

Ordinance No. 42

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 MUSSEY, SAINT CLAIR COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF MUSSEY ORDAINS:

SECTION 1. GRANT and TERM. The TOWNSHIP OF MUSSEY, SAINT CLAIR 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 MUSSEY, SAINT CLAIR 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 Consumers' gas franchise ordinance adopted by the Township including any amendments.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect on July 14, 2021.

We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the TOWNSHIP OF MUSSEY, SAINT CLAIR COUNTY, MICHIGAN, on the 14th day of July, 2021.



Michael Lauwers, Township Supervisor

Attest:

I, Sheila McDonald, Clerk of the TOWNSHIP OF MUSSEY, SAINT CLAIR COUNTY, MICHIGAN, DO HEREBY CERTIFY that the ordinance granting Consumers Energy Company, a gas franchise, was properly adopted by the Township Board of the TOWNSHIP OF MUSSEY, SAINT CLAIR COUNTY, MICHIGAN, and that all proceedings were regular and in accordance with all legal requirements.



Sheila McDonald, Township Clerk

Dated: 7/14, 2021

Possible Franchise Enactment Schedule
REVOCABLE GAS FRANCHISE
TOWNSHIP OF MUSSEY, SAINT CLAIR COUNTY, MICHIGAN

First Meeting

Meeting of Township Board

Franchise Ordinance passed

Within 30 days

Publish complete franchise ordinance (in full)

TOWNSHIP ORDINANCES (EXCERPT)
Act 246 of 1945

41.184 Township ordinance; effective date; publication; adoption by reference.

Sec. 4. (1) A township ordinance shall contain a provision stating when the ordinance takes effect.

(2) Except as provided in section 22 of the charter township act, 1947 PA 359, MCL 42.22, and section 401 of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3401, a township ordinance shall take effect as follows:

(a) If an ordinance imposes a sanction for the violation of the ordinance, the ordinance shall take effect 30 days after the first publication of the ordinance.

(b) If an ordinance does not impose a sanction for the violation of the ordinance, the ordinance shall take effect the day following the date of the publication of the ordinance or any date following publication specified in the ordinance.

(3) Publication of the ordinance shall be made within 30 days after the passage of the ordinance by inserting either a true copy or a summary of the ordinance once in a newspaper circulating within the township. A summary of an ordinance may be drafted by the same person who drafted the ordinance or by the township board or township planning commission and shall be written in clear and nontechnical language. Each section of an ordinance or a summary of an ordinance shall be preceded by a catch line. If a summary of an ordinance is published, the township shall designate in the publication the location in the township where a true copy of the ordinance can be inspected or obtained.

(4) If an ordinance adopts by reference a provision of any state statute for which the maximum period of imprisonment is 93 days or the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, a statement of the purpose of the statute shall be published with the adopting ordinance or with the summary of the adopting ordinance under subsection (3). Copies of the statute adopted by the township by reference shall be kept in the office of the township clerk, available for inspection by and distribution to the public. The township shall include in the publication the designation of a location in the township where a copy of the statute can be inspected or obtained. Except as otherwise provided in this subsection, a township shall not enforce any provision adopted by reference for which the maximum period of imprisonment is greater than 93 days. A township may adopt section 625(1)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, by reference in an adopting ordinance and shall provide that a violation of that ordinance is a misdemeanor punishable by 1 or more of the following:

(a) Community service for not more than 360 hours.

(b) Imprisonment for not more than 180 days.

(c) A fine of not less than \$200.00 or more than \$700.00.

History: Add. 1989, Act 78, Imd. Eff. June 20, 1989;—Am. 1994, Act 14, Eff. May 1, 1994;—Am. 1999, Act 253, Imd. Eff. Dec. 28, 1999;—Am. 1999, Act 257, Eff. Dec. 29, 1999;—Am. 2012, Act 9, Imd. Eff. Feb. 15, 2012.

Compiler's note: Former section 4 of this act was not compiled.