

CHARTER TOWNSHIP OF UNION
ORDINANCE NUMBER 22-01
CONSUMERS ENERGYCOMPANY GAS AND/OR ELECTRIC FRANCHISE ORDINANCE

Please take notice that the Charter Township of Union Board of Trustees adopted a new Consumers Energy Company Gas and/or Electric Franchise Ordinance Number 22-01 following a Second Reading at their January 12, 2022 regular meeting at the Township Hall (2010 South Lincoln Road, Mt. Pleasant, MI 48858).

The First Reading of the proposed ordinance was held during the regular 11/10/2020 Board of Trustees meeting at the Township Hall. Following the First Reading, an ordinance summary and notice of the date, time, and place of the Second Reading was published in The Morning Sun newspaper and posted at the Township Hall as required by the Charter Township Act, Public Act 359 of 1947, as amended (MCL 42.1 et seq.).

A true copy of the adopted ordinance may be inspected or obtained during Township Hall business hours or at any time on the Township's website at <http://www.uniontownshipmi.com>. The following is a summary of the adopted ordinance:

Section 1.0 (Title) establishes the title of the ordinance.

Section 2.0 (Grant and Term) grants to Consumers Energy a non-exclusive right to conduct a local gas and/or electric business in the Township for a period of thirty years.

Section 3.0 (Conditions) establishes conditions related to trimming trees, obstructions, securing lines, and use of public places.

Section 4.0 (Hold Harmless) confirms that Consumers Energy shall save the Township free and harmless from loss pursuant to exercise of rights under this Ordinance by Consumers Energy.

Section 5.0 (Extensions) requires Consumers Energy to furnish gas and electric service and to construct and extend its distribution systems in accordance with applicable regulations.

Section 6.0 (Franchise Not Exclusive) confirms that the franchise granted is not exclusive.

Section 7.0 (Rates and Conditions) confirms that rates for Consumers Energy services are subject to Michigan Public Service Commission oversight.

Section 8.0 (Revocation) confirms that the franchise granted is subject to revocation upon 60 days written notice by either party.

Section 9.0 (Michigan Public Service Commission Jurisdiction) confirms that Consumers Energy is subject to Michigan Public Service Commission jurisdiction.

Section 10.0 (Repeal) confirms the repeal of certain Township ordinances that conflict with this Ordinance, including the current franchise ordinance No. 1992-1.

Section 11.0 (Publication) confirms that state law publication requirements will be met.

Section 12.0 (Effective Date) establishes the effective date of the ordinance, based on adoption and publication requirements.

Publication of the adopted ordinance was made by this notice and posting of the true copy of the ordinance at the Charter Township of Union office and on the Township's website pursuant to Charter Township Act requirements. The ordinance is effective immediately upon publication of this notice.

**CHARTER TOWNSHIP OF UNION
ISABELLA COUNTY, MICHIGAN**

CONSUMERS ENERGY COMPANY GAS AND/OR ELECTRIC FRANCHISE ORDINANCE NO. 22-01

[An ordinance adopted under provisions of the Charter Township Act (Public Act 359 of 1947, as amended, being MCL 42.1 – MCL42.34) to grant to the Consumers Energy Company and 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 valves, and 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 gas and/or electric business in the Township for a period of thirty years; and to provide for repeal, publication, and an effective date.]

CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN HEREBY ORDAINS:

Section 1.0 Title.

This Ordinance shall be known as the “Consumers Energy Company Gas and/or Electric Franchise Ordinance” and will be referred to herein as “this Ordinance.”

Section 2.0 Grant and Term.

The Charter Township of Union, Isabella County, Michigan, hereinafter called “Township,” hereby grants to Consumers Energy Company and its successors and assigns, hereinafter called “Consumers Energy,” the right and authority to lay, maintain, and commercially operate gas lines and facilities, including but not limited to mains, pipes, services and valves, and 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 gas and/or electric business in the Township for a period of thirty years.

Section 3.0 Conditions.

No public place used by Consumers Energy 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 Energy’s gas lines, electric lines and related facilities shall be placed as not to unnecessarily interfere with the public’s use of public places. Electric lines and related facilities shall be securely fastened so as not to endanger or injure persons or property. Consumers Energy shall have the right to trim trees if necessary in the conducting of such business.

Section 4.0 Hold Harmless.

Consumers Energy 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 as well as any other legally actionable errors or omissions by Consumers Energy related to its exercise of rights under this Ordinance. In case any action is commenced against the Township on account of the permission herein given, Consumers Energy 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 as well as any other legally actionable errors or omissions by Consumers Energy related to its exercise of rights under this Ordinance.

The Township, and its agents, employees, and contractors are not to be liable to Consumers Energy or to its customers for any interference with or disruption in the operation of its electrical or gas systems, or for any damages arising out of Consumers Energy's use of the public rights-of-way, except to the extent of the gross negligence or willful misconduct of the Township, its agents, employees, or contractors.

Section 5.0 Extensions.

Consumers Energy shall construct and extend its gas and/or electric distribution system within the Township, and shall furnish gas and electric service to applicants residing therein in accordance with applicable laws, rules, and regulations.

Section 6.0 Franchise Not Exclusive.

The rights, power, and authority herein granted are not exclusive.

Section 7.0 Rates and Conditions.

Consumers Energy shall be entitled to provide gas and 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 8.0 Revocation.

The franchise granted by this Ordinance is subject to revocation upon 60 calendar days written notice by either party. Upon revocation this Ordinance shall be considered repealed and of no effect past, present, or future.

Section 9.0 Michigan Public Service Commission Jurisdiction.

Consumers Energy remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to gas and electric service in the Township.

Section 10.0 Repeal.

All ordinances or parts of ordinances in conflict with this Ordinance, including the Consumers Energy Company Gas and/or Electric Franchise Ordinance No. 1992-1, are hereby repealed, except that this Ordinance shall not be construed to repeal any provision of the adopted Township Zoning Ordinance.

Section 11.0 Publication.

The Clerk for the Township shall cause this Ordinance to be published in the manner required by law.

Section 12.0 Effective Date.

This Ordinance was approved and adopted by the Township Board of Trustees, Isabella County, Michigan, on _____, 2022, after a first reading by the Township Board of Trustees on November 10, 2021, and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall become effective immediately upon publication of a summary of the ordinance and notice of adoption in a newspaper of general circulation in the Township, following adoption by the Township Board of Trustees.