

**LYON TOWNSHIP**

**ROSCOMMON COUNTY, MICHIGAN**

**ORDINANCE NUMBER 3**

**ADOPTED: April 7, 1930**

**EFFECTIVE: February 15, 1960**

**EFFECTIVE: April 11, 1990**

**AMENDED: February 19, 2014 to include Civil Infractions.**

**CONSUMER POWER ELECTRICAL FRANCHISE**

An ordinance to secure the public health, safety, and welfare of the residents and property owners of Lyon Township, Roscommon County, Michigan and prescribe the sanctions for violation of the ordinance.

**PURPOSE AND INTENT**

To establish the granting of Consumer Power to have authority to construct, maintain, and use of all commercial electrical lines, towers etc. in Lyon Township for 30 years.

**TOWNSHIP OF LYON**

**ROSCOMMON COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION 1**

**TITLE**

This ordinance shall be known and cited as Lyon Township Consumer Power Electrical Franchise.

**SECTION 2**

**DEFINITIONS**

An ordinance granting to consumers Power Company, its successors and or assigns, the right , power sand 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 Township of Lyon, Roscommon County, Michigan, for a period of thirty years.

## SECTION 3

### REGULATIONS

1. **GRANT TERM** THE TOWNSHIP OF Lyon, Roscommon County, Michigan hereby grants the right, power and authority to the Consumer Power Company, a Michigan corporation, its successors and or assigns, hereinafter called the "Grantee" to construct, maintain and commercially use electrical 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 highway, streets, alleys, bridges and other public places, and to do a local electric business in the Township of Lyon, Roscommon County, Michigan, for a period of thirty years.

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

3. **CONDITIONS** All of Grantee's towers, masts and poles shall be neat and sightly, and as 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 injury persons or property 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 authorities

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 negligent construction and maintenance of the structures hereby authorized. In case any action is commenced against the Township on account of the permission herein granted, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

5. **RATES** Said Grantee shall be entitled to charge the inhabitants of said Township for electric energy furnished therein, the rates, as approved by the Michigan Public Service Commission, to which Commission or it's successors authority and jurisdiction to fix and regulate electric rates and rules regarding such service in the Township, 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 therefore being made by either said Township, acting by its Township Board, or by said Grantee.

6. **FRANCHISE NOT EXCLUSIVE** The rights, power and authority herein granted, are not exclusive.

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

8. **MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION**  
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 Township.

9. **EFFECTIVE DATES** This ordinance shall take effect upon the day after the day of publication thereof, provided, it shall cease and be of no effect after thirty 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.

## **SECTION 4**

### **VIOLATIONS AND PENALTIES**

Any person who violates any of the provisions of this ordinance shall be deemed to be responsible for a Municipal Civil Infraction as defined by Michigan statute, punishable by a civil fine determined in accordance with the schedule:

Minimum Fine

1 <sup>st</sup> offense within a 3-year period*	\$ 50.00
2 <sup>nd</sup> offense within a 3-year period*	\$125.00
3 <sup>rd</sup> offense within a 3-year period*	\$250.00
4 <sup>th</sup> or subsequent offense in a three-year period*	\$400.00

\*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Lyon Township has been put in connection with the Municipal Civic Infraction.

In addition, any violation of this ordinance is hereby declared to be a public nuisance per se which may be abated in Circuit Court in lieu of or in addition to other civil infractions.

Each day that a violation exists shall constitute a separate offense for enforcement purposes.

## **SECTION 5**

### **SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any other portion of this ordinance.

## **SECTION 6**

### **REPEAL**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

## **SECTION 7**

### **EFFECTIVE DATE**

This ordinance shall take effect 30 days after publication as required by law.