

CHAPTER 110

NATURAL GAS FRANCHISE

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110.01 FRANCHISE GRANTED. Iowa Southern Utilities Company, its successors and assigns, hereinafter referred to as “Company,” are hereby granted and vested with the right, franchise and privilege for the term of twenty-five (25) years from and after the acceptance of the ordinance codified in this chapter, to lay down, maintain and operate the necessary pipes, mains and other conductors and appliances in, along and under the streets, avenues, alleys and public places in the City as now or hereafter constituted, for the purpose of distributing, supplying and selling gas to the said City and the residents thereof and to persons and corporations beyond the limits thereof. The term “gas” as used in this chapter shall be construed to mean natural gas only.

110.02 NONINTERFERENCE. The mains and pipes of the Company must be so placed as not to interfere unnecessarily with water pipes, drains, sewers and fireplugs which have been or may hereafter be placed in any street, alley, avenue or boulevard.

110.03 EXCAVATIONS. In making excavations in any street, alley, avenue or boulevard, the Company shall protect the place while work is in progress by guards, barriers or signals, and shall not unnecessarily obstruct the use of the streets and shall backfill all openings in such manner as to prevent settling or depressions in surface and shall replace the surface, pavement or sidewalk of such excavations with the same materials, restoring the condition as nearly as practical and if defects are caused shall repair the same.

110.04 INDEMNITY. The Company shall hold the City free and harmless from any and all damage arising on account of any negligence of the Company in the erection, maintenance and operation of said system.

110.05 STANDARD OF SERVICE. The Company shall, throughout the life of operations under the franchise, distribute to all consumers gas of good quality and shall furnish uninterrupted service twenty-four (24) hours each day of each year while the franchise is in effect, except as interruptible service may be specifically contracted for with consumers; provided, however, that any

prevention of service caused by fire, act of God or unavoidable event or accident shall not be a breach of this condition if the Company resumes service as quickly as is reasonably possible after the happening of the act causing the interruption.

110.06 CITY POWERS. Nothing herein contained shall in any manner be construed as depriving or limiting the City or the Council from exercising and carrying out any and all other powers and duties thereof as provided by law.

110.07 PERIOD OF FRANCHISE. The term of the franchise and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the Company.

110.08 ADOPTION OF GAS CODE. The Gas Manual, *Recommended Practices for Installation of Customer Piping and Appliances*, promulgated by the Company, is hereby adopted and made effective. From the effective date of the ordinance codified in this section, all work on and with natural gas piping, fixtures, appliances and appurtenances and all materials used in such work shall be in accordance with the provisions of said Gas Manual. A copy of the Gas Manual is on file in the office of the Clerk for public inspection. Failure to comply with the provisions of the Gas Manual shall be considered just cause for any distributor of natural gas operating under a valid franchise granted by the City to refuse to deliver natural gas to the premises involved or to cease deliveries to said premises in the event natural gas is being delivered at the time such failure is discovered.

EDITOR'S NOTE

Ordinance No. 251 adopting a gas franchise for the City was passed and adopted on April 24, 1978. The franchise was approved at an election held June 27, 1978.