

**ACME TOWNSHIP ORDINANCE NO. 2009-02**

**CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE**

**AN ORDINANCE, granting to CONSUMERS ENERGY 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, feeders, transmission and distribution wires, transformers and other electrical appliances 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 ACME, GRAND TRAVERSE COUNTY, MICHIGAN, for a period of thirty years.**

THE TOWNSHIP OF ACME ORDAINS:

SECTION 1. GRANT, TERM. The TOWNSHIP OF ACME, GRAND TRAVERSE COUNTY, MICHIGAN, hereby grants the right, power and authority to the Consumers Energy 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 ACME, GRAND TRAVERSE COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS.

- (a) No highway, street, alley, bridge, waterway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's structures and equipment shall be so placed on either side of the highways as not to unnecessarily interfere with the use thereof for highway purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways.
- (b) The Grantee and its contractors and subcontractors shall construct and maintain the Grantee's facilities in accordance with the National Electric Safety Code, as adopted by the Michigan Public Service Commission. Grantee shall have the right to trim trees upon and overhanging the streets, highways, alleys and public places so as to prevent the branches of such trees from coming into contact with the Grantee's facilities in accordance with the clearance standards set forth in the National Electric Safety Code, as adopted by the Michigan Public Service Commission.

SECTION 4. HOLD HARMLESS. Said Grantee shall at all times indemnify the Township from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Township on account of the permission herein given, said Grantee shall, upon notice, defend the Township and indemnify it from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. COMPLIANCE WITH LAWS. Grantee shall comply with all applicable laws, statutes, ordinances, rules and regulations regarding the installation, construction or use of its electrical system, whether federal, state or local, now in force or which hereafter may be promulgated. Furthermore, Grantee shall secure all necessary permits, licenses and approvals from all appropriate departments, agencies, commissions or boards of the Township or other governmental entities as required by law before any installation is commenced. Nothing herein shall be construed as a waiver by Grantee of any of its existing or future rights under state or Federal law.

SECTION 6. EXTENSIONS. Said Grantee shall construct and extend its electric distribution system within said Township, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 7. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 8. RATES. Said Grantee shall be entitled to charge the inhabitants of said Township for electricity furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors 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 therefor being made by either said Township, acting by its Township Board, or by said Grantee.

SECTION 9. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 10. 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 11. REPEALER. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of an electric ordinance adopted by the Township on August 13, 1979 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, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the TOWNSHIP OF ACME, GRAND TRAVERSE COUNTY, MICHIGAN, for a period of thirty years.

and amendments, if any, to such ordinance whereby an electric franchise was granted to Consumers Energy Company.

SECTION 12. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof; provided, however, 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 said Grantee.

We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the TOWNSHIP OF ACME, GRAND TRAVERSE COUNTY, MICHIGAN, on the 11th day of August, 2009.

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Wayne Kladder, Township Supervisor

Attest:

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Dorothy Dunville, Township Clerk

**LEGAL NOTICE**  
**TOWNSHIP OF ACME - NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the ACME TOWNSHIP BOARD OF TRUSTEES, at a meeting on August 11, 2009 at 6:30 p.m. in the Acme Township Hall, 6042 Acme Road, Williamsburg, Michigan 49690, adopted Consumers Energy Company Electric Franchise Ordinance #2009-02, which follows:

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**SECTION 3. CONDITIONS.**

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**SECTION 4. HOLD HARMLESS.** Said Grantee shall at all times indemnify the Township from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Township on account of the permission herein given, said Grantee shall, upon notice, defend the Township and indemnify it from all loss, cost and damage arising out of such negligent construction and maintenance.

**SECTION 5. COMPLIANCE WITH LAWS.** Grantee shall comply with all applicable laws, statutes, ordinances, rules and regulations regarding the installation, construction or use of its electrical system, whether federal, state or local, now in force or which hereafter may be promulgated. Furthermore, Grantee shall secure all necessary permits, licenses and approvals from all appropriate departments, agencies, commissions or boards of the Township or other governmental entities as required by law before any installation is commenced. Nothing herein shall be construed as a waiver by Grantee of any of its existing or future rights under state or Federal law.

**SECTION 6. EXTENSIONS.** Said Grantee shall construct and extend its electric distribution system within said Township, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

**SECTION 7. FRANCHISE NOT EXCLUSIVE.** The rights, power and authority herein granted, are not exclusive.

**SECTION 8. RATES.** Said Grantee shall be entitled to charge the inhabitants of said Township for electricity furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors 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 therefor being made by either said Township, acting by its Township Board, or by said Grantee.

**SECTION 9. REVOCATION.** The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

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We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the TOWNSHIP OF ACME, GRAND TRAVERSE COUNTY, MICHIGAN, on the 11th day of August, 2009.

A complete copy of this ordinance is available for public inspection and copying at the office of the Township Clerk, Acme Township Hall, 6042 Acme Road, Williamsburg MI 49690 between 8:00 a.m. and 5:00 p.m. Monday through Friday and at [www.acme-township.org](http://www.acme-township.org).

Dorothy Dunville, Clerk  
Acme Township  
6042 Acme Road  
Williamsburg MI 49690  
(231) 938-1350  
[ddunville@acmetownship.org](mailto:ddunville@acmetownship.org)

August 17, 2009-1T

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