

WESTERN MICHIGAN ELECTRIC COOPERATIVE FRANCHISE ORDINANCE

ORDINANCE NO. 108

AN ORDINANCE, granting to WESTERN MICHIGAN ELECTRIC COOPERATIVE its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the VILLAGE OF CUSTER, MASON COUNTY, MICHIGAN.

THE VILLAGE OF CUSTER, MASON COUNTY, MICHIGAN, ORDAINS:

**SECTION 1. GRANT OF FRANCHISE:** The Village of Custer, Mason County, Michigan, hereby grants the right, power and authority to Western Michigan Electric Cooperative, a Michigan Non-Profit Corporation, its successors and assigns, hereinafter called the "Grantee", to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances, for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, and other public places, and to do a local electric business in the Village of Custer, Mason County, Michigan.

**SECTION 2. PERFORMANCE BY FRANCHISEE:** In consideration of the rights, power and authority hereby granted, all of which shall vest in the Grantee, under the provisions of this Ordinance, said Grantee shall faithfully perform all things required by the terms hereof.

**SECTION 3. CONDITIONS OF INSTALLATION:** All of Grantee's towers, masts and poles shall be neat and sightly, and so placed on either side of the highways, streets, alleys and bridges as not to unnecessarily interfere with the use thereof for highway, street and alley purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways, streets and alleys. All work performed by said Grantee in said highways, streets and alleys shall be done so as not to interfere with the use thereof, and when completed, the same shall be left in as good condition as when work was commenced. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject however, to the supervision of the highway and Village authorities. Where required by any Subdivision Ordinance, Grantee will install its electric lines underground.

**SECTION 4. HOLD HARMLESS FROM COSTS AND EXPENSES:** Said Grantee shall at all times keep and save the Village of Custer 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 structures hereby authorized. In case any action is commenced against the Village of Custer on account of the permission herein granted, said Grantee shall, upon notice, defend the Village of Custer and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

ACCEPTANCE

From: WESTERN MICHIGAN ELECTRIC COOPERATIVE

To: THE VILLAGE COUNCIL OF THE VILLAGE OF CUSTER, MASON COUNTY, MICHIGAN.

The Western Michigan Electric Cooperative hereby accepts the franchise granted to it by your Council, under the terms and conditions set forth in the ordinance adopted by the Custer Village Council July 11, 1989, which said ordinance is entitled as follows:

WESTERN MICHIGAN ELECTRIC COOPERATIVE  
ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to WESTERN MICHIGAN ELECTRIC COOPERATIVE, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the VILLAGE OF CUSTER, MASON COUNTY, MICHIGAN.

Dated: July 12, 1989

at Scottville, Michigan.

WESTERN MICHIGAN ELECTRIC COOPERATIVE

By: Donald Harmon  
Donald Harmon, President

**SECTION 5. REGULATION AND REVIEW OF RATES:** Said Grantee shall be entitled to charge the inhabitants of said Village of Custer for electric energy furnished therein, the rates, including minimum charges, as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in said Village of Custer, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Village of Custer, acting by its Village Council, or by said Grantee.

**SECTION 6. NON-EXCLUSIVE FRANCHISE:** The rights, power and authority herein granted, are not exclusive.

**SECTION 7. RULES AND REGULATIONS OF MICHIGAN PUBLIC SERVICE COMMISSION:** Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Village of Custer.

**SECTION 8. EFFECTIVE DATE:** This Ordinance shall take effect upon the day after the date of publication thereafter, provided, it shall cease and be of no effect thirty days from its adoption, unless within said period the Grantee shall accept the same in writing filed with the Village Clerk. Upon the acceptance and confirmation thereof, the same shall constitute a contract between the Village of Custer and the Grantee for the term of this Ordinance.

Approved by the Village Council of the Village of Custer, Mason County, Michigan, this 11<sup>th</sup> day of July, 1989.

VILLAGE OF CUSTER

BY: [Signature]

President

ATTESTED:

Margaret Griswold

Clerk

Ron Bacon moved that the above utility franchise ordinance, entitled as follows:

AN ORDINANCE, granting to WESTERN MICHIGAN ELECTRIC COOPERATIVE its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the VILLAGE OF CUSTER, MASON COUNTY, MICHIGAN.

be adopted, which motion was supported by Lyle Reese.

The following was the vote thereon:



AYES: Bacon Reep Howe Baker Sanders  
+ Sanders

NAYES: None

ABSENT: None

The President declared said ordinance to be adopted.