

**CHARTER TOWNSHIP OF JAMESTOWN
COUNTY OF OTTAWA, MICHIGAN**

[SEMCO Gas Franchise Ordinance]

At a regular meeting of the Township Board of Jamestown Charter Township, held at the Township Hall, 2380 Riley Street, Jamestown, Michigan, on the 17th day of March 2025, at 7:00 p.m.

PRESENT: VanHaitsma, DeHaan, Miller, Tacoma, Windemuller and Wolfert

ABSENT: Brouwer

The following Ordinance was offered by Member DeHaan and supported by Member Miller.

ORDINANCE NUMBER 25-003

AN ORDINANCE GRANTING TO SEMCO ENERGY GAS COMPANY THE RIGHT, POWER, AND AUTHORITY TO LAY, MAINTAIN AND OPERATE GAS MAINS, PIPES AND SERVICES ON, ALONG, ACROSS AND UNDER THE HIGHWAYS, STREETS, ALLEYS, BRIDGES, WATERWAYS, AND OTHER PUBLIC PLACES, AND TO CONDUCT A LOCAL GAS BUSINESS WITHIN THE TOWNSHIP

THE CHARTER TOWNSHIP OF JAMESTOWN ORDAINS:

Section 1. Grant of Franchise. The Charter Township of Jamestown, Ottawa County, Michigan (the "Township"), hereby grants to SEMCO Energy Gas Company, a division of SEMCO Energy, Inc., a Michigan corporation, its successors and assigns, (the "Grantee") the right, power and authority to construct, lay, operate, maintain and replace in the public streets, highways, alleys and other public places in the Township all needful and proper gas pipes, mains, conductors, service pipes and other apparatus and facilities requisite for the manufacture, transmission and distribution of gas for all purposes to and within the Township, and the inhabitants thereof, and for conducting gas elsewhere to supply neighboring cities, villages and other territories supplied with gas by said Grantee, for a period of thirty years.

Section 2. Consideration. In consideration of the rights, power and authority hereby granted, Grantee shall faithfully perform all things required by the terms hereof.

Section 3. Conditions. No highway, street, alley, bridge or other public place used by Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to as good order and condition as when Grantee commenced the work. All of Grantee's pipes and mains shall be so placed in the highways, streets, alleys, bridges or other public places as not to unnecessarily interfere with the use thereof for highway and public travel purposes. Grantee will use its best efforts to not unreasonably interfere with or disrupt any public utility apparatus or facilities operated by the Township and, to the extent Grantee interferes with or disrupts any such public utility apparatus or facilities, Grantee shall restore such apparatus or

facilities to as good order and condition as when Grantee commenced work. The Company shall provide notice to the Township before undertaking any significant operation to lay, maintain, operate or install facilities within the Township.

Section 4. Indemnification and Hold Harmless. As part of the consideration for the granting of this Franchise, the Company shall, at its sole cost and expense, fully indemnify and hold the Township, its officers, boards, commissions, agents and employees, harmless against any and all claims, demands, lawsuits, actions, liability and judgments for damages arising out of the granting or operation of this Franchise, including but not limited to liability for damages to any former holder of a public utility franchise whose franchise may have been revoked and superseded by this Franchise. In further consideration for the granting of this Franchise, the Company shall pay actual attorney's fees, costs and expenses which may be incurred by the Township in defense of or in response to any claim, demand, lawsuit, action or administrative proceeding arising out of the granting of this Franchise or the revocation of prior franchises, whether or not judgment is entered against the Township.

Section 5. Franchise Not Exclusive. The rights, power and authority herein granted, are not exclusive, and nothing combined herein shall prevent the Township from granting other non-exclusive franchise. Either manufactured or natural gas may be furnished hereunder.

Section 6. Rates. Grantee shall charge for gas furnished the rates, charges and special taxes as approved from time to time by the Michigan Public Service Commission (the "Commission"), or its successors having authority and jurisdiction to fix and regulate gas rates and charges, or as otherwise permitted or required by applicable law or tariff, for the term of this franchise. Such rates shall be subject to Commission review and change at any time upon petition therefore being made by either said Township, acting by its Township Board, or by said Grantee.

Section 7. Revocation. The Franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

Section 8. Michigan Public Service Commission Jurisdiction. Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Commission or its successors, applicable to gas service in the Township and shall provide service in accordance with the terms and conditions set forth in its applicable tariff as approved from time to time by the Commission or its successors.

Section 9. Successors and Assigns. The words "SEMCO Energy Gas Company" and "SEMCO Energy, Inc.," wherever used herein, are intended and shall be held and construed to mean and include SEMCO Energy Gas Company and its parent, subsidiaries, successors, affiliates, and assigns, whether so expressed or not. The word "Grantee," wherever used herein, is intended and shall be held and construed to mean and include SEMCO Energy Gas Company, SEMCO Energy, Inc., and the successors and assigns of each, whether so expressed or not. Grantee may assign the rights and obligations under this Franchise as long as the Grantee provides prior written notice to the Township of any such assignment.

Section 10. Force Majeure. The Grantee shall not be liable for failure to furnish service as herein provided, or for any breach of the Grantee's obligations hereunder, if such failure or breach is caused by acts of God, labor troubles, riot, or any other causes or contingencies not reasonably within the control of the Grantee.

Section 11. Vacation or Relocation. The Township may require the Grantee to vacate or relocate any portion of Grantee's facilities at the Grantee's expense if such vacation or relocation is necessary to secure the public health and welfare or is otherwise required by the Township in the exercise of a governmental function.

Section 12. Compliance with Laws. Grantee shall comply with all laws, statutes, ordinances, rules and regulations regarding the installation, construction, ownership or use of its facilities, whether federal, state, or local.

Section 13. Severability and Captions. This Ordinance and its various parts, sections, subsections, sentences, phrases, and clauses are severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. The captions included at the beginning of each Section are for convenience only and shall not be considered as part of this Ordinance.

Section 14. Repeal. All ordinances which are in conflict in whole or in part with any of the provisions of this Ordinance as of the date of this Ordinance are repealed to the extent of that conflict.

Section 15. Publication/Effective Date. This Ordinance shall become effective upon the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Members: Miller, Wolfert, DeHaan, VanHaitsma, Windemuller and Tacoma

NAYS: Members: None

ORDINANCE DECLARED ADOPTED.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on March 17, 2025.

Laurie VanHaitsma, Supervisor
Charter Township of Jamestown

Attest:

Candy DeHaan, Township Clerk

Ordinance # 25-003

First Reading: February 17, 2025

Second Reading: March 17, 2025

Ordinance becomes effective: April 2, 2025

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, State of Michigan, at the meeting held on March 17, 2025, and that the public notice of said meeting was given pursuant to the Open Meetings Act, being Act No. 267 of Public Acts of Michigan of 1976, as amended including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.



Candy DeHaan
Township Clerk

CERTIFICATE OF PUBLICATION

I, Candy DeHaan, Township Clerk of the Charter Township of Jamestown, County of Ottawa, State of Michigan, hereby certify pursuant to MCL 42.22 that Township Ordinance No. 25-003, or a summary thereof, was published in the *Grand Rapids Press* on March 25, 2025.



Candy DeHaan
Township Clerk