

ARTICLE R 6
SECTION R 6.01

**FRANCHISE ORDINANCE: CONSUMERS POWER
COMPANY**

AN ORDINANCE, GRANTING TO CONSUMERS POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHTS, POWER AND AUTHORITY TO CONSTRUCT, MAINTAIN AND COMMERCIALY USE ELECTRIC LINES CONSISTING OF TOWERS, MASTS, POLES, CROSSARMS, GUYS, BRACES, FEEDERS, TRANSMISSION AND DISTRIBUTION WIRES, TRANSFORMERS AND OTHER ELECTRICAL APPLICANCES ON, UNDER, ALONG AND ACROSS THE HIGHWAYS, STREETS, ALLEYS, BRIDGES, WATERWAYS, AND OTHER PUBLIC PLACES, AND TO DO A LOCAL ELECTRIC BUSINESS IN THE TOWNSHIP OF FRUITLAND, MUSKEGON, MICHIGAN, FOR A PERIOD OF THIRTY YEARS.

THE TOWNSHIP OF FRUITLAND ORDAINS:

SECTION R 6.02 GRANT, TERM

The TOWNSHIP OF FRUITLAND, MUSKEGON 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, waterways, and other public places, and to do a local electric business in the TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN, for a period of thirty years.

SECTION R 6.03 CONSIDERATION

In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION R 6.04 CONDITIONS

All of the Grantee's towers, masts and poles shall be neat and sightly, and so placed on either side of the highways, streets, alleys, bridges and waterways, as not to unnecessarily interfere with the use thereof for highway, street, and alley purposes. All of the 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 work 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.

SECTION R 6.05 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.

SECTION R 6.06 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 have 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 therefore being made by either said Township, acting by its Township Board, or by said Grantee.

SECTION R 6.07 FRANCHISE, NOT EXCLUSIVE

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

SECTION R 6.08 REVOCATION

The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION R 6.09 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.

SECTION R 6.10 REPEALER

This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of an electric ordinance adopted by the Township Board on September 29, 1965 entitled:

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, wires, transformers and other electrical appliances on, along and across the highways, streets, alleys, bridges, and other public places, and to do a local electric business in the TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN, for a period of thirty years, and repealing the ordinance adopted by the Township Board of said Township on March 18, 1936, whereby an electric franchise was granted to Consumers Power Company, its successors and assigns, and, amendments, if any, to such ordinance whereby an electric franchise was granted to Consumers Power Company.

SECTION R 6.11 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 Grantee.

Adopted: September 18, 1995
Published: September 25, 1995
Effective Date: September 26, 1995

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