

Village of Lake Isabella - Codified Ordinances

Article X – Utilities & Construction

Chapter 1022 – Consumer’s Energy Natural Gas Franchise

Chapter 1022.01	Granting Terms	Chapter 1022.11	Rates
Chapter 1022.03	Conditions	Chapter 1022.13	Revocation
Chapter 1022.05	Hold Harmless	Chapter 1022.15	MPSC
Chapter 1022.07	Extensions		Jurisdiction
Chapter 1022.09	Franchise Not Exclusive		

1022.01 GRANTING TERMS

The Village of Lake Isabella hereby grants to the Consumers Energy Company, a Michigan Corporation, its successors and assigns, hereinafter called the “Grantee,” the revocable right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a legal local gas business in the Village of Lake Isabella. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all the things required by the terms hereof.

(Ord. 1999-05, Dated: October 19th, 1999)

1022.03 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 pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use of thereof for highway purposes.

(b) The Grantee shall relocate, at its own expense, its facilities which are in the public right-of-way whenever the public’s use of such rights-of-way, for public purposes such as sewer and water mains, is in direct conflict with the location of such utility facilities, provided however, that nothing herein shall be construed as a waiver by Grantee of any of its existing or future rights under State or Federal law.

(Ord. 1999-05, Dated: October 19th, 1999)

1022.05 HOLD HARMLESS

Said Grantee shall at all times keep and save the Village 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 structures and equipment hereby authorized. In case any action is commenced against the Village on account of the permission herein given, said Grantee shall, upon notice defend the Village and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

(Ord. 1999-05, Dated: October 19th, 1999)

1022.07 EXTENSIONS

Said Grantee shall construct and extend its gas distribution system within said Village, and shall furnish gas to applicants residing therein in accordance with applicable laws, rules, and regulations.

(Ord. 1999-05, Dated: October 19th, 1999)

1022.09 FRANCHISE NOT EXCLUSIVE

The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

(Ord. 1999-05, Dated: October 19th, 1999)

1022.11 RATES

Said Grantee shall be entitled to charge the inhabitants of said Village for gas 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 gas rates and rules regulating such service in said Village, 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 therefore being made by either said Village, acting by its Village Council, or by said Grantee.

(Ord. 1999-05, Dated: October 19th, 1999)

1022.13 REVOCATION

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

(Ord. 1999-05, Dated: October 19th, 1999)

1022.15 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 gas service in said Village.

(Ord. 1999-05, Dated: October 19th, 1999)