

CHAPTER 111

ELECTRIC FRANCHISE

111.01 Franchise Granted

111.02 Construction; Maintenance; Indemnification

111.03 Meters — Service Lines

111.04 Emergencies

111.05 System Requirements

111.06 Nonexclusive

111.07 Service Provided

111.08 Term of Franchise

111.01 FRANCHISE GRANTED. There is hereby granted to the Iowa Southern Utilities Company, hereinafter referred to as the “Company,” its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate in the City, works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the transmission of electric current along, under and upon the streets, avenues, alleys and public places in the City; also the right to erect and maintain upon the streets, avenues, alleys and public places, transmission lines through the City, to supply individuals, corporations, communities and municipalities both inside and outside of the City with electric light, heat and power for the period of twenty-five (25) years; also the right to eminent domain as provided in the Code of Iowa.

111.02 CONSTRUCTION; MAINTENANCE; INDEMNIFICATION. The poles, wires and appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys and public places in the City or unnecessarily interfere with the proper use of the same, including ordinary drainage or with the sewers, underground pipe and other property of the City and the Company and its successors and assigns shall hold the City free and harmless from all damages arising or resulting from any negligence of the Company in the erection or maintenance of said system.

111.03 METERS — SERVICE LINES. The Company, its successors and assigns shall furnish and install all meters and service wires to buildings at its own expense and the City expressly reserves the right of the Council to carry out any and all powers and duties as provided by law.

111.04 EMERGENCIES. In case of fire or other emergencies, the poles, wires and street fixtures of the Company may be cut and moved by order of the Mayor. The City shall also have the right to place on the poles of the Company, wires for fire alarm system, providing however, the placing of said wires does not interfere with the proper use and maintenance of the Company’s wires.

111.05 SYSTEM REQUIREMENTS. The system authorized by this chapter shall be modern and up-to-date and shall be of sufficient capacity to supply all reasonable demands of the City and the inhabitants thereof and shall be kept in a modern up-to-date condition.

111.06 NONEXCLUSIVE. The franchise granted by this chapter shall not be exclusive.

111.07 SERVICE PROVIDED. Service to be rendered by the Company under this franchise shall be continuous twenty-four (24) hour service each day of the week unless prevented from so doing by fire, acts of God, unavoidable accidents or casualties, and in such event service shall be resumed as quickly as is reasonably possible.

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

EDITOR'S NOTE

Ordinance No. 240 adopting an electric franchise for the City was passed and adopted on April 24, 1978. Voters approved the franchise at an election held on June 27, 1978.