

CHAPTER 111

ELECTRIC FRANCHISE

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111.01 FRANCHISE GRANTED. The City hereby grants unto the 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 now are or may hereafter be located or extended, a power plant or plants for the generation of electricity and/or a system or systems for the transmission and distribution of electricity, whether said power plant or plants and transmission 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 are now or may hereafter be located or extended, for the purpose of constructing, reconstructing, maintaining and operating thereon, therein, thereunder and thereover said systems for the transmission and distribution of electricity, consisting of poles, posts, wires, cables, conduits and other equipment, appurtenances and construction necessary or incident to said systems, including a high potential electric transmission line or lines, to and through the City, and together with the franchise and right to supply, distribute and sell electric energy 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 may hereafter be provided by the rule-making body having jurisdiction thereof.

111.02 CONSTRUCTION STANDARDS. The construction of said transmission and distribution systems shall be in accordance with the specifications of the National Electrical Safety Code issued by the United States Department of Commerce, Bureau of Standards, as approved by the rule-making body having jurisdiction thereof. All poles, posts, wires, cables, conduits and other equipment, appurtenances and construction connected therewith shall be located, erected, adjusted and maintained 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.

111.03 RESTORATION OF PUBLIC WAYS. Whenever the Grantee, in erecting, constructing, or maintaining said transmission and distribution systems, shall take up or disturb any pavement or sidewalk or make any excavation in the streets, avenues, alleys, bridges or public places of the City, such excavations shall be at once refilled and the pavement, sidewalk or other improvement, replaced to the satisfaction of the City officials.

111.04 LINES EXTENDED. The Grantee shall extend its overhead transmission and distribution lines for each applicant for light, power or electric current as provided by the most current extension rules promulgated by the governing regulatory body.

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

111.06 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 the Grantee.

111.07 HOLD HARMLESS. 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 said distribution and transmission systems and other construction hereby authorized.

EDITOR'S NOTE

Ordinance No. 260 adopting an electric franchise for the City was passed and adopted by the Council on May 14, 1990. Voters approved the franchise at an election held on June 26, 1990.

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