

**CITY OF BANGOR
VAN BUREN COUNTY, MICHIGAN
ORDINANCE NO. 192.1**

CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the CITY OF BANGOR, VAN BUREN COUNTY, MICHIGAN, for a period of thirty years.

THE CITY OF BANGOR ORDAINS:

SECTION 1 GRANT and TERM

The CITY OF BANGOR, VAN BUREN COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and valves on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the CITY OF BANGOR, VAN BUREN COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2 CONDITIONS

No public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' gas lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of public places. Consumers shall have the right to trim or remove trees if necessary in the conducting of such business.

SECTION 3 HOLD HARMLESS

Consumers shall save the City 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 lines and related facilities hereby authorized. In case any action is commenced against the City on account of the permission herein given, Consumers shall, upon notice, defend the City and its representatives and hold them harmless from all loss, costs and damage arising out of such negligent construction and maintenance.

SECTION 4 EXTENSIONS

Consumers shall construct and extend its gas distribution system within said City, and shall furnish gas service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 5 FRANCHISE NOT EXCLUSIVE

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

SECTION 6 RATES and CONDITIONS

Consumers shall be entitled to provide gas service to the inhabitants of the City at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission. Such rates and conditions shall be subject to review and change upon petition to the Michigan Public Service Commission.

SECTION 7 REVOCATION

The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.

SECTION 8 MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION

Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to gas service in the City and those rules and regulations preempt any term of any ordinance of the City to the contrary.

SECTION 9 REPEALER

This ordinance, when enacted, shall repeal and supersede the provisions of any previous Consumers' gas franchise ordinance adopted by the City including any amendments.

SECTION 10 EFFECTIVE DATE

This Ordinance shall be **effective 10 days after publication**. This ordinance shall take effect on **09/26/24**.

At a regular meeting of the City Council of the City of Bangor held on Monday 09/16/24, adoption of the foregoing ordinance was moved by Councilmember Jeremy Uplinger and supported by Councilmember Darla McCrumb.

Voting for: Councilmembers: Uplinger, McCrumb, Garcia, Rivers, Muenzer, Mayor Farmer, Mayor Pro-Tem Martinez-Serratos

Voting against: None

Mayor Farmer declared the ordinance adopted.

CERTIFICATION

I further certify that Council Member Councilmember Jeremy Uplinger moved for adoption of said Ordinance No. 192.1, and that Council Member Councilmember Darla McCrumb seconded said motion.

I further certify that the following members voted for adoption of said Ordinance: Councilmembers: Uplinger, McCrumb, Garcia, Rivers, Muenzer, Mayor Farmer, Mayor Pro-Tem Martinez-Serratos and that the following members voted against such Ordinance: None

I further certify that said Ordinance No. 192.1 has been recorded in the Ordinance Book of the City of Bangor.

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Bangor, County of Van Buren, and State of Michigan, at a Regular City Council meeting held this 3rd day of September, 2024, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, the same being the Open Meetings Act, and the Minutes of said meeting have been or will be made available as required by said Act.

Shelly Umbanhowar
City Clerk
City of Bangor