

EMPIRE TOWNSHIP

CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE

ORDINANCE NO. 2023 - 01

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to construct, maintain and commercially use electric lines and related facilities including but not limited to towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the TOWNSHIP OF EMPIRE, LEELANAU COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF EMPIRE ORDAINS:

SECTION 1. GRANT and TERM. The TOWNSHIP OF EMPIRE, LEELANAU COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the TOWNSHIP OF EMPIRE, LEELANAU COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONDITIONS. No public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' electric lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of public places. Consumers shall have the right to trim or remove trees if necessary in the conducting of such business.

SECTION 3. HOLD HARMLESS. Consumers shall save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the lines and related facilities hereby authorized. In case any action is commenced against the Township on account of the permission herein given, Consumers shall, upon notice, defend the Township and its representatives and hold them harmless from all loss, costs and damage arising out of such negligent construction and maintenance.

SECTION 4. EXTENSIONS. Consumers shall construct and extend its electric distribution system within said Township, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 6. RATES and CONDITIONS. Consumers shall be entitled to provide electric service to the inhabitants of the Township at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission. Such rates and conditions shall be subject to review and change upon petition to the Michigan Public Service Commission.

SECTION 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.

SECTION 8. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to electric service in the Township and those rules and regulations preempt any term of any ordinance of the Township to the contrary.


SECTION 9. REPEALER. This ordinance, when enacted, shall repeal and supersede the provisions of any previous Consumers' electric franchise ordinance adopted by the Township including any amendments.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect on the day following its publication in the manner provided by law.

At a regular meeting of the Township Board for the Township of Empire held on the 14th day of February, 2023 DEEGAN moved for adoption of the foregoing ordinance and CASEY NOONAN supported the motion.


Voting for: Deegan, Price, Neiswonger, Casey Noonan, and Carl Noonan. Voting against: None.

The Township Supervisor declared the ordinance adopted.


Carl F. Noonan
Empire Township Supervisor

CERTIFICATION

The foregoing is a true copy of Ordinance No. 2023-01 which was enacted by the Township Board for the Township of Empire, Leelanau County, Michigan at a regular meeting held on February 14, 2023.


Christine M. Neiswonger
Empire Township Clerk