

## TITLE VII SPECIAL ORDINANCES

### CHAPTER 2 NATURAL GAS FRANCHISE

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7-2-1 **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 non-exclusive 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 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 natural gas or 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 a franchise and right to enter upon and to use and occupy the streets, avenues, alleys, bridges and other public place of the City as the same now are or hereafter may be located or extended, for the purpose of constructing, 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 a 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.

7-2-2 **GAS SUPPLY.** 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 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.

7-2-3 **CONSTRUCTION AND MAINTENANCE.** The systems for the distribution of gas shall be constructed, maintained and operated by the grantee in such a manner 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.

7-2-4 RESTORATION OF PROPERTY. Whenever the grantee, in erecting, constructing or maintaining said distribution systems, shall take up or disturb any pavement or sidewalk, or make any excavations in the streets, avenues, alleys, bridges or public places of the City, such excavations shall at once be refilled and the pavement, sidewalk or other improvement replaced to the satisfaction of the City officials.

7-2-5 EXTENSION OF MAINS. The grantee shall extend its mains for customers in all case where bona fide customers apply in writing to be supplied with gas and if said applicants shall sign reasonable contracts for the use of gas for a period of not less than two (2) years, but there shall not be less than one customer for each one hundred (100) feet of main required to be laid to serve said applicants.

7-2-6 CITY HELD 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 systems for the distribution of gas and other construction hereby authorized.

7-2-7 SERVICE AND RATES. Said 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 of Iowa and given jurisdiction thereof.

7-2-8 SUCCESSORS. 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 itself.

Ordinance #312 granting natural gas franchise to Iowa Electric Light and Power Company was adopted by the council November 9, 1979. The election approving the franchise was held December 18, 1979.