

12.280

**CONSUMERS POWER COMPANY
ELECTRIC FRANCHISE ORDINANCE
VILLAGE OF SHEPEHERD MICHIGAN
ord. no. 7604 eff. Sept. 23, 1985**

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 Village of Shepherd, Isabella County, Michigan.

THE VILLAGE OF SHEPHERD ORDAINS

12.281

Sec. 1. GRANT OF FRANCHISE; GRANTEE DEFINED.

That wherever the word "Grantee" appears in this ordinance, it is hereby intended to designate, and shall be held to refer to the Consumers Power Company, a Michigan corporation, its successors and assigns. The right, power and authority is hereby granted and vested in said 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 on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the Village of Shepherd, Isabella County, Michigan.

(ord. no. 7604 eff. Sept. 23, 1985)

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Sec. 2. RESPONSIBILITY OF GRANTEE.

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

(ord. no. 7604 eff. Sept. 23, 1985)

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Sec. 3. CONDITIONS OF WORK; TREE TRIMMING.

No highway, street, alley, bridge 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 good order and condition as when such work was commenced. All towers, masts, poles, and other supports shall be set and all wires shall be suspended (Rev. 9/85) or buried in a careful and proper manner so as not to injure persons or property. The Grantee shall have the right to trim trees if necessary in the conducting of business, subject, however, to the supervision of the Public Works Superintendent of the Village.

(ord. no. 7604 eff. Sept. 23, 1985)

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Sec. 4. INDEMNIFICATION.

The Grantee shall at all times keep and save the Village free and harmless from all loss, costs and damage to which it may be subject by reason of the negligent construction and maintenance of the towers, masts, poles, wires and other structures and appliances, the erection, burial and maintenance of which are hereby authorized.

(ord. no. 7604 eff. Sept. 23, 1985)

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Sec. 5. RATES; BILLS; METERS.

The Grantee shall be entitled to charge the inhabitants of said Village for electric energy for light, heat and power, the rates as approved by the Michigan Public Service Commission. Said rates shall be subject to review and change at any time by the Michigan Public Service Commission or its successors, upon proper application by either said Grantee or the Village, acting by the Village Council, being made thereto, and the regularly filed rates as approved by said Michigan Public Service Commission or its successors, as applicable to said Village of Shepherd, shall at times be the lawful rates.

All bills for electric energy shall be payable monthly. The Grantee may collect the minimum charge as specified in said schedule. It shall also furnish and maintain commercially accurate meters to measure the energy furnished. Said Grantee shall at all reasonable times have access to the premises of its customers, for the purpose of reading, inspecting, removing and replacing such meters.

(ord. no. 7604 eff. Sept. 23, 1985)

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Sec. 6. RIGHTS NOT EXCLUSIVE.

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

(ord. no. 7604 eff. Sept. 23, 1985)

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Sec. 7. REVOCATION.

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

(ord. no. 7604 eff. Sept. 23, 1985)

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Sec. 8. APPLICABLE RULES AND REGULATIONS.

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 Village.

(ord. no. 7604 eff. Sept 23, 1985)

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Sec. 9 EFFECTIVE DATE.

This ordinance shall take effect immediately after the date of publication thereof, provided however, it shall cease and be of no effect after thirty days from its adoption, unless written said period the Grantee shall accept the same in writing filed with the Village Clerk. Upon the acceptance and publication hereof, this ordinance shall constitute a contract between said Village and said Grantee.

(ord. no. 7604 eff. Sept. 23, 1985)

Adopted: September 3, 1985