

13.0100

**ELECTRIC FRANCHISE ORDINANCE
TOWNSHIP OF GRAND HAVEN, MICHIGAN
ord. no. 100 eff. Nov. 14, 1987**

An Ordinance granting to the City of Grand Haven, acting by and through its Board of Light and Power, 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 Township of Grand Haven, Ottawa County, Michigan.

THE TOWNSHIP OF GRAND HAVEN, OTTAWA COUNTY, MICHIGAN
ORDAINS:

13.0101 Sec. 1 DEFINITION

The word "**Grantee**", when used in this Ordinance, shall designate and refer to the City of Grand Haven, acting by and through its Board of Light and Power, and its successors and assigns.
(ord. no. 100 eff. Nov. 14, 1987)

13.0102 Sec. 2 GRANT OF FRANCHISE

The right, power, and authority is hereby granted and vested in 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 (herein "facilities"), 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 Grand Haven, Ottawa County, Michigan, provided that after June 1, 2001, no such facilities shall be installed, located, constructed or maintained in a manner which, based on zoning, planning, site planning currently in effect, or in accordance with the Township's master plan, does and will result in substantial detriments to and incompatibility with, the use and development of any lands adjacent to the said lines, as determined by Township Board resolution after notice to the Grantee of the Township Board's intent to consider the effect of said activity on Township welfare and the said land use objectives by Grantee.
(ord. no. 100 eff. Nov. 14, 1987; amend. by ord. no. 347 eff. July 13, 2001)

13.0103 Sec. 3 DUTY OF GRANTEE

In consideration of the rights, power, and authority hereby granted, the Grantee shall faithfully perform all things required by the terms hereof.
(ord. no. 100 eff. Nov. 14, 1987)

13.0104 Sec. 4 STREETS AND HIGHWAYS

No highway, street, alley, bridge, or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair and shall be restored to the same good order and condition as when such work was commenced. All towers, masts, poles, and other supports shall be set and all wires shall be suspended or buried in a careful and proper manner so as not to injure persons or property. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the Township Board.

(ord. no. 100 eff. Nov. 14, 1987)

13.0105 Sec. 5 HOLD HARMLESS

The Grantee shall at all times keep and save the Township free and harmless from all loss, costs, and damage to which it may be subject by reason of the negligent construction and maintenance of the towers, masts, poles, wires, and other structures and appliances, the erection, burial, and maintenance of which are hereby authorized.

(ord. no. 100 eff. Nov. 14, 1987)

13.0106 Sec. 6 RATES

The Grantee shall be entitled to charge the inhabitants of the Township for electric energy for light and power at rates fixed by the Board of Light and Power of the City of Grand Haven and kept on file in its offices. These rates shall at no time exceed those rates charged by the Grantee to its customers located within the corporate limits of the City of Grand Haven.

All bills for electric energy shall be payable monthly. The Grantee may collect any minimum charge specified in its rate schedule. It shall furnish and maintain commercially accurate meters to measure the energy furnished. The Grantee shall at all reasonable times have access to the premises of its customers, for the purpose of reading, inspecting, removing, and replacing such meters.

(ord. no. 100 eff. Nov. 14, 1987)

13.0107 Sec. 7 NOT EXCLUSIVE

The rights, power, and authority herein granted are not exclusive.

(ord. no. 100 eff. Nov. 14, 1987)

13.0108 Sec. 8 PAYMENT IN LIEU OF TAXES

During the term of the franchise granted by this Ordinance, the Grantee shall pay to the Township an annual payment in lieu of taxes. This payment in lieu of taxes shall

be billed by the Township to the grantee December 1 of each year, beginning December 1, 1987 and shall be paid on or before the following February 14. The amount of the payment in lieu of taxes shall be computed by multiplying the hypothetical state equalized value of all of the Grantee's real and personal property in the Township which would have been subject to taxation under Michigan law if it was owned by a private electric utility, by the total Township millage, including both allocated millage and special voted and/or debt millage, levied in the year in which the payment in lieu of taxes is billed. The Township millage rate shall **not** include millage appearing on the Township tax statement which is collected for Ottawa County, a school district, or any other taxing authority. The Township shall determine the hypothetical state equalized value of Grantee's property as of the tax determination day applicable to taxable property located in the Township and shall do so in the same manner and with the same methodology as it utilizes to determine the state equalize value of property in the Township owned by a private electric utility. The Township shall notify the Grantee in writing of its determination of the hypothetical state equalized value of Grantee's property no later than July 1 of each year and shall give the Grantee a reasonable opportunity to discuss with the Township the valuation amount and how it was determined.

(ord. no. 100 eff. Nov. 14, 1987)

13.0109 Sec. 9 REVOCATION

The franchise granted by this Ordinance is subject to revocation at the will of the Township. In the event the Township shall determine to revoke the franchise granted by this Ordinance, then Grantee may, on written notice to the Township within sixty (60) days of being notified of such determination, request that the granting of a franchise for a period of thirty (30) years, or such lesser period as Grantee may request, be submitted to the electors of the Township at the next general election or at a special election called for that purpose. Upon receipt of Grantee's request for an election, the Township shall submit to its electors the granting of a franchise to Grantee pursuant to the terms and provisions of this Ordinance for a period of thirty (30) years or such lesser period as shall be requested by Grantee. Grantee shall pay all expenses related to any special election and its fair share of any expenses related to the inclusion of the franchise proposition as part of a general election. The Grantee may choose at any time to relinquish the franchise granted by this Ordinance.

(ord. no. 100 eff. Nov. 14, 1987)

13.0110 Sec. 10 ACCEPTANCE

The Grantee shall, within thirty (30) days after the adoption of this Ordinance, file with the Township Clerk its written acceptance of this Ordinance. Upon filing of such acceptance, this Ordinance shall constitute a contract between the Township and the Grantee.

(ord. no. 100 eff. Nov. 14, 1987)

13.0111 Sec. 11 SEVERABILITY

This Ordinance and the various parts, sections, sentences, phrases, and clauses hereof are hereby declared to be severable. If any part, section, sentence, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.
(ord. no. 100 eff. Nov. 14, 1987)

13.0112 Sec. 12 EFFECTIVE DATE

This Ordinance is ordered to take effect on November 14, 1987, said date being at least one day after publication in the Grand Haven Tribune, a newspaper circulating in the Township, pursuant to the provisions of Michigan Act 191 of 1939, as amended.
(ord. no. 100 eff. Nov. 14, 1987)

Published: November 13, 1987