

## **ORDINANCE NO. 280**

An Ordinance, granting to Consumers Energy Company, its successors and assigns, the right and authority to construct, maintain, and commercially use electric lines and related facilities including but not limited to towers, masts, poles, crossarms, guys, wires, and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the Charter Township of Larkin, Midland County, Michigan, for a period of thirty years.

### **THE CHARTER TOWNSHIP OF LARKIN HEREBY ORDAINS:**

**SECTION 1: Grant and Term.** The Charter Township of Larkin, Midland County, Michigan, hereby grants to Consumers Energy Company, its successors and assigns (hereinafter called "Consumers"), the right and authority to construct, maintain, and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, wires, and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the Charter Township of Larkin, Midland 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' electric 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 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 liens 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 4: Extensions.** Consumers shall conduct and extend its electric distribution system with said Charter Township, and shall furnish electric 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 electric 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 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 electric service in the Charter Township and those rules and regulations preempt any term of any ordinance of the Charter Township to the contrary.

SECTION 9: Repealer. This Ordinance, when enacted, shall repeal and supersede the provisions of any prior Consumers' electric franchise ordinance adopted by the Charter Township, including any amendments.

SECTION 10: Effective Date: This ordinance shall become effective thirty (30) days after the publication in a newspaper of general circulation within the Charter Township of Larkin, Midland County, Michigan.

Adopted February 14, 2023