

TITLE 12 INFRASTRUCTURE

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Legislative Background: This Title was substantially amended by Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006. Said Act provided as follows:

... that the GTB Department of Public Works be established to regulate the operation and maintenance of all Tribally-owned water and wastewater system.

Pursuant to the authority vested in the Grand Traverse Band Tribal Council by the Tribal Constitution, the Grand Traverse Band Tribal Council hereby establishes a public utility known as the GTB Department of Public Works and enacts this ordinance which shall establish the authority of the organization.

Said Act also provided for the repeal of former Chapters 1 and 2 of Title 12, as amended July 26, 2000; for the adoption of Chapters 1 through 8 as set forth below; and for the redesignation of former Chapter 3, Building Code, and Chapter 4, Roads, as Chapters 9 and 10.

Chapter 1 - GTB Department of Public Works Ordinance

§ 101 - Purpose

- (a) The organization shall be organized and operated for the following purposes:
- (1) To provide for sanitary community water supply and community wastewater treatment and disposal systems;
 - (2) To assume control of and responsibility for the operation, repair and maintenance of the water and sewer facilities and equipment so as to keep said facilities in good operating condition, in accordance with accepted standards and practices;
 - (3) To establish service charges sufficient to sustain the proper operation, maintenance and repair of the system, and to provide for depreciation, and contingencies; and
 - (4) To collect such service charges from individuals, businesses, concerns and establishments and any other entities served by the system.

- (b) The purpose of this ordinance is to comply with the Clean Water Act, 33 U.S.C. § 1251 et seq.; Safe Drinking Water Act, 42 U.S.C. § 300f et seq.; and the provisions governing “Treatment as a State”. CWA § 518, 33 U.S.C. § 1377; SDWA § 1451, 42 U.S.C. § 300j-11.
- (c) Tribal Water Quality Standards are provisions of law that:
 - (1) specifically designate the uses of surface waters;
 - (2) establish the water quality criteria that are necessary to protect designated uses; and
 - (3) establish an antidegradation policy and implementation procedures for maintaining and protecting existing water quality.
 - (4) See Tribal Water Quality Standards Available through EPA, last visited April 18, 2006.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 102 - Definitions

- (a) “Tribe or Band” means the Grand Traverse Band of Ottawa and Chippewa Indians.
- (b) “Council” means the governing body of the Grand Traverse Band Tribal Council.
- (c) “GTB Department of Public Works” is the department that has been set up and is authorized to operate and maintain the community water and wastewater facilities and to provide utility services as directed by the Tribe.
- (d) “Community Water System” means the water supply system owned by the Tribe.
- (e) “Community Sewerage System” means the sewerage system owned and operated by the Tribe for the collection and disposal of liquid and water-carried domestic and industrial wastes.
- (f) “Department” means the GTB Department of Public Works.
- (g) “Plumbing Fixtures” means the receptacles, devices or appliances supplied with water or which receive or discharge liquids or liquid borne wastes, all necessary connecting pipes, fittings, control valves and appurtenances in or adjacent to the building.
- (h) “Individual Sewage Disposal System” means a sewage disposal system other than the community sewerage system for the collection and disposal of human excreta, or liquid or water-carried wastes, or both from one or more premises and includes privies, septic tanks, soil-absorption systems, chemical type toilets and similar facilities, together with all necessary connecting pipes, fittings, control valves and appurtenances.

- (i) “Domestic Well” means a well which serves or is intended to serve as a source of water supply or domestic use or drinking water.
- (j) “Persons” means an individual, firm, partnership, association, organization, corporation, or other legal entity.
- (k) “Commercial” means any building or facility which is not residential.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 103 - Organization

- (a) The affairs of the Department shall be managed by the Department’s Manager. The Department Manager reports to the Tribal Administration.
- (b) The Department Manager shall have the authority to exercise any and all powers delegated to the utility by this ordinance or any amendments thereto.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 104 - Powers

- (a) The Council, Tribal Manager, or Executive Assistant has the authority to enter into agreements, contracts, and understandings with any governmental agency, federal, state, or local or with any person, partnership, or corporation.
- (b) To purchase insurance for any property or against any risk or hazard.
- (c) To establish and maintain such bank accounts as may be necessary and convenient provided such accounts shall be fully covered by F.D.I.C.
- (d) To levy and collect reasonable fees for utilities and services, including but not limited to monthly service charges, connection fees, penalties, construction permits, and other assessments deemed necessary by the Department Manager and approved by the Council.
- (e) To issue bills and collect payment for sewer and water service from each individual, concern, or establishment served by the Tribally owned water and wastewater systems, and to maintain records of the income, disbursements, and expense of the operation of the systems.
- (f) The Tribal Administration shall employ personnel to operate the water and sewer facilities, establish the duties and compensation of employees, and to pay this compensation as an operating expense of the community water and wastewater systems.
- (g) The Tribal accounting department is responsible for the disbursement of monies for payment of existing and future operation and maintenance expenses of the community water and wastewater systems from the water and wastewater program account.

- (h) To prepare public notice of charge for water and sewer service to set the date for such charges to begin, and to send this notice to each individual, concern, or establishment served by the Community Water and Wastewater Systems.
- (i) To establish a “connection fee” for water and wastewater service connections to all persons, businesses and non-Indian residences using water according to the size of water service and the purpose for which use is intended.
- (j) To promulgate regulations to implement the authority of this ordinance.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 105 - Effective Date

The effective date of this ordinance is April 26, 2006, and supersedes all prior GTB Utility Department acts, ordinances, or resolutions except those resolutions related to the refinancing of the Grand Traverse Resort and Spa, LLC.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

Chapter 2 - Department of Public Works Regulations

§ 201 - Definitions

When used in the provisions of these regulations for the regulation of water and sewer facilities, the following words shall be defined as follows:

- (a) “Community” means the governmental entity known as the Grand Traverse Band of Ottawa and Chippewa Indians and its members in the State of Michigan.
- (b) “Department” means the Grand Traverse Band Department of Public Works created by the GTB Department of Public Works Ordinance, enacted on April 26, 2006, pursuant to the Constitution of the Grand Traverse Band of Ottawa and Chippewa Indians.
- (c) “Person” means an individual, firm, partnership, association, organization, corporation or other legal entity.
- (d) “Community Water System” means all public water supply systems owned and operated by the Grand Traverse Band.
- (e) “Community Sewerage Systems” means the sewerage systems owned and operated by the Grand Traverse Band for the collection, treatment and disposal of liquid and water-carried domestic and industrial wastes.

- (f) “Plumbing Fixtures” means the receptacles, devices or appliances supplied with water which receive or discharge liquids or liquids-borne wastes, all necessary connecting pipes, fittings, control valves and appurtenances in or adjacent to the building.
- (g) “Individual Sewage Disposal System” means a sewage disposal system other than the community sewerage system for the collection and disposal of human excreta, or liquid or water-carried wastes, or both, from one or more premises and includes privies, septic tanks, soil-absorption systems, chemical type toilets and similar facilities, together with all necessary connecting pipes, fittings, control valves, and appurtenances.
- (h) “Domestic Well” means a well which serves or is intended to serve as a source of water supply for domestic use or drinking water.
- (i) “Owner” means the legal owner of the premises which water or sewer service is to be provided.
- (j) “Occupant” is the person of record who at that time is the head of the household occupying the home whether being rented, leased or authorized by the owner.
- (k) “Cross-Connections” means a connection or arrangement of piping or appurtenances through which a backflow could occur.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 202 - Utilization of Community Water and Sewerage Systems

- (a) Public Policy of Grand Traverse Band.
 - (1) Use of Water Source Other Than Community Water System. It shall be the public policy of Grand Traverse Band to encourage any person constructing, maintaining or utilizing a source of water supply other than the community system for drinking and sanitation purposes to connect to the community water and sewer system. Individually owned and maintained domestic wells for irrigation purposes shall be permitted only upon compliance with requirements of the Michigan Department of Public Health, Indian Health Service, and the ordinances and regulations of the Grand Traverse Band Reservation.
 - (2) Disposal of Sewage and Liquid Wastes. It shall be the public policy of Grand Traverse Band to discourage any person from disposing of sewage, liquid wastes, or human excretion upon any premises located within two hundred (200) feet from any line of the community sewerage system or to provide for the disposal of such wastes from such premises other than through the utilization of the community sewerage systems.
 - (3) Occupancy of Certain Buildings. It shall be the public policy of Grand Traverse Band to encourage any person or occupant to not reside within any place of permanent or temporary residence of any building located within two hundred (200) feet of lines of the community water and sewerage systems or to conduct any

business in any such buildings unless said building is connected to the community water line and the community sewerage system, provided, that in the case of temporary buildings to be occupied for periods of not more than thirty (30) days in any one year upon application by the owner of such buildings and a showing satisfactory to the Authority that the source of water supply and the provision for sewage and waste disposal from such building is safe and adequate to protect the public health.

- (4) Commercial Agricultural Uses. It shall be unlawful for any person to utilize the water from the system for any commercial agricultural uses. Individual gardens shall be considered domestic uses.
 - (5) Unauthorized Connections.
 - (A) It shall be unlawful for any person to connect any individual water service line to the community water system, or to repair, modify, or disconnect any such connection except as provided herein.
 - (B) It shall be unlawful for any person to connect any individual sewer service line to the community sewerage system or to repair, modify, or disconnect any such connection except as provided herein.
 - (6) Cross-Connections. The customer shall not make a cross-connection with the Tribal Public Water Supply. A cross-connection is defined as any physical connection between the Tribal Public Water system and another piping system. Any individual source must be totally disconnected from the household plumbing prior to connection to the Tribal Public Water Supply. "Disconnection" done solely by a valve shall not be allowed. (See Chapter 4, Cross-Connection Control Ordinance.)
 - (7) Unauthorized Disposal. The customer shall not dispose of any material into the sanitary sewer which may cause the collection lines to become blocked or excessively loaded with solids, including but not limited to garbage, disposable diapers, sanitary napkins, paper material other than toilet paper, cigarette waste, cat litter, etc. The installation and use of garbage grinders on household waste plumbing is prohibited.
 - (8) Toxic Waste Disposal. No customer shall dispose of any toxic, radioactive or otherwise hazardous waste into any sanitary or storm sewerage system. Toxic and hazardous waste includes but are not limited to: oil, pesticides, gasoline, organic solvents, paint, poisons, medical waste, antibiotics, and other manufactured chemical compounds.
- (b) Order for Connection and Failure to Comply.
- (1) If any person fails to comply for more than ten (10) days after notice in writing from the Tribe or from the GTB Department of Public Works to make a connection or otherwise comply with these regulations and any regulations issued pursuant

thereto, the Tribe may cause connection to be made or compliance to be effected, and the expense thereof shall be assessed against his/her per capita.

- (2) The owner may within thirty (30) days after the completion of the work file a written option with the Tribe stating that he/she cannot pay such amount in one sum and ask that it be levied in not to exceed five equal annual installments, and the amount shall be collected with interest at the rate of ten percent (10%) per annum from the completion of the work.
 - (3) The unpaid balance shall constitute a special tax lien on per capita installments.
 - (4) Nothing in the foregoing provisions shall exempt such owner from being proceeded against for creating a public nuisance or from any of the penalties provided in these regulations.
- (c) Connections to Community Systems.
- (1) Making of Connections. All individual water service and sewer service connections and repairs, modifications, or disconnections shall be made only by a Michigan licensed plumber or contractor, upon approval of an application/permit and shall be done at the expense of the applicant or user. The permit can be obtained at the GTB Department of Public Works.
 - (2) Application for Water Service Connection.
 - (A) Each application for water service connection, repair, modification or disconnection shall be made in writing to the GTB Department of Public Works and shall be signed by the owner of the premises and shall include the following:
 - (i) Legal name and address of the applicant.
 - (ii) Description of the property and building for which the water service is requested.
 - (iii) The name and address of the person who will install the service lines from the building to be served to the community water system.
 - (iv) A description of the fixtures to be used in the structure or building.
 - (v) An agreement to be responsible for and to pay promptly all charges for the service in accordance with the applicable schedule of charges for the service.
 - (vi) Such additional information as the GTB Department of Public Works may require to demonstrate that the proposed connection complies with these regulations and any applicable regulations promulgated by the Grand Traverse Band Department of Public Works.

- (B) All application/permit fees shall be paid in full to the GTB Department of Public Works prior to issuance of any application permit.
- (3) Application for Sewer Service Connection.
- (A) Each application for sewer service connection, repair, or modification shall be made in writing to the GTB Department of Public Works, shall be signed by the owner of the premises and shall include the following:
 - (i) Legal name and address of the applicant.
 - (ii) Description of the property and building to be served.
 - (iii) A plan of the proposed location of all fixtures to be served and of the service lines to be installed including a description of the type and size of pipe showing the elevation of all fixtures and the service lines.
 - (iv) The name and address of the person who will install the service lines from the building to be served to the community sewerage system.
 - (v) An agreement to be responsible for and to pay promptly all charges for the service in accordance with the applicable schedule of charges for the service.
 - (vi) Such additional information as the GTB Department of Public Works may require to demonstrate that the proposed connection complies with these regulations and any regulations promulgated by the Grand Traverse Band Department of Public Works.
 - (B) All application/permit fees shall be paid in full to the GTB Department of Public Works prior to issuance of any application permit.
- (4) Approval of Application. If the GTB Department of Public Works is satisfied that the application and the proposed connection complies with these regulations and applicable regulations hereunder related to the utilization of the community water and sewerage system, it shall approve the application and make or allow the connection applied for, provided that, the GTB Department of Public Works may impose such conditions on its approval as it considers necessary to assure the safe and proper utilization and operation of the community water and sewerage systems.
- (5) Hearing on Denial of Application. Any person whose application for a connection has been denied or approved with conditions may within ten (10) days of official notification of the GTB Department of Public Works action, file a written request for a hearing before the Director of Public Works; if results of the hearing are unsatisfactory to the individual a hearing with the Tribal Manager can be requested. Such hearing shall be held within thirty (30) days after the filing of the request and

upon reasonable notification of the applicant. The GTB Department of Public Works shall affirm, modify, or revoke the application.

- (6) Installation of Service Lines.
- (A) All service lines from the building to be served to the point of connection to the community water or sewerage system shall be installed by the user or owner at his/her own expense, including the connection to the main.
- (B) The user and/or owner shall be responsible for the cost of maintenance and repair of his/her water and sewer service lines.
- (7) Meters. All commercial facilities/structures that are connected to any of the Tribally owned public water systems are required to install a water meter. All meters for measurement of utility services provided shall be installed in accordance with the requirements of the Department in such locations as determined by the Department and shall be maintained by the Department. All meters shall remain accessible to Department personnel and no person shall obstruct or tamper with any meter. Such obstruction or tampering shall be a violation of these regulations and subject the violator to actual damages and civil penalties under these regulations. The assignee of the property on which the meter is located shall be responsible for all damage to or tampering with the turn off/on water valve attached to such meter.
- All residential connections to a Tribally owned public water supply shall be metered.
 - All new construction shall be metered prior to connection.
 - All existing connections shall be metered at the owner's expense.
- (8) Rate Schedule. There will be a rate schedule established by the Department of Public Works providing services to water and sewer customers. This rate schedule will include but is not limited to a metered rate and/or a monthly fee determined by the size of the service connection.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 203 - Inspections

- (a) Authorized Inspections. The Grand Traverse Band Department of Public Works, and its authorized agents, as well as the authorized agents of the Tribe, are hereby authorized to make such inspections at reasonable times during daylight hours as are necessary to determine satisfactory compliance with these regulations and the regulations promulgated hereunder.
- (b) Duty to Permit Entry. The owner and occupant of a property shall provide such agents of the GTB Department of Public Works and of the Tribe access to the property for the purpose of making such inspections, and to read meters.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 204 - Operation and Maintenance

- (a) Administration.
- (1) Responsibility for operation and maintenance of the water and sewerage systems shall be vested solely in the Grand Traverse Band Department of Public Works, including the responsibility of making the necessary inspections.
 - (2) Responsibility for enforcement of these regulations shall be vested in the GTB Department of Public Works, which shall report all instances of violation and noncompliance to the Grand Traverse Band Tribal Manager, then to the Tribal Council. Responsibility for legal action to enjoin violations, to enjoin public nuisances, to collect penalties, and to prosecute violators shall be vested in the GTB Department of Public Works, which shall be obligated to take any appropriate legal action based upon a complaint filed by a resident of the community or customer of the GTB Department of Public Works.
 - (3) The GTB Department of Public Works shall collect, retain and disburse all charges and fees in accordance with the schedule of charges and fees established. Such schedule of fees and charges may be amended or altered by the Department in the manner provided, but such schedule and the amendments thereto shall have no force nor effect until duly posted as provided. Such schedules shall be approved by the Tribal Council of the Grand Traverse Band Reservation.
 - (4) Regulations.
 - (A) Rules and regulations of the GTB Department of Public Works under these regulations shall be adopted or amended after a public hearing. Notice of the proposed action shall contain the entire text of the proposed rules or regulations or shall state generally the substance thereof and advise where the text is available, the time and place of the hearing, and shall be posted for public inspection at the office of the GTB Department of Public Works for a period of not less than ten (10) days prior to the date of the hearing.
 - (B) A current file of all rules and regulations adopted by the GTB Department of Public Works under these regulations shall be available for public inspection during regular business hours at the office of the GTB Department of Public Works.
 - (C) The GTB Department of Public Works is authorized to adopt and amend from time to time, rules and regulations to carry out the provisions of these regulations; but no person shall be bound for any such rule or regulation unless it shall have been posted for public inspection for ten (10) consecutive days before its adoption. All amendments are subject to approval or disapproval by the Grand Traverse Band Tribal Council.

- (b) Operation and Maintenance of Water and Sewerage Systems.
- (1) Standards for Installation. The GTB Department of Public Works may promulgate, alter and amend regulations establishing standards for the installation of domestic fixtures to be served by connections to the community water and sewerage systems, and for the installation of water and sewer service lines, for the purpose of assuring the safe and efficient utilization of the community systems. All service lines shall be installed in accordance with such applicable standards.
 - (2) Standards of Operation and Maintenance. The GTB Department of Public Works shall operate and maintain the water and sewer systems in accordance with the provisions of these regulations, as amended, and in compliance with the standards and requirements for operation and maintenance from time to time promulgated, ordered or defined by executive agencies of the federal government with subject matter jurisdiction.
 - (3) Consumer's Option to Install New Meter. If the Residential consumer is unhappy with the basis of charge, he/she can at his/her own expense obtain a water meter of a type approved by the American Water Works Association. The consumer also must furnish test results to verify that the meter registers within two percent plus or minus of the true amount of water delivered on the maximum flow for the size and type of meter supplied. The meter will then be installed at the customer's expense and read periodically by the GTB Department of Public Works employees. The water bill will then be computed on the basis of the gallons actually used according to the rate in the fee schedule. The sewer bill will equal to one hundred percent (100%) of the water bill and in no case will the minimum charge for water and sewer service be less than the flat rate charge for residential use. Meter accuracy must be affirmed by a qualified test facility at least once every three (3) years at the consumer's expense.

No meter shall be removed or otherwise disturbed except by GTB Department of Public Works employees or parties authorized by the Tribal Manager and/or Tribal Council.
 - (4) General Rules With Respect to Large Users of Water.
 - (A) Before proceeding with the purchase of any equipment which will necessitate the use of large quantities of water within short periods of time, the GTB Department of Public Works shall be consulted for advice as to the best method of installation and for information concerning the conditions under which the water will be supplied to the premises of the customer.
 - (B) In general, the GTB Department of Public Works reserves the right to limit the size of service connections or opening through which its service is furnished for filling storage tanks, hydraulic equipment, private fire service, or other classes of service capable of drawing relatively large quantities of water and thereby causing undue fluctuations of pressure in portions of the system.

- (5) **Termination of Service; Abandonment.** A customer planning to vacate the grounds, building or residence served by the GTB Department of Public Works shall notify the GTB Department of Public Works in writing one week prior to the date the customer plans to either vacate or terminate service, whichever is later. A customer who fails to give notice is responsible for all charges accrued up to one week after notice is received by the GTB Department of Public Works, or up until service is terminated, whichever comes first.
- (6) **Occasional Service.** Excessive water taken from a tap and used for construction work, must be covered by a written permit which can be obtained only from the GTB Department of Public Works. No contractor or construction worker shall draw excessive water from the community system without obtaining a permit. No customer shall allow any contractor, mason, laborer or other person to take excessive water from the customer's premises without presentation of a permit from the Department. A customer failing to comply with this rule shall have his/her service shut off, and upon conviction thereof shall be punished as provided in Chapter II.
- (7) **Waste of Water Prohibited.** Excessive use of or waste of water whether caused by carelessness or defective or leaking plumbing is strictly prohibited and is cause for termination of service. The GTB Department of Public Works shall reserve the right to determine excessive use.
- (8) **Limitations of Sprinkling.** In the event there shall be a shortage of supply of water for any reason, and particularly in the summer due to heavy sprinkling, the GTB Department of Public Works may declare an emergency to exist in which event the water users shall be restricted in the use of water for sprinkling, as determined by the GTB Department of Public Works. The emergency shall be deemed to exist until the GTB Department of Public Works shall proclaim by another notice that the same has terminated.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 205 - Penalties; Savings Clause; Effective Date

- (a) **Penalties.** Any person who violates, refuses to comply with, or resists the enforcement of, any of the provisions of these regulations shall be subject to a fine of not less than twenty-five dollars (\$25.) nor more than five hundred dollars (\$500.) by the GTB Tribal Court.
- (b) **Other Proceedings.** Nothing in the foregoing Article A shall exempt such violator from being proceeded against by the GTB Department of Public Works for creating a public nuisance nor from having water or sewerage services terminated by the GTB Department of Public Works.
- (c) **Conflict of Ordinances or Regulations; Effect of Partial Invalidity.** In any case where a provision of these regulations is found to be in conflict with a provision of any zoning, building, fire safety, or health ordinance, code or resolution, existing on the effective date

of these regulations, the provision which, establishes the higher standard for the promotion and protection of the health and safety of the people, shall prevail; in any case, a ordinance, which establishes a lower standard for the promotion and protection of the health and safety of the people than the provisions of these regulations, shall be superseded by these regulations, and such other ordinances, codes, resolutions are hereby declared to be repealed to the extent that they may be found in conflict with these regulations.

If any chapter, subchapter, paragraph, sentence, clause, or phrase of these regulations shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of these regulations, which shall remain in full force and effect; and, to this end, the provisions of these regulations are hereby declared to be severable.

- (d) **Damages; No Claims For.** No persons using water or sewer services provided by the GTB Department of Public Works shall enter a claim against the GTB Department of Public Works, the Tribe or the office thereof for damages to any fixture or appurtenance by reason of back-up of sewage or sewer gas or interrupted water supply or variation pressure, or for damages of any nature caused by turning off or on either partially or entirely, of the water supply for any premises, either for repairs or alterations of any water main, or for the discontinuance of the service to his or their premises for violation of any rule or regulation of the GTB Department of Public Works. No claims will be allowed against the GTB Department of Public Works on account of interruption of supply caused by breaking of pipes or by stoppage for repairs or for fire or other emergency. In case of a probable stoppage of water supply when time of interruption can be forecast, every reasonable attempt will be made by the GTB Department of Public Works to acquaint the consumer with the action proposed.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

Chapter 3 - GTB Department of Public Works – Operating Guidelines

This Plan of Operation and any amendments thereto shall serve as the operating guideline for the GTB Department of Public Works (“Department”).

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 301 - Purpose

The purpose of the Department will be to manage, operate, and maintain utility systems of the Grand Traverse Band of Ottawa and Chippewa Indians (“GTB,” “Tribe”).

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 302 - Place of Business

The Department will maintain an office in Peshawbestown, Michigan. Its address will be:

Grand Traverse Band Department of Public Works
2605 N. West Bayshore Drive
Peshawbestown, MI 49682

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 303 - Services Offered

- (a) **Water Service.** The Department is responsible to provide safe, adequate water for a fee to those houses connected to the mainlines of Tribally owned public water systems. Responsibility for maintenance will include water sources, storage tanks, controls, mainlines, valves and hydrants, and service lines to the curb stops only. The service line from the curb stop to the house or building and the interior plumbing are the responsibility of the customer.
- (b) **Sewerage Service.** The Department is responsible to provide sanitary disposal of domestic waste for a fee to those houses and businesses connected to the main lines of the community sewerage systems. Responsibility for maintenance will include treatment facilities, pumping stations, mainlines and manholes, and service lines to the property lines only. The Service line from the property line to the house or business and interior plumbing are the responsibility of the customer.
- (c) **Customer Service.** To ensure the provision of adequate water and sewerage service to its customers, the Department will retain qualified personnel on duty or on call at all times. The Department will respond as quickly as possible to breakdowns and other emergencies. The Department's personnel can be contacted at 231-534-7376.
- (d) **Septic Tank Service.** The Department may elect to provide for pumping of individual septic tanks for a fee. Responsibility of the Department will cover only such elective pumping. The Department cannot guarantee the operation of improperly designed, maintained or constructed septic tank systems.
- (e) **Other Services.** The Department may agree to perform under contract with governmental, tribal, or private bodies, construction or operation and maintenance services.
- (f) **Future Services.** At some future date, the Department may assume responsibility to provide solid waste disposal, electrical, gas, telephone, or other utility services. None of these services are available through the Department at the present time.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 304 - Services Covered

- (a) **Water (Community Systems).**
 - (1) All Grand Traverse Band Public Water Systems within the six-county service area. Currently: Peshawbestown, Turtle Creek and the Grand Traverse Resort.

- (b) Sewerage (Community Systems).
 - (1) All Grand Traverse Band Community Sewer Systems within the six-county service area. Currently: Peshawbestown and Turtle Creek.
- (c) Those individuals not on the community water or sewer systems are responsible for maintenance of their individual systems.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 305 - Maintenance Schedule

The Department will develop and follow a regular schedule of maintenance services for each water and sewage system. These services will include, but not be limited to the following:

- (a) Water Systems – Community Water Systems.
 - (1) Inspect and operate all valves and hydrants.
 - (2) Inspect and repair water mains for leaks or damage.
 - (3) Flush water lines.
 - (4) Inspect storage tank and level indicators.
 - (5) Adjust and service controls
 - (6) Maintain all components as necessary.
 - (7) Collect all water samples as required by the Safe Drinking Water Act, 25 U.S.C. §§ 300f – 300j-26.
- (b) Sewerage Systems – Community Sewerage Systems.
 - (1) Flush sewer mains.
 - (2) Remove debris from manholes.
 - (3) Inspect and service lift stations.
 - (4) Operate and maintain wastewater treatment plants.
 - (5) Perform all sampling and testing in accordance with the NPDES permit requirements.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 306 - Rate Structure

The rate structure and fee schedules shall be determined based on the actual costs of operation and maintenance for each of the systems. All rates and fee changes must be approved by the GTB Tribal Manager. The fee schedules are available at the Department's office in Peshawbestown.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 307 - Billing and Collection

- (a) The Department will maintain a complete and up-to-date record of all customers served by those systems operated by the Department . Additions and deletions will be made as soon as the Department learns of changes.
- (b) The Department will send out a water and wastewater bill for services on the first day of each month. Payment will be due on the 10th day of the month. Non-payment by the 20th day of the following month will be cause for the Department to shut off the customer's water service.
- (c) Customers may make payments by cash, check or money order at the GTB Housing Department office in Peshawbestown, Michigan. The customers will receive a signed receipt for payment.
- (d) Customers requesting new services or re-connection shall make arrangements with the Department works for payment prior to receiving the services.
- (e) If a customer's water service is discontinued they must pay all of the delinquent charges plus the re-connection fee before the Department will restore water service.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 308 - Enforcement

- (a) The Department is hereby authorized by the GTB Tribal Council to collect fees for services and to shut off services for non-payment.
- (b) The Department shall enforce its regulations and fee collections by shutting off water service of any and all violators and delinquent bill payers; provided, however, that any shut off of water service shall not be effected if the water user is currently a family in crisis, receiving GTB or state human services. The Department shall not seek to attach customer's property, nor seek to have fines assessed by the GTB Tribal Court, except in limited cases of blatant or continued abuse or destruction of property.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 309 - Bookkeeping and Handling of Funds

- (a) The Department will follow normal Tribal procedures for bookkeeping and banking. This will allow convenient handling of funds through the same bank of the Tribe, while also providing separate accounting of the Department's funds.
- (b) Actual handling of the Department's funds will be handled by the GTB Accounting Department.
- (c) All accounts and ledgers of the Department shall be available for audit at any time by the Tribal Auditor or auditor of the Tribe's choice.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 310 - Management

- (a) The Department will manage the operations of the water and wastewater facilities. The water and wastewater program director will have the responsibility to direct the work of all employees of the Department. He or she shall establish a direct chain of command for orderly functioning of the office and operation and maintenance of the utility systems.
- (b) Job descriptions for all employees will be developed and followed.
- (c) Employees of the Department will receive wages and benefits comparable to employees of the Tribe. Employees will retain their right of final appeal to the Tribal Grievance Committee should any dispute with the Department Manager not be resolved.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 311 - Grievance Procedure

The Department is designed to serve the people of the Tribe and the community it serves. Any grievance or customer complaint should be put in writing and delivered to the GTB Administration Building, and shall follow the "Statement of Due Process" procedures.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 312 - Amendments or Revisions

The Plan of Operation may be amended by a simple majority vote of the GTB Tribal Council as provided by law.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

Chapter 4 - GTB Department of Public Works – Cross-Connection Control Rules

In accordance with the requirements set forth by the Safe Drinking Water Act, 42 U.S.C. §§ 300f-300j-26, and by the Michigan Department of Environmental Quality (“MDEQ”), the Grand Traverse Band of Ottawa and Chippewa Indians (“GTB,” “Tribe”) has hereby adopted the State of Michigan’s cross-connection control rules to protect the Tribally owned public water supply systems.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 401 - Definitions

- (a) “Cross-Connection” is defined as a connection or arrangement of piping or appurtenance through which a back flow could occur.
- (b) “Backflow” means water of questionable quality, waste, or other contaminants entering a public water supply system due to a reversal of flow. The cross-connection control program will take effect upon approval of this ordinance by the Tribal Council.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 402 - Authority

- (a) The authority to carry out and enforce a local cross-connection control program will be in accordance with the GTB Department of Public Works Ordinance.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 403 - Right of Entry; Inspection

- (a) The GTB Department of Public Works, or representative of, shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the Tribe for the purpose of inspecting the piping system or systems thereof for cross-connections. On request, the owner, lessees, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connection.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 404 - Local Inspections

- (a) The GTB Director of Public Works and/or his designated agent shall be responsible for making the initial cross-connection inspections and re-inspections to check for the presence of cross-connections with the public water supply systems. Individuals

responsible for carrying out the cross-connection inspections and re-inspections shall have obtained necessary training through any available manuals on cross-connection prevention, including the Cross Connection Rules Manual as published by the MDEQ and attendance of any cross-connection training sessions sponsored by the MDEQ or other recognized agencies.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 405 - Inspection Schedule

The schedule for inspections shall be in accordance with the following general outline:

- (a) Known or suspected secondary water supply cross-connections shall be inspected first (surface water, wells with isolation, construction, and/or bacteriologic records not acceptable or ascertainable, recirculated water, etc.).
- (b) Known or suspected submerged inlet cross-connections will be inspected next.
- (c) In general, emphasis will be placed on making inspections initially of all industrial and commercial establishments or where cross-connections are known or suspected to exist. A general area review will follow in a logical sequence as time permits. Emphasis will be placed on inspecting all industrial and commercial establishments.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 406 - Re-Inspection Schedule

- (a) In order to assure against the hazards of cross-connections, it will be necessary to periodically and systematically re-inspect for the presence of cross-connections. The schedule for re-inspection shall be in accordance with the schedule as noted in the Cross Connection Rules Manual. Whenever it is suspected or known that modifications have taken place with piping systems serving a particular water customer, re-inspections of the premise will be made.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 407 - Protective Devices

- (a) The methods to protect against hazards of cross-connections as outlined in the Cross Connection Rules Manual will be incorporated into the Tribal cross-connection control program. Whenever any deviation from the recommended methods of protection is contemplated, approval from the GTB Director of Public Works shall first be obtained.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 408 - Compliance Time

The time allowed for correction or elimination of any cross-connection found shall be as follows:

- (a) Cross-connections which pose an eminent and extreme hazard shall be disconnected immediately and so maintained until necessary protective devices or modifications are made.
- (b) Cross-connections which do not pose an extreme hazard to the water supply system, but nevertheless constitute a cross-connection should be corrected within a reasonable period of time. The length of time allowed for correction should be reasonable and may vary depending on the type of device necessary for protection. The water utility shall indicate to each customer where a cross-connection is found to exist, and the time period allowed for compliance [thirty (30) to sixty (60) days is usually sufficient time for small devices].

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 409 - Testable Devices

- (a) All testable devices shall be tested upon installation and at one year intervals in accordance with the Cross Connection Rules Manual. Records of test results shall be provided to and be maintained by the GTB Department of Public Works. All costs incurred for the testing of backflow prevention devices shall be the responsibility of each facility equipped with such devices. Only individuals approved by the GTB Director of Public Works shall be qualified to perform such testing. That individual(s) shall certify the results of his/her testing.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 410 - Residential Dual Check

- (a) Effective the date of the acceptance of this Cross-Connection Control Program for the Tribe, all new residential buildings will be required to install a residential dual check device immediately downstream of the water meter. Installation of this residential dual check device on a retrofit basis on existing service lines will be instituted at a time and at a potential cost to the homeowner as deemed necessary by the GTB Department of Public Works.
- (b) The owner must be aware that installation of a residential dual check valve results in a potential closed plumbing system within his/her residence. As such, provisions may have to be made by the owner to provide for thermal expansion within his/her closed loop system, i.e., the installation of thermal expansion devices and/or pressure relief valves.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 411 - Strainers

- (a) The GTB Department of Public Works strongly recommends that all new retrofit installations of reduced pressure principle devices and double check valve backflow preventers include the installation of strainers located immediately upstream of the backflow device. The installation of strainers will preclude the fouling of backflow devices due to both foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic cleaning and flushing of mains, etc. These occurrences may “stir up” debris within the water main that will cause fouling of backflow devices installed without the benefit of strainers.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 412 - Facilities/Residences With Individual Wells

- (a) Any individual water source must be totally disconnected from the household or facility plumbing prior to connection to a Tribal Public Water Supply. “Disconnection” done solely by a valve shall not be allowed.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 413 - Enforcement

- (a) The GTB Department of Public Works is authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this ordinance.
- (b) This ordinance and rules do not supersede the state or national plumbing code, but is supplementary to them.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

Chapter 5 - GTB Department of Public Works – Customer Service Connections

- (a) A Water/Sewer Permit must be obtained from the GTB Department of Public Works before making any connections to the Grand Traverse Band Community Water or Sewer System.
- (b) Any and all work must be inspected by the GTB Department of Public Works prior to covering. A licensed plumber must perform all meter installations and all materials must meet the following specifications.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 501 - Water Service Lines

(a) General Requirements

- (1) All water service lines will be installed at locations specified by the Tribal Utility or Project Engineer.
- (2) Minimum diameter shall be 1 inch. The diameter of the service lines greater than 200 feet in length shall be sized larger as approved by the Tribal Utility.
- (3) All water service lines must be buried a minimum depth of 6 feet. All traveled areas, including driveways and walkways, must have two-foot-wide and three-inch thickness of extruded polystyrene insulation [twenty-five (25) psi compression] centered over the pipe. A minimum of two (2) feet of cover is required over the insulation.
- (4) Splices are not allowed in the service line without the written permission of the Tribal Utility. Splices will not be permitted within ten (10) feet of a sewer line.
- (5) All service lines must be tested under pressure by turning on the corporation stop and applying main pressure to the service line before backfilling. A Tribal Utility representative or Project Engineer must witness all testing.
- (6) Shutoff of mains will not be permitted overnight, over weekends, or on tribal or federal holidays.
- (7) A minimum of three days notice must be given to the Tribal Utility before any connections are made.
- (8) Any residents or businesses that will be affected by water shutoff must be notified of the day and time of shutoff, a minimum of two (2) working days in advance. (Coordinate with the Tribal Utility.)
- (9) Work shall not start until all materials, equipment and labor are on site.
- (10) All connection components must be cleaned with a fifty (50) ppm (minimum) chlorine solution prior to installation.
- (11) Once work has started, it shall proceed continuously without interruption, and as rapidly as possible until completed.
- (12) Backfill six (6) inches in all directions around the service lines with coarse sands and gravels with maximum particle size of one and one-half (1 1/2) inch, clean or borderline clean. If existing material is unsuitable for backfilling then suitable backfill shall be trucked in and installed around the service line.

- (13) In no event shall any frozen material be used for backfill.
- (14) Any and all trenching and excavation work shall be done in accordance with proper emphasis on safety as determined by the contractor to conform to recommended safety standards such as OSHA 1910 and 1926.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 502 - Water Service Line Materials

- (a) Polyethylene Pipe (PE) or Copper Pipe shall be used for all service lines from the main line to the home or building being served.
 - (1) PE pipe shall be CTS (Copper Tube Size) size with a minimum pressure rating of one hundred sixty (160) psi. Pipe shall conform to AWWA C901 and be suitable for public water supply.
 - (2) Compression couplings with stainless steel stiffeners must be used at all joints and couplings for PE pipe.
 - (3) Copper pipe shall be Type K, suitable for public water supply.
- (b) Saddles - A saddle must be provided as part of the service connection if one does not already exist on the mainline. One of the following saddle types shall be used based on the pipe size.
 - (1) PVC SDR 26 or SDR 21 IPS Pipe: Stainless steel double bolt saddle clamps equal Cascade style CSC2 or to Ford style FS202.
 - (2) PVC C900 or Ductile Iron Pipe: Stainless steel single bolt saddle clamps equal to Ford style FS101.
- (c) Corporation Stops - A corporation stop must be provided as part of the service connection if one does not already exist on the mainline. All corporation stops shall be brass with compression connections. All connections shall be live tapped through the corporation stop with an approved tapping machine.
 - (1) For CTS PE or copper pipe: Use A.Y. McDonald 4704 - 22 or Mueller H-15028.
- (d) Curb Stops - A curb stop must be provided as part of the service connection if one does not already exist. Use best quality brass Minneapolis pattern curb stops. All curb stops must be set on a solid block four (4) inches thick by eight (8) inches by sixteen (16) inches and placed on undisturbed earth.
 - (1) For CTS PE or copper service line: Use Mueller H - 15155, A.Y. McDonald 6104 - 22, or equal.

- (e) Curb Boxes with Stationary Rod - A curb box with a stationary rod must be provided as part of the installation if one does not already exist. The top of all curb boxes will be set flush with the ground or adjacent sidewalk or curb. Curb boxes must be supported during the backfilling operation to prevent movement, and a vertical position must be maintained. The rod must extend to within 6 inches of the top of the curb box.
 - (1) Cast iron Minneapolis pattern, 6 feet in length with stationary rod.
 - (2) 1-inch service line: Mueller H - 10302, Ford EM2 style or equal.
 - (3) Curb box lids: Mueller No. 89376, A.Y. McDonald 5607L or equal.
- (f) Freezeless Risers And Fittings - Freeze less risers must be installed on all mobile homes. No galvanized fittings or kinks in copper tubing are allowed. All risers must be installed directly below the point of connection to the house plumbing whenever possible. Set risers at an angle that will allow for the removal of the interior components of the riser without moving the mobile home or excavating the freeze less riser. Risers shall be equal to True-Temp Positive Purge Model 7PPDB with copper riser pipe or Thermaline model 15. A hand-operated shut off valve shall be placed at the home entrance. Shut off valves installed above floor grade shall be equipped with non- thermostatically controlled heat tape.
- (g) Meters - All connections are required to install a Neptune T-10 water meter with a ProRead remote reading device. All commercial connections shall be metered with the appropriate size meter based on the size of the service line. The Tribal Utility prior to installation must approve all commercial meter selections.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

Chapter 6 - GTB Department of Public Works – Fluoridation

§ 601 - System Design Requirements

- (a) General. The following equipment design requirements shall apply to all new community drinking water systems that will have additional Fluoride added to the water. Paragraphs (1) and (2), below, must be incorporated within sixty (60) days of approval of this ordinance on all current community drinking water systems adding Fluoride to the drinking water.
 - (1) The fluoride chemical pump must be installed so that it cannot operate unless water is being pumped into the system past the injector.
 - (2) It must be made physically impossible to plug the fluoride-metering pump into any standard continuously energized (hot) electrical outlet. The fluoride metering pump, the flow switch, and the water pump control circuit must be connected in series along with a parallel circuit containing an adjustable timer and holding circuit with both of the later two items connected in series with each other. It is the intent of this description to have the twist lock design electrical outlet into which the fluoride-metering pump is plugged and energized only when there is flow from the water

pump. If two water pumps are normally pumping together when water production is requested, each water pump shall have a flow switch and both flow switches shall have to be closed before the outlet that energizes the fluoride-metering pump is energized.

- (3) All the water to be treated must pass the fluoride injection point.
- (4) The fluoride injection point in a water line should be located in the lower one-third (1/3) of the pipe, and the end of the injection line should extend into the pipe approximately one third of the pipe's diameter.
- (5) A corporation style stop valve shall be connected into the water production pipe at the fluoride injection point. A stainless steel safety chain or cable shall be installed connecting the injector assembly to the corporation stop to protect the water plant operator and water plant from a possible blowout of the injector assembly.
- (6) Two diaphragm-type, antisiphon devices shall be installed in the discharge line coming from the fluoride-metering pump. The antisiphon device should have a diaphragm that is spring-loaded in the closed position. These devices should be located at the fluoride injection point and at the metering pump head on the discharge side.
- (7) The fluoride metering pump should be located on a shelf not more than four (4) feet [one and two-tenths (1.2) meters] higher than the lowest normal level of liquid in the solution container.
- (8) For safety, fluoride-metering pumps should be sized to feed not more than one and zero-tenths (1.0) mg/L fluoride in the water near the stroke and speed settings that are equal to fifty percent (50%) of the metering pump total capacity [forty-nine percent (49%) of capacity of an electronic chemical pump is achieved at speed and stroke settings of 70].
- (9) The priming switch on the metering pump should be spring-loaded to prevent the pump from being started erroneously with the switch in the priming position.
- (10) No customer shall be allowed to connect to the finished water line within one hundred (100) feet [thirty and five-tenths (30.5) meters] of the fluoride injection point without the installation of an in-line mixer, small mixing tank or storage tank within that one hundred (100) feet.
- (11) A master meter must be on the main water service line so that calculations can be made to confirm that the proper amounts of fluoride solution are being fed.
- (12) The fluoride feed lines must be clearly identified by some means and the direction of flow indicated on the lines. If a color code is used, it should be light blue with red bands.

- (13) All hose connections within reach of the fluoride feed equipment should be provided with a hose bib vacuum breaker.
 - (14) All fluoride chemicals must conform to the appropriate American Water Works Association (AWWA) standards (B-701). It is recommended that a one-year supply of fluoride chemical be maintained to minimize the effect of a possible fluoride chemical shortage.
 - (15) Cross-connection controls that conform to this ordinance must be provided.
- (b) Injection Systems. The following injection systems are approved for installation in Grand Traverse Band community water systems.
- (1) Sodium Fluoride Saturator System.
 - (A) When using this system, the installation shall be installed using the guidelines developed by the CDC as referenced in Paragraph 4d.
 - (B) Unsaturated (batch-mixed) sodium fluoride solution shall not be used in water fluoridation. Soften water used in the saturator to less than four (4) grains hardness.
 - (C) Only granular sodium fluoride should be used in saturators for operator safety and to prevent plugging the saturators.
- (c) Frequency.
- (1) Water system personnel must monitor fluoride levels in each water distribution system at least five (5) days per week. On systems that are inspected daily, the fluoride levels must be inspected daily. Samples that will reflect the actual level of fluoride in the water system should be taken at points throughout the water system.
 - (2) A testing plan shall be developed for each system so that each portion of the system is tested within thirty (30) days.
- (d) Split Sampling.
- (1) At least once each quarter, a sample from each water distribution system where fluoride is injected shall be divided with one portion analyzed for fluoride by water system personnel and the other portion analyzed by an EPA approved laboratory. The results of the split sample should be within twenty percent (20%) of the value of the EPA approved laboratory. Variations beyond this should be investigated for consistency with previous deviations, quality of mixing, and method of sampling.
- (e) Calculated Dosage. Water system personnel must calculate the fluoride levels in each water distribution system at least five (5) days per week. On systems that are inspected daily, the fluoride levels must be calculated daily. This is done using the weight of fluoride injected compared to the volume of water pumped since the last measurement.

$$\text{Calculated Dosage (mg/L)} = \frac{\text{fluoride fed (lbs)} \times \text{AFI} \times \text{chemical purity}}{\text{Actual production (MG)} \times 8.34 \text{ lbs/gal}}$$

(Where AFI is the Available Fluoride Ion Concentration)

- (f) **Acceptable Range of Fluoride Levels.** The optimal range for fluoride levels in the Grand Traverse Band Community Water Systems is one and one-tenths (1.1) ppm to one and five-tenths (1.5) ppm. When a test result is at or near the top end of the analyzer scale, the water sample must be diluted and retested to ensure that high fluoride levels are accurately measured. Immediate action must be taken if the fluoride level exceeds this range. Table 1 indicates the required action for any overfeeds. Table 2 provides the recommended optimal fluoride levels based on the annual average of maximum daily air temperatures.
- (g) **Source Water Testing.** The source water from each well located in a community water system injecting fluoride shall be tested on an annual basis with the sample to be taken before the injection point. The testing shall be completed by an EPA approved laboratory. This value shall be used to adjust the dosage of fluoride added to the system.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 602 - Reserved

History: No § 602 was included in Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 603 - Reporting

- (a) The operator shall keep a daily logbook at each system injecting fluoride of all fluoride test results noting the date, test results and location in the system. The logbook shall include the date, place, time of sampling and the name of the person who collected the sample.
- (b) The operator shall keep a daily logbook at each system injecting fluoride of all calculated test results including the amount of fluoride used, make-up water used, and the pumping records. The logbook shall include the date, place, time of sampling and the name of the person who collected the sample.
- (c) The operator shall record the split sample results on a quarterly basis and maintain a file of test results and comparisons.
- (d) The summary of all fluoride test results should be made available to other Grand Traverse Band departments if requested.
- (e) The test record file shall be maintained for a period of not less than two (2) years.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 604 - System Maintenance

- (a) Operation and Maintenance schedules (O&M) must be established to maintain the equipment. See Table 3 for recommended maintenance.
- (b) Fluoride feed equipment, controls, safety equipment and plan, storage area, testing equipment, accessory equipment, and other appurtenances must be inspected annually.
- (c) All antisiphon devices must be dismantled and visually inspected at least once a year.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 605 - Safety Procedures

- (a) The use of personal protective equipment (PPE) is required when fluoride compounds are handled or when maintenance on fluoridation equipment is performed. See Personal Protective Equipment, Occupational Safety and Health Program Act (6 HCC § 8-7).
- (b) An on-site emergency plan must be established and maintained for each water system injecting fluoride and should be based on the type of fluoride used. This plan must include public notification procedures based on Table 1.
- (c) Sodium Fluoride System (Saturator System).
 - (1) The operator shall wear the following PPE:
 - (A) A National Institute for Occupational Safety and Health (NIOSH)/Mine Safety and Health Administration (MSHA) approved, N-series particulate respirator (i.e., chemical mask) with a soft rubber face-to-mask seal and replaceable cartridges.
 - (B) Splash-proof safety goggles;
 - (C) Gauntlet neoprene gloves with cuffs, which should be a minimum length of twelve (12) inches [thirty and five-tenths (30.5) cm]; and
 - (D) Heavy-duty, acid-proof neoprene apron.
 - (2) A safety shower and an eye wash station utilizing tempered water is an option for pumphouses using this method of fluoride mixing. The use of other chemicals in the pumphouse may change this requirement.

Table 1: Recommended Fluoride Overfeed Actions for Community Water Systems

Source: U.S. Department of Health, Centers for Disease Control, Engineering and Administrative Recommendations for Water Fluoridation, 1995.

Fluoride Level	Actions Recommended
0.1 mg/L above control range to 2.0 mg/L	<ol style="list-style-type: none"> 1. Leave the fluoridation system on. 2. Determine malfunction and repair.
2.1 mg/L to 4.0 mg/L	<ol style="list-style-type: none"> 1. Leave the fluoridation system on. 2. Determine malfunction and repair. 3. Notify supervisor and report the incident to the Office of Environmental Health.
4.1 mg/L to 10.0 mg/L	<ol style="list-style-type: none"> 1. Determine malfunction and immediately attempt to repair. 2. If the problem is not found and corrected quickly (within 1 hour), turn off the fluoridation system. Notify supervisor and report the incident to the Office of Environmental Health. 3. Take water samples at several points in the distribution system and test the fluoride content. 4. Retest if results are still high. 5. Determine malfunction and repair. Then, with the supervisor's permission, restart the fluoridation system.
10.1 mg/L or Greater	<ol style="list-style-type: none"> 1. Turn off the fluoridation system immediately. 2. Notify supervisor and report the incident to the Office of Environmental Health and follow their instructions. 3. Take water samples at several points in the distribution system and test the fluoride content. Retest if results are still high. Save part of each sample for an EPA approved laboratory to test. 4. Determine malfunction and repair. Then, with the supervisor and Office of Environmental Health's permission, restart the fluoridation system.

**Table 2: Recommended Optimal Fluoride Levels for
Community Public Water Supply Systems**

Source: U.S. Department of Health, Centers for Disease Control, Engineering and Administrative Recommendations for Water Fluoridation, 1995.

Annual Average of Maximum Daily Air Temperatures		Recommended Fluoride Concentrations (mg/L)	Recommended Control Range (mg/L) 0.1-0.5	
F.	C.		Subtract 0.1	Add 0.5
50.0 - 53.7	10.0 - 12.0	1.2	1.1	1.7
53.8 - 58.3	12.1 - 14.6	1.1	1.0	1.6
58.4 - 63.8	14.7 - 17.7	1.0	0.9	1.5
63.9 - 70.6	17.8 - 21.4	0.9	0.8	1.4
70.7 - 79.2	21.5 - 26.2	0.8	0.7	1.3
79.3 - 90.5	26.3 - 32.5	0.7	0.6	1.2

Table 3: Recommended Maintenance Plan

Source: U.S. Department of Health, Centers for Disease Control, Water Fluoridation: A Manual for Water Plant Operators, April 1994, p.88.

Equipment	Maintenance Work	Time
Metering Pump	<ol style="list-style-type: none"> Disassemble pump and replace worn parts. Change gear oil (except electronic). Keep spare parts on hand for liquid ends. 	<ol style="list-style-type: none"> Once a year. After first 2 to 4 weeks, then every 6 months.
Saturator	<ol style="list-style-type: none"> Drain, disassemble, and clean. Remove and reuse saturated sodium fluoride. Disassemble and clean precipitates from foot valve or suction strainer, discharge and injection lines, injection nozzle. Disassemble and replace worn parts of the siphon breaker. 	<ol style="list-style-type: none"> Annually (or more often with heavy use) Every 6 months. Do more often if plugging becomes a problem. Every 6 months
Anti-Siphon	<ol style="list-style-type: none"> Disassemble and replace worn parts. 	<ol style="list-style-type: none"> Annually
Injection Nozzle	<ol style="list-style-type: none"> Disassemble and clean 	<ol style="list-style-type: none"> Annually

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

Chapter 7 - GTB Department of Public Works – Fire Hydrants

§ 701 - General

This chapter shall provide the minimum requirements for the routine inspection, testing, and maintenance of private fire service mains and their appurtenances. shall be used to determine the minimum required frequencies for inspection, testing, and maintenance.

Table 7.1: Summary of Private Fire Service Main Inspection, Testing, and Maintenance

Hose houses	Inspection	Quarterly	7.2.2.7
Hydrants (dry barrel and wall)	Inspection	Annually and after each operation	7.2.2.4
Monitor nozzles	Inspection	Semiannually	7.2.2.6
Hydrants (wet barrel)	Inspection	Annually and after each operation	7.2.2.5
Mainline strainers	Inspection	Annually and after each significant flow	7.2.2.3
Piping (exposed)	Inspection	Annually	7.2.2.1
Piping (underground)	Inspection	See 7.2.2.2	7.2.2.2
Monitor nozzles	Test	Flow annually (range and operation)	7.3.3
Hydrants	Test	Flow annually	7.3.2
Piping (exposed and underground)	Flow test	5 years	7.3.1
Mainline strainers	Maintenance	Annually and after each operation	7.4.2
Hose houses	Maintenance	Annually	7.4.5
Hydrants	Maintenance	Annually	7.4.3
Monitor nozzles	Maintenance	Annually	

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 702 - Inspection

- (a) General. Private fire service mains and their appurtenances shall be inspected at the intervals specified in Table 7.1.
- (b) Procedures. All procedures shall be carried out in accordance with the manufacturer’s instructions, where applicable.

- (1) Exposed Piping.
- (A) Exposed piping shall be inspected annually.
- (B) Piping shall be inspected, and the necessary corrective action shall be taken as shown in Table 7.2

Table 7.2: Exposed Piping

Condition	Corrective Action
Leaks	Repair
Physical damage	Repair or replace
Corrosion	Clean or replace and coat with corrosion protection
Restraint methods	Repair or replace

- (C) Piping installed in areas that are inaccessible for safety considerations due to process operations shall be inspected during each scheduled shutdown.
- (2) Underground Piping. Generally, underground piping cannot be inspected on a routine basis. However, flow testing can reveal the condition of underground piping and shall be conducted in accordance with § 703.
- (3) Mainline Strainers. Mainline strainers shall be inspected and cleaned after each system flow exceeding that of a nominal fifty-mm (two-inch) orifice and shall be removed and inspected annually for failing, damaged, and corroded parts with the necessary corrective action taken as shown in Table 7.3.

Table 7.3: Mainline Strainers

Condition	Corrective Action
Plugging or fouling	Clean
Corrosion	Replace or repair

- (4) Dry Barrel and Wall Hydrants. Dry barrel and wall hydrants shall be inspected annually and after each operation with the necessary corrective action taken as shown in Table 7.4.

Table 7.4: Dry Barrel and Wall Hydrants

Condition	Corrective Action
Inaccessible	Make accessible

Condition	Corrective Action
Barrel contains water or ice (presence of water or ice could indicate a faulty drain, a leaky hydrant valve, or high groundwater table)	Repair and drain; for high groundwater it could be necessary to plug the drain and pump out the barrel after each use
Improper drainage from barrel	Repair drain
Leaks in outlets or at top of hydrant	Repair or replace gaskets, packing, or parts as necessary
Cracks in hydrant barrel	Repair or replace
Tightness of outlets	Lubricate if necessary; tighten if necessary
Worn nozzle threads	Repair or replace
Worn hydrant operating nut	Repair or replace
Availability of operating wrench	Make sure wrench is available

- (5) Wet Barrel Hydrants. Wet barrel hydrants shall be inspected annually and after each operation with the necessary corrective action taken as shown in Table 7.5.

Table 7.5: Wet Barrel Hydrants

Condition	Corrective Action
Inaccessible	Make accessible
Leaks in outlets or at top of hydrant	Repair or replace gaskets, packing, or parts as necessary
Cracks in hydrant barrel	Repair or replace
Tightness of outlets	Lubricate if necessary; tighten if necessary
Worn nozzle threads	Repair or replace
Worn hydrant operating nut	Repair or replace
Availability of operating wrench	Make sure wrench is available

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 703 - Testing

- (a) Underground and Exposed Piping Flow Tests. Underground and exposed piping shall be flow tested to determine the internal condition of the piping at minimum five-year intervals.

- (1) Flow tests shall be made at flows representative of those expected during a fire for the purpose of comparing the friction loss characteristics of the pipe with those expected for the particular type of pipe involved, with due consideration given to the age of the pipe and to the results of previous flow tests.
 - (2) Any flow test results that indicate deterioration of available water flow and pressure shall be investigated to the complete satisfaction of the authority having jurisdiction to ensure that the required flow and pressure are available for fire protection.
 - (3) Where underground piping supplies individual fire sprinkler, standpipe, water spray, or foam-water sprinkler systems and there are no means to conduct full flow tests, tests generating the maximum available flows shall be permitted.
- (b) Hydrants. Hydrants shall be tested annually to ensure proper functioning.
- (1) Each hydrant shall be opened fully and waterflowed until all foreign material has cleared.
 - (2) Flow shall be maintained for not less than 1 minute.
 - (3) After operation, dry barrel and wall hydrants shall be observed for proper drainage from the barrel.
 - (4) Full drainage shall take no longer than sixty (60) minutes.
 - (5) Where soil conditions or other factors are such that the hydrant barrel does not drain within 60 minutes, or where the groundwater level is above that of the hydrant drain, the hydrant drain shall be plugged and the water in the barrel shall be pumped out.
 - (6) Dry barrel hydrants that are located in areas subject to freezing weather and that have plugged drains shall be identified clearly as needing pumping after operation.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 704 - Maintenance

- (a) General. All equipment shall be maintained in proper working condition, consistent with the manufacturer's recommendations.
- (b) Mainline Strainers. Mainline strainers shall be cleaned annually and after each operation.
- (c) Hydrants.
 - (1) Hydrants shall be lubricated annually to ensure that all stems, caps, plugs, and threads are in proper operating condition.

- (2) Hydrants shall be kept free of snow, ice, or other materials and protected against mechanical damage so that free access is ensured.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

§ 705 - Records

- (a) Records under this section shall be maintained by the GTB Fire Department.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

Chapter 8 - GTB Department of Public Works – Inter-Governmental Agreements

§ 801 - Negotiations with Local Units of State Government

- (a) The department manager is authorized to engage in negotiations with local units of state government to enter into inter-governmental agreements under the authority of applicable tribal law and federal law.
- (b) The proposed inter-governmental agreement shall be enacted by Tribal Council motion at a regularly scheduled council session and become a part of the standards and authorities under which the department operates.
- (c) Effective Date. The effective date of these regulations is April 26, 2006, and supersedes all prior GTB public utility regulations.

History: Tribal Act #06-24.1650 enacted by Tribal Council at Special Session on April 26, 2006.

Chapter 9 - Building Code

§ 901 - Adoption of State Standards

The Grand Traverse Band of Ottawa and Chippewa Indians incorporates by reference and adopts as a Tribal ordinance the International Codes and specifically the version(s) published for use within the State of Michigan, as amended in the future, as well as the other standards referenced in Resolution No. 01-19.1006 enacted on June 20, 2001, with the following provisos:

- (a) that the Tribe's Zoning Administrator shall administer these standards and determine that appropriate requirements are followed for all activities upon Tribal lands;
- (b) that the Tribal Council shall issue any necessary licenses upon request from the Administrator showing that the appropriate requirements are satisfied; and

- (c) that upon recommendation of the Administrator and for good cause shown, the Tribal Council may approve a waiver of any standard, law or regulation which might otherwise be applicable.

History: Tribal Act #83-121, enacted by Tribal Council on February 25, 1983; as amended by Tribal Act #01-19.1006, enacted by Tribal Council on June 20, 2001.

CROSS-REFERENCE: This provision is also contained in 14 GTBC § 602 (Public Safety and Regulation title).

Chapter 10 - Roads

§ 1001 - Reservation Roads Placed under BIA Inventory

All Indian Reservation Roads accessing Grand Traverse Band Tribal lands are hereby placed in the Bureau of Indian Affairs Reservation Road Need Inventory.

History: Tribal Act #94-12.189, enacted by Tribal Council on December 20, 1994.

Chapter 11 – GTB Cemetery Ordinance

§ 1101 - Purpose and Policy

Purpose. The purpose of this law is to establish the Grand Traverse Band of Ottawa and Chippewa Indians' Cemetery (hereinafter, "GTB," "Grand Traverse Band," "Tribe") on the GTB Reservation and to govern the sale of burial plots, burial eligibility, and the maintenance of the grounds within the Cemetery.

Policy. It is the policy of the Grand Traverse Band Tribe that all enrolled Tribal members, their spouses, their parents and their children may be buried in the Grand Traverse Band Tribal Cemetery.

History: Tribal Act #11-29.2295, enacted by Tribal Council February 15, 2012.

§ 1102 - Adoption, Amendment, Repeal

- (a) This law was recommended by the Grand Traverse Band Burial Committee and adopted by Tribal Council Resolution No. 11-29.2295 on February 15, 2012.
- (b) This law may be amended by Tribal Council, pursuant to the procedures set forth in the Grand Traverse Band Legislative Procedures Act, 1 GTBC §§ 104 – 107.

- (c) Any law, policy, regulation, rule, resolution or motion, or portion thereof, which directly conflicts with the provisions of this law, is hereby repealed to the extent that it is inconsistent with or is contrary to this law.
- (d) This law is adopted under authority of the Constitution of the Grand Traverse Band.

History: Tribal Act #11-29.2295, enacted by Tribal Council February 15, 2012.

§ 1103 - Definitions

- (a) This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.
 - (1) “Children” means the natural, step and adopted children of an enrolled Tribal member, or children of a common law marriage where that marriage took place in a jurisdiction which recognizes common law marriages where at least one spouse is an enrolled Tribal member.
 - (2) "Family" means a Tribal member’s parents, spouse or children.
 - (3) “Spouse” means the husband or wife of a Tribal member. For purposes of this law, this definition shall include a common law husband or wife of a Tribal member where that marriage took place in a jurisdiction which recognizes common law marriages.
 - (4) “Tribe” or “Tribal” means the Grand Traverse Band Tribe of Ottawa and Chippewa Indians of Michigan.
 - (5) “Vandalism” means the willful and unauthorized destruction or defacing of any land, monument, flush marker, tree, shrub, plant, building or other natural or artificial structure on Cemetery grounds.
 - (6) “Division II” means the Grand Traverse Band Governmental Division that manages Membership and Maintenance Departments.
 - (7) “Land and Roads Office” means the Grand Traverse Band governmental office that manages all land and tribal land parcel assignments and leases.
 - (8) “Burial Committee” means the committee authorized by the Tribal Council to work on the development of Tribal Cemetery ordinances and to act on behalf of the Tribe to coordinate Tribal Cemetery designations on Tribal properties.

History: Tribal Act #11-29.2295, enacted by Tribal Council February 15, 2012.

§ 1104 - Tribal Cemetery

- (a) The Grand Traverse Band Tribal Council shall designate a parcel(s) of land(s) as deemed

necessary to be used for the Cemetery.

- (b) Eligibility for burial in Cemetery. Tribal members and their non-Grand Traverse Band spouses, parents and children may be buried in the Cemetery.
- (c) Repatriated remains. Human remains shall be returned to the Tribe in accordance with the Native American Graves Protection and Repatriation Act (“NAGPRA”), P.L., 101-6011, 25 U.S.C. 301 et seq., 104 Stat. 3048. All human remains returned to the Tribe shall be the responsibility of Eyaawing Museum, pursuant to authorization by Tribal Council motion of October 27, 2010 at a Tribal Council special session meeting.
- (d) Eligibility for plot lease assignment. The following persons may be eligible for lease assignment burial plots:
 - (1) Individual Tribal members.
 - (2) Spouses and children of Tribal members.
- (e) Rights of lease assignment of burial plots. Rights of lease assignment burial plots may only be willed to family members. In the event that a plot is inherited by an individual who is not a family member as defined in §103(a)(3), pursuant to Tribal Council action, the plot shall be resold to Division II.
- (f) Cost of lease assigned plots. All fees shall be paid prior to burial. The proceeds of burial plot sales shall be used for the operating expenses, care and improvement of the Cemetery and avenues leading thereto. The price of lease assigned plots and services are as follows:
 - (1) One “no cost” plot is available to each Grand Traverse Band member, however those Tribal members that are requesting a reservation of plots greater than “one” (1) shall have to pay a refundable twenty-five dollar (\$25) fee for each additional plot reservation.
 - (2) One hundred dollars (\$100) per plot fee for a family member that is related to a Grand Traverse Band member that is not a Tribal member.
 - (3) Plot opening, closing, and marking fees are subject to change and will be assessed at the time of burial.
- (g) Reassignment of leased plots. Plots may only be reassigned to GTB through the Land and Roads Office. Plots reassigned to the Lands and Roads Office shall be leased/reassigned at the original selling price.

History: Tribal Act #11-29.2295, enacted by Tribal Council February 15, 2012.

§ 1105 – Division II

- (a) Administration and authority. The Division II, in conjunction with the Land and Roads Office, shall be responsible for carrying out the provisions of this law and may enter into

agreements with person(s) or entities, where needed, in order to carry out their responsibilities under this law.

- (b) Duties and responsibilities. The Division II, with the Land and Roads Office, shall:
- (1) Meet with the kin or other interested party of a person permitted to be buried pursuant to this law whenever a plot or burial is requested.
 - (2) Be responsible for maintaining vital statistics of the deceased and reporting such information as may be required by GTB.
 - (3) Establish regulations to control and beautify the Cemetery, working with the Burial Committee.
 - (4) Be responsible for the maintenance of the Cemetery, including the improvement, safeguard and beautification of the grounds.
 - (5) Cause portions of land designed for Cemetery use to be surveyed and mapped into burial plots, drives and walks. Said recorded map shall be kept and maintained in the Land and Roads Office. No such plot or map shall be recorded unless laid out and plotted to the satisfaction of the Division II.
 - (6) Work with appropriate consultants and contractors for the implementation of the Tribal Cemetery Ordinance.
- (c) Conveyance. Upon approval by Tribal Council, the Division II may sell and convey plotted burial plots, expressly restricting the use to burials and upon such other terms, conditions and restrictions as the Division II directs.

History: Tribal Act #11-29.2295, enacted by Tribal Council February 15, 2012.

§ 1106 - Burial Requirements

- (a) All burial orders must be presented to the Division II at least twenty-four (24) hours before burial. A cement liner or vault is not required for the burial site; however, if a cement liner or vault is purchased, the vault company is required to deliver and install it in the designated burial site. The Division II does not provide pall bearers. Due to weather conditions, it may be necessary to postpone burial side services and/or burial of the deceased temporarily. The final decision to postpone burial side services shall be made by the Division II or their designee.
- (b) Burial of urns. Each burial site may be used for a maximum of four (4) urns containing ashes of the deceased. All urns or other receptacles used for permanent burial must be of a durable or lasting material. Each additional opening of the plot will require a plot opening, closing, and marking fee.
- (c) Funeral processions. The Division II shall be responsible for providing funeral directors with the necessary information so that funeral processions on Cemetery grounds are

carried out in accordance with the provisions of this law.

History: Tribal Act #11-29.2295, enacted by Tribal Council February 15, 2012.

§ 1107 - Maintenance of Burial Sites

- (a) Monuments/Flush Markers. Monuments and flush markers shall meet the following requirements:
- (1) Maximum monument height is thirty-six (36) inches from ground up, including base.
 - (2) Minimum monument height is twenty-four (24) inches.
 - (3) Maximum width of monument/flush marker is the width of the plot.
 - (4) Thickness of the monument/flush marker is not to exceed sixteen (16) inches.
 - (5) Face of the monument must face in the direction of the deceased's burial site.
 - (6) No permanent monument that is susceptible to disintegration or corrosion will be permanently permitted, except for Spirit Houses.
 - (7) Monuments that are susceptible to disintegration or corrosion are temporarily permitted between the months of May 1st through October 31.
- (b) Plants. The planting of plants on or around burial sites shall comply with the following requirements:
- (1) Plants shall not be planted behind a monument.
 - (2) By December 1st of each year, all burial pots and baskets, excluding artificial, will be removed by the Division II or its designee.
 - (3) Plants that exceed burial and/or plot dimensions shall be removed by the Division II or its designee.
 - (4) The planting of vegetables at a burial site is prohibited.
 - (5) The use of glass containers at a burial site is prohibited.
 - (6) Use of individual water systems is prohibited.
 - (7) All flowers, plants and their containers shall be removed from individual burials and plots by the family when such flowers and plants and their containers have become unsightly and unattractive.
 - (8) All winter baskets shall be removed on or before April 1st of each year.

- (9) Plants interfering with the maintenance of the Cemetery shall be removed.
- (10) Donations may be accepted for the planting of trees, provided the location and purpose shall be for the improvement of the Cemetery as a whole as determined by Division II.
- (c) Flags and banners. Flags or banners shall be removed by Division II or its designee when such flags or banners become unsightly, are flown in a disrespectful manner or could reasonably incite violence, racial hatred or community unrest.

History: Tribal Act #11-29.2295, enacted by Tribal Council February 15, 2012.

§ 1108 - Prohibited Behavior on Cemetery Grounds

- (a) The following shall be prohibited on Cemetery grounds:
 - (1) Travel off the roadways in a private vehicle.
 - (2) Motorized unlicensed bikes and recreational vehicles.
 - (3) Cats and dogs.
 - (4) Barbecues, ball playing, golfing and other related recreational activities.
 - (5) Alcoholic beverages.
 - (6) Possession and use of firearms, except upon the Division II's written approval for military and memorial services.
 - (7) Soliciting of business.
 - (8) Persons on cemetery grounds after dusk, except for firekeepers and those family members who have received approval from Division II.
 - (9) Vandalism. Incidents of vandalism shall be reported to the appropriate law enforcement agency.
 - (10) Recreational jogging, running, roller skating, roller blading and bike riding.
 - (11) Washing of automobiles or other vehicles.
- (b) Placing of fencing, curbing, enclosures, edgings, iron works, wire works, seats, posts, vigil lights and steps at individual burial sites or groups of burial sites. Nothing in this subsection shall prohibit the Division II from providing for the improvement of the cemetery as a whole by installing any of the above mentioned structures.

History: Tribal Act #11-29.2295, enacted by Tribal Council February 15, 2012.

§ 1109 - Severability

In the event that any section or provision of this ordinance, or amendments to this ordinance, is held invalid, either by the Tribal Court or subsequent development of Tribal Constitutional standards and practices of the Tribal Council, it is the intent of the Tribal Council that the remaining sections or provisions of this ordinance, and amendments made to this ordinance, shall continue in full force and effect.

History: Tribal Act #11-29.2295, enacted by Tribal Council February 15, 2012.

Chapter 12 – GTB Fiber**§ 1201 - Purpose**

The organization shall be organized and operated for the following purposes:

- (a) To provide for broadband, internet, network, and telecommunications services to the Grand Traverse Band of Ottawa and Chippewa Indians and its enterprises and subsidiaries, and throughout GTB's six-county service area;
- (b) To assume control of and responsibility for the development, operation, repair and maintenance of the broadband facilities and equipment, including conduit and fiber so as to keep said facilities in good operating condition, in accordance with accepted standards and practices;
- (c) To serve the broadband, telecommunications, and network needs of the GTB and its economic enterprises and subsidiaries;
- (d) To establish service charges sufficient to sustain the proper operation, maintenance and repair of the system, and to provide for depreciation, and contingencies; and
- (e) To collect such service charges from individuals, businesses, concerns and establishments and any other entities served by the system.

History: Tribal motion, enacted by Tribal Council November 29, 2017.

§ 1202 - Definitions

- (a) "Broadband" means high-speed, switched telecommunications technology that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications.
- (b) "Commercial" means any building or facility which is not governmental or residential.
- (c) "Council" means the governing body of the Grand Traverse Band Tribal Council.

- (d) “GTB Department of Public Works” or “Department” is the governmental entity that has been set up and is authorized to operate and maintain the community facilities and to provide utility services as directed by the Tribe.
- (e) “GTB or Tribe” means the Grand Traverse Band of Ottawa and Chippewa Indians.
- (f) “GTB Fiber” is the organization established within the Department of Public Works that is authorized to develop, operate, and maintain broadband, fiber, and network infrastructure.
- (g) "Permit" means any federal, state, tribal, or local permit, license, certificate, approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, resolution, or statute with respect to a project.
- (h) “Persons” means an individual, firm, partnership, association, organization, corporation, or other legal entity.
- (i) "Project" means the construction or deployment of wireline or wireless communications facilities to provide communications services.
- (j) “Telecommunications” means the transmission of data, information, or communication by wire, cable, radio, optical, or electromagnetic systems.

History: Tribal motion, enacted by Tribal Council November 29, 2017.

§ 1203 - Organization

- (a) The affairs of the GTB Fiber shall be managed by the Broadband Director. The Broadband Director reports to the Public Works Department Manager.
- (b) The Broadband Director shall have the authority to exercise any and all powers delegated to the utility by this ordinance or any amendments thereto.
- (c) The Broadband Director will serve as the single point of contact in the area of broadband for state authorities including the Michigan Department of Transportation and the Michigan Licensing and Regulatory Affairs, county road commissions, townships and other municipalities, GTB and its subsidiaries, commercial subscribers, and interested parties.
- (d) Notwithstanding the organization’s operation within the GTB Department of Public Works, the Broadband Director and support staff may be employees of the Economic Development Corporation.

History: Tribal motion, enacted by Tribal Council November 29, 2017.

§ 1204 - Powers

The Council, Tribal Manager, or Executive Assistant has the authority to enter into agreements, contracts, and understandings with any governmental agency, federal, state, or local or with any person, partnership, or corporation.

- (a) To purchase insurance for any property or against any risk or hazard.
- (b) To establish and maintain such bank or financial accounts as may be necessary and convenient. All financial accounts shall be fully covered by F.D.I.C.
- (c) To levy and collect reasonable fees for utilities and services, including but not limited to monthly service charges, connection fees, penalties, and other assessments deemed necessary by the Broadband Director and approved by the Council.
- (d) To fulfill notification system responsibilities and duties related to the location of underground utilities, and to comply with the requirements of the MISS DIG underground facility damage prevention and safety act, PA 174 of 2013, MCL 460.721 et seq.
- (e) To issue bills and collect payment for broadband, network, or internet service from each individual, concern, or establishment served by the tribally owned facilities, and to maintain records of the income, disbursements, and expense of the operation of the systems.
- (f) To apply for and secure permits necessary for the development, expansion, maintenance and operation of GTB's fiber and related internet service facilities.
- (g) The Tribal Administration shall employ personnel to operate the broadband facilities, establish the duties and compensation of employees, and to pay this compensation as an operating expense of the broadband systems.
- (h) To solicit and receive assistance from the GTB accounting department for the disbursement of monies for payment of existing and future operation and maintenance expenses of the community broadband systems from the broadband program account or any substitute account designated by the Tribal Council.
- (i) To prepare public notice of charge for broadband and internet service to set the date for such charges to begin, and to send this notice to each individual, concern, or establishment served by the broadband systems.
- (j) To pay charges, fees, and taxes imposed under the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48 ("METRO Act"¹), as amended, and similar statute or ordinance governing access and usage of the public right-of-way for a telecommunications system.

¹ Editor's Note: See the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, MCL 484.3101 et seq.

- (k) To promulgate regulations to implement the authority of this ordinance.

History: Tribal motion, enacted by Tribal Council November 29, 2017.

§ 1205 - Operation and Maintenance

- (a) Administration.

- (1) Responsibility for operation and maintenance of the fiber broadband systems shall be vested solely in the GTB Fiber, including the responsibility of making necessary inspections and performing routine maintenance.
- (2) The GTB Fiber shall collect, retain and disburse all charges and fees in accordance with the schedule of charges and fees established. Such schedule of fees and charges may be amended or altered by the Department in the manner provided, but such schedule and the amendments thereto shall have no force nor effect until duly posted as provided. Such schedules shall be approved by the Tribal Council of the Grand Traverse Band Reservation.

History: Tribal motion, enacted by Tribal Council November 29, 2017.

§ 1206 - Place of Business

GTB Fiber will maintain an office in Peshawbestown, Michigan. Its address will be:

Grand Traverse Band of Ottawa and Chippewa Indians
ATTN: Director of Fiber
2605 N. West Bayshore Drive
Peshawbestown, MI 49682

History: Tribal motion, enacted by Tribal Council November 29, 2017.

§ 1207 - Rate Structure

The rate structure and fee schedules shall be determined based on the actual costs of operation and maintenance for the system. All rates and fee changes must be approved by the GTB Tribal Manager. The fee schedules are available at the Department's office in Peshawbestown.

History: Tribal motion, enacted by Tribal Council November 29, 2017.

§ 1208 - Bookkeeping and Handling of Funds

- (a) The Department will follow normal Tribal procedures for bookkeeping and banking. This will allow convenient handling of funds through the same bank of the Tribe, while also providing separate accounting of the GTB Fiber's funds.

- (b) Actual handling of the Department's funds will be handled by the GTB Accounting Department.
- (c) All accounts and ledgers of the Department shall be available for audit at any time by the Tribal Auditor or auditor of the Tribe's choice.

History: Tribal motion, enacted by Tribal Council November 29, 2017.

§ 1209 - Savings Clause

- (a) Conflict of Ordinances or Regulations; Effect of Partial Invalidity. In any case where a provision of this ordinance or regulations promulgated thereunder is found to be in conflict with a provision of any zoning, building, fire safety, or health ordinance, code or resolution, existing on the effective date of these regulations, the provision establishing the higher standard for the promotion and protection of the health and safety of the people will prevail.
- (b) If any chapter, subchapter, paragraph, sentence, clause, or phrase of these regulations shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of these regulations, which shall remain in full force and effect; and, to this end, the provisions of these regulations are hereby declared to be severable.

History: Tribal motion, enacted by Tribal Council November 29, 2017.

§ 1210 - Immunity Not Waived

Nothing in this ordinance shall be construed to waive the sovereign immunity of the Grand Traverse Band of Ottawa and Chippewa Indians.

History: Tribal motion, enacted by Tribal Council November 29, 2017.

§ 1211 - Amendments or Revisions

The Plan of Operation may be amended by a simple majority vote of the GTB Tribal Council as provided by law.

History: Tribal motion, enacted by Tribal Council November 29, 2017.

§1212 - Effective Date

This ordinance is effective immediately upon approval by the GTB Tribal Council.

History: Tribal motion, enacted by Tribal Council November 29, 2017.