

LOCKE TOWNSHIP, Ingham County, Michigan
ORDINANCE NO. 2019-02
CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE

Adopted: March 12, 2019 Effective: March 25, 2019

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the TOWNSHIP OF LOCKE, INGHAM COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF LOCKE ORDAINS:

SECTION 1. GRANT and TERM. The TOWNSHIP OF LOCKE, INGHAM COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and valves on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the TOWNSHIP OF LOCKE, INGHAM 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' gas 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 gas distribution system within said Township, and shall furnish gas 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 gas 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 gas 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 gas franchise Ordinance adopted by the Township including any amendments.

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect on March 25, 2019.

We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the TOWNSHIP OF LOCKE, INGHAM COUNTY, MICHIGAN, on the 12th day of March, 2019.

_____ Mar. 12, 2019 _____
Glenda S Turner, Clerk Date attested to by: Dorothy G Hart, Supervisor

CERTIFICATION

Locke Township, Ingham County, State of Michigan

I, GLENDA S TURNER, the duly elected, qualified and acting clerk of the Township of Locke, Ingham County, State of Michigan do hereby certify as follows:

1. The foregoing is a true and complete copy of Ordinance #2019-02 adopted by the Locke Township Board at a regular meeting on March 12, 2019.

2. The foregoing Ordinance was moved for adoption by _____, seconded by _____ and adopted by the following vote: Yes: _____ No: _____.

3. The Township Board members voted as follows:

Yes:

No:

Abstaining:

Absent:

4. That said Ordinance and the record of publication were duly recorded in the Book of Ordinances of the Township of Locke and is available for public use and inspection at the office of the Locke Township Clerk.

5. The foregoing Ordinance was published on the 24th day of March, 2019, in The Enterprise, a newspaper of general circulation in the Township of Locke.

6. An attested copy of the foregoing Ordinance was filed with the Ingham County Clerk on _____.

_____ Date
Glenda S Turner, Clerk