

## **Chapter A137**

### **GAS FRANCHISE**

**[HISTORY: Adopted by the Village Council of the Village of Bellaire 10-20-1994 by Ord. No. 33-1994. Amendments noted where applicable.]**

#### **§ A137-1. Grant of gas franchise and consent to laying of pipes, etc.**

Subject to all the terms and conditions mentioned in this ordinance, 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 rights-of-way in the Village of Bellaire, Antrim County, Michigan, and a franchise is hereby granted to the company, its successors and assigns, to transact local business in said Village of Bellaire for the purposes of conveying gas into and through and supplying and selling gas in said Village of Bellaire and all other matters incidental thereto.

#### **§ A137-2. Gas service and extension of system.**

If the provisions and conditions herein contained are accepted by the company, as in § A137-6 hereof provided, 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.

#### **§ A137-3. Use of streets and other public places.**

- A. The company, its successors and assigns shall not unnecessarily obstruct the passage of any of the highways, streets, alleys, or other public places within said Village of Bellaire 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 use due care in exercising the privileges herein contained and shall be liable to said Village for all damages and costs which may be recovered against said Village arising from the default, carelessness or negligence of the company or its officers, agents and servants.
- B. No road, street, alley or highway shall be opened for the laying of trunk lines or lateral mains except upon application to the Highway Commissioner or the Village Council, 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 Highway Commissioner or the Village Council, or such other authority as may have jurisdiction, to issue a permit to the company to do the work proposed.

**§ A137-4. 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 Village of Bellaire under the orders, rules, and regulations of the Michigan Public Service Commission or other authority having jurisdiction in the premises.

**§ A137-5. 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, whether so expressed or not.

**§ A137-6. When effective; term of franchise; acceptance by company.**

This ordinance shall take effect the day following the date of publication thereof, which publication shall be made within 15 days after the date of its adoption, and shall continue in effect for a period of 30 years thereafter, subject to revocation at the will of the Village of Bellaire at any time during said thirty-year period; provided, however, that when this ordinance shall become effective the Village Clerk shall deliver to the company a certified copy of the ordinance accompanied by written evidence of publication and recording thereof as required by law, and the company shall, 60 days after receipt of the above documents, file with the Village Clerk its written acceptance of the conditions and provisions hereof.

**§ A137-7. Conflict of provisions; interpretation.**

All ordinances and resolutions, and parts thereof, which conflict with any of the terms of this ordinance are hereby rescinded. In the case of conflict between this ordinance and any such ordinances or resolutions, this ordinance shall control. The catch line headings which precede each section of this ordinance are for convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this ordinance.