

CHAPTER 110

NATURAL GAS FRANCHISE

110.01 Franchise Granted
110.02 Safe Operation Required
110.03 Construction and Excavations

110.04 Uninterrupted Service
110.05 Nonexclusive
110.06 Term of Franchise

110.01 FRANCHISE GRANTED. There is hereby granted to IES UTILITIES, INC., hereinafter referred to as the “Company,” its successors and assigns, the right, franchise and privilege for the term of twenty-five (25) years from and after the passage, adoption, approval and acceptance of the ordinance codified by 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 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 SAFE OPERATION REQUIRED. The mains and pipes of the Company must be so placed so as not to interfere unnecessarily with water pipes, drains, sewers and fire plugs which have been or may hereafter be placed in any street, alley and public places in the City nor 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, its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the laying down, operation and maintenance of the natural gas distribution system.

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

110.04 UNINTERRUPTED SERVICE. The Company, its successors and assigns, shall throughout the term of the franchise distribute to all consumers gas of good quality and shall furnish uninterrupted service, 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 be a breach of this condition if the Company resumes service as quickly as is reasonably practical after the happening of the act causing the interruption.

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

110.06 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, its successors and assigns.

EDITOR'S NOTE

Ordinance No. 4 adopting a gas franchise for the City was passed and adopted on September 5, 1995. Voters approved the franchise at an election held October 17, 1995. The Company accepted the franchise on December 15, 1995.