

**CONSUMER POWER COMPANY ELECTRIC
FRANCHISE ORDINANCE
TOWNSHIP OF SOUTH HAVEN, MICHIGAN**
ord. no. 26 eff. June 19, 1991

An Ordinance, granting to Consumers Power Company, its successors and assigns, the right, power, and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in a specified area of the Township of South Haven, Van Buren County, Michigan, for a period of thirty years.

THE TOWNSHIP OF SOUTH HAVEN ORDAINS:

Sec. 1. GRANT, TERM.

The Township of South Haven, Van Buren County, Michigan, hereby grants the right, power and authority to the Consumers Power Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances, for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in Section 1 [12.101] the Township of South Haven, Van Buren County, Michigan, for a period of thirty years.
(ord. no. 26 eff. June 19, 1991)

Sec. 2. CONSIDERATION.

In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.
(ord. no. 26 eff. June 19, 1991)

Sec. 3. CONDITIONS.

All of Grantee's towers, masts and poles shall be neat and slightly, and so placed on either side of the highways, streets, alleys and bridges as not to unnecessarily interfere-with the use thereof for highway, street and alley purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways, streets

and alleys shall be done so as not to interfere with the use thereof, and when completed, the same shall be left in as good condition as when was commenced. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities.
(ord. no. 26 eff. June 19, 1991)

12.204 Sec. 4. HOLD HARMLESS.

Said Grantee shall at all times keep and 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 structures hereby authorized. In case any action is commenced against the Township on account of the permission herein granted, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.
(ord. no. 26 eff. June 19, 1991)

12.205 Sec. 5. RATES.

Said Grantee shall be entitled to charge the inhabitants of said Township for electric energy furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.
(ord. no. 26 eff. June 19, 1991)

12.206 Sec. 6. FRANCHISE NOT EXCLUSIVE.

The rights, power and authority herein granted, are not exclusive.
(ord. no. 26 eff. June 19, 1991)

12.207 Sec. 7. REVOCATION.

The franchise granted by this Ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.
(ord. no. 26 eff. June 19, 1991)

12.208

Sec. 8. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION.

Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Township.
(ord. no. 26 eff. June 19, 1991)

12.209

Sec. 9. EFFECTIVE DATE.

This ordinance shall take effect upon the day after the date of publication thereof, provided, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Township and said Grantee.
(ord. no. 26 eff. June 19, 1991)