

Charter Township of Orion

Ordinance No. 159

CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE

Adopted November 4, 2019

Ordinance No. 159 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 COMMERCIALY 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 CHARTER TOWNSHIP OF ORION, OAKLAND COUNTY, MICHIGAN, FOR A PERIOD OF THIRTY YEARS.

Section I – GRANT and TERM

The CHARTER TOWNSHIP OF ORION, OAKLAND COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called “Consumers” the right and authority subject to section 2 of this Ordinance, 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 to conduct a local gas business in the CHARTER TOWNSHIP OF ORION, OAKLAND COUNTY, MICHIGAN, for a period of thirty years. Consumer’s right and authority to lay, maintain, and commercially operate gas lines shall be limited to reasonable use of the roads and public places.

Section II – CONDITIONS

No public place used by Consumers shall be obstructed longer than reasonably 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. Any interference by Consumers in public places for the purpose of laying new pipes shall be coordinated with the Township.

Section III – HOLD HARMLESS

Consumers shall save the Charter 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 Charter Township on account of the permission herein given, Consumers shall, upon notice, defend the Charter Township and its representatives and hold them harmless from all loss, costs and damage arising out of such negligent construction and maintenance.

Section IV – EXTENSIONS

Consumers shall construct and extend its gas distribution system within said Charter Township and shall furnish gas service to applicants residing therein in accordance with applicable laws, rules and regulations.

Section V – FRANCHISE NOT EXCLUSIVE

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

Section VI – RATES and CONDITIONS

Consumers shall be entitled to provide gas service to the inhabitants of the Charter 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 VII – 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 VIII – MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION

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Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to gas service in the Charter Township and those rules and regulations preempt any term of any ordinance of the Charter Township to the contrary.

Section IX – Repealer

This ordinance, when enacted, shall repeal and supersede the provisions of any previous gas franchise ordinance adopted by the Charter Township including any amendments.

Section X – Effective Date

This ordinance shall take effect on November 7, 2019.

We certify that the foregoing Franchise Ordinance was duly enacted by the Charter Township Board of the CHARTER TOWNSHIP OF ORION, OAKLAND COUNTY, MICHIGAN, on the 4th day of November, 2019.