

ORDINANCE NO. 36.1

CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE

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 ALMONT, LAPEER COUNTY, MICHIGAN, for a period of thirty (30) years.

THE TOWNSHIP OF ALMONT ORDAINS:

SECTION 1. GRANT and TERM. The TOWNSHIP OF ALMONT, LAPEER COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter call "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 ALMONT, LAPEER COUNTY, MICHIGAN, for a period of thirty (30) 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. Before Consumers installs new pipes, mains, conductors, service pipe or other apparatus in the right-of-way, Consumers shall provide reasonable, advance notice of the work to be performed to the Township Supervisor. In the event exigent or emergency circumstances necessitate immediate work in a right-of-way, Consumers shall notify the township supervisor of such work as soon as practicable.

SECTION 3. HOLD HARMLESS. Consumers shall at all times keep and save the Township free and harmless from all loss, costs and expense caused by Consumers' construction and maintenance of the structures and equipment hereby authorized. If any action is commenced against the Township seeking relief for damages caused by Consumers' construction and maintenance, Consumers shall, upon notice, defend the Township and save it free and harmless from all loss, costs and damage arising out of such 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. REVOCAION. 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 Consumers' gas franchise ordinance adopted by the Township including any amendments.

SECTION 10. PUBLICATION. A true copy of this Ordinance or summary thereof shall be published in the Tri City Times a newspaper of general circulation in the township of Almont, within thirty (30) days after its adoption. A complete copy of the Ordinance is available for inspection by the public at the Township Clerk's office.

SECTION 11. EFFECTIVE DATE. This ordinance shall take effect immediately upon publication.

The undersigned Clerk of the Township of Almont hereby certifies that this ordinance was duly adopted by the Almont Township Board at a meeting held on the 9th day of September, 2019, and was published in the Tri-City Times on the 18th day of September, 2019. The ordinance was made effective as of said date of publication.




Carol Hoffner
Almont Township Clerk

TOWNSHIP OF ALMONT
LAPEER COUNTY, MICHIGAN

SUMMARY OF CONSUMERS FRANCHISE ORDINANCE

On Sept. 9, 2019, the Township Board of the Township of Almont, Lapeer County, Michigan adopted an Ordinance granting Consumers Energy Company, a non-exclusive franchise to construct and operate gas facilities within the Township of Almont for a period of thirty (30) years. The Ordinance shall become effective immediately upon publication of this Notice. A copy of the Ordinance may be purchased or inspected during regular business hours at the Almont Township Clerk's Office located at 819 North Main Street, Almont, MI 48003. A copy of the Ordinance is also available for inspection on the Almont Township website.



Carol Hoffner,
Almont Township Clerk