

LYON TOWNSHIP
ROSCOMMON COUNTY, MICHIGAN

ORDINANCE NUMBER 7

ADOPTED: February 8, 1995

GAS FRANCHISE

An ordinance to secure the public health, safety, and welfare of the residents and property owners of Lyon Township, Roscommon County, Michigan and prescribe the sanctions for violations of the ordinance.

PURPOSE AND INTENT

An Ordinance, granting to MICHIGAN CONSOLIDATED GAS COMPANY, its successors and or assigns the right, power and power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in the TOWNSHIP OF LYON, ROSCOMMON COUNTY, MICHIGAN for a period of thirty years.

TOWNSHIP OF LYON

ROSCOMMON COUNTY, MICHIGAN

ORDAINS:

SECTION 1

TITLE

This ordinance shall be known and cited as Lyon Township Gas Franchise Ordinance

SECTION 2

DEFINITIONS

The following terms used in this ordinance are as follows: N/A

SECTION 3

REGULATIONS

GRANT OF GAS FRANCHISE AND CONSENT TO LAYING OF PIPES, ETC.:

Subject to all the terms and conditions mentioned in this ordinance, consent is hereby given to Michigan Consolidated Gas Company, a corporation organized under the laws of the State of Michigan (the "Company"), and to its successors and assigns, to lay, maintain, operate and use gas pipes, mains, conductors, service pipes, and other necessary equipment in the highways, streets, alleys and other public places in the Township of Lyon, Roscommon County, Michigan, and a franchise is hereby granted to the Company, its successors and assigns, to transact local business in said Township of Lyon for the purpose of

conveying gas into and through and supplying and selling gas in said Township of Lyon and all other matters incidental thereto.

GAS SERVICE AND EXTENSION OF SYSTEM

If the provisions and conditions herein contained are accepted by the Company, as in Sec. 6 hereof provided, then the Company shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations; and provided further that such initial installation and any extension shall be subject to the main Extension provisions, the Area Expansion Program provisions (if and where applicable), and other applicable provisions now or from time to time hereafter contained in the Company’s Rules and Regulations for the Gas Services as filed with the Michigan Public Service Commission or successor agency having similar jurisdiction.

USE OF STREETS AND OTHER PUBLIC PLACES

The Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys, or other public places within said Township of Lyon and shall within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition as before the opening or excavation was made. The Company, its successors and assigns, shall use due care in exercising the privileges herein contained and shall be liable to said Township of Lyon for all damages and costs which may be recovered against the Township of Lyon arising from the default, carelessness or negligence of the Company or its officers, agents and servants. No road, street, alley or highway shall be opened for the laying of trunk lines or lateral mains except upon application to the Highway Commissioners or the Township of Lyon or other authority having jurisdiction in the premises, stating the nature of the proposed work and the route. Upon receipt of such application, it shall be the duty of the Highway Commissioners or the Township Board, or such other authority as may have jurisdiction, to issue a permit to the Company to do the work proposed.

STANDARDS AND CONDITIONS OF SERVICE: RULES, REGULATIONS AND RATES.

The Company is now under the jurisdiction of the State Public Service Commission to the extent provided by statute; and the rates to be charged for gas, and the standards and conditions of service and operation hereunder, shall be the same as set forth in the Company’s schedule of rules, regulations, and rates as applicable in the several cities, villages, and townships in which the Company is now rendering gas service, or as shall hereafter be validly prescribed for the Township of Lyon under the orders, rules, and regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises.

SUCCESSORS AND ASSIGNS

The words “Michigan Consolidated Gas Company” and “the Company” wherever used herein, are intended and shall be held and construed to mean and include both Michigan Consolidated Gas Company and its successors and Assigns, whether so expressed or not.

SECTION 4

VIOLATIONS AND PENALTIES

Any person who violates any of the provisions of this ordinance shall be deemed to be responsible for a Municipal Civil Infraction as defined by Michigan statute, punishable by a civil fine determined in accordance with the schedule:

	<u>Minimum Fine</u>
1 st offense within a 3-year period*	\$ 50.00
2 nd offense within a 3-year period*	\$125.00
3 rd offense within a 3-year period*	\$250.00
4 th or subsequent offense in a three-year period*	\$400.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Lyon Township has been put in connection with the Municipal Civic Infraction.

In addition, any violation of this ordinance is hereby declared to be a public nuisance per se which may be abated in Circuit Court in lieu of or in addition to other civil infractions.

Each day that a violation exists shall constitute a separate offense for enforcement purposes.

SECTION 5

SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any other portion of this ordinance.

SECTION 6

REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 7

EFFECTIVE DATE: TERM OF FRANCHISE ORDINANCE; ACCEPTANCE BY COMPANY.

This ordinance shall take effect the day following the date of publication thereof, which publication shall be made within thirty (30) days after the date of its adoption, and shall continue in effect for a period of thirty (30) years thereafter, subject to revocation at the will of the Township of Lyon at any time during the (30) year period; provided, however, that when this ordinance shall become effective the Township Clerk shall deliver to the Company a certified copy of the ordinance accompanied by written evidence of the publication and recording thereof as required by law, and the Company shall, sixty (60) days after receipt of the above documents, file with the Township Clerk its written acceptance of the conditions and provisions.

EFFECTIVE AND INTERPRETATION OF ORDINANCE

All ordinances and resolutions, and parts thereof, which conflict with any of the terms of this ordinance, are hereby rescinded. In the case of conflict between this ordinance and any such ordinances or resolutions, this ordinance shall control. The catch line headings which precede each Section of this Ordinance are for convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this ordinance.

Ayes 4, 1 absent

Nays: None

Date passed: 2/8/95

Attested, by Order of the Township of Lyon

Reta J. Cottingham, Township Clerk

Robert L. Mead, Township Supervisor