bond executed by a surety company authorized to do business in Michigan, in favor of the Village, conditioned upon the performance of said contract, and further conditioned upon payment of all laborers, mechanics, subcontractors and material, as well as all just debts, dues and demands incurred in the performance of such work. The contractor shall also file evidence of public liability insurance in an amount satisfactory to the Village Manager or designee, and agree to save the Village harmless from loss or damage caused to any person or property by reason of the contractor's negligence.

(8) All bids and deposits of certified or cashier's checks may be retained in the office of the Village Finance Officer until the contract is awarded and signed or until they are released by the Village Manager. If any successful bidder fails or refuses to enter into the contract awarded to him or her within fifteen days after the same has been awarded, or to file the bond required within the same time, the deposit accompanying his or her bid shall be forfeited to the Village, and the Village Council may, in its discretion, award the contract to the next lower qualified bidder, or the contract may be re-advertised.

(C) Informal Bids. Purchases of supplies, materials or equipment, the cost of which is \$5,000 or less, may be made in the open market, but such purchases shall, where practicable, be based on at least three competitive bids or quotes and shall be awarded to the lowest qualified bidder. The Village Manager or designee may solicit bids or quotes verbally or by telephone, or may contact prospective bidders by written communication. A record shall be kept of all open market orders and the bids or quotes submitted thereon, which records shall be available for public inspection. Any or all bids or quotes may be rejected. Purchases costing \$5,000 or less may be made without the prior approval of the Village Council under the authority granted the Village Manager in this chapter.

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

**(5) SOLE SOURCE PROCUREMENT.**

(A) A contract may be awarded without competition when the Village Manager determines in writing, after he or she or the Village Manager or designee has conducted a good faith review

construction item. The Village Manager or designee or other appropriate designee of the Village Manager shall conduct negotiations, as appropriate and under the supervision of the Village Manager, as to price, delivery and terms. A record of sole source procurement shall be maintained as a public record and shall list each contractor's name, the amount and type of each contract, a listing of the items procured under each contract and the date of the contract.

**(6) EMERGENCY DIRECT PURCHASE PROCEDURE.**

(A) In case of an actual emergency, any officer or department head may make direct purchase of materials, supplies or services, where the immediate procurement thereof is essential to the conduct of his or her office or department and the delay caused by following established purchasing procedures would vitally affect the public health, safety or welfare, provided that a purchase order therefore shall be filed with and approved by the Village Manager as to the existence of the emergency and shall be likewise approved by the Finance Officer as to the sufficiency of funds for such purchase, and provided, further, that the Village Manager shall advise Council at its next regular meeting after the emergency purchase of the circumstances for and terms of said procurement.

**(7) PURCHASES FROM PETTY CASH.**

(A) All departmental petty cash funds shall be authorized and approved by the Village Manager. Purchases from petty cash shall not individually exceed \$25.

**(8) DEBARMENT.**

After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the Village Manager, after consulting with the Village Attorney, is authorized to debar a person for cause from consideration for award of contracts. The debarment shall be for a period of not more than one year. The causes for debarment include:

(A) A violation of contract provisions, as set forth herein, of a character which is regarded by the Village Manager to be so serious as to justify debarment action, such as:

(1) Deliberate failure, without good cause, to perform in accordance with the specifications or within the time limit provided in the contract; or

(2) A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment; and

(B) A violation of the provisions of this chapter or any other Village policy, regulation or law.

The Village Manager shall issue a written decision to debar. The decision shall state the reasons for the action taken and inform the debarred person involved of his or her rights concerning administrative or judicial review. A copy of the decision shall be mailed or otherwise furnished upon the rendering of a decision by the Village Manager to the debarred person. A

decision to debar shall be final and conclusive, unless the debarred person, within ten days after receipt of the decision, takes an appeal to the Village Council or commences a timely action in court in accordance with applicable law.

**(9) BID PROTESTS**

(A) Any actual or prospective bidder, offeror or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the Village Council. Protestors are directed to seek resolution of their complaints initially with the Village Manager. A protest with respect to an invitation for bids or request for proposals shall be submitted in writing prior to the opening of bids or the closing date of proposals, unless the aggrieved person did not know and should not have known of the facts giving rise to such protest prior to bid opening or the closing date for proposals. The protest shall be submitted within ten days after such aggrieved person knows or should have known of the facts giving rise thereto.

In the event of a timely protest under this section, the Village Manager or designee shall not proceed further with the solicitation or award of the contract until all administrative and judicial remedies have been exhausted or until the Village Council makes a determination on the record that the award of a contract without delay is necessary to protect a substantial interest of the Village.

**(10) NOTICE OF FEDERAL AND STATE PUBLIC POLICY REQUIREMENTS;  
NOTICE OF VILLAGE POLICY REQUIREMENTS.**

(A) For any contract that is subject to one or more Federal, State or Municipal public policy requirements, whether or not such contract is being funded in whole or in part by assistance from a Federal or State agency, the Village Manager or designee shall include contract provisions giving the contractor notice of these requirements, and, where appropriate, shall include in those contract provisions the requirement that the contractor give a similar notice to all of its subcontractors.

(B) The Village Manager or designee shall take affirmative steps to assure that local businesses are utilized when possible as sources of supplies, services and construction items.

Affirmative steps to be taken shall include:

- (1) Including qualified local businesses on solicitation lists;
- (2) Assuring that local businesses are solicited whenever they are potential sources;
- (3) When economically feasible, dividing total requirements into smaller tasks or quantities so as to permit maximum participation;
- (4) Where the requirements permit, establishing delivery schedules which will encourage local business participation.

(5) Preference shall be given to local businesses in awarding contracts if the lowest responsible bids are for the same amount and each bidder is equally qualified.

**(11) RECORDS; PUBLIC ACCESS.**

(A) The Village Manager or designee shall keep a record of all purchases of materials, supplies and services, and of all bids and the manner in which such bids were procured, which he or she shall forward to the Finance Officer when each respective material or supply is purchased or service is provided. All such records shall be public. All procurement records shall be retained and disposed of by the Village in accordance with records retention guidelines and schedules established by the Village Record Retention Schedule.

**(12) CONFLICTS OF INTEREST.**

(A) It shall be unethical for any Village employee to participate directly or indirectly in a procurement contract, except as provided in Act 317 of the Public Acts of the 1968, as amended

**(13) GRATUITIES; SANCTIONS.**

(A) It shall be unethical for any person to offer, give or agree to give any Village employee or officer or former Village employee or officer, or for any Village employee or officer or former Village employee or officer to solicit, demand, accept or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigating or auditing, or in any other advisory capacity in any proceeding or application, request for ruling determination, claim or controversy, or other particular matter, pertaining to any program requirement, contract or subcontract, or to any solicitation or proposal therefore.

(B) The prohibition against gratuities prescribed in this section shall be conspicuously set forth in every contract and solicitation therefore.

(C) The Village Manager may impose sanctions on a Village employee for violations of this section consistent with governing employee contract provisions, if applicable.

## Professional Services Contracts – Guidelines for Selection

When selecting firms to perform services under a professional services contract the Village of Dexter will utilize the following steps to make a qualification based selection:

1. The Village will identify the general scope of the work
2. A selection schedule is established
3. A list of professional firms is compiled
4. Qualification documents are requested
5. Qualification documents are evaluated
6. A shortlist of firms to be interviewed is composed
7. Interviews are conducted
8. Firms are ranked for selection
9. A detailed scope of work is negotiated with the top ranked firm
10. Contract is negotiated with the top ranked firm
  - a. If an agreement cannot be reached, those negotiations are ended and the negotiations begun with the second ranked firm, and so on until an agreement is reached and a firm is selected
11. All firms involved receive post selection communications and the process is evaluated

Evaluations of the firms will be based on their qualifications and competence in relation to the scope and needs of the work to be performed, along with the cost.

**VILLAGE OF DEXTER  
RETURNED CHECK POLICY**

It is the policy of the Village of Dexter that any check received for the payment of goods or services which, after having been deposited by the Village, is returned for Non-sufficient Funds (NSF) for the second time, Stop Payments, closed accounts or other types of returns shall have an administrative fee of twenty-five dollars (\$25.00) attached to the amount due in addition to any other penalties and interest that may apply. The issuer of the check shall be required to pay the administrative fee of \$25.00 plus the amount of the original check in cash, money order, cashier's or certified check in order to satisfy the obligation due. The administrative fee of \$25.00 shall not be waived.

Effective January 9, 2004

Village of Dexter  
Road and Right-of-Way Improvement Policy  
March 14, 2011

This policy shall serve as a working guide to future road and right-of-way improvement projects within the Village of Dexter. This policy is hereby set forth to help establish significant, but not absolute, consistency throughout the Village with respect to roadway widths, parking within the public right of way, drainage within the right-of-way and restoration of right of ways resulting from projects that involve the rehabilitation and/or reconstruction of Village Streets. The policy is supported by the Village's current Engineering Standards, Master Plan, Capital Improvement Plan and Code of Ordinances.

The primary goals of this policy are described as follows:

1. To establish consistency in planning for a minimum width for all Village Streets during projects involving the rehabilitation and/or reconstruction of Village Streets.
2. To create reasonable opportunity for on street parking on Village Streets (i.e. – not on the grass, gravel shoulder or greenbelt areas) in a safe manner.
3. To create a reasonably consistent aesthetic look and function along each street with respect to driveways, sidewalk, alley entrances and greenbelt areas.
4. To recognize the difference between Major and Local Streets
5. To incorporate complete streets practices whenever possible to insure safe right-of-ways, including provisions for new sidewalks and accessible walkways for all pedestrians.

The following criteria shall be considered when determining the road width and street configuration for street rehabilitation and/or reconstruction projects:

1. The primary functions of the roadway
2. The need for parking along the street
3. The current use of the roadway and right-of-way (i.e. traffic patterns, volumes, proximity to schools, businesses, etc..)

All Major Streets shall be striped to delineate a minimum of two independent lanes of traffic. Striping of local streets can be done in areas of higher traffic volumes or where lane markings create a safer overall street network.

The roadway and right-of-way improvements consistent with this policy include:

1. 27 foot minimum width asphalt or concrete roadways without curb and gutter; 28 foot minimum width from back of curb to back of curb for roads with curb and gutter
2. Elimination of gravel surface shoulders as parking areas
3. When an existing paved drive approach is removed, it will be replaced with the material that was removed; if the material removed was gravel it will be replaced with asphalt
4. 5 foot wide concrete sidewalk along at least one side of the roadway.

It is envisioned that a 27 ft wide minimum width will provide safe opportunity for most of the Village's local street network, while providing opportunity for parking on the street on one side of the roadway. In some cases, the minimum width may need to be wider to accommodate additional lanes of traffic, parking on more than one side of the roadway or to facilitate key turning movements for large vehicles. In other cases, the road width may need to remain narrower due to narrow right-of-ways or existing conditions. Huron Street is an example of a right-of-way that would require a narrower road width. Each street should be evaluated independently prior to the design/construction of each street to establish proper road widths and design criteria that provide a safe roadway and satisfy the functional use of the roadway in that area of the Village.

#### Parking in the Right-of-Way

On street parking within the Village right-of-ways will be primarily parallel parking. Angle parking can be incorporated into the street design in the downtown areas, generally within the DDA district boundary. 90 degree parking should be avoided and eliminated on most local streets. The Village will notify and work with residents/commercial businesses that have historically had 90 degree parking of the Village's intent to complete a road improvement project without 90 degree parking.

Residents and businesses are encouraged to park within their driveways whenever possible or use delineated on street parking areas.

Parking on greenbelt and/or grass areas within the right-of-way is prohibited consistent with the Village's code of ordinances.

#### Additional Right-of-Way Improvements

Whenever possible, new sidewalk should be installed, at least along one side of the right-of-way, during rehabilitation and/or reconstruction projects. The recommendations provided in the Village's recent crosswalk study should be reviewed and incorporated into the sidewalk designs whenever possible.

It is recommended that concrete curb and gutter is evaluated and incorporated as part of the rehabilitation or reconstruction on streets where parking is anticipated to be quite common. This will help prevent parking on the grass areas and help maintain the integrity of the edge of pavement in high frequency parking areas. Current examples of this could include, but is not limited to, portions of Broad Street, Fifth Street between Broad and Dover, Fourth Street near Central Street, and Hudson Street near Main Street, etc. In general, some of the streets closer to the downtown area have historically had a higher frequency of on-street parking. This parking should be maintained as an element of the creative design of these streets.

Drainage improvements should be incorporated into the street design as appropriate. The goal is to have positive drainage within the right-of-way whenever possible. For curbed roadways, storm sewer improvements should be completed along with the pavement improvements. In areas with no curb and gutter, culverts and swales will be used along local streets to appropriately collect and transport storm water runoff.

**Review of Future Street and Right-of-Way Projects**

Upon completion of preliminary design plans, the plans shall be presented to the Planning Commission for their review and comment, similar to the process that the Village has used for park, pathway and other recent improvement projects.



## VILLAGE OF DEXTER

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

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### **Village of Dexter Sidewalk Installation Deferral Policy Adopted November 14, 2011**

This policy shall serve as an explanation of the Village's position on the deferral of required sidewalk installation.

Any commercial or industrial development within the Village required to install sidewalk may be permitted to defer the installation of sidewalk **ONLY** under one of the following circumstances:

1. Installation of the sidewalk would result in a sidewalk island (no connections on either side)
2. A construction project is proposed in area and installation deferment would be preferred.

The Village has developed a Complete Streets Policy and Ordinance (General Code Chapter 46) and is committed to creating all types of safe and accessible methods of transit, including pedestrian sidewalks along all roadways.

Sidewalk installation deferral is permitted by the Village; however deferrals will be limited to 5 years from the anniversary date of the issuance of the final zoning compliance or at such time that sidewalk is installed or approved to be installed by the owner of an adjacent parcel. If sidewalk is installed or approved to be installed on an adjacent parcel, the party responsible for installation of the sidewalk will have 6 months to complete the installation from the date of notice from the Village.

The Village will send notification/Order to Construct to the above stated address no less than 20 days before the maximum 5-year required installation date or as required upon the installation of adjacent public sidewalk. The undersigned acknowledges that if the public sidewalk is not installed within the required time the Village will proceed with installation of the sidewalk in accordance with Chapter 46, Section 46-50, Order to Construct and that the undersigned will be responsible for payment, in full, of the associated construction.

A signed agreement between the Village and the party responsible for payment or installation of the sidewalk outlining the terms of the agreement will be required at the time of the issuance of the final zoning compliance.



# VILLAGE OF DEXTER

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

## Public Sidewalk Installation Deferral Agreement

In accordance with the Village of Dexter Sidewalk Installation Deferral Policy adopted on November 14, 2011,

\_\_\_\_\_ (name of party responsible for installation of sidewalk and individual contact information) located at \_\_\_\_\_ is requesting that the required public sidewalk installation be deferred in accordance with the following schedule:

Date of Issuance of Final Zoning Compliance: \_\_\_\_\_

Five Year Maximum Deferral Date: \_\_\_\_\_  
(\*if sidewalk is installed or approved to be installed on an adjacent parcel, the party responsible for installation of the sidewalk will have 6 months to complete the installation from the date of notice from the Village)

The Village will send notification/Order to Construct to the above stated address no less than 20 days before the maximum 5-year required installation date or as required upon the installation of adjacent public sidewalk. The undersigned acknowledges that if the public sidewalk is not installed within the required time the Village will proceed with installation of the sidewalk in accordance with Chapter 46, Section 46-50, Order to Construct and that the undersigned will be responsible for payment, in full, of the associated construction.

Upon the responsible parties decision to construct the sidewalk a Village of Dexter Right-Of-Way permit shall be submitted to the Village Offices for review and approval of conformance to the Village of Dexter sidewalk construction requirements and details.

This agreement is signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

_____	_____	_____
Village Manager Signature	Village Manager Print	Date
_____	_____	_____
Party Responsible for Installation of Sidewalk Signature	Responsible Party Print	Date

Village of Dexter  
Social Security Number Privacy Policy & Procedure

Effective Date: October 13, 2008

I. Policy

Pursuant to Michigan state law, it is the policy of the Village of Dexter to protect confidentiality of social security numbers. No person shall knowingly acquire, disclose, transfer, or unlawfully use the social security number of any employee or other individual unless in accordance with applicable state and federal law and the procedures and rules established by this policy.

II. Administrative Procedures/Rules

A. Social Security Number Defined

As used in this policy, the term "social security number" includes both the entire nine-digit number and more than 4 sequential digits of the number.

B. Public Display

Social security numbers shall not be placed on identification cards or badges, membership cards, permits, licenses, time cards, employee rosters, bulletin boards, or any other materials or documents that are publicly displayed. Documents, materials, or computer screens that display social security numbers or other sensitive information shall be kept out of public view at all times.

C. Access to Social Security Numbers

Only persons authorized by the responsible department or other administrative unit head shall have access to information or documents that contain social security numbers.

D. Mailed or Transmitted Documents

Documents containing social security numbers shall only be mailed or transmitted in the following circumstances:

State or federal law, rule, regulation, or court order or rule authorizes, permits or requires that a social security number appear in the document.

The document is sent as part of an application or enrollment process initiated by the individual whose social security number is contained in the document.

The document is sent to establish, confirm the status of, service, amend, or terminate an account, contract, policy, or employee or health insurance benefit or to confirm the accuracy of a social security number of an individual who has an account, contract, policy, or employee or health insurance benefit.

The document or information is mailed by or at the request of an individual whose social security number appears in the document or information or at the request of his or her parent or legal guardian.

Documents containing social security numbers that are mailed or otherwise sent to an individual shall not reveal the number through the envelope window, nor shall the number be otherwise visible from outside the envelope or package.

Social security numbers shall not be sent over the internet or a computer system or network (i.e. through e-mail) unless the connection is secure or the transmission is encrypted. No individual shall be required to use or transmit his or her social security number over the internet or a computer system, or to gain access to an internet website, computer system or network (i.e. through e-mail) unless the connection is secure, the transmission is encrypted, or a password or other unique personal identification number or other authentication device is also required to gain access to the internet website or computer system or network.

E. Storage and Disposal

All documents or files that contain social security numbers shall be stored in a physically secure manner. Social security numbers shall not be stored on computers or other electronic devices that are not secured against unauthorized access.

Documents or other materials containing social security numbers shall not be thrown away in the trash; they shall be discarded or destroyed only in a manner that protects their confidentiality, such as shredding.

F. Information Collected

Social security numbers should only be collected where required by federal and state law or as otherwise permitted under the Michigan Social Security Number Privacy Act. If a unique identifier is needed, a substitute for the social security number shall be used.

G. Accountability

Any person who fails to comply with this policy shall be subject to discipline up to and including discharge.

H. Policy Guidance

If any questions regarding social security number privacy and security should arise, contact the Village Manager for policy clarification and guidance.



## VILLAGE OF DEXTER

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

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### **Village of Dexter Tap Fee Payment Policy Adopted November 14, 2011**

This policy shall serve as an explanation of the Village's position on the payment of tap fees over a multi-year period.

Any commercial or industrial development within the Village with a total tap fee of \$32,000 or more may request the payment of this tap fee over a multi-year period as described below:

- 1/3 due upon completion of the project and issuance of the final zoning compliance
- 1/3 due on the one year anniversary of the issuance of the final zoning compliance
- 1/3 due on the second anniversary of the issuance of the final zoning compliance

As this is a deviation from the Village Tap Fee Resolution (19-2006) the requesting party should provide an explanation of the need for the deferral when making the request.

At no time will a minimum payment be less than the value of 1 REU (\$8,000). Required tap fees less than \$32,000 must be paid upon completion of the project and issuance of the final zoning compliance.

The party responsible for payment of the tap fee will be billed no less than 20 days prior to the anniversary date of the issuance of final zoning compliance. If the payment is not made by the anniversary date, the Village will suspend water service to the location.

A signed agreement between the Village and the party responsible for payment of the tap fee outlining the terms of the multi-year payment agreement will be required at the time of the issuance of the final zoning compliance.



# VILLAGE OF DEXTER

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

## Multi-Year Tap Fee Payment Agreement

In accordance with the Village of Dexter Tap Fee Payment Policy adopted on November 14, 2011, \_\_\_\_\_  
(name of party responsible for payment of tap fee and individual contact information)  
located at \_\_\_\_\_ is requesting that the required tap fee  
payment be made in installments over a 3-year period accordance with the following  
schedule:

Date of Issuance of Final Zoning Compliance: \_\_\_\_\_

One Year Anniversary of Issuance: \_\_\_\_\_

Second Year Anniversary of Issuance: \_\_\_\_\_

The tap fee calculation as determined by the Village Tap Fee Resolution, as amended, is  
\_\_\_\_\_ REU's. The amount of the tap fee payment each year shall be  
\_\_\_\_\_ for a total of \_\_\_\_\_.

The Village will send an invoice to the above stated address no less than 20 days before  
the payment of the tap fee is due. The undersigned acknowledges that if the payment is  
not made by the stated deadline water service to the property will be suspended.

This agreement is signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Village Manager Signature

\_\_\_\_\_  
Village Manager Print      Date

\_\_\_\_\_  
Party Responsible for Payment of Tap Fee  
Signature

\_\_\_\_\_  
Responsible Party Print      Date

# Village of Dexter-Owned Outdoor Recreational Areas

## Tobacco-Free Policy

### SECTION I. FINDINGS

**WHEREAS**, in order to preserve the public health, safety and welfare of the citizens of the Village of Dexter, Michigan; and

**WHEREAS**, the State of Michigan has granted and declared to Village's the power to legislate in the protection of the public health and for the safety of persons and property; and

**WHEREAS**, it is in the purview of the authority of the Village Council of the Village of Dexter to restrict smoking and the use of tobacco products on Village property; and

**WHEREAS**, tobacco use causes death and disease and continues to be an urgent public health challenge, as evidenced by the following:

- Tobacco-related illness is the leading cause of preventable death in the United States,<sup>1</sup> accounting for about 443,000 deaths each year;<sup>2</sup> and
- Tobacco use causes chronic lung disease, coronary heart disease, and stroke, in addition to cancer of the lungs, larynx, esophagus, and mouth;<sup>3</sup> and
- Some of the most common types of cancers – including stomach, liver, uterine, cervix, and kidney cancer – are related to tobacco use;<sup>4</sup> and

**WHEREAS**, secondhand smoke has repeatedly been identified as a health hazard, as evidenced by the following:

- The U.S. Surgeon General has concluded that there is no risk-free level of exposure to secondhand smoke;<sup>5</sup> and
- Secondhand smoke is responsible for as many as 3,000 deaths from lung cancer and 46,000 deaths from heart disease among nonsmokers each year in the United

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<sup>1</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: The Nation's Leading Killer*. 2011, p. 2. Available at: [www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco\\_AAG\\_2011\\_508.pdf](http://www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf).

<sup>2</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation's Leading Killer*. 2011, p. 2. Available at: [www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco\\_AAG\\_2011\\_508.pdf](http://www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf).

<sup>3</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: The Nation's Leading Killer*. 2011, p. 2. Available at: [www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco\\_AAG\\_2011\\_508.pdf](http://www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf).

<sup>4</sup> Leistikow B, Zubair K, Connolly GN, et al. "Male Tobacco Smoke Load and Non-Lung Cancer Mortality Associations in Massachusetts." *BMC Cancer*, 8:341, 2008. Available at: [www.biomedcentral.com/1471-2407/8/341](http://www.biomedcentral.com/1471-2407/8/341).

<sup>5</sup> US Department of Health and Human Services, Office of the Surgeon General. *How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease: A Report of the Surgeon General*. 2010, p. 9. Report highlights available at: [www.surgeongeneral.gov/library/tobaccosmoke/factsheet.html](http://www.surgeongeneral.gov/library/tobaccosmoke/factsheet.html).

States;<sup>6</sup> and

- Exposure to secondhand smoke increases the risk of coronary heart disease by approximately 30 percent;<sup>7</sup> and
- Secondhand smoke exposure causes lower respiratory tract infections, such as pneumonia and bronchitis, in as many as 300,000 children in the United States under the age of 18 months each year;<sup>8</sup> and exacerbates childhood asthma;<sup>9</sup> and

**WHEREAS**, exposure to secondhand smoke anywhere has negative health impacts, and exposure to secondhand smoke does, contrary to a common misconception, occur at significant levels outdoors, as evidenced by the following:

- Levels of secondhand smoke exposure outdoors can reach levels attained indoors depending on the direction and amount of wind and number and proximity of smokers;<sup>10</sup> and
- Irritation from secondhand smoke begins at levels as low as 4 micrograms per cubic meter, and in some outdoor situations this level can be found as far away as 13 feet from the burning cigarette;<sup>11</sup> and
- Smoking cigarettes near building entryways can increase air pollution levels by more than two times as compared to background levels, with maximum levels reaching the “hazardous” range on the US EPA’s Air Quality Index.<sup>12</sup>

<sup>6</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation’s Leading Killer*. 2011, p. 2. Available at: [www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco\\_AAG\\_2011\\_508.pdf](http://www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf).

<sup>7</sup> Barnoya J and Glantz S. “Cardiovascular Effects of Secondhand Smoke: Nearly as Large as Smoking.” *Circulation*, 111: 2684-2698, 2005. Available at: [www.circ.ahajournals.org/cgi/content/full/111/20/2684](http://www.circ.ahajournals.org/cgi/content/full/111/20/2684).

<sup>8</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation’s Leading Killer*. 2011, p. 2. Available at: [www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco\\_AAG\\_2011\\_508.pdf](http://www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf).

<sup>9</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation’s Leading Killer*. 2011, p. 2. Available at: [www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco\\_AAG\\_2011\\_508.pdf](http://www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf).

<sup>10</sup> Klepeis NE, Ott WR, and Switzer P. *Real-Time Monitoring of Outdoor Environmental Tobacco Smoke Concentrations: A Pilot Study*. San Francisco: University of California, San Francisco and Stanford University, 2004, p. 80, 87. Available at: [http://exposurescience.org/pub/reports/Outdoor\\_ETS\\_Final.pdf](http://exposurescience.org/pub/reports/Outdoor_ETS_Final.pdf); see also Klepeis NE, Ott WR and Switzer P. “Real-Time Measurement of Outdoor Tobacco Smoke Particles.” *Journal of the Air & Waste Management Association*, 57: 522-534, 2007. Available at: [www.ashaust.org.au/pdfs/OutdoorSHS0705.pdf](http://www.ashaust.org.au/pdfs/OutdoorSHS0705.pdf).

<sup>11</sup> Junker MH, Danuser B, Monn C, et al. “Acute Sensory Responses of Nonsmokers at Very Low Environmental Tobacco Smoke Concentrations in Controlled Laboratory Settings.” *Environmental Health Perspectives*, 109(10): 1045-1052, p. 1049-51, 2001. Available at: [www.pubmedcentral.nih.gov/picrender.fcgi?artid=1242082&blobtype=pdf](http://www.pubmedcentral.nih.gov/picrender.fcgi?artid=1242082&blobtype=pdf); Repace JL. “Benefits of Smoke-Free Regulations in Outdoor Settings: Beaches, Golf Courses, Parks, Patios, and in Motor Vehicles.” *William Mitchell Law Review*, 34(4): 1621-1638, p. 1626, 2008. Available at: [www.repace.com/pdf/Repace\\_Ch\\_15\\_Outdoor\\_Smoke.pdf](http://www.repace.com/pdf/Repace_Ch_15_Outdoor_Smoke.pdf).

<sup>12</sup> Kaufman P, Zhang, B, Bondy S, et al. “Not just ‘a few wisps’: real-time measurement of tobacco smoke at entrances to office buildings.” *Tobacco Control*. Published Online First: 21 December

- Studies on a cruise ship have found that even while cruising at 20 knots and with unlimited air volume, outdoor smoking areas contained carcinogens in nearly the same amounts as inside the ship's casino where smoking was allowed;<sup>13</sup> and
- To be completely free from exposure to secondhand smoke in outdoor places, a person may have to move nearly 25 feet away from the source of the smoke, about the width of a two-lane road;<sup>14</sup> and

**WHEREAS**, smokeless tobacco is not a safe alternative to smoking and causes significant death and disease, as evidenced by the following:

- Smokeless tobacco use causes leukoplakia, a disease causing white patches to form in the user's mouth that can become cancerous;<sup>15</sup> smokeless tobacco products are known to cause lung, larynx, esophageal, and oral cancer;<sup>16</sup> and the regular use of snuff doubles the user's risk of cardiovascular disease and death;<sup>17</sup> and
- Prolonged use of snus, a form of smokeless tobacco, contributes to high blood pressure and to a higher likelihood of suffering a fatal stroke;<sup>18</sup> and

**WHEREAS**, children who attend or participate in athletic and recreational events can be affected by secondhand smoke and the use of other tobacco products; and

**WHEREAS**, smoking and the use of other tobacco products at such events sends a deleterious health message to youth and student athletes; and

**WHEREAS**, cigarette butts are the most littered item in the United States and a dangerous nuisance, as evidenced by the following:

- Americans discard more than an estimated 175 million pounds of cigarette butts every

2010. doi:10.1136/tc.2010.041277. Abstract available at: <http://tobaccocontrol.bmj.com/content/early/2010/12/21/tc.2010.041277.abstract>

<sup>13</sup> Repace JL. "Benefits of Smoke-Free Regulations in Outdoor Settings: Beaches, Golf Courses, Parks, Patios, and in Motor Vehicles." *William Mitchell Law Review*, 34(4): 1621-1638, p. 1626, 2008. Available at: [www.repace.com/pdf/Repace\\_Ch\\_15\\_Outdoor\\_Smoke.pdf](http://www.repace.com/pdf/Repace_Ch_15_Outdoor_Smoke.pdf).

<sup>14</sup> Repace JL. "Benefits of Smoke-Free Regulations in Outdoor Settings: Beaches, Golf Courses, Parks, Patios, and in Motor Vehicles." *William Mitchell Law Review*, 34(4): 1621-1638, p. 1626, 2008. Available at: [www.repace.com/pdf/Repace\\_Ch\\_15\\_Outdoor\\_Smoke.pdf](http://www.repace.com/pdf/Repace_Ch_15_Outdoor_Smoke.pdf).

<sup>15</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. *Fact Sheet – Smokeless Tobacco Facts*, [www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/smokeless/smokeless\\_facts/index.htm#chewing](http://www.cdc.gov/tobacco/data_statistics/fact_sheets/smokeless/smokeless_facts/index.htm#chewing) (last updated January 28, 2011).

<sup>16</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation's Leading Killer*. 2011, p. 2. Available at: [www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco\\_AAG\\_2011\\_508.pdf](http://www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf).

<sup>17</sup> Hatsukami DK and Severson HH. "Oral Spit Tobacco: Addiction, Prevention, and Treatment." *Nicotine and Tobacco Research*, 1(1): 21-44, 1999. Abstract available at: <http://ntr.oxfordjournals.org/content/1/1/21.abstract>.

<sup>18</sup> "Prolonged Use of Swedish Moist Snuff Increases Risk of Fatal Cardiovascular Disease and Stroke." *Medical News Today*, November 15, 2007, [www.medicalnewstoday.com/articles/88868.php](http://www.medicalnewstoday.com/articles/88868.php).

year;<sup>19</sup> and

- Cigarette butts are frequently discarded onto sidewalks, streets, beaches, and nature trails, and in parks, gardens and other public places, ending up in storm drains that flow into the water supply;<sup>20</sup> and
- Cigarette filters, made of plastic cellulose acetate, are not biodegradable and take approximately 15 years to decompose;<sup>21</sup> and

**WHEREAS**, cigarette butts pose a health threat to young children, as evidenced by the following:

- In 2009, American poison control centers received nearly 8,000 reports of children poisoned by the ingestion of cigarettes, cigarette butts, and other tobacco products;<sup>22</sup> and
- Children who ingest cigarette butts can experience vomiting, nausea, lethargy, and gagging;<sup>23</sup> and

**WHEREAS**, smoking outside in natural areas, where there are trees, shrubs and grasses, poses a significant risk of fire damage to those natural areas, and cigarette-caused fires unnecessarily jeopardize firefighters and result in avoidable emergency response costs; and

**WHEREAS**, laws restricting the use of tobacco products have clear benefits to public health and medical costs, as evidenced by the following:

- Cities with smokefree laws see an appreciable reduction in hospital admittances for heart attacks in the months and years after such laws are passed;<sup>24</sup> and
- Smoking bans help people reduce the number of cigarettes they smoke or quit

<sup>19</sup> Surfrider Foundation, San Diego Chapter, Hold on to Your Butt, [www.surfridersd.org/hotyb.php](http://www.surfridersd.org/hotyb.php). (last visited March 10, 2011).

<sup>20</sup> Surfrider Foundation, San Diego Chapter, Hold on to Your Butt, [www.surfridersd.org/hotyb.php](http://www.surfridersd.org/hotyb.php). (last visited March 10, 2011).

<sup>21</sup> Surfrider Foundation, San Diego Chapter, Hold on to Your Butt, [www.surfridersd.org/hotyb.php](http://www.surfridersd.org/hotyb.php). (last visited March 10, 2011).

<sup>22</sup> Bronstein AC, Spyker DA, Cantilena LR, et al. American Association of Poison Control Centers. "2009 Annual Report of the American Association of Poison Control Centers' National Poison Data System (NPDS): 27th Annual Report" *Clinical Toxicology*, 48(10): 979-1178, p. 1124, 2010. Available at: [www.aapcc.org/dnn/Portals/0/correctedannualreport.pdf](http://www.aapcc.org/dnn/Portals/0/correctedannualreport.pdf).

<sup>23</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. "Ingestion of Cigarettes and Cigarette Butts by Children – Rhode Island, January 1994 -July 1996." *Morbidity and Mortality Weekly Report*, 46(06): 125-128, 1997. Available at: [www.cdc.gov/mmwr/preview/mmwrhtml/00046181.htm](http://www.cdc.gov/mmwr/preview/mmwrhtml/00046181.htm).

<sup>24</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. "Reduced Hospitalizations for Acute Myocardial Infarction After Implementation of a Smoke-Free Ordinance – City of Pueblo, Colorado, 2002 – 2006." *Morbidity and Mortality Weekly Report*, 57(51&52): 1373-1377, 2009. Available at: [www.cdc.gov/mmwr/preview/mmwrhtml/mm5751a1.htm](http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5751a1.htm); Glantz SA. "Meta-Analysis of the Effects of Smokefree Laws on Acute Myocardial Infarction: An Update." *Preventive Medicine*, 47(4): 452-453, 2008. Abstract available at: [www.ncbi.nlm.nih.gov/pmc/articles/PMC2927851/?tool=pubmed](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2927851/?tool=pubmed).

altogether;<sup>25</sup> and

- Strong smoking regulations for restaurants decrease the number of children who transition from experimenting with smoking to becoming actual smokers;<sup>26</sup> and

**WHEREAS**, unregulated high-tech smoking devices, commonly referred to as electronic cigarettes, or “e-cigarettes,” closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid nicotine created by heat through an electronic ignition system. After testing a number of e-cigarettes from two leading manufacturers, the Food and Drug Administration (FDA) determined that various samples tested contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. The FDA’s testing also suggested that “quality control processes used to manufacture these products are inconsistent or non-existent.”<sup>27</sup> and

**WHEREAS**, electronic cigarettes are known to have caused serious injury from explosion of their rechargeable lithium batteries;<sup>28</sup>

**WHEREAS**, creating smoke-free areas helps protect the health of our children and the 80 percent of adults who do not smoke;<sup>29</sup> and

**WHEREAS**, a large number of citizens and visitors to the Village of Dexter find smoking and the use of tobacco products a serious health concern in both indoor and outdoor environments, particularly where a large number of people are gathered together in close proximity; and

**WHEREAS**, there is no Constitutional right to smoke or use other tobacco products;<sup>30</sup>

<sup>25</sup> Neighmond P. “Smoking Bans Help People Quit, Research Shows.” *National Public Radio*, October 25, 2007, [www.npr.org/templates/story/story.php?storyId=15610995](http://www.npr.org/templates/story/story.php?storyId=15610995).

<sup>26</sup> Siegel M, Albers AB, Cheng DM, et al. “Local Restaurant Smoking Regulations and the Adolescent Smoking Initiation Process: Results of a Multilevel Contextual Analysis Among Massachusetts Youth.” *Archives of Pediatrics and Adolescent Medicine*, 162(5): 477-483, 2008. Available at: <http://archpedi.ama-assn.org/cgi/reprint/162/5/477.pdf>.

<sup>27</sup> Food and Drug Administration, *Summary of Results: Laboratory Analysis of Electronic Cigarettes Conducted by FDA*. July 22, 2009, <http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm173146.htm>; Food and Drug Administration. *News Release, FDA and Public Health Experts Warn About Electronic Cigarettes*. July 22, 2009. Available at: [www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm173222.htm](http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm173222.htm).

<sup>28</sup> CBS News. “Electronic Cigarette Explodes in Man’s Mouth, Causes Serious Injuries.” *CBS News*, February 16, 2012, [http://www.cbsnews.com/8301-504763\\_162-57379260-10391704/electronic-cigarette-explodes-in-mans-mouth-causes-serious-injuries](http://www.cbsnews.com/8301-504763_162-57379260-10391704/electronic-cigarette-explodes-in-mans-mouth-causes-serious-injuries).

<sup>29</sup> California Department of Public Health, *News Release, State’s Latest Tobacco Ads Debut*. December 20, 2010. Available at: [www.cdph.ca.gov/Pages/NR10-099.aspx](http://www.cdph.ca.gov/Pages/NR10-099.aspx).

<sup>30</sup> Public Health Law & Policy, Technical Assistance Legal Center. *There Is No Constitutional Right to Smoke*. 2005. Available at [www.phlpnet.org/tobacco-control/products/there-no-constitutional-right-smoke](http://www.phlpnet.org/tobacco-control/products/there-no-constitutional-right-smoke).

## **SECTION II. DEFINITIONS**

The following words and phrases shall be construed as defined in this Section:

A. "Playground" means any park or recreational area designed in part to be used by children that has play or sports equipment installed or that has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds or on [City or County] grounds.

B. "Public Place" means an area to which the public is invited or in which the public is permitted.

C. "Recreational Area" means any public or private area open to the public for recreational purposes, whether or not any fee for admission is charged, including but not limited to, streets, sidewalks, amusement parks, athletic fields, beaches, fairgrounds, gardens, golf courses, parks, plazas, skate parks, swimming pools, trails, zoos.

D. "Tobacco product" means a preparation of tobacco to be inhaled, chewed, sucked or placed in a person's mouth, and also includes electronic cigarettes.

K. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe or electronic cigarette in any manner or in any form.

L. "Electronic cigarette" or "e-cigarette" means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.

**NOW, THEREFORE**, the Village of Dexter ordains that this policy is hereby added and shall read as follows:

### **SECTION 1**

#### **RESTRICTING SMOKING AND THE USE OF TOBACCO PRODUCTS, INCLUDING "ELECTRONIC CIGARETTES," IN OUTDOOR RECREATIONAL AREAS**

In order to provide for the public health, safety and welfare by discouraging the inherently dangerous behavior of smoking and other tobacco use around non-tobacco users, especially children, by protecting the public from exposure where members of the community live, work, and play; by reducing the potential for children to wrongly associate smoking and other tobacco use with a healthy lifestyle; and by affirming and promoting a healthy environment in the Village of Dexter, tobacco use is not permitted in any outdoor Recreational Area.

### **SECTION 2**

#### **REQUIREMENTS AND PROHIBITIONS**

1. The owner, operator, manager, or other person in control of an outdoor public place where smoking is prohibited shall clearly and conspicuously post "No Use of Tobacco Products" signs or "Tobacco Free" signs shall be posted in a quantity and manner reasonably likely to inform individuals occupying the area that tobacco product use is prohibited within the area. The signs shall have letters of no less than one inch in height and shall include the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle crossed by a red bar).
2. No ash can, ashtray, or other tobacco product waste receptacle shall be placed in any area in which tobacco use is prohibited.
3. No person shall dispose of used tobacco product waste within the boundaries of an area in which tobacco product use is prohibited.
4. No person shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another person who seeks to attain compliance with this policy.
5. The presence of tobacco product waste receptacles or the absence of signs required by this Section shall not be a defense to a violation of any provision of this policy.

### SECTION 3

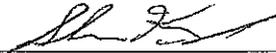
#### PENALTIES AND ENFORCEMENT

1. A person who violates or fails to comply with this policy shall be subject to one or more of the following:
  - a. asked to stop smoking or using the tobacco product;
  - b. asked to leave the premises;
  - c. liable for a [e.g., civil infraction, and subject to the civil fines set forth in Section 22-10 and any other relief that may be imposed by the Court].
2. Each instance of tobacco product use in violation of this policy shall constitute a separate violation. For violations other than tobacco use, each day of a continuing violation of this policy shall constitute a separate violation.
3. Any violation of this policy is hereby declared to be a nuisance.
4. Except as otherwise provided, enforcement of this policy is at the sole discretion of the Village of Dexter. Nothing in this policy shall create a right of action in any person against the Village of Dexter or its agents to compel public enforcement of this policy against private parties.
5. Any person may bring a civil action to enjoin a violation of this policy.

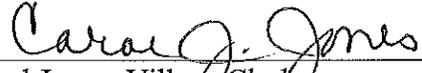
#### SECTION VI. EFFECTIVE DATE

This policy shall be effective thirty (30) days from and after the date of its adoption.

The policy was adopted by the Dexter Village Council at the regular meeting on August 27, 2012 and is effective on September 26, 2012.

  
 \_\_\_\_\_  
 Shawn Keough, Village President

9/27/2012  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Carol Jones, Village Clerk

9-12-2012  
 \_\_\_\_\_  
 Date

# VILLAGE OF DEXTER TREE REPLACEMENT RESTRICTED ACCOUNT

## POLICY STATEMENT

2008

Amended August 9, 2010

The Village of Dexter, by resolution of the Village Council and pursuant to Article VI, Section 6.14 (Tree) Replacement Standards, shall establish a restricted account for the purpose of accepting contributions for the sole purpose of funding planting and preservation of trees within the Village of Dexter. Planting and preservation shall include the purchase and planting of trees and the purchase of materials to assure the success of the planting including, but not limited to, water bags, mulch and stakes. The restricted account shall be entitled "Tree Replacement Restricted Account".

Any individual, corporation, agency or entity, public or private, may make unrestricted contributions to the account pursuant to Section 6.14 of the Village of Dexter Zoning Ordinance.

The Tree Replacement Restricted Account shall be administered and audited through the normal administrative structure of the Village of Dexter. The Village Manager or designee shall be responsible for the ultimate administration and accounting of all funds held in the account.

Funds in the Tree Replacement Restricted Account may be used to produce informational materials about tree planting and care. Such materials shall be approved by the Tree Board.

It is not the intent that funds in the Tree Replacement Restricted Account be used for routine or long-term tree maintenance, such as tree trimming or general storm damage clean-up, except where a tree is removed for the purpose of planting a new tree. Maintenance activities shall be funded and administered through the Village of Dexter's general operating fund. In the event of a natural disaster, epidemic disease, or insect infestation, funds in the restricted account may be used to remove and replace trees, provided use of the funds is recommended by the Tree Board and approved by the Village Council.

Contributors shall receive a copy of this policy statement. Additionally, contributors shall be given a standardized certificate of appreciation. Funds deposited in the Tree Replacement Restricted Account become the property of the Village of Dexter. Contributors shall be required to sign a release acknowledging their non-refundable contribution. The release shall also serve as a receipt for tax purposes.

**APPEALS** – Special project appeals are permitted when recommended by the Tree Board AND Parks and Recreation Commission AND approved by the Village Council. Appeals shall only be permitted for the following: tree removal and landscaping plantings that enhances the quality of parks and natural areas in the Village that is consistent with the goals and objectives of the Village of Dexter Tree Management Plan AND Parks and Recreation Master Plan. Engineering and design of such projects is not a permitted

appeal. When considering appeals all boards and commissions shall consider the remaining account balance for continued tree planting activities as intended by the creation of the account.

The Village of Dexter may from time to time amend the "Tree Replacement Account Policy Statement" by resolution of the Dexter Village Council.

Motion: Semifero

Support: Smith

Ayes: Carson, Cousins, Fisher, Smith, Keough

Nays: Semifero, Tell

Absent: None

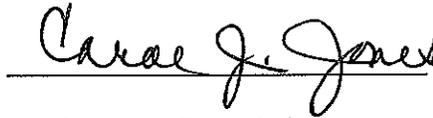
Resolution recommended by the Tree Board on the 22<sup>nd</sup> day, January 2008.

Resolution declared adopted by the Village Council this 28<sup>th</sup> day, January 2008.

Resolution amended by the Village Council this 9<sup>th</sup> day, August 2010.



Shawn Keough, Village President



Carol Jones, Village Clerk

# VILLAGE OF DEXTER TREE REPLACEMENT RESTRICTED ACCOUNT

## POLICY STATEMENT

2008

The Village of Dexter, by resolution of the Village Council and pursuant to Article VI, Section 6.14 (Tree) Replacement Standards, shall establish a restricted account for the purpose of accepting contributions for the sole purpose of funding planting and preservation of trees within the Village of Dexter. Planting and preservation shall include the purchase and planting of trees and the purchase of materials to assure the success of the planting including, but not limited to, water bags, mulch and stakes. The restricted account shall be entitled "Tree Replacement Restricted Account".

Any individual, corporation, agency or entity, public or private, may make unrestricted contributions to the account pursuant to Section 6.14 of the Village of Dexter Zoning Ordinance.

The Tree Replacement Restricted Account shall be administered and audited through the normal administrative structure of the Village of Dexter. The Village Manager or designee shall be responsible for the ultimate administration and accounting of all funds held in the account.

Funds in the Tree Replacement Restricted Account may be used to produce informational materials about tree planting and care. Such materials shall be approved by the Tree Board.

It is not the intent that funds in the Tree Replacement Restricted Account be used for routine or long-term tree maintenance, such as tree trimming or general storm damage clean-up. Maintenance activities shall be funded and administered through the Village of Dexter's general operating fund. In the event of a natural disaster, epidemic disease, or insect infestation, funds in the restricted account may be used to remove and replace trees, provided use of the funds is recommended by the Tree Board and approved by the Village Council.

Contributors shall receive a copy of this policy statement. Additionally, contributors shall be given a standardized certificate of appreciation. Funds deposited in the Tree Replacement Restricted Account become the property of the Village of Dexter. Contributors shall be required to sign a release acknowledging their non-refundable. The release shall also serve as a receipt for tax purposes.

The Village of Dexter may from time to time amend the "Tree Replacement Account Policy Statement" by resolution of the Dexter Village Council.

Motion: Carson

Support: Smith

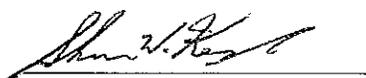
Ayes: Carson, Cousins, Fisher, Smith, Semifero, Tell, Keough

Nays: None

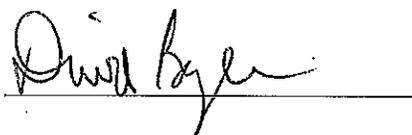
Absent: None

Resolution recommended by the Tree Board on the 22<sup>nd</sup> day, January 2008.

Resolution declared adopted by the Village Council this 28<sup>th</sup> day, January 2008.



Shawn Keough, Village President



David Boyle, Village Clerk