

**ARTICLE 23  
WHITEHALL TOWNSHIP GENERAL CODE**

**PROVISIONS REGARDING  
CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE  
ORDINANCE**

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 TOWNSHIP OF WHITEHALL, MUSKEGON COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF WHITEHALL ORDAINS:

**2301 GRANT AND TERM**

The TOWNSHIP OF WHITEHALL, MUSKEGON 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 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 TOWNSHIP OF WHITEHALL, MUSKEGON COUNTY, MICHIGAN, for a period of thirty years. The Township does not maintain nor have jurisdiction over the public roads/rights-of-way within the Township. Based on the foregoing, this Ordinance shall not be deemed to be construed as the Muskegon County Road Commission giving permission to Consumer's for use of any road/right-of-way in the Township, within the Muskegon County Road Commission's jurisdiction. Such permission shall be sought by Consumer's, and shall not be the responsibility of the Township.

**2302 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' electric lines and related facilities shall be placed as not to 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 subject to Township Board supervision.

### **2303 HOLD HARMLESS**

Consumers shall save the Township free and harmless from all loss, costs and expense to which it may be subject in the event that any action is commenced against the Township by reason of operations of Consumers, its agents, successors, assigns and/or licensees. Consumers shall, upon notice, defend the Township and its representatives and hold them harmless from all loss, costs and damages arising out of any such action.

### **2304 EXTENSIONS**

Consumers 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.

### **2305 FRANCHISE NOT EXCLUSIVE**

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

### **2306 RATES AND CONDITIONS**

Consumers shall be entitled to provide electric 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.

### **2307 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.

### **2308 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 Township and those rules and regulations preempt any term of any ordinance of the Township to the contrary.

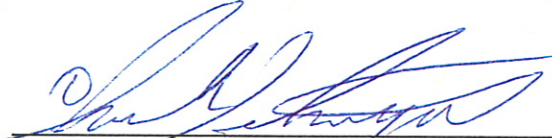
### **2309 REPEALER**

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

**2310 EFFECTIVE DATE**

This ordinance shall take effect on April 1, 2019.

We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the TOWNSHIP OF WHITEHALL, MUSKEGON COUNTY, MICHIGAN, on the 25 day of February, 2019.

  
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Chuck Schmitigal, Township Supervisor

Motion by: Chuck Schmitigal

Second by: Dennis Kroll

All in favor: Dennis, June, Chuck, Sarah, Kelley

All opposed: 0

Attest:

I, Sarah Sylvester, Clerk of the TOWNSHIP OF WHITEHALL, MUSKEGON COUNTY, MICHIGAN, DO HEREBY CERTIFY that the ordinance granting Consumers Energy Company, an electric franchise, was properly adopted by the Township Board of the TOWNSHIP OF WHITEHALL, MUSKEGON COUNTY, MICHIGAN, and that all proceedings were regular and in accordance with all legal requirements.

  
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Sarah Sylvester, Township Clerk

Dated: February 25, 2019