

CHAPTER 110

NATURAL GAS FRANCHISE

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110.01 FRANCHISE GRANTED. The City hereby grants unto Iowa Electric Light and Power Company, an Iowa corporation, its successors and assigns, hereinafter called the Grantee, a nonexclusive franchise and right for a period of twenty-five (25) years from and after the date the ordinance codified by this chapter became effective,[†] to erect, construct, reconstruct, maintain and operate within the corporate limits of the City, as the same are now or hereafter may be located or extended, a natural gas plant, or plants, and/or a plant or plants for the manufacturing and processing of any and all kinds of gas, and to erect, construct, reconstruct, maintain and operate within said corporate limits distributing systems for the distribution of any and all other types and kinds of gas, whether said plant or plants and distribution systems have been heretofore or hereafter may be constructed, together with the franchise and right to enter upon and to use and occupy the streets, avenues, alleys, bridges and other public places of the City as the same now are or hereafter may be located or extended, for the purpose of constructing, reconstructing, maintaining and operating therein, thereon and thereunder systems for the distribution of natural gas and/or any and all other kinds of gas, consisting of mains, pipes, pipe lines, distributing lines, conduits and other equipment, appurtenances and construction necessary or incident to said distribution systems, and together with the franchise and right to supply, distribute and sell natural gas and/or any and all other kinds of gas to the City and to the inhabitants thereof and others within and without the corporate limits of the City for any and all purposes, and upon such terms and conditions and under such restrictions and regulations as are hereinafter contained, and such other reasonable rules and regulations as hereafter may be provided by the rule-making body having jurisdiction thereof.

110.02 MODERN SYSTEM REQUIRED. The Grantee shall maintain within the City a modern gas service, with sufficient capacity to meet the reasonable requirements of its patrons, and shall supply same in such a manner as to render efficient service unless prevented by an act of God, a public enemy, a governmental authority, or by a cause not under the control of the Grantee, and in

[†] **EDITOR'S NOTE:** Ordinance No. 357, adopting a natural gas franchise for the City, was passed and adopted on March 6, 1984.

any such event, the Grantee may adopt reasonable rules and regulations governing the volume of gas which it shall be required to furnish its patrons, or any class of patrons.

110.03 SAFE OPERATION REQUIRED. The systems for the distribution of gas shall be constructed, maintained and operated by the Grantee in such a manner as not to endanger persons or property, and so as not to interfere unreasonably with any improvements the City may deem proper to make, or to hinder unnecessarily or obstruct the free use of the streets, avenues, alleys, bridges, or other public places, and so as not to interfere with the sewers, drainage or water system of the City.

110.04 CONSTRUCTION AND EXCAVATIONS. Whenever the Grantee, in erecting, constructing or maintaining said distribution systems, shall take up or disturb any pavement or sidewalks, or make any excavations in the streets, avenues, alleys, bridges or public places of the City, said excavations shall at once be refilled and the pavement, sidewalk, or other improvement replaced to the satisfaction of the City officials, and in case of failure to do so as promptly as is practical, the City may do so at the expense of the Grantee.

110.05 EXTENSION OF SERVICE. The Grantee shall extend its mains as provided by its most current gas tariff and applicable rules promulgated by the governing regulatory body for customers in all cases where bona fide customers apply in writing to be supplied with gas.

110.06 INDEMNIFICATION OF CITY. The Grantee shall hold the City harmless from any and all causes of action, litigation or damages which may arise through or by reason of the construction, reconstruction, maintenance and operation of the systems for the distribution of gas and other construction hereby authorized.

110.07 RATES. The Grantee shall have the right to supply, distribute and sell gas for any and all purposes to the City and to the inhabitants thereof, and to charge therefor such just and reasonable rates as hereafter may be fixed and determined by the rate-making body established under the laws of the State and given jurisdiction thereof.

110.08 SUCCESSORS AND ASSIGNS. All of the provisions of this chapter shall apply to the successors or assigns of the Grantee with the same force and effect as they do to the Grantee.