

PENINSULA TOWNSHIP  
GRAND TRAVERSE COUNTY, MICHIGAN  
ORDINANCE NO. 17

ELECTRIC SERVICE FRANCHISE ORDINANCE

AN ORDINANCE granting to TRAVERSE CITY LIGHT & POWER, (hereinafter referred to as the Grantee), its successors and assigns, the non-exclusive right, power and franchise for a period of thirty (30) years from and after the adoption and approval hereof, to acquire, construct, operate and maintain in Section 31 and Section 36 of Peninsula Township, Grand Traverse County, poles, equipment and facilities requisite or necessary for the transmission and distribution of electricity (and to transmit and distribute telecommunication signals).

BE IT ORDAINED:

Section 1: The Grantee, its successors and assigns, be and it is hereby granted and vested with the non-exclusive right, power, and franchise for a period of thirty (30) years from and after the adoption and approval hereof, as provided by law, to acquire, construct, maintain or operate in the Township of Peninsula poles, equipment and facilities requisite or necessary for the transmission and distribution of electricity (and to transmit and distribute telecommunication signals).

Section 2: The conditions of the foregoing grant are as follows:

A. The Grantee shall not injure any street or public place without repairing such injury nor shall it disturb or interfere with any water, gas pipes or sewer.

B. The Grantee shall restore any areas where any pole or other structure or facility is installed to the same condition existing before installation.

C. The County Road Commission may require the Grantee to trim trees when necessary to assure the lines of the Grantee are safe and accessible and may require that such be done under the supervision of the County Road Commission.

D. Before commencing the construction of any electric transmission line or changing the route thereof, the Grantee shall notify the County Road Commission of the proposed construction and obtain approval from the County Road Commission and, if the County Road Commission should so require, file with it plans and specifications of the proposed construction.

E. No street or other public place shall remain encumbered by construction work of the Grantee for longer than shall be necessary to execute the work and the County Road Commission shall determine the question of such necessity.

F. The Grantee shall at all times conform to all ordinances of the Township now in force and as amended or enacted hereinafter.

G. The Grantee shall keep on file at its principal office full and complete plans showing the exact location of all franchise equipment and facilities installed on any public property within the Township. The Grantee shall file with the

Township Clerk on or before the first Monday in February of each year a current map or set of maps drawn to scale, showing the location of all franchise equipment and facilities installed in public places of the Township during the previous year, except that during the first year of the franchise, such filing shall include all such equipment previously installed or operated, either prior to or after the effective date of the franchise.

H. The Township may require that the Grantee, before entering upon any public place for the purpose of construction of any pole, line, equipment or facility, file plans and specifications for such proposed pole, line, equipment or facility and shall not undertake such construction until the Town Board shall have approved the plans and specifications.

I. The Grantee shall raise its wires or otherwise move them for the passage of any structure when so requested by the County Road Commission.

J. Within twelve (12) months after the use of any franchise equipment or facility has been permanently discontinued or after the franchise expires or is otherwise terminated, the Grantee shall remove such property from any public place in the Township and restore such public place so as to conform in all respects with the current condition of such public place at the date of such restoration; provided such property shall not be removed if the Township Supervisor shall determine that such removal shall cause unreasonable damage to such place and the Township Supervisor thereupon requests that any such property

shall remain in place then such property shall not be removed and title thereto shall become vested in the Township.

Section 3: The franchise granted herein is subject to confirmation at the next regular election or special election by a majority of the Peninsula Township electors voting upon the question in the affirmative.

Section 4: The Grantee shall not assign the franchise or otherwise transfer it or permit others to use it except on prior written approval by Ordinance enacted by the Town Board.

Section 5: The Grantee shall indemnify and defend the Township and all of its agents and employees against any and all liability for damage to any person or property caused by the Grantee in the construction, operation or maintenance of its property or arising out of the exercise of any right or privilege of the franchise.

Section 6: In the event the Grantee shall fail to conform to the conditions and provisions hereof, the Town Board may direct that notice of violation be given to the Grantee, which notice may establish a time limit for conformity by the Grantee. Should the Grantee not comply with the terms of such notice then the Town Board may revoke this franchise after holding a hearing and determining that the Grantee is not in substantial compliance with the terms and conditions hereof, which hearing shall be held upon such notice and rules as the Town Board may determine.

Section 7: This ordinance will take effect upon publication of the ordinance.

ROBERT K. MANIGOLD, Supervisor  
MARY K. BELDING, Clerk  
Peninsula Town Board  
Passed by the Town Board on:  
September 11, 1990  
Prepared in the offices of:  
Running, Wise, Wilson, Ford  
and Phillips  
By: William L. Wise  
Township Attorneys  
Business Address:  
326 E. State Street  
P.O. Box 686  
Traverse City, MI 49684

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TO THE RECORD EAGLE:

Please publish on:

September 25, 1990

Please send affidavit to:

William L. Wise

Please send bill to:

Mrs. Mary K. Belding  
Peninsula Township Clerk  
17630 Smoky Hollow Road  
Traverse City, MI 49684

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RECEIVED BY THE RECORD EAGLE:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

By: \_\_\_\_\_