

## ORDINANCE NUMBER FIFTY-SIX

**AN ORDINANCE GRANTING TO MICHIGAN CONSOLIDATED GAS COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER, AND AUTHORITY TO LAY, MAINTAIN, AND OPERATE GAS MAINS, PIPES AND SERVICES ON, ALONG, BRIDGES AND OTHER PUBLIC PLACES, AND TO DO A LOCAL GAS BUSINESS IN THE CITY OF CARSON CITY, MONTCALM COUNTY, MICHIGAN FOR A PERIOD OF THIRTY YEARS.**

THE CITY OF CARSON CITY ORDAINS:

### CHAPTER 56.1

#### **ESTABLISHMENT OF ORDINANCE**

56.101 Short Title. This Ordinance shall be known and may be referred to by its short title of "Michigan Consolidated Gas Company Franchise Ordinance."

56.102 Authority. The authority of this Ordinance can be found in Chapter 14 of the Charter of the City of Carson City.

56.103 Purpose. The purpose of this Ordinance is to establish a non-exclusive franchise for the Michigan Consolidated Gas Company.

56.104 Establishment. Subject to all the terms and conditions mentioned in this Ordinance, consent is hereby given to Michigan Consolidated Gas Company, a corporation organized under the laws of the State of Michigan ("the Company"), and to its successors and assigns, to lay, maintain, operate, and use gas pipes, mains, conductors, service pipes, and other necessary equipment in the highways, streets, alleys, and other public places in the City of Carson City, Montcalm County, Michigan, and a franchise is hereby granted to the Company, its successors and assigns, to transact local business in said City of Carson City for the purposes of conveying gas into and through and supplying and selling gas in said City of Carson City and all other matters incidental thereto.

CHAPTER 56.2  
**GAS SERVICE AND EXTENSION OF SYSTEM**

56.201 Gas Service. If the provisions and conditions herein contained are accepted by the Company, as in Section 56.702 hereof provided, then the Company shall furnish gas to applicants residing within the jurisdiction of the City of Carson City in accordance with applicable laws, rules and regulations.

56.202 Extension of System. The initial installation and any extensions shall be subject to the Main Extension provisions, the Area Expansion Program provisions (if and where applicable), and other applicable provisions now or from time to time hereafter contained in the Company's Rules and Regulations for Gas Service as filed with the Michigan Public Service Commission or successor agency having similar jurisdiction.

CHAPTER 56.3  
**USE OF STREETS AND OTHER PUBLIC PLACES**

56.301 Obstruction, repair and condition of streets. The Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys, or other public places within said City of Carson City and shall within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition as before the opening or excavation was made.

56.302 Damages and costs. The Company, its successors and assigns, shall use due care in exercising the privileges herein contained and shall be liable to said City of Carson City for all damages and costs which may be recovered against the City of Carson City arising from the default, carelessness, or negligence of the company or its officers, agents, and servants.

56.303 Application. No road, street, alley, or highway shall be opened for the laying of trunk lines or lateral mains except upon application to the Highway Commissioner or the City of Carson City or other authority having jurisdiction in the

premises, stating the nature of the proposed work and the route. Upon receipt of such application, it shall be the duty of the Highway Commissioners or the City Council, or such other authority as may have jurisdiction, to issue a permit to the Company to do the work proposed.

#### CHAPTER 56.4

### **STANDARDS AND CONDITIONS OF SERVICE; RULES, REGULATIONS AND RATES**

The Company is now under the jurisdiction of the Michigan Public Service Commission to the extent provided by statute; and the rates to be charged for gas, and the standards and conditions of service and operation hereunder, shall be the same as set forth in the Company's schedule of rules, regulations, and rates as applicable in the several cities, villages, and townships which the Company is now rendering gas services, or as shall hereafter be validly prescribed for the City of Carson City under the orders, rules, and regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises.

#### CHAPTER 56.5

### **SUCCESSORS AND ASSIGNS**

The words "Michigan Consolidated Gas Company" and "the Company" wherever used herein, are intended and shall be held and construed to mean and include both Michigan Consolidated Gas Company and its successors and assigns, whether so expressed or not.

#### CHAPTER 56.6

### **TERM OF FRANCHISE**

56.601 Term of Franchise. The term of this franchise shall be for a period of thirty (30) years from the effective date of this Ordinance.

56.602 Revocation of Franchise. Pursuant to Section 14.2, the franchise granted by this Ordinance is subject to revocation at the will of the City Council of the City of Carson City at any time during said thirty year period.

#### CHAPTER 56.7

#### **EFFECTIVE DATE AND ACCEPTANCE BY COMPANY**

56.701 Effective Date. This Ordinance granting to Michigan Consolidated Gas Company a nonexclusive franchise shall be on file for public inspection and shall become effective four weeks after publication of notice thereof.

56.702 Acceptance by Company. When this Ordinance becomes effective, the City Comptroller shall deliver to the Company a certified copy of this Ordinance accompanied by proof of publication and recording thereof by law, and the Company shall, sixty (60) days after receiving the above documents from the City Comptroller, file with the City Comptroller its written acceptance of the conditions and provisions hereof.

56.703 Failure of Acceptance. If the Company fails to accept the conditions and provisions of this Ordinance pursuant to Section 56.702, then in that event this Ordinance will be subject to revocation by the City Council at its next regular meeting.

#### CHAPTER 56.8

#### **SEVERABILITY**

If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions thereof.

Affidavit of Publication

Brett Mathis Advertising Director of  
THE DAILY NEWS, Greenville, a newspaper printed, published  
and circulated in the Counties of Montcalm and Ionia, State  
of Michigan, being duly sworn, deposes and says that the  
following listed advertisements have been printed, published  
and circulated in each issue of each listed date.

This advertising was inserted on the order of City of  
Carson City.

This advertising promoted Advertiser 56

Published 7/25/94 CCG Amount \$ 159.40

Signed:

Brett A. Mathis

Subscribed and sworn before me this 25<sup>th</sup> day of July

A.D. 19 94.

Deborah K. Dyer

Notary Public, Montcalm County, Michigan

My commission expires \_\_\_\_\_

DEBORAH K. DYER, NOTARY PUBLIC  
MONTCALM COUNTY, STATE OF MICHIGAN  
MY COMMISSION EXPIRES 02-12-95

CHAPTER 56.9

**CONFLICTING ORDINANCES AND AMENDMENTS SUPERSEDED**

Any city ordinance and/or amendments thereto or resolutions that are in conflict or parts thereof which conflict with any terms of this ordinance are hereby rescinded. In case of conflict between this ordinance and any such ordinances or resolutions, this ordinance shall control. The catch line headings which proceed each section or subsection of the ordinance are for convenience and reference only and shall not be taken into consideration any construction or interpretation of any of the provisions of this ordinance.

CHAPTER 56.10

**PUBLICATION**

This Ordinance was published in the Carson City Gazette on July 25, 1994 pursuant to section 14.2(b) of the Charter of the City of Carson City.

**CERTIFICATION**

We the undersigned, as Mayor and City Comptroller of the City of Carson City, Michigan, do hereby certify that this Ordinance Number Fifty Six of the City of Carson City, was introduced at a regular meeting of the City Council held on June 21, 1994, and was thereafter adopted at a regular meeting on July 19, 1994, by a vote of Six for; Zero against; Zero abstaining; and Zero being absent.

*Charles L. Carberry, Mayor*  
Charles L. Carberry, Mayor

*Janet Kelly, Comptroller*  
Janet Kelly, City Comptroller