

**TOWNSHIP OF IOSCO  
LIVINGSTON COUNTY, MICHIGAN  
ORDINANCE NO. 19**

AN ORDINANCE ALLOWING FOR INDEMNIFICATION OF TOWNSHIP OFFICERS AND EMPLOYEES.

The Board of Trustees of the Township of Iosco hereby ordains:

**ARTICLE I  
GENERAL PROVISIONS**

Section 1. This Ordinance shall be known and may be cited as the "Indemnification of Township Officers and Employees Ordinance."

**ARTICLE II  
TOWNSHIP BOARD**

Pursuant to Public Act 170 of 1964, as amended (MCLA 691.1408), the Township authorizes the indemnification of past and present public officers and past and present employees while acting on behalf of the Township within the scope of their authority as stated below:

(a) Whenever a claim is made or a civil action is commenced against any past or present officer or past or present employee of the Township of Iosco for injuries to persons or property allegedly caused by the officer or employee while acting within the scope of his or her authority, the Township of Iosco shall pay for, engage, or furnish the services of an attorney to advise the officer or employee as to the claim and to appear for and represent the officer or employee in the action. The Board of Trustees may compromise, settle, and pay the claim before or after the commencement of a civil action. Whenever a judgment for damages is awarded against an officer or employee of the Township as a result of a civil action for personal injuries or property damage caused by the officer or employee while in the course of employment and while acting within the scope of his or her authority, the Township of Iosco shall indemnify the officer or employee or pay, settle, or compromise the judgment.

(b) Whenever a criminal action is commenced against a past or present officer or past or present employee of the Township of Iosco based upon the conduct of the officer or employee in the course of employment, if the employee or officer had a reasonable basis for believing that he or she was acting within the scope of his or her authority at the time of the alleged conduct, the Township of Iosco shall pay for, engage, or furnish the services of an attorney to advise the officer or employee as to the action and to appear for and represent the officer or employee in the action.

**ARTICLE III  
MISCELLANEOUS**

**Section 2. INCONSISTENCIES REPEALED.**

Any and all other ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.



Section 3. SEVERABILITY.

Should any section, clause or paragraph of this Ordinance be declared by court of competent jurisdiction to be invalid, the same will not affect the validity of the ordinance as a whole or part hereof other than the part declared to be invalid.

Section 4. SAVINGS CLAUSE.

That nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 5. EFFECTIVE DATE

The provisions of this Ordinance are hereby ordered to take effect thirty (30) days following its publication in a newspaper of general circulation within the Township.

This Ordinance is hereby declared to have been adopted by the Township Board of Trustees of the Township of Iosco in a meeting duly called and held on the 21 day of March, 1996.

TOWNSHIP OF IOSCO  
LIVINGSTON COUNTY, MICHIGAN

Connie K Michaud  
CONNIE K. MICHAUD, CLERK

ADOPTED: 3-21-1996

PUBLISHED: LCP

EFFECTIVE: 4-10-96

CERTIFICATION

I, Connie K. Michaud, Clerk of the Township of Iosco, County of Livingston, Michigan, do hereby certify that the foregoing is a true and complete copy of Township Ordinance and amendment to the Iosco Township Code, and was adopted by the Iosco Township Board of Trustees on the 21 day of March, 1996, and given publication in the LCP, a newspaper of general circulation, on the 3 day of April, 1996. The following members of the Iosco Township Board of Trustees voted as follows in connection with this resolution to adopt the above ordinance.

AYES: 4



**IOSCO TOWNSHIP  
ORDINANCE NO. 20  
CONSUMERS ENERGY COMPANY  
ELECTRIC FRANCHISE ORDINANCE**

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business within Sections 32 and 33, TOWNSHIP OF IOSCO, LIVINGSTON COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF IOSCO ORDAINS:

**SECTION 1. GRANT, TERM.** The TOWNSHIP OF IOSCO, LIVINGSTON COUNTY, MICHIGAN, hereby grants the right, power and authority to the CONSUMERS ENERGY COMPANY, its successors and assigns, hereinafter called the "Grantee," to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances, for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business within Section 32 and 33 TOWNSHIP OF IOSCO, LIVINGSTON COUNTY, MICHIGAN, for a period of thirty years.

**SECTION 2. CONSIDERATION.** In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

**SECTION 3. CONDITIONS.**

(a) All of Grantee's towers, masts and poles shall be neat and sightly, and so placed on either side of the highways, streets, alleys, bridges and waterways, as not to unnecessarily interfere with the use thereof for highway, street and alley purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways, streets and alleys.

(b) All work performed by said Grantee in said highways, streets and alleys shall be done so as not to interfere with the use thereof, and when completed, the same shall be left in as good condition as when work was commenced. Furthermore, Grantee shall not disturb or interfere with any water or gas pipes, or with any public or private sewer, now or hereafter laid or constructed by any authorized person or corporation without first having obtained permission to do so from the appropriate party.

(c) The Grantee shall have the right to trim trees in the public rights of way if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities. Grantee shall not injure any shade tree in the performance of its work unless it has received permission from the landowner to do so.

(d) The construction of the lines shall be in accordance with the rules and regulations of the Michigan Public Service Commission or its successor.

(e) The Grantee, before entering upon any street, highway, alley or other public place for the purpose of erecting and constructing any poles, wires, conduits, or other apparatus, shall notify, in writing, the Township or its representatives of the proposed construction, and shall if the Township so requires, file with them a sufficient plan and specification, showing the nature and extent of the proposed erection and construction.

(f) No street, highway, alley or public place shall be allowed to remain encumbered by the construction work of Grantee, nor shall any excavation be allowed to remain open, for a longer period than shall be necessary to execute and complete the work. The Grantee shall at all times conform to all ordinances of the Township, now or hereafter in force, relative to the fencing and lighting of obstructions and excavations, provided that such ordinances are not in conflict with the requirements of the National Electric Safety Code, as adopted by the Michigan Public Service Commission, or of the Michigan Occupational Health and Safety Act.

**SECTION 4. HOLD HARMLESS.** Said Grantee shall at all times keep and save the Township 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 structures hereby authorized. In case any action is commenced against the Township on account of the permission herein granted, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

**SECTION 5. RATES.** Said Grantee shall be entitled to charge the inhabitants of said Township for electric energy furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.



SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

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. Said 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 Michigan Public Service Commission or its successors, applicable to electric service in said Township.

SECTION 9. TOWNSHIP JURISDICTION. Nothing in this grant shall be construed to alienate the public in and to any street, highway, alley or public place or any portion thereof, neither shall anything herein be construed in any manner as a surrender by the Township of Iosco of its legislative power with respect to the subject matter hereof, or with respect to any other matter whatsoever; nor in limiting the right of the Township of Iosco to lawfully regulate the use of any street, highway, alley or public place within its jurisdiction.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof, provided, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Township and said Grantee.

We certify that the foregoing ordinance was duly enacted by the Township Board of the TOWNSHIP OF IOSCO, LIVINGSTON COUNTY, MICHIGAN, on the 15th day of May, 1997.

WILLIAM MILLER,  
TOWNSHIP SUPERVISOR  
ATTEST: CONNIE K. MICHAUD,  
TOWNSHIP CLERK

(5-28-97 LCP 23497)