

**VILLAGE OF EMPIRE  
LEELANAU COUNTY, MICHIGAN**

**CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE NO. 66**

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 VILLAGE OF EMPIRE, LEELANAU COUNTY, MICHIGAN, for a period of thirty years.

THE VILLAGE OF EMPIRE ORDAINS:

SECTION 1. GRANT and TERM. The VILLAGE 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 VILLAGE 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 Village 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 Village on account of the permission herein given, Consumers shall, upon notice, defend the Village 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 Village, 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 Village 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 Village and those rules and regulations preempt any term of any ordinance of the Village 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 Village including any amendments.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect on October 29, 2023.

We certify that the foregoing Franchise Ordinance was duly enacted by the Village Council of the VILLAGE OF EMPIRE, LEELANAU COUNTY, MICHIGAN, on the 27th day of June, 2023.



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Sue Palmer, President

Attest:

I, Derith Smith, Clerk of the VILLAGE OF EMPIRE, LEELANAU COUNTY, MICHIGAN, DO HEREBY CERTIFY that the ordinance granting Consumers Energy Company, an electric franchise, was properly adopted by the Village Council of the VILLAGE OF EMPIRE, LEELANAU COUNTY, MICHIGAN, and that all proceedings were regular and in accordance with all legal requirements.



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Derith Smith, Village Clerk

7-25-23  
Date

# AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN  
County of Grand Traverse

**LEGAL NOTICE  
VILLAGE OF EMPIRE  
LEELANAU COUNTY, MICHIGAN**

**NOTICE IS HEREBY GIVEN** that the Village of Empire has rescinded and replaced Ordinance No. 66, Consumers Energy Company Electric Franchise Ordinance, 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 Village of Empire, Leelanau County, Michigan for a period of thirty years. A complete copy of this Ordinance is available M-F 8:00-4:30 pm at the Village Office, 11518 S LaCore St., Empire, and on the Village website at: <https://www.leelanau.cc/empirevillage.asp>. This Ordinance was adopted by the Village of Empire Council on June 27, 2023 and is effective October 29, 2023.

Derith A. Smith  
Village of Empire Clerk

July 22, 2023- 1T

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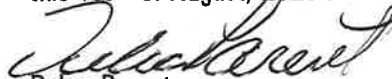
Paul Heidbreder being duly sworn deposes and says the annexed printed copy of notice was taken from the Traverse City RECORD EAGLE, a newspaper printed and circulated in said State and County, and that said notice was published in said newspaper on the following dates:

07/22/2023

that he or she is the agent of the printers of said newspaper, and knows well the facts stated herein



Subscribed and sworn to before  
this 1st of August, 2023 .



Debra Parent  
Notary Public, State of MI  
County of Grand Traverse  
04/27/2029  
Acting in County of Grand Traverse