

12.350

**ELECTRIC SERVICE FRANCHISE
CITY OF GAYLORD, MICHIGAN
Ord. no. 100989 eff. Oct. 30, 1989**

An Ordinance to grant to Top O'Michigan Electric Company a revocable, nonexclusive public utility franchise to serve the City.

THE CITY OF GAYLORD, OTSEGO COUNTY, ORDAINS:

12.351

Sec. 1. GRANT OF FRANCHISE.

Top O'Michigan Electric Company, a Michigan cooperative corporation, is granted the right and privilege of providing electric service within the City and to conduct a local business incident to the furnishing of such service.
(ord. no. 100989 eff. Oct. 30, 1989)

12.352

Sec. 2. NONEXCLUSIVE NATURE, TERM.

The public utility franchise hereby granted is nonexclusive and shall be for a period of thirty years from the effective date of this Ordinance unless sooner revoked.
(ord. no. 100989 eff. Oct. 30, 1989)

12.353

Sec. 3. REVOCATION.

The public utility franchise hereby granted is subject to revocation at the will of the City.
(ord. no. 100989 eff. Oct. 30, 1989)

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Sec. 4. CONDITIONS.

The public utility franchise hereby granted is subject to the following conditions:

- (a) Top O'Michigan shall not insure any street, highway, alley or other public place, nor shall it disturb or interfere with any water, sewer or gas pipes now or hereby constructed by any authorized person.
- (b) Before entering any street, highway, alley or other public place for erecting and constructing any poles, wires or conduit, Top O'Michigan shall notify the Board of County Road Commissioners or other proper authority of the proposed construction and shall obtain approval thereof.
- (c) No street, highway, alley or public place shall be allowed to remain encumbered by the construction work for a longer period than shall be reasonably necessary to perform such work.
- (d) Top O'Michigan shall save the City harmless from any judgment that may be recovered against the City by reason of the wrongdoing or negligence of Top O'Michigan in the construction and maintenance of electric distribution poles,

wires or in its use of construction machinery.
(ord. no. 100989 eff. Oct. 30, 1989)

12.355 **Sec. 5. RESERVATION OF GOVERNMENTAL RIGHTS.**

Nothing in this public utility franchise shall be construed in any manner as a surrender by the City of its legislative power nor shall it in any manner be interpreted as limiting the right of the City or the County Road Commission to regulate the use of any street, highway, alley or public place within its jurisdiction.
(ord. no. 100989 eff. Oct. 30, 1989)

12.356 **Sec. 6. EFFECTIVE DATE.**

This Ordinance shall become effective on October 30, 1989 and after publication.
(ord. no. 100989 eff. Oct. 30, 1989)

Adopted: October 9, 1989