

ORDINANCE NO. 14

An ordinance to grant to Top O'Michigan Rural Electric Company a revocable, nonexclusive public utility franchise to serve the Township.

THE TOWNSHIP OF BIG CREEK ORDAINS:

Section 1. Renewal of Franchise. Top O'Michigan Rural Electric Company, a Michigan cooperative corporation, is granted the right and privilege of providing electric service within the Township and to conduct a local business incident to the furnishing of such service, this being a renewal of a franchise previously granted.

Section 2. Nonexclusive Nature, Term. The public utility franchise hereby granted is nonexclusive and shall be for a period of thirty years from the effective date of this ordinance unless sooner revoked.

Section 3. Revocation. The public utility franchise hereby granted is subject to revocation at the will of the Township.

Section 4. Conditions. The public utility franchise hereby granted is subject to the following conditions:

(a) Top O'Michigan shall not injure any street, highway, alley or other public place, nor shall it disturb or interfere with any water, sewer or gas pipes now or hereafter constructed by any authorized person.

(b) Before entering any street, highway, alley or other public place for erecting and constructing any poles, wire or conduit, Top O'Michigan shall notify the Board of County Road Commissioners or other proper authority of the proposed construction and shall obtain approval thereof.

(c) No street, highway, alley or public place shall be allowed to remain encumbered by the construction work for a longer period than shall be reasonably necessary to perform such work.

(d) Top O'Michigan shall save the Township harmless from any judgment that may be recovered against the Township by reason of the wrongdoing or negligence of Top O'Michigan in the construction and maintenance of electric distribution poles, wires or in its use of construction machinery.

Section 5. Reservation of Governmental Rights. Nothing in this public utility franchise shall be construed in any manner as a surrender by the Township of its legislative power nor shall it in any manner be interpreted as limiting the right of the Township or the County Road Commission to regulate the use of any street, highway, alley or public place within its jurisdiction.

Section 6. Effective Date. This ordinance shall become effective on the day following its publication.

ADOPTED BY THE TOWNSHIP BOARD OF BIG CREEK TOWNSHIP, OSCODA COUNTY, MICHIGAN, AT A REGULAR MEETING HELD THE 19th DAY OF December, 1988.

Francis Galew
Township Clerk

Attest:

James S. Boop
Township Supervisor

I do hereby certify that the above and foregoing is a true and correct copy of an ordinance and franchise granted to Top O'Michigan Rural Electric Company at a regularly called meeting of the Township Board held on the 19th day of Dec., 1988, at which a quorum was present.

Francis Galew
Township Clerk