ORDINANCE NO. 14

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 TOWNSHIP OF FOREST, MISSAUKEE COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF FOREST ORDAINS:

SECTION 1. GRANT and TERM. The TOWNSHIP OF FOREST, MISSAUKEE COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called “Consumers” the right and authority 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 FOREST, MISSAUKEE 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 January 18, 2020.

We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the TOWNSHIP OF FOREST, MISSAUKEE COUNTY, MICHIGAN, on the 2nd day of October, 2019.

Catherine Molitor, Township Supervisor

Attest:

I, Margie Phillips, Clerk of the TOWNSHIP OF FOREST, MISSAUKEE COUNTY, MICHIGAN, DO HEREBY CERTIFY that the ordinance granting Consumers Energy Company, an electric franchise, was properly adopted by the Township Board of the TOWNSHIP OF FOREST, MISSAUKEE COUNTY, MICHIGAN, and that all proceedings were regular and in accordance with all legal requirements.

Margie Phillips, Township Clerk

Dated: October 2, 2019
Affidavit of Publication

STATE OF MICHIGAN }       SS
COUNTY OF MISSaukee }      

Allan Kelley, being duly sworn, says:

That he is the Office Assistant of the Missaukee Sentinel, a weekly newspaper of general circulation, printed and published in Lake City, Missaukee County, Michigan; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

October 11, 2019

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

Allan Kelley
the Office Assistant

Subscribed to and sworn to me this 11th day of October 2019.

Jill Thomas, Notary Public, Missaukee County,

My commission expires: May 28, 2023

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Margie Phillips
Forest Township
2977 W. Gillow Rd
Lake City, MI 49651

Ordinance No. 14
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 Township of Forest, Missaukee County, Michigan, for a period of thirty years.

The Township of Forest Ordains:

SECTION 1. Grant and Term. The Township of Forest, Missaukee County, Michigan, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called “Consumers” the right and authority 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 Forest, Missaukee 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 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 torevocation 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 January 18, 2020.

We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the Township of Forest, Missaukee County, Michigan, on the 2nd day of October, 2019.

s/Catherine Molitor
Catherine Molitor, Township Supervisor

Attest:
1. Margie Phillips, Clerk of the Township of Forest, Missaukee County, Michigan. DO HEREBY CERTIFY that the ordinance granting Consumers Energy Company, an electric franchise, was properly adopted by the Township Board of the Township of Forest, Missaukee County, Michigan, and that all proceedings were regular and in accordance with all legal requirements.

s/Margie Phillips
Margie Phillips, Township Clerk
Dated: October 12, 2019