

**ORDINANCE #239**  
**DESTEC POWER SERVICES, INC**  
**ELECTRIC FRANCHISE ORDINANCE**

Adopted: 03/11/97  
Effective: 04/09/97

An ordinance granting to Destec Power Services, Inc., a Delaware Corporation, 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 appliance on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local electric business in the Charter Township of Bangor, Bay County, Michigan for a period of three (3) years.

**The Charter Township of Bangor, Bay County, MICHIGAN, ORDAINS:**

**SECTION 1. GRANT TERM.** The Charter Township of Bangor, Bay County, State of Michigan, (hereinafter called "Grantor" or "Township"), hereby grants to Destec Power Services, Inc., a Delaware Corporation it successors and assigns, (hereinafter called "Grantee") 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, along, across and under the highways, streets, alleys, bridges and other public places and to do a local electric business in the Charter Township of Bangor, Bay County, Michigan for a period of three (3) years.

**SECTION 2. CONSIDERATION.** In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

**SECTION 3. CONDITIONS.** No street, alley, bridge, highway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall the restored to the same order and condition as when said work was commenced. All of the Grantee's structures and equipment shall be so placed on either side of the highways as not to interfere with the use thereof for highway purposes. All of Grantee's wires carrying electricity shall he securely fastened so as riot to endanger or injure persons or property in said highways. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision if highway authorities.

**SECTION 4. HOLD HARMLESS.** Said Grantee shall at all times keep and save the Township 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 and equipment hereby authorized or by reason of the conduct of any activities or by reason of the exercise of any rights under this Franchise. If any action is commenced against the Township, then said Grantee shall, upon notice, defend the Township and save it free and harmless from all such loss, cost and damage, including but not limited to any judgements, settlements, actual attorney fees, court costs, consultant fees and laboratory fees.

**SECTION 5. FRANCHISE NOT EXCLUSIVE.** The rights, power and authority herein granted are not exclusive. The right to conduct electric business hereunder are several, and such rights may be separately exercised; owned and transferred.

**SECTION 6. EXTENSIONS.** Said Grantee shall, subject to applicable Michigan law, from time to time extend its electric systems to and within the Township, and shall furnish electricity to applicants residing therein in accordance with applicable laws, rules and regulations.

**SECTION 7. RATES.** The Grantee shall be entitled to charge the inhabitants of the Township for electricity furnished therein, based on the rate(s) and/or contracts as approved from time to time by the Michigan Public Service Commission.

**SECTION 8. REVOCATION.** The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

**SECTION 9. TOWNSHIP JURISDICTION.** The Grantee shall be and remain subject to all ordinances, rules and regulations of the Township now in effect, or which might subsequently be adopted for the regulation of land uses or for the protection of the health, safety and general welfare of the public; provided however that nothing herein shall be construed as a waiver by Grantee of any of its existing or future rights under state and federal law.

**SECTION 10. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION** Said Grantee shall, as to all other conditions and elements of electrical 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 the Township.

**SECTION 11. EFFECTIVE DATE.** This ordinance shall take effect twenty (20) days after the publication thereof, provided however it shall cease and be of no effect after thirty (30) days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Township and said Grantee.