

**ARTICLE R 5**

**SECTION R 5.01 MICHIGAN CONSOLIDATED GAS COMPANY GAS FRANCHISE**

AN ORDINANCE, GRANTING TO MICHIGAN CONSOLIDATED GAS COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER, AND AUTHORITY TO LAY, MAINTAIN, AND OPERATE GAS MAINS, PIPES AND SERVICES ON, ALONG, ACROSS AND UNDER THE HIGHWAYS, STREETS, ALLEYS, BRIDGES AND OTHER PUBLIC PLACES, AND TO DO A LOCAL GAS BUSINESS IN THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN FOR A PERIOD OF THIRTY YEARS.

THE TOWNSHIP OF FRUITLAND ORDAINS:

**SECTION R 5.02 GRANT OF GAS FRANCHISE AND CONSENT TO LAYING OF PIPES, ETC.**

Subject to all terms and conditions mentioned in the ordinance, consent is hereby given to Michigan Gas Company, a corporation organized under the laws of the State of Michigan (the company), and to its successors and assigns, to lay, maintain, operate and use gas pipes, mains, conductors, service pipes, and other necessary equipment in the highways, streets, alleys and other public places in the Township of Fruitland, Muskegon County, Michigan. And a franchise is hereby granted to the Company, its successors and assigns, to transact local business in said Township of Fruitland for the purpose of conveying gas into and through, and supplying and selling gas in said Township of Fruitland and all other matters incidental thereto.

**SECTION R 5.03 GAS SERVICE AND EXTENSION OF SYSTEM**

If the provisions and conditions herein contained are accepted by the Company, as in Section six (6) hereof provided, then the Company shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations; and provided further such initial installation and any extensions shall be subject to the Main Extension provisions, the Area Expansion Program provisions (if and where applicable) and other applicable provisions now or from time to time hereafter contained in the Company's Rules and Regulations for Gas Service as filed with the Michigan Public Service Commission or successor agency having similar jurisdiction.

**SECTION R 5.04 USE OF STREETS AND OTHER PUBLIC PLACES**

- A. The Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys or other public places within the said Township of Fruitland and shall within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition as before the opening or excavation was made. The Company, its successors and assigns, shall use due care in exercising the privileges herein contained and shall be liable to said Township of Fruitland for all damages and costs which may be recovered against Township of Fruitland arising from the default, carelessness or negligence of the Company or its officers, agents and servants.

- B. No road, street, alley or highway shall be opened for the laying of trunk lines or lateral mains except upon application to the Highway Commissioner or the Township of Fruitland or other authority having jurisdiction in the premises, stating the nature of the proposed work and the route. Upon receipt of such application, it shall be the duty of the Highway Commissioners or the Township Board or such other authority as may have jurisdiction to issue a permit to the Company to do the work proposed.

**SECTION R 5.05 STANDARDS AND CONDITIONS OF SERVICE; RULES, REGULATIONS AND RATES**

The Company is now under the jurisdiction of the Michigan Public Service Commission to the extent provided by statute; and the rates to be charged for gas and the standards and conditions of service and operation hereunder, shall be the same as set forth in the Company's schedule of rules, regulations and rates as applicable in the several cities, villages and townships in which the Company is now rendering gas service, or as shall hereafter be validly prescribed for the Township of Fruitland under the orders, rules and regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises.

**SECTION R 5.06 EFFECTIVE DATE: TERM OF FRANCHISE ORDINANCE; ACCEPTANCE BY COMPANY**

This ordinance shall take effect the day following the date of publication thereof, which publication shall be made within thirty (30) days after the date of its adoption, and shall continue in effect for a period of thirty (30) years thereafter, subject to revocation at the will of the Township of Fruitland at any time during said thirty (30) year period; provided, however, that when this ordinance shall become effective the Township Clerk shall deliver to the Company a certified copy of the ordinance accompanied by written evidence of publication and recording thereof as required by law, and the Company shall, sixty (60) days after the date this ordinance takes effect, file with the Township Clerk its written acceptance of the conditions and provisions hereof.

**SECTION R 5.07 EFFECT AND INTERPRETATION OF ORDINANCE**

All ordinances and resolutions, and parts thereof, which conflict with any of the terms of this ordinance are hereby rescinded. In the case of conflict between this ordinance and any such ordinances or resolutions, this ordinance shall control. The catch line headings which precede each Section of this ordinance are for convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this ordinance.

Adopted: December 20, 1993  
Published: December 27, 1993  
Effective Date: January 27, 1994

Amended: April 18, 2005  
Published: April 24, 2005  
Effective: May 01, 2005