

CHAPTER 1045

Gas Service

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CROSS REFERENCES

Franchises - see CHTR. Ch. XI

1045.01 GRANT OF GAS FRANCHISE AND CONSENT TO LAYING OF PIPES, ETC.

Subject to all the terms and conditions of the Traverse City Charter, Chapter 11, and as stated in this chapter, consent is hereby given to Michigan Consolidated Gas Company, a corporation organized under the laws of the State of Michigan (the "Company"), and to its successors and assigns, to lay, maintain, operate, and use gas pipes, mains, conductors, service pipes and other necessary equipment in the highways, streets, alleys, and other public places in the City of Traverse City, and a non-exclusive franchise is hereby granted to the Company, its successors and assigns, to transact local business in the City of Traverse City for the purposes of conveying gas into and through and supplying and selling gas in the City and all other matters incidental thereto.
(Ord. 753. Passed 6-4-07.)

1045.02 GAS SERVICE AND EXTENSION OF SYSTEM.

If the provisions and conditions herein contained are accepted by the Company, as in Section 1045.06, then the Company shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations; and provided further that such initial installation and any extensions shall be subject to the Main Extension provisions, the Area Expansion Program provisions, (if and where applicable), and other applicable provisions now or from time to time hereafter contained in the Company's Rules and Regulations for Gas Service as filed with the Michigan Public Service Commission or successor agency having similar jurisdiction.

1045.03 USE OF STREETS AND OTHER PUBLIC PLACES.

The Company, its successors and assigns, shall not unnecessarily obstruct the passage of any of the highways, streets, alleys, or other public places within the City and shall within a reasonable time after making an opening or excavation, repair the same and leave it in as good condition as before the opening or excavation was made. The Company, its successors and assigns, shall hold the City harmless from any and all claims made against the City as a result of the Company's

activities under this ordinance. The Company shall, in connection with this obligation, pay or reimburse the City for all damages, costs and expenses experienced by the City in connection with any such claim, including but not limited to judgments or awards for damages, settlements, court, dispute litigation or settlement costs, attorney fees, consultant and laboratory fees and any other expenses which may be incurred by the resulting from the activities of the Company or its officers, employees, agents or servants under this ordinance. The Company will not hold the City harmless from claims arising out of the sole negligence of the City. No road, street, alley or highway shall be opened for the laying of trunk lines or lateral mains except upon application to the City or other authority having jurisdiction in the premises, stating the nature of the proposed work and the route. Upon receipt of such application, it shall be the duty of the City Engineer, or such other authority as may have jurisdiction, to issue a permit to the Company to do the work proposed.

All facilities erected by the franchise within the City shall be so located as to cause minimum interferences with the proper use of the public rights-of-way and public places and to cause minimum interference with the rights and conveniences of adjoining property owners. In case of any disturbance or damage by company work to the buildings, streets, sidewalks, alleys, public ways or other public or private property, the franchisee shall at its own expense and in a manner acceptable to the City, replace, repair and otherwise restore such disturbance or damage.

If the City or the County Road Commission shall elect to alter the grade, alignment, or location of any street, sidewalk, alley or public way, the franchisee shall, upon reasonable notice from the City or the Road Commission, remove and relocate its facility in a manner acceptable to the City and at the franchisee's expense. The franchisee shall also promptly move, raise, and relocate any facility at the request of any private party, when required by the private road, but at the cost of that person.

(Ord. 753. Passed 6-4-07.)

1045.04 STANDARDS AND CONDITIONS OF SERVICE; RULES, REGULATIONS AND RATES.

The Company is now under the jurisdiction of the Michigan Public Service Commission to the extent provided by statute; and the rates to be charged for gas and the standards and conditions of service and operation hereunder shall be the same as set forth in the Company's schedule of rules, regulations and rates as applicable in the several cities, villages and townships in which the Company is now rendering gas service, or as shall hereafter be validly prescribed for the City under the orders, rules and regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises.

1045.05 SUCCESSORS AND ASSIGNS.

The words "Michigan Consolidated Gas Company" and "the Company", wherever used herein, are intended and shall be held and construed to mean and include both Michigan Consolidated Gas Company and its successors and assigns, regardless if so expressed.

(Ord. 753. Passed 6-4-07.)

1045.06 EFFECTIVE DATE; TERM OF FRANCHISE; ACCEPTANCE BY COMPANY.

This franchise shall continue in effect for a period of fifteen (15) years after its effective date, subject to revocation at the will of the City of Traverse City at any time during said fifteen year period; provided, however, that when this franchise shall become effective, the City Clerk shall deliver to the Company a certified copy of the ordinance accompanied by written evidence of publication and recording as required by law, and the Company shall, sixty (60) days after the date this franchise takes effect, file with the City Clerk its written acceptance of the conditions and provisions hereof, or the franchise shall be null and void.
(Ord. 753. Passed 6-4-07.)

1045.07 EFFECT AND INTERPRETATION OF CHAPTER.

All ordinances and resolutions, and parts thereof, which conflict with any of the terms of this chapter, are hereby rescinded. In the case of conflict between this chapter and any such ordinances or resolutions, this chapter shall control. The Company shall reimburse the City all costs associated with the preparation and issuance of this franchise.