

**CITY OF IMLAY CITY**  
**ORDINANCE NO. 14.2 - AMENDMENT**  
**CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE**

ORDINANCE NO. 14.2

**CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE**

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the CITY OF IMLAY, LAPEER COUNTY, MICHIGAN, for a period of thirty years.

**THE CITY OF IMLAY ORDAINS:**

SECTION 1. GRANT and TERM. The CITY OF IMLAY, LAPEER COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and valves on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the CITY OF IMLAY, LAPEER 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' gas 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 City 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 City on account of the permission herein given, Consumers shall, upon notice, defend the City 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 gas distribution system within said City, and shall furnish gas 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 gas service to the inhabitants of the City 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.

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SECTION 8. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to gas service in the City and those rules and regulations preempt any term of any ordinance of the City to the contrary.

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

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect on June 06, 2023.

We certify that the foregoing Franchise Ordinance was duly enacted by the City Council of the CITY OF IMLAY, LAPEER COUNTY, MICHIGAN, on the 6<sup>th</sup> day of June, 2023.

  
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Craig Horton, City Manager

**MOTION** by Sadler seconded by Tanis to authorize the City Manager to sign the renewal of Ordinance 14.2 with Consumers Energy and grants Consumers franchise to utilize the highways and streets within the City of Imlay City for public utility purposes as presented.

**ROLL CALL VOTE**

Ayes: Sadler, Tanis, Yockey, Collison, DeLuca, Ramirez, Kempf

Nays: None

Absent: None

**MOTION CARRIED UNANIMOUSLY**

I, Dawn Sawicki-Franz, Clerk of the CITY OF IMLAY, LAPEER COUNTY, MICHIGAN, DO HEREBY CERTIFY that the ordinance granting Consumers Energy Company, a gas franchise, was properly adopted by the City Commission of the CITY OF IMLAY, LAPEER COUNTY, MICHIGAN, at a regular meeting held on Tuesday, June 06, 2023 and that all proceedings were regular and in accordance with all legal requirements. The original of which ordinance is on file in my office and I further certify that notice of said meeting was given in full compliance with the Open Meetings Act.

  
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Dawn Sawicki-Franz, City Clerk

Dated: June 06, 2023