

**VILLAGE OF ELBERTA
BENZIE COUNTY, MICHIGAN
ORDINANCE NO. 46**

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 VILLAGE OF ELBERTA, BENZIE COUNTY, MICHIGAN, for a period of thirty years.

THE VILLAGE OF ELBERTA ORDAINS:

SECTION 1. GRANT and TERM. The VILLAGE OF ELBERTA, BENZIE 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 VILLAGE OF ELBERTA, BENZIE 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 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 lines and related facilities hereby authorized. In case any action is commenced against the Village on account of the permission herein given, Consumers shall, upon notice, defend the Village 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 construct and extend its electric distribution system within said Village, 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 Village 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 Village and those rules and regulations preempt any term of any ordinance of the Village to the contrary.

SECTION 9. REPEALER. This ordinance, when enacted, shall repeal and supersede the provisions of any previous Consumers' electric franchise ordinance adopted by the Village including any amendments.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect 20 days from the date of enactment, on October 9, 2024.

We certify that the foregoing Franchise Ordinance was duly enacted by the Village Council of the VILLAGE OF ELBERTA, BENZIE COUNTY, MICHIGAN, on the 19th day of September, 2024.


Motion by Trustee: Kenneth Holmes
Second by Trustee: Emily Votruba
Ayes: Kenneth Holmes, Ryan Fiebing, Emily Votruba, Brett McGregor, and Jennifer Wilkins.
Nays: None
Absent: None



Jennifer Wilkins, President

Attest:

I, EMILY K. VOTRUBA, President Pro Tem of the VILLAGE OF ELBERTA, BENZIE COUNTY, MICHIGAN, DO HEREBY CERTIFY that the ordinance granting Consumers Energy Company, an electric franchise, was properly adopted by the Village Council of the VILLAGE OF ELBERTA, BENZIE COUNTY, MICHIGAN, and that all proceedings were regular and in accordance with all legal requirements.



Emily Votruba, President Pro Tempore

Dated: 9 / 30, 2024