

**DETROIT EDISON FRANCHISE
TOWNSHIP OF HOWELL, MICHIGAN
Ord. No. 7 eff. Apr. 26, 1983**

THE TOWNSHIP OF HOWELL ORDAINS:

Section 1. GRANT OF FRANCHISE.

Permission is hereby granted to THE DETROIT EDISON COMPANY, a corporation organized and existing under the laws of the State of Michigan, its successors and assigns, to construct, maintain and operate in the public streets, highways, alleys and other public places in the Township of Howell, Livingston County, Michigan, all needful and proper poles, towers, mains, wires, pipes, conduits and all such lines and other apparatus requisite for the transmission, transforming and distribution of electricity for public and private use, and to transact a local electric business within said Township subject, however, to all conditions and restrictions hereinafter contained.

(Ord. No. 7 eff. Apr. 26, 1983)

- A. The grantee shall do no injury to any street, highway, alley or other public place, or to any shade trees, or in any manner disturb or interfere with any water or gas pipes, or with any public or private sewer, now or hereafter laid constructed by any authorized person or corporation.
- B. The Township Board may, in its discretion, grant permission for the trimming of trees when necessary to make the lines safe and accessible, such trimming to be done under its supervision.
- C. The construction of said lines shall be in accordance with the rules and regulations of the Michigan Public Service Commission or its successor.
- D. The said grantee before entering upon any street, highway, alley or other public place for the purpose of erecting and constructing any poles, mains, wires, pipes, conduits or other apparatus shall, in writing, notify the Township Board, or its representative, of the proposed construction, and obtain their approval thereof, provided, however, said grantee shall have the right to maintain existing public utilities and provide emergency services, and shall, if the Township so requires, file with the Township a sufficient plan and specification showing the nature and extent of the proposed erection and construction. The cost of inspection shall be held to be part of the cost of supervision.
- E. No street, highway, alley or public place shall be allowed to remain closed or encumbered by the construction work of the said grantee for a longer period than shall be necessary to execute the said work, and the grantee shall at all times conform to all ordinances of the Township.

- F. The grantee shall save the Township harmless from any judgment that may be recovered against the Township by reason of the wrongdoing or negligence of the said grantee in the erection and maintenance of said poles, mains, wires and other apparatus or construction.
- G. Said grantee shall make due provisions upon five days notice in writing by raising its wires or otherwise, for the passage of any barn, building or other structure on or over any street, highway, or public place occupied by the mains, wires, poles and apparatus of said grantee.
- H. The grantee shall comply with all existing and future Township ordinances.

(Ord. No. 7 eff. Apr. 26, 1983)

Section 3 RATES AND CHARGES.

In consideration of the granting of this franchise, grantee agrees that its rates and charges for electrical service in the Township of Howell shall not exceed its rates and charges for like service elsewhere in its service area, as evidenced by its uniform rate schedules at the time on file with and approved by the Michigan Public Service Commission. It is understood that the grantee is subject to regulation by the Michigan Public Service Commission, and that any order, rule, or regulation by the Commission, or its successor will prevail over any regulation herein contained or approved for in case of conflict.

(Ord. No. 7 eff. Apr. 26, 1983)

Section 4 EFFECTIVE DATE.

This grant shall take effect if said grantee shall, within fifteen (15) days from the date of the passage of this Ordinance, file with the Township Clerk its written acceptance of the terms of the same, and upon the confirmation of this grant, by the affirmative voice vote of a majority of the electors of said Township on Tuesday, the 26th day of April 1983, as provided for by the Statutes and the State Constitution.

(Ord. No. 7 eff. Apr. 26, 1983)

Section 5. PERIOD OF FRANCHISE.

This Franchise and Ordinance shall be and remain in force for twenty (20) years from the date of its confirmation by the electors of the Township of Howell, Livingston County, Michigan.

(Ord. No. 7 eff. Apr. 26, 1983)

Section 6. RIGHTS OF TOWNSHIP.

Nothing in this grant shall be construed to alienate the title of the public in and to any street, highway, alley or public place or any portion thereof, neither shall anything herein be construed in any manner as a surrender by the Township of Howell of its legislative power with respect to the subject matter hereof, or with respect to any other matter whatsoever; nor as in any manner limiting the right of said Township of Howell to lawfully regulate the use of any street, avenue, highway or public place within its jurisdiction.

(Ord. No. 7 eff. Apr. 26, 1983)

Adopted: February 28, 1983

Ratified by Electorate: April 26, 1983